

PLANNING COMMITTEE MEETING

Date: Thursday 20 June 2024
Time: 6.00 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Cleator, Cox, Harwood, Jeffery, M Naghi, Riordan, Spooner, Summersgill (Vice-Chairman), M Thompson, S Thompson, Trzebinski, Wilby (Chairman) and D Wilkinson

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 Items withdrawn from the Agenda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 - 27 June 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 23 May 2024 1 - 8
11. Presentation of Petitions (if any)
12. Deferred Items 9 - 11
13. 23/503752/FULL - Linton Growing, Land at Burford Farm, Redwall Lane, Linton, Maidstone, Kent ME17 4BD 12 - 27

Issued on Wednesday 12 June 2024

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

14.	24/500914/FULL - Land at Woodside Place, Goudhurst Road, Staplehurst, Kent TN12 0HB	28 - 38
15.	23/505091/HYBRID - Greensand Place, Heath Road, Linton, Kent ME17 4NU	39 - 81
16.	22/502027/FULL - Land North Of 351 Hermitage Lane, Maidstone, Kent	82 - 93
17.	24/501383/ADJ - Land East Of Kiln Barn Road And West Of Hemitage Lane, Maidstone, Kent, ME16 9NT	94 - 107
18.	23/504443/FULL - Land At Oakland Place, Greenway Forstal, Harrietsham, Kent, ME17 1QA	108 - 121
19.	23/505361/FULL - Iden Manor Nursing Home, Cranbrook Road, Staplehurst, Tonbridge, Kent, TN12 0ER	122 - 141
20.	23/505330/TPOA - 13 Brockman Place, Church Street, Maidstone, Kent, ME14 1BX	142 - 149
21.	23/503247/TPOA - Trees Along River Len Footpath, Spot Lane, Downswood, Kent	150 - 155
22.	5001/2024/TPO - Woodland between Kerry Hill Way and Moncktons Lane, Maidstone, Kent	156 - 163
23.	5002/2024/TPO - Old Mill House, Loose, Maidstone, Kent, ME15 0BD	164 - 174
24.	24/501514/FULL - 78 Sandling Lane, Penenden Heath, Maidstone, Kent ME14 2EA	175 - 181
25.	24/501197/FULL - Land At Pett Farm, Pett Road, Stockbury, Sittingbourne, Kent ME9 7RJ	182 - 195
26.	24/500999/FULL - The Masters Tower, College Road, Maidstone, Kent ME15 6YF	196 - 206
27.	24/501069/FULL - 62 Sovereigns Way, Marden, Tonbridge, Kent, TN12 9QF	207 - 218
28.	24/500504/FULL - Lodge Farm, Goudhurst Road, Marden, Tonbridge, Kent TN12 9NW	219 - 230
29.	24/501322/FULL - Container, Cobtree Manor Park, Forstal Road, Aylesford, Kent	231 - 237
30.	Appeals List	238 - 240

PLEASE NOTE

Due to the size of the agenda, the following items will be rolled over for consideration at the adjourned meeting of the Committee scheduled to be held on Thursday 27 June 2024 together with any other unfinished business:

23/505330/TPOA - 13 Brockman Place, Church Street, Maidstone, Kent, ME14 1BX

23/503247/TPOA – Trees along River Len Footpath, Spot Lane, Downswood,

Kent

5001/2024/TPO – Woodland between Kerry Hill Way and Moncktons Lane, Maidstone, Kent

5002/2024/TPO – Old Mill House, Loose, Maidstone, Kent, ME15 0BD

24/501514/FULL – 78 Sandling Lane, Penenden Heath, Maidstone, Kent, ME14 2EA

24/501197/FULL – Land at Pett Farm, Pett Road, Stockbury, Sittingbourne, Kent, ME9 7RJ

24/500999/FULL - The Masters Tower, College Road, Maidstone, Kent ME15 6YF

24/501069/FULL - 62 Sovereigns Way, Marden, Tonbridge, Kent, TN12 9QF

24/500504/FULL - Lodge Farm, Goudhurst Road, Marden, Tonbridge, Kent TN12 9NW

24/501322/FULL - Container, Cobtree Manor Park, Forstal Road, Aylesford, Kent

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

For full details of all papers relevant to the reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection; please follow this link:

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

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

In order to speak at the meeting, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 19 June 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 23 MAY 2024

Present:

Committee Members:	Councillor Wilby (Chairman) and Councillors Cleator, Cox, Harwood, Jeffery, M Naghi, Riordan, Spooner, Springett, Summersgill, M Thompson, S Thompson and D Wilkinson
Visiting Members:	Councillors J Sams and J Wilkinson

6. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Trzebinski.

7. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Springett was present as Substitute Member for Councillor Trzebinski.

8. NOTIFICATION OF VISITING MEMBERS

Councillor J Sams was present as a Visiting Member for item 15 (23/504443/FULL – Land at Oakland Place, Greenway Forstal, Harrietsham, Kent) if not withdrawn from the agenda.

Councillor J Wilkinson was present as a Visiting Member for item 17 (23/503025/FULL – The Vale Nursing Home, 191 Willington Street, Maidstone, Kent).

9. ITEMS WITHDRAWN FROM THE AGENDA

The Senior Planning Officer sought the Committee's agreement to the withdrawal of application 23/504443/FULL (Land at Oakland Place, Greenway Forstal, Harrietsham, Kent) from the agenda. He explained that this was a retrospective application which the report did not properly reflect, and the built layout did not match the submitted plans. Amendments were being sought to seek to regularise what had been implemented and it was the intention to report the application back to the next meeting of the Committee for decision.

RESOLVED: That agreement be given to the withdrawal of application 23/504443/FULL from the agenda.

10. 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.

11. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Summersgill stated that he was a Member of Marden Parish Council. However, he had not participated in the Parish Council's discussions on application 21/503412/FULL (Marden Sports Club, Maidstone Road, Marden, Kent) and intended to speak and vote when it was considered.

Councillor D Wilkinson stated that although his wife, Councillor J Wilkinson, would be speaking as a Visiting Member on item 17 (23/503025/FULL – The Vale Nursing Home, 191 Willington Street, Maidstone, Kent), he was approaching consideration of the application with an open mind and intended to speak and vote when it was discussed.

12. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

14.	23/504000/FULL - Chart View, Chart Hill Road, Chart Sutton, Kent	Councillors Cox, Harwood, Spooner, Springett, Summersgill, M Thompson, Wilby and D Wilkinson
15.	23/504443/FULL - Land at Oakland Place, Greenway Forstal, Harrietsham, Kent	Councillors S Thompson and Wilby
16.	21/503412/FULL - Marden Sports Club, Maidstone Road, Marden, Kent	Councillor Harwood
17.	23/503025/FULL - The Vale Nursing Home, 191 Willington Street, Maidstone, Kent	Councillors Harwood, Spooner, Springett, S Thompson, Wilby and D Wilkinson
19.	23/503788/FULL - Plots 6 & 7 Eclipse Park, Sittingbourne Road, North, Maidstone, Kent	Councillor Harwood
22.	23/504118/FULL - Hook Farm, Kings Lane, Marden, Kent	Councillor Riordan

13. EXEMPT ITEMS

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

14. MINUTES OF THE MEETING HELD ON 18 APRIL 2024

RESOLVED: That the Minutes of the meeting held on 18 April 2024 be approved as a correct record and signed.

15. MINUTES OF THE MEETING HELD ON 21 MAY 2024

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

16. PRESENTATION OF PETITIONS

There were no petitions.

17. DEFERRED ITEMS

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

The Development Management Team Leader advised Members that discussions were continuing in respect of this application and it was anticipated that it would be reported back to the Committee within the next few months.

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 Development Management Team Leader advised Members that discussions had taken place and the applicant was expected to respond soon on the issues raised.

18. 23/504443/FULL - STATIONING OF 2NO. STATIC CARAVANS FOR GYPSY AND TRAVELLER USE - LAND AT OAKLAND PLACE, GREENWAY FORSTAL, HARRIETSHAM, KENT

See Minute 9 above.

19. 23/503025/FULL - 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 - THE VALE NURSING HOME, 191 WILLINGTON STREET, MAIDSTONE, KENT

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

Mr May, an objector, Mr Elsworth, a concerned resident in the Residents' Association speaker slot with the Chairman's discretion, Mr Hadley, for the applicant, and Councillor J Wilkinson, a Visiting Member, addressed the meeting.

RESOLVED: That consideration of this application be deferred to:

Enable Members to consider the financial viability appraisal and the independent review of that appraisal which concluded that the scheme does not appear sufficiently viable to support a contribution towards affordable housing.

Explore the possibility of a mechanism to prevent some future occupiers from having cars and consider what impact that would have on the parking on the site and whether that would lead to the protection of the grass verge. This to include consideration of a car scheme for occupiers with no parking spaces.

Seek further information about the permeability of the surfacing to be used for the parking area and how that permeability will be maintained going forward.

Negotiate the incorporation of native tree cover into the site frontage to soften the visual impact and break up the car parking.

Negotiate integral niches for wildlife.

Explore the possibility of further native tree planting along the site boundaries, particularly along the north and northeast boundaries, to create some enclosure.

Seek further information about the renewables to be used in order to understand the design and amenity impacts.

Voting: 13 – For 0 – Against 0 – Abstentions

20. 21/503412/FULL - ERECTION OF 8NO. FULL MASTS AND 4NO. LOWER MASTS FLOODLIGHTING TO SERVE THE SPORTS PITCHES - MARDEN SPORTS CLUB, MAIDSTONE ROAD, MARDEN, KENT

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

RESOLVED:

1. That permission be granted subject to the conditions 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 in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 13 – For 0 – Against 0 – Abstentions

21. 23/504000/FULL - (PART RETROSPECTIVE) SITING OF 3NO. ADDITIONAL STATIC CARAVANS FOR GYPSY AND TRAVELLER USE AND RETROSPECTIVE SITING OF 1NO. ADDITIONAL STATIC CARAVAN FOR GYPSY AND TRAVELLER USE - CHART VIEW, CHART HILL ROAD, CHART SUTTON, KENT

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

In introducing the application, the Senior Planning Officer drew Members' attention to the urgent update report in which the description of the application had been changed as follows to better reflect its retrospective nature: (Part Retrospective) Siting of 3no. additional static caravans for Gypsy and Traveller use and retrospective siting of 1no. additional static caravan for Gypsy and Traveller use. He explained that the site currently had permission for three static

caravans. One of these permitted units would be replaced by two smaller units, so in total there would be seven static caravans on the site should Members be minded to approve the application. Delegated powers were requested to amend condition 3 to reflect this and address representations made.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report, as amended by the Senior Planning Officer during his presentation on the application, with the further amendment of condition 3 (Number and Positioning of Caravans) and the amendment of condition 6 (Temporary Buildings or Structures) to prevent further intensification within the site.
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: 10 – For 0 – Against 3 - Abstentions

FURTHER RESOLVED: That the Cabinet Members for Planning Policy and Management and Housing and Homelessness be requested to advance the Maidstone Gypsy, Traveller and Travelling Showpeople Development Plan Document as a matter of priority and to provide an update on progress with a timescale.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor Harwood, the Cabinet Member for Planning Policy and Management, did not participate in the voting on this request.

22. 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:

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

The amendment of condition 17 (Public Refuse Bins) to specify that the details to be submitted shall include bins within the car park in prominent locations and bins that car users can use whilst in vehicles in the drive through area.

An additional informative asking the applicant/landowner to provide refuse bins within the wider Eclipse Park estate where this is possible.

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.

Voting: 10 – For 3 – Against 0 – Abstentions

23. 23/502873/FULL - 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 - SWANTON FARM, BICKNOR ROAD, BICKNOR, KENT

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

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 9 (Landscaping Scheme) to specify (a) the incorporation of native hedgerow trees at intermittent gaps within the proposed hedgerows particularly either side of the access track/road and (b) minimum heights and widths for the hedging proposed behind the new passing bays.

An additional condition requiring the submission and approval of details for the routing of deliveries and dispatches to and from the site.

An informative seeking the inclusion of a wet pond within the surface water drainage system.

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.

Voting: 12 – For 1 – Against 0 – Abstentions

24. 24/500919/FULL - CONVERSION OF GARAGE STORE TO HABITABLE SPACE AND ERECTION OF A STORAGE SHED TO FRONT DRIVEWAY - LITTLE OAKS, 68 OAKWOOD ROAD, MAIDSTONE, KENT

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

RESOLVED:

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

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

25. 24/500681/FULL - DEMOLITION OF GARAGE AND SIDE EXTENSION, CREATION OF FRONT CANOPY AND EXTERNAL ALTERATIONS. ERECTION OF 1NO. DETACHED DWELLING, INCLUDING ACCESS, PARKING AND LANDSCAPING - 78 GLEBE LANE, MAIDSTONE, KENT

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

RESOLVED:

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

26. 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

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

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report, with the amendment of condition 11 (c) (Landscaping) to require 2.5% Purging Buckthorn instead of 2.5% Wayfaring Tree.
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 1 – Against 0 – Abstentions

27. 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 Development Management Team Leader advised the Committee that these were good outcomes in terms of heritage matters and sustainability/renewables.

RESOLVED: That the report be noted.

28. DURATION OF MEETING

6.00 p.m. to 8.05 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

20 JUNE 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>

<p><u>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</u></p> <p>Deferred to:</p> <p>Explore the possibility of more contextual massing in the design of buildings;</p> <p>Explore improving the quality of the open space proposed including more useable spaces; and</p> <p>Explore locking the applicant into the delivery of 100% affordable housing by way of, for example, a Grampian condition or cascade legal agreement.</p>	
<p><u>23/503025/FULL - 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 - THE VALE NURSING HOME, 191 WILLINGTON STREET, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <p>Enable Members to consider the financial viability appraisal and the independent review of that appraisal which concluded that the scheme does not appear sufficiently viable to support a contribution towards affordable housing;</p> <p>Explore the possibility of a mechanism to prevent some future occupiers from having cars and consider what impact that would have on the parking on the site and whether that would lead to the protection of the grass verge. This to include consideration of a car scheme for occupiers with no parking spaces;</p> <p>Seek further information about the permeability of the surfacing to be used for the parking area and how that permeability will be maintained going forward;</p> <p>Negotiate the incorporation of native tree cover into the site frontage to soften the visual impact and break up the car parking;</p>	<p>23 May 2024</p>

Negotiate integral niches for wildlife;

Explore the possibility of further native tree planting along the site boundaries, particularly along the north and northeast boundaries, to create some enclosure; and

Seek further information about the renewables to be used in order to understand the design and amenity impacts.

Agenda Item 13



Ordnance Survey - data derived from OS Premium

23/503752/FULL Linton Growing, Land At Burford Farm, Redwall Lane, Linton, Maidstone, Kent, ME17 4BD

Scale: 1:5000

Printed on: 7/6/2024 at 12:29 PM by RebeccaB1

REPORT SUMMARY

REFERENCE NUMBER: 23/503752/FULL		
APPLICATION PROPOSAL: Erection of polytunnels with year round coverage. Concreting of existing access track over a 40m section and construction of 2(no) concrete bin pads with partial grain walls, with associated landscaping, drainage infrastructure and engineering operations.		
ADDRESS: Linton Growing, land at Burford Farm, Redwall Lane, Linton, ME17 4BD		
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: Both Linton Parish Council and Hunton Parish Council have requested for application to be considered by Planning Committee if officers are minded to recommend approval. These requests are made for reasons outlined in consultation section below.		
WARD: Coxheath & Hunton	PARISH COUNCIL: Linton	APPLICANT: Linton Growing Ltd AGENT: Bloomfields
CASE OFFICER: Kate Altieri	VALID DATE: 18/08/23	DECISION DATE: 24/06/24
ADVERTISED AS A DEPARTURE: No		

RELEVANT PLANNING HISTORY - There are various applications for Burford Farm, including:

- 24/500085 – Enforcement case: Laying of hardcore without prior consent – Pending consideration subject to current planning application
- 24/501440 – Concrete access track for tray field and concrete yard area - Approved
- 24/500562 – Prior notification for concrete road for all year round access to tray field area. For its prior approval to: Its siting and means of construction – Prior approval not required
- 22/504667 – Change of use to store 8 mobile homes for seasonal agricultural workers including engineering operations required to provide a sewage treatment unit - Approved
- 22/502698 – LDC (proposed) for siting between 1 March to 30 Sept of 8 mobile homes for seasonal agricultural workers - Approved
- 22/502578 - Prior notification for agricultural engineering operations consisting of sections of cut and fill to create level propagation area and drainage ditches and creation of drainage basin. For its prior approval to: Siting – Prior approval not required
- 22/501015 - Prior notification for erection of agricultural building for cold storage. For its prior approval to: Siting, design & external appearance - Prior approval not required
- MA/08/0038 - Erection of agricultural building for grain storage - Approved
- MA/04/0627 - Grain dryer and holding silo together with handling equipment - Approved

MAIN REPORT

1.0 SITE DESCRIPTION

1.01 Burford Farm extends to approximately 30ha and forms part of Linton Growing Ltd’s holding, and the farm is used for the propagation and growing on of blackberry, strawberry and raspberry plants. The applicant, Linton Growing Ltd, acquired the site in 2019 and they are a propagation company that is run by and alongside Clock House Farm to produce British propagated soft fruit. The applicant is also part of Driscoll’s nursery network, and is one of only five other UK plant propagators which belong to the network. The application site itself is located on (and accessed from) the southern side of Redwall Lane, some 215m to the east of the junction with George Street. In general terms, the land drops in a general north to south direction (from Redwall Lane to the River Beult).

- 1.02 There are residential properties and listed buildings in the surrounding area; and there are a number of public rights of way in the locality, including public footpath KM129 that runs through the southern end of the site in a general east/west direction. There is also other agricultural development in the locality (including buildings and polytunnels), such as Berry Gardens Growers; Wares Farm Estate (Firmin); and Rankins Farm, some 600m and more to the east of the site.
- 1.03 For the purposes of the Local Plan the proposal site falls within the countryside. The southern part of the site falls within a KCC Minerals Safeguarding Area and an area of archaeological potential; the River Beult, to the south of the site is a Site of Special Scientific Interest (SSSI); and the southern part of the site is within Flood Zones 2 and 3.

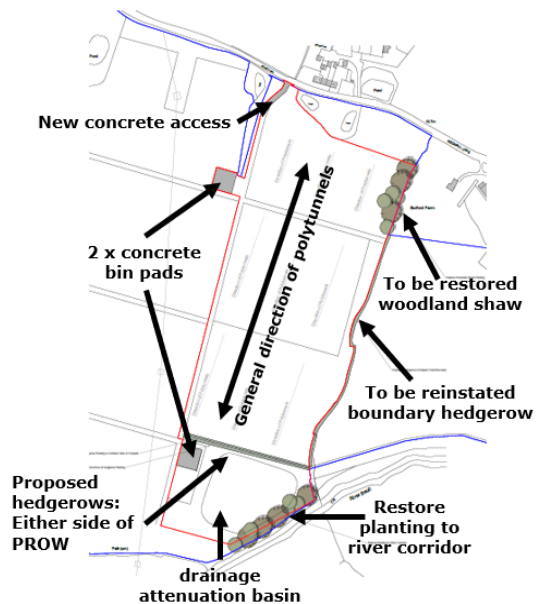
2.0 PROPOSAL

2.01 The application is described as: *Erection of polytunnels with year round coverage. Concreting of existing access track over a 40 metre section and construction of 2(no) concrete bin pads with partial grain walls, with associated landscaping, drainage infrastructure and engineering operations.*

2.02 In summary the submission sets out the following:

- *Proposal site is currently in horticultural use and prior to that it was in arable use, with site located to west of existing propagation field and farmyard area at land at Burford Farm; it measures some 7ha in area, with application seeking to provide 5.6ha of polytunnels in 3 blocks; and each polytunnel will run in north to south direction, with a drainage attenuation basin to south west of polytunnels.*
- *Proposed (Spanish) polytunnels measure max. of 4.72m in height and max. of 9.2m in width; they comprise a series of steel frame hoops fixed to ground in multibay system over which plastic polythene sheeting is spread to protect crop; hoops are fixed to ground using posts screwed in (to depth of 0.8m); and clear colourless polythene is used to encourage natural behaviour of pollinating insects and to maximise photosynthesis.*
- *Polytunnels are required for growth and onward care of propagated fruit plants; and they are required for year round coverage, to overwinter propagated plants or mother plants providing them with protection from frost and weather. This reduces disease and improves yields during the next production year.*
- *Polytunnels are required to provide an all year round controlled growing environment for propagated plants, primarily strawberry and raspberry plants. Mother plants for production of young plants would be planted out in January, with preparation for their growth starting in December. Mother plants are used to produce young plants within tunnels up until July. Following on from this production of propagated young soft fruit plants, mother plants are then used in polytunnels and used for production of soft fruit in order to provide different growth production cycle to provide a soft fruit crop across a longer season.*
- *Ability to control plant propagation and extend seasonal supply not only reduces food miles which is more environmentally friendly and supports Clock House Farm Ltd and Linton Growing Ltd pathways to become carbon neutral, it improves efficiency and reduces costs.*
- *Propagation and growth of soft fruit plants locally means plant miles and overall food miles of produce is reduced even further, as longer haul imports and shipments of plants is not required. There is also corresponding reduction in risk of importing diseases with plants.*
- *Plants are cut from 'runners' of existing healthy plants or canes and then grown on from runners to nearly mature plants, ready for their first year of growth and cropping.*
- *Application includes 40m long concrete strip at existing access road and provision of 2 25mx25m concrete bin pads with partial grain wall sides. Proposed bin pads will store fruit and plant bins (as impermeable platform out of mud to improve their longevity and prevent them from rotting, whilst allowing access in all weathers). As part of concrete access road, a wheel wash facility will also be installed to clean wheels of agricultural traffic before it enters highway; and as a betterment, provision of concrete will allow any potential spillages to be controlled far easier than running on to permeable ground.*
- *Site is accessed via existing access from Redwall Lane and there are no proposed changes to this arrangement. Amount of traffic that will access and leave site will not alter in any meaningful way as site is already used to propagate and sell on soft fruit plants and soft fruit, this application seeks to improve health of plants. Polytunnels will improve yields and overall plant health but this will not amount to additional journeys.*

2.03 In terms of landscaping, the submission sets out that existing landscape structure/vegetation on site is well established and includes mature boundary hedges/trees. The drawing below also provides a general overview of what the proposal entails:



3.0 RELEVANT POLICY & GUIDANCE

- Maidstone Borough Local Plan Review 2021-2038 (adopted March 2024)
- Landscape Character Assessment (2013) & Landscape Capacity Study (2015)
- National Planning Policy Framework (2023) & National Planning Practice Guidance

3.01 **Maidstone Borough Local Plan Review (LPR):** The LPR was adopted by the Council on 20th March 2024 and this document attracts full weight. There have been two strategic level challenges to adoption. The LPR effectively deletes the 2017 Local Plan from Maidstone’s Development Plan and it has no weight as a result. Please note here that elements of the 2017 Local Plan that were still relevant have been absorbed into the LPR. Relevant policies within the LPR are considered to be: LPRSS1 (Spatial strategy); LPRSP9 (Development in countryside); LPRSP14(A) (Natural environment); LPRSP14(B) (Historic environment); LPRSP15 (Design); LPRTRA2 (Assessing transport impacts); LPRENV1 (Development affecting heritage assets); LPRCD5 (Agricultural buildings/structures); LPRQD2 (External lighting); LPRQD4 (Design principles in countryside). Of most relevance is LPR policy LPRCD5 that allows for new agricultural buildings/structures on land in use for agricultural trade or business, subject to certain criteria. This policy will be discussed in more detail later on in this report.

3.02 **Council’s Landscape Character Assessment:** The Maidstone LCA identifies the application site as falling within the Beult Valley Landscape Character Area (Area 58), and the landscape guidelines for this area is to ‘CONSERVE & RESTORE’. The summary of actions are summarised below:

- *Conserve river and its corridor by promoting improved water quality and reducing nitrogen-rich runoff from nearby arable fields and discharges*
- *Conserve oak as dominant hedgerow & plant new oak standards in hedges to replace ageing species*
- *Conserve species rich hedgerows, ensuring that they are correctly managed and gaps replanted*
- *Encourage restoration of lost hedgerow boundaries in arable areas*
- *Conserve and restore habitat opportunities around water bodies and ditches by promoting and managing a framework of vegetation with links to the river*

3.03 Within the Council’s Capacity Study, the overall landscape sensitivity of this LCA is ‘HIGH’ and is sensitive to change. It also comments: *Pressure for development to spread onto the visually sensitive valley floor, notably at Yalding & Headcorn, should be resisted to maintain open character of floodplain. Minor development to support existing scattered settlements & farmsteads could be considered.*

- 3.04 **NPPF:** The NPPF is clear that good design is a key aspect of sustainable development, section 12 of the NPPF referring to 'achieving well-designed and beautiful places'. Paragraph 180 also states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside; and paragraph 84 seeks to help support a prosperous rural economy.

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local residents:** 21 representations received raising concerns over impacts upon: Character and appearance of countryside including Greensand Ridge; flood risk/surface water drainage; highway safety/traffic generation; ecology and SSSI; residential amenity; footpath damage; odours and noise pollution; and loss of property value. Some representations have also been received by the Hunton Parish lead Flood Warden and Hunton Parish Councillor. These detailed comments have been sent to KCC, as the Leading Local Flood Authority, prior to their response (as set out further on in the report).

5.0 CONSULTATION RESPONSES

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

- 5.01 **Linton Parish Council:** Wish to see application refused and request it be reported to Planning Committee if officers are minded to recommend approval. In summary they comment:

Height of polytunnels dominating Low Weald at Rankins Farm are 4.3m & 7.8m wide (18/500214). Height of proposed polytunnels are 6m and 9.2m wide. This is staggering amount of unscreened plastic. Proximity of proposal to Berry Gardens packhouse (14ha: 16/508659) that too dominates landscape and 10ha of plastic at Rankins Farm amounts to more than significant harm to landscape of open countryside. Proposal also significantly harms purpose/use/role of PROWs crossing/surrounding proposal site (PROWs: KM229; KM129; KM143; KM131; KM164 joins 131; and KM134). Proposal will undermine MBC's Biodiversity Strategy (2019). Applicant states KM129 sensitivity impact to polytunnels is high but with screening will be minimal after approx. year 10. Why is open countryside being taken away given sensitivity and high value of Greensand Way; and where's evidence natural screening can achieve 6m in height by year 10? Screening proposed is designed to conceal polytunnels north of KM129 and PROW south of site, what of PROWs north of site listed earlier, which is most of landscape impact. To screen site from surrounding hillside from northeast, north and northwest will need to be far greater than anything currently proposed and timescale of 10yrs is fanciful. Site is situated in similar topography to polytunnels at Rankins farm. Significant issue here is dreadful sun glare. This harmful glare impacts PROWs, homes & businesses. In particular, latter use their location as advertising plus point since it infers quality and green credentials. Some use vista as attraction for customers; and not only tourism on ground but in air too: hot air balloons, microlights and other pleasure craft. We see no benefits, only harm to area in terms of impact on ecosystem, residents & public; and our concerns have not been addressed about collective impact of 3 sites, being so close together, to River Beult. All this land covering can't be good for quality of it or river and natural drainage system or ecosystem. Weather and climate change should also be a consideration.

- 5.02 **Hunton Parish Council:** Wish to see application refused and request it be reported to Committee if officers are minded to recommend approval. In summary they comment:

- Lack of data on increased traffic, especially number of heavy vehicle movements through Hunton Parish to other growing sites, or transport for all year round site personnel, etc.
- Visual impact of polytunnels from public footpaths/other viewpoints, especially George St, Redwall Lane and East St, particularly as proposal is for year round cover.
- Siting of attenuation pond in functioning flood plain. Our Flood Warden has reported separately on this.
- Site in Nat En Strategic Opportunity Area for GCNs, which is not mentioned in documentation; BNG is not mentioned; and insufficient assessment of local/adjacent ecology of woodland and riverine environments.
- Footpath KM129 is often flooded in winter and sometimes impassable. Flooding will worsen with erection of polytunnels, causing direct faster run-off arriving at French drain alongside footpath.
- Polytunnels used to produce soft fruit for market & provide plant nursery- result in further increase in traffic.
- Proposed landscaping insufficient as land slopes upwards so polytunnels will not be hidden by hedging, when viewed from south. Proposed hedging will also take 10yrs to grow.
- Application does not meet 'rotational requirement' for polytunnels (LPR policy LPRCD5).

5.03 **Marden Parish Council:** Neither object nor support application but comment (in summary):

Although outside Marden parish, application would create significant landscape impact when viewed across River Beult including from public footpaths in area. Cllrs therefore recommend conditions be installed on any approval of (a) require removal of polytunnels for period over winter when landscape impact is most prevalent; and (b) polytunnels should be completely removed should use that they were installed for ceases.

5.04 **KCC Flood and Water Management Team:** Raise no objection to proposal (see main report).

5.05 **Environment Agency:** Raise no objection (see main report).

5.06 **KCC Biodiversity Officer:** Raises no objection (see main report).

5.07 **Agricultural Advisor:** Overall, in agricultural terms they have no issue with proposal given the size and scale of the existing business (see main report).

5.08 **KCC Highways:** Raise no objection to proposal (see main report).

5.09 **Landscape Officer:** Raises objection (see main report).

5.10 **MBC Conservation Officer:** Raises no heritage objection to proposal (see main report).

5.11 **Environmental Protection Team:** Raise no objection to proposal (see main report).

5.12 **Upper Medway Internal Drainage Board:** Raises no objection to proposal (see main report).

5.13 **Archaeological Officer:** Raise no objection (see main report).

5.14 **Southern Water:** Raise no objection (see main report).

5.15 **Natural England:** Raise no objection and considers proposal will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

5.16 **KCC PROW Officer:** Comments impact of Public Rights of Way have clearly been given a lot of consideration in relation to proposal and confirm they do not have any objections to application.

5.17 **KCC Minerals & Waste Policy Team:** Confirm they have no land-won minerals or waste management capacity safeguarding objections or comments to make on this application.

5.18 **UK Power Networks:** Raise no objection (see main report).

5.19 **Kent Police:** Confirms application falls outside of their scope to comment on.

5.20 **Scotland Gas:** No representations received.

6.0 APPRAISAL

6.01 The site is considered appropriate in terms of its location, being linked to an existing destination that is directly accessed from Maidstone Road (A274). As such, the key issues for consideration relate to:

- Assessment of proposal against LPR policy LPRCD5;
- Highway safety; and
- Miscellaneous.

6.02 The details of the submission will now be considered.

ASSESSMENT OF POLICY LPRCD5: Proposals for agricultural....structures on land in use for agricultural trade/business which meet following criteria will be permitted:

Proposal is proportionate and necessary for purposes of agriculture

6.03 The submission has been reviewed by an independent Agricultural Advisor, on behalf of the Council, and overall in agricultural terms they have no issue with the proposal given the size and scale of the existing business.

6.04 In summary they have commented as follows:

Proposal is for Poly tunnels for year-round coverage, concreting of existing access and construction of 2 concrete bin pads. Proposal has been made at Burford Farm, that forms part of Linton Growing Ltd - a propagation company that is run by and alongside Clock House Farm to produce British propagated soft fruit. Application seeks to provide 5.6ha of poly tunnels over three blocks. Proposal is assessed against local plan policy LPRCD5.

Proposal is supported by planning statement and in this it details poly tunnels will in main be used to overwinter propagated plants or the mother plants. Existing land holding extends to approximately 30ha at Burford Farm. Linton Growing is well established business that specialises propagation, currently most UK based fruit growers either purchase or import young stock or propagate their own. Stock is usually purchased from Europe, however since Brexit this has been complicated and made importing more expensive and quality of produce has reduced due to increased transportation time. By producing these locally, it will contribute to reducing plant miles.

There has been a demonstrable local need for young plants from nearby growers who are no longer wishing to import young stock. Plants are cut from 'runners' of existing healthy plants or canes and then grown on from runners to nearly mature plants, ready for their first year of growth and cropping. Poly tunnels will provide all year-round coverage and allow for a greater growing season. In terms of agricultural need there is a demonstrable need for poly tunnels, that themselves are of typical size. Proposed concrete bin pads and hardsurfacing are also reasonable. We hold no objection to proposal in terms of agricultural requirement.

6.05 On the basis of this specialist advice, it is considered that the submission has demonstrated that the proposed development is necessary for the purposes of agriculture.

Proposal would not have adverse impact on amenity of existing residents

6.06 No residential property would be immediately adjacent to the proposal. Given the separation distances involved between the proposal and any dwelling, together with the proposal site already being in horticultural use where there is already a certain amount of noise and comings and goings; and the proposal not amounting to a significant increase in vehicle journeys to and from the site, it is considered that the proposal would not have an adverse impact upon any surrounding neighbour (when they are trying to enjoy their own property) in terms of privacy, light, outlook, odour and general noise and disturbance, when compared to the current situation. The Environmental Protection Team have also not raised a specific issue in terms of noise and odour. On this basis, it is considered that the proposal would not have an adverse impact on the amenity of any existing resident, when they are trying to enjoy their own property (internally and externally).

Structure would be located within or adjacent to existing group of buildings, in order to mitigate against visual impact of development, unless it can be demonstrated a more isolated location is essential to meet needs of holding. Where isolated location is essential, site should be chosen to minimise impact of structure on character and appearance of countryside

6.07 The application is accompanied by a Landscape and Visual Assessment (LVA). The landscape and visual assessments made within the LVA are on the basis of 'Day 1' of the proposal being implemented, and therefore represents a 'worse case' scenario in terms of assessed effects; and the assessments also consider the proposal at 'Year 10', allowing time for the proposed planting to establish.

6.08 In summary the LVA concludes:

- *Scheme would be implemented alongside a landscape strategy to include hedgerow planting, restoration of woodland shaw and reinforcement planting to hedgerow to south of site. A number of agricultural developments have taken place in Beult Valley in recent years. This includes construction of packhouse facility at Wares Farm to east and a development of approx. 30ha of polytunnels at Rankins Farm. With regards to Burford Farm, planning permission has been granted for 8 mobile homes for agricultural workers on land to north of proposal site and siting of a tray field and associated drainage to east of site, alongside several smaller applications.*
- *With regards to assessed landscape impacts of proposal, LVA has determined a slight adverse importance of landscape effects because of transitioning from open agricultural field to perceived built form. Gradual expansion of polytunnel developments in surrounding area, however, reduces impact of this effect.*
- *Importance of visual effects of proposal varies greatly between receptor locations, with views from Greensand Ridge to north heavily filtered by vegetation and landform, whereas footpaths running to south often provide panoramic views across site. Views from south are most prominent where riparian vegetation is sparse, and hedgerows are gappy. LVA has assessed overall importance of visual effects of proposal regarding receptors to south of site is slight adverse, with proposed landscape strategy providing screening to most of these localised views. To north, however, overall importance of visual effects if considered minimal adverse as landform and existing vegetation generally block or filter views to site.*
- *LVA therefore concludes proposal would have a minimal/slight adverse impact on landscape and visual amenity of Burford Farm and surrounding area.*

6.09 The LVA has been independently reviewed on behalf of the local planning authority and overall it is accepted that the LVA is generally well structured and has been carried out in accordance with the principles of Guidelines on Landscape and Visual Impact Assessment (GLVIA3). The review also advises to not necessarily take all the conclusions of the LVA at face value, but instead make an independent and informed judgement about the landscape impact acceptability of the proposal, based on all information available. The agent has considered this independent review and ultimately endorses that the Council should take its own informed view of the proposal.

6.10 When considering the submission, including the LVA details, the view is taken that the proposal would not be in an isolated location given the houses/buildings found to the immediate north of the site (on Redwall Lane); the houses/buildings to the west of the site, beyond the farm (on George Street); and to the north-east of the site, the complex of buildings and tray fields associated to Burford Farm, and there being permission for the stationing of mobile homes for agricultural workers. Further to this, the development would not result in the loss of any significant landscaping, and in terms of additional landscaping the submission shows the reinstatement of native hedgerow along the eastern boundary of the site; native hedgerow planting either side of public right of way KM129 (within the application site); the restoration of woodland shaw in the north-eastern corner of the site; and the restoration of native planting along the river corridor. These details can be secured by way of condition, along with a programme for the future maintenance and enhancement of the existing field margins. The additional comprehensive planting, through time, would help the development to positively integrate with the surrounding landscape, as well as providing strong natural boundaries to the site; and it is acknowledged that the Council's Landscape Officer has raised no objection to the shown landscaping enhancements, subject to appropriate conditions. A condition will also be imposed to control external lighting in the interests of safeguarding the amenity of the countryside hereabouts.

6.11 No land level changes are required for the polytunnels construction that includes a series of steel frame hoops fixed to ground; and the submission confirms that the covering of the polytunnels will be of clear and colourless plastic polythene sheeting. So whilst this would likely show the polytunnel frames, this transparency would also allow the polytunnels to blend in better with the surrounding landscape, than say a usually more opaque covering found on polytunnels.

6.12 The proposed concrete access track would effectively make good, and not noticeably enlarge, an existing track that already has some landscape impact. The new surfacing will also improve the useability of the track and would likely reduce nuisances such as mud on the road through the more wetter months. The proposed concrete bin pads with 2m high grain walling would be

contained within the site and read in the context of its farm surroundings. It is considered that these elements of the proposal would not cause significant harm to the character and appearance of the countryside hereabouts.

- 6.13 For the purposes of the LPR the application site is within designated countryside and it is acknowledged that the new polytunnels, given their scale and nature, would change the character of the site; and that there would be public views of them from Redwall Lane and the surrounding footpath network, including from the Greensand Way. However and in accordance with policy LPRCD5, the proposal would not be located in an isolated location. Furthermore, existing development and landscaping within the surrounding area would help to screen the proposal from public view, and the LVA's conclusion that the proposal would have a minimal/slight adverse impact on landscape and visual amenity of Burford Farm and surrounding area, is agreed with; and the shown landscaping mitigation would also help to future blend the proposal into the landscape hereabouts. It should also be emphasised here that the development is considered to be appropriate to improve the functioning of an existing agricultural business; and it is worth noting that the proposed polytunnels would cover an area of some 5.6ha, which is relatively modest compared to the polytunnels approved at Rankin Farm (to the east of the site) that appear to cover some 30ha in area.
- 6.14 In short, the proposal is considered to accord with this part of policy LPRCD5 and other LPR countryside protection policies, in that it would not cause significant harm to the intrinsic character and appearance of the countryside hereabouts.

Furthermore, policy LPRCD5 expects the following to be addressed for polytunnels:

How surface water run-off will be dealt with and controlled within boundaries of site

- 6.15 KCC, as the Leading Local Flood Authority initially raised concerns about the proposal. After the submission of an amended Flood Risk Assessment and Drainage and SUDs Strategy; and then further correspondence from the applicant's specialist, KCC no longer raise an objection to the scheme and have commented as follows (in summary):

Thank you for clarifying approach to infiltration and discharge to River Beult. Our previous concerns are purely operational for surface water drainage and affective attenuation of flows from impermeable areas. Having reviewed latest info, at this stage we accept arguments presented and whilst having concerns with some statements, are accepting these can be dealt with as part of detailed design submission. So, should LPA be minded to approve we request conditions relating to need to submit a detailed sustainable surface water drainage scheme (pre-commencement) and a Verification Report pertaining to surface water drainage system.

- 6.16 These conditions are considered reasonable and necessary, as they would ensure that 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; and would ensure that flood risk from the development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems. The agent has also agreed to the pre-commencement condition.
- 6.17 The Environment Agency have no additional comments to make on the amended Flood Risk Assessment and Drainage and SUDs Strategy.
- 6.18 Southern Water raise no objection to the proposal, and refer to the potential adoption of the SuDS system under certain circumstances; and that where SuDS rely upon facilities which are not adoptable by sewerage undertakers, the applicant will need to ensure arrangements exist for long-term maintenance of SuDS facilities. The specialist views of KCC, as the Leading Local Flood Authority, have been considered in this respect.
- 6.19 Further to this, the Upper Medway Internal Drainage Board (UMIDB) have not raised a specific objection to the proposal but have commented that it is likely to require consent from them (as set out in Land Drainage Act 1991 & the Board's Byelaws). The UMIDB therefore advises for the required consents to be sought prior to the determination of this application. Whilst there is the potential for conflict between the planning process and the Board's regulatory regime, it is not considered reasonably necessary to delay the determination of this application for this

purpose; and a suitable informative will be added to remind the applicant of this separate requirement under the under Land Drainage Act 1991 and the Board's Byelaws.

Inclusion of rotation programme for covering/uncovering of structures/frames, explores possibility of following seasons

- 6.20 The submission has made it clear that the proposed polytunnels are for all year round cover, and the landscape impact of this has already been addressed above.

Inclusion of programme for maintenance and enhancement of existing field margins in interests of encouraging biodiversity

- 6.21 There is an opportunity here to discuss the wider biodiversity implications of the scheme. The KCC Biodiversity Officer has reviewed the submission and in summary have concluded that the submitted ecological information is sufficient to determine the application. In summary, they have commented:

Preliminary Ecological Appraisal (PEA) provides certainty for Council of likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, development can be made acceptable. Under section 40 of Natural Environment and Rural Communities (NERC) Act 2006 and NPPF paras 174 & 180, biodiversity should be maintained and enhanced through planning system. As such, if permission is granted, we advise 2 conditions relating to all mitigation and enhancement measures and/or works to be carried out in accordance with details contained in submitted PEA; and for a Biodiversity Enhancement Strategy for protected and Priority species to be submitted.

- 6.22 These conditions are considered reasonable and would be duly imposed if the application were to be approved. The agent has agreed to the pre-commencement condition.

- 6.23 Subsequent to this, a local representation was made that in summary questions whether or not potential impacts upon Great Crested Newts have been considered properly; and the Environment Agency had also initially objected to the proposal because there was not enough information, in terms of assessing risks, to know if the development could meet their requirements for ecology and physical habitats. These representations were passed to the KCC Biodiversity Officer, to see if they altered their views. The following (summarised) response was received:

Our advice is largely still valid. Site is largely unsuitable for GCN currently due to current management. Therefore while enhancements are limited to enhancement of hedges buffer planting along River Beult it will improve connectivity. We do agree that creation of a pond is beneficial to GCN there is a need to ensure any pond created will be managed appropriately. PEA did not fully consider impact on creation of SuDS pond. Are you able to confirm distance between edge of SuDs ponds and edge of River Beult?

- 6.24 Subsequent to this, the amended PEA confirms that the proposed SUDs pond will be located some 5m inside the redline boundary of the application site and would therefore be some 15m from the River Beult; and a river bank plan shows that planting will not take place within 8m of the riverbank. On this, the KCC Biodiversity Officer is satisfied that sufficient ecological information has been provided and in summary they have commented as follows:

We highlighted original PEA did not fully consider impact on creation of SuDS pond in south of site, however it has been updated and we are satisfied PEA has adequately assessed impact on protected/notable species and adjacent SSSI. Works will be carried out to create SuDS pond within 15m of River Beult and we advise a detailed mitigation strategy is submitted as a condition detailing how works will be implemented to avoid damage to SSSI during construction.

- 6.25 The recommended condition is considered reasonable and necessary and shall be duly imposed. This application was submitted prior to the need to demonstrate Biodiversity Net Gain Assessment through legislation.

- 6.26 The Environment Agency (EA) have also further reviewed the amended PEA and river bank plan and no longer object to the proposal, subject to a pre-commencement condition seeking details of a scheme for the provision and management of an 8 metre wide buffer zone alongside the watercourse. Such a condition is considered reasonable, in order to conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity, in accordance with NPPF paragraphs 180 and 186 and LPR policy. The EA also comment that the

recommended condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive, which stress the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. The recommended pre-commencement condition has been agreed by the agent. The informative recommended by the EA, regarding Flood Risk Activity Permits shall also be added to any permission.

- 6.27 Overall, there are no biodiversity/ecology objections to the proposal; and through the imposition of the recommended conditions (including the landscaping condition), it is considered that the development (if approved), would encourage biodiversity.

OTHER CONSIDERATIONS

Highway safety

- 6.28 The submission makes it clear that the proposal would utilise the existing access from Redwall Lane and that there are no proposed changes to public highway proposed because of development. Further to this, the agent has confirmed that the propagation of soft fruit currently occurs at Burford Farm, so there is already an established amount of traffic entering/leaving the highway; and that this amount and type of traffic will not alter as the propagated plants are now grown and transported onwards without polytunnels. The proposed polytunnels will make the propagated plants healthier and higher yielding for future fruiting, so that once transported to their production site, the plants will then go on to create higher yielding crops. The proposal has also been designed so that vehicles will drop off on a concrete road within the site and cleared, rather than entering the highway network direct from the fields, reducing the amount of mud reaching the highway.
- 6.29 In accordance with paragraph 115 of the NPPF, 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. The KCC Highways Authority has considered the submission and have raised an objection to the proposal in highway safety terms.

Miscellaneous

- 6.30 The KCC Archaeological Officer has raised no objection and has commented as follows (in summary):
- Site lies in an area of general potential for prehistoric and Roman potential. There are indications of cropmarks in general area which could reflect prehistoric activity. Site also lies south of Redwall Brickworks. Remains associated with 19th century or earlier industrial activity may be revealed. In view of this archaeological potential I recommend pre-commencement condition to secure implementation of a watching brief.*
- 6.31 To ensure that features of archaeological interest are properly examined and recorded, an agreed condition is considered reasonable and would be duly imposed if the application were to be approved. The agent has also agreed to this condition's imposition.
- 6.32 The Council's Conservation Officer has also raised no heritage objection to proposal. Indeed, they consider the polytunnels to be part of the developing agricultural landscape; and whilst they may not be 'picturesque', they cannot see that they would be deemed as harming the setting of any listed building. The Conservation Officer goes on to comment that the proposed height of the polytunnels is not excessively tall either, and there are existing trees and proposed trees that would provide added screening. At worst, they would conclude that the proposal would have a less than substantial harm to the wider setting of any listed building due to the material, but that this would be outweighed by the continuing use of agricultural land and the temporary nature of structures. With reference to NPPF paragraph 208, this identified harm needs to be weighed up against the public benefits of the proposal. It has been established that there is a demonstrable agricultural need for the polytunnels; and it is agreed that the benefits, as stated by the Conservation Officer, would outweigh the limited harm identified. As such, no objection is raised to the proposal in heritage terms.

- 6.33 The Environmental Protection Team have raised no objections to the proposal from an environmental health perspective. UK Power Networks raise no objection, but refer to the proposal being in close proximity to a substation they own and provide advice on this matter. An informative will also be added to advise the applicant of this. It is also acknowledged that Natural England; the KCC PROW Officer; the KCC Minerals and Waste Policy Team; Kent Police; and Scotland Gas have no comments to make on the application.
- 6.34 All representations received on this application have been considered in the assessment of this application; and please note here that the potential loss of property values is not a material planning consideration; and potential damage to public footpaths should be reported to KCC. Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010, and it is considered that the application would not undermine the objectives of the Duty.

7.0 CONCLUSION

- 7.01 For the reasons set out above the proposal would be in accordance with the Development Plan and the aims of the NPPF, and all other material considerations such as are relevant. A recommendation of approval is therefore made.

8.0 RECOMMENDATION - GRANT PLANNING PERMISSION subject to 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 approved shall be carried out in accordance with the following approved plans: P.2905.010 Rev A; 020 Rev A; 021 Rev A; 022 Rev A; 023 Rev A; 030 Rev A; 031 Rev A; 032 Rev A; 033 Rev A; 034 Rev A; 070 Rev A; 080 Rev B; and 081 Rev A; and documents: Planning Statement (by Bloomfields, dated: Aug 2023); Flood Risk Assessment and Drainage & SUDs Strategy (by RSPD, dated: Nov 2023) and Drainage Strategy Plan (Sheet 01); Preliminary Ecological Appraisal (by Native Ecology, dated: Jan 2024); and Landscape and Visual Assessment (by Huskisson Brown Associates, dated: March 2023).

Reason: To clarify which plans have been approved and in the interests of proper planning.

3. Prior to commencement of any landscaping, drainage and engineering operations hereby approved, the applicant, or their agents or successors in title, will secure the implementation of a watching brief to be undertaken by an archaeologist approved by the local planning authority so that the excavation works are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

4. Prior to the commencement of the development hereby approved, a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the submitted Flood Risk Assessment and Drainage and SUDs Strategy (dated: Nov 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):

- (i) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters; and

- (ii) appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details and shall be maintained as such thereafter.

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

- 5. The polytunnels hereby approved shall not be erected and used 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 Verification Report shall demonstrate that the drainage system constructed is consistent with that which was approved; and shall contain information and evidence (including photographs) of details and locations of inlets; outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 169 of the National Planning Policy Framework.

- 6. Prior to the commencement of the development hereby approved, a Biodiversity Enhancement Strategy for protected and Priority Species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy must be based on the recommendations within the Preliminary Ecological Appraisal (Native Ecology, Jan 2024) and shall have:

- (i) Purpose and conservation objectives for the proposed enhancement measures;
- (ii) detailed designs to achieve stated objectives;
- (iii) locations of proposed enhancement measures by appropriate maps and plans;
- (iv) persons responsible for implementing the enhancement measures; and
- (v) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To ensure biodiversity is maintained and enhanced.

- 7. Prior to the commencement of the development hereby approved, a scheme for the provision and management of an 8 metre wide buffer zone alongside the watercourse shall be submitted to and approved in writing by the local planning authority. The buffer zone scheme shall be free from built development including lighting, agricultural land and formal landscaping and the scheme shall include:

- (i) plans showing the extent and layout of the buffer zone;
- (ii) details of any proposed planting scheme (including location, native planting species, amount and size);
- (iii) details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan; and
- (iv) details of any proposed footpaths, fencing and lighting.

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

Reason: Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected and the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

8. In accordance with the submitted plans and prior to the installation of any polytunnels, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and longterm management, which shall be for a minimum of 10 years, shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (2012) and shall include:

- (i) Details of a planting schedule (including location, planting species, amount and size) for application site (including in and around the attenuation basin);
- (ii) Details of programme for maintenance and enhancement of existing field margins;
- (iii) New 100% mixed native hedgerow to be planted along eastern boundary of application site, to be interspersed with English Oak trees;
- (iv) New 100% mixed native hedgerow to be planted either side of public right of way KM129 that is within application site;
- (v) Restoration of woodland shaw in north-eastern corner of site; and
- (vi) 100% native planting along the river corridor.

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

Reason: To safeguard the character and appearance of the countryside and in the interests of biodiversity enhancement.

9. Prior to the commencement of any part of the sustainable drainage system (SUDS) hereby approved, an ecological mitigation strategy (EMP) for the construction of the SUDS shall be submitted to and approved in writing by the local planning authority. The EMP must demonstrate how the SUDS will be constructed and what measures will be implemented to avoid it negatively impacting the adjacent River Beult; and the development shall be implemented in full accordance with the approved details and shall be maintained as such thereafter.

Reason: To protect The River Beult, a Site of Special Scientific Interest.

10. All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the submitted Preliminary Ecological Appraisal (by Native Ecology, dated: Jan 2024); and if this includes the requirement for an appropriately competent person (for example an ecological clerk of works), to provide on-site ecological expertise during construction, then this person shall undertake all required activities/works in accordance with the approved details.

Reason: To ensure biodiversity is maintained and enhanced.

11. The covering of the polytunnels hereby approved shall be of clear and colourless plastic polythene sheeting only.

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

12. If the polytunnels hereby approved are no longer required for the purposes of agriculture, the frames/structures, polythene sheeting and all other associated equipment and materials shall be removed, and the land upon which they are sited shall be restored to its former condition within six months from the date of the use ceasing.

Reason: Permission has been granted only to meet the needs of agriculture and to avoid undue proliferation of the countryside that would harm the character and appearance of the area.

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

Reason: To safeguard the amenity of the countryside hereabouts.

INFORMATIVES:

1. Pursuant to conditions 5 and 6 of this permission, please note following advisories from KCC, the Leading Local Flood Authority:

(i) Infiltration testing: KCC accept that approach is to infiltrate flows from basin at an assumed rate until further BRE 365 testing can be carried out. The groundwater levels recorded are high at 2m deep so it will need to be evidenced in more than one instance, over a suitable time period that groundwater does not exceed this level and reduce the capacity of the basin. A minimum of 1m of separation from depth of groundwater level and the base of any infiltration features is required to ensure effective operation. Further infiltration testing should also be undertaken to provide evidence base for use of infiltration within polytunnels themselves as further explained in advisory (iv).

(ii) Surcharging outfall and positioning of basin: With basin being located in Flood Zone 3, we are concerned it will not provide attenuation of surface water flows from impermeable areas of site when flooded. In this instance, we recommend running hydraulic calculations modelling surcharging of outfall to the River Beult to ensure no additional flooding occurs as result for lesser events. Should it be shown that for extreme rainfall events up to and including the 1:30 year that flooding occurs additional attenuation will be required.

(iii) Polytunnel runoff areas: As part of any future detailed design submission we will expect for it to be clearly evidenced as to how runoff would access ground below polytunnel coverings. As part of this evidence we will expect the results of infiltration testing to be provided and for this to be used in accompanying hydraulic analysis to demonstrate that total grassed areas within polytunnels do indeed directly 'manage' 50% of rainfall received. Should it be shown that for extreme rainfall events up to and including the 1:30 year that flooding occurs additional attenuation will be required.

2. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal) on or within 16 metres of a sea defence involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

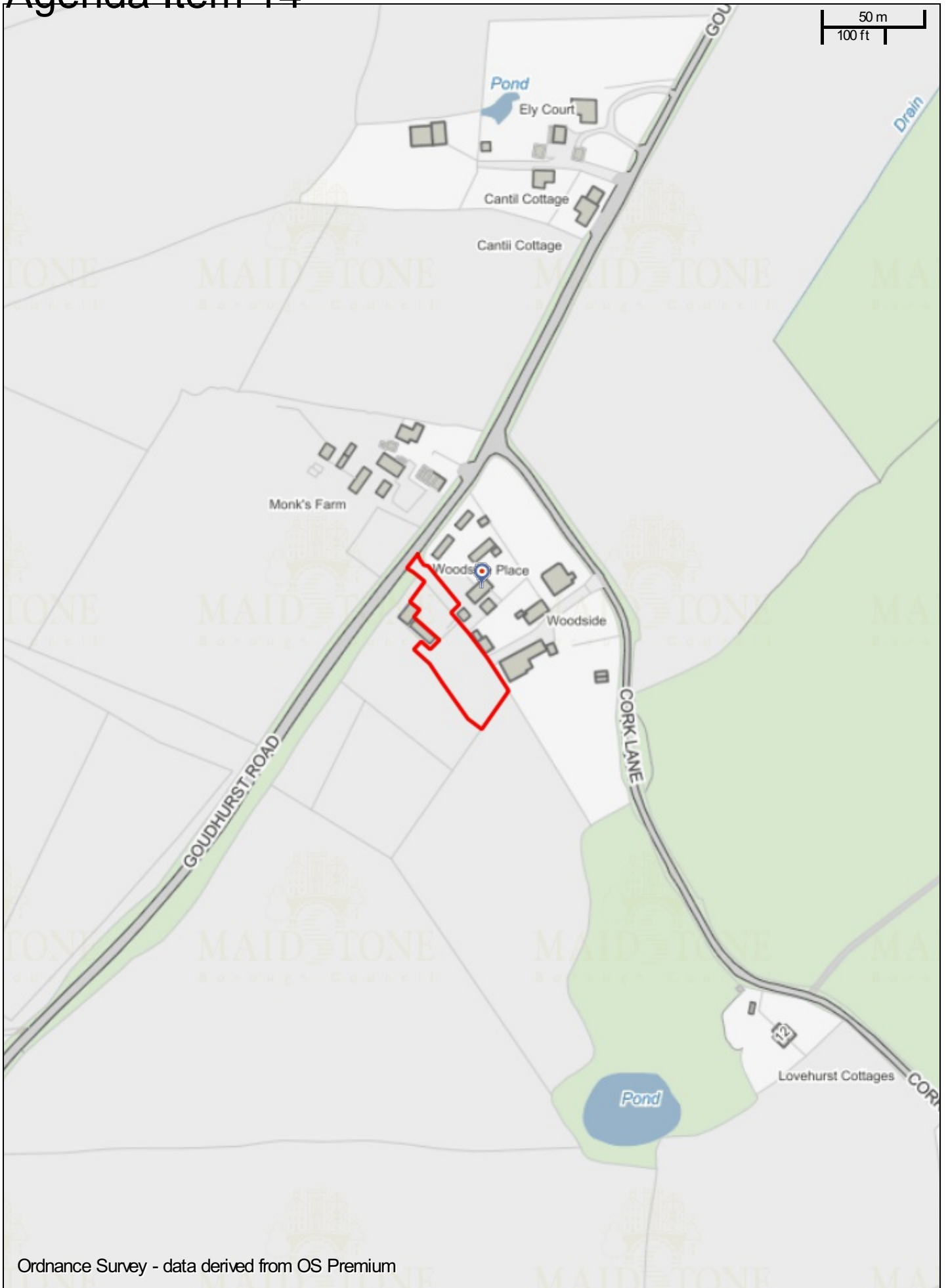
For further guidance please visit: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the Environment Agency's National Customer Contact Centre on 03702 422 549 or enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and it is advised to consult with the Environment Agency at the earliest opportunity.

3. It is possible that a sewer now deemed to be public could be crossing development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

4. The applicant is advised to discuss the development with the Upper Medway Internal Drainage Board (at: [Upper Medway | Internal Drainage Boards \(medwayidb.co.uk\)](http://medwayidb.co.uk)), as their process (as set out under Land Drainage Act 1991 and Board's Byelaws) would apply to this development.
5. The development is in close proximity to a UK Power Networks substation; and if within 6m of this substation, they are notifiable under the Party Wall Act 1996. The applicant should liaise directly with UK Power Networks (Newington House, 237 Southwark Bridge Rd, London SE1 6NP), to ensure appropriate protective measures and mitigation solutions are agreed in accordance with this Act.
6. UK Power Networks require 24hr vehicular access to their substations. If in doubt please seek separate advice from: UK Power Networks Operational Property and Consents team at Barton Road, Bury St Edmunds, Suffolk, IP32 7BG.

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

Agenda Item 14



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NUMBER: 24/500914/FULL		
APPLICATION PROPOSAL: Siting of 2(no) static caravans for residential occupation by Gypsy family and 2(no) touring caravans.		
ADDRESS: Land at Woodside Place, Goudhurst Road, Staplehurst, Kent, TN12 0HB		
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: Staplehurst Parish Council have requested for application to be considered by Planning Committee if officers are minded to recommend approval. This request is made for the reasons outlined in the consultation section below.		
WARD: Staplehurst	PARISH: Staplehurst	APPLICANT: Mr D. Coster AGENT: Martin Potts Associates
CASE OFFICER: Kate Altieri	VALID DATE: 02/04/24	DECISION DUE: 24/06/24
ADVERTISED AS A DEPARTURE: NO		

RELEVANT PLANNING HISTORY

- 23/504919 – 6 static caravans pitches for Gypsy & Traveller use – Refused (in summary):
 1. *Submission would harmfully consolidate sporadic and urbanising development in countryside, resulting in development that would cause significant harm to landscape and rural character of area hereabouts. This failure to maintain and enhance local distinctiveness would be contrary to policies SP17, DM1, DM15 and DM30 of 2017 Local Plan; policy PW2 of Staplehurst NP (2016-2031); Maidstone Landscape Character Assessment and Capacity Study; and aims of NPPF (2023).*
 2. *Submission failed to demonstrate acceptability of proposal in relation to highway safety. This would be contrary to aims of policy DM1 of Maidstone Local Plan (2017); and paragraph 115 of NPPF (2023).*
- 18/503222 – Vary condition 3 of MA/08/1620 to allow 2 additional caravans to be stationed at site (total of 5 mobile homes & 1 touring caravan) - Approved
- MA/08/1620 – Vary condition 3 of MA/97/0513 to allow further 2 caravans together with touring caravan - Approved
- MA/03/1175 – Erection of stable building - Approved
- MA/02/0438 – Change of use of agricultural land to keeping and exercising of 2 horses together with erection of field shelter - Approved
- MA/97/0513 – Continued stationing of mobile home for occupation by gypsy family and retention of double garage - Approved
- MA/92/0017 – Erection of garage/utility room/store - Refused
- MA/89/0104 – Erection of bungalow – Refused (Dismissed at appeal)
- MA/86/1727 - Change of use of land for use as private gypsy caravan site for one family - Approved
- MA/85/0682 – Outline for agricultural - Refused

3.0 RELEVANT POLICY & GUIDANCE

- Maidstone Borough Local Plan Review 2021-2038 (adopted March 2024)
- Staplehurst Neighbourhood Plan (2016-2031)
- Landscape Character Assessment (2013) & Landscape Capacity Study (2015)
- National Planning Policy Framework (2023) & National Planning Practice Guidance
- Planning Policy for Traveller Sites (2023)
- Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (Sept 2023)
- Gypsy, Traveller and Travelling Showpeople Development Plan Document – Scoping, Issues & Options Public Consultation (Reg 18a)

3.01 **Maidstone Borough Local Plan Review (LPR):** The LPR was adopted by the Council on 20th March 2024 and this document attracts full weight. The LPR effectively deletes the 2017 Local Plan from Maidstone’s Development Plan and it has no weight as a result. Please note here that elements of the 2017 Local Plan that were still relevant have been absorbed into the LPR. Relevant policies within the LPR are considered to be: LPRSS1 (Spatial strategy); LPRSP9 (Development in countryside); LPRSP10(A) (Housing mix); LPRSP10(C) (Gypsy & Traveller site allocations); LPRSP14 (The environment); LPRSP14(A) (Natural environment); LPRSP15 (Design); LPRHOU8 (Gypsy & Traveller accommodation); LPRTRA2 (Assessing transport impacts); LPRTRA4 (Parking); LPRQD1 (Sustainable design); LPRQD2 (External lighting); and LPRQD4 (Design principles in countryside).

3.02 **Staplehurst Neighbourhood Plan:** Policy PW2 of the Staplehurst Neighbourhood Plan states:

PROPOSALS FOR NEW DEVELOPMENT IN THE COUNTRYSIDE BEYOND THE EXTENDED VILLAGE ENVELOPE WILL BE ASSESSED IN TERMS OF THE POTENTIAL IMPACT OF THE DEVELOPMENT UPON THE VISUAL SETTING AND LANDSCAPE FEATURES OF THE SITE AND ITS SURROUNDINGS, THE POTENTIAL IMPACT UPON THE BIODIVERSITY OF THE AREA AND OTHER RELEVANT PLANNING CONSIDERATIONS, SUCH AS THE IMPACT OF TRAFFIC AND NOISE. PROPOSALS WHICH FAIL TO DEMONSTRATE THESE IMPACTS CAN BE SATISFACTORILY ADDRESSED WILL NOT BE SUPPORTED.

3.03 **NPPF:** The NPPF is clear that good design is a key aspect of sustainable development and that permission should be refused for development that is not well designed, with section 12 of the NPPF referring to ‘achieving well-designed and beautiful places’.

3.04 **Council’s Landscape Character Assessment:** LCA identifies the application site as falling within the Sherenden Wooded Hills LCA (Area 45). The landscape guidelines for this area are to ‘CONSERVE’. Within the Council’s Landscape Capacity Study, Sherenden Wooded Hills is assessed as being of ‘HIGH’ overall landscape sensitivity and is ‘sensitive to change’.

4.0 LOCAL REPRESENTATIONS

4.01 **Local residents:** No representations received.

5.0 CONSULTATION RESPONSES

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

5.01 **Staplehurst Parish Council:** Object to application and wish for it to be reported to Planning Committee if officers are minded to recommend approval for the following reasons:

MBC Local Plan Review 2021-2038 Policies: LPRQD1 (Sustainable design) - proposal is unsustainable; and LPRQD4 (Design principles in countryside) – proposal against good design in countryside. Staplehurst NP policy PW2 (Proposals for new development in countryside) - proposal would spoil rural character.

5.02 **KCC Highways:** Raise no objection.

5.03 **MBC Environmental Protection Team:** Raise no objections (see main report).

5.04 **Upper Medway Internal Drainage Board:** Have made comments (see main report).

6.0 APPRAISAL

6.01 The key issues for consideration relate to: Issues of need and supply; Gypsy status/personal circumstances; location; visual impact; highway safety; and then other matters.

Issues of need and supply

6.02 The Local Plan Review included policies relating to site provision for Gypsies and Travellers. Local authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Further to this, the 2012 GTAA has been superseded by the 2023 Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (GTAA).

6.03 The 2023 GTAA has indicated a significant emerging need for Gypsy and Traveller accommodation in the borough. Indeed, as of 1st April 2023, the Council has published the 5yr supply for Gypsy and Traveller Pitches, that being a 1.2yr supply. This is made up of: Carried forward unimplemented 2017 Local Plan allocations; turnover on the two public sites in the borough; and windfall allowance for pitches which will be granted planning permission in the future.

6.04 This formal acknowledgement of a lack of a 5yr supply for Gypsy and Traveller Pitches triggers paragraph 27 of the Government's Planning Policy for Traveller Sites (PPTS):

If a LPA 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 permission⁹. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and/or sites designated as Sites of Special Scientific Interest; Local Green Space, an AONB, or within a National Park (or the Broads).

⁹ There is no presumption temporary grant of permission should be granted permanently.

6.05 Moving on from this, the Local Plan Review is now given full weight, but the Council has chosen to separate the matter of gypsy and traveller policy from the Local Plan Review and is pursuing a separate DPD on this matter. This DPD is yet to go out to first stage consultation. As part of this work, two call for sites exercises ran between 1st February and 31st March 2022, and 28th February and 17th April 2023. The Gypsy, Traveller and Travelling Showpeople DPD is at its early stages and further public consultation is expected on this towards the end of 2024.

6.06 In the interim, Local Plan Review policy LPRSP10(c) (Gypsy & Traveller Site Allocations), includes extant allocations carried forward from the 2017 Local Plan policy GT1; and development management policy LPRHOU8 for windfall applications.

6.07 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) and 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.

6.08 With regard to the Maidstone Gypsy, Traveller and Travelling Showpeople DPD, the Local Development Scheme (LDS) timetable indicates a Reg 18b consultation taking place from February to March 2024. Evidence gathering ahead of a Reg 18b consultation is currently ongoing and the Council is considering whether it is appropriate to formally amend the LDS in relation to the DPD.

Gypsy status/personal circumstances

6.09 Following the judgment in the Court of Appeal in the case of *Smith v SSLUHC & Ors*, it should be noted that the land-use needs of potential future occupants of the site may only relate to their ethnicity and the government has reverted the definition of Gypsies and Travellers used in the PPTS to that adopted in 2012 for plan and decision making. The current definition is therefore as follows:

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'

6.10 The submission confirms that the two additional mobile homes would be occupied by the two eldest grandchildren of the applicant and that the proposal is necessary to maintain the wider close knit family unit as an entity. Whilst the submission does not provide specific details regarding how they would meet the above definition, it is considered unreasonable to request further information on this matter. The argument is, that when granting planning permission for a farm worker's dwelling for example, the Council does not require the farmer to prove that the intended occupant is a bone fide farm worker. Instead, the Council would rely on an occupancy condition to ensure that the dwelling is used for its intended purpose.

6.11 There is also a 2014 appeal decision (APP/Y3940/C/13/2206152: Sharkays, Whaddon Lane, Hilperton, Trowbridge, Wiltshire), where the Planning Inspector considered that the site was in an acceptable location for a gypsy site, in accordance with local and national policies, and granted planning permission subject to an occupancy condition, despite the fact that they found that the existing site occupiers did not comply with that condition. It is evident that the gypsy status of the appellants was not determinative of the appeal.

6.12 With everything considered no objection is raised to the application on the grounds of Gypsy status as future occupants would have to fall within the Government's PPTS definition, and this can be secured by way of condition.

Location

6.13 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. This is an exception to the principle of restraint in the countryside. In terms of broad principles, Local Plan Review policies and central government guidance both permit gypsy and traveller sites to be located in the countryside as an exception to policies which otherwise seek to restrain development.

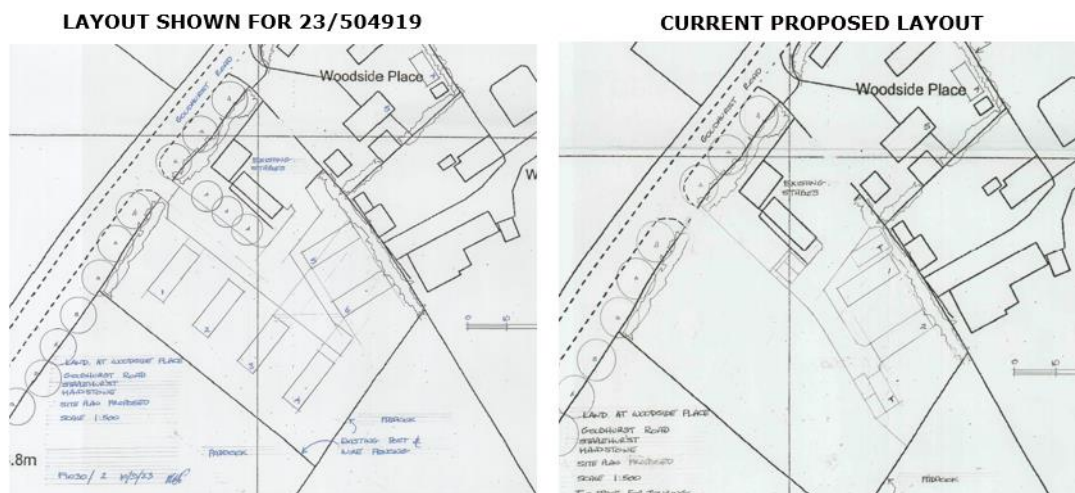
Visual impact

6.14 Guidance in the PPTS states that local planning authorities should very strictly limit new traveller development in the countryside. No specific reference to landscape impact has been outlined however this is addressed in relevant Local Plan Review policies and the NPPF. Specifically, policy LPRHOU8 of the Local Plan Review allows for Gypsy accommodation in the countryside provided certain criteria are met. This includes allowing development that does not result in significant harm to the landscape and rural character of the area, and impact on these aspects will be assessed with particular regard to:

- i. Local landscape character;*
- ii. Landscape impact arising as result of development in combination with existing lawful caravans;*
- iii. 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.*

6.15 The site also falls within the Sherenden Wooded Hills LCA and the landscape guidelines for this area are to 'CONSERVE'; and within the Council's Landscape Capacity Study, it assesses this LCA as being of 'HIGH' overall landscape sensitivity and is 'sensitive to change'.

6.16 The previously refused application at Woodside Place (23/504919) related to a much larger site area that sprawled significantly more formal development into largely undeveloped countryside. The previously refused scheme also saw the proposed mobile homes make use of a different vehicle access, opening up more public views of the development and resulting in a significant amount of new hardsurfacing:



6.17 When compared to the previous refusal, this current proposal would read more in the context of Woodside Place and Woodside, the neighbouring property. Indeed, the smaller site area and the reduction in the number of mobile homes; the location of the mobile homes behind the stable buildings, that would not project beyond the existing development at Woodside; the use of the existing vehicle access to Woodside; the noticeable reduction in the level of hardsurfacing; and the scope for native hedgerow planting along the north-eastern and south-eastern boundaries of the site, would clearly result in a better contained development that would not significantly erode the area's current sense of openness, nor adversely change the character of the area. Moreover, the mobile homes themselves are of a typical style and appearance and they appear to fall within the definition of a caravan (Section 29 of the Caravan Sites and Control of Development Act 1960).

6.18 Further to this there is well-established roadside planting along Goudhurst Road and Cork Lane that does rise up southwards giving some views across the site. There is no reasonable doubt to suggest that this mature roadside landscaping would not remain for the long-term and any glimpses of the proposal site from these public vantage points would be at a short/medium range and very much read in the context of existing surrounding development, as opposed to the sprawl of greater development refused under 23/504919. With the merits of this current proposal considered, as outlined above, it is considered that any additional planting sought as part of the scheme would now supplement existing landscaping, rather than being the sole means of mitigating the impact of the development, in accordance with LPR policy LPRHOU8. Details of new hard boundary treatments can also be secured by way of condition, to safeguard the character and appearance of the countryside hereabouts.

6.19 With everything considered and subject to the recommended conditions, the view is taken that the proposal would not appear visually dominant nor incongruous within the landscape, and would not therefore cause significant harm to the intrinsic character and appearance of the countryside hereabouts, in accordance with LPR policy LPRHOU8 and policy PW2 of the Staplehurst Neighbourhood Plan. As such, the development would accord with the relevant policies of the Development Plan and the aims of the NPPF.

Highway safety

6.20 Under 23/504919, one of the reasons for refusal related to the application failing to demonstrate the acceptability of proposal in relation to highway safety. This current proposal would now utilise the existing vehicle access for Woodside Place, where there has been no reported traffic incident reported within the last 24yrs (www.crashmap.co.uk); the current proposal is for two mobile homes and not six as previously proposed; it is evident that vehicles associated to the

proposal could turn within the site and leave in a forward gear; and there is sufficient parking on the site. It is also noted that KCC Highways no longer raise an objection to the proposal. On this basis, it is considered that this current submission would not have an unacceptable impact upon highway safety, and nor would the residual cumulative impacts on the road network be severe.

Other matters

- 6.21 Given that a residential use is not generally a noise generating use, this development would not have an adverse impact upon the living conditions of any neighbouring resident, including in terms of general noise and disturbance. Furthermore, after assessing the potential impact on the existing residential community, the proposal is found to be acceptable, when considered on its own merits and then cumulatively with other lawful gypsy sites in the vicinity.
- 6.22 The Council's Environmental Protection Team have raised no objection in terms of: Land contamination; Noise; air quality; lighting; and foul sewage disposal. This is subject to recommended conditions relating to foul sewage; electric vehicle charging points; external lighting and the need to obtain a caravan site licence. If the application were to be approved, details of foul sewage could be secured by way of condition; in the interests of amenity, external lighting could be controlled by way of appropriate condition; electric vehicle charging points are dealt with under Building Regulations; and the applicant would be reminded by way of informative of the need to require a caravan licence. Furthermore, the application site is not located in an area at risk from flooding (Flood Zone 1) and no objections are raised in terms of surface water disposal.
- 6.23 The Upper Medway Internal Drainage Board have confirmed that the submission would require Land Drainage Consent from them and that there would be the potential for conflict between the planning process and their regulatory regime. Whilst there is the potential for conflict between the planning process and the Board's regulatory regime, in this instance it is not considered reasonable to delay the determination of this application for this purpose and a suitable informative will be added to remind the applicant of this separate requirement under the under Land Drainage Act 1991 and the Board's Byelaws.
- 6.24 With the managed character of the land, the development is unlikely to have had an adverse impact upon any protected species, and so no further details on this are required prior to the determination of this application. Notwithstanding this, one of the principles of the NPPF is that: *Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.* On this basis, if the application were to be approved a suitable condition could be imposed to seek biodiversity enhancement on the site. This application is not caught by the national 10% BNG and Local Plan Review 20% BNG requirements, as it was received before 2nd April 2024, and a 'reasonable' attempt had been made at a valid application before 2nd April 2024.
- 6.25 The issues raised by Staplehurst Parish Council have been considered in the assessment of this application. The submission is not EIA development.

7.0 CONCLUSION

- 7.01 Regard should be given to the Human Rights Act 1998 and rights under Articles 3 and 8, and the Public Sector Equality Duty under the Equality Act 2010. This protects the right of an individual to, amongst other things, a private family life and home; there is a duty to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it; and the courts have held that the best interest of the children shall be a primary consideration in planning decisions concerning children, including requiring a settled base. In addition to this, race is one of the protected characteristics under the Equality Act 2010 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 his family, and it is

considered that the requirements of the PSED have been met and approving this development would not undermine the objectives of the Duty.

- 7.02 In Local Plan policy terms, there is resistance to residential caravans in the countryside. As an exception to this general policy constraint, LPR policy LPRHOU8 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met; and LPR policies LPRSP9 and LPRQD4 allow for development provided it does not result in significant harm to the character and appearance of the area.
- 7.03 In this instance, there is no reasonable justification to object to the development on Gypsy status and sustainability grounds in terms of location. Furthermore, the development is not considered to cause significant harm to the character and appearance of the countryside; and there are no other planning objections raised to the development. Significant material consideration has also been given to paragraph 27 of the PPTS given that the Council is unable to demonstrate an up-to-date 5 year supply of deliverable sites.
- 7.04 With everything considered, the development is therefore acceptable with regard to the relevant provisions of the Development Plan (including Staplehurst Neighbourhood Plan), the NPPF and all other material considerations such as are relevant. In consequence of this finding, a permanent permission is recommended and to be restricted only by a Gypsy and Traveller occupation condition.

8.0 RECOMMENDATION - GRANT PLANNING PERMISSION subject to 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.
2. The development hereby approved shall be carried out in accordance with the following approved plans/documents: Site location plan (1:1250); and P1030/1A; 2A; and 3A.

Reason: To clarify which plans have been approved and in the interests of proper planning.
3. 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 residential caravans/mobile homes is not normally permitted.
4. There shall be no more than 2 pitches on the site and on each of the pitches approved there shall be no more than one static caravan and one touring caravan stationed at any time.

Reason: To safeguard the character and appearance of the countryside.
5. If the lawful use of the site ceases, all caravans, structures, equipment and materials bought onto the land for the purposes hereby permitted including hardstandings and buildings shall be removed within two months from the date of the use ceasing.

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

6. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site at any time.

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

7. No commercial or business activities shall take place on the land, including the storage of vehicles or materials or any livery use.

Reason: To prevent inappropriate development; and to safeguard the character and appearance of the countryside.

8. Prior to the first occupation of the mobile homes hereby approved details of the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal for these caravans shall be submitted to and approved in writing by the local planning authority. These details shall include the size of individual cess pits and/or septic tanks and/or other treatment systems, specify exact locations on the site, and provide information as to where each system will discharge to. The approved details shall then be fully implemented prior to the first occupation of the mobile homes hereby approved and shall be maintained as such thereafter.

Reason: To safeguard adequate foul sewage disposal.

9. Prior to the first occupation mobile homes hereby approved, details of a scheme of hard and soft landscaping, using indigenous species, together with a programme for the scheme's implementation, shall be submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development and shall also include:

- (i) A scheme designed in accordance with principles of Council's landscape character guidance (Landscape Character Assessment Supplement 2012);
- (ii) Details of the number, size, species, maturity, spacing and position of proposed native trees and landscaping to be planted within the site;
- (iii) Details of mixed (100% native) double staggered hedgerows to be planted along the north-eastern and south-eastern boundaries of the site;
- (iv) A ten year landscaping management plan;
- (v) Details of hardsurfacing within the site; and
- (vi) Details of hard boundary treatments in and around the site.

Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted. The landscaping of the site and its management thereafter shall be carried out 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; and in the interests of biodiversity enhancement.

10. All landscaping specified in the approved landscape details shall be carried out in the first planting season (1 October to end of February) following the first occupation of the mobile homes hereby approved. 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.

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

11. Prior to the first occupation of the mobile homes hereby approved details of a scheme for the enhancement of biodiversity on the site shall be submitted to and approved in writing by the local planning authority. The scheme shall include the enhancement of biodiversity through integrated methods into the fabric of the mobile homes by means such as bat tubes, and through the provision of bird and bat boxes, bug hotels and log piles on land within the applicant's ownership. The approved details shall then be fully implemented prior to the first occupation of the mobile homes hereby approved and all features shall be maintained as such thereafter.
Reason: To enhance the ecology and biodiversity.

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

Reason: In the interest of amenity and to safeguard the character and appearance of the countryside.

13. 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 reenacting 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 to safeguard the character and appearance of the countryside.

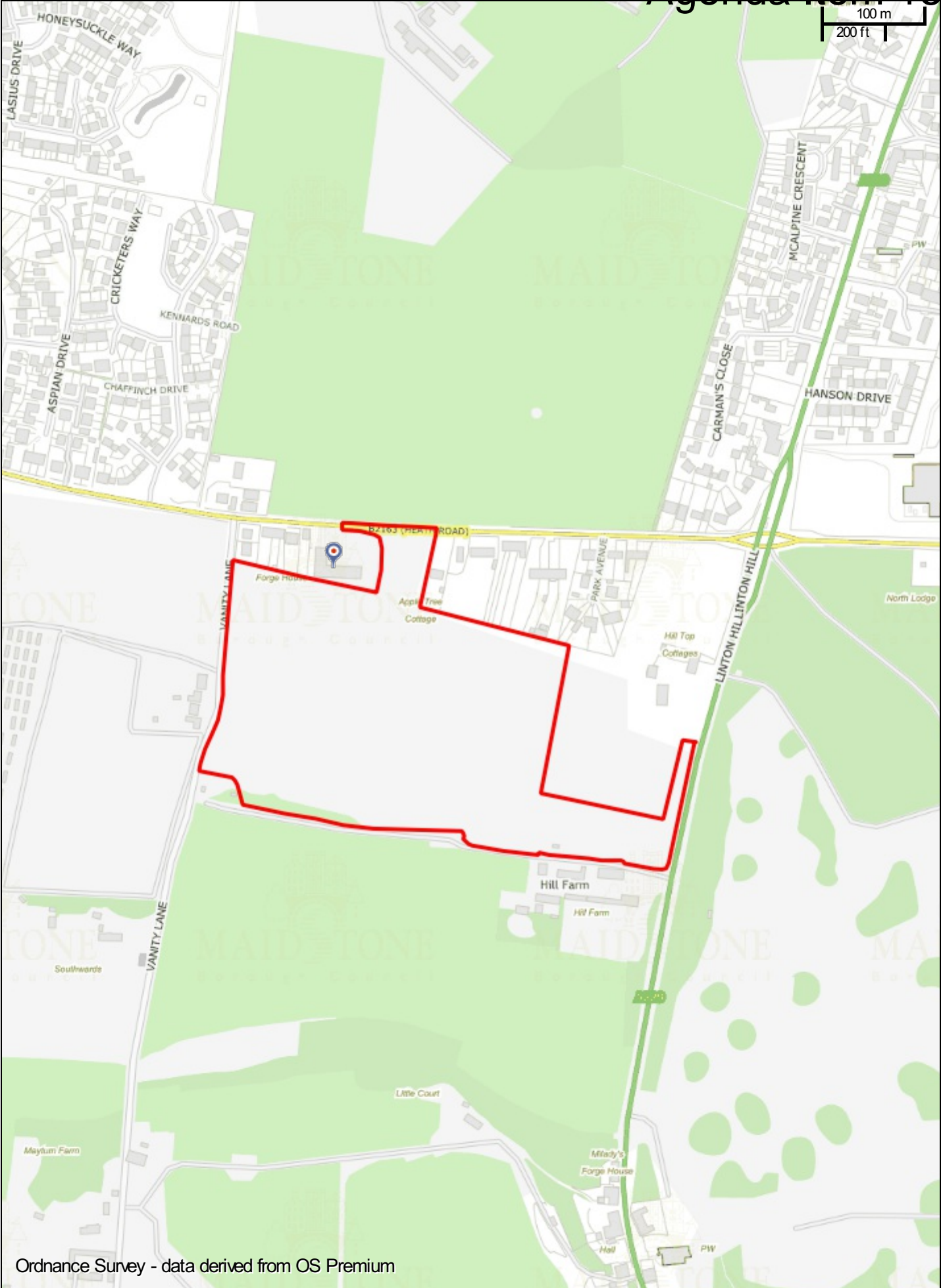
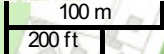
14. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and reenacting that order with or without modification), and except for what is approved under condition 9 of this permission, no development within Schedule 2, Part 2, Class A, shall be carried out on the site hereby approved.

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

Informative(s):

1. The applicant is reminded that it is necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of this planning permission.
2. The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the Act as caravan sites cannot operate without a licence. The applicant is advised to contact the Maidstone Community Protection Team in respect of a licence.
3. The applicant is advised to contact the Environment Agency to establish whether a discharge consent from them is required. Further information on how to apply for an environmental permit and general binding rules applicable to small discharges of domestic sewage effluent is available at: [Environment Agency - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

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

23/505091/HYBRID Greensand Place, Heath Road, Linton, Kent, ME17 4NU

Scale: 1:5000

Printed on: 7/6/2024 at 12:50 PM by RebeccaB1



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REPORT SUMMARY

REFERENCE NUMBER: 23/505091/HYBRID		
APPLICATION PROPOSAL: 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).		
ADDRESS: Greensand Place Heath Road Linton Kent ME17 4NU		
RECOMMENDATION: Grant planning permission subject to conditions and s106 Legal Agreement subject to no objections from KCC on the proposed improved crossing to Heath Road and speed limit reduction to 30mph including the design and location of potential traffic calming measures		
SUMMARY OF REASONS FOR RECOMMENDATION: Long and medium range views of the site are or can be made acceptable in landscape terms by planting and tree screening and therefore 'harm' to the character and appearance of the countryside is not significant. The benefit of a new modern replacement Hospice to serve Maidstone has been demonstrated. It is accepted that the need for Supported Living Units is justified at this site, based on Kent County Council Adult Care policies that recognise the need for more independent living units of this type. The current net supply of Care Home bedspaces is running at less than half the cumulative need and Development Plan policies allocate no sites nor broad locations. Retirement units provision is limited and the unmet and growing need for elderly accommodation in the Borough is accepted and policy LPRHOU7 facilitates more windfall development for this specific type of dwelling. There are no allocations in the Local Plan Review to meet these needs. The site has relatively good environmental sustainability which can be enhanced by a zebra crossing to Heath Road with a speed limit reduction to 30mph with potential new traffic calming. The enhancement of the crossing will improve scope for non-vehicle access to the GP surgery. A s106 planning obligation can secure financial contributions to improvements to the local highway corridor and land transfers in regard of Linton Crossroads Improvements and 20% affordable housing for the Retirement Units. Adequate quantities and appropriate typologies of Open Space can be secured. There is good quality design of the buildings Archaeological interest can be dealt with by requiring trial trenching post determination as all applicants accept the risk that important remains may need to be retained in situ which could necessitate a revised overall layout of the scheme. It is considered that the revised siting and design of the Care Home and the intervening distances mean that there is no harm to neighbouring residential amenity. The harm from non-compliance with the spatial strategy, countryside protection and direct harm to the area of Local Landscape Value are outweighed by the unique benefits of the overall hybrid application and the individual need cases of each component.		
REASON FOR REFERRAL TO COMMITTEE: The development is contrary to the Development Plan. Called into Planning Committee by Linton, Coxheath and Loose parish councils.		
WARD: Coxheath and Hunton	PARISH/TOWN COUNCIL: Linton	APPLICANT: Heart of Kent Hospice, Aspire LPP, Coral Living & Stonebond AGENT: DHA Planning
CASE OFFICER: Marion Geary	VALIDATION DATE: 22/11/23	DECISION DUE DATE: 31.07.2024
ADVERTISED AS A DEPARTURE: Yes		

Relevant Planning History

Adjacent site:

18/500618/FULL

Erection of new doctors' surgery building with associated parking, landscaping and creation of new vehicular access onto Heath Road.

Approved 26.09.2018

Approved 01.09.2020

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is in the countryside, to the south east of the settlement boundary of Coxheath. The site is 800 metres to the east of the centre of Coxheath.
- 1.02 It is currently mostly open arable farmland that slopes gently up from the NE corner to the SW corner. Along the northern boundary are hedges of blackthorn/hawthorn with trees of sycamore/holly/Field Maple (except rear of Apple Tree Cottage where there is no vegetation but a 1m high close board fence.) To the west (Vanity Lane) is a 4m high mixed native hedgerow. To the south east is a group of mature trees (mature sweet chestnut, occasional ash and hawthorn). A belt of 1600 saplings has recently been planted along the southern boundary
- 1.03 To the north are several residential properties fronting Heath Road and Vanity Lane and the relatively new Greensand Health Centre. Several residential properties lie on the far side of Vanity Lane face the site's western boundary. To the east is the A229 Linton Hill and the rear gardens of Hill Cottages and Larchwood Grange. The south the site is bound by Hill Place, a track giving access to Hill Farm (to the east) and fields to the west.
- 1.04 There are no public rights of way (PROWs) adjacent to or passing through the site. The Greensand Way is KM134 and lies 180m to the south of the site, running east-west. KM45 runs parallel to the western side of Vanity Lane, 50m distant.
- 1.05 Linton Conservation Area and Linton Park Registered Park and Garden lie to the east, on the opposite side of the A229.
- 1.06 The site is an Area of Archaeological Potential. It lies in Flood Zone 1 (ie low risk) and is in a Minerals Safeguarding Area.
- 1.07 The site is the northern extent of the Greensand Ridge Landscape of Local Value (LLV).

2. PROPOSAL

- 2.01 The application proposes a hub of 4 separate development types on 4 separate parcels of land and each will be developed by a different applicant to a different timescale. None of the applicants currently own or control the land.
- 2.02 The main access will be shared with the existing GP surgery access to Heath Road with a separate "emergency only" access to Vanity Lane. The application includes provision of a zebra crossing to enhance the existing uncontrolled crossing point,

a reduction in the speed limit from 40mph to 30mph and potential new traffic calming measures via 2 build outs to Heath Road.

- 2.03 The detailed elements includes a 2 storey 73-bed Care Home within Use Class C2. It is proposed on an L- shaped parcel of land, to be sited at the site frontage with Heath Road, set back by 30m, level with Apple Tree Cottage to the east and slightly forward of the new GP surgery building to the west. An area of 28 parking spaces and an ambulance drop are proposed rear of the housing on Heath Road. A service layby will be sited close to the site frontage.
- 2.04 Sited 6m from the rear boundary of the GP surgery, detailed planning permission is sought for a complex of 14 Supported Living Units for adults with learning disabilities or autism. The tenants are to be provided with a KCC approved Care and Support Provider with a 24/7 presence on site. This element is to be developed by Coral Living to help to meet adult social care functions of Kent County Council.
- 2.05 One outline element of the application is the erection of retirement bungalows mostly 1 storey but with some 1.5 storeys to be occupied by aged 60 and over. The application seeks planning permission for up to 58 units with parking and includes an illustrative layout around a central open amenity space. The builder/developer will partner with a register provider who will manage the units and all will be "affordable", ie they will be occupied by persons in housing need.
- 2.06 The hospice parcel is also an outline application intended for the Heart of Kent (an independent local charity) to provide specialist palliative and end-of-life care and family support to adults living with life-limiting illnesses from Maidstone and the surrounding areas. The hospice would have 12 bedrooms for specialist palliative/end-of-life care. It will include activity space, garden room, consulting/counselling rooms and a café. A private large "sensory garden" is proposed near to the in-patient rooms. Nearly 1,000 outpatients are visited by the community support team which would be based at the hospice.
- 2.07 The illustrative drawings show a contemporary design with the in-patient rooms in a single storey circular building at the rear with a multi-faith space in an oasthouse-like "roundel" and centralised entrance and ancillary rooms in a 2 storey building fronting a 92 space car park with cycle spaces also to be provided. Materials are indicated to include hanging tiles and timber.
- 2.08 A new zebra crossing with an associated speed limit reduction to 30mph is proposed to replace the uncontrolled crossing to the GP surgery. Two options for the location of the crossing have been submitted.
- 2.09 Surface Water drainage is two underground cellular storage tanks and an above wet attenuation basin with an outfall to deep bored soakaways.
- 2.10 Landscaping proposed includes:
- a woodland strip on the southern boundary, 480m wide by 50-70m deep (including a "sensory garden" for the Hospice)
 - A woodland strip on the eastern boundary, 16m deep by 75m long
 - Provision of a central amenity open space with public art
 - Provision of semi-private and private garden areas

3. POLICY AND OTHER CONSIDERATIONS

3.01 In accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

Maidstone Borough Local Plan Review 2024 (LPR)
 Kent Waste and Minerals Plan (amended 2020):
 The National Planning Policy Framework (NPPF):
 National Planning Practice Guidance (NPPG):
 Maidstone Landscape Character Assessment 2012 (Updated 2013)
 Supplementary Planning Documents:
 Maidstone Building for Life 12 (2018); Affordable and Local Needs Housing (2020); Air Quality Guidance (2017); Public Art Guidance (2017)

The Maidstone Borough Local Plan Review (LPR) was adopted by the Council on the 20 March 2024. There have been 2 strategic level challenges to adoption that relate to specific strategic development sites within the LPR and do not affect the full weight that should be applied to the LPR2024 itself. Superseded Maidstone Borough Local Plan 2017 policies are included below for information only because they may have been referred to by some consultees/objectors etc prior to the adoption of the LPR.

		LPR 2024	MBLP 2017
Spatial Strategy		LPRSS1	SS1
Maidstone Urban Area		LPRSP2	SP1
Rural Service Centres		LPRSP6	SP5
Coxheath Larger Village		LPRSP6(A)	SP13
Countryside		LPRSP9	SP17
Historic Environment		LPRSP14(B)	SP18
Housing Mix		LPRSP10(A)	SP19
Affordable Housing		LPRSP10(B)	SP20
Sustainable transport		LPRSP12	SP23
Principles Of Good Design		LPRSP15	DM1
Sustainable Design		LPRQD1	DM2
Natural Environment		LPRSP14(A)	DM3
Heritage Assets		LPRENV1	DM4
Air Quality		LPRTRA1	DM6
External Lighting		LPRQD2	DM8
Housing Density		LPRHOU5	DM12
Care Homes		LPRHOU7	DM14
Open Space		LPRINF1	DM19
Transport Impacts		LPRTRA2	DM21
Parking Standards		LPRTRA4	DM23
Design Principles in the Countryside		LPRQD4	DM30
Biodiversity Net Gain		LPRSP14(A)	
Climate Change		LPRSP14(C)	
Specialist Residential Accommodation		LPRHOU7	
Sustainable Design		LPRQD1	
Technical Standards		LPRQD6	
Private Open Space Standards		LPRQD7	

SPD: Maidstone Building for Life 12 (2018); Affordable and Local Needs Housing (2020); Air Quality Guidance (2017); Public Art Guidance (2017)

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 32 representations received objecting to the application for the following (summarised) reasons:

- Contrary to spatial strategy and countryside policies
- Concern at future housing development on the remaining land
- Harm to countryside/Loss of green space
- Harm to Landscape of Local Value
- Visual Impact on Heath Road.
- Loss of agricultural land
- Loss of wildlife habitat
- Development in unacceptable location despite Hospice being “donated” and the guise of healthcare.
- Polluting run off
- Increased Traffic congestion including from deliveries
- Linton Crossroads needs improving
- Water supply problems will worsen
- National Power and/or BT infrastructure inadequate
- Care Home should be on a different part of the site.
- Overshadowing/Overlooking of neighbouring houses and gardens
- Disturbance during construction
- Light pollution
- Air pollution especially from standing traffic from new zebra crossing.
- Cramped layout
- Inadequate landscaping to north
- No proven local need for each element
- Pedestrian crossing will conflict with bus stop, should be further west.
- Feedback from consultation has been ignored
- Inadequate consultation period
- Landscape and Visual Impact Assessment inadequate
- Supported Living units unattractive design
- Autistic young adults should not be in development focussed on the elderly.
- Footpaths on Heath Road are too narrow for mobility scooters
- Pedestrian access to Coxheath is unsafe.
- Speed limit needs to be reduced
- Traffic survey inadequate
- Hospice too far from a motorway- should be at KIMS
- Site should be used for parking by GP Surgery or existing properties on Heath Road

- Needs a new sewage system
- Archaeological impact
- Zebra crossing will remove parking and stopping outside cottages
- Breaches policy LPRHOU7 due to overlooking
- Property devaluation

NB- property devaluation is not a material planning consideration.

4.02 7 representations received in support of the application

A new hospice is needed

Better location than existing

Hub of the community

Linton Parish Council

4.03 Objection due to:

lack of infrastructure eg poor internet speeds

need for more medical facilities identified in IDP

highways- CIL funds to improve Linton Crossroads have not materialised

Travel Plan relies on inaccurate statements and data

Existing crossing outside GP surgery is not adequate

No safe cycling options

No pharmacy at the GP surgery.

Inadequate Community Involvement

A large number of additional residents with complex care needs

Coxheath Parish Council

4.04 Objection due to:

Possible overcrowding on the site.

Lack of infrastructure.

Highway impact on Heath Road and Linton Crossroads, exacerbated if Beacon Park (LPRSA312) in the MBC Local Plan is built.

Remaining land may be utilised for future development.

Residential amenity.

Loose Parish Council

4.05 Objection due to:

Impact on Linton Crossroads and the increased traffic movements on the Heath Road

proximity of Beacon Park (LPRSA312 in the Maidstone Local Plan Review) will exacerbate the traffic issues and cause rat running.

strongly supports Linton Parish Council's response

a more strategic approach is needed, with all relevant parties involved at an early stage, in particular relating to infrastructure.

Support KCC ecological report

Design of the care home could be more sympathetic to the amenity of neighbouring cottages on the east side.

Boughton Monchelsea

4.06 No objection but concern at impact on Linton Crossroads.

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)

Southern Water

5.01 No objection subject to:

development taking account of location of foul sewer.

network reinforcement needed to avoid increased risk of foul flooding

the exact position of the public assets must be determined before the layout of the proposed development is finalised

Environment Agency

5.02 No objection

Active Travel England

5.03 No objection subject to

Standing Advice (Transport Assessment and Travel Plans, Access to local amenities and public transport, Suitability for walking, wheeling and cycling, Street design, Safety, Cycle parking and facilities)

NHS

5.04 No response

UK Power Networks

5.05 No response

Natural England

5.06 No response

KCC Adult Services

5.07 No response

KCC Commissioning

5.08 No response

KCC Highways

5.09 No objection subject to:

- a financial contribution towards the planned improvements at Linton crossroads.
- Construction Management Plan

5.10 Further comments: In terms of the zebra crossing,

1. Concern over visibility on the approach to the crossing as this would be located between two bus stops
2. To determine if the proposed crossing facility is appropriate, traffic speeds and volumes in addition to pedestrian counts are required.
3. Manual for Streets 2 states that zebra crossings shall only be installed where speeds are 30mph or below. There is a need to assess the suitability of the existing road layout for this proposed speed limit reduction.
4. No potential works have been subject to a Safety Audit. A stage 1 audit typically relates to the initial design and is typically done at the planning stage when off-site highway works are proposed (with a stage 2 audit done as part of the detailed design/S278 approval process).

(Officer note: the Stage 1 RSA has been submitted and KCC has been consulted with a response target date of 13 June 2024)

KCC PROW

- 5.11 No objection.

KCC Archaeology

- 5.12 Objection: Some predetermination evaluation work including geophysical surveying followed by targeted trial trenching is essential prior to determination of this application to ensure appropriately informed decisions are made.
- 5.13 Additional comments: Iron Age linear features through parts of Coxheath, Boughton Monchelsea and Chart Sutton are surviving landscape features over 2000 years old and probably associated with the Scheduled Boughton Camp. Need a far better understanding of where and what the archaeology is on this site and its significance or confidence that the outline application has flexibility to accommodate archaeological safeguarding mitigation.
- 5.14 Further comments: Reiterate need for archaeological fieldwork prior to determination.

Kent Police

- 5.15 No objection subject to SBD guidance to address designing out crime.

KCC Commissioning

- 5.16 No response

KCC Adult Services

- 5.17 No response

NHS

- 5.18 No response

KCC Flood and Water Management

- 5.19 No objection subject to conditions on:
- the drainage delivered for the care home in the event that the outline element is not delivered.
 - Deep bore soakaways proposed need to be supported by ground investigations
 - water quality and treatment of surface water needed before discharging into the deep bore soakaway in line with Part E Chapter 26 of the CIRIA SuDS Manual (2015).

- a climate change factor of 45% needed

For completeness the submission should include the phasing/implementation of the main drainage elements and climate change allowances.

Upper Medway IDB

5.20 No objection-

KCC Minerals and Waste

5.21 No objection: there is a justifiable exemption from the presumption to safeguard the landwon mineral present on the site (Limestone- Kentish Ragstone

KCC Ecology

5.22 No objection subject to conditions on:

- Construction Ecological Management Plan for biodiversity
- Lighting and biodiversity
- Ecological Enhancement

MBC Housing

5.23 No objection

5.24 There is no clear definition of any intended age range requirements. Given the number of bungalows proposed, we would prefer to see applicants aged over 50 who have either retired from employment on health or disability grounds or who are unable to work for the same reasons are given an opportunity to be considered for a tenancy. To broadly align with the demand, the indicative mix of sizes would be for the majority to be 1 bedroom units with no more than 10 x 2 bedroom units.

MBC Parks and Open Space

5.25 No objections- on-site open space exceeds requirement of 1.585 ha.

MBC Environmental Protection

5.26 No objection subject to conditions on:

- Air Quality Emissions Reduction
- Contamination
- External lighting
- Construction Method Statement
- Plant noise
- EV charging for commercial uses

6. APPRAISAL

6.01 The key issues are:

- Spatial Strategy
- Need/Benefits
- Landscape and Visual Impact
- Environmental Sustainability
- Highways and Parking

- Landscaping/Open Space
- Design and Layout
- Archaeology
- Residential Amenity
- Biodiversity Net Gain (BNG)

Spatial Strategy

6.02 The application site lies in the countryside and the location does not accord with the Spatial Strategy of the LPR which directs development in general to defined built areas and site allocations.

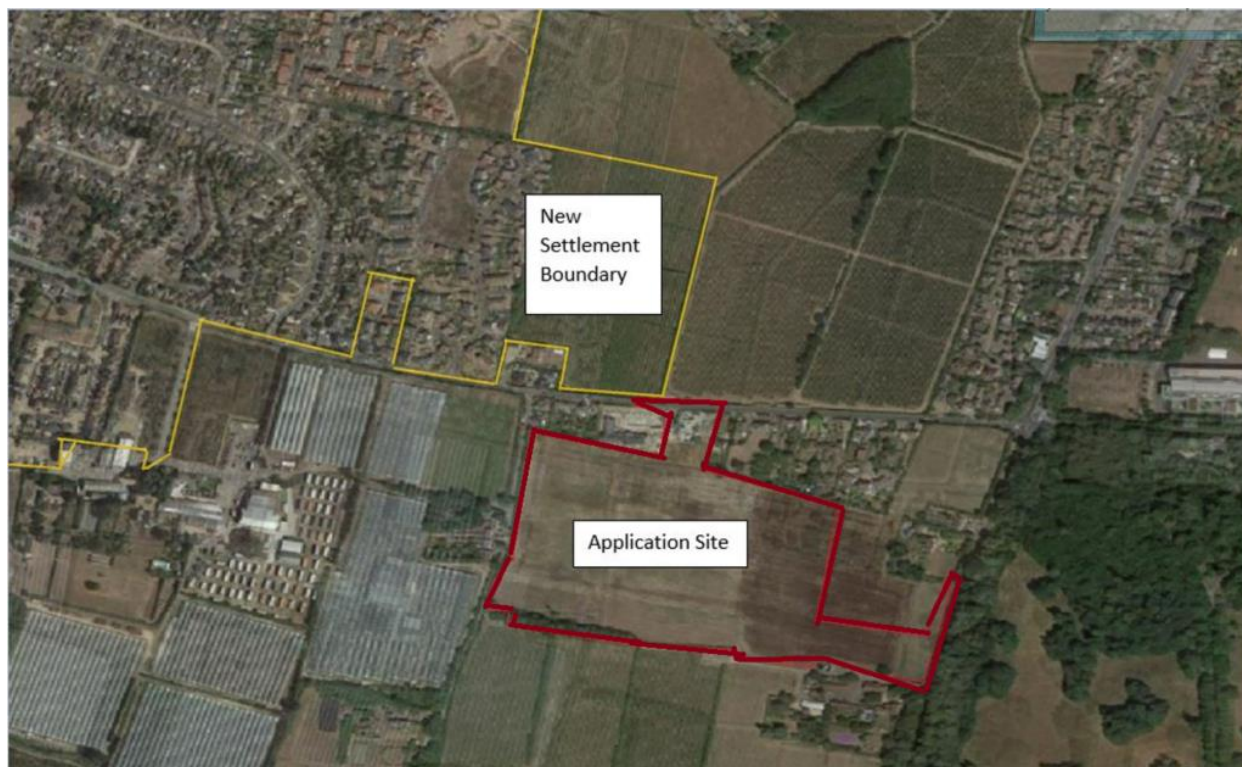
6.03 The starting point for assessment of applications in the countryside is policy LPRSP9 which states that development proposals in the countryside will only be permitted where:

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

(Officer note: The word “significant” in the policy LPRSP9 is a change from SP17 in the MBLP2017, having been recommended to be added by the Inspector after the Stage 2 Examination Hearings)

6.04 Whilst the application site is not in a settlement, it is in close proximity to Coxheath as defined in the Development Plan. The settlement boundary of Coxheath has recently been altered in the Local Plan Review Policies Map 2024 to accommodate a housing allocation LPRSA312 for 85 units north of Heath Road (known as “Beacon Park”). This enlarges the settlement boundary by 175m to the east at the South East corner which aligns with the proposed access point (see arrow below) into the application site.





- 6.05 The application site is close to ribbon development on both Heath Road to the north and Vanity Lane to the west and there is also a pocket of dwellings to the north east of the site onto Linton Hill.
- 6.06 The site is in the Greensand Ridge are of Local Landscape Value but is predominantly a large arable field which, other than its openness, has relatively limited landscape value in itself.
- 6.07 Except for the point of access, which is a gap in a significant length of ribbon development on Heath Road, the site benefits from a high level of containment from within the wider landscape which is intended to be further screened by new tree, shrub and woodland planting.
- 6.08 Other than the private views affected of dwellings close to the site, most visual impact to the public domain is therefore at Heath Road near the access point. However, the development is in the context of existing built form fronting onto that Road and the 30m setback behind landscaping will help to reduce the impact over time. Viewing into the site will be along a tree-lined avenue and there will be a direct vista south to the new woodland buffer which will eventually form a landscaped backdrop to the overall development. The Care Home is 2 storeys high and is a large building form (as is the norm in the modern form of this development type) but is sited at the front of the site and set in a gap within the existing ribbon development which is considered to reduce its harm to the character and appearance of the area such that it is not a "significant" harm.
- 6.09 From the south (including the Greensand Way), the visual impact as seen from PROWs would be acceptable due to screening from topography, the depth of the proposed woodland buffer along the Coxheath Plateau, and because the development types proposed on the southern part of the site would be low rise.
- 6.10 From the west, there is a 4m tall hedge to Vanity Lane which, combined with the narrowness of that Lane, means the site is visually well screened for users of the lane except for a small gap across the side of the dwelling of Winfield. The

Reserved Matters application for the bungalows would be able to secure landscape screening of that gap to further visually contain the site.

- 6.11 To the east of the site is Linton Hill. This is sunken below the application site which is therefore well screened by a combination of a retaining stone wall, a grass bank then mature vegetation. A 16m wide buffer of proposed woodland planting would further screen the proposal on the eastern side.
- 6.12 It is concluded that in terms of criterion a) of LPRSP9, there is no significant harm to the character and appearance of the area.
- 6.13 In terms of criterion b) of the LPRSP9, a relevant other Local Plan policy in regard of the Retirement Bungalows and the Care Home is policy LPRHOU7 of the Local Plan Review. This policy allows for retirement dwellings (C3) to be provided in locations where adjacent to the settlement boundary (provided, inter alia, it is sustainably located).
- 6.14 Therefore LPRHOU7 can be regarded as more permissive in terms of locational criteria for retirement dwellings because the MBLP 2017 did not allow for the principle of retirement dwellings outside of the settlements. This has arisen because of the significant extent of need for this type of housing by acknowledging that supply has not kept pace with demand. Therefore, retirement dwellings are no longer unacceptable in the countryside in principle following the adoption of the Local Plan Review.
- 6.15 Policy LPRHOU7 also refers to Care Homes and it has also been modified compared to the previous Policy DM14 of the MBLP. It is now more permissive for extensions to existing Care Homes. However, it does not change the locational restrictions of new build Care Homes. Therefore, the proposed Care Home does not accord with the development plan and other material considerations will need to be considered as detailed below under "Need and Benefits".
- 6.16 The Supported Living Units are dwellings within Class C3 but are not specifically positively mentioned in the new policies of the LPR2024.
- 6.17 Similarly, bespoke development such as a Hospice has no positive locational policies in the in LPR2024.
- 6.18 Therefore, the retirement dwellings element of the proposal in principle is considered to comply with the locational criterion of LPRHOU7 due to the application site's close proximity to Coxheath as enlarged in the new LPR Policies Map.
- 6.19 However, it is concluded that for the Care Home, the Supported Living Units and the Hospice, the location is not in accordance with the spatial strategy or countryside protection policies in the development plan and outweighing material considerations are necessary for a grant of planning permission. These will principally focus on an assessment of need and benefits as detailed below and an absence of positive allocations in the Development Plan.

Need and Benefits

- 6.20 Paragraph 62 of the NPPF states that Local Authorities should seek to make suitable provision for all housing need. It states that:
- "the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, older people, people with disabilities)"*
- 6.21 Paragraph 92 of the NPPF requires planning decisions to take into account and support the delivery of local strategies to improve health, social and cultural well-

- being for all sections of the community. The NPPG expressly addresses specialist housing for the elderly, stating that that the need to provide housing for older people is critical.
- 6.22 The NPPF's definition of sustainable development includes a social objective. Paragraph 60 states it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed.
- 6.23 The Office of National Statistics in "*Living longer and old-age dependency – what does the future hold?*" estimates that by 2050, some 20 million people, will be aged 65 and over, which will then be a quarter of the estimated UK of 80 million. This is an increase from approximately 1 in 5, or 13 million, in 2019.
- 6.24 Need for various types of housing in the Borough was most recently assessed in the Strategic Housing Market Assessment (SHMA) update 2021 which was commissioned from "Iceni" to inform the LPR.
- 6.25 The SHMA shows that in 2019, percentage of people 65 and over in the Borough of Maidstone in 2019 was 19.2%, slightly lower than in Kent (20.2%) and the South East (19.5%) but higher than the England average (18.4%).
- 6.26 In the Borough, the number of people aged 65 and over is projected to increase by 48% over the 2019- 2037. This compares with overall population growth of 26%. Therefore Maidstone is projected to see a notable increase overall in the older person population and a skewering increase in the proportion of the older age categories, most significant in the 85+. As a generality, people are living longer lives and the proportion of older people in the population is increasing.
- 6.27 Therefore the evidence is that the Borough has a significant past and planned growth in population, and in particular an ageing population. However, the LPR2024 does not allocate any specific sites for any of the age-related uses proposed in this application.
- 6.28 The LPR does carry forward the "Housing Mix" policy: LPRSP10(A) which states that the Council will work with partners to support the provision of specialist and supported housing for elderly, disabled and vulnerable people. The LPR and also specifically refers to the Garden Communities of Lidsing and Heathlands including typologies for "generational living". However, those 2 developments are not expected to produce dwellings for a number of years. Moreover, the LPR is unclear in terms of what quantum is required to be delivered at these two locations.
- 6.29 The Council has therefore effectively, in planning policy terms, adopted a stance for the short and medium term of a reliance on windfall sites to meet the key needs provision of specialist and supported housing for elderly, disabled and vulnerable people, despite the NPPF and NPPG guidance referred to above.
- 6.30 Housing mix policies in the Local Plan are unquantified in terms of setting targets and how to meet needs, and there is no monitoring in the Authority Monitoring Reports (AMRs). The key acknowledgement in the Development Plan that retirement homes and Care Homes are not as viable as other residential uses in Maidstone comes from a lesser or zero percentage for affordable housing. However, there is otherwise limited acknowledgement that developers of properties for older people are less able to compete on land price with traditional market housebuilders. This is despite being effectively directed to the same parcels of land within settlements for policy compliant schemes.
- 6.31 This proposal seeks to provide windfall development for accommodation needs of older people, a hospice and homes for adults with learning disabilities/autism in

the light of no allocations in the MBLP2017 or LPR2024 and the long timeline of any scope for provision of any of these uses within the 2 Garden Communities.

6.32 The detailed need cases for each element are detailed below:

Hospice

6.33 The Hospice has been based at Preston Hall Aylesford since 1991. The agent advises that the existing Hospice building is no longer a modern healthcare environment and needs frequent costly and disruptive repairs and is not energy efficient. Furthermore, the Aylesford site now constrained by modern housing development that has recently taken place at Preston Hall.

6.34 The population of the Heart of Kent catchment area is both growing and ageing, due to people living longer and often having more complex medical needs as well as general growth in population. The number of people needing vital end of life care in England is expected to rise as is the number of people with dementia. The need for the Hospice's services and facilities will therefore increase.

6.35 As a charity, the Heart of Kent will need to raise funds of approx. £15m to construct the building which is likely to take several years. The financial situation of the charity is challenging and the Hospice is unlikely to be able to compete to secure land against other commercial developers in policy compliant locations (such as KIMS adjacent junction 7 of the M20, which was mentioned by some of the objectors).

6.36 The siting and timeline of the Hospice coming on stream later than the rest of the elements in the overall application means that it can benefit in savings in development costs by using some of the key infrastructure that will be put in place for the earlier phases of the development.

6.37 It is considered that the need for a new Hospice to serve Maidstone and the surrounding areas has been demonstrated and is a material consideration of significant weight. This is because there is a policy vacuum on this type of use and, moreover, it is of clear benefit to have such a facility.

Supported Living Units

6.38 These will be specially designed for people with learning disabilities and autism to live independently albeit fully supervised.

6.39 The SHMA does not assess any accommodation needs for those with learning disabilities/autism nor does the AMR monitor any supply.

6.40 A 2023 research report by Learning Disability and Autism Housing Network/Housing LIN found that generally, the number of people with learning disabilities or autism requiring care and support is estimated to increase by nearly 20,000 over the next 15 years. The report estimated that in England there will be a need for between 1800 and 2300 units per annum over the period to 2037.

6.41 Kent County Council's Adult Care policy recognises the need for these types of independent living units and provision is a top priority in several of their published strategy and policy documents.

6.42 Developers of Supported Living Units are unable to compete on land price with market housebuilders. These units are required to be relatively small, low level and require space around them to provide a quiet environment. These constraints further limit the availability of locations and sites that are suitable and affordable. They do not receive any grant funding from Homes England or similar subsidies.

6.43 It is considered that the need for this form of development in Maidstone has been demonstrated and is a material consideration of significant weight. This is again because there is a policy vacuum and no allocations but, moreover, there is a need for such facilities and thus this element is a clear benefit.

Care Home

6.44 This is to provide residential, nursing and dementia care within Use Class C2.

6.45 Kent has seen a steady decline in small independent care homes with occupancy numbers under 30 over the past five years. The existing stock tends to be older small sized premises which tend not to have suitably private facilities such as en-suites/wet rooms. Consequently, some smaller Care Homes in the Borough are closing or gaining change of use such as a 30 bedspace Care Home in Tovil site gaining planning permission to become a House in Multiple Occupation (ref 23/503311/FULL). A 24 bed Nursing Home at the Vale in Shepway is subject of a current planning application (ref 23/503025/FULL) for residential redevelopment on the argument that it cannot be brought up to modern standards economically.

6.46 The size of Care Homes is being driven up by the need for economies of scale. The new build Care Homes applied for in the Borough since 2018 have been for numbers of bedrooms ranging from 63 to 87. Maplewood Care Home in Shepway was recently redeveloped from 28 bedspaces to 72.

6.47 Bearing in mind the need for large buildings to bring necessary economies of scale, outside amenity space and parking and servicing, the operators of Care Homes are unlikely to be able to compete with market housebuilders in terms of acquiring greenfield sites allocated in the Development Plan.

6.48 The SHMA update May 2021 which covers the period 2019-2037 estimates need as 1228 care or nursing home bedspaces equating to average of 68 per annum.

6.49 Recent major planning permissions for care bedspaces include a site within a new housing estate at Sutton Road (66 bedspaces), Eclipse Park (69 bedspaces) and the redeveloped Dorothy Lucy Centre/Maplewood with a net gain of 44 bedspaces and a minor development at 74 Bower Mount Road (net gain of 6). The planning permission in Tovil is a loss of 30 bedspaces.

6.50 Between 1 April 2019 and 1 April 2024 there is a net deficit of 185 bedspaces.

need to date since 01.04.19	(68 pa x 5 years)	340
granted planning permission since 01.04.19	66+69+44+6 -30	155
Deficit to date based on completions plus pipeline	340-155	185

6.51 Some 5 years into the 18 year period, current net supply is running at less than half the cumulative need. No new build Care Homes have been permitted in the Borough since mid-2022. If the Vale planning application is permitted, that would be a **further** loss of 24 bedspaces.

6.52 It is the case that there is generally a delay of 4-5 years between a Care Home company initially securing a potential development site and the opening of the facility if planning permission is successfully achieved and implemented. On that basis, the deficit described above will further worsen over the next few years.

6.53 In a recent appeal decision in March 2024, for a large 87 bedspace Care Home at Forsham Lane, Sutton Valence, the Inspector dismissed the appeal on the basis of that application site being clearly distinct from the village of Sutton Valence and local housing on Headcorn Road but did state:

"the proposed development would make a positive contribution towards the provision of care home spaces for which there is a clear, ongoing need in this area. Furthermore, there is no clear alternative as to where these places will be provided. As such, the provision of housing for older and disabled people is a significant benefit of this scheme"

- 6.54 This is a very clear conclusion on the unmet need for Care Home bedspaces by a government inspector at a recent appeal and so is a material consideration in favour of the Care Home element.
- 6.55 There is a policy vacuum for new build Care Homes and no allocations. It is concluded overall that the current unmet need in the Borough for a new build modern Care Home has been demonstrated and is a material consideration of significant weight in the planning balance.

Retirement Units- Affordable

- 6.56 In the Borough, the need for Retirement units in the SHMA2021 averages at 75 per annum. Recent AMRs do not indicate any significant delivery of this category of C3 housing in the early part of the monitoring period. It is accepted that there are limited developments for people of retirement age within the Borough, and capacity is limited. The unmet and growing need for elderly accommodation in the Borough is accepted.
- 6.57 There are no allocations in the Local Plan Review to meet this need. However, as mentioned above, LPRHOU7 positively facilitates more windfall development for this specific type of dwelling.
- 6.58 Despite Housing Mix policies in the Local Plan and positive guidance in the NPPF and NPPG, market housebuilders tend not to build bungalows or dwellings suited to the elderly in the quantities that will meet the clear future demographic changes.
- 6.59 The bungalow product offered, provided it is controlled in occupation/use by conditions and legal agreement has merits. Specialised bespoke elderly accommodation can increase the number of family sized homes that can be released, which is a benefit.

Benefits

- 6.60 The benefits of co-location are that the uses for health/care relate to the healthcare function of the new GP surgery. Hospice staff inevitably work in partnership with other parts of the health and social care system. Hospices are a main provider of palliative care education and training to the NHS, including GPs, district nurses and other NHS staff. Hospices build relationships with local care homes and provide education, training and advice to support to Care Home staff. Hospice clinical teams work alongside district nurses, social care services and GPs to provide support, including supporting people with dementia.
- 6.61 The agent advises that the Hospice and Care Home can support the adults in the Supported Living Units by providing volunteering roles.
- 6.62 It is concluded that by forming an integrated health and social care hub, the co-location of the proposed uses, together with being sited next to a modern GP Surgery, has merit of some weight in the overall consideration of the scheme.

Landscape and Visual Impact

- 6.63 Countryside protection policy LPRSP9 require the distinctive landscape character of the Greensand Ridge to be conserved and enhanced as a Landscape of Local

Value, retention of the separation of individual settlements and account to be taken of the evidenced Landscape Character, i.e., the Maidstone Landscape Character Assessment (2012) and the Maidstone Landscape Character Assessment Supplement 2012.

- 6.64 The site is the northern extent of the Greensand Ridge Landscape of Local Value. It is within the landscape character area of Coxheath Plateau within Greensand Orchards and Mixed Farmlands character type.
- 6.65 The landscape scheme will include the following 'Actions' in the Landscape Character Assessment for this area:
- Conserve and reinforce woodland blocks;
 - Remove unnecessary fencing along woodland edges where possible; and
 - Conserve and reinforce enclosing roadside vegetation
- 6.66 The applicant's LVIA (Landscape and Visual Impact Assessment) assesses 12 representative views, none are assessed as experiencing a 'Major' adverse effect from the proposed development. The LVIA states that the viewpoints would typically experience a negligible or minor adverse effect at both year 1 and year 10 of the operational phase of the proposed development. These conclusions are accepted.
- 6.67 The new woodland will also accord with one of the actions of the Landscape Character Assessment to enhance the woodland cover along the Coxheath Plateau.
- 6.68 The 50m – 60m wide woodland belt is proposed between the development and the village of Linton to the south. This together with the 380m distance between the Hospice site and the village boundary and the consequent absence of intervisibility will ensure that there is no coalescence of settlements.
- 6.69 However, the proposals would encroach into the countryside and clearly there would be harm from this scale of built development in an LLV. The proposed development would change the settlement pattern by introducing development at depth to ribbon development. This is a harm and would need to be outweighed by other material considerations as discussed above.

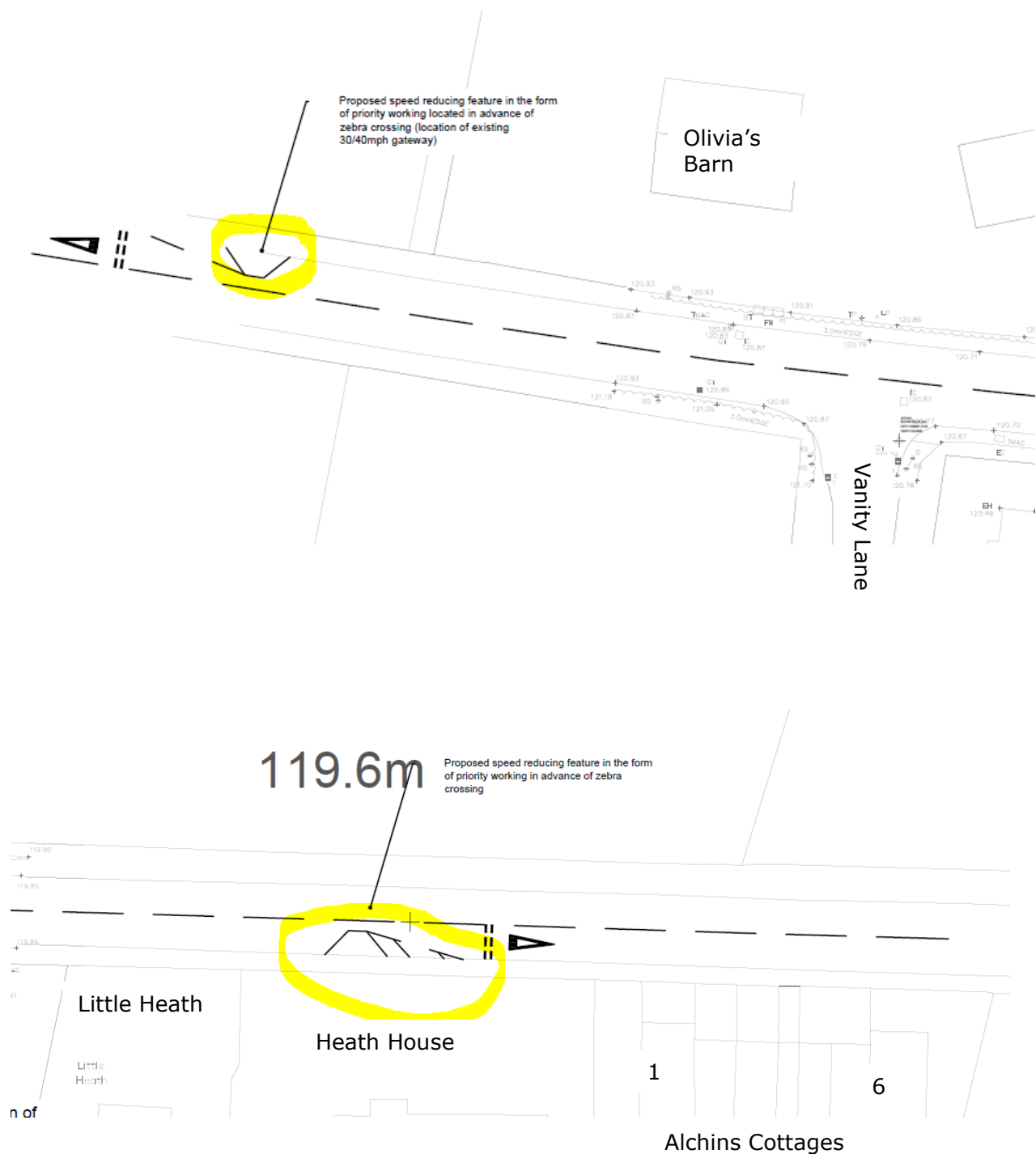
Environmental Sustainability

- 6.70 Coxheath is identified within the LPRSP6(A) as a Rural Service Centre which should be supported to retain vital services. Thus the policy endorses its relatively good environmental sustainability.
- 6.71 In terms of walking into the village, the continuous lit footway route is on the northern side of Heath Road and so the application would need to ensure safe access by this mode to be environmentally sustainable. The existing crossing point outside the GP surgery is not controlled and the speed limit is 40mph. Therefore the applicants are agreeable to enhancing the crossing to a zebra crossing and extending the 30mph eastwards. by The enhancement of the crossing will improve scope for non-vehicle access to the GP surgery, increasing its sustainability. The detail of these changes is discussed in detail below.
- 6.72 To the east of the proposed access is the A229 Linton Hill which is a public transport corridor with regular and relatively frequent AM and PM peak services to and from Maidstone town centre in which there are further public transport connections There are 4 Bus stops at the Crossroads on this route approximately 370m away from the site entrance and are therefore within safe walking distance by using footways with streetlights.

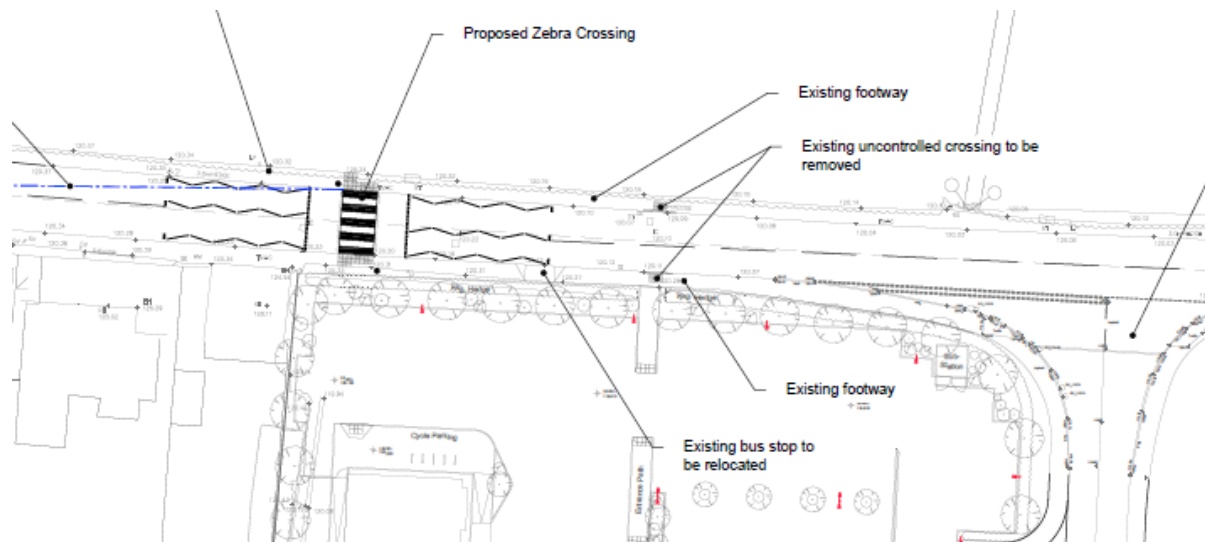
- 6.73 Currently, there is a frequent bus route no 89 from Coxheath to Maidstone along Heath Road, directly to the front of the application site, with bus stops immediately to the north of the new GP surgery, approx. 30-50 m from the application site's entrance. This route has a 2 bus per hour frequency Mon to Saturday, hourly on Sundays.
- 6.74 In conclusion, whilst the application site is not in a settlement, it is effectively adjacent to one, potentially has lit footway access to the services within Coxheath along a 30mph road and relatively good bus services including ones that access Maidstone Town Centre. The environmental sustainability of the application site is therefore concluded to be acceptable overall subject to the highway improvements being secured.

Highways and Parking

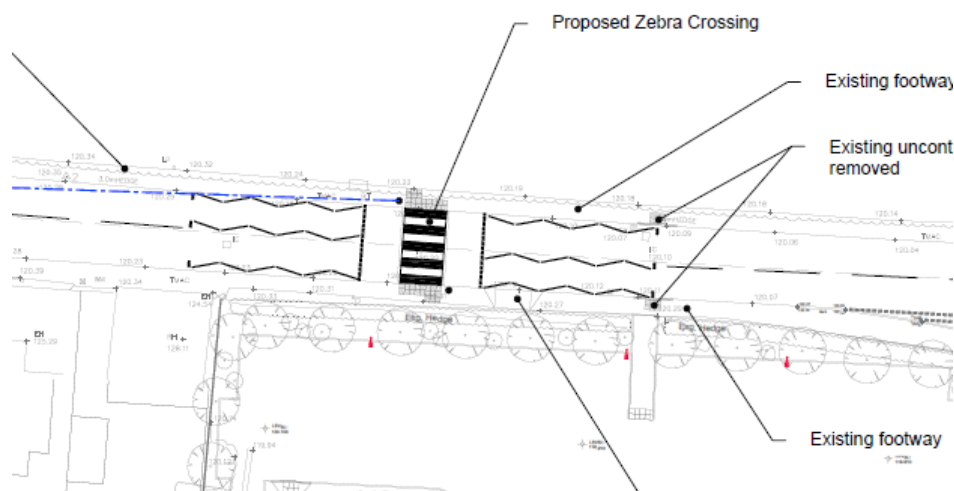
- 6.75 The NPPF Paragraph 111 states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe."*
- 6.76 The proposal includes an enhancement of the existing crossing on Heath Road to a zebra crossing and a reduction in the speed limit from 40mph to 30 mph including via potential traffic calming. Such highway safety enhancements would need to be secured prior to any occupation of the development and that would take the form of a "Grampian style" condition. There has to be confidence that a suggested Grampian condition securing Heath Road highway improvements would meet the legal tests. The PPG summarises the legal position which is *"Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission."*
- 6.77 Works within the highway of Heath Road would need to subject of separate approval of KCC as Local Highway Authority (via s278 agreements). Therefore KCC's support of the principle of the works including the potential traffic calming measures needs clarity to allow for a Grampian style condition to be legitimately imposed as suggested.
- 6.78 A Stage 1 Road Safety Audit (RSA) has been submitted and KCC's comments have been sought.
- 6.79 The RSA recommends the eastbound and westbound bus stops being relocated away from the zebra crossing for safety. This accords with KCC concerns already detailed above.
- 6.80 Zebra crossings should only be installed where the 85th percentile speed is under 35mph. The Road Safety Audit suggests that due to the eastern section of Heath Road closest to Linton Crossroads being very straight with good visibility and not in a built up area, measured traffic speeds on the relevant section of Heath Road are such that a **potential** way of ensuring that speeds are reduced is by constructing traffic calming measures, in addition to installing 30mph signage (including 2x Interactive Speed indication Signs).
- 6.81 The traffic calming measures suggested by the auditor are 2 "priority working" build outs both sides of the zebra crossing.
- 6.82 An indicative location of these have been provided (the 2 build outs highlighted in yellow). One is proposed to the west of the crossing, where the existing 30/40mph change occurs, close to Olivia's Barn. The second to the east of the crossing, outside Heath House.



6.83 The proposed location of the zebra crossing towards the west of the GP Surgery as illustrated below was dictated by the need to not prejudice future vehicular access to the allocated housing site at "Beacon Park" (LPRSA312). The position of the access to Beacon Park cannot, for highway safety reasons, be too close to either the existing GP surgery access nor the new Heath Road crossing and it also needs to have visibility splays appropriate for measured vehicle speeds.



6.84 Nevertheless, it is understandable that the occupant of Forge Cottage has objected an option of the location of the zebra crossing including the zig-zag lines directly in front of that property. The agents were asked to investigate if there were scope to move the crossing more to the east and further away from Forge Cottage and still comply with technical standards and not prejudice access into the LPRSA312 housing site. They have confirmed that would be possible and KCC’s views have also been sought.



6.85 The applicant’s Transport Assessment (TA) for the site access junction confirms that it will operate with spare capacity.

6.86 Linton Crossroads operates overcapacity but the development is estimated to have only a 1% impact during peak periods. The agent has agreed a financial contribution to be passed to KCC for improvements to the local highway corridor (which could include Linton Crossroads). The new housing allocation at Beacon Park is also required to make a contribution to Linton Crossroads improvements under the terms of the policy and that was expressly added by the Inspector during the LPR Examination.

6.87 The landowner of the application site has already been obligated to a land transfer at the SW corner of Linton Crossroads to KCC for improvements to the junction. This was secured in a s106 from a planning permission for warehouse

building for Berry Gardens. If any additional land owned by the landowner is needed by KCC to carry out the works and/or to erect a temporary works compound, the landowner has agreed to this in principle. This would need to be secured by a s106 legal agreement.

- 6.88 Linton Crossroads improvement is in the Council's Infrastructure Development Plan (IDP) to be funded by a mixture of s106 contributions (money and land) and CIL. KCC is of the view that the scheme remains a priority due to compliance with MBC policies, availability of contributions and being 'delivery ready'.
- 6.89 The TA shows that the greatest generators of traffic from the scheme are the Hospice and retirement bungalows which are proposed in outline and thus will not come forward for several years. The Hospice in particular would generate by far the greatest proportion of trips, especially at peak times. The Hospice will need to raise funds for its construction costs which may take several years, consequently delaying the main traffic impact on the crossroads.
- 6.90 On the basis of 1% impact, that most of the impact is from the Hospice which is delayed several years into the future and taking account of KCC's continued commitment to the implementing the improvements, the financial and land contributions requested by KCC are considered to be necessary and reasonable to include in the s106 agreement.
- 6.91 Due to the scale of the overall development, the retirement units phase includes an emergency access only to Vanity Lane.
- 6.92 Parking provision for the 2 detailed elements are in line with parking standards, being 28 for the Care Home for visitors and staff and 10 for the Supported living units. Cycle parking will be 12 and 2 spaces respectively. Parking for the Hospice and retirement bungalows and would be detailed at Reserved Matters stage but is indicated as able to comply with standards. KCC raises no concerns on parking. The detailed layout has been demonstrated to accommodate turning for emergency vehicles and refuse freighters.
- 6.93 Subject to KCC's agreement to the measures proposed in the Stage 1 Road Safety Audit, there would be no highways or parking concerns with the scheme which is concluded to comply with policies LPRTRA2 and LPRTRA4 respectively.

Landscaping/Open Space

- 6.94 Natural Environment policies seek to ensure that new development protects and enhances the natural environment.
- 6.95 The development does not impact on existing trees. Advance landscaping in the form of the woodland buffer is to be delivered prior to occupation, secured by condition.
- 6.96 There is an opportunity for entrance landscaping given the proposed set back of the Care Home. A tree lined avenue will be created using a set back of the Supported Living Units being 4m from the footway with the creation of a focal point with public art related to the open amenity space at the southern end, visible from the site entrance. This allows for a N-S vista through to the woodland buffer from Heath Road.
- 6.97 The proposal shows semi- natural space totalling 3.94ha in the form of the woodland buffers and an area of species rich meadow grassland associated with the wet sustainable drainage scheme (SuDS). The reduction in the number of retirement bungalows allows for adequate central green space of at least 0.45ha to act as an amenity and for community based activities. The overall offer for amenity green space is 1.24ha. The agent has agreed to include a community

orchard/garden associated with the Retirement bungalows of 0.05ha in lieu of allotments which is considered to be acceptable. No sports fields/pitches as such are included but in the light of the mix of users, an open space of at least 20m by 8m can be secured within the Retirement Bungalows phase for active/social recreation such as outdoor gym or boules area/outdoor chess.

- 6.98 Play Space of 0.5ha (including 0.4ha of natural timber play within the wildflower meadow) is proposed for young children visiting residents of the site.
- 6.99 The Care Home will have private amenity space as will the Retirement Bungalows.
- 6.100 To conclude, the scheme exceeds Open Space policies LPRINF1 in terms of quantity with a total of over 3ha compared to a requirement of 1.58ha. Typologies are met with the exception of sports facilities as detailed above. However, taking into account the types of occupants in the development, the overall Open Space offer is concluded to be acceptable.

Design and Layout

- 6.101 National policy in the NPPF, NPPG and National Design Guide requires the creation of high-quality buildings and places, in-keeping with the positives of the surrounding context of built environment and landscape setting and creates a strong sense of place. These are carried forward in LPR policies LPRSP15 and LPRQD4.
- 6.102 The Care Home building has been designed appropriately to respond to the character of the neighbouring GP surgery. The mass and scale have been broken up by a staggered roofscape, articulation, vertical emphasis with contrasting materials and window variety with use of projections, gables, dormers and balconies to create a varied and articulated appearance. Materials will be required to be vernacular to reflect the location in the countryside.
- 6.103 The design and layout of the proposed Supported Living units accord with policies that require good design. The units will be positioned around a central courtyard with parking and landscaping. The positioning and scale of these units will not be dominant or be visually intrusive. They have a simple form and articulation and interest has been secured in the form of buttresses and decorative "hit and miss" brickwork patterns.
- 6.104 The retirement bungalows are in outline. Single storey building forms especially when in semi-detached and terraces are more difficult to articulate due to the dominance of the roofs and so it will be important at Reserved Matters stage to secure a good quality of design. The original number of 70 units has been revised to 58. However, a condition is suggested that the number be no more than 52 so that an appropriate parkland density, spacious layout and layout can be secured with a design and layout appropriate for this countryside location and the Landscape of Local Value including more landscaping buffers on its outer edges, especially along Vanity Lane.
- 6.105 The Hospice is in outline but notwithstanding, relatively detailed indicative elevations have been submitted of a contemporary design with a large single storey circular building at the rear with an oasthouse-like "roundel" and a 2 storey building with double pitched roof. Materials are indicated to include hanging tiles and timber.
- 6.106 Due to the location of the Hospice and its importance in the overall scheme, a high quality design is essential. The form and design illustrated for the Hospice is considered to be of appropriate quality and in the event that planning permission were granted, it would be necessary to ensure the quality of the design is

adhered to in order to comply with the NPPF and local plan policies for development in the countryside.

Archaeology

- 6.107 The site falls within an area where there is the potential for Iron Age archaeology. This is based upon the high status residencies nearby, including Linton Park, Court Lodge and Hill Place Farm. The submitted archaeological report identifies potential for remains within a linear feature noted on LiDAR information. It has therefore been recommended by KCC's Heritage officer that pre-determination trial trenching and/or geophysical investigations take place.
- 6.108 The agent is aware of KCC's stance but has not agreed to undertake any trenching prior to determination, citing timing and funding problems.
- 6.109 However, the agent has submitted a statement on behalf of all 4 applicants that they accept the risk that post determination trenching may evidence it is necessary for Iron Age or later archaeological remains being preserved in situ. An acceptable level of pre-commencement trial trenching would have to take place by condition and the legal agreement would commit all applicants to a revision of the scheme as necessary.
- 6.110 On balance it is considered that the archaeological interest can be dealt with by appropriate condition and legal agreement and that will in combination ensure compliance with the NPPF and local policies LPRSP14(B) and LPRENV1 for safeguarding heritage assets.

Residential Amenity

- 6.111 There are a small number of residential properties, fronting on to both Heath Road and Vanity Lane which are in close proximity to the site. The 2 closest properties to the site are 'Winfield' on Vanity Lane and 'Apple Tree Cottage' Heath Road by virtue of it being set back in its plot and being nearest the access road.
- 6.112 Winfield is a chalet bungalow with 2 dormer windows facing the NW corner of the application site, including one small balcony with French doors. The indicative layout of the retirement units shows that a bungalow could be proposed close to the corner. However, the consideration of Reserved Matters would need to ensure that residential amenity would not be harmed.
- 6.113 Apple Tree Cottage has recently been extended and remodelled and there are very large expanses of floor to ceiling windows at both ground floor and first floor level facing the application site. It is not disputed that the expansive views that this property currently enjoys over open countryside will be lost, especially to the southwest and west. However, there is no "right to a view" in planning terms.
- 6.114 Beyond the side boundary is proposed a single storey element of the Care Home with eaves of 3m and a tabletop roof ridge of 5m. This would be 4m west from the common boundary. The 2-storey element of the Care Home would be 11m west from the common boundary with an eaves of 5.8m and a ridge height of 10.2m. It is considered that these distances mean that there is no harm to residential amenity in terms of enclosure or loss of sunlight/daylight. The Care Home has been redesigned and the windows to first floor rooms that face the flank of Apple Tree Cottage are to be obscure glazed or louvred to reduce overlooking.
- 6.115 The Care Home due to its size, does extend back into the site, along the side boundary to the rear garden of Apple Tree Cottage. Along part of the common boundary, the Care Home at its highest has eaves of 5.8m and a ridge height of 10m. It will be sited over 16m west from the common boundary. It is considered

that this separation distance prevents loss of residential amenity to Apple Tree Cottage in terms of domination and loss of sunlight/daylight. The Care Home footprint does wrap slightly around the neighbouring rear garden but at considerable distances of over 40m from the common boundary. The relationship of the Care Home to the nearest affected dwelling far exceeds normal privacy/outlook distances. It is considered that even though this is a Care Home and not conventional housing, there is no harm to residential amenity and complies with policy LPRSP15 "Principles of Good Design".

Biodiversity Net Gain (BNG)

- 6.116 The application was submitted before national BNG legislation was enacted and is thus exempt from those Regulations. However, policy LPRSP14(A) is now adopted refers to 20% BNG for residential development. Whilst the hospice element is not residential, nonetheless, 20% onsite BNG overall is being proposed and this will accord with LPRSP14(A).
- 6.117 It is suggested that the legal agreement will include the requirement for the onsite BNG being secured and regular monitoring over a period for 30 years for which a bespoke monitoring fee will be sought from the applicant.

Other Matters

- 6.118 Affordable Housing policies LPRSP10(B) and SP20 state that the Council will seek provision of 20% affordable housing for schemes that provide for retirement housing and this would be the subject of a legal agreement in the event that planning permission be granted. Not all of the affordable Retirement dwellings will be subject to a legal agreement (to allow for Homes England grant funding) but the tenure is secured by reason of the application description which refers to 100% affordable. The s106 will also secure a geographical lettings cascade focused on local wards having priority. It will also allow for occupation by aged 50 or over if retired through disability or long term health issue as requested by the Housing Officer.
- 6.119 The applicants have agreed that for the Supported Living Units, these will be advertised through the Kent County Council procurement process and to be open to all Providers on the Kent County Council Approved Framework List with Maidstone BC Nominations Rights for placement referrals to ensure local people have priority access.
- 6.120 The NHS has not responded to a consultation on the application in terms of impact on primary healthcare. The Greensand GP surgery is not currently closed to new patients and has not made objections to the application. Healthcare facilities is a CIL funded infrastructure. Hence there is not considered to be any justification for seeking financial contributions nor to refuse the planning application on this issue.
- 6.121 Mitigation measures would be needed such that external lighting accords with policy LPRQD2, especially for ecology along the mature tree-lined and hedgerow-lined site boundaries. Further reptile surveys results would determine necessary mitigation and compensation to facilitate the proposed development. Ecological enhancement can be secured by condition to accord with policy LPRSP14(A).
- 6.122 An air quality report was submitted due to the likelihood of traffic from the development travelling through the Maidstone AQMA. A condition can secure mitigation measures and this accords with advice from environmental protection officers at MBC to comply with policy LPRTRA1.

- 6.123 A condition can secure renewable and low energy technology measures such as PV panels, air source heat pumps, building fabric efficiency and electric vehicle infrastructure. The Care Home and Hospice should achieve a BREEAM standard of "very good" to accord with policy LPRQD1.
- 6.124 New policy LPRQD1 requires new dwellings to secure water consumption no greater than 110/litres/person/day. In the light of the water supply stresses in the area, it is considered that a target of 100/litres/person/day would be reasonable and necessary for the residential units (ie the retirement bungalows and the supported living units).
- 6.125 Policy LPRQD6 includes space standards and meeting accessibility and adaptable dwellings standard M4(2) for all dwellings. Wheelchair accessible standard M4(3) to be met for approx. 15% of the affordable houses secured under the proposed legal agreement.
- 6.126 The development is not considered to impact on heritage asset of Linton Conservation Area or Linton Park Registered Park and Garden due to the separation and substantial existing and enhanced screening to the eastern boundary of the site, thus according with policies LPRSP14(B) and LPRENV1 for safeguarding heritage assets.
- 6.127 As discussed above, the allocated site at LPRSA312 (Beacon Park) now has to be factored into the consideration of the highway improvements scheme. If Beacon Park were to come forward, it would be able to provide land that may allow for the necessary equipment and infrastructure essential for a signalised crossing to Heath Road, ie a further upgrade. Clearly, timelines are uncertain but this scenario is taken account of in the recommended legal agreement with the expectation that Beacon Park will provide the necessary extra land and that the cost of any further upgrade to a signalised pedestrian crossing (subject to a s278 agreement with KCC) will be shared between both sites.

PUBLIC SECTOR EQUALITY DUTY

- 6.128 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

- 6.129 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 accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
- 7.02 The application site lies in the countryside and the location does not accord with the Spatial Strategy LPRSS1 which directs development to defined built areas and site allocations.
- 7.03 In terms of countryside protection policy LPRSP9, there is no significant harm to the character and appearance of the area due a high level of landscape

- containment from within the wider landscape and further screening by new tree, shrub and woodland planting.
- 7.04 Long and medium range views of the site are or can be made acceptable in landscape terms by planting and tree screening. The application site is an arable field with a character of openness but otherwise of limited landscape merit in its own right. However, the development is on the Greensand Ridge Area of Local Landscape Value and thereby causes direct harm.
- 7.05 Policy LPRHOU7 does allow for retirement units to be built adjacent to settlements in environmentally sustainable locations and those criteria are concluded to be met.
- 7.06 The new build Care Home, the Supported Living Units and the Hospice do not have any positive LPR policies relevant and are contrary to development plan. Outweighing material considerations are necessary for a grant of planning permission.
- 7.07 The need for a new modern replacement Hospice to serve Maidstone has been demonstrated and the Supported Living Units are justified at this site, based on KCC Adult Social Care policies for more independent living units of this type. The current net supply of Care Home bedspaces is running at less than half the cumulative need and that situation is likely to worsen in the next few years with a lack of a pipeline of new planning permissions for modern Care Homes and some smaller, out of date Care Homes closing or being redeveloped.
- 7.08 There is an unmet need for all the proposed uses and they all have difficulties in competing for policy compliant sites within settlements. Moreover, it is agreed that by forming an integrated health and social care hub, the co-location of the proposed uses has merit of some weight in the overall consideration of the scheme.
- 7.09 The location has relatively good environmental sustainability which can be enhanced by enhancement to a zebra crossing to Heath Road and a speed limit reduction to 30mph. However, confirmation is needed that KCC do not object to the zebra crossing options put forward and speed limit reduction in principle. They also need to agree on the acceptability of the potential new traffic calming proposed in the Stage 1 Road Safety Audit now received.
- 7.10 The application includes a commitment to enter into a s106 planning obligation for financial contributions and land transfers in regard of the local highway corridor/Linton Crossroads.
- 7.11 Acceptable amounts and typologies of Open Space can be secured. There is good quality design of the buildings as required by both the NPPF and local policies for development in the countryside.
- 7.12 Archaeological interest can be dealt with by requiring trial trenching post determination on the basis that all applicants accept the risk that important remains may need to be retained in situ. The applicants have agreed within a legal agreement to commit to redesigning the scheme layout if necessary. There is no other harm to local heritage assets.
- 7.13 The consideration of the Reserved Matters for the retirement bungalows and the revised siting and design of the Care Home mean that there is no harm to neighbouring residential amenity.
- 7.14 Overall, the harm from non-compliance with the spatial strategy, countryside protection and direct harm to the Area of Local Landscape Value are outweighed by the unique benefits of the overall hybrid application and the individual need

cases of each component. It is recommended that planning permission be granted subject to conditions and s106 Legal Agreement. This is subject to receiving no objections from Kent County Council on the highway works for an improved crossing to Heath Road and associated speed limit reduction to 30mph to justify the Grampian condition imposed for those improvements.

EIA Screening

EIA Development	No
Comments	<p>The application type is within Schedule 2 (10b) of the Regulations and exceeds the applicable threshold of a 5ha site. However, the NPPG acknowledges that only a "very small proportion" of Schedule 2 projects will require an EIA.</p> <p>The site is not within or near to a 'sensitive area' defined under the EIA Regulations.</p> <p>The development is not 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, an EIA is not required.</p>

RECOMMENDATION subject to receiving no objections from Kent County Council on the highway works required for a controlled crossing on Heath Road and an associated speed limit reduction to 30mph

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

s106 to require prior payment of monitoring fees of £1,759.50 for first obligation and £879.75 for each additional planning obligation.

HEADS OF TERMS

1. A bond to cover the woodland belt's long term management
2. Securing a single management company to ensure the site will be managed and maintained as a whole
3. Reservation of land parcel for development by a Hospice for Heart of Kent charity only
4. £40,000 towards local highway corridor improvement
5. At the SW corner of Linton Crossroads, in addition to the land already secured under s106 for 16/508659/FULL, sufficient land to be made available at the request of KCC Highways and Transportation for implementation of improvement works including land for a temporary works compound,
6. In conjunction with any future development of LPRSA312 (Beacon Park) a 50% contribution towards future upgrade of crossing of Heath Road to Toucan signalised controlled crossing with maintenance bay in general

accordance with the location indicated on drawing 17168 H-03 rev P1, payment to be made on request by KCC.

7. 20% affordable housing for the retirement units
8. At least 15% of the s106 affordable dwellings to meet M4(3) (wheelchair accessible)
9. Retirement bungalows to be for retired persons aged 60 or over (or aged 50 or over if retired through disability or long term health issue).
10. A geographical lettings cascade on all retirement units via Kent HomeChoice
11. All supported living placements to be advertised through the Kent County Council procurement process and to be open to all Providers on the Kent County Council Approved Framework List with Maidstone BC Nominations Rights for placement referrals to ensure local people have priority access.
12. The submission of a S73 Planning Application or new planning application as appropriate which must have a design and layout to avoid any conflict with any identified heritage assets required to remain in situ.
13. a minimum 20% biodiversity net gain units across the site in line with the Biodiversity Net Gain Assessment 5357E/23/01 with 30 year management and monitoring plan and payment of bespoke fee to be agreed for monitoring in years 2, 5, 10, 15, 20, 25 and 30 from the date of first use/occupation of each phase of the development.

CONDITIONS:

- 1) The full detailed elements of 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 outline elements of the development hereby approved shall not commence until approval of the following Reserved Matters has been obtained in writing from the local planning authority:

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

Application for approval of the Reserved Matters shall be made to the local planning authority before the expiration of 2 years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of 3 years from the date of approval of the last of the Reserved Matters to be approved, whichever is the later;

Reason: No such details have been submitted

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

Additional Information ASP-CH-019-PL009 Indicative Materials Received on 04 April 2024

Additional Information 17168 H 02 Rev P2 Tracking plan- Care Home Received on 09 April 2024

Additional Information 17168-H-04 Zebra Crossing Received on 27 March 2024

Amendment DHA-31461-07 Rev A Access Received on 27 February 2024

Amendment ASP-CH-019-PL008 Rev E Block Plan- Care Home Received on 27 February 2024

Amendment CHK-TOD-95-ZZ-VS-A-95-001 CGI Images- Supported Living Received on 27 February 2024

Amendment ASP-CH-019-PL003 Rev D Ground Floor Plan Care Home Received on 27 February 2024

Amendment DHA-31461-04 Rev A Hybrid Masterplan Received on 27 February 2024

Amendment 1053-L-01 Rev A Indicative Landscape Care Home Received on 27 February 2024

Amendment DHA_31461_06B Land Use Plan Received on 27 March 2024

Amendment DHA-31461-05 Rev A Landscape Plan Received on 27 February 2024

Amendment ASP-CH-019-PL001 Rev A Location Care Home Received on 27 February 2024

Amendment DHA_31461_09 Rev B Phasing Received on 06 March 2024

Amendment CHK-TOD-20-01-DR-A-80001-P02 Proposed Bin and Bike Store (Supported Living) Received on 27 February 2024

Amendment ASP-CH-019-PL006 Rev F Proposed Elevations Received on 04 April 2024

Amendment CHK-TOD-20-01-DR-A-30001-P02 Proposed Elevations Supported Living Received on 27 February 2024

Amendment ASP-CH-019-PL004 Rev E Proposed First Floor Plan Received on 04 April 2024

Amendment CHK-TOD-20-01-DR-A-20001-P02 Proposed Ground Floor Plan Supported Living Received on 27 February 2024

Amendment CHK-TOD-20-01-DR-A-20002-P02 Proposed Roof Plan Supported Living Received on 27 February 2024

Amendment ASP-CH-019-PL005 Rev D Roof Plan Care Home Received on 27 February 2024

Amendment ASP-CH-019-PL002 Rev F Site Plan Care Home Received on 27 February 2024

Plan / Drawing DHA/31461/03 Hybrid Application Plan Received on 08 November 2023

Plan / Drawing DHA/31461/08 Storey Heights Plan Received on 08 November 2023

Plan / Drawing PJC/6387/23/B Tree Retention Plan 1 of 2 Received on 08 November 2023

Plan / Drawing PJC/6387/23/B Tree Retention Plan 2 of 2 Received on 08 November 2023

Plan / Drawing DHA/31461/10 Woodland Plan Received on 08 November 2023

Reason: To clarify which plans/documents have been approved.

- 4) Notwithstanding the illustrative details on drawing 4363 SK10, the Reserved Matters for the affordable retirement units shall show no more than 52 dwellings and shall accord with the following parameters:
- a) Maximum size of 2 bedrooms
 - b) No buildings over 1.5 storeys in height.
 - c) The use of vernacular materials being stock bricks, ragstone, and clay and/or natural slate roof tiles.

Reason: To ensure that the development is of a high standard of design in countryside location and to accord with the terms of the application.

- 5) The Reserved Matters shall include the following minimum areas of on-site public open space:
- 0.05ha of children and young person's space;
 - 0.24ha of amenity green space (which shall include an area of open recreational provision measuring at least 20m by 8m);
 - 3.94ha of natural/semi-natural open space and 0.05ha of community orchard/garden.

Details, an implementation timetable and long term management arrangements of the children's play area and the open recreational provision shall be submitted to and approved by the Local Planning Authority as part of the Reserved Matters and shall be implemented as approved and retained thereafter.

Reason: To accord with the submission and to provide adequate public open space.

- 6) All development shall take place in accordance with the Tree protection measures in accordance with the current edition of BS 5837.

Reason: To ensure the protection of existing trees as part of the development

- 7) All dwelling(s) hereby approved shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard. No dwelling(s) shall be occupied unless this standard has been met and the dwelling(s) 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

- 8) The Reserved Matters for the affordable retirement units hereby approved shall include at least 15% of the units meeting wheelchair user dwellings building regulations Part M4(3) standard or any superseding standard. None of the units approved as wheelchair user dwellings shall be occupied unless this standard has been met and the dwellings 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

- 9) The retirement and supported living dwellings hereby approved shall meet a higher level of water efficiency of 100 litres per person per day as per the methodology in the Building Regulations Part G2 or any superseding standard. No dwellings shall be occupied unless this standard has been met.

Reason: To ensure a sustainable form of development in the light of a local water supply stressed environment.

- 10) The Care Home and Hospice 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 for each phase shall be issued to the Local Planning Authority for approval in writing within 6 months of the first occupation of the relevant building 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

Pre Commencement

- 11) No development shall commence until the applicant, or their agents or successor in title for each phase, has implemented a programme of archaeological work including field evaluation as a first stage. The programme of archaeological works will comprise:

- a) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved in writing by the local planning authority.
- b) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording and a public engagement strategy, in accordance with a specification and timetable which has been submitted to and approved by the local planning authority. The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.
- c) Within 6 months of the completion of archaeological fieldwork. a Post-Excavation Assessment Report shall be submitted for approval in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development; an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy, and updated public engagement strategy and timetable for the same and a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion. The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated and where necessary, preserved in situ.

- 12) No development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:
- confirmation that the details required for the Hospice element, pursuant to condition 1 of this outline planning permission (herein referred to as the Reserved Matters) have been submitted to the Local Planning Authority, are deemed valid and are in general compliance with illustrative details 0749/141(C) (Site Plan); 0749/170(A) (3D Concept Model Views); 0749/150(A) (Site Sections) and section 06A of the Design and Access Statement and shall include the use of vernacular materials being stock bricks, ragstone and clay hanging/roof tiles with bonnet tiles to the roof hips.

Reason: To ensure that the development is of a high standard of design and layout in countryside location.

- 13) No development of each phase shall take place until related details of the proposed finished floor levels of the building(s), all ground levels of the development, and existing site levels shown at 0.5m contour intervals for that phase have been submitted to and approved in writing by the Local Planning Authority. The proposed finished floor levels of all buildings shall be as close to existing site levels as feasible with land raising and retaining structures being avoided where possible. Where any land raising or retaining structures are required they must be clearly justified and kept to the minimum height necessary. The development shall be completed strictly in accordance with the approved details.

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

- 14) Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing for each phase by the Local Planning Authority (where phases come forward concurrently this can be provided as one document that covers both phases). The document shall be produced in accordance with the Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites, the Control of Dust from Construction Sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction. The construction of the development shall then be carried out in accordance with the approved methodology.

Reason: In the interests of amenity.

- 15) No development shall take place of any phase (including ground works and vegetation clearance) until a related construction environmental management plan (CEMP (Biodiversity)) for that phase has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) will include the following:

- Risk assessment of potentially damaging construction activities;
- Results of any necessary updated species surveys (e.g., badgers) and any resultant necessary avoidance, mitigation, compensation measures;
- Identification of 'biodiversity protection zones' and the use of protective fences, exclusion barriers and warning signs. This will include reference to Japanese knotweed exclusion zones and an up-to-date Japanese knotweed

management plan, including actions to be taken during site clearance and construction to prevent legislation breaches in relation to the species (if relevant);

- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of species or habitat-specific method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features and a demonstration that works are aligned with the proposed phasing of construction;
- Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake/oversee works;
- Details of any necessary protected species licences;
- Reference to other related documents such as the arboricultural report/method statement;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, and;
- Disposal of any wastes for implementing work.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period in accordance with the approved details.

The submission of each Reserved Matters application must include a review of the approved construction ecological management plan CEMP (biodiversity) and either an updated CEMP (biodiversity), or evidence that the CEMP (biodiversity) should be submitted to the LPA for written approval and implemented as approved.

Reason: In the interests of biodiversity.

- 16) No development above slab level shall take place in each phase until details of a scheme for the enhancement of ecology on the building/phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of ecology through permanently retained integrated methods into the fabric of the building(s) by means such as swift bricks, bat tubes and bee bricks, and through the provision within the application site of measures such as bird and bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to the first use/occupation of any building or phase to which the details relate and all features shall be retained and maintained thereafter.

Reason: To enhance ecology.

- 17) No development shall commence in any phase until a scheme relevant to that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail and where possible quantify the measures or offsetting schemes to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The details should have regard to the DEFRA guidance from the

document Low Emissions Strategy "Using the planning system to reduce transport emissions January" 2010.

Reason: Due to the scale of the development and to reduce any air quality impacts.

- 18) The development hereby permitted shall not be commenced within each phase 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.

A Closure Report for each phase shall be submitted for approval in writing by the Local Planning Authority within 3 months completion of the works within that phase. 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: To ensure that the site does not pose any risk to human health.

- 19) No development shall take place within any phase until a detailed sustainable surface water drainage scheme for the whole site 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 ref CS/17168 prepared by DHA (November 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 without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):
- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

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

Reason: To ensure all phases of the development are served by satisfactory arrangements for the disposal of surface water. 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.

- 20) No development shall take place of any phase until a Waste Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The Plan shall follow the Waste Hierarchy within the Kent Minerals and Waste Local Plan and include the following:
- a) Measures to minimise the production of construction, demolition, and excavation waste.
 - b) Measures for the storage, collection, and management of waste arising from the occupation of each phase of the development.

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

Reason: To comply with the Kent Minerals and Waste Local Plan.

Pre Slab Level

- 21) In relation to the full detailed element of the development, no development above floor slab level shall take place until a landscaping scheme and timetable for implementation which shall follow the principles of the Landscape Masterplan has been submitted to and approved in writing by the Local Planning Authority for each phase. 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) generally based upon the Landscape Parameter Plan DHA/312461/05 rev A hereby approved.
 - c) the timetable should include advance planting of the woodlands L3, L4 and L6 on DHA/312461/05 rev A and phased planting with the development where practicable.
 - d) details of the number, size, species, maturity, spacing and position of existing/proposed native trees and landscaping
 - e) any new hedgerows shall be double staggered with approximately 45cm spacing and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree
 - f) a ten-year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows).

The details shall specifically include significant areas of landscaping to the Heath Road frontage and all the boundaries of the site.

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

- 22) No development of any phase above floor slab level shall take place until the details for the planting of street trees including details of services, tree pits, and mechanical irrigation measures which shall follow BS 8545:2014, have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To ensure a satisfactory appearance to the development.

- 23) No development above floor slab level shall take place until details of a budget, scheme and timetable for the provision of Public Art in accordance with Maidstone Borough Council's Public Art Guidance 2017 has been submitted to and approved in writing by the Local Planning Authority. The piece of artwork commissioned shall be installed thereafter as approved.

Reason: To provide cultural benefits commensurate with the scale of the development.

- 24) Notwithstanding the materials details submitted, above ground construction work of each phase shall not commence until written details and samples of the materials to be used in each phase of the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved by the Local Planning Authority for that phase. The development shall be constructed using the approved materials. The details shall include use of coursed Kentish ragstone to key buildings. All facing brick shall be clay stock bricks and all roofs shall be clay and/or slate (including roof tiles reconstituted with slate waste).

Reason: To ensure a satisfactory appearance to the development in the countryside making use of vernacular materials.

- 25) Prior to the above ground construction of the Care Home, constructional details of the following shall be submitted to and approved by the Local Planning Authority:
- pitched roof parapets with a ridge tile termination to the flat roofs (scale of at least 1:50)
 - louvres for privacy as shown on drawing ASP-CH-019-PL006 Rev F

Reason: In the interests of rural visual amenity and residential amenity.

- 26) Above ground construction work on the approved buildings of the development shall not commence until full details of the following matters for each phase have been submitted to and approved by the Local Planning Authority for that phase:
- a) new external windows/doors in the form of large scale drawings.
 - b) details of eaves and roof overhangs in the form of large scale drawings
 - c) details of balconies, projecting bays and porch canopies
 - d) details of window headers and cills and door headers
 - e) brick patterns

Reason: To ensure an appropriate design and appearance for the development in a countryside location.

- 27) No development above floor slab level within each phase shall take place until details of any external utility pipes and paraphernalia on the elevations of

buildings for that phase have been submitted to and approved in writing by the local planning authority. Any external features shall be sited and coloured to minimise their impact. The development shall be carried out in accordance with the approved details.

Reason: To ensure a high-quality development.

- 28) Notwithstanding the details submitted, above ground construction work within each phase of the development shall not commence until details of all fencing, walling and other boundary treatments within that phase (including any fencing to the attenuation pond) have been submitted to and approved by the Local Planning Authority. The details shall include sections of Kentish ragstone walling at key locations. Any timber post and rail fencing shall be rivened/cleft timber style. The development shall be carried out in accordance with the approved details before the first occupation and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development in the countryside and to include vernacular materials

Pre-Occupation

- 29) Before the Care Home hereby permitted is first occupied, as indicated on drawing ASP-CH-019-PL006 Rev F, louvres shall be installed to the east elevation and the proposed windows on the east elevation shall be obscure glazed and 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 retained as such;

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

- 30) No building hereby permitted shall be occupied until a Verification Report, pertaining to the related surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority for each phase. 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 to accord with the National Planning Policy Framework.

- 31) The development shall not be occupied until the access as shown on drawing no. 12371 H-01 P1 in the Transport Assessment has been provided and thereafter the visibility splays within the application site shall be kept free of obstruction above a height of 1 metre.

Reason: In the interest of highway safety.

- 32) No part of the development shall be used or occupied until the following off-site highway works have been provided in full in accordance details to be submitted to and approved by the Local Planning Authority.

- Pedestrian and cycle access via the proposed main access
- Provision of Zebra Crossing to Heath Road
- 30mph speed limit extended to at least 20m east of the access to Heath Road or a distance in accordance with an approved Road Safety Audit
- 2x Interactive Speed indication Signs

Reason: In the interests of highway safety.

- 33) The development shall not be occupied until details and an implementation timetable of measures to prevent use of the emergency access other than by emergency vehicles, pedestrians, and cyclists has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

- 34) The elements of the scheme with full planning permission shall not be occupied until vehicle parking and turning areas have been provided for each phase as hereby approved and those areas shall not be used for any other purpose thereafter.

The elements on the outline application shall not commence above dpc level until details of the parking spaces and sufficient turning area to enable vehicles to enter and leave the site in forward gear have been submitted to and approved in writing by the local planning authority. The approved details of the parking/turning areas shall be completed before the first use of the buildings hereby permitted in outline 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 car parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- 35) No building/phase shall be occupied until secure and covered cycle parking relating to that building/phase has been provided in accordance with details to be submitted to and approved by the Local Planning Authority. They shall be retained thereafter.

Reason: In the interests of sustainable travel.

Ongoing compliance

- 36) Notwithstanding the provisions 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 development within Schedule 2, Part 1, Class(es) A, AA, B, D, E, G; Part 2 Class A or Part 14 Class A shall be carried out without the permission of the local planning authority;

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

- 37) The Care Home hereby approved shall only be used for Class C2 (Residential Institution) as residential accommodation and care to people in need of care and for no other purpose.
Reason: To ensure the Local Planning Authority retains control over the development because of the specific need considerations justifying the development in the countryside.
- 38) The Supported Living Units hereby permitted shall only be used as 14 residential supported living apartments within Use Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) for occupiers in need of supported living accommodation and shall only be operated as assisted living apartments with on-site support with management by a Registered Provider, as described within the submitted Planning Statement ref DGH/CJH/LJ/31461.
Reason: To ensure the Local Planning Authority retains control over the type of occupiers because of the specific need considerations justifying development in the countryside.
- 39) The Hospice hereby approved shall only be used as a Hospice by Heart of Kent charity and for no other purpose.
Reason: To ensure the Local Planning Authority retains control over the development because of the specific need considerations justifying the development in the countryside.
- 40) If, during development, contamination not previously identified is found to be present at the site:
- a) no further development within each phase (unless otherwise agreed with the LPA) shall be carried out until a revised remediation strategy detailing how this unforeseen contamination will be dealt with has been submitted to and approved by the LPA for that phase. The revised remediation strategy shall be implemented as approved.
 - b) prior to any development being occupied within a phase, a verification report demonstrating the completion of works set out in the approved remediation strategy(ies) and the effectiveness of the remediation for that phase shall be submitted to and approved by the Local Planning Authority. The report shall include details of:
 - 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.
 - Details of any post-remedial sampling and analysis to show the phase has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.
- Reason: To ensure that the site does not pose any further risk to human health by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.
- 41) No external lighting, whether temporary or permanent, shall be placed or erected within each phase of the site unless details have been submitted to and approved in writing by the local planning authority. Any details shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive

Lighting, GN01, dated 2005 (or subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. Any details to be submitted shall also follow the recommendations within the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 8 Bats and Artificial Lighting at Night'. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of ecology and rural amenity.

- 42) The development shall not commence above slab level in each phase until details and an implementation timetable for hard landscape works for that phase have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details before the first occupation of the relevant phase.

Reason: To ensure a satisfactory appearance to the development.

- 43) No phase shall be occupied unless a Sustainable Travel Plan for that phase has been submitted to and approved by Local Planning Authority. It will follow the Draft Framework Travel Plan ref PL/TV/31461 and include, as a minimum, monitor and review mechanisms; plus the following measures to be implemented prior to occupation:

A Welcome Pack available to all new occupants/residents online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupiers, including:

1. Maps showing the site in relation to walking, local buses, cycle routes, cycle stands, the nearest bus stops, and rail stations.
2. Approximate time it takes to walk or cycle to various local facilities.
3. Site specific public transport information including up to date public transport timetables.
4. Links to relevant local websites with travel information such as public transport operator information, cycling organisations and the Council.
5. Details of local 'Car Share' and 'Car Club' schemes, including links to County & District Councils sponsored schemes.
6. Information on public transport season tickets and offers.
7. Information on specific incentives including Walk to Work or "Cycle to Work" initiatives, plus secure cycle storage.
8. Information on the health, financial and environmental benefits of sustainable travel.
9. Free tasters tickets for local buses and/or vouchers for bike maintenance/parts at local shops.

At least 1 parking bay of the Retirement Bungalow phase shall be allocated to a residential or publicly accessible car club vehicle, available for use on occupation. A successful car club scheme will require dedicated marked and signed car parking spaces for vehicle(s) to be provided in perpetuity, ideally available also to members not living in the development. The developer shall incentivise new

residents to join the car club with a £30 free driving credit per dwelling and lease of the vehicle(s) for the first 6 months.

Reason: To ensure a sustainable form of development

- 44) The rating level of noise emitted from the proposed plant and equipment to be installed on the Care Home or Hospice (determined using the guidance of BS 4142: 2014 Rating For Industrial Noise Affecting Mixed Residential And Industrial Areas) shall be low as possible. In general this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5, the developer's consultant should contact Maidstone Environmental Protection Team to agree a site specific target level.

Reason: In the interests of residential amenity

- 45) Prior to the first operation of the Care Home or Hospice, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken, shall be submitted to and approved in writing by the Local Planning Authority for the relevant buildings. The scheme shall be designed in accordance with the EMAQ publication Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (September 2018 & any subsequent revisions). Any approved equipment, plant or process provided or undertaken shall be installed prior to the first operation of the relevant premises and these shall thereafter be operated and retained in compliance with the approved scheme.

Reason: In the interests of residential amenity.

- 46) No development above slab level for each 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. Such details shall include measures for battery energy storage unless this is demonstrated with evidence to be unfeasible. The approved details shall be implemented prior to the first use/occupation of any unit to which the details relate and thereafter retained.

Reason: To ensure a sustainable form of development

- 47) All landscaping specified in the approved landscape details shall be carried out in the first planting season related to each phase (1 October to end of February) following the first occupation/use of the building(s) or phase or in accordance with a timetable previously agreed with the Local Planning Authority. In the case of open space/public/communal areas (areas outside of operational building work) following completion of these areas 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

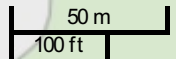
planning authority gives written consent to any variation. No replacement planting or removal of any planting shall take place without the prior written consent of the local planning authority.

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

Informatives

- 1) Kent Police
- 2) Southern Water
- 3) KCC Highways
- 4) Environmental Protection

Agenda Item 16



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 22/502027/FULL		
APPLICATION PROPOSAL		
Erection of 42 no. residential dwellings including affordable housing. Enhancement of existing access from Hermitage Lane and provision of associated hardstanding, landscaping, open spaces and infrastructure including drainage and earthworks.		
<i>Note – This is a cross boundary application spanning Tonbridge and Malling and Maidstone Boroughs. The Council is only determining the part of the application that falls within its Borough boundary which is one house, its garage, and garden, and landscaped areas.</i>		
ADDRESS Land North Of 351 Hermitage Lane, Maidstone, Kent		
RECOMMENDATION – APPROVE PERMISSION		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> The Council is only determining the part of the application that falls within the Maidstone Borough boundary which is one house, its garage, and garden, and landscaped areas in the corner of the existing field. Tonbridge and Malling Borough Council (TMBC) have approved 41 dwellings on the remainder of the field and so the context for the single dwelling in Maidstone is a housing estate of which it will form part. Whilst the Local Plan Review does not allow for houses on greenfield land in the countryside, in the context of the development approved by TMBC, the single dwelling is acceptable, and this represents a material consideration to warrant a departure from the Development Plan. Permission is therefore recommended for the dwelling and development within Maidstone subject to conditions. 		
REASON FOR REFERRAL TO COMMITTEE		
<ul style="list-style-type: none"> The recommendation is a departure from the Development Plan. Ward Councillor Forecast has called the application to Planning Committee for the reasons outlined in the report. 		
WARD Palace Wood	PARISH COUNCIL N/A	APPLICANT Esquire Developments AGENT N/A
CASE OFFICER: Richard Timms	VALIDATION DATE: 21/04/22	DECISION DUE DATE: 28/06/24
ADVERTISED AS A DEPARTURE: YES		

Relevant Planning History

22/503850/ADJ (Consultation by Tonbridge and Malling Borough Council)

Consultation on the Erection of 42 dwellings including affordable housing. Enhancement of existing access from Hermitage Lane and provision of associated hardstanding, landscaping, open spaces and infrastructure including drainage and earthworks – MBC RAISED OBJECTIONS 23/08/22

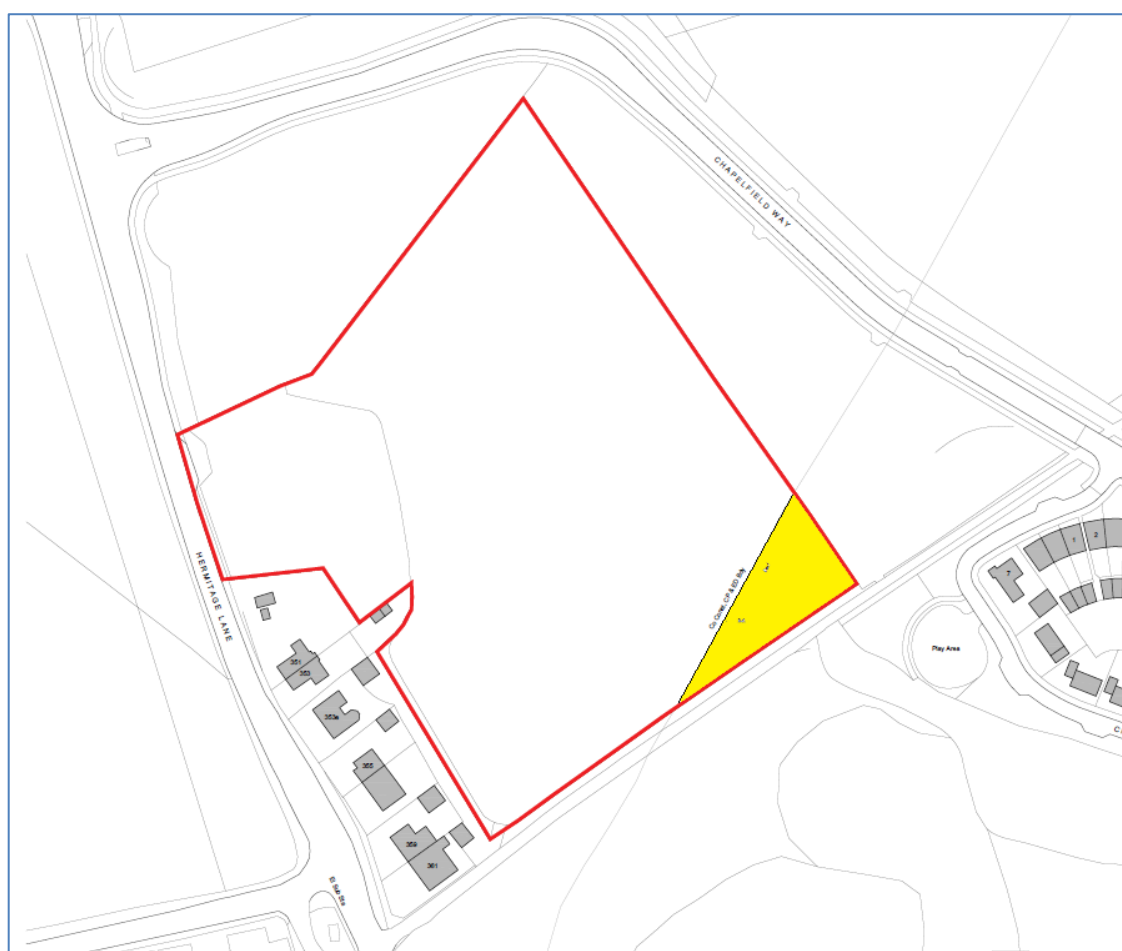
22/00907/FL (Tonbridge and Malling Borough Application)

Erection of 42 dwellings including affordable housing. Enhancement of existing access from Hermitage Lane and provision of associated hardstanding, landscaping, open spaces and infrastructure including drainage and earthworks – APPROVED BY TMBC 19/04/24

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The site is to the east of Hermitage Lane and south of Chapelfield Way. It is an open grassed field which generally rises from west to east. The plan below shows the site and the part that falls within MBC is highlighted in yellow.



1.02 As can be seen, the application site is mainly within TMBC but because part of the site falls within MBC, the applicant is required to make planning applications to both authorities.

1.03 However, MBC can only consider the development which falls upon its land being one house (Plot 18), its garage and garden as shown highlighted below on the layout plan.



- 1.04 The remainder of the housing estate and its access falls within TMBC and was approved by that Council in April 2024. This consists of 41 houses, 29% of which are affordable, a play area, and other areas of open space and landscaping. MBC officers have waited for TMBC to decide their application before making a recommendation on this application as it is fundamental to the assessment/context.
- 1.05 The triangle parcel of land within MBC falls outside the defined urban settlement boundary and so falls within the 'countryside' for policy purposes. As new houses outside settlements on greenfield land are not supported under the Local Plan Review the application has been advertised as a departure from the Development Plan.
- 1.06 Restricted byway KB47 runs alongside the south boundary and there is an area of Ancient Woodland (AW) around 27m to the south of the site.

2.0 PROPOSAL

- 2.01 This is a full application for 42 houses and whilst permission must be sought for the whole development from MBC, it is reiterated that the Council can only consider the part that falls within the Borough boundary.
- 2.02 The house proposed in MBC is a 2 storey 5 bedroom dwelling. It is of 'traditional' appearance with a two storey gable projection to the front set below a part hipped roof. Materials proposed are clay roof tiles, ragstone to the front of the gable, and red bricks. There would also be a single storey pitched roof garage and the garden.
- 2.03 Within MBC, the plans also show a 5m wide landscape buffer along the south and east boundaries (outside of the dwelling's garden), and there is an area of

landscaping with paths which forms part of a public open space area in front of the dwelling.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review 2024: LPRSS1, LPRSP9, LPRSP10, LPRSP10(A), LPRSP10(B), LPRSP12, LPRSP14(A), LPRSP15, LPRHOU5, LPRTRA1, LPRTRA2, LPRTRA4, LPRINF1, LPRQD1, LPRQD2, LPRQD4, LPRQD6, LPRQD7

(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)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 10 representations received raising the following (summarised) points:

- Local infrastructure cannot cope.
- Pollution and noise.
- Harm to ancient woodland.
- Loss of green space/gap and agricultural land.
- Will join Maidstone up with Tonbridge and Malling.
- Dangerous access onto Hermitage Lane.
- Increased traffic and congestion.
- Will be visible and not in keeping.
- Financial contribution should be made to the Fountain Lane junction.
- Nuisance during construction.
- There is enough housing.

4.02 **Ward Councillor Forecast:** Has called the application to planning committee stating, *"This proposed development threatens the separate identity of Allington contrary to Policy SP17 and is unnecessary with Maidstone already exceeding government set housing targets."*

4.03 **Former Ward Councillor Robertson:** *"I support Councillor Forecast's request for this application to be determined by our Planning Committee."*

4.04 **Teston Parish Council:** Raise objections for the following (summarised) reasons:

- Unsustainable.
- Increased traffic and congestion from this development and cumulatively with others in the area.
- Question the transport evidence.
- Air quality.

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 **KCC Highways: No objections subject to conditions** re. a travel plan, maintenance of access and visibility splays, a construction management plan, and financial contributions towards bus service enhancements and a shared cycleway/footway on Hermitage Lane or links to Maidstone Town Centre.

(Officer comment – These are matters that could only be considered by TMBC and are covered by conditions/the legal agreement on the TMBC permission)

5.02 **KCC Rights of Way:** *"It would be nice to see the development improve the tarmac surface of the restricted byway."*

5.03 **KCC Minerals: No objections.**

5.04 **KCC Ecology: No objections subject to conditions** re. reptiles and bats.

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

(Officer comment - This has been covered by conditions on the TMBC permission)

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

(Officer comment - This has been covered by conditions on the TMBC permission)

6.0 APPRAISAL

6.01 As stated earlier in the report, MBC can only consider the development within its boundary this being one house, its garage, and garden, and landscaped areas. The wider housing estate and its impacts cannot be considered.

6.02 The part of the site within MBC is on the edge but outside the settlement boundary so in the 'countryside' for planning purposes. Policy LPRSP9 of the Local Plan Review (LPR) does not allow for new dwellings on undeveloped greenfield land and so the development is a departure from the LPR.

6.03 However, a fundamental material consideration is the approval of the rest of the housing estate of 41 dwellings on the remainder of the field by TMBC. The development within MBC would not cause significant harm in this context and for this reason it is considered the principle of the development within MBC is acceptable.

6.04 In this context, key issues are considered to be the following:

- Appearance, Layout and Landscaping
- Residential Amenity
- Ecology and Ancient Woodland
- Other Matters including Parking, Drainage and Representations

Appearance, Layout and Landscaping

6.05 The 'traditional' design of the proposed house is acceptable and obviously matches the approved estate within TMBC. Good quality materials are proposed (clay tiles and ragstone) which can be secured by condition and detailing in the form of brick quoins, projecting plinth, arched brickwork above windows, and corbel detailing on the chimney.

- 6.06 The house is set further forward than the approved houses to the north and so further down the slope which is appropriate as this a high part of the site. It is still set back from the approved road with landscaped areas proposed in front. Sufficient space (around 8m) to the restricted byway is provided such that it would not be imposing from here and the hipped roof is on this side.
- 6.07 The landscaping proposals are illustrative but the plans allow for a 5m wide landscape buffer along the south and east boundaries (outside of the dwelling's garden). This is appropriate to provide a landscaped edge to the development and soften its impact including any internal fencing alongside the rear garden. Along the byway the landscaping would be in addition to the existing hedgerow and along the eastern boundary it would strengthen the existing hedgerow and trees. Conditions can ensure this landscaping is provided along with details to include native species.

Residential Amenity

- 6.08 The dwelling would benefit from sufficient light, outlook and privacy and have an acceptable relationship with the approved dwellings within TMBC.

Ecology and Ancient Woodland

- 6.09 The ecology report/surveys relate to the wider site. Relevant to the MBC part, the field margins are likely to support reptiles and so a precautionary approach to construction is recommended (progressive cutting of the grassland towards the site margins, and searches supervised by ecologists), which can be secured by condition. The field margins will also be improved through the proposed landscaping. KCC Ecology recommend conditions relating to lighting to minimise any impact upon bats which can be attached.
- 6.10 In terms of biodiversity net gain (BNG), LPR policy LPRSP14(A) requires a 20% net gain on 'new residential development'. However, as the application was submitted in April 2022; is for only one house in MBC; and KCC Ecology have advised that across the wider site they are satisfied a net gain can be achieved, (predicted by the applicant to be 18%), it is considered that this is a material consideration such that it would not be reasonable to require 20% on this single plot in this case. The BNG on the TMBC site is secured via a Landscape and Ecological Management Plan condition on their permission. It is also noted the proposals within MBC provide new landscaping areas and hedgerows which would provide gains for biodiversity.
- 6.11 The garden of the dwelling would be 34m from the ancient woodland (AW) to the southeast and Natural England Standing Advice on AW recommends at least a 15m buffer distance as a general guide. With a distance of 34m it is considered the development would not have any unacceptable effects on the AW in this case. It is also noted this is a greater distance than some areas of the approved and built housing estate to the east in MBC.

Other Matters including Parking, Drainage, and Representations

Parking

- 6.12 Four spaces would be provided in addition to the garage which meets the relevant parking standards. Cycles could be stored in the garage.

Drainage

- 6.13 The surface water scheme for the wider site has been accepted by TMBC and KCC subject to conditions requiring the fine details and verification which have been imposed by TMBC. The dwelling within MBC would connect to that system.

Representations

- 6.14 Representations received generally relate to the impact of the wider development and matters relating to traffic, infrastructure, and loss of the field. These are issues that were considered by TMBC and cannot be considered by MBC in relation to one house. For information, the TMBC planning permission secures financial contributions towards primary and secondary education, community learning, libraries, social care, youth services, highway works (Hermitage Lane cycle/footway), bus services, healthcare, and public open space. The house within MBC will be subject to Maidstone's CIL payment.

Public Section Equality Duty

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

7.0 CONCLUSION

- 7.01 The Council is only determining the part of the application that falls within the Maidstone Borough boundary which is one house, its garage, and garden, and landscaped areas in the corner of the existing field.
- 7.02 Tonbridge and Malling Borough Council have approved 41 dwellings on the remainder of the field and so the context for the single dwelling in Maidstone is a housing estate of which it will form part.
- 7.03 Whilst the Local Plan does not allow for houses on greenfield land in the countryside, in the context of the development approved by TMBC, the single dwelling is acceptable and this represents a material consideration to warrant a departure from the Development Plan.
- 7.04 The design, layout and landscaping are acceptable and permission is therefore recommended for the dwelling and development within Maidstone subject to conditions.

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:

20.223-001 (Site Location Plan)
20.223-102 (Site Layout Plan)
20.223-213 (Plot 18 Plans and Elevations)
20.223-220 (Garages Plans and Elevations)

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 6 of the Ecological Appraisal (March 2022).

Reason: To protect biodiversity.

Pre-Commencement

4. No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until a tree protection plan in accordance with Section 5.5 and a site specific arboricultural method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To safeguard existing trees.

Pre-Slab Level

5. No development above slab level 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) Kentish ragstone.
b) Clay roof tiles.
c) Stock bricks.

The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

6. No development above slab level 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.

7. No development above slab level 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 have been submitted to and approved in writing by the Local Planning Authority. Such details shall include measures for battery energy storage unless this is demonstrated with

evidence to be unfeasible. The approved details shall be implemented prior to the first use/occupation of any unit to which the details relate and thereafter retained.

Reason: To ensure a sustainable form of development

Pre-Occupation

8. 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 landscaping.
 - c) A five year landscape management plan.
 - d) A scheme following the landscaping principles shown on the Illustrative Landscape Masterplan to include:
 - i) At least 5m wide landscape buffers along the south and east boundaries to include double staggered native hedging and trees which shall be fenced off from the garden of Plot 18.
 - ii) Native tree and shrub planting in the landscaped area to the front of Plot 18.

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

9. 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 Plot 18 or in accordance with a timetable previously agreed with the Local Planning Authority. 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 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 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: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

10. 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 bee bricks
 - b) Habitat piles

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

Reason: In the interests of biodiversity enhancement.

11. 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.

12. The development shall not be occupied until details of any external lighting, that shall take into account the site boundaries and any areas/features of importance for bats, has been submitted to and approved in writing by the Local Planning Authority. The approved details will thereafter be implemented and maintained.

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

13. The development shall not be occupied until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the dwelling and maintained thereafter;

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

14. 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.

Restrictions

15. The dwellings 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 policy LPRQ&D6 of the draft Local Plan Review.

16. The dwelling 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 dwelling shall not be occupied unless this standard has been met for the dwelling.

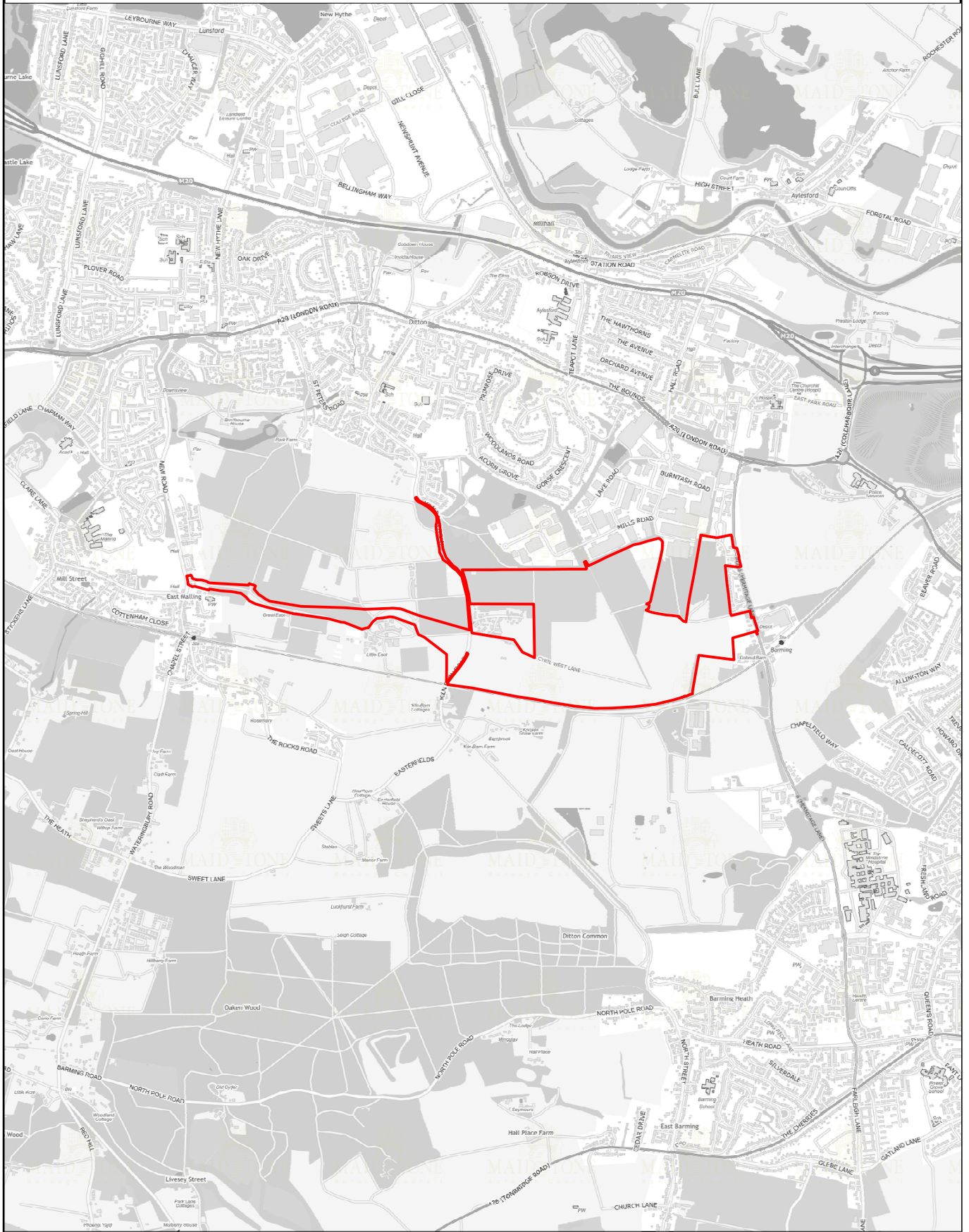
Reason: To ensure a sustainable form of development in accordance with policies LPRQ&D1 and LPRQ&D6 of the draft Local Plan Review.

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

Agenda Item 17

MAIDSTONE BOROUGH COUNCIL

24/501383/ADJ



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Land East Of Kiln Barn Road And
West Of Hemitage Lane, Maidstone,
Kent, ME16 9NT

REFERENCE NO - 24/501383/ADJ

APPLICATION PROPOSAL

Adjoining Authority Consultation by Tonbridge and Malling Borough Council for:

Outline planning application with all matters reserved (except for access) for development of land to west of Hermitage Lane and East of Kiln Barn Road comprised of a residential-led development including affordable housing; a new village centre including a primary school; ancillary commercial, community and employment floorspace; strategic open space, parkland, child play provision and sustainable drainage infrastructure; new access points and associated transport infrastructure.

ADDRESS Land East of Kiln Barn Road and West of Hermitage Lane, Aylesford, ME16 9NT

RECOMMENDATION – RAISE OBJECTIONS

SUMMARY OF REASONS FOR RECOMMENDATION

- The proposed application together with committed development yet to come forward in the local area would result in a severe cumulative impact upon traffic congestion at the A26/Fountain Lane junction in Maidstone Borough which is not proposed to be mitigated contrary to paragraphs 114(d) and 115 of the National Planning Policy Framework (NPPF).
- The application fails to identify the necessary mitigation at the Junction 6 of the M20 (north and south) to prevent a severe cumulative impact upon traffic congestion in Maidstone Borough contrary to paragraphs 108(a), 114(d) and 115 of the NPPF.
- The application fails to assess the impact of traffic at junctions within Maidstone Borough along the A20 and A26 contrary to paragraph 108(a) of the NPPF.
- The air quality assessment fails to assess sensitive locations within Maidstone Borough being the A26/Fountain Lane junction and the gyratory system over the River Medway near Maidstone Town Centre. The application has also failed to demonstrate the development would not have an adverse effect on the integrity of the North Downs Woodland SAC within Maidstone alone or in-combination with other relevant development contrary to paragraph 180(a) of the NPPF.
- The development must provide, or provide a financial contribution towards, the proposed cycling route from Hermitage Lane south of Maidstone Hospital to Maidstone town centre as set out in the Maidstone Walking and Cycling Assessment (2018). It must also provide a shared footway/cycleway on Hermitage Lane southwards to connect with the proposed footway/cycleway along the eastern side of Hermitage Lane. Without this the proposals would fail to ensure a sustainable development that promotes walking and cycling which reduces the pressure on local roads and junctions in or near to Maidstone Borough contrary to paragraphs 108(c), 114(a) and 116(a) of the NPPF.
- The development must provide for a significant increase in bus service provision and frequency to and from Maidstone Town Centre and improvements to Barming train station as stated in the application. Without this the proposals would fail to ensure a sustainable development that promotes public transport use which reduces the pressure on local roads and junctions in or near to Maidstone Borough contrary to paragraphs 108(c), 114(a) and 116(a) of the NPPF.
- It has not been demonstrated whether the development would provide adequate open space including sports pitches to meet the needs of the new residents to ensure there is no pressure on sports provision within Maidstone Borough. Should this not be the case, financial contributions should be made to Maidstone Borough Council to mitigate the impact. In the absence of this the proposals would fail to enable and support healthy lifestyles contrary to paragraphs 96(c) and 102 of the NPPF.

REASON FOR REFERRAL TO COMMITTEE		
The Head of Development Management has required the application to be reported to Planning Committee as it is considered to be a controversial application due to the scale of the development, likely high level of local interest, and the potential impacts on Maidstone.		
WARD N/A	PARISH COUNCIL N/A	APPLICANT The East Malling Trust AGENT Savills
CASE OFFICER: Richard Timms	VALIDATION DATE: N/A	DECISION DUE DATE: N/A
ADVERTISED AS A DEPARTURE: N/A		

MAIN REPORT

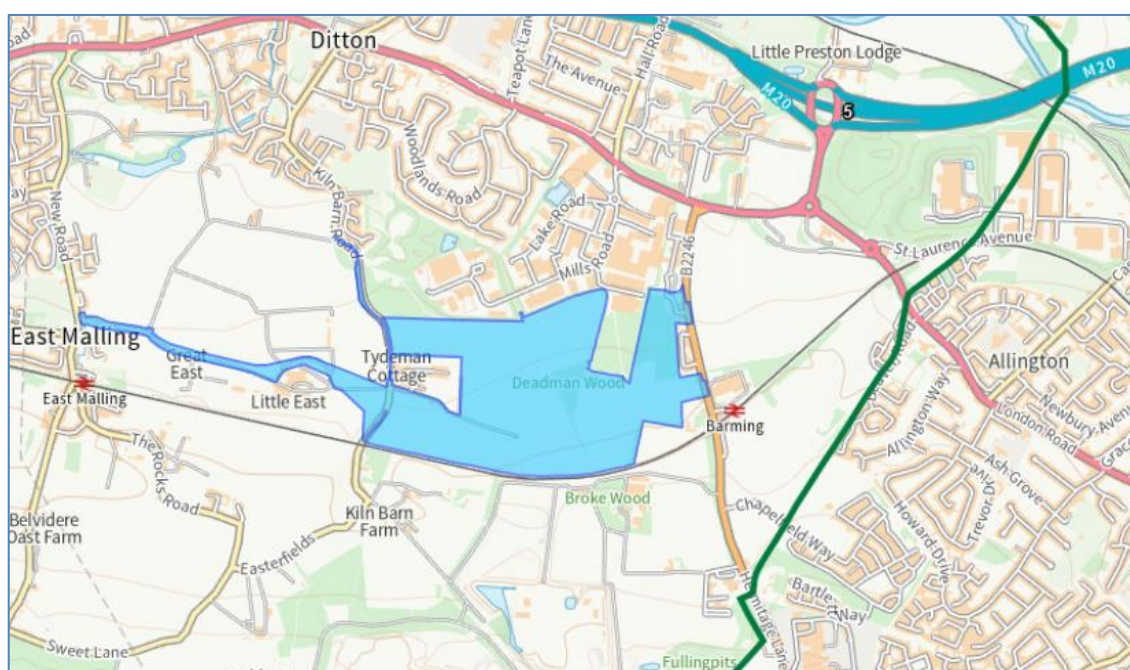
1.0 INTRODUCTION

1.01 This application is a consultation by Tonbridge and Malling Borough Council (TMBC) on an outline planning application within their Borough. TMBC consulted Maidstone Council (MBC) on 27th March 2024 seeking any views by 17th April. Officers wrote to TMBC within this timeframe to inform them that our decision would be made by Planning Committee and we would send our formal response as soon as possible.

1.02 MBC are consulted for their views and this should be focussed on potential impacts upon the Borough rather than general views upon the planning application. Officers are therefore recommending the response MBC should send to TMBC for them to consider in reaching a decision on their application.

2.0 DESCRIPTION OF SITE

2.01 The site (coloured blue below) is located to the west of Hermitage Lane near Barming train station and immediately north of the Maidstone East to London railway line as shown here. The green line is the Borough boundary.



- 2.02 The site area is 79.5ha and mainly comprises agricultural fields with a small area of ancient woodland. There are existing public rights of way (PROW) including a bridle way that cross the site. There are hedgerows surrounding the majority of the site and the land is generally level.
- 2.03 The site is not allocated for development in TMBC who are working on a new Local Plan that went out to the first stage of high level consultation (Regulation 18) in September 2022. The consultation did not include specific site allocations, however, all but one of the five spatial strategy options include a focus of development within the area in and around the application site. The latest timetable on the TMBC website states that the second stage of consultation is planned for July 2024, publication of the draft Local Plan in December 2024, and submission of the Plan for examination in April 2025.

3.0 PROPOSAL

- 3.01 MBC is being consulted on an outline application with all matters reserved apart from access for the following main elements as taken from the Planning Statement:

- Up to 1,300 dwellings.
- Two-form entry primary school.
- Local centre with community uses.
- Central formal open space and other areas of open green spaces.
- Potential for care accommodation.
- Sustainable movement corridor through the residential element of the site and linking to East Malling with a bus, pedestrian and cycle link.
- 10% biodiversity net gain.

- 3.02 Access details are being considered at this stage and the following points of access are proposed:

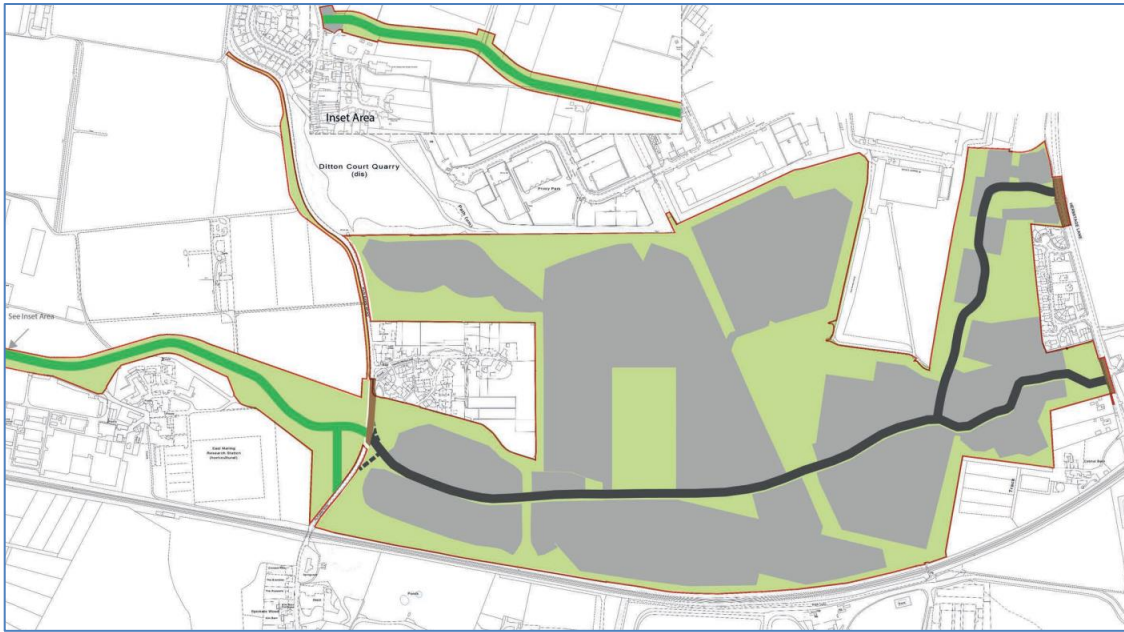
Hermitage Lane – Northern Access: New vehicular access point proposed to Hermitage Lane through upgrading and realigning Richard Corben Way. It would link to the new roundabout that will be delivered as part of the 'White Post Fields' development which is under construction to the east.

Hermitage Lane – Southern Access: New secondary access to Hermitage Lane proposed in the southeast corner of the site to the north of Barming Station. It will provide vehicular access to the site but also include a dedicated cycle and pedestrian footway that will link into a "sustainable movement corridor" across the site from east to west.

Kiln Barn Road: New junction with Kiln Barn Road with a staggered crossroads and priority proposed for buses, pedestrians and cyclists.

New Road – Western Access: This will run west of Kiln Barn Road across the East Malling Estate using and enhancing the existing internal estate road. It is proposed this section will restrict general vehicular traffic and provide an onward east-west connection for buses and active travel modes only.

- 3.03 The 'Access and Circulation Parameter Plan' is shown below with Hermitage Lane on the east side and Kiln Barn Lane near the centre:



3.04 The Illustrative Masterplan is shown below:



3.05 The applicant sets out an indicative phasing strategy stating, *"It is anticipated that the scheme would be delivered in seven phases with delivery commencing from 2026 onwards. This is contingent on securing planning permission from TMBC. It is anticipated that delivery will be approximately 100-150 dwellings per annum, across a 10-13 year period."*

4.0 POLICY AND OTHER CONSIDERATIONS

The application falls within TMBC and so the Council's Local Plan Review is not relevant.

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

5.0 LOCAL REPRESENTATIONS

5.01 **Local Residents:** Representations on the application need to be made to TMBC but 2 representations have been received raising the following (summarised) points:

- Too much development in the immediate area and infrastructure is not keeping up to support it.
- Too much traffic.
- Loss of green spaces.

6.0 CONSULTATIONS

(MBC does not carry out consultations with statutory consultees as the planning application falls within TMBC but some of the consultee responses on the TMBC application are referenced in the assessment where relevant. Views from MBC Spatial Policy and Parks and Open Spaces have been sought)

6.01 **MBC Spatial Policy** have provided advice. In summary they have outlined schemes within MBC's Infrastructure Delivery Plan and Integrated Transport Strategy which may be affected by the development (education, health, transportation, social and community, public transport); and have summarised MBC's responses to TMBC consultations on their draft Local Plan(s) from 2018 and 2022 where key issues in this location were considered to relate to traffic/congestion and the need for junction improvements, air quality, and public transport.

6.02 **MBC Parks and Open Spaces:** *"Although the whole site falls outside of our borough it could be reasoned, that as the main entrance to the development leads onto Hermitage Lane, residents may choose to access facilities in Maidstone rather than Tonbridge and Malling if facilities were unavailable on site. We can't do the usual open space requirement and off site financial contribution calculations, as the data isn't available for existing provision and resident numbers, but I have made some comments below.*

...Most of the open space standards we would expect within MBC may have been met, although there are numerical discrepancies between the two documents. Allotments and a community orchard are provided but there is no measurement provided.

However, it is not clear with regards to sports provision. The Design and Access Statement refers to 'playing fields' and 'informal playing pitches'. The document indicates that provision would meet T&M requirements because there are Outdoor Sports Facilities (20 min. drive) - off site access to K-Sports Centre, Station Road. If residents are prepared to drive off-site, they may choose to drive to sites in Maidstone including Barming Heath, or Gatland Lane Recreation Ground, for local sports pitches or to Mote Park, for a larger sports hub. The additional pressure on these sites could be mitigated by an off-site open space contribution from the proposed development. However, the D&A Statement also suggests there will be

community access to the new primary school and their junior pitches, which may mean the sports requirement will be met on site."

7.0 APPRAISAL

7.01 As outlined above, MBC have been consulted on the application by TMBC and the response should focus on potential impacts upon the Borough rather than general views on the planning application. Officers consider the main issues effecting MBC to be traffic and congestion, air quality, and infrastructure.

Traffic and Congestion

7.02 At the time of writing this report the Local Highway authority (Kent County Council) are yet to respond to TMBC on the application.

7.03 National Highways whose remit is the strategic road network (SRN) have responded and recommend planning permission is not granted stating they cannot determine whether the development would have unacceptable impact on the safety, reliability and/or operational efficiency of the SRN due to a lack of information.

7.04 In summary, the applicants transport evidence predicts the traffic impacts on 17 junctions. Existing junctions that have been assessed within or affecting traffic within Maidstone are considered to be as follows:

- A20/St Laurence Avenue (Poppyfields Roundabout)
- A20/Coldharbour Lane (Coldharbour Roundabout)
- A20/Hermitage Lane
- A26/Red Hill/Bow Lane (Wateringbury Crossroads)
- A26/Fountain Lane/Farleigh Lane
- M20 J5
- M20 J6 (N) (Cobtree Roundabout)
- M20 J6 (S) (Running Horse Roundabout)

7.05 Although these junctions are considered appropriate, officers consider traffic impacts would occur further towards Maidstone so junctions along the A20 and A26 should also be assessed and so this represents an objection as set out in the reasons at the end of the report.

7.06 Mitigation is proposed or suggested for the following junctions only:

- A20/Hermitage Lane - (reconfiguration to provide more capacity on some arms)
- M20 J5 - (signals on three of the four arms to increase capacity)
- M20 J6 - (financial contribution (tbc) to be used towards a scheme)
- Wateringbury Crossroads - (increased entry lanes on two arms)

7.07 Of these it is noted that for the M20 Junction 6 the applicant's assessment shows that the north and south roundabout junctions will be well over capacity in 2037, with the applicant considering the development would have a marginal impact. Reference is made to the situation being complex due to various potential mitigation schemes by KCC and from other planning applications and because of this it is stated, *"it is considered extremely difficult to identify a specific scheme for mitigating the junction as the context of the junction's operations is subject to change. It is therefore proposed to mitigate the impact of the development through a proportional financial contribution (tbc), which can then be attributed to the most appropriate scheme coming forward."*

- 7.08 It is considered the application should identify the specific necessary mitigation for the development and that without this the proposals have not properly addressed their traffic impacts contrary to paragraphs 108(a), 114(d) and 115 of the NPPF and this should form an objection.
- 7.09 For the Wateringbury Crossroads, the applicant considers mitigation is unlikely to be required because the access road from the scheme in this direction is not proposed to be open to all traffic, but if it was states, *"to provide further confidence that the junction could be mitigated if needed, it is understood that a scheme to mitigate the junction was previously identified and developed to detailed design stage.The scheme was ultimately not delivered due to costs associated with required utilities diversions."*
- 7.10 This leaves two junctions in/affecting Maidstone where mitigation is not proposed/suggested.
- 7.11 The A20/St Laurence Avenue (Poppyfields Roundabout) is shown to operate within capacity in the forecast year of 2037 so objections are not raised in this respect.
- 7.12 However, the Fountain Lane junction is predicted to have 3 arms at around 120% capacity in the AM peak, and between 121% to 134% in the PM peak in the worst case scenario. This will involve queuing of between 59 to 72 vehicles in the AM and 66 to 107 in the PM. The applicant predicts that this junction will be over capacity at a similar level even without the proposed development (in 2037) and considers the development will make no or a minimal increase. On this basis no mitigation is proposed.
- 7.13 Whilst it is difficult to understand how a development of up to 1,300 dwellings and a two-form entry primary school off Hermitage Lane will make no impact at the Fountain Lane junction, officers will have to defer to the Highways Authorities on whether the applicant's evidence is reliable.
- 7.14 However, the predictions for the Fountain Lane junction in 2037 include 'committed development' traffic which is not yet on the network including notably the 'White Post Field' development (840 houses). As such there is a cumulative impact of the proposal together with other development that would occur at the junction. In this context it is considered the residual cumulative impacts on the capacity of the Fountain Lane junction, which includes the proposed development, would be 'severe'. This is contrary to paragraph 115 of the NPPF. With the junction being over capacity to the degree predicted it is considered that mitigation is necessary for the development to be acceptable.
- 7.15 The latest Joint Transport Board (JTB) meeting (13/02/24) provided an update on KCC's proposed junction improvement scheme. In summary, it was advised that some safety and design matters require further consideration and that once a formal conclusion has been reached on the suitability of the dual roundabout scheme next steps will be communicated to local councillors and the JTB. MBC's Infrastructure Delivery Plan (2022) estimates the costs of the junction improvement to be £3.5m.
- 7.16 Financial contributions towards this junction were secured by MBC from allocated Local Plan 2017 housing sites H1(2) - East of Hermitage (500 houses) and H1(3) - West of Hermitage Lane (250 houses) in the region of £330,000 and also by TMBC from the 'White Post Field' development (840 houses) at the north end of Hermitage Lane. This is £1,300,000 but can be used either towards a new roundabout at the A20/Mills Road/Hall Road junction or Fountain Lane. Officers are not aware of any

other significant funding and on this basis, there is a funding shortfall for KCC's junction improvement.

- 7.17 It would therefore be appropriate and consistent for TMBC to require a financial contribution towards capacity improvements at the junction. However, the applicant is not proposing any mitigation and on this basis and due to a severe cumulative impact at this junction contrary to paragraph 114(d) and 115 of the NPPF, it is considered that MBC should raise objections to the application.
- 7.18 Whilst it is difficult to understand how a development of up to 1,300 dwellings and a two-form entry primary school off Hermitage Lane will make no impact at the Fountain Lane junction, officers will have to defer to the Highways Authorities on whether the applicant's evidence is reliable.
- 7.19 However, the predictions for the Fountain Lane junction in 2037 include 'committed development' traffic which is not yet on the network including notably the 'White Post Field' development (840 houses). As such there is a cumulative impact of the proposal together with other development that would occur at the junction. In this context it is considered the residual cumulative impacts on the capacity of the Fountain Lane junction, which includes the proposed development, would be 'severe'. This is contrary to paragraph 115 of the NPPF. With the junction being over capacity to the degree predicted it is considered that mitigation is necessary for the development to be acceptable.
- 7.20 The latest Joint Transport Board (JTB) meeting (13/02/24) provided an update on KCC's proposed junction improvement scheme. In summary, it was advised that some safety and design matters require further consideration and that once a formal conclusion has been reached on the suitability of the dual roundabout scheme next steps will be communicated to local councillors and the JTB. MBC's Infrastructure Delivery Plan (2022) estimates the costs of the junction improvement to be £3.5m.
- 7.21 Financial contributions towards this junction were secured by MBC from allocated Local Plan 2017 housing sites H1(2) - East of Hermitage (500 houses) and H1(3) - West of Hermitage Lane (250 houses) in the region of £330,000 and also by TMBC from the 'White Post Field' development (840 houses) at the north end of Hermitage Lane. This is £1,300,000 but can be used either towards a new roundabout at the A20/Mills Road/Hall Road junction or Fountain Lane. Officers are not aware of any other significant funding and on this basis, there is a funding shortfall for KCC's junction improvement.
- 7.22 It would therefore be appropriate and consistent for TMBC to require a financial contribution towards capacity improvements at the junction. However, the applicant is not proposing any mitigation and on this basis and due to a severe cumulative impact at this junction contrary to paragraph 114(d) and 115 of the NPPF, it is considered that MBC should raise objections to the application.

Air Quality

- 7.23 The application provides an air quality assessment within the Environmental Statement. In summary it predicts that impacts on air quality would be negligible in terms of human health and below the relevant limits. It also predicts the impact upon the North Downs Woodland Special Area of Conservation (SAC), which falls within MBC, would be 'insignificant'. In general, mitigation is proposed in the form of a Travel Plan; walking and cycling infrastructure (which is outlined in more detail below); electric cycle hire scheme; public transport incentives; and EV charging.

- 7.24 In reaching these conclusions a number of 'sensitive receptors' have been selected by the applicant. As stated by the applicant, guidance suggests that all locations 'where members of the public are regularly present' should be considered. These are also based on the predictions of where traffic would route.
- 7.25 It is notable these only include 5 locations within MBC being Hermitage Lane by Maidstone Hospital, Lamberhurst Road north of the A20, Sandling Farm south of the M20, and Chartham Road/Tollgate Way east of the A229 Bluebell Hill. It is considered there will be impacts at the Fountain Lane junction which already experiences high traffic levels and the gyratory system over the River Medway in Maidstone Town Centre which again experiences high traffic levels. It is considered these sensitive locations should also be assessed and an objection should be raised on this basis.
- 7.26 In terms of the North Downs Woodland SAC which is within 200m of the A229 Bluebell Hill, this is designated for its beech and yew woodland, and semi-natural dry grasslands and scrubland. The potential for impacts from the development are air pollution from traffic close to the SAC. Whilst the applicant predicts the development would have a negligible impact, it is noted that the Local Plan Review (LPR) at paragraph 7.146 states,
- "The Local Plan Review makes provision for a new garden community at Lidsing, where the impact of new development on the integrity of the North Downs Woodlands SAC requires careful consideration. Provided that the air pollution mitigation specified by Policy LPRSP4(B) is delivered then adverse effects on the SAC due to air quality from the plan as a whole, alone or in-combination, can be ruled out. In the event that the Lidsing garden community is not delivered, the Council will agree a proposed approach with Natural England, and no further development contributing to an increase in traffic to roads within 200m of the SAC (A229, A249 or Boxley Road) will be permitted until mitigation has been agreed, unless applicants can demonstrate that they will not have an adverse effect on the integrity of the SAC, alone or in-combination."*
- 7.27 Firstly, the proposal should consider its cumulative impact with other development and in terms of impact upon the SAC it is considered this should include the Lidsing Garden Settlement. Secondly, the LPR states that even if Lidsing doesn't come forward there would need to be mitigation that increases traffic on the A229, which this proposal would.
- 7.28 On this basis it is considered the proposals have not demonstrated they would not have an adverse effect on the integrity of the SAC alone or in-combination with other relevant development and this should form an objection.

Public Transport

- 7.29 In respect of buses the application states,

"The intended bus strategy for the site envisages a significant increase in bus service provision and frequency.

.....Initial discussions have been undertaken with two of the existing bus operators in the area: Arriva and Nu-Venture in addition to KCC's Public Transport team. It is evident from these discussions that there is willingness to provide additional services utilising the proposed SMC (corridor) within the development subject to demand.

....During initial discussions with KCC's Public Transport team it was agreed that the most appropriate way forward would be for the development to provide a proportionate financial contribution towards bus service improvements in the area

surrounding the site. The specific routes and service frequencies will be determined by KCC at the appropriate time, however, for the purposes of this TA it has been reasonably assumed that there will be an increase in peak hour services which will provide increased opportunities for travel by bus between the site and surrounding key employment and/or education hubs. In particular, it is anticipated that service provision to/from Maidstone, Kings Hill and along the A20 corridor will be markedly improved."

7.30 In respect of trains the application states,

"Rail is considered to form a key component of the overarching transport strategy for the site given the proximity of the site to Barming Station....

....Access to Barming Station will be significantly improved through the implementation of the SMC (corridor), a new toucan crossing on Hermitage Lane and shared footway/cycleway facilities leading to the station.

Within the station itself it is intended to improve interchange facilities and potentially access to the London-bound platform, which is not currently step free.

....it is noted that TMBC are independently pursuing engagement with Southeastern regarding improvements at the station and have identified a number of measures which are being pursued. These measures include:

- Access improvements for active modes.*
- Provision of secure and convenient cycle parking.*
- Improved bus interchange.*
- Platform access improvements.*

It is anticipated at this stage that the development will provide a proportionate financial contribution towards improvements at Barming station, to be implemented by Southeastern as appropriate."

7.31 These public transport measures are essential for a scheme of this scale to ensure a sustainable development that promotes public transport use and reduces the pressure on local roads and junctions in or near to Maidstone Borough in accordance with paragraphs 108(c), 114(a) and 116(a) of the NPPF.

Walking and Cycling

7.32 For walking and in summary, it is proposed to surface and light existing public rights of way within and around the site and provide new crossings including a toucan crossing on Hermitage Lane near Barming station. These measures are considered necessary to promote walking in accordance with paragraphs 108(c), 114(a) and 116(a) of the NPPF.

7.33 For cycling and in summary, it is proposed to provide an east to west dedicated cycle route through the site, upgrade the existing public footpaths to bridleways with new surfacing and lighting, and to provide a shared footway/cycleway on Hermitage Lane south to connect with the proposed footway/cycleway along the eastern side of Hermitage Lane being provided by KCC. These measures are considered necessary. However, the Maidstone Walking and Cycling Assessment (2018) outlines options to provide a cycling route from Hermitage Lane south of the hospital to the town centre with the necessary improvements outlined. It is considered the proposals should provide these improvements or a financial contribution towards them to promote cycling to and from Maidstone town centre to promote cycling and reduce the pressure on local roads and junctions in or near to Maidstone Borough in accordance with paragraphs 108(c), 114(a) and 116(a) of the NPPF.

Infrastructure

Open Space

- 7.34 The application sets out that there would be approximately 15.8 hectares of public open space including areas of parkland with a central community park of around 2.5 hectares and a mix of neighbourhood equipped areas of play (NEAP), locally equipped areas of play (LEAP), local areas of play (LAP), and multi-use games areas (MUGA). The illustrative masterplan shows 1 NEAP, 6 LEAP's, and 2 LAP's. There is mention of allotments and a community orchard, informal playing pitches, and community access to the primary school including junior pitches.
- 7.35 The MBC Parks and Open Spaces Team have provided comments generally saying the scheme could meet MBC open space standards if the development was within MBC but it is not clear on sports provision. It is considered a development of this scale should provide sports pitches to meet the needs of the new residents and avoid any pressure on sports provision within MBC.

Education, Healthcare and Other Community Services

- 7.36 Kent County Council are yet to respond to TMBC on the application but will make their requests for financial contributions to mitigate the impact of the development upon primary, secondary and SEND education; community learning; children's services; libraries; and adult social care. KCC are the relevant infrastructure provider for these services so are considered best placed to determine the mitigation necessary for the development.
- 7.37 The NHS have requested £1,166,256 to mitigate the impact of the development towards *"reconfiguration and/or extension of existing general practice or other healthcare premises covering the area of development or new premises for general practice or healthcare services provided in the community in line with the healthcare Estates and Infrastructure Strategy for the area."* They refer to the development falling within the current practice boundaries of Aylesford Medical Practice, Blackthorn Medical Practice, Watlington Surgery and The Medical Centre Group. The NHS are the relevant healthcare infrastructure provider so are considered best placed to determine the mitigation necessary for the development.

8.0 CONCLUSION

- 8.01 It is considered that objections/comments should be made on the following matters:
- 8.02 Severe cumulative impacts on the capacity and congestion at the A26/Fountain Lane junction in Maidstone Borough for which no mitigation is proposed contrary to paragraphs 114(d) and 115 of the NPPF.
- 8.03 Failure to identify necessary mitigation at the Junction 6 of the M20 (north and south) in Maidstone Borough contrary to paragraphs 108(a), 114(d) and 115 of the NPPF.
- 8.04 Lack of assessment of the impact of traffic on junctions within Maidstone Borough along the A20 and A26 contrary to paragraph 108(a) of the NPPF.
- 8.05 Failure of the air quality assessment to assess sensitive locations within Maidstone Borough being the A26/Fountain Lane junction and the gyratory system over the River Medway near Maidstone Town Centre.

- 8.06 Failure of the application to demonstrate the development would not have an adverse effect on the integrity of the North Downs Woodland SAC alone or in-combination with other relevant development contrary to paragraph 180(a) of the NPPF.
- 8.07 Lack of provision of, or a financial contribution towards, the proposed cycling route from Hermitage Lane south of Maidstone Hospital to Maidstone town centre as set out in the Maidstone Walking and Cycling Assessment (2018). The development must also provide a shared footway/cycleway on Hermitage Lane southwards to connect with the proposed footway/cycleway along the eastern side of Hermitage Lane. Without this the proposals would fail to ensure a sustainable development that promotes walking and cycling which reduces the pressure on local roads and junctions in or near to Maidstone Borough contrary to paragraphs 108(c), 114(a) and 116(a) of the NPPF.
- 8.08 The development must provide for a significant increase in bus service provision and frequency to and from Maidstone Town Centre and improvements to Barming train station as stated in the application. Without this the proposals would fail to ensure a sustainable development that promotes public transport use which reduces the pressure on local roads and junctions in or near to Maidstone Borough contrary to paragraphs 108(c), 114(a) and 116(a) of the NPPF.
- 8.09 The development must provide adequate open space including sports pitches to meet the needs of the new residents to ensure there is no pressure on sports provision within Maidstone Borough. Should this not be the case, financial contributions should be made to Maidstone Borough Council to mitigate the impact. In the absence of this the proposals would fail to enable and support healthy lifestyles contrary to paragraphs 96(c) and 102 of the NPPF.

9.0 RECOMMENDATION

RAISE OBJECTIONS for the following reasons with delegated authority to the Head of Development Management to be able to settle or amend any objections in line with the matters set out in the recommendation and as resolved by the Planning Committee:

1. The proposed application together with committed development yet to come forward in the local area would result in a severe cumulative impact upon traffic congestion at the A26/Fountain Lane junction in Maidstone Borough. It is therefore necessary for mitigation to be provided whereas nothing is proposed by the applicant. On this basis the proposals would cumulatively have a significant impact on this junction in terms of capacity and congestion resulting in a severe impact which would not be mitigated, contrary to paragraphs 114(d) and 115 of the NPPF.
2. The application fails to identify the necessary mitigation at the Junction 6 of the M20 (north and south) to prevent a severe cumulative impact upon traffic congestion in Maidstone Borough contrary to paragraphs 108(a), 114(d) and 115 of the NPPF.
3. The Transport Assessment should assess the impact of traffic at the following junctions within Maidstone Borough including the provision of any necessary mitigation:
 - a) A20/Beaver Road/Bunyard Way
 - b) A20/Castle Road
 - c) A20/Grace Avenue/Poplar Grove
 - d) A20/Queens Road
 - e) A26/Queens Road/Fant Lane

In the absence of this information it is considered the transport impacts of the development have not been fully assessed contrary to paragraph 108(a) of the NPPF.

4. The air quality assessment fails to assess sensitive locations within Maidstone Borough being the A26/Fountain Lane junction and the gyratory system over the River Medway near Maidstone Town Centre. The application has also failed to demonstrate the development would not have an adverse effect on the integrity of the North Downs Woodland SAC alone or in-combination with other relevant development contrary to paragraph 180(a) of the NPPF.
5. The development must provide, or provide a financial contribution towards, the proposed cycling route from Hermitage Lane south of Maidstone Hospital to Maidstone town centre as set out in the Maidstone Walking and Cycling Assessment (2018). It must also provide a shared footway/cycleway on Hermitage Lane southwards to connect with the proposed footway/cycleway along the eastern side of Hermitage Lane. Without this the proposals would fail to ensure a sustainable development that promotes walking and cycling which reduces the pressure on local roads and junctions in or near to Maidstone Borough contrary to paragraphs 108(c), 114(a) and 116(a) of the NPPF.
6. The development must provide for a significant increase in bus service provision and frequency to and from Maidstone Town Centre and improvements to Barming train station as stated in the application. Without this the proposals would fail to ensure a sustainable development that promotes public transport use which reduces the pressure on local roads and junctions in or near to Maidstone Borough contrary to paragraphs 108(c), 114(a) and 116(a) of the NPPF.
7. The development must provide adequate open space including sports pitches to meet the needs of the new residents to ensure there is no pressure on sports provision within Maidstone Borough. Should this not be the case, financial contributions should be made to Maidstone Borough Council to mitigate the impact. In the absence of this the proposals would fail to enable and support healthy lifestyles contrary to paragraphs 96(c) and 102 of the NPPF.

Agenda Item 18



Ordnance Survey - data derived from OS Premium



23/504443/FULL Land At Oakland Place, Greenway Forstal, Harrietsham, Kent ME17 1QA

Scale: 1:2500

Printed on: 07/06/2024 at 14:21 PM by RebeccaB1



REPORT SUMMARY

REFERENCE NUMBER: 23/504443/FULL		
APPLICATION PROPOSAL: (Retrospective) Stationing of 2no. static caravans and 2no.touring 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: 28/06/24
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

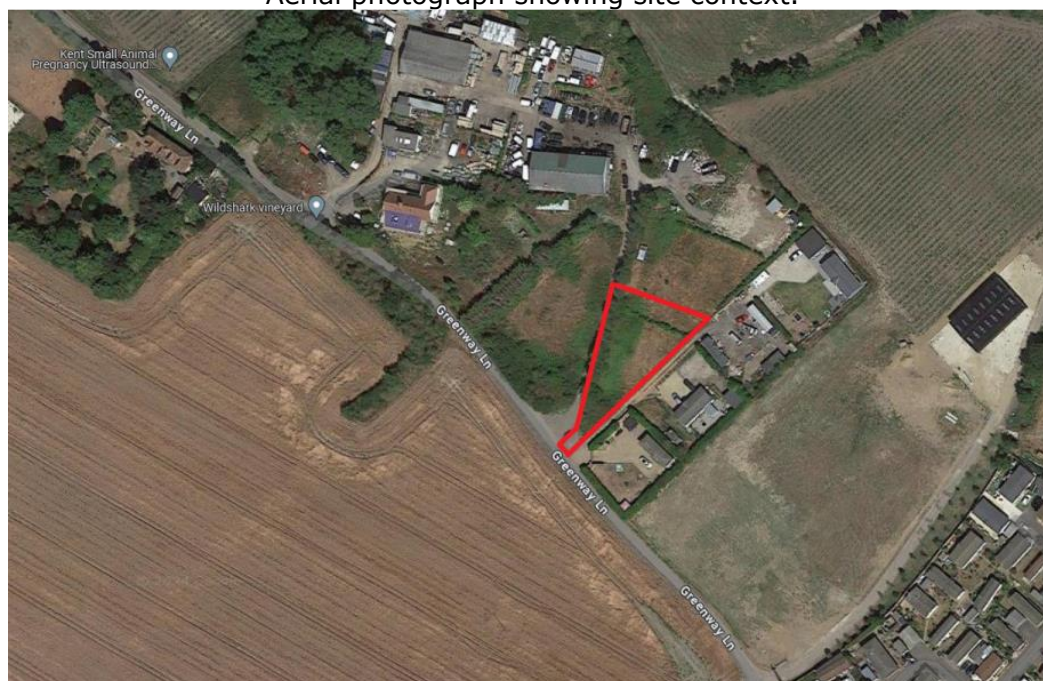
Compliance date 09.04.2001.

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 application site is situated on the northern side of Greenway Lane. The site itself is a 'triangular' shaped plot, wedged between two access roads. The below satellite photo is included simply to demonstrate the application sites location in relation to surrounding development. To be clear, the application is retrospective and mobiles and associated hardstanding, access etc are in place.

Aerial photograph showing site context.



- 1.03 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.
- 1.04 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.
- ### **2. PROPOSAL**
- 2.01 The application seeks retrospective permission to place 2 mobile homes and 2 touring caravans on site for Gypsy and Traveller use.
- 2.02 One unit would be 'centrally' located at the eastern portion of the site and the other at the northern end. Touring caravans would be situated alongside their associated static unit. The site would be accessed via the new existing access located at the southern end of the site. Plans indicate additional landscaping would be planted within the 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)

Planning Policy for Traveller Sites (2023)

Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (Sept 2023)

Gypsy, Traveller and Travelling Showpeople Development Plan Document – Scoping, Issues & Options Public Consultation (Reg 18a)

4. LOCAL REPRESENTATIONS

Local Residents

- 4.01 One representation was received objecting for the following summarised reasons:
- Impact on character and appearance of the area
 - Impact on trees on site
 - Impact on setting of the Kent Downs National Landscape (formally known as AONB).
 - Impacts 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 In terms of the material planning considerations raised this is summarised as:
- Impact on character and appearance of the area
 - Impact on trees on site
 - Impact on setting of AONB
 - Impacts 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 on the adjacent site is not relevant
 - Harm to character of the setting of the Kent Downs National Landscape
 - Site is not an authorised Traveller site

5. CONSULTATIONS

KCC Highways

- 5.01 Having considered the development proposals and the effect on the highway network, no objections are raised on behalf of the local highway authority.

6. APPRAISAL

- 6.01 The key issues for consideration relate to:
- Countryside, highways, flooding, landscape & ecology (policies LPRASP9 and LPRHOU8).
 - Need and supply of sites
 - Gypsy status
 - Residential amenity

Countryside, highways, flooding, landscape, ecology (Policies LPRASP9 LPRHOU8)

- 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 and tree lines providing a good level of natural screening from the road. The most prominent views of the site are immediately to the front of the application site, where views 'right through' the site are possible. The application indicates that additional planting would take place within the site that would help restrict and break up views into the site and of the caravans themselves. Conditions will be

imposed requiring the applicant to demonstrate existing and proposed landscaping and to ensure that appropriate species are used.

- 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 2023 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 mobiles 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 Kent Downs National Landscape is located 250 metres to the northeast of the application site. 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 application site is seen in the context of a breakers 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 access suitable for 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 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 Local Plan Review included policies relating to site provision for Gypsies and Travellers. Local authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Further to this, the 2012 GTAA has been superseded by the 2023 Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (GTAA).
- 6.29 The 2023 GTAA has indicated a significant emerging need for Gypsy and Traveller accommodation in the borough. Indeed, as of 1st April 2023, the Council has published the 5yr supply for Gypsy and Traveller Pitches, that being a 1.2yr supply. This is made up of: Carried forward unimplemented 2017 Local Plan allocations; turnover on the two public sites in the borough; and windfall allowance for pitches which will be granted planning permission in the future.
- 6.30 This formal acknowledgement of a lack of a 5yr supply for Gypsy and Traveller Pitches triggers paragraph 27 of the Government's Planning Policy for Traveller Sites (PPTS):

If a LPA 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 permission⁹. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and/or sites designated as Sites of Special Scientific Interest; Local Green Space, an AONB, or within a National Park (or the Broads).

⁹ There is no presumption temporary grant of permission should be granted permanently.

- 6.31 Moving on from this, the Local Plan Review is now given full weight, but the Council has chosen to separate the matter of gypsy and traveller policy from the Local Plan Review and is pursuing a separate DPD on this matter. This DPD is yet to go out to first stage consultation. As part of this work, two call for sites exercises ran between 1st February and 31st March 2022, and 28th February and 17th April 2023. The Gypsy, Traveller and Travelling Showpeople DPD is at its early stages and further public consultation is expected on this towards the end of 2024.
- 6.32 In the interim, Local Plan Review policy LPRSP10(c) (Gypsy & Traveller Site Allocations), includes extant allocations carried forward from the 2017 Local Plan policy GT1; and 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) and 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 With regard to the Maidstone Gypsy, Traveller and Travelling Showpeople DPD, the Local Development Scheme (LDS) timetable indicates a Reg 18b consultation taking place from February to March 2024. Evidence gathering ahead of a Reg 18b consultation is currently ongoing and the Council is considering whether it is appropriate to formally amend the LDS in relation to the DPD.

Gypsy Status

- 6.35 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.
- 6.36 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".
- 6.37 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.
- 6.38 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...".
- 6.39 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.

- 6.40 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

- 6.41 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".
- 6.42 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.
- 6.43 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.
- 6.44 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.
- 6.45 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).
- 6.46 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).
- 6.47 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

- 6.48 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.
- 6.49 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.

- 6.50 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 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.

- 7.03 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 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:
Application for planning permission
Site Location Plan
P1029-1 Existing Site Plan
P1029-2A Proposed Site Plan
P1029-3 Plans and Elevations
Cover Letter
Inspectorate Letter
Design and Access 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 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 astatic 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 vehicles over 3.5 tonnes shall be stationed, stored or parked on the site at any time.

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

- 6) 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.

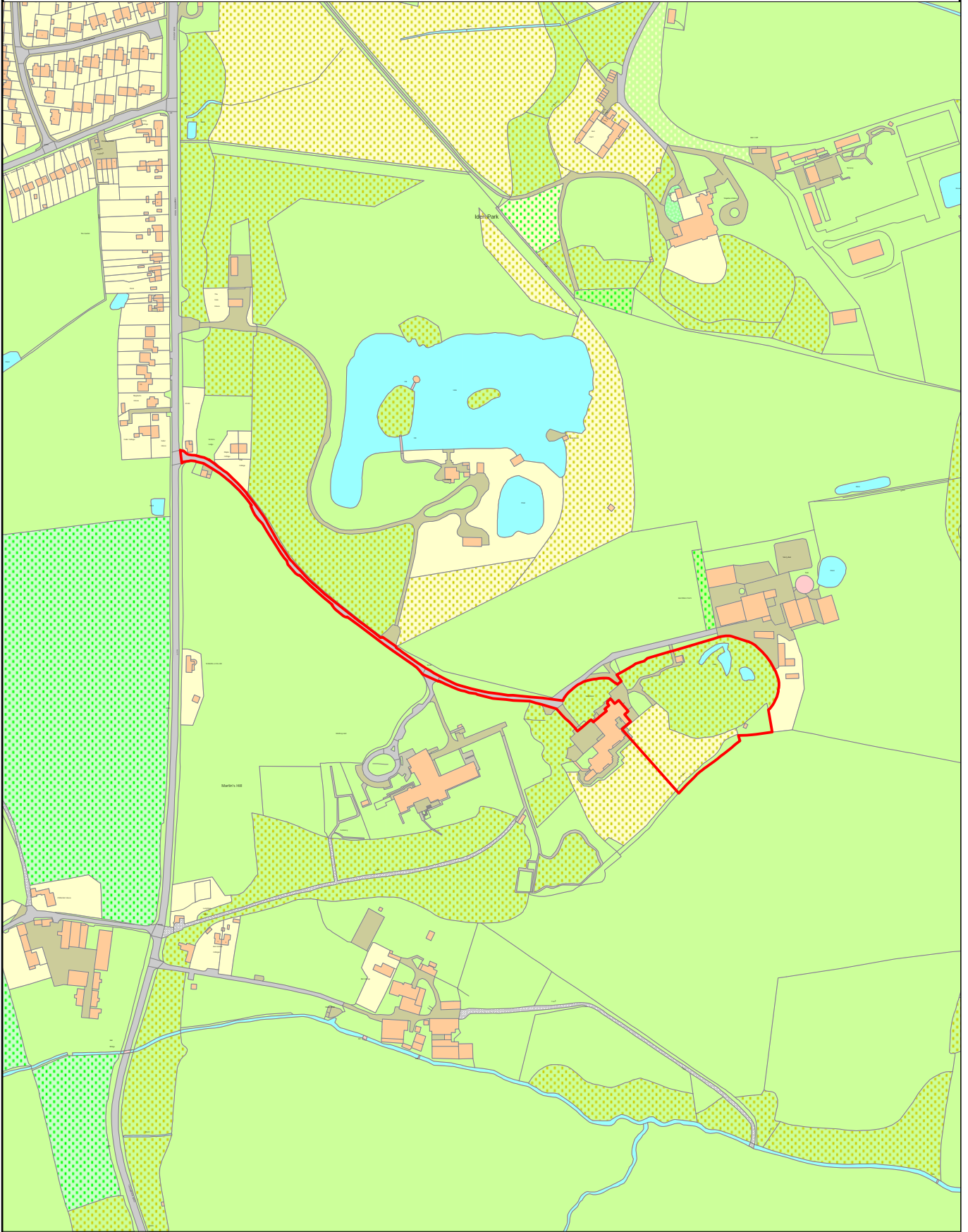
Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

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 19

MAIDSTONE BOROUGH COUNCIL

23/505361/FULL



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Iden Manor Nursing Home, Cranbrook Road,
Staplehurst, Tonbridge, Kent, TN12 0ER

REPORT SUMMARY

REFERENCE NUMBER: 23/505361/FULL		
APPLICATION PROPOSAL: Erection of a four storey 70 bedroom nursing home (use Class C2) with 18 parking spaces, sustainable urban drainage and associated works.		
ADDRESS: Iden Manor Nursing Home, Cranbrook Road, Staplehurst, Tonbridge, Kent, TN12 0ER		
RECOMMENDATION: Approve		
SUMMARY OF REASONS FOR RECOMMENDATION: <p>The proposed development is a Departure from the development plan due to the location of the development in the countryside. However, the 'fall back' of an extant permission has material weight. More relevant is the 'need' for care or nursing home bed spaces where it is noted that delivery within the Borough has fallen short and pipeline supply is limited. It is therefore concluded that the approval of this proposal would make a significant contribution to address the current shortfall of bedspaces in the short to medium term.</p> <p>The design and appearance of the development is considered acceptable within the local context and would not have a harmful impact on the Landscape which is an LLV. The proposal is also considered to be acceptable from a transport and highways perspective. Adjacent to the site is an existing and established nursing/care home (Use Class C2) and it is not considered to unduly impact the wider highway network. Improvements to encourage the use of sustainable transport options are recommended to be secured by condition. The assessment of the proposal has not identified undue harmful impacts to residential amenity. Landscaping, trees and biodiversity and sustainability (low carbon) measures would also be secured by condition.</p> <p>While the proposal is located within the countryside and would be contrary to the spatial hierarchy set out within LPR Policy LPRSS1 and countryside protection policy LPRSP9, the need for the development has been evidenced and accepted. The proposal is considered to otherwise accord with local and national planning policies and is therefore recommended for approval.</p>		
REASON FOR REFERRAL TO COMMITTEE: Called in by Staplehurst Parish Council, if minded for approval		
WARD: Staplehurst	PARISH/TOWN COUNCIL: Staplehurst	APPLICANT: Hoama (Staplehurst) Ltd AGENT: Jackson Planning Ltd
CASE OFFICER: Sean Scott	VALIDATION DATE: 04/12/23	DECISION DUE DATE: 04/03/24
ADVERTISED AS A DEPARTURE: Yes		

Relevant Planning History

06/0364 - Outline application for the erection of a 62 bedroom extension to existing residential care facility with all matters reserved for future consideration as shown on drawing numbers P527/1,2,3,4, site location plan received on 7 February 2006 and supporting statement received on 27 March 2006 - Approved 08.06.2006.

08/2125 - Erection of a four storey 62 bedroom nursing home with 18 parking spaces. (Resubmission of MA/08/0825) as shown on drawing numbers D-001 Rev P3, D-005 Rev P0, D-006 Rev P0, D-010 Rev P6, D-020 Rev P4, D-030 Rev P3, D-040 Rev P4, D-050 Rev

P2, D-100 Rev P3, D-101 Rev P3, D-200 Rev P5, D-201 Rev P1, D-202 Rev P1, M-900 Rev P1, M-901 Rev P1, M-902 Rev P1, M-903 Rev P1, M-904 Rev P0, M-905 Rev P1, M-906 Rev P1 received on 28/10/08 and as amended by additional documents being details of employee numbers and shift patterns received on 18/2/09 and amended design and access statement and drawing numbers D-010 Rev P7, D-020 Rev P5, D-030 Rev P4, D-040 Rev P5, D-050 Rev P3, D-100 Rev P4, D-101 Rev P4, D-200 Rev P6, D-201 Rev P2, D-202 Rev P2 received on 9/4/09 - Approved 27.08.2013. This application is referred to hereafter as the "2013 Permission".

03/0927 - Erection of part single storey part three storey extension which includes new lift, as shown on dwg nos P460/6, 7, 8, 20, 21, 22, 23, location plan and existing and proposed block plans received on 08.05.03. and as amended by additional documents being dwg nos P460/34 Rev A and 36 Rev A received on 24.06.03.
Approved 14.07.2003

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located approximately 500 metres south-east from the Staplehurst settlement boundary and is thus in the countryside. The site is served by a 500 metre driveway or access road which directly links to Cranbrook Road (A229).
- 1.02 The site is located within the Iden Manor site which contains an existing nursing/care home (Iden Manor Nursing Home) and covers 4.6 hectares. Iden Manor Farm is located to the east, and the Kent & Medway Adolescent Hospital, to the west. To the north of the Iden Manor complex is a grazing paddock and a dairy and to the south is predominantly farmland.
- 1.03 Each floor of the proposal comprises a up to two 'communities' [or living quarters] to serve between 9 and 11 residents, with shared kitchen/dining/lounge facilities as well as nursing facilities. In addition, the ground floor also contains the main entrance, reception, offices and kitchen and service areas.
- 1.04 Relevant designations and policy considerations are: the site is within the Low Weald Landscape of Local Value, Area TPO (ref. 3/2716) covering north-east; SSSI Impact Zone, Agricultural Lane Grade 3, Local Wildlife Site Buffer (within 500m).

2. PROPOSAL

- 2.01 The proposal is for the erection of a four-storey nursing home (use Class C2) comprising 70 bedrooms, with 18 parking spaces, sustainable urban drainage and associated works such as landscaping and bin storage.
- 2.02 It should be noted that while the applicant operates the adjacent care home at Iden Manor, this proposal would be a separate entity in terms of its management.
- 2.03 As indicated in the Relevant Planning History, there is an extant planning application which the applicant can implement (a fallback position), referred to as the 2013 Permission. The 2013 Permission has an identical footprint to this proposal and would be of a similar height and scale.
- 2.04 Should this application be approved and then implemented by the applicant, it would mean that the 2013 Permission could no longer be completed. This is because the proposal would be located on the same footprint.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan Review (2024)

- 3.01 The Maidstone Borough Local Plan Review (LPR) was adopted by the Council on the 20 March 2024. There have been two strategic level challenges to adoption. These do not affect the full weight of the LPR policies.
- 3.02 Relevant Local Plan Review policies and those they replace from the Local Plan 2017 are set out in the table below. The Maidstone Borough Local Plan (2017) policies have now been superseded but are given below as some consultees refer to them.

Policy Title (2017/2024)	Maidstone Borough Local Plan (2017)	Local Plan Review (2024)
Maidstone Borough Spatial Strategy	SS1	LPRSS1
Countryside	SP17	LPRSP9
Sustainable Transport	SP23	LPRSP12
Principles of Good Design	DM1	LPRSP15
Natural Environment	DM3	LPRSP14(A)
Open space and Recreation / Publicly Accessible Open Space and Recreation	DM19	LPRINF1
Community Facilities	DM20	LPRINF2
Renewable and Low Carbon Energy Schemes	DM24	LPRINF3
Assessing the Transport Impacts of Development	DM21	LPRTRA2
Parking Standards / Parking	DM23	LPRTRA4
Design Principles in the Countryside	DM30	LPRQD4
Sustainable Design	DM2	LPRQD1
Infrastructure Delivery	ID1	LPRSP13
Nursing and Care Homes / Specialist Residential Accommodation	DM14	LPRHOU7

Neighbourhood Plan: Staplehurst
 Kent Minerals and Waste Local Plan 2013-30 as amended by Early Partial Review (2020)
 Maidstone Landscape Character Assessment 2012 (Updated 2013)
 Supplementary Planning Documents: Maidstone Building for Life 12 (2018), Public Art Guidance (2017)
 The National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Two representations have been received objecting to the application for the following (summarised) reasons:
- Insufficient screening/landscaping to to reduce the impact of appearance, noise, light pollution and traffic noise.
 - Insufficient car parking, in this instance only 18 car spaces are to accommodate additional staff, family & visitors etc for 70 bed unit.
 - Flooding and drainage concerns.
 - Foul sewage capacity.
 - Light Pollution will impact wildlife (bats) and residential amenity.

- Access road not sufficient to support the development.

Parish Council

- 4.02 Staplehurst Parish Council object and refer the application to Planning Committee if the Planning Officer were minded to approve.
- the application is against Policies DM1 of MBCs Local Plan as it is remote from local infrastructure and the site is prone to flooding.
 - DM30 of MBCs Local Plan design principles in the countryside.
 - note that the site is of significant ecological value, with particular reference to birds, and feel that development would cause irreparable damage.
 - Concerns about light pollution.
 - Support the comments made by the Police.

5. CONSULTATIONS

Environment Agency

- 5.01 No Comment.

Natural England

- 5.02 No objection - Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites and landscapes.

Southern Water

- 5.03 No Objection – but highlights the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. However, it is evident that this would fall within the remit of Southern Water to provide the necessary reinforcements. An informative will be applied to alert the applicant to the need to engage with the water board.

Kent Police – Designing out Crime Officer

- 5.04 No objection subject to conditions on:

- Secure by Design.

Kent County Council (KCC) Highways and Transportation

- 5.05 Objection for the following reasons:

- Requests S106 Agreement to provide an appropriate crossing facility at the existing access to the footway on the western side of the A229, Cranbrook Road.
- Considers PIC data analysis to be out of date.

KCC Minerals and Waste Planning Policy

- 5.06 No objection: The County Council has no land-won minerals or waste management capacity safeguarding objections or comments to make regarding this matter.

KCC Archaeological Officer - Heritage Conservation

- 5.07 No objection: subject to condition:

- Due to the archaeological potential of the site an condition for an archaeological watching brief is recommended.

KCC Flood and Water Management

- 5.08 Objection for the following reasons:

- We would ask for ground investigation including both infiltration testing (adhering to BRE:365 guidance) and further analysis of the areas proposed for infiltration will be required to support its use. Further to this we would recommend for monitoring of groundwater to be undertaken. This should be undertaken when groundwater is likely to be at its highest. This is to ensure an adequate separation distance between the base of the soakaway and any groundwater can be maintained.
- Requirement for supporting calculations to demonstrate the drainage system's operation and performance for the critical duration 1 year, 30 year, 100 year + climate change allowances storm intensities. This should utilise a modified infiltration rate and demonstrate an appropriate half drain time.

KCC Ecology

5.09 No objection subject to conditions on:

- Construction Ecological Management Plan (CEMP - biodiversity)

MBC Housing and Community Services

5.10 No comment.

MBC Environmental Health Team

5.11 No objection subject to conditions on:

- Lighting details.
- Informative endorsing Mid Kent Environmental Code of Development Practice

6. APPRAISAL

6.01 The key issues are:

- Spatial Strategy
- Need
- Landscape Impact
- Character and Appearance
- Residential amenity
- Transport & Highways
- Biodiversity, Landscaping and Trees
- Sustainable Design
- Other Matters: Flooding and Sustainable Drainage

Spatial Strategy

6.02 Local Plan Review (LPR) Policy LPRSS1 sets out the Borough's Spatial Strategy which includes a clear locational hierarchy directing development to the Maidstone Urban Area, followed by other defined settlement areas and to specific site allocations and gives protection to the rural character of the borough.

6.03 The starting point for assessment of all applications in the countryside is LPR Policy LPRSP9. This Policy makes it clear that the countryside is defined as parts of the Plan area outside of the settlement boundaries. Furthermore, development proposals should not be permitted where they do not accord with other policies of the Plan or would have significant harm to rural character or appearance of the area. The Policy also highlights the importance of development retaining the

separation of individual settlements. It should be noted that the phrase "significant harm" was added to the countryside protection policy at the request of the Inspector.

- 6.04 LPR Policy LPRHOU7 does not allow for new build nursing/care homes outside defined settlement boundaries and extensions, or redevelopment is restricted to existing care/nursing homes within or adjacent to designated settlements.
- 6.05 Given that the proposal is located more than 500 metres from the settlement boundary of Staplehurst, it is the case that it would not comply with the theme of the LPR as articulated through the aforementioned policies which direct development to settlement areas. Therefore, the policy does not accord with the development plan and it is the case that the proposal is considered as a Departure from the development plan in this regard. However, it is recognised that there is a nursing/care home in existence in this location and therefore only limited weight is afforded to this matter especially given that there is an extant consent.
- 6.06 The application history includes sizeable extensions to the Iden Manor Nursing Home, the most recent being approved in August 2013 (ref. 08/2125), referred to otherwise as the 2013 Permission. The applicant has indicated that a start has been made on site and this is not disputed.
- 6.07 There is an existing established nursing/care home currently within the site. There is a strong case to be made regarding the compatibility of the proposed care home use and the intensification of this use.
- 6.08 While the proposed development would represent a Departure from the development plan, it is the case that the intensification of the use support the acceptability of the scheme in principle. This is notwithstanding other policy considerations of the development that will be weighed up in the planning balance as considered below.

Need

- 6.09 When considering Policy LPRHOU7, the proposal would not comply as the site is not within or adjacent to the Staplehurst settlement as defined in the development plan. It is evident that the applicant's case therefore relies on the 'need' for this type of development as a material consideration.
- 6.10 The applicant advises that the proposed facility will be registered to provide nursing care but there will be 'defined floors' with some floors being residential with no allocated nurse on that floor. Other floors would be for nursing/complex care/dementia care that will require a qualified nurse's input. The letter confirms that at least 1 qualified nurse will be on site at all times. The use is therefore considered to be a nursing/care home within Use Class C2 (Residential Institutions).
- 6.11 Kent has seen a steady decline in small independent care homes with occupancy numbers under 30 over the past five years. The existing stock tends to be older small sized premises which tend not to have suitably private facilities such as en-suites/wet rooms. Consequently, some smaller care homes in the Borough are closing or gaining change of use such as a 30 bedspace care home in Tovil site gaining planning permission to become a House in Multiple Occupation (ref 23/503311/FULL). A 24 bed Nursing Home at the Vale in Shepway is subject of a current planning application (ref 23/503025/FULL) for residential redevelopment on the argument that it cannot be brought up to modern standards economically.
- 6.12 The size of care homes is being driven up by the need for economies of scale. The new build care homes applied for in the Borough since 2018 have been for numbers

of bedrooms ranging from 63 to 87. Maplewood Care Home in Shepway was recently redeveloped from 28 bedspaces to 72.

- 6.13 Bearing in mind the need for large buildings to bring necessary economies of scale, outside amenity space and parking and servicing, the operators of Care Homes are unlikely to be able to compete with market housebuilders in terms of acquiring greenfield sites allocated in the Development Plan.
- 6.14 The SHMA update May 2021 which covers the period 2019-2037 estimates need as 1228 care or nursing home bedspaces equating to average of 68 per annum.
- 6.15 Recent major planning permissions for care bedspaces include a site within a new housing estate at Sutton Road (66 bedspaces), Eclipse Park (69 bedspaces) and the redeveloped Dorothy Lucy Centre/Maplewood with a net gain of 44 bedspaces and a minor development at 74 Bower Mount Road (net gain of 6). The planning permission in Tovil is a loss of 30 bedspaces.
- 6.16 For the period between 1 April 2019 and 1 April 2024 a net deficit of 185 bedspaces was identified:

need to date since 01.04.19	(68 pa x 5 years)	340
granted planning permission since 01.04.19	66+69+44+6 -30	155
Deficit to date based on completions plus pipeline	340-155	185

- 6.17 Some 5 years into the 18 year period, current net supply is running at less than half the cumulative need. No new build Care Homes have been permitted in the Borough since mid-2022.
- 6.18 It is the case that there is generally a delay of 4-5 years between a Care Home company initially securing a potential development site and the opening of the facility if planning permission is successfully achieved and implemented. On that basis, the deficit described above will further worsen over the next few years.
- 6.19 In a recent appeal decision in March 2024, for a large 87 bedspace Care Home at Forsham Lane, Sutton Valence, the Inspector dismissed the appeal on the basis of that application site being clearly distinct from the village of Sutton Valence and local housing on Headcorn Road but did state:

"the proposed development would make a positive contribution towards the provision of care home spaces for which there is a clear, ongoing need in this area. Furthermore, there is no clear alternative as to where these places will be provided. As such, the provision of housing for older and disabled people is a significant benefit of this scheme"

- 6.20 This is a very clear conclusion on the unmet need for Care Home bedspaces by a government inspector at a recent appeal and so is a material consideration in favour of the Care Home element.
- 6.21 There is a policy vacuum for new build Care Homes and no allocations. It is concluded overall that the current unmet need in the Borough for a new build modern Care Home has been demonstrated and delivery of 70 bedspaces would make significant contribution to address the shortfall in delivery at this established nursing/care home site. This therefore forms a material consideration of significant weight in the planning balance.

Landscape Impact

- 6.22 LPR Policy LPRSP14(A) seeks to protect and enhance the natural environment and specific reference is made to the need to protect positive landscape character, including Landscapes of Local Value (LLV), important hedgerows, features of biological or geological interest, ecosystem services and the existing public rights of way network from inappropriate development and avoid significant adverse impacts as a result of development through the provision of adequate buffers.
- 6.23 The site lies in the countryside and in the Low Weald Landscape of Local Value. It lies in the Landscape Character Area of Staplehurst Low Weald which is of good condition and high sensitivity to change.
- 6.24 It is noted that the location of the proposed development is on the least visually prominent side of the existing nursing home building. It is also the case that the site to the rear is relatively well screened by mature trees. While the proposed building would be large, it is considered to be subordinate to the existing building. It is not considered that the building would dominate views or cause any significant harm to the wider landscape. Furthermore, the expectation, as set out later in the report, is that suitable landscaping will come forward (secured by planning condition) to enhance landscaping which has the potential to further screen the development.
- 6.25 Due to the fallback position as outlined earlier in this report, the changes proposed do not significantly differ from the scale and massing of the 2013 Permission.
- 6.26 On-balance, it is considered that the proposal is unlikely have a significantly harmful impact upon landscape character of the LLV and thus no significant harm to the character and appearance of the countryside. Therefore, the proposal is considered acceptable in relation to landscape impact.

Character and Appearance

- 6.27 LPR Policy LPRSP15 require development proposals to create high quality design and specific reference is made to the need for developments to respond positively to, and where possible enhance, the local, natural or historic character of the area. Policy criteria of most relevance to this application specifies that regard should be paid to site coverage, being reflective and respectful to local landscape and the natural character of the area. LPRQD4 relates to design principles in the countryside and seeks high quality design that is sympathetic to existing buildings and the rural context. The Policy requires that new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area.
- 6.28 Due to the fallback position that the applicant claims, it is relevant to draw comparisons with the 2013 permission. The proposed care/nursing home would be in an identical location with a similar footprint. In addition, it includes two stacks of projecting balconies, has a more prominent/entrance reception area and a canopy over the main entrance.

Layout, scale and massing

- 6.29 The proposed new building would be located to the north-east of the existing Iden Manor Nursing Home and would cover a virtually identical footprint to the 2013 Permission. There are no concerns about the increased footprint from a design point of view.
- 6.30 The development is considered to be well laid out with parking in an accessible location to the front of the building, which works around the existing trees and with the existing road layout. There is also an ambulance bay and there would be sufficient space for servicing. The main entrance is via the lower ground floor and

it is considered to be legible and accessible. Bins are located by the parking area and are enclosed by timber screening. Terraced gardens are located alongside the north-eastern and south-eastern elevations of the building and provide amenity space, close to the building. A centrally located courtyard is also available from the lower ground floor.

Design

- 6.31 Initially the applicant submitted a design concept that was similar to that of the 2013 Permission. Notably, the design included rendered walls and zinc cladding across the façade. The applicant has made the following design improvements:
- Replacement of zinc cladding with brick panel features, in a yellow brick to match the stonework of Iden Manor;
 - Replacement of zinc cladding in gables with brick; and
 - Render omitted, to be replaced with yellow brick in contrast to the predominant red brick.
- 6.32 In order to ensure the design quality of the scheme is realised, it is considered prudent to apply the following conditions, should the application be minded for approval:
- Material Details – specific details/samples as required; and
 - Detailed design (including details of balconies)
- 6.33 Provided that the aforementioned conditions are applied to any decision, it is considered that the proposal is acceptable in relation to design and appearance.

Residential Amenity

- 6.34 The proposal is located alongside an existing nursing home. The impact on amenity to the existing care home is unlikely to cause significant harm to amenity (in terms of privacy, daylight/sunlight and outlook) of the existing care home residents due to its location on the north-eastern flank of the existing care home.
- 6.35 It is noted that there would be a significant distance to other neighbouring residential uses, and therefore it is not considered that there would be the undue harmful impacts once the site is in operation with respect to noise and disturbance, privacy and outlook.
- 6.36 Due to the countryside setting, it is considered to be prudent to include a condition for lighting details in the interests of residential amenity and ecology.
- 6.37 When compared with the 2013 Permission, this application includes balconies for shared amenity spaces (lounges/kitchens and dining rooms). This is considered to improve the quality of accommodation for residents on the upper floors and is supported.
- 6.38 Overall, the proposal is considered to be acceptable with respect to the amenity of neighbouring and future occupiers.

Transportation & Highways

- 6.39 LPR Policy LPRSP12 seeks to support sustainable transport options and mitigate the impact of development where appropriate on local and strategic road networks and facilitate the delivery of transport improvements. Chapter 9 of the NPPF promotes the concept of sustainable transport, to address impacts on transport networks, modal shift, reducing environmental impacts and giving consideration to patterns

of movement. Specifically, with regards to modal shift it indicates that opportunities to promote walking, cycling and public transport use should be "identified and pursued".

- 6.40 LPR Policy LPRSP15 requires proposals to accommodate the vehicular and pedestrian movement generated by a proposal on the local highway network and through the site access.
- 6.41 Access to the proposal would use an existing drive (included within the red line), which serves the existing care home (approximately 500m to Cranbrook Road). Staplehurst Railway Station is 2.8 km from the site and can be accessed via the A229 and provides services to Ashford and London.
- 6.42 The nearest bus stops are centred around Pinnock Lane, less than 1 km from the site. The bus stops are served by one bus route, between Maidstone and Hawkhurst and the frequency of the route appears to be most dependable between 0930 and 1915, and hourly.
- 6.43 Parking provision would total 18 parking spaces, with two of those spaces being for Blue Badge users and they are located closest to the entrance to the building. It is noted that an ambulance bay is also provided. When assessed against the Kent Vehicle Parking Standards (SPG4) the parking provision represent a shortfall of 11 spaces. When considering the standards, it is highlighted that SPG4 sets out maximum standards.
- 6.44 The level of parking proposed would remain the same as the 2013 Permission. However, it is recognised that this application proposes 8 more bedrooms. It is considered that due to the care home use, this is not likely to result in a significant uplift in parking demand. It is noted that the Transport Statement makes the case that that the applicant operates the adjacent nursing home and it indicates that there are several overflow parking spaces in the locality available for use. As the LPA has not been furnished with information about the number of spaces or indeed their lawfulness, only limited weight can be afforded.
- 6.45 KCC Highways and Transportation (H&T) has provided a consultation response confirming that that "although the number of parking spaces represents a short fall against adopted standards, the likelihood of overflow parking on the public highway is low".
- 6.46 Cycle parking has been addressed within the Transportation Statement which confirms that at least 7 cycle parking spaces are proposed. The accompanying Proposed Site Location Plan appears to show 4 external Sheffield stands to meet this requirement. Although the location appears to be accessible, this would not be acceptable on its own. Cycle parking should also be covered and secure to promote cycling as a sustainable alternative to the car. Therefore, it is considered relevant to include a planning condition for cycle parking details, should the application be approved.
- 6.47 With regards to traffic impact H&T consider the trip generation to modest and would therefore not be considered as 'significant,' or the resulting impact being 'severe' as specified in the National Planning Policy Framework.
- 6.48 H&T have submitted a holding objection to the proposal on the basis that the applicant should be required to provide:
- Confirmation if it is possible to provide an appropriate crossing facility at the existing access to the footway on the western side of the A229, Cranbrook Road;
 - Submission of revised PIC analysis using the most up to date available data.

- 6.49 In response to this the applicant has provided PIC data. Also, the applicant has provided a rebuttal for crossing facilities for the following reasons:
- this is because alterations to the public highway are proposed as the existing private road is to remain private for the existing route to the nursing home.
 - Due to the conditions of the residents within the nursing home, works on the A229 will not be of any benefit to the proposed extension scheme.
 - The site is approximately 462m away from the A229 and no works are being proposed on the existing private road nor the highway.
 - There is no scope or demand from the development to provide any crossing facility.
- 6.50 Officers take the view that the inclusion of a crossing is unlikely to provide the mitigation that would be necessary for inclusion within an S106 Agreement, nor would it be reasonable and therefore the delivery of a crossing has not been pursued in this instance.
- 6.51 Overall, officers are of the view that the proposal would not be of a scale that it would have a significant negative impact on highways and transportation. The proposal would be an intensification of the C2 use currently in this location, also the extant 2019 Permission does carry some weight. Therefore, on balance the proposal is deemed to be acceptable in relation to highways and transportation.

Biodiversity, Landscaping and Trees

- 6.52 The NPPF speaks of the need to minimise impacts on and provide net gains for biodiversity. One of the key principles, set out at Para 180 (a) states that “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”. This suggests that a more appropriate (perhaps brownfield) and on-site provision should be a preference.
- 6.53 There is a requirement to demonstrate a net gain in biodiversity as reflected by the NPPF. However, in this instance due to the time that the application was submitted there is no requirement to demonstrate an uplift of 10%, which has been a requirement for applications submitted since 12 February 2024. Policy LPRSP14(A), leans on the new requirement, and requires a minimum 20% biodiversity net gain on new residential development. Due to the date that the application was submitted, officers intend to ensure that there is no net loss in biodiversity as a result of the proposal.
- 6.54 The application has not addressed the new policy requirement for biodiversity net gain. However, it is considered that given the size of the site that it is reasonable to assume that a 20% uplift in biodiversity can be achieved on the site. In order to secure the delivery of
- 6.55 While a landscaping scheme has not been submitted, the application is accompanied by an Ecological Report, which recommends a native species-only planting scheme to maximise the biodiversity value of the development’s soft landscape, and it is likely that woodland planting will be necessary to avoid a net-loss of biodiversity. In addition, the proposed site plan for the development indicates that there would be landscaped terraces. It is an appropriate balance between hard and soft landscaping to ensure enhance biodiversity. Conditions for hard and soft landscaping would address this matter.

- 6.56 The KCC Ecology team were consulted and responded to confirm that sufficient ecological information has been provided within the application. In addition, two conditions have been recommended for Ecological Mitigation (construction ecological management plan) and Ecological Enhancements (with a requirement to enhance and maintain biodiversity). Officers are supportive of the conditions, and they are included at the end of the report, should the application be minded for approval.
- 6.57 The Council's Trees consultant has provided comments relation to the proposal. Their response highlighted that the Tree Survey has listed just under 60 trees, some of which are within TPO 4/2005 W1. A small number of relatively inconsequential, low grade Category C trees will be removed, for which there is no objection. The response also noted that 3 Oak and 2 Aspen trees would need variable amounts of crown reduction to facilitate the building and scaffolding. It is also understood that the same trees will also require an incursion of approximately 10% into the (root protection area (RPA). This is considered to result in concerns about the ongoing demands to prune accordingly. The reduction and potential for future pressure for further tree works to trees close to the building is of concern.
- 6.58 To address these concerns conditions are recommended for an Arboricultural Method Statement, tree protection, and tree and hedge retention.
- 6.59 Officers are cognisant that the applicant has a fallback position to build out the 2013 permission. Therefore, within this application there is an opportunity to address the landscaping and tree matters highlighted above within this application. Therefore, appropriately worded conditions for soft landscaping and trees are recommended. These conditions take account of the need to provide native species planting and to include retained trees and replacement trees for any trees lost.

Sustainable Design

- 6.60 LPR Policy LPRQD1 requires new development to provide 10% on site renewables or low carbon energy production where appropriate. In addition, the Policy requires non-domestic development to meet the BREEAM Technical Standard (2018) Very Good rating.
- 6.61 The application is accompanied by an Energy Strategy Report which indicates that the following measures will be incorporated into the proposed building:
- Enhanced building fabric performance has been targeted through improved thermal performance and reduced air permeability.
 - Energy efficient heating, domestic hot water, cooling, ventilation, and lighting systems throughout.
- 6.62 The inclusion of an Air Source Heat Pump serving space heating in addition to photovoltaic array was the found to be the most suitable option for the option of low-carbon technology.
- 6.63 The conclusion of the conceptual design stage energy strategy is to provide the proposed care home with an Air Source Heat Pump serving space heating in addition to a minimum of 100m² (c. 20kW_pe) of photovoltaic array. This solution provides a route to compliance with Approved Document Part L2:2021 of the Building Regulations.
- 6.64 BREEAM has not been addressed within the Energy Strategy Report. To ensure that Policy LPRQD1 is met, a condition is proposed if minded for approval.
- 6.65 A suitably worded condition is also proposed to ensure the recommendations of the Energy Strategy Report are incorporated into the final design for the proposal.

Provided the aforementioned conditions are applied, the proposal is considered to represent a policy compliant scheme in accordance with LPR Policy LPRQD1.

Other Matters

Flooding and sustainable drainage:

- 6.66 The Lead Local Flood Authority highlighted that sufficient details had not been provided. The Applicant has provided further details and officers have recommended a condition to secure a sustainable drainage system. Officers are therefore satisfied that this condition will be sufficient to address drainage matters.

7. PUBLIC SECTOR EQUALITY DUTY

- 7.01 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.

8. CONCLUSION

- 8.01 The proposed development is a Departure from the development plan due to the location of the development in the countryside. However, the 'fall back' of an extant permission has material weight. More relevant is the 'need' for care or nursing home bed spaces where it is noted that delivery within the Borough has fallen short and pipeline supply is limited. It is therefore concluded that the approval of this proposal would make a significant contribution to address the current shortfall of bedspaces in the short to medium term.
- 8.02 The design and appearance of the development is considered acceptable within the local context and would not have a harmful impact on the Landscape which is an LLV. The proposal is also considered to be acceptable from a transport and highways perspective. Adjacent to the site is an existing and established nursing/care home (Use Class C2) and it is not considered to unduly impact the wider highway network. Improvements to encourage the use of sustainable transport options are recommended to be secured by condition. The assessment of the proposal has not identified undue harmful impacts to residential amenity. Landscaping, trees and biodiversity and sustainability (low carbon) measures would also be secured by condition.
- 8.03 While the proposal is located within the countryside and would be contrary to the spatial hierarchy set out within LPR Policy LPRSS1 and countryside protection policy LPRSP9, the need for the development has been evidenced and accepted. The proposal is considered to otherwise accord with local and national planning policies and is therefore recommended for approval.

EIA Screening

EIA Development	No
Comments	Not of a sufficient scale to warrant an EIA.

9. RECOMMENDATION

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

HEADS OF TERMS

- A minimum 20% biodiversity net gain units across the site, to align with a Biodiversity Net Gain Assessment with 30 year management and monitoring plan and payment of bespoke fee to be agreed for monitoring in years 2, 5, 10, 15, 20, 25 and 30 from first occupation of the development.

CONDITIONS:

1) Time Limit

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

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

2) Approved Drawings and Documents

Drawing/Document Title	Drawing no.	Rev no.
Site Location Plan	L100	P3
Ex Proposed Block Plans	L101	P1
Car Park Layout	L102	P1
Extension - Lower Gr Floor Plan	L220	P2
Extension - Ground Floor Plan	L221	P1
Extension - First Gr Floor Plan	L222	P1
Extension - Second Floor Plan	L223	P1
Extension - Roof Plan	L224	P2
MV - North elevations (approved & Proposed)	L230	P3
MV - East elevations (approved & Proposed)	L231	P4
MV - West elevations (approved & Proposed)	L232	P4
MV - Southelevations (approved & Proposed)	L233	P3
MV - Section elev A-A (approved & Proposed)	L234	P4
MV - Section elev B-B (approved & Proposed)	L235	P4
MV - Section elev C-C (approved & Proposed)	L236	P4
MV - Section elev D-D (approved & Proposed)	L237	P4
MV - North & East context elevations	L238	P3
MV - South & West context elevations	L239	P3
Design and Access Statement	-	P2

3) Archaeological Watching Brief

Prior to commencement of development, the applicant, or their agents or successors in title, will secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

4) Arboricultural Method Statement

No development including site clearance and demolition shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

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

5) Tree protection

The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

6) Materials

The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials; red brick, yellow brick,

Reason: To ensure a satisfactory appearance to the development.

7) Landscaping Scheme

The development hereby approved shall not commence above slab level 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 (Only non-plastic guards shall be used for the new trees and hedgerows);
- d) Retention of existing trees and the provision of new native trees within the landscape.

- e) Provision of a native species planting scheme which shall include woodland enhancements and ensure no net loss in biodiversity .

The details shall specifically include, but not be limited to, landscaping to the parking area, terraces and woodland planting.

Reason: In the interests of landscape, visual impact, and amenity of the area and 10 year period is to ensure appropriate screening and for species to establish within the Landscape of Local Value.

8) Detailed Design

Prior to the commencement of facade works, detailed drawings plan/section/elevation at 1:20 of the following shall be submitted to the Local Planning Authority for approval in writing:

- Typical window (reveal, header, sill);
- Brickwork features;
- Communal entrances;
- Typical Balcony/balustrade;
- Eaves, verges, roof parapets, and
- Rainwater goods.

The development shall only be implemented in accordance with the approved details.

Reason: To ensure a satisfactory standard of external appearance.

9) Hard Landscaping

The works shall not commence above slab/podium level until details of hard landscape works (where possible virtual samples) have been submitted for approval by the Local Planning Authority. The hard landscape works shall be carried out in accordance with the approved details before first occupation.

Reason: To ensure a satisfactory appearance to the development.

10) Ecology Enhancements

No development shall occur above slab level, until details of how the development will enhance biodiversity have been submitted to, and approved in writing by, the local planning authority. Details will include native species planting, as well as habitat boxes for bats and breeding birds. Boxes for breeding birds will be targeted at house martin and will need to be suitably sited to encourage use. Any boxes included for wildlife will be building integrated and/or woodcrete to ensure durability. The approved measures will be implemented and retained thereafter.

Reason: in order to support biodiversity.

11) Renewables

No development above slab level 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 have been submitted to and approved in writing by the Local Planning Authority. Such details shall include measures for battery energy storage unless this is demonstrated with

evidence to be unfeasible. The approved details shall be implemented prior to the first use/occupation of any unit to which the details relate and thereafter retained.

Reason: To ensure a sustainable form of development

12) Surface Water Drainage

Development shall not begin in 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 30 and 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.
- that the surface water drainage system is in adherence with the drainage hierarchy.
- A minimum of 50% reduction in discharge rate for all rainfall events compared to existing rates.

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.

13) Surface Water Drainage - Verification

The development hereby permitted 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 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 pursuant to the requirements of paragraph 175 of the National Planning Policy Framework.

14) Lighting Details

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

Reason: in the interests of neighbouring amenity.

15) Tree and hedge retention

All existing trees and hedges on, and immediately adjoining, the site, shall be retained, unless identified on the approved Tree Work Plan, [drawing ref. TWP-231120, dated 20 November 2023] as being removed, except if the Local Planning Authority gives prior written consent to any variation. All trees and hedges shall be protected from damage in accordance with the current edition of BS5837. Any trees or hedges removed, damaged or pruned such that their long term amenity value has been adversely affected shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions to mitigate the loss as agreed in writing with the Local Planning Authority.

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

16) BREEAM

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.

17) Retention of Nursing/Care Home Use

The Nursing/Care Home hereby approved shall only be used for Class C2 (Residential Institution) as residential accommodation and care to people in need of care and for no other purpose.

Reason: To ensure the Local Planning Authority retains control over the development because of the specific need considerations justifying the development in the countryside.

18) Landscaping Implementation

All landscaping specified in the approved landscape details shall be carried out in the first planting season (1 October to end of February) following the first occupation/use of the building(s) or in accordance with a timetable previously

agreed with the Local Planning Authority. In the case of open space/public/communal areas (areas outside of operational building work) following completion of these areas or in accordance with a timetable previously agreed with the Local Planning Authority.

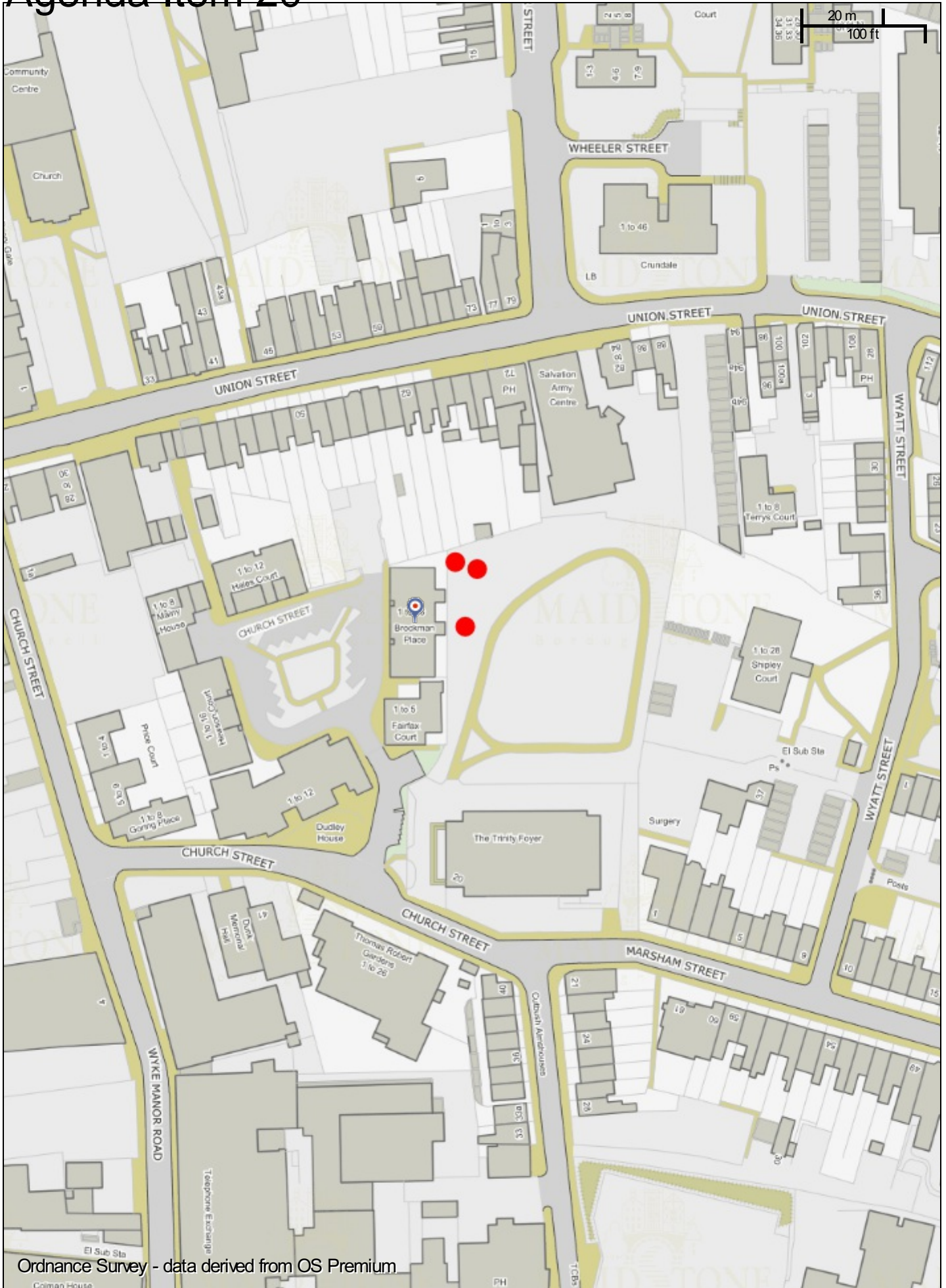
The approved landscaping shall be retained for at least 10 years following its implementation and shall be managed and retained strictly in accordance with the approved specification/management plan, and any approved or retained seeding or turfing which fails to establish or any trees or plants which, 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. The reason for the longer 10 year period is to ensure appropriate screening and for species to establish within the Landscape of Local Value.

INFORMATIVES

- 1) Southern Water – sewage capacity
- 2) Highways Permissions
- 3) Environmental Code of Development Practice

Agenda Item 20



Ordnance Survey - data derived from OS Premium

23/505330/TPOA 13 Brockman Place, Church Street, Maidstone, Kent, ME14 1BX

Scale: 1:1250

Printed on: 7/6/2024 at 15:27 PM by RebeccaB1

REPORT SUMMARY

CASE REFERENCE: 23/505330/TPOA		
ADDRESS: 13 Brockman Place, Church Street, Maidstone, Kent. ME14 1BX		
PROPOSAL: Tree Preservation Order Application: T5 Ash, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m. T6 Lime, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m. T8 Prunus, thin crown by 15%, reduce crown from property and clean out crown W5.5m to 3m. All works are to allow light into property and maintenance purposes.		
RECOMMENDATION: TPOA Split Refused/ Lesser – subject to CONDITIONS / REASONS and INFORMATIVES		
SUMMARY OF REASONS FOR RECOMMENDATION: The works proposed in the application are considered excessive and should be refused. However, alternative lesser works are considered more appropriate to help address the reasons put forward for the work.		
REASON FOR REFERRAL TO COMMITTEE: Maidstone Borough Council Parks & Open Spaces Department are the applicant.		
PARISH: Unparished	WARD: High Street	
APPLICANT: Maidstone Borough Council	AGENT: Qualitree Services	
CASE OFFICER: Paul Hegley (MBC)	SITE VISIT DATE: 03.01.2024	
DATE VALID: 22.11.2023	CONSULTATION EXPIRY: 14.12.2023	DECISION DUE: 17.01.2024

RELEVANT PLANNING HISTORY

Planning:

23/505330/TPOA - Tree Preservation Order Application: T5 Ash, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m. T6 Lime, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m. T8 Prunus, thin crown by 15%, reduce crown from property and clean out crown W5.5m to 3m. All works are to allow light into property and maintenance purposes. - **Pending Decision** -

Enforcement:

None

Appeals:

None

MAIN REPORT

1. DESCRIPTION OF TREES

- 1.01 The Ash tree (listed as T5 in the application), Lime (listed T6) and Cherry (Listed T8) are all located in the grounds of Trinity Park towards the north-western corner behind the properties in Brockman Place.

2. PROPOSAL

- 2.01 The works proposed in the application are summarised as follows.
- T5 Ash, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m.
- T6 Lime, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m.
- T8 Prunus, thin crown by 15%, reduce crown from property and clean out crown W5.5m to 3m.

3. PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No.32 OF 1973:

Individual Tree -T1 Lime (listed as T6 in the application)

Individual Tree -T2 Ash (Listed as T5 in the application)

Conservation Area:

Yes – Holy Trinity Church (Cherry listed as T8)

4. POLICY CONSIDERATIONS

- 4.01 Government Policy:

National Planning Policy Framework (2021)

Planning Practice Guidance Tree Preservation Orders and trees in conservation areas, March 2014.

The Town and Country Planning (Tree Preservation)(England) Regulations 2012

- 4.02 Compensation:

A refusal of consent to carry out works on trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal.

5. LOCAL REPRESENTATION

- 5.01 No representations have been received.

6. CONSULTATIONS

- 6.01 Consultation letters were sent to neighbouring properties in Brockman Place and a site notice was posted on the main gates leading into the park. No subsequent representations have been received.

7. TREE APPRAISAL

Ash T5 in the application (designated as T2 in the TPO)

The Ash is a mature specimen, approximately 24m tall with an average crown spread of 13m and a stem diameter of 850mm (at a height of 1.5m). It is a prominent tree with a large, wide-spreading crown and is clearly visible from Trinity Park.

There is dense ivy on the main stem which prevented a full visual assessment on the tree. There is major deadwood within the crown, otherwise, the tree appeared to be in a healthy condition.

The ash tree is growing in the north-western corner area of the site within dense, unmaintained undergrowth. The crown overhangs the eastern boundary to Brockman Place with the branches some 1.5m from the eastern elevation of the building. Please refer to photograph 1 below.



Photograph 1 – T5 Ash

Lime T6 in the application (designated as T1 in the TPO)

The Lime is semi-mature in age, approximately 16m tall with a crown spread of 6m and a stem diameter of 600mm (at a height of 1.5m). It has previously been pollarded at a

height of approximately 8m and is suppressed on the eastern side by the adjacent ash tree (T6).

There is dense epicormic growth around the stem base which prevented a full visual assessment on this part of the tree. It is of fair condition with a slightly sparse crown for the species and minor deadwood in the crown.

The lime tree is growing in the north-western corner of the site, within an overgrown, unmaintained area. It overhangs the north-eastern corner of Brockman Place, with the tips of the lower branches 1m from the roof of the building. The tree is clearly visible from Trinity Park. Please refer to photograph 2 below.



Photograph 2 – T6 Lime

Cherry T8 in the application (not subject to a TPO but protected under Holy Trinity Church Conservation Area)

The Cherry (Prunus) is semi-mature in age, approximately 13m tall with a crown spread of 7m and a stem diameter of 340mm (at a height of 1.5m). The crown is slightly

weighted to the west, towards Brockwell Place with the branches almost in contact with the eastern elevation of the building.

There is dense ivy on the main stem which prevented a full visual assessment on the tree. The tree appears to be in a healthy condition with no visible defects other than some minor deadwood within the crown.

The cherry tree is growing close to the western boundary of the site, within an unmaintained, overgrown area and is clearly visible from Trinity Park. Please refer to photograph 3 below.



Photograph 3 – T8 Cherry

7.01 Comments/Considerations:

The proposed thinning of the crowns of the three trees is considered acceptable. However, the operation of cleaning out the crown (the removal of dead, diseased and damaged branches) is not warranted in addition to the crown thinning, which will remove

similar branches. Indeed, crown cleaning is not a recognized operation in BS3998; 2010 Tree work – Recommendations.

Regarding T5 Ash, my observations suggest that the crown width of this tree is at least 13m which is considerably larger than the 10m width specified in the application. I believe that a reduction of the western lateral branches growing towards Brockman Place by up to 3m is reasonable. However, because of the discrepancy, the works would remove more foliage than needed, leaving large open pruning wounds contrary to current best practice.

In respect of T6 Lime, my observations suggest the crown width is no more than 6m, which is significantly smaller than the 10m width specified in the application, As such, I am of the view that a reduction by 3m in width is too excessive and will spoil the general appearance of the tree.

Regarding T8 Cherry, my observations suggest that the width of the crown is slightly larger but, not significantly different from that specified in the application. However, I am of the view that a reduction by 2.5m in width is too excessive and will result in a lop-sided crown.

8. CONCLUSION

In view of the above discrepancies and potential severity of the works currently proposed I recommend that the application is refused but, a modified application with lesser works, such as those detailed below, should be allowed subject to conditions and informatives:-

T5 Ash - reduce the western branches growing towards Brockman House, by up to 3m from a crown width of 13m to 10m and thin the crown by 15%.

T6 Lime - reduce the western branches growing towards Brockman House, by up to 1.5m from a crown width of 6m to 4.5m and thin the crown by 15%.

T8 Cherry - reduce the western branches growing towards Brockman House, by up to 2.5m from a crown width of 7m to 5m and thin the crown by 15%.

9. RECOMMENDATION

9.01 **TPOA Split Refused/ Lesser** – Subject to the following CONDITIONS / REASONS and INFORMATIVES.

Refused Works and reasons:

(1) The following works have been refused on the grounds stated below.

T5 Ash, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m.

T6 Lime, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m.

T8 Prunus, thin crown by 15%, reduce crown from property and clean out crown W5.5m to 3m.

The proposed combination of crown cleaning, thinning and reduction works proposed to the three trees (listed T5, T6 & T7 in the application) are considered excessive and unjustified for the reasons stated in the application. The works would therefore be contrary to policies intended to confer protection to trees and tree cover in the borough, Maidstone Borough Local Plan October 2017 - Policy DM 3, Local Plan Review, draft plan for submission (Regulation 22) dated October 2021, Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement

(2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000) together with Government Policy: Planning Practice Guidance; Tree Preservation Orders and trees in conservation areas

Approved Lesser Works and reasons for lesser works decision:

- (2) The following LESSER works have been approved subject to the conditions and informatives listed in this notice for the reasons stated below.

T5 Ash - reduce the western branches growing towards Brockman House, by up to 3m from a crown width of 13m to 10m and thin the crown by 15%.

T6 Lime - reduce the western branches growing towards Brockman House, by up to 1.5m from a crown width of 6m to 4.5m and thin the crown by 15%.

T8 Cherry - reduce the western branches growing towards Brockman House, by up to 2.5m from a crown width of 7m to 5m and thin the crown by 15%.

Reasons:

To ensure compliance with British Standard 3998:2010 Tree Works and help address the reasons put forward for the works in the application whilst balancing the continued health and amenity of the trees.

Conditions:

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

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

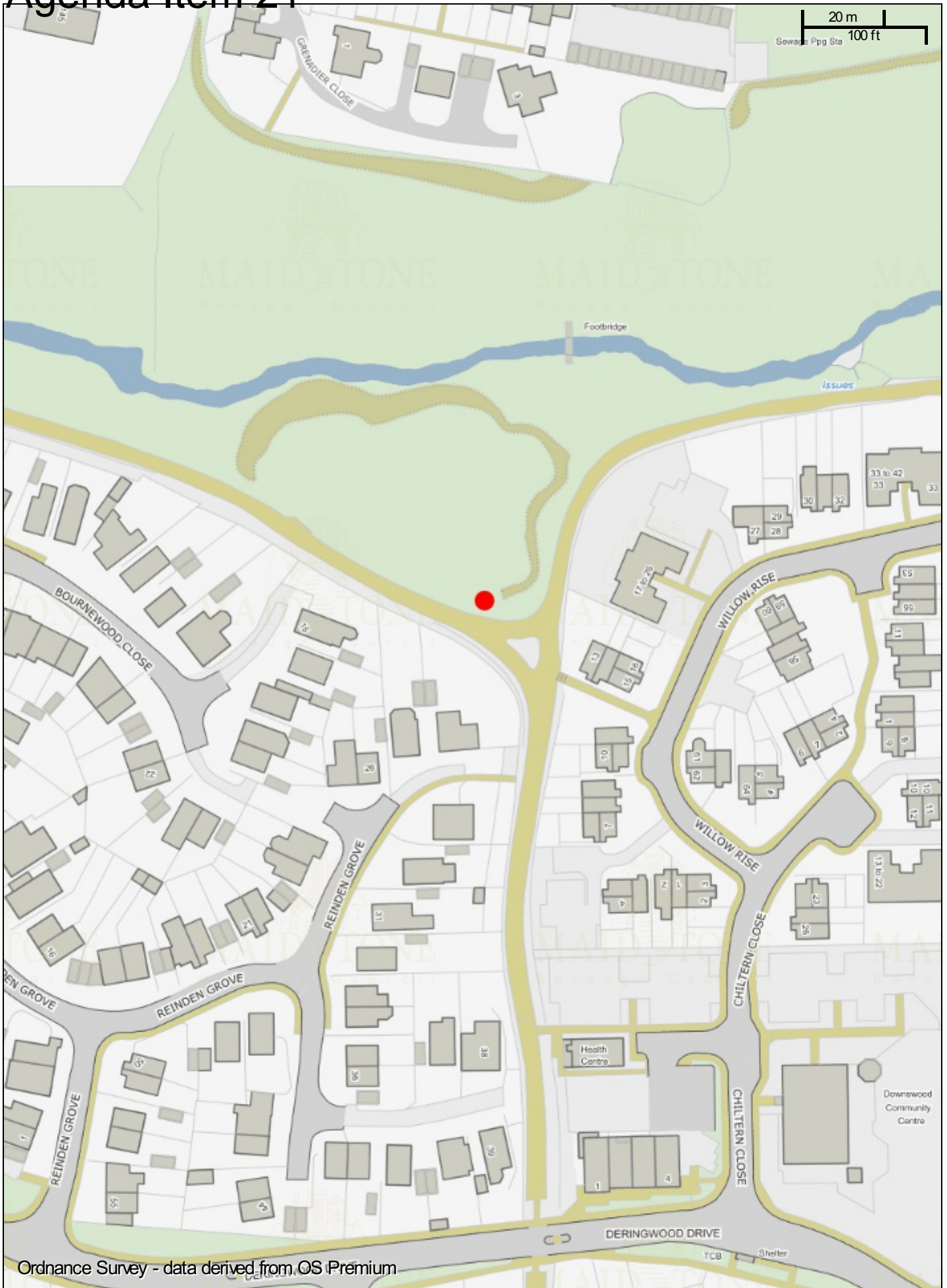
Informatives:

- (1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.
- (2) All cut timber/wood between 15cm and 60cm in diameter, together with any senescent and rotting wood, should be retained and stacked safely on site for the colonisation of saproxylic organisms, except where an alternative proposal has been submitted to and approved in writing by the local planning authority.

Case Officer: Paul Hegley (MBC)

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

23/503247/TPOA Trees Along River Len Footpath, Spot Lane, Downswood, Kent

Scale: 1:1250

Printed on: 7/6/2024 at 15:21 PM by RebeccaB1

REPORT SUMMARY

CASE REFERENCE: 23/503247/TPOA		
ADDRESS: Trees Along River Len Footpath Spot Lane Downswood Kent		
PROPOSAL: TPO application to remove right hand trunk of one Ash T1 with red paint to 1m above ground level, starting height 19m. Broken limb/poor condition.		
RECOMMENDATION: Lesser Works (Trees) – subject to CONDITIONS / REASONS and INFORMATIVES		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed works are considered excessive and contrary to the current British Standards so lesser works are considered more appropriate to alleviate any safety risk whilst balancing the amenity value of the tree.		
REASON FOR REFERRAL TO COMMITTEE: The application has been submitted by Maidstone Borough Council’s Park and Open Spaces Team.		
PARISH: Downswood	WARD: Downswood And Otham	
APPLICANT: Maidstone Borough Council	AGENT: Qualitree Services	
CASE OFFICER: Paul Hegley (MBC)	SITE VISIT DATE: 07.11.2023	
DATE VALID: 25.07.2023	CONSULTATION EXPIRY: 18.08.2023	DECISION DUE: 19.09.2023

RELEVANT PLANNING HISTORY

Planning:

23/503247/TPOA - TPO application to remove right hand trunk of one Ash T1 with red paint to 1m above ground level, starting height 19m. Broken limb/poor condition. -

Pending Decision -

Enforcement:

None

Appeals:

None

MAIN REPORT

1. DESCRIPTION OF TREES

- 1.01 The Ash tree (listed as T1 in the application) is growing to the south of the River Len close to the road/path edge of Spot Lane.

2. PROPOSAL

- 2.01 Remove right hand trunk of one Ash T1 with red paint to 1m above ground level, starting height 19m. Broken limb/poor condition.

3. PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No. 9 of 1975:

The Ash listed as T1 in the application falls within woodland W1 of the TPO.

- 3.02 Conservation Area:

No

4. POLICY CONSIDERATIONS

- 4.01 Government Policy:

National Planning Policy Framework (2021)

Planning Practice Guidance Tree Preservation Orders and trees in conservation areas, March 2014.

The Town and Country Planning (Tree Preservation)(England) Regulations 2012

- 4.02 Compensation:

A refusal of consent to carry out works on trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal.

5. LOCAL REPRESENTATION

- 5.01 Having publicised the application on site with a site notice, no local representations have been received.

6. CONSULTATIONS

- 6.01 Downswood Parish Council – No comments have been received.

7. APPRAISAL

Ash trees listed as T1 in the application (designated within W1 of the TPO)

- 7.01 Condition:

Fair – Showing minor signs of deterioration and/or defects consistent with early signs of Ash Dieback Disease (ADD).

7.02 Contribution to public amenity:

Excellent – A prominent natural feature of the area/particularly suited to the location forming part of the wider sylvan character of the woodland flanking south of the River Len (as seen in photo 1 below)

7.03 Retention/Longevity:

Medium – Estimated remaining life expectancy of at least 10 years based on current condition during the site inspection.

Photo 1 – View of Ash tree T1 taken from Spot Lane



7.04 Comments/Considerations:

The Ash tree T1 is a maturing specimen attaining a height of 16 meters, growing towards the edge of scrub/woodland that flanks the southern banks of the River Len. It has an asymmetrical crown towards the south caused by the growth and presence of similar sized trees within the woodland to the north. Dense Ivy growth (as seen in photo 1 above) covers the main trunk and inner scaffold branches.

The application seeks consent to remove the lowest main arterial branch/limb that extends over Spot Lane to the south which can be seen in photo 1 above. The limb to be removed is over 11 meters in length with heavy overweighted outer branches. A similar sized branch extending close to the base of this lower limb recently failed falling and blocking Spot Lane. Consequently, the removal of this similar sized overweighted branch is now proposed to prevent a similar failure and remove any potential danger to users of Spot Lane.

Whilst there is some risk of this limb failing due to its overweighted length, its complete removal back to the main trunk/stem would create a large open pruning that would be open for decay pathogens. Such a large wound close to the trunk

would be contrary to the recommendations of British Standard 3998:2010 Tree Works – Recommendations.

Therefore, taking this into consideration a lesser reduction of the limb by no more than 50% of its current length is recommended, which would result in smaller wounds whilst reducing sufficient branch weight to alleviate the risk of future failure.

8. CONCLUSION

- 8.01 The proposed works are considered excessive for the reasons given in the recommendation below. However, lesser works should be approved that would still address the potential failure of the branch whilst complying with current British Standards and good pruning practices.

9. RECOMMENDATION

- 9.01 **Lesser Works (Trees)** – Subject to the following CONDITIONS / REASONS and INFORMATIVES.

Approved Lesser Works and reasons for lesser works decision:

- (1) The Council considers the proposed removal of the lower main stem/branch of the Ash tree (listed as T1 in the application) is excessive and unacceptable for the reasons stated below.

The Council considers that a maximum reduction of the lower stem/branch of the Ash T1 to no more than 50% of its current length (as indicated by a red lines on the annotated photograph accompanying this notice) is the maximum works that should be allowed. This will help to reduce loading of the stem whilst balancing amenity considerations. A reduction beyond this would be detrimental to visual amenity, create a larger pruning wound back to the main trunk contrary to the recommendations given in British Standard 3998:2010 Tree Works - Recommendations , and would therefore be contrary to policies intended to confer protection to trees and tree cover in the borough, specifically Maidstone Borough Local Plan October 2017 - Policy DM 3, Local Plan Review, draft plan for submission (Regulation 22) dated October 2021, Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000) together with Government Policy: Planning Practice Guidance; Tree Preservation Orders and trees in conservation areas.

Conditions:

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

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

Informatives:

- (1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.
- (2) All cut timber/wood between 15cm and 60cm in diameter, together with any senescent and rotting wood, should be retained and stacked safely on site for the colonisation of saproxylic organisms, except where an alternative proposal has been submitted to and approved in writing by the local planning authority.

Case Officer: Paul Hegley (MBC)

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 22



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

CASE REFERENCE: 5001/2024/TPO	
ADDRESS: Woodland Between Moncktons Lane And, Kerry Hill Way, Maidstone, Kent	
RECOMMENDATION: CONFIRM Tree Preservation Order No. 5001/2024/TPO WITHOUT MODIFICATION as per the attached Order.	
SUMMARY OF REASONS FOR RECOMMENDATION: The objection received to the making of the TPO does not throw its validity into doubt. Consequently, it is considered expedient to confirm the order to ensure the continued protection of the woodland trees.	
REASON FOR REFERRAL TO COMMITTEE: An objection to the making of the TPO has been received.	
PARISH: North	WARD: North
CASE OFFICER: Paul Hegley (MBC)	SITE VISIT DATE: 30 th November 2023
PROVISIONAL TPO MADE: 03.01.2024	PROVISIONAL TPO EXPIRY: 03.07.2024
PROVISIONAL TPO SERVED: 03.01.2024	TPO OBJECTION EXPIRY: 31.01.2024

RELEVANT PLANNING HISTORY

Planning:

None

Enforcement:

None

Appeals:

None

MAIN REPORT

1. INTRODUCTION AND BACKGROUND

- 1.01 The Maidstone Borough Council made the provisional Tree Preservation Order No. 5001/2024/TPO on the 03.01.2024, which is attached at Appendix 1.
- 1.02 The site subject to this TPO is a rectangular area of woodland/copse that sits between Moncktons Lane and Kerry Hill Way (as seen in the aerial photograph Image 1 below outlined in yellow). Prior to the making of TPO 5001/2024/TPO, two trees within the copse were already subject to TPO No. 5 of 2002 a Horse Chestnut (designated as T7) and Larch (designated T5). Towards the end of last year the Council became aware that the land had been put up for auction/sale which may put the trees under threat, so woodland TPO No. 5001/2024/TPO was made and served to ensure the trees long-term retention within the wood are secured.

Image 1 – Aerial view of Woodland subject to TPO 5001/2024/TPO outlined in yellow.



2. DESCRIPTION OF TREES

- 2.01 The woodland outlined in yellow on Image 1 above, consists primarily of Sycamores of varying ages and sizes from small saplings to more mature specimens. Smaller individual Elm, Yew and Holly trees have also established as an understory to the larger more dominant Sycamores. Shrubs such as Dogwood and Elder are growing towards the edges of the woodland where daylight is more prevalent.
- 2.02 Overall, the mix of tree species and shrubs within the wood are considered to contribute positively and significantly to the mature and verdant landscape of the area and to its sylvan character, biodiversity and appearance as can be seen in Photo 1 below, taken from Moncktons Lane.



3. OBJECTIONS

3.01 One objection has been received to the making of the TPO, the details of which can be seen summarised below.

3.02 Objections Summary:

1. Trees are in poor condition and some are at risk of falling.
2. Trees are damaging the historic wall forming the original boundary.
3. Easements across the land state no trees are to be planted or be left to grow due to access and southern water pipelines.
4. In 2003 the land was assessed by a tree officer and a TPO was placed on one single larch tree which has since fallen over. It appears that the rest of the trees were not deemed significant then.
5. Trees are on private land and when fences are erected this will limit public amenity value as trees will not be in full view.
6. There is a natural clearing within the trees and trees bordering 1 the mallows should not be there due to easements and risk to building and garden fences.
7. I think it would make sense to form a group of trees TPO at the north east end of the site and TPO's on individual trees as an opposed to a woodland TPO. This would allow the land to be managed and will keep the same view from the public roadway.

4. REPRESENTATIONS

4.01 No other representations were received to the making of the TPO

5. APPRAISAL & RESPONSES TO OBJECTIONS

5.01 In response to the objections summarized in 3.02 above, I would respond as follows:

1. Although dense Ivy growth hindered a full assessment, at the time of a ground level inspection the trees within the wood did not appear to show any significant defects to indicate they pose an abnormal safety risk, and no evidence has been submitted to the Council to prove otherwise.

2. A low double skin stone wall (at approximately 0.5 meters in height) is present along the northern boundary of the woodland running adjacent to the road footpath of Moncktons Lane (as seen in photo 1 at section 2 above). From a laymen's perspective the general condition of the wall is poor with large areas of weathered stone that have crumbled and partly fallen in places. Moss, Lichen, Ferns and Ivy growth has established on the face and top of the wall, although there did not appear to be any evidence to prove that the walls current poor condition is contributable to the growth of the nearby woodland trees.
3. The presence of easements (usually for statutory underground utilities such as Water or gas pipelines) on parcels of land are often commonplace. In this case, there is no historical or current evidence to indicate that the easements necessitate the affected areas to be kept free of vegetation.
4. Prior to the making of this TPO a Larch and Horse Chestnut growing within the woodland were already subject to confirmed tree preservation order 5 of 2002 as individuals numbered T5 and T7 respectively.

The Larch T5 has regrettably been lost in past storms but the Horse Chestnut is still present and deemed a healthy prominent specimen. Looking back at past records TPO 5 of 2002 was made to protect the older historical trees in the area during the development of Kerry Hill Way. Now 22 years later, the trees within the woodland have become a significant feature in their own right and so are considered suitable for inclusion within a TPO.

5. As can be seen in photo 1 at section 2 above, many of the trees within the wood are of maturing age at over 15m in height. Therefore, I do not share the view that the erection of any type of boundary fencing would significantly reduce/limit the trees public amenity.
6. There is no evidence to indicate the trees growing closest to No. 1 The Mallows pose a risk to either the property or boundary fencing. If there were then any works can be controlled by way of a TPO application.
7. In this case, the designation of the trees as a woodland TPO rather than individuals or as groups is considered to be more expedient given the nature of the site and the fact that a woodland classification protects all species of whatever size/age whether the trees are self-seeded or planted.

6. CONCLUSION

- 6.01 The reasons raised in the objection (as listed in section 3.02 of this report) not to confirm TPO 5001/2024/TPO are not considered sufficient to throw its validity into doubt. Therefore, in the interests of good arboricultural practices and in line with current government guidance it is recommended that the TPO be confirmed without modification to ensure long-term protection of the trees.

7. RECOMMENDATION

- 7.01 **CONFIRM** Tree Preservation Order **No. 5001/2024/TPO WITHOUT MODIFICATION** as per the attached Order.

Case Officer: Paul Hegley (MBC)

Date: 16.05.2024

Note: Tree Officer assessments are based on the condition of the trees on the day of inspection. Whilst every effort is made to ensure that the assessments are accurate, it should be noted that the considerations necessary for determining applications/notifications may be able to be made off-site and, in any case, no climbing or internal inspections or excavations of the root areas have been undertaken. As such, these comments should not be considered an indication of safety.

APPENDIX 1 – Copy of tree preservation order No. 5001/2024/TPO

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No. 5001/2024/TPO

Location: Woodland between Moncktons Lane and Kerry Hill Way Maidstone Kent

The Maidstone Borough Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Maidstone Borough Council Tree Preservation Order No. 5001/2024/TPO- Woodland between Moncktons Lane and Kerry Hill Way Maidstone Kent

Interpretation

2. (1) In this Order “the authority” means the Maidstone Borough Council
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees). This Order takes effect as from the time when the tree is planted.

Dated this 3rd day of January 2024

R. LL. Jarman

Authorised Officer to sign in that behalf
Rob Jarman
Head of Development Management
Maidstone Borough Council

SCHEDULE

Specification of Trees

Tree Preservation Order No.5001/2024/TPO

Woodland between Moncktons Lane and Kerry Hill Way Maidstone Kent

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		

NONE

Groups of trees

(within a broken black line on the map)

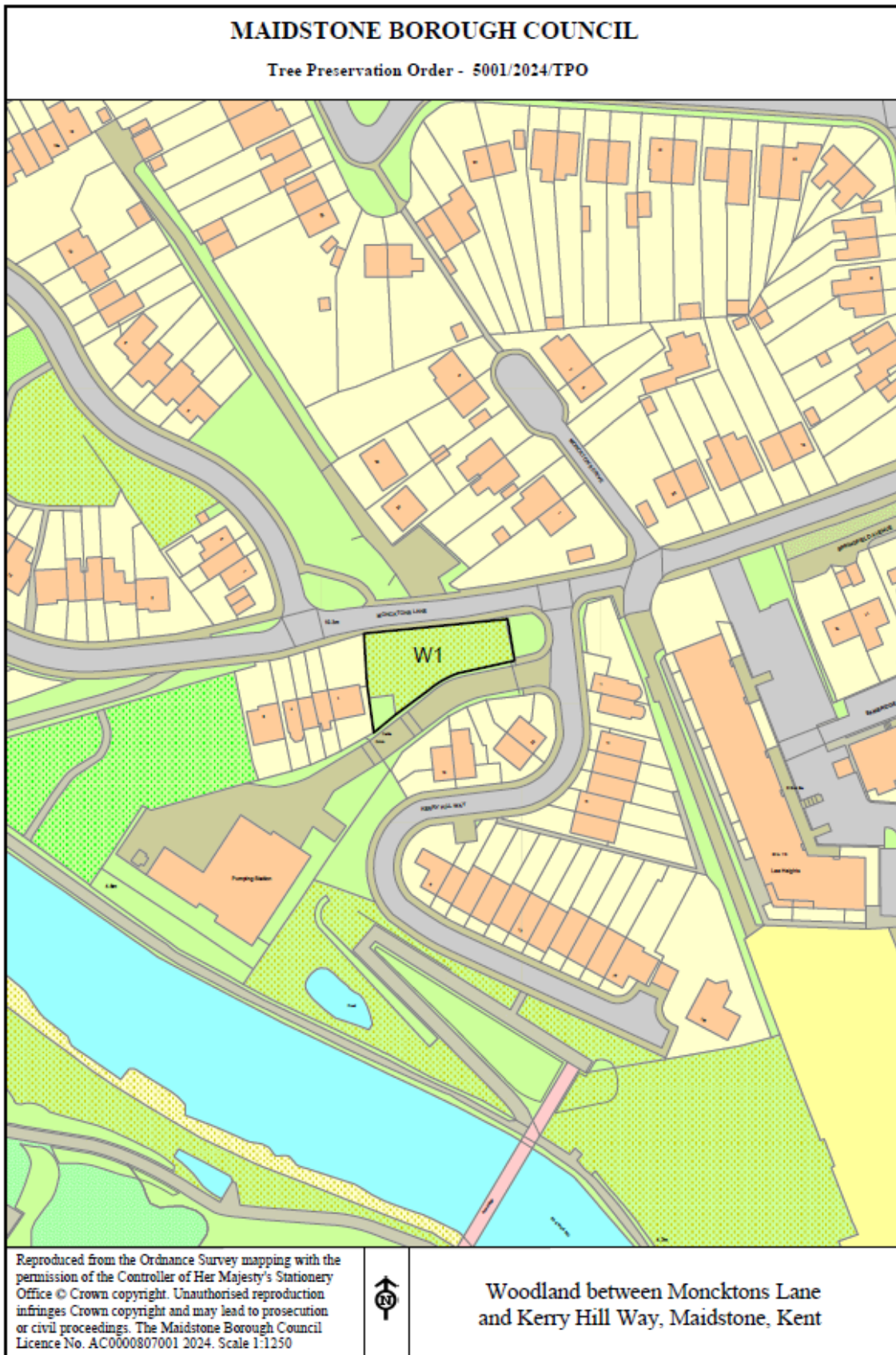
<i>Reference on map</i>	<i>Description including number of trees of each species in the group</i>	<i>Situation</i>
NONE		

NONE

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	mixed deciduous and coniferous trees/species consisting mainly of Sycamore, Holly, Yew, Elm and Hazel	Land between Moncktons Lane and Kerry Hill Way Maidstone Kent



Agenda Item 23



Ordnance Survey - data derived from OS Premium

5002/2024/TPO The Old Mill House, Salts Lane, Loose, Maidstone, Kent, ME15 0BD

Scale: 1:1250

Printed on: 7/6/2024 at 15:37 PM by RebeccaB1

REPORT SUMMARY

CASE REFERENCE: 5002/2024/TPO	
ADDRESS: The Old Mill House, Salts Lane, Loose, Maidstone Kent	
RECOMMENDATION: CONFIRM Tree Preservation Order No. 5002/2024/TPO WITHOUT MODIFICATION as per the attached Order.	
SUMMARY OF REASONS FOR RECOMMENDATION: The Council considers that the tree or trees contribute to amenity and local landscape character and it is expedient to make a Tree Preservation Order (TPO), due to the submission of a section 211 notice for their removal under application 23/503050/TCA.	
REASON FOR REFERRAL TO COMMITTEE: One objection has been received to the making of the order	
PARISH: Loose	WARD: Loose
CASE OFFICER: Paul Hegley (MBC)	SITE VISIT DATE: 26 th October 2023
PROVISIONAL TPO MADE: 04.01.2024	PROVISIONAL TPO EXPIRY: 04.07.2024
PROVISIONAL TPO SERVED: 04.01.2024	TPO OBJECTION EXPIRY: 01.02.2024

RELEVANT PLANNING HISTORY

Planning:

15/509942/TCA - Trees in conservation area notification - crown lift to six metres one Ash and one Sycamore. Fell - one Elder - **No Objection** - **07.01.2016**

17/506199/TCA - Conservation area notification to fell one Silver Birch. Reduce height of one Weeping Willow to 25 ft . Remove all long thin growth from top of trunk of one Walnut tree. - **No Objection** - **08.01.2018**

18/505377/TCA - Conservation area notification to reduce size of 3 x Willows trees as shown on sketch plan. - **No Objection** - **22.11.2018**

19/505654/TCA - Conservation Area Notification to Fell 1x Ash, 1x Conifer and 1x Sycamore - **No Objection** - **23.12.2019**

23/503050/TCA - Conservation area notification to fell one Weeping Willow (T1), two Lawson Cypress (G1), fifteen Leylandii(G3) and coppice 8 Sycamore (G2). - **Part Permitted Part Refused** - **04.01.2024**

TA/0164/11 - Conservation area notification: Loose Valley conservation area notification of intention to crown reduce 2No: weeping willows by one-third and crown lift them to 5.5m; cut back 3No: willows to previous pollard points; pollard 1No: nut tree to ground level; and fell 11No: conifers, 1No: walnut and 1No: silver birch - **No Objection** - **05.01.2012**

TA/0076/11 - Conservation Area notification: Loose conservation area notification of intention to cut back one large branch growing out over drive and garage. - **No Objection** - **22.07.2011**

TA/0137/13 - Conservation area notification: Loose Conservation Area notification of intention to reduce height of 1No. Weeping Willow to a height of 4.5m above ground level and to Crown reduce 1No. Weeping Willow by 20% - **No Objection** - **31.10.2013**

Enforcement:

23/500734/TREEP2 - Enforcement Enquiry - **Pre Application Advice Closed** - **22.12.2023**

Appeals:

None

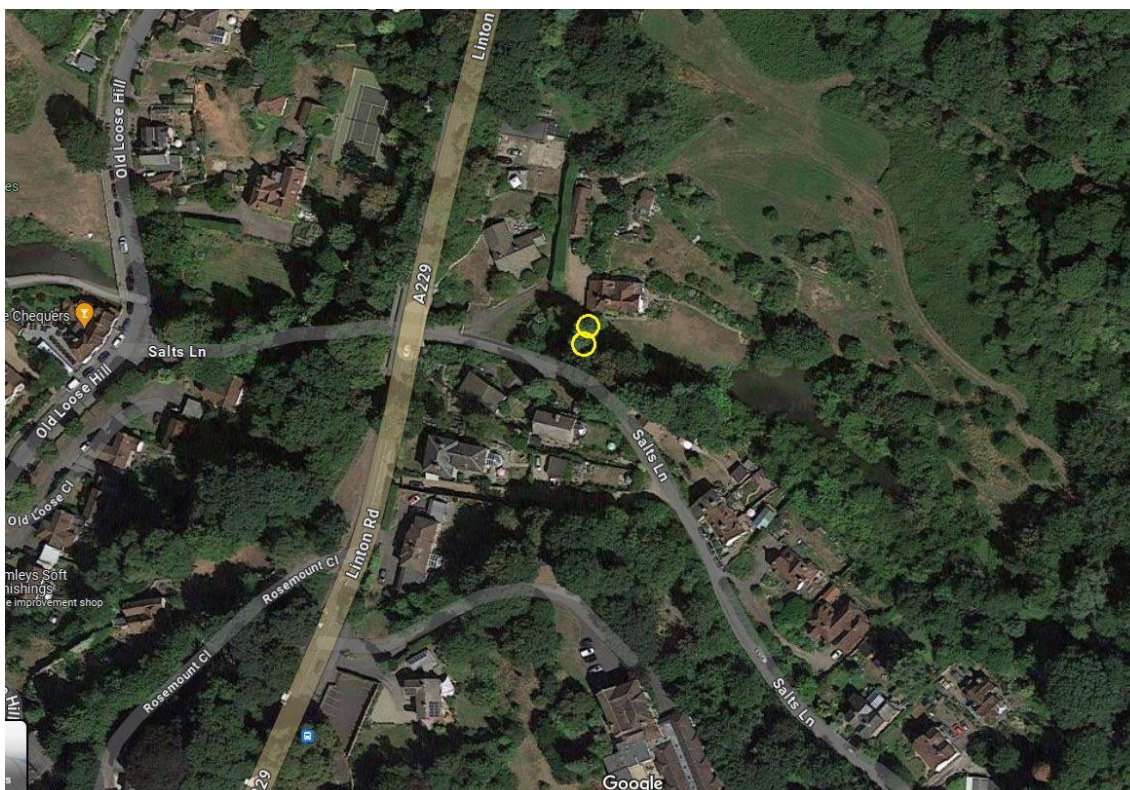
MAIN REPORT

1. INTRODUCTION AND BACKGROUND

Following the submission of a 6 week notification (section 211 notice) under application 23/503050/TCA to fell the two Cypress trees within Loose Conservation Area, Maidstone Borough Council made provisional Tree Preservation Order No. 5002/2024/TPO on the 04.01.2024, in order to prevent the felling from taking place. A copy of TPO No. 5002/2024/TPO is attached at Appendix A of this report.

2. DESCRIPTION OF TREES

2.01 Both Lawson Cypress are growing within the front garden of the property of Old Mill House and are visually prominent from Salts Lane. The approximate position of the two trees can be seen circled in yellow on the aerial extract below taken from Google Maps.



3. OBJECTIONS

3.01 One objection has been received from the owner of the trees to the making of the TPO, who commissioned a report from an independent qualified Landscape & Ecology Consultant, the details of which have been summarised below.

3.02 Objections Summary:

I have assessed the two trees in the context of the Tree Evaluation Method (survey data sheet & decision guide) submitted by Maidstone Borough Council, dated 26.10.2023 and in particular with regard to the juxtaposition of the two trees with the adjoining residential property, the historic setting and the adjacent stream.

Part 1: Amenity Assessment

a). Condition and Suitability for TPO

I have assessed the two trees as being of Fair/satisfactory condition (3 points), rather than Good condition (5 points) as assessed by MBC.

The condition of the two trees should be downgraded on account of:

- the occurrence of current and former dieback in T1 in particular (see Photos 4 and 5 attached),
- the excessive growth resulting in the need for the trees to have lateral growth regularly pruned back to prevent interference with the adjacent house, path and driveway,
- the close proximity of the two trees to each other, compromising the structure of each tree, restricting the canopy spread of each tree and increasing suppression of each tree canopy. This suppression will increase with time.

NOTE. The plan accompanying the TPO is diagrammatic and does not accurately indicate the true extent of tree canopy spread of T1 and T2 and their extreme proximity to the house and stream.

The trees were evidently originally planted by the previous owners of the Old Mill House as small specimens, appropriate to the garden setting. It is considered most unlikely that the design intent was ever for the trees to become increasingly dominant over the adjacent house and historic mill setting and to jeopardise the integrity of the building. This exceptionally fast growing and recently introduced coniferous species is considered intrinsically unsuited to an ecologically sensitive and historically valuable riparian setting and should be removed to enhance the visual amenity of the area and the local landscape character, neither of which are enhanced by the presence of these two over-bearing tree specimens.

Timely removal is also necessary before any evident damage to the historic Old Mill House occurs as a result of root penetration, encroaching tree canopy and/or storm damage/wind throw.

b). Retention span (in years) & suitability for TPO

I have assessed the two trees as having a maximum retention span of 10-20 years (1 point) and possibly less (see below, 0 point), rather than the 20-40 years (2 points) as assessed by MBC. MBC have noted that the trees are 'close to the house but thought to be in context'.

I would disagree and consider that due to the high growth rates of Lawson cypress, the fact that the trees are already significantly taller than the adjacent house (see Photos 1 and 2 attached) and are already infringing on the curtilage of the house (see Photo 3), the trees will increasingly conflict with and compromise the integrity of the Grade 2 Mill House. It should be noted that in recent years the dense lower canopy of T1 in particular (closest to the house) has been subject to regular cutting back, with further

cutting back of both trees to permit access to the property along the drive. In the absence of the regime of regular pruning and if the natural growth trajectory of the tree canopy was extended, the tree canopy would already be infringing on the house itself, causing damage and preventing access to the property. It is also likely that the tree root plate is already affecting the house foundations.

The Root Protection Area (RPA) of T1 has been estimated as 800 (trunk diameter at 1.5m above ground level, =800mm) $\times 12 = 9.6\text{m}$. The tree trunk is located some 7m from the house wall and therefore it can be expected that the tree roots are already extending significantly under the foundations of the historic Old Mill House. This is of significant concern.

The trees are thought to have been planted as small specimens some 50 years ago and have already attained a height of some 15-16m and canopy spread in excess of 7m. Lawsons cypress are relatively recently introduced to the UK and are thought to reach heights of 45m, with an annual extension growth of 300-500mm. In this respect it is not considered feasible from a H&S viewpoint regarding proximity to the house, to allow these trees to continue growing beyond 20 years (at which stage the trees might be expected to increase in height and spread by a further 6-10m). Within 20 years it might also be expected that the two adjoining trees would suffer further dieback and suppression, compromising tree health and structural stability. In addition, the root growth would also likely interfere with the house foundations and extend further under the Old Mill House, compromising the structural stability of the historic property and causing potential nuisance and danger.

NOTE. It could also be argued that the retention span should actually be less than 10 years (0 points) as this category '....includes trees that are an existing or near future nuisance, including those clearly outgrowing their context...'

c). Relative public visibility & suitability for TPO

| agree with MBC that the trees are 'Large trees or medium trees clearly visible to the public (4 points)'

d). Other factors

| have assessed the trees as 'Trees with none of the above additional redeeming features' (1point), rather than the 'Trees of particularly good form, especially if rare or unusual' (2 points) that MBC have attributed to the trees.

The form of the trees is not particularly good as due to their close proximity to each other (approx.. 4m) the canopies of the two trees are interfering with each other causing suppression and unbalanced tree structure. In addition, as noted above, due to the close proximity of the outgrown trees to the house, drive and path, the shape of the lower canopy has already been subject to regular (at least annual) pruning back, compromising the natural form of the trees and causing a 'boxy', unnatural shape.

Lawson cypress is not a 'rare or unusual' variety of tree and is in fact a very common and over-used garden conifer and has the reputation of being a 'nuisance' species (subject to the High Hedges legislation) frequently outgrowing its allotted space and causing problems due to interference with the built environment, including adjacent dwellings. The root plate of this introduced species is also frequently known to interfere with foundations.

Any lack of stability combined with storm damage could cause significant damage to the adjacent house, nearby stream, Salts Lane and any inhabitants of The Old Mill House and/or users of the lane.

Part 2: Expediency assessment

I agree that the expediency criteria is 'Precautionary only' (1 point).

NOTE. However, as qualification for this Part 2 category requires trees to have already accrued at least 10 points, whereas my assessment of the trees totals only 8 or 9 points, they therefore do not actually qualify for this additional point.

Part 3: Decision Guide

The MBC total score is 14 points - ie in the 12-15 category - 'TPO defensible'.

My independent assessment results in a total score of 8-9 points (excluding the additional point for Part 2 as they do not qualify for this, see above) ie the tree evaluation score is within the 7-11 category - 'Does not merit TPO'.

It is therefore concluded that due largely to the extreme proximity of T1 and T2 to the Grade 2 listed house, combined with the high growth rates of this fast growing, visually inappropriate, introduced species of conifer, the necessity for regular pruning back of the tree canopy to prevent physical infringement on the house, the existing evidence of suppression and dieback and the intrusion of the tree RPA under the curtilage of the historic Old Mill House, these trees do not merit TPO. There is concern over current and future nuisance caused by the trees and potential for H&S danger to humans and danger to the adjoining house, stream and lane if the trees are retained in situ in the future.

4. REPRESENTATIONS

4.01 No other representations have been received to the making of the TPO.

5. APPRAISAL

2no. Lawson Cypress listed T1 & T2 in TPO:

5.01 Condition:

Good – No significant defects noted.

5.02 Contribution to public amenity:

Good – Clearly visible to the public.

5.03 Retention/Longevity:

Long – With an estimated remaining life expectancy of at least 20 years.

5.04 Comments/Considerations:

At the time of inspection by the Council's arboricultural consultant on 29th May 2024, the two Lawson Cypress trees did not reveal any significant defects to suggest they are either unhealthy or unsafe. Both trees form a cohesive group that contribute positively and significantly to the mature and verdant landscape of the area and to its character and appearance as seen in photo 1 below.

Photo 1 – View of Lawson Cypress T1 & T2



RESPONSE TO OBJECTIONS

- 5.05 Having considered the points raised in the objection in section 3 of this report and following a further inspection of the trees on the 29th May 2024, I would respond to each point as follows:

Part 1: Amenity Assessment

a). Condition and Suitability for TPO

As detailed in the appraisal at section 5 above, at the time of the Council's most recent inspection of the two Cypress trees on 29th May 2024, no obvious defects were noted to indicate they pose an abnormal safety risk. Therefore, the proposed grading of the two trees condition as a 5 "Good", at the time of making the TPO is considered to be justified.

The former dieback noted on T1 in the objection is in fact where areas of foliage have been trimmed back in the past exposing the inner dead foliage. Should the owner be concerned about the trees' close proximity and the need for the trees to be regularly pruned back then the Council would support ongoing trimming works via the submission of a suitable written TPO application.

b). Retention span (in years) & suitability for TPO

Trees are living dynamic organisms that are subject to change at any time but based on their current age, condition, visual contribution they make to the public realm and location the original retention span of 20-40 years is considered to be appropriate in this instance.

It is accepted that the trees are in close proximity to the property, particularly the crown of T1. However, as previously mentioned above any interfering growth can be addressed by the submission of a pruning application which if applicable the Council is likely to support.

In terms of the trees' impact over the continued structural integrity of the property, to date no evidence has been provided to suggest/indicate the roots of the trees pose a risk. Again, should evidence be provided then such matters can be dealt with via an application.

c). Relative public visibility & suitability for TPO

There is no dispute over the Councils grading that the trees are 'Large trees or medium trees clearly visible to the public (4 points)'.

Part 2: Expediency assessment

There is no dispute over the Councils grading that the expediency criteria is 'Precautionary only' (1 point).

Part 3: Decision Guide

In accordance with the current TPO guidance, the Councils total score of 14 points - ie in the 12-15 category - 'TPO defensible', is considered to give a realistic and balanced view of the two trees current amenity based on the TEMPO system of evaluating a trees suitability for inclusion within a TPO.

6. CONCLUSION

- 6.01 The objections raised by the owner are not considered sufficient reasons not to confirm the TPO or raise sufficient doubt to question its validity or that of the TEMPO a assessment undertaken at the time of the orders making. The two Lawson Cypress trees are considered to have significant amenity value, so their loss would erode the mature and verdant landscape of the area by a marked degree and would thus give rise to significant harm to its character and appearance. Therefore, it is considered expedient to confirm TPO 5002/2024/TPO to secure the two trees long-term retention/protection.

7. RECOMMENDATION

- 7.01 CONFIRM** the Tree Preservation Order **No. 5002/2024/TPO WITHOUT MODIFICATION** as per the attached Order.

Case Officer: Paul Hegley (MBC)

Date: 28.05.2024

Note: Tree Officer assessments are based on the condition of the trees on the day of inspection. Whilst every effort is made to ensure that the assessments are accurate, it should be noted that the considerations necessary for determining applications/notifications may be able to be made off-site and, in any case, no climbing or internal inspections or excavations of the root areas have been undertaken. As such, these comments should not be considered an indication of safety.

COPY OF TPO No 5002/2024/TPO

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No.5002/2024/TPO

Location: The Old Mill House Salts Lane Loose Maidstone Kent ME15 0BD

The Maidstone Borough Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Maidstone Borough Council Tree Preservation Order No. 5002/2024/TPO- The Old Mill House Salts Lane Loose Maidstone Kent ME15 0BD.

Interpretation

2. (1) In this Order “the authority” means the Maidstone Borough Council
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees). This Order takes effect as from the time when the tree is planted.

Dated this 4th day of January 2024

R. L. Jarman

Authorised Officer to sign in that behalf
Rob Jarman
Head of Development Management
Maidstone Borough Council

SCHEDULE

**Specification of Trees
5002/2024/TPO**

The Old Mill House Salts Lane Loose Maidstone Kent ME15 0BD

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Lawson Cypress	Within the garden of Old Mill House
T2	Lawson Cypress	Within the garden of Old Mill House

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		

Groups of trees

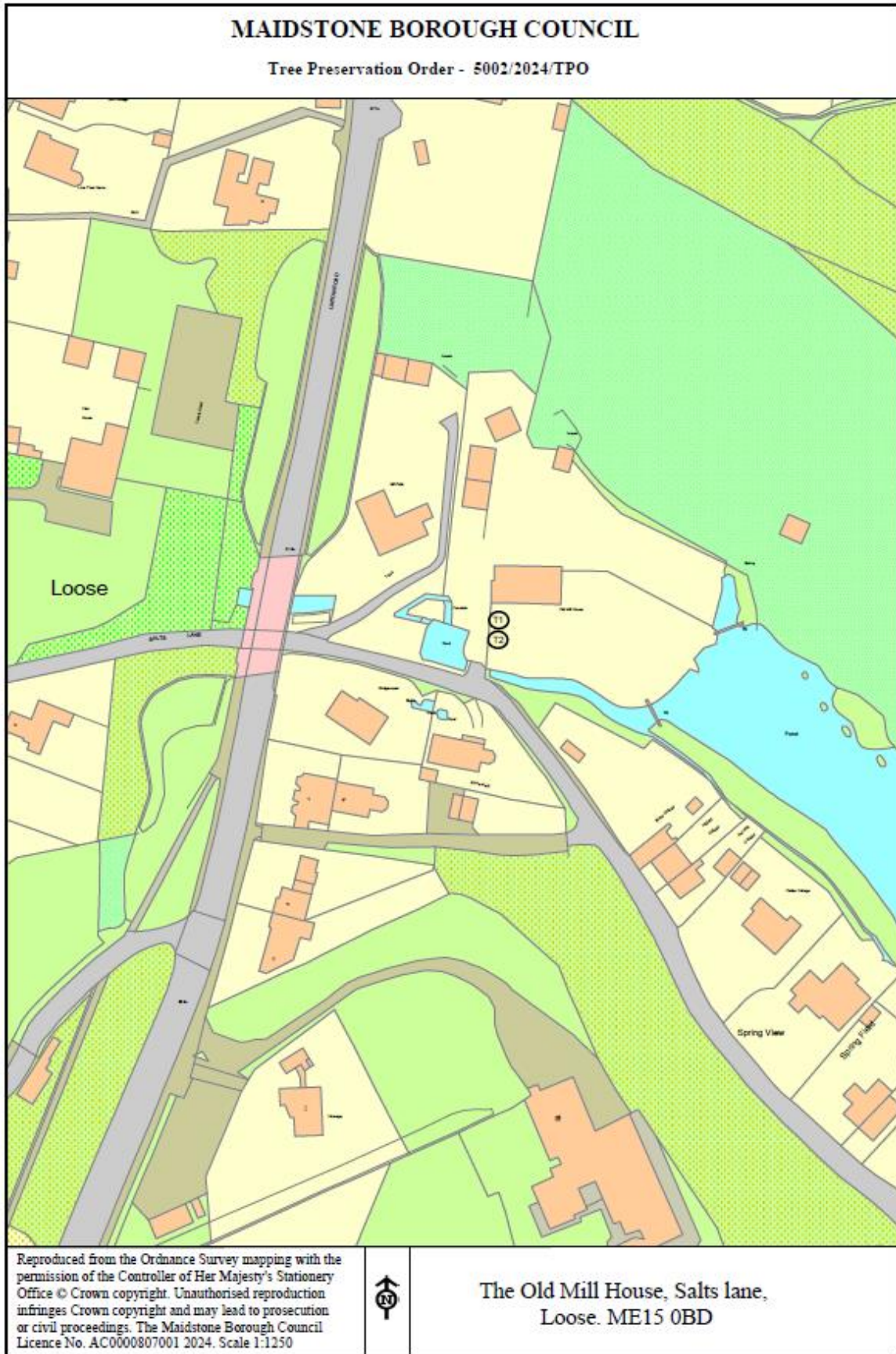
(within a broken black line on the map)

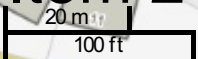
<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
NONE		

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		





Ordnance Survey - data derived from OS Premium

24/501514/FULL 78 Sandling Lane, Penenden Heath, Maidstone, Kent, ME14 2EA

Scale: 1:1250

Printed on: 7/6/2024 at 12:41 PM by RebeccaB1



REPORT SUMMARY

REFERENCE NO: - 24/501514/FULL		
APPLICATION PROPOSAL: Erection of single storey rear extension including 1no. rooflight and partial garage conversion.		
ADDRESS: 78 Sandling Lane Penenden Heath, Kent ME14 2EA		
RECOMMENDATION: GRANT – subject to planning conditions set out in Section 8.0 of the report.		
SUMMARY OF REASONS FOR RECOMMENDATION: For the reasons set out below it is considered that the proposed single storey rear extension including 1 no. rooflight and partial garage conversion would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed development is considered to be in accordance with current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE: The applicant is an employee of the Council.		
WARD:	PARISH/TOWN COUNCIL:	APPLICANT: Debbie Fallis AGENT: Mr John Tomlin
CASE OFFICER: Sema Yurtman	VALIDATION DATE: 10/04/2024	DECISION DUE DATE: 05/07/2024 (EOT)
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

98/0082 Erection of a single garage with pitched roof to side of dwelling, as shown on drawing no. RET/1/98 received on 21.01.98. Approved.

07/2247 Loft conversion including alterations to the roof form and a rear flat roof dormer as shown on existing drawing and drawing number 2737 received on 31st October 2007. Approved.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 78 Sandling Lane is a semi-detached two-storey dwellinghouse with attached garage to the side and situated to the northern side of the Sandling Lane in the urban area of Maidstone.
- 1.02 The property is a residential dwelling, and the site is not situated within a conservation area, or a national landscape.

2. PROPOSAL

- 2.01 The proposal is for the erection of single storey rear extension including 1no. rooflight and partial garage conversion. The garage has been built under reference 98/0082.
- 2.02 There is existing rear extension which consists of a kitchen with 3.4m depth and 3m width, 2.76m eaves height and 3.8m ridge height. The proposed rear extension would have same depth of the existing rear extension with 3.4m, 3.1m width, 2.76m eaves height and 3.8m ridge height. The proposed extension would consist of kitchen and dining room with a bi-fold door to the rear and a rooflight. It would infill the gap between the existing extension and the boundary.

- 2.03 The proposal also includes partial garage conversion. Part of the existing garage towards the rear would be converted to a utility room. The single door to the rear would be replaced with a double door. The front part of the garage would be remained same.
- 2.04 There is an existing closed boarded timber fence to the boundary neighbouring properties number 76 Sandling Lane and number 80 Sandling Lane. This would not be altered.

3. POLICY AND OTHER CONSIDERATION :

The Maidstone Borough Local Plan Review (LPR) was adopted by the Council on 20th March 2024. There have been two strategic level challenges to adaptation.

Maidstone Borough Council Local Plan Review (2024):

- Policy LPRSP15 – Principles of Good Design
- Policy LPRHOU2 – Residential extensions, conversions, annexes, and redevelopment in the built-up area
- Policy LPRTRA4 – Parking

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

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

4.0 LOCAL REPRESENTATIONS

Local Residents:8 neighbours consulted; no comments received.

5.0 CONSULTATIONS

Not applicable

6.0 APPRAISAL

The key issues are:

- Site background/Principles of Development/Policy Context
- Visual Impact
- Residential Amenity
- Parking/Highway Safety
- Other Matters

Site Background/Principle of Development/Policy Context

- 6.01 The application site is located within the Maidstone Urban Area.
- 6.02 Policy LPRSP15 (ii) in terms of design refers to developments responding positively to, and where possible enhance, the local, natural, or historic character of the area, with particular regard should be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage. LPRSP15 (v) re-iterates consideration to be paid to occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development. LPRSP15 (xiv) refers to being flexible towards future adaptation in response to changing life needs.
- 6.03 Policy LPRHOU2 refers to residential extensions, conversions, annexes, and redevelopment within the built-up area. LPRHOU2 states that on land outside of the countryside, proposals

for the extension, conversion and redevelopment of a residential property, design principles set out in this policy must be met. LPRHOU2 states:

- (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 and/or its context;*
- (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 in relation to this proposal sets out the following:

The scale and form of an extension are important factors in achieving a successful design. The extension should respond sensitively to the positive features of the area which contribute to the local distinctive character and sense of place in terms of scale, proportion, and height.

6.05 The principle of erection of a single storey rear extension including 1 no. rooflight and partial garage conversion within settlements is therefore considered acceptable, provided that the material planning considerations discussed below would be acceptable.

Visual Impact

6.06 As mentioned, the building has an existing rear extension. The proposed extension would be an in fill extension with the same depth and height as the existing extension. As the proposed extension would be located to the rear it would not be visible from the street scene. Therefore, it would not have a detrimental impact on the streetscene and character of the area.

6.07 The proposal would include partial garage conversion, with only rear part of the garage and would be converted to a utility room. This part of the garage also would not be visible from the streetscene.

Figure 1: View from rear garden



6.08 The proposed materials consist of brickwork for the walls, concrete tiles for the roofing with pitched roof design, Upvc windows and doors, all of which would match the host dwelling. Therefore, the overall design and materials proposed are considered to be visually acceptable and be in keeping with host building and existing materials. It would not detrimentally impact the character and appearance of the host dwelling. It would appear as a subservient outbuilding in line with local plan policies and guidance.

- 6.09 Overall, the proposed single storey rear extension including 1no. rooflight and partial garage conversion is not considered to have a detrimental impact on the streetscene or character of the area, as such rear extensions would have least impact on the streetscene.

Residential Amenity

- 6.10 The nearest neighbouring properties are to the east number 76 Sandling Lane and to the west number 80 Sandling Lane. All other neighbouring properties are considered to be a significant distance away and to be unaffected by the proposal.



Figure 2: Neighbouring properties

- 6.11 Number 76 would be the closest neighbouring property to the proposed rear extension. The proposal would protrude further forward than the neighbour. The proposed extension would not include any side window towards number 76 Sandling Lane and there is existing boundary treatment between the two properties. The light test has been done for number 76 and it is considered that the proposed rear extension would have a minimal impact on the neighbour. Therefore, it is considered that no significant impact on neighbouring amenity in terms of loss of light or overshadow would result. The partial garage is located in a reasonable distance from main dwelling and the neighbour would be unaffected by the garage conversion.
- 6.12 Regarding Number 80 Sandling Lane, the proposal would be located to the opposite side of number 80 and the proposal would not be extending further forward than the existing extension. Due to low height of the proposal, separation distance involved, existing boundary treatment and not protruding further forward than the existing extension I do not deem that the proposed extension would result in loss of privacy, overlooking or overbearing impact. As partial conversion of the garage does not include any enlargement in footprint the neighbouring property would not be affected detrimental by the proposal.
- 6.13 Taking the above into consideration, it is considered that the proposal will not cause unacceptable harm to the residential amenity of the adjoining properties that would warrant a refusal.

Parking/Highways

- 6.14 The proposal would add an extension to the rear of the dwellinghouse and would partially convert the existing garage. There will be still enough space for two parked cars to the front driveway. Therefore, there would not be undue impact upon highway safety or parking. As required by the KCC's Interim Guidance Note 3

(IGN3) parking standards the property provides sufficient parking for 2 cars. No harm highway safety/parking provision would result.

Other Matters

- 6.15 Biodiversity/Ecological Enhancements: Due to the nature and relative scale of the development and the existing residential use of the site, it is not considered that any ecological surveys were required.
- 6.16 Policy LPRQD1 Sustainable Design of the Local Plan Review sets out, at point viii, that proposals should 'incorporate into the fabric of the building bird, bat and bee habitats, and shall provide habitats for insects and invertebrates where appropriate.' This is in line with the NPPF and advice in the Residential Extensions SPD. Consequently, it is considered that a condition should be attached requiring biodiversity enhancement measures are provided integral to the proposed rear extension and within the curtilage of the dwellinghouse.
- 6.17 The NPPF, Local Plan and residential extensions SPD all seek to promote the use of renewables and energy/water efficient buildings. The proposals by their nature are extensions to an existing dwelling such that it would be unreasonable to seek to secure such measures which do not accord with the scale of the development. Energy efficiency can be secured through measures such construction, or renewables or water efficient for use of measures such as water butts, as such to secure such measure a condition is considered reasonable to ensure that the development incorporates appropriate measures.

PUBLIC SECTOR EQUALITY DUTY

- 6.18 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.

7.0 CONCLUSION

- 7.01 For the reasons set out above it is considered that the proposed erection of single storey rear extension including 1 no. rooflight and partial garage conversion would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed developments are considered to be in accordance with current policy and guidance.

8.0 RECOMMENDATION

GRANT planning permission subject to the following conditions

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

CONDITIONS

- 1) The development hereby permitted shall be 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:
Site Location Plan - Received 08/04/2024.
Drawing number: 7658-P-01 Rev B – Existing and Proposed Plans and Elevations – Received 08/04/2024.
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 application form with brickwork for the walls and concrete tile for the roof.

Reason: To ensure a satisfactory appearance to the development

- 4) The extension hereby approved shall not commence above slab level until details of a scheme for the enhancement of ecology on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of ecology through integrated methods into the design and appearance of the extension 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 permanently retained and maintained thereafter.

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

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

Reason: To ensure an energy efficient form of development.

INFORMATIVES

- 1) It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations (where required) and any other necessary approvals have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.
- 2) The grant of this permission does not convey any rights of encroachment over the boundary with the adjacent property in terms of foundations, eaves, guttering or external cladding, and any persons wishing to implement this permission should satisfy themselves fully in this respect. Regard should also be had to the provisions of the Neighbour Encroachment and Party Wall Act 1995 which may apply to the project.

Case Officer: Sema Yurtman

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 25



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NUMBER: 24/501197/FULL		
APPLICATION PROPOSAL: Retrospective application for the change of use of land for the exercising of dogs, construction of a parking area, erection of a small field shelter and the placing of dog exercise apparatus on the land.		
ADDRESS: Land at Pett Farm Pett Road Stockbury Sittingbourne Kent ME9 7RJ		
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: North Downs	PARISH/TOWN COUNCIL: Stockbury	APPLICANT: Mr Terry Davis AGENT: DHA Planning
CASE OFFICER: Chloe Berkhauer-Smith	VALIDATION DATE: 21/03/24	DECISION DUE DATE: 28/06/24
ADVERTISED AS A DEPARTURE: Yes		

Relevant Planning History

No relevant planning history.

Enforcement History:

24/500065/ACCESS - Enforcement Enquiry

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site is rectangular covering approximately 0.8 hectares of grade 3 agricultural land located within the countryside as defined in the Local Plan. The site is approximately 228m south-west from the borough boundary that adjoins Swale borough boundary. The application site is in the Kent North Downs National Landscape (formally known as AONB) and Gore Wood Ancient Woodland is situated adjacent to the site to the south-east.

1.02 The site is located to the north-west of Pett Road and is accessed from the south-west corner of the site from an existing access track taken from Pett Road. The existing access track runs along the south-west boundary of the site. The site is enclosed with 1.8m high wire and post fencing which is positioned around the perimeter of the site. The south-east boundary treatment where the site adjoins Pett Road consists of mature trees and vegetation meaning the site is well screened from the road.

Aerial photo of the site

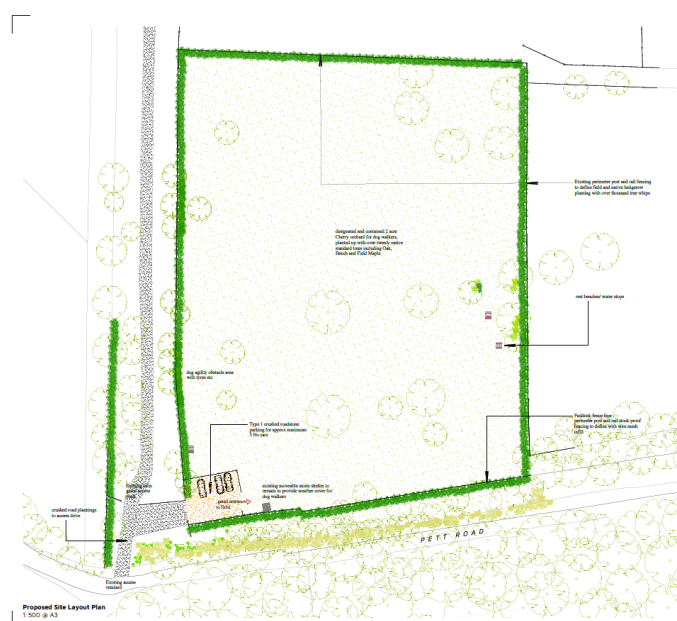


1.03 Beyond the site, the area is largely rural in character with areas of open fields/paddocks and woodland. To the north-east of the site there are a number of residential properties including Pett House, Norton Green House, Farriers, Pett Farm Cottages and Paget Cottage and to the south-east lies another residential property Pett Wood Cottage. To the south-west of the site there is a stable block and sand school and other larger agricultural/equestrian buildings and a number of residential properties including Wildwinds, Entangled and Norton Green Bungalow.

2. PROPOSAL

2.01 The application seeks a retrospective application for the change of use of land for the exercising of dogs, construction of a parking area, erection of a small field shelter and the placing of dog exercise apparatus on the land.

Proposed site plan



- 2.02 The proposal makes use of the existing 1.8m high post and wire fencing that defines the field and the proposed plan highlights that a native hedgerow planting with over a thousand tree whips have been planted.
- 2.03 A number of exercise apparatus has been placed on the site for the exercising of dogs, however this apparatus has not been secured to the ground and the submitted planning statement sets out that it is a temporary nature and can easily be removed.



- 2.04 The proposed field shelter would have an approximate width and depth of 1.8m. It would have a mono-pitched roof with an eaves height of approximately 1.9m and maximum height of 2.1m. The submitted planning statement sets out that it is attached to a pallet and therefore not permanently fixed to the ground, and it has been designed so that it can be easily moved or removed if no longer required.
- 2.05 The proposed parking area is situated in the south-west corner of the site adjacent to the access point. It is approximately 10.4m wide and 12.3m deep and accommodate up to three cars. It has been constructed of type 1 roadstone and is enclosed by a post a wire fencing.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review 2024
LPRSS1 – Maidstone borough spatial strategy
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
LPRQD 4 Design principles in the countryside

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Maidstone Landscape Character Assessment 2012 (Updated 2013)
Kent Downs AONB Management Plan 2021-2026 (Third Revision)

4. LOCAL REPRESENTATIONS

Local residents:

- 4.01 No representations received objecting to the application.
- 4.02 48 representations received in support of the application for the following (summarised) reasons:
- Provides a safe and secure environment
 - In keeping with the local area
 - Useful addition to the local community
 - No noise pollution
 - Additional traffic is negligible
 - Proposal does not interfere with traffic, roads or other residents
 - Provides a valuable resource
 - Poses no threat to wildlife and maintains the landscape and a green space

Stockbury Parish Council

- 4.03 Object to the application for the following (summarised) reasons:
- Concerns regarding the sustainability and impact of this proposed development on our rural community. The primary concern is related to the increased in traffic that the proposal would generate.
 - The existing road infrastructure is already heavily congested, this congestion has made the road dangerous for pedestrians, cyclists, horse riders and other motorists. The traffic generated from the proposal would exacerbate these safety issues, particularly given the limited passing places, poor sightlines, and single-track nature of the rural lane.
 - Concerned about the impact on the longstanding stables and horse-riding activities in the area. The increased traffic resulting from existing businesses has significantly heightened safety risks for horse riders attempting to enjoy the rural lanes and surrounding area.
 - We urge Maidstone Borough Council to consider the impact of traffic generated by such developments on the safety and quality of life of our residents, especially those engaged in traditional rural activities like horse riding.
 - In summary, Stockbury Parish Council strongly objects to the proposed development and request Maidstone Borough Council to refuse permission for planning application 24/501197/FULL.

Councillor Stephen Thompson

- 4.04 In support of the application
- The statement of intent meets the criteria within para 8 of the NPPF.
 - Concerned that the width of Pett Road makes access to the site challenging, however confident that users of the site will observe patience and cooperation. The highways situation is therefore not ideal but is acceptable.
 - Note that while pony/horse riding occurs in the vicinity, there are minimal other public users. This business is welcomed as the pressure at other nearby public sited where dog exercise may have been frequent is significant.
 - Note the supportive comments from two immediate neighbours. They are content re security and noise. Note that there is no comment on traffic intensity, so summarise that they do not think this has risen significantly.
 - Note the biodiversity and ecological upgrading measures and welcome that some of them are already in place.
 - In summary, while noting the moderate increased pressure this business will bring to the constrained local roads, and the fact that this application is retrospective, I am happy to recommend approval.

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)

Natural England

5.01 No objections.

Forestry Commission

5.02 Offered their standing advice.

Environmental Health

5.03 No objection subject to conditions.

KCC Ecology

5.04 No objection subject to conditions.

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 LPRSP9
- Character and appearance
- Residential amenity
- Site location, access, parking and highways
- Rural economy
- Biodiversity/Trees

Countryside location and policy LPRSP9

6.02 The starting point assessment for all applications in the countryside is Local Plan policy LPRSP9. Policy LPRSP9 states that development proposals in the countryside will not be permitted unless:

- a) they accord with other policies in this plan and
- b) will not result in significant harm to the rural character and appearance of the area.

6.03 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 LPRSP9 overall.

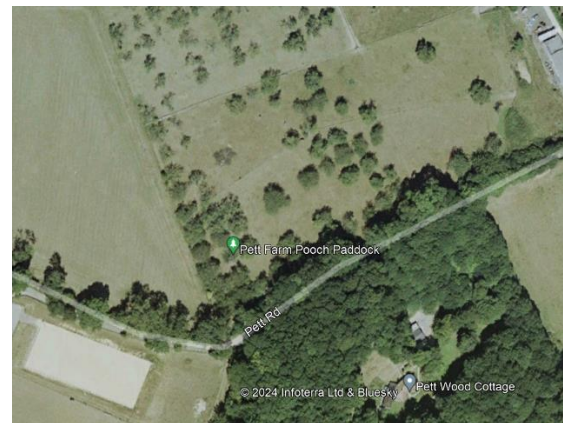
6.04 The application does not involve the conversion of agricultural land to domestic garden so LPRENV2 is not relevant. The application does not involve the expansion of an existing business on the application site so policy LPRCD6 is not relevant. Therefore, there are no Local Plan policies that support the application. The recommendation to grant planning permission would as a result be a departure from the adopted Local Plan.

6.05 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".

6.06 The following assessment considers the material considerations that are present that justify permission being granted contrary to the Local Plan.

Character and appearance

- 6.07 Policies LPRSP9 and states that development in the countryside should not result in significant harm to the character and appearance of the area. LPRQD4 requires new development to be located adjacent to existing buildings or unobtrusively located and well screened by existing or proposed vegetation. Within the pre-ambles of the policy, it also states that account should be taken of the Maidstone Borough Landscape Character Guidelines SPD and the Kent Downs AONB Management Plan.
- 6.08 In the Council's published Landscape Character Assessment, the application site is within the boundary of the Hucking Dry Valleys, which is part of the wider Dry Valleys and Downs Landscape. The key characteristics of this area are:
- Gently undulating landform
 - Large woodland tracts and block much of which is ancient
 - Parkland trees
 - Post and wire fencing which often follows ridges
 - Narrow, winding and often deeply set lanes that area often lined with hedgerows or enclosed by taller vegetation
 - Paddocks and remnant orchards close to Pett Farm.
- 6.09 The Landscape Character Assessment sets out that the area has a good condition with high sensitivity and the guidelines for this area are to conserve.
- 6.10 The submitted planning statement sets out that historically the land was used as a cherry tree orchard but due to the change in growing methods and agricultural practices traditional cherry orchards are no longer viable. It states that the orchard ceased production in the late 1990's early 2000's and the orchard was cleared but some cherry trees remain.



Application Site 1990 (Google Earth)

Application Site 2003 (Google Earth)

- 6.11 The proposal has largely maintained the existing character of the site, making use of the existing post and wire fencing which is a key characteristic of the area.
- 6.12 The submitted planning statement also sets out that all the existing hedgerows/trees will be retained, and it states that the 1000 no. additional native species have been planted along the north-western, south-eastern and south-western boundaries of the site and 20 no. Oak, Beech and Field Maple trees have recently been planted on site.

- 6.13 The existing boundary treatment along the south-west boundary of the site consists of mature trees and vegetation, the site is therefore well screened from Pett Road ensuring the site is not highly visible from any public vantage points. Furthermore, the additional hedgerow planting noted above will add to this screening.

South-west boundary and proposed field shelter



- 6.14 The proposal also incorporates the erection of field shelter and exercise apparatus for the exercising of dogs. The proposed field shelter is small timber structure and designed to provide shelter for users in the event of poor weather. The submitted planning statement sets out that shelter is attached to a pallet and therefore not permanently fixed to the ground and that it has been designed so it can easily be moved around or removed when no longer required. The scale of the proposed field shelter is modest and considering its simple design it would not result in significant harm to the character and appearance of the area.
- 6.15 In regard to the proposed exercise apparatus, considering they are not permanently fixed to the ground and considering their temporary nature whereby they can be easily removed with minimal work, they would not result in significant harm to the character and appearance of area.
- 6.16 The proposed parking area is situated in the south-west corner of the site adjacent to the access point. It is approximately 10.4m wide and 12.3m deep and accommodate up to three cars. It has been constructed of type 1 roadstone and is enclosed by a post a wire fencing. The additional hardstanding does result in a negative visual impact, however the size of the hardstanding has been kept to a minimum to only accommodate up to 3 cars with enough room to ensure cars are able to turn and leave the site in a forward-facing gear. Furthermore, the parking area has been sited directly next to the entrance of the site ensuring the hard standing does not further encroach into the field. Additionally, the parking area is screened from the road by the existing boundary treatment along the south-east boundary of the site.
- 6.17 Overall, the proposal has not significantly altered the appearance of the site, all existing trees have been retained and the proposal makes use of the existing post and wire fencing which is a key characteristic of the area. The proposal would sit acceptably within the rural landscape and therefore accord with Local Plan policies LPRSP9 and LPRQD4.

Residential amenity

- 6.18 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.
- 6.19 The closest neighbouring property to the application site is Pett Wood Cottage, Pett Road which is approximately 76m south-west of the application site. All other neighbouring properties are a significant distance from the site. Given the distance of the application site to any neighbouring properties, the proposal would not impact residential amenity in terms of a loss of light or overshadowing or a loss of privacy or overlooking.
- 6.20 The applicant has proposed the following:
- Booking to be made in advance based on ½ hour or 1 hour time slots;
 - The facility is operated from 7:00am to 4:00pm during winter months and 7:00am to 8:00pm during Spring and Summer months
 - All dogs must be fully up to date with their vaccinations and worming for the safety and welfare of all users.
 - Bins are provided on the site for waste matter. These are emptied and contents collected and disposed of by a licenced waste contractor.
 - Arrival and departure to completed within the time slot and ensuring sufficient time to unload and load your dog/s back into your vehicle. Your slot includes arriving, unloading your dog/s, getting to your booked area, time in the fenced area, exiting the area, loading your dog/s back into your vehicle, and then departing our premises within your slot.
 - Only one person/family/group are allowed on the site at a time and a maximum of two vehicles per person/family/group are allowed at any one time.
 - If the dog walker/owner arrive early at the facilities they are required to STAY in the vehicle and with their dog until the previous user/users have left the site.
- 6.21 To ensure that the field is not used to an excessive degree, it would be appropriate to require by planning condition 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.
- 6.22 Overall, 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

- 6.23 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.
- 6.24 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..."

- 6.25 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.
- 6.26 Access to the site is taken from an existing access along Pett Road. There is a five-bar gate situated at the entrance point of the car park that is set back from the road by approximately 13m. This set back ensures vehicles do not have to wait on the main road to open the gate.
- 6.27 The application includes a parking area to accommodate up to 3 cars which is located in the south-west corner of the site adjacent to the entrance. The size of the parking area has been kept to a minimum to only accommodate the necessary parking requirements and also to enable enough space to ensure vehicles can leave the site in a forward-facing gear.
- 6.28 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.
- 6.29 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

- 6.30 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".
- 6.31 Although not directly relevant, Local Plan policies LPRSP11 and LPRCD6 (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.

Biodiversity/Trees

- 6.32 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".
- 6.33 All the existing trees and hedgerows on the external boundaries of the site have been retained. The submitted planning statement outlines that over the course of the last 12 months the applicant has planted approximately 1000 native species hedge plants along the north-western, south-eastern, and south-western boundaries to reinforce and gap-up the existing hedgerows. This is in line with the guidance within the Maidstone Landscape Character Assessment that sets out an action for the area is to gap up hedgerows in the few locations where this is needed.

- 6.34 The planting includes the following species:
- Hawthorn, Blackthorn, Hornbeam, Hazel Dog Rose and Common Dogwood.
- 6.35 Over 20 native trees have also been planted within the site which include Oak, Beech and Field Maple.
- 6.36 KCC Ecology have received the submitted information and provided the following comments:
"No ecological information has been submitted with this retrospective application. As a result of reviewing the data we have available to us, and the information submitted with the retrospective planning application, we advise that the proposed development has limited potential to result in significant ecological impacts. We advise that our comments would not have changed if this application had been submitted prior to works commencing."
- 6.37 KCC Ecology have noted that the field is designated a priority habitat for traditional orchard. They have stated that as a declining habitat, any relict trees should be protected and no further loss to the priority habitat should occur with the usage as a dog exercise area by the applicant. It is unlikely a dog exercise area will have an effect on these relict trees or priority habitat, but this can be safeguarded with sensitive management. They have requested a condition requiring a detailed enhancement and management plan.
- 6.38 In regard to ecological enhancements, KCC Ecology have noted the existing enhancements that have already taken place on site, however they have suggested further enhancements such as seasonal mowing regimes and log piles placed near the hedgerow boundaries. These measures can be requested by way of condition.
- 6.39 The application site is situated adjacent to an Ancient Woodland Gore Wood. KCC Ecology have reviewed the application and provided the following comments:
"An ancient woodland site Gore Wood is within 10m, separated by a road, but is unlikely to be impacted by this small-scale usage. No associated artificial lighting is present, which would disturb bats and other wildlife. The site is to be visited by low numbers of dog walkers in daylight hours with a maximum 2 cars per booking and provision has been made for allocated onsite parking and solid dog waste. The post and wire fencing used is suitable for this situation and will allow free movement of small wildlife species."
- 6.40 Given the distance of the site from the ancient woodland together with the nature of the proposal, the proposal would not impact the adjacent ancient woodland.

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

- 7.01 The 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 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.

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 carried out in accordance with the following approved plans:
Site Location Plan – Drawing No. DHA_33242_01 – Received 18/03/2024
Proposed Site Layout Plan – Drawing No. DHA_33242_03 – Received 18/03/2024
Moveable Field Shelter Details – Drawing No. DHA_33242_05 – Received 18/03/2024
Reason: To clarify which plans have been approved
- 2) The use hereby permitted shall cease and all 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) The booking system for use of the dog walking area
 - b) How access will be restricted to only those with a booking.
 - c) The booking time intervals / slots including the length of time between them for each session throughout the year.
 - d) Details of procedures for the disposal of waste
 - e) Policies on the supervision of dogs on site
 - f) Site notices to be secured on site advising of steps to be taken in case of the escape of a dog.
 - g) Schedule of maintenance including a landscaping scheme grass (sward) cutting regime to achieve variation in grass lengths on different parts of the site to maintain a rural appearance.
 - h) Details of proposed landscaping (see condition 3)
 - i) Measures to minimise noise nuisance
 - j) A review mechanism in response to justified complaints.
 - k) A timetable for the implementation of points a) to j) above 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.

- 3) At the end of the first planting season (October to February) following the approval of planning permission, 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.

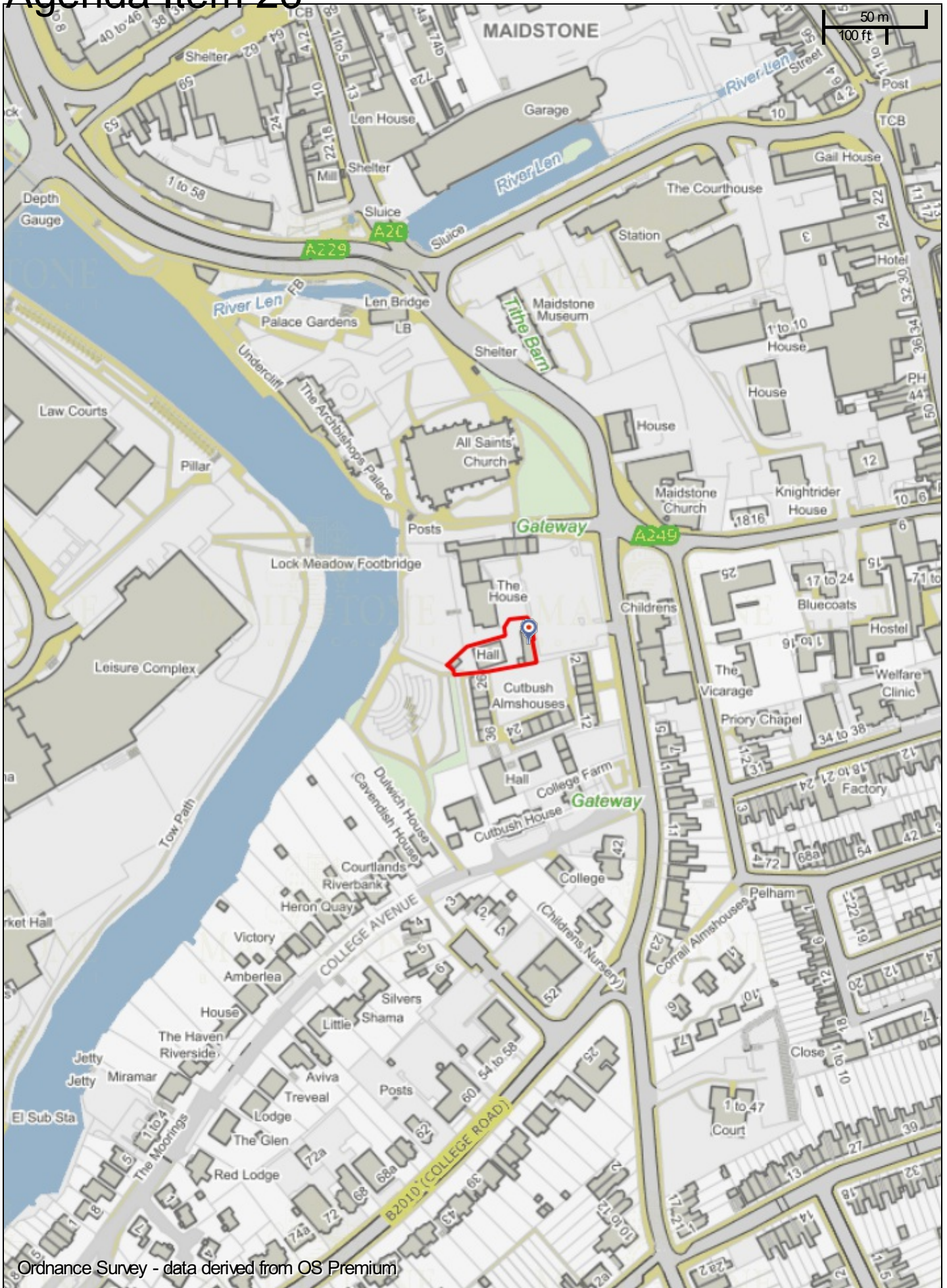
- 4) Any of the approved landscaping which fails to establish or any trees or plants which, within five years from the commencement of the approved use are removed, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next 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
- 5) No activity in connection with the use hereby permitted shall take place outside the hours of 7am and 8pm and within these 13 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.
- 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) No external lighting shall be installed on the site.
Reason: In the interests of visual amenity and ecology.
- 8) Within 3 months of the date of this permission, a detailed enhancement and management plan will be submitted to, and approved in writing by, the local planning authority. The plan shall show the relict 'Traditional Orchard' trees and how they will be managed. This will include the completed and future enhancement measures of the site and surroundings to preserve the trees and enhance biodiversity. This will include basic management measures to achieve the proposed habitat target conditions and include native and wildlife-friendly planting and features on, or adjacent to, the application site. The approved measures will be implemented and retained thereafter.
Reason: In the interests of visual amenity and ecology
- 9) The use shall only accommodate a maximum of 4 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.

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 26



Ordnance Survey - data derived from OS Premium

24/500999/FULL The Masters Tower, College Road, Maidstone, Kent, ME15 6YF

Scale: 1:2500
N

Printed on: 7/6/2024 at 14:04 PM by RebeccaB1

REPORT SUMMARY

REFERENCE NUMBER: 24/500999/FULL		
APPLICATION PROPOSAL: Erection of a temporary timber log cabin for training of sea cadets.		
ADDRESS: The Master’s Tower College Road Maidstone Kent ME15 6YF		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions in Section 8 of this report.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed temporary timber log cabin for training of sea cadets would be acceptable and would not cause significant visual harm, harm to neighbouring amenity the timber log cabin would be acceptable in terms of any other material planning considerations. The proposed development is in accordance with current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE: Application submitted by an elected member (Cllr Fay Gooch)		
WARD: High Street	PARISH/TOWN COUNCIL: N/A	APPLICANT: Mrs Fay Gooch
CASE OFFICER: Chloe Berkhauer-Smith	VALIDATION DATE: 02/04/24	DECISION DUE DATE: 28/06/24
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

75/0964: Extension to existing quarter deck building to provide an additional workshop and classroom involving listed building consent – **Permitted** 12/11/1975

75/1519: Extension to existing quarter-deck building to provide additional workshop and classroom involving listed building consent as amended by the plan received 12/01/76 – **Permitted** 26/02/1974

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site is in the Maidstone Town Centre boundary with the River Medway to the west and College Road public car park to the east. The site is the base for Maidstone Sea Cadets.

1.02 The Sea Cadets' ethos is in three parts: values, mindset, and customs and traditions of the Royal Navy. The ethos is underpinned by the Sea Cade values which are: Courage, Commitment, Discipline, Respect, Loyalty, Honesty, and Integrity. These are taught by staff throughout the time cadets are with a unit. Young people can be in the Sea Cadets between 9 and 18 years old. Junior Sea Cadets (9 – 12 years) have their own training programme and uniform. Young people aged 12 to 18-year-olds are Sea Cadets and work their way up through the training programme.

- 1.03 The site is in The College of All Saints Scheduled Monument and in the All-Saints Church Conservation Area. There are listed buildings to the north (The Master's House - grade II*) and to the south (Cutbush Almshouses - grade II) of the site.
- 1.04 The part one, part two-storey The Master's Tower (grade II listed) is located on the application site. The Master's Tower is adjacent to the College Road car park with the building set back from College Road (A229) by approximately 39m. A private car park and storage area for the sea cadets immediately to the rear of The Master's Tower is accessed to the north of the building.
- 1.05 A single storey hall is in the middle of the site (approximately 11m by 14m) with a further small single storey storage building in the open area on the west side of the site. A gate in the west boundary provides pedestrian access to the River Medway (approx. 35m west) via a footpath past The Hermitage Millennium Amphitheatre and across a public right of way (KMX16). The site is situated within flood zone 1.

2. PROPOSAL

- 2.01 The application seeks the erection of a temporary timber log cabin for training of sea cadets.
- 2.02 The proposed log cabin would have an approximate width of 5.5m and depth of 3.5m. It would have a mono-pitched roof with an eaves height of approximately 2m and maximum height of 2.4m. The proposed building would be situated approximately 1m to the rear (west/ River Medway side) of the existing single storey hall. It would be constructed of timber with a green roof material.
- 2.03 The submitted planning statement sets out that the proposed building would provide an additional temporary building for the training needs of the increasing number of sea cadets.
- 2.04 The proposed building would be sited on the existing rear area of gravel finished hardstanding and it would sit on a fully levelled black painted steel channel frame. The building does not require any footings or other intrusion into the existing ground level/finish.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review 2024
LPRSS1 – Maidstone borough spatial strategy
LPRSP1 – Maidstone town centre
LPRSP11 – Economic development
LPRSP14(B) – The historic environment
LPRSP15 – Principles of good design
LPRENV1 – Development affecting heritage assets.

All Saints Conservation Area Appraisal

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

4. LOCAL REPRESENTATIONS

Local residents

No representations received.

5. CONSULTATIONS

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

Historic England

- 5.01 No objection There will be no negligible harm to the scheduled monument, and the applicant has made decisions to ensure this. (Concern about the brevity of the submitted heritage statement but Scheduled Monument Consent has been granted)

KCC Archaeology

- 5.02 No objection subject to a pre commencement planning condition requiring methodology of construction and how services are installed (Concern about the brevity of the submitted heritage statement)

MBC Conservation

- 5.03 No objection. No harm to the setting of the listed building or the character of the conservation area.

6. APPRAISAL

- 6.01 The key issues are:
- Heritage and design
 - Residential amenity
 - Parking/highways/access

Heritage and design

- 6.02 Policies LPRSP14(B) and LPRENV1 of the Local Plan Review 2024 relate to the historic environment. These policies require, inter-alia, that *"the characteristics, distinctiveness, diversity and quality of heritage assets are conserved, and where possible, enhanced"* and that *"new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and its setting"*.
- 6.03 The NPPF (paragraphs 207 and 208) requires the impact on the significance of a designated heritage asset to be assessed as either *"substantial harm"* or *"less than substantial harm"* with NPPG guidance setting out that *"substantial harm"* has a high threshold *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.
- 6.04 NPPF guidance (paragraphs 205 and 206) states that when assessing the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm to significance amounts to substantial harm, total loss or less than substantial harm.

College of All Saints Scheduled Monument and archaeology.

- 6.05 Nationally important sites and monuments are given legal protection by being placed on a monument 'schedule'. Scheduling is the only legal protection specifically for archaeological sites and the preservation of these sites is given priority over other uses. Destroying or damaging a protected monument is a criminal offence.
- 6.06 The application site is within the College of All Saints Scheduled Monument. The Historic England listing states *"The standing structures date mainly from the late*

14th century, with some evidence for 16th and 18th century alterations. The monument lies on the eastern bank of the River Medway, to the south of the parish and collegiate church, which is also dedicated to All Saints, and the medieval archbishop's palace. The standing structures include the college gate tower and associated western range, a return wing running from the west end of this refectory range which joins a two-storeyed building known as the Master's House. To the southeast of these buildings is a free-standing structure known as the Master's Tower, while at the south of the complex of medieval buildings is the ruined gateway".

- 6.07 In addition to the need for planning permission, Scheduled Monument Consent is required from the Secretary of State for Culture, Media, and Sport for any work on a scheduled monument. This Scheduled Monument Consent was granted on the 21 May 2024.
- 6.08 The Scheduled Monument Consent decision letter concludes "...the effect of the proposed works upon the monument..." were found to be "...neutral". The letter sets out "The cabin will not require any foundations and will be installed on a modern gravel surface. Due to this there will be no interventions into the monument to facilitate the installation. The location of the cabin means that it will not be visible from the rest of the monument and will not be detrimental a result of additions within it".
- 6.09 The number and range of buildings associated with this medieval or earlier Minster is not fully understood but it is thought this was also a focus of Anglo-Saxon occupation activity. As such there is potential for sensitive remains to survive both below ground and within current buildings.
- 6.10 In view of this archaeological sensitivity and in line with KCC Archaeology advice, a planning condition is recommended to require submission, approval, and adherence to a log cabin installation method statement. This statement would include arrangements for the delivery and sting of the log cabin and installation of services.
- 6.11 It is concluded that the impact of the proposed log cabin on the College of All Saints Scheduled Monument is acceptable due to the building location and the method of installation. No objection has been received from Historic England, KCC Archaeology or the MBC Conservation Officer.

Listed buildings

- 6.12 Any decision on a planning application that potentially affects a listed building or its setting, must have special regard to the desirability of preserving the building or its setting. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. This obligation is found in sections 16(LBC) and 66(FULL) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1).
- 6.13 The setting of a listed building is not confined to public land and can include private land and the setting can be in separate ownership. A lack of visual connection does not mean that there is no impact on listed building setting. The setting could form part of a wider estate, or if currently separated by landscaping, this landscaping could be removed or die.
- 6.14 Listed buildings are located outside the application site to the north (i) The Master's House - grade II*, on the eastern part of the application site (ii) The Master's Tower - grade II listed and outside the application site to the south (iii) Cutbush Almshouses - grade II.

Site context



(i) The Master’s House (grade II*)

6.15 The Historic England listing for The Master’s House includes the following description:

"...originally the Master's House to the College. C14 with alterations in C18 and the insertion of modern windows since. Built of Kentish ragstone. Two storeys and attics. Tiled roof with three hipped dormers having casements with small square leaded panes. Moulded wooden eaves cornice and at the south end of the front a gable. On the ground floor there are two windows containing pairs of ogee-headed lights, two narrower single trefoil-headed lancets and one square-headed window containing two obtusely-pointed lights. Modern windows on the first floor. The interior contains a collar-braced roof, a C16 oak staircase, a moulded C16 ceiling and Aumbry cupboard. Some stone fireplaces with spandrels and an early C18 fireplace with ovolo moulding. Plaque to William Grocyn (1446-1519) Master of All Saints College and Renaissance scholar".

6.16 The existing permanent single storey sea cadet’s hall in the middle of the application site and distance of approximately 16m will separate the proposed temporary log cabin from The Master’s House. In these circumstances the proposed log cabin is found to be acceptable in relation to the impact on the setting of The Master’s House. No objection has been received from Historic England or the Council’s Conservation Officer.

Cutbush Almshouses (26 College Road) (view southeast from the application site)



(ii) The Master's Tower (grade II listed)

- 6.17 The Historic England listing for The Master's House includes the following description:

"1396-1398. This was originally the main entrance gateway to the College from the river. Two storeys Kentish ragstone. Pyramidal tiled roof. Pointed archway on the ground floor. Square-headed window on the first floor containing two cinquefoil-headed lights with stone mullion and transom. Small projection on the north side with splayed end, possibly containing the staircase. This front has a single window of one cinquefoil-headed light on the first floor and a gable fronted with weatherboarding, full of pigeon holes".

- 6.18 The proposed timber log cabin is located at the western (River Medway) end of the application site with The Master's Tower located at the opposite eastern (College Road) end. The log cabin will be separated from The Master's Tower by approximately 24m including the permanent single storey sea cadet's hall in the middle of the application site. In these circumstances the proposed log cabin is found to be acceptable in relation to the impact on the setting of The Master's Tower. No objection has been received from Historic England or the Council's Conservation Officer.

(iii) Cutbush Almshouses (grade II listed)

- 6.19 The Historic England listing for Cutbush Almshouses includes the following description:

"Late C19 almshouses arranged in groups of three separate buildings on three sides of a courtyard. Nos 2-12 are of two storeys Kentish ragstone. Tiled roof with five clustered chimney stacks. Six gables having fretted bargeboards and pseudo timber-framing and brick finials. Central stone gable with stone finial and initials and kneelers. Windows are four light mullioned and transomed windows. Central stone archway with hood moulding above. Six other mullioned and transomed

windows with hood moulding and two doorcases set in the arches. Nos 14-24 and Nos 26-36 are similar but without the central stone archway”.

- 6.20 The blank side (south) elevation of the log cabin will be located approximately 4m from blank side elevation of the Cutbush Almshouses. As can be seen by the bench visible in the photograph above, the application site ground level is significantly lower than the ground level to the rear of Cutbush Almshouses. The proposed log cabin has a mono pitch roof eaves height of approximately 2m and maximum height of 2.4m and will be separated from the listed building by the existing ragstone wall.
- 6.21 The impact of the log cabin on the setting of the Cutbush Almshouses is found to be acceptable due to the visual separation between the buildings provided by the respective blank elevations, change in ground level and the existing boundary wall. The temporary nature of the log cabin, allowing the site to easily revert to the current situation also alleviates harm to the setting of the listed building. No objection has been received from Historic England or the Council’s Conservation Officer.

All-Saints Church Conservation Area

- 6.22 The All Saints Conservation Area Appraisal sets out that development first occurred in the area in the *Anglo-Saxon period and that development “...revolves around the founding of the original minster church of St. Mary, which occupied the same site as All Saints Church”.*
- 6.23 The appraisal advises *“Maidstone was an ancient domain of the Archbishop of Canterbury and the prevalence of listed buildings and scheduled ancient monuments within the All Saint’s Conservation Area reflects its archaeological and historical importance. as one of only six palace complexes in Kent used by the Archbishop”.*
- 6.24 *Whilst the existing Sea Cadets Hall (“modern sectional building in unsympathetic materials”) is identified in the appraisal as a negative feature, the appraisal highlights that the hall “...does not from a prominent feature within the Conservation Area”.*
- 6.25 The impact of the log cabin on the All Saints Conservation Area is found to be acceptable due to its relatively small size and the visual separation with the log cabin lower in height and located behind the larger existing Sea Cadets Hall. No objection has been received from Historic England or the Council’s Conservation Officer.

Conclusion

- 6.26 The NPPF advises *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”* (para 205). Potential impact on a heritage asset is classed as either *“...total loss”, “...substantial harm, or less than substantial harm”.*
- 6.27 It is concluded that the current application will have “less than substantial” harm to the significance of the College of All Saints Scheduled Monument, listed buildings and the All Saints Conservation Area. This conclusion is reached due to the relatively small building footprint and height of the log cabin and the discrete location behind the existing hall and on lower ground to the Cutbush Almshouses.
- 6.28 The NPPF further advises *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”* (para 208).

- 6.29 The purpose of the log cabin is to provide additional training space for the sea cadets that currently use the site. The submitted design and access statement sets out that the proposal would make space for sea cadets *"of varying ages and abilities including disadvantaged local Maidstone children, plus in addition, our enthusiastic adult volunteer training and administration staff"*. The proposal would therefore help a local youth project and the public benefit of the proposal is considered to outweigh the low level of harm.

Residential amenity

- 6.30 The closest residential property is part of Cutbush Almshouses (26 College Road) which is situated approximately 4m to the south of the proposed log cabin. All other residential properties are a significant distance from the site.

Daylight/sunlight

- 6.31 The boundary between the application site and 26 College Road is a 2m high wall. As highlighted earlier, there is also a significant rise in ground level from the application site to the rear of 26 College Road. With the boundary layout, the log cabin being single storey and the orientation of the site, the proposal would not impact the residential amenity of No.26 in terms of a loss of light or overshadowing.

Privacy/outlook

- 6.32 The proposed building would only have windows on the west elevation (facing the river) with no windows facing 26 College Road. The proposal would not impact the residential amenity of No.26 in terms of privacy or overlooking.

Noise/activity

- 6.33 With no change of use (additional indoor training space for the cadets), the modest scale of the building, the enclosure provided by buildings, boundary walls and ground level changes, the intensified use of the site is found to be acceptable in relation to neighbour amenity relating to noise or activity.
- 6.34 Overall, the proposal is found to be acceptable in relation to residential amenity including in terms of loss of light, overshadowing, privacy, overlooking and noise and activity.

Parking/highways/access

- 6.35 Local Plan policy LPRSP15 states that proposals will be permitted, where they can 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 vehicle trips generated by a use can be adequately accommodated on the road network.
- 6.36 The existing access to the site and the existing off street parking provision would be retained. There is sufficient parking on site to accommodate the proposal and the site is in a highly sustainable location with access to a variety of public transport options. The proposal would not impact parking at the site or the wider highway network.

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.

7. CONCLUSION

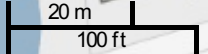
7.01 For the reasons set out above, the proposed erection of a temporary timber log cabin for training of sea cadets would be acceptable on heritage grounds. The proposal would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed development is in accordance with current policy and guidance.

8. RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following conditions with delegated powers 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:

- 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 21/03/2024
Topographical Survey – Drawing No. 19417_01 – Received 05/03/2024
Cabin Details – Received 05/03/2024
Proposed Elevations – Received 02/04/2024
Proposed Floor Plan and North Elevation – Received 02/04/2024
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.
Reason: To ensure a satisfactory appearance to the development.
- 4) The building hereby permitted shall be removed and the land upon which it is sited and restored to its former condition on or before 28th June 2029.
Reason: In the interests of landscape, visual impact, and amenity of the area.
- 5) Prior to commencement of development, an Installation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Installation Method Statement shall include details of the care and attention taken to ensure no detrimental impact on archaeological structures, fixtures, and fittings. The approved development shall only proceed in accordance with the submitted Installation Method Statement.
Reason: To ensure that features of archaeological interest especially related to the Scheduled Monument of Maidstone Archbishops Palace are properly protected.
- 6) Prior to first use of the approved building measures taken for the on-site enhancement of biodiversity 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. The scheme shall provide for the enhancement of biodiversity through provision within the site curtilage of measures such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. All features shall be maintained permanently thereafter.
Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- 7) The log cabin hereby approved shall only be used in connection with the activities of the Sea Cadets and the building shall not be used for any other purpose.
Reason: The stated occupants of the building were material in the decision to grant planning permission and in the assessment of potential impact.

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



24/501069/FULL 62 Sovereigns Way, Marden, Tonbridge, Kent, TN12 9QF

Scale: 1:1250

Printed on: 7/6/2024 at 14:15 PM by RebeccaB1



REPORT SUMMARY

REFERENCE NUMBER: 24/501069/FULL		
APPLICATION PROPOSAL: Erection of new dwelling house and erection single storey rear extension to the host dwelling including erection of 2no. cycle sheds.		
ADDRESS: 62 Sovereigns Way Marden Tonbridge Kent TN12 9QF		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions in Section 8 of this report.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed dwelling and erection of a single storey rear extension 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 or the wider highway network. The proposal is acceptable and in accordance with the Maidstone Borough Local Plan Review 2024 and the NPPF 2023.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Marden Parish Council for the reasons set out in Section 4 of this report.		
WARD: Marden And Yalding	PARISHCOUNCIL: Marden	APPLICANT: Mr G Savov AGENT: Building Design Studio
CASE OFFICER: Chloe Berkhauer-Smith	VALIDATION DATE: 15/03/24	DECISION DUE DATE: 28/06/24
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

77/0395: Residential development - Approved 29.06.1978

12/1366: Erection of an attached two storey dwelling - Refused 21.11.2012 for the following reasons:

"The proposed development by virtue of its scale, siting and proportions in relation to the application site, would result a cramped form of development which would be out of keeping with the surrounding pattern of development and would result in the erosion of open space which would be harmful to the character and appearance of the area contrary to policies CC1, CC6 and BE1 of the South East Plan and Central Government planning policy as set out in the National Planning Policy Framework 2012".

Appeal decision letter dated 20 March 2013 against refusal of 12/1366 (APP/U2235/A/12/2188947) Appeal decision: dismissed.

The appeal Inspector concluded that the proposal would "...compromise the spaciousness of the area..." making "...the proposed house and the associated terrace seem comparatively 'squeezed in'. The proximity of the flank wall to the road would also introduce an atypical hardness to the street scene".

23/505154/FULL: Erection of two storey side and single storey rear extension - Approved 11.01.2024

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is within the Marden settlement boundary as defined in the Local Plan. The application is not situated within any special land designations; however, it is partially within flood zone 2.
- 1.02 The site is a corner plot with the side (south) site boundary in Meades Close and the front (east) boundary in Sovereigns Way. The property at 25 Meades Close is to the rear (west) separated by a rear pedestrian passageway. The existing two storey property is at the end of a terrace of 5 properties (62-70 Sovereigns Way).
- 1.03 The front elevation of the existing dwelling is set back from the pavement in Sovereigns Way with a front garden approximately 16.6m long. The side elevation is set back from the pavement in Meades Close by approximately 4.9m with the close-boarded fencing approximately 1.8m high on the boundary.
- 1.04 The wider area between the railway line to the north and Goudhurst Road (B2079) to the south is characterised by relatively high-density suburban development. The pattern of development is a series of cul-de-sacs of mainly terraced and semi-detached dwellings with some detached dwellings.

2. PROPOSAL

- 2.01 Construction of a part single, part double storey end of terrace dwelling house with a single storey rear extension to the existing property at 62 Sovereigns Way including 2 cycle sheds.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review 2024
LPRSS1 – Maidstone borough spatial strategy
LPRSP6 – Rural service centres
LPRSP6(E) – Marden
LPRSP10(A) – Housing mix
LPRSP12 – Sustainable transport
LPRSP15 – Principles of good design
LPRHOU2 – Residential extensions ... and development within the built-up area
LPRHOU4 – Residential garden land
LPRTRA2 – Assessing the transport impacts of development.
LPRTRA4 – Parking
LPRQD1 – Sustainable design
LPRQD6 – Technical standards
LPRQD7 – Private open space standards

Neighbourhood Plan: Marden, BE1 Local character, BE2 Residential amenity.

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

4. LOCAL REPRESENTATIONS

Local residents

- 4.01 1 representation received objecting to the application for the following (summarised) reasons:
- Parking provision
 - Visual appearance
 - Loss of light

Marden Parish Council

- 4.02 Objection and recommend refusal on the following grounds:
- Porch design should match the existing dwelling.
 - Porch roof line should be continued to match the existing dwelling.
 - Building shouldn't be set back; it should continue the line of the existing terrace.
 - Contrary to Marden Neighbourhood Plan Policy BE1 Local Character.

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. Offered their standing advice.

Environmental Health

- 5.02 No objection subject to conditions.

KCC PROW

- 5.03 No objection.

KCC Highways

- 5.04 No objection. Does not meet the criteria to warrant involvement from the highway authority.

Network Rail

- 5.05 No objection. Offered their standing advice.

6. APPRAISAL

- 6.01 The key issues are:
- LPR spatial strategy
 - Character, appearance
 - Residential amenity
 - Standard of accommodation
 - Parking/highways
 - Flooding
 - Ecology

LPR spatial strategy

- 6.02 The site is located within the Marden settlement, a designated rural service centre. Local Plan policy LPRSS1 (Maidstone Borough spatial strategy) states that the focus for new development in the borough will be Maidstone's urban area (as the largest and most sustainable location) followed by the designated rural service centres, designated larger villages, then smaller villages and hamlets and lastly, the countryside.
- 6.03 Local Plan policy LPRSP6 (Rural Service Centres) sets out that within the designated rural service centres, the council will focus new housing when it is, an allocated site, minor development such as infilling and the redevelopment of previously developed land that is of a scale appropriate to the size of the village. The current application is minor development infilling land to the side of an existing end of terrace property.
- 6.04 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.

- 6.05 Policy LPRHOU2 (Residential extensions, conversions, annexes, and redevelopment within the built-up area) permits residential development on land outside the countryside which meet listed criteria. Policy LPRHOU4 (Residential Garden Land) permits development of domestic garden land to create buildings subject to listed criteria. These criteria are considered below:

Character and appearance

- 6.06 Local Plan Review policies LPRHOU2 (i) and LPRHOU4 (5) require scale, height, form, appearance, and siting to fit unobtrusively with the existing building and the character of the street scene. Policy LPRSP15 additionally refers to materials, detailing, mass, bulk, articulation, and site coverage. Policy LPRHOU4 (1) states that the higher density should not result in significant harm to character and appearance. Marden Neighbourhood Plan policy BE1 states "*...proposals should respect and enhance the existing character of the village. Development must be both visually and functionally sympathetic to the existing styles and materials...*"
- 6.07 The character of the area between the railway line to the north and West End Road (B2079) to the south is characterised by relatively high-density suburban development. The pattern of development is a series of cul-de-sacs consisting of mainly terraced and semi-detached dwellings with some detached dwellings.
- 6.08 Most of the residential area between the railway line (to the north) and West End Road (to the south) is split into two by Sovereigns Way, with the main part of Sovereigns Way running east to west from Pattenden Lane. The land between the main part of Sovereigns Way and the railway line provides a series of cul de sacs.
- 6.09 Whilst these cul-de-sacs generally provide semi-detached dwellings and terraces of 3 dwellings, the application site at the western end of this residential area is in a group of two terraces, with each terrace currently providing 5 dwellings. The current application will result in one of these terraces providing 6 dwellings and with the current variation in the size of the terraces this is in keeping with the character of the area. Given that the application site is located at the end of the row of terraces, it would not impact the street scene by closing the gap between properties and consequently there is no terraced effect.
- 6.10 The front elevation of the existing dwelling at 62 Sovereigns Way faces east on to the cul de sac, with the new attached dwelling on garden land adjacent to the south (side) elevation of the dwelling. Whilst other dwellings in the area have similar orientation, there is some variation in the setback of dwellings from the southern boundary (this includes 2 Sovereigns Way approx. 6 metres and 44 Sovereigns Way approx. 3.5 metres). Whilst single storey, the garage to the side of 20 Sovereigns Way is also highlighted. In this context there are no grounds to refuse planning permission for the loss of the garden land to the side of the existing dwelling.
- 6.11 The proposed house has a hipped roof form. Whilst gables are the predominant local style there are examples of other styles including barn hip roofs (Bramley Court) and flat roof (garage at 20 Sovereigns Way). It is concluded that a hipped roof design for the proposal forms a satisfactory composition with the existing dwelling by removing bulk from the proposed roof and ensuring it appears subservient. In this context there is no objection to the hip roof design.
- 6.12 The proposed fenestration and external facing materials for the new house are in keeping with the host dwelling and the character of the other dwellings along

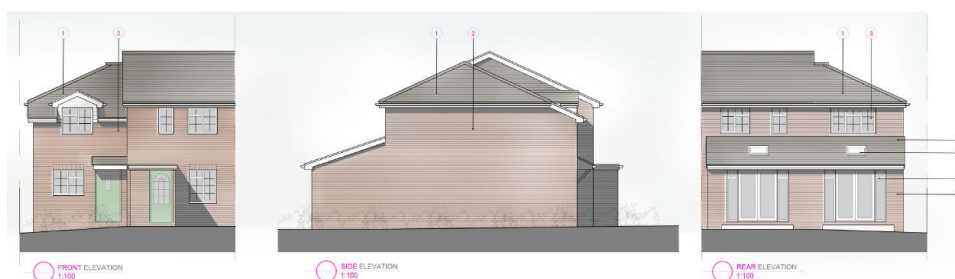
Sovereigns Way. The external facing materials and boundary treatments (Policy LPRHOU2 ii) will also be controlled by planning condition.

- 6.13 In terms of appearance, the proposed dwelling would be visually subservient to the host dwelling with a set back from the front elevation and set down of the roof ridge. Marden Parish Council have objected to this design approach stating that as a house (and not an extension) the proposed building should not be set back from the terrace. The visual benefits of a set back in elevation or height are not restricted to extensions and can also be used for new houses. There are examples of these setbacks locally for existing houses in Meades Close immediately to the west of the application site.
- 6.14 Marden Parish Council have made comments about the proposed porch design. There are many different porch designs locally, and changes to porches can be made without the need for planning permission. The proposed porch design is found to be acceptable, in keeping with proposed dwelling and the area generally.
- 6.15 This current application follows a recent separate approval (23/505154/FULL) for a two storey extension to the application property. The scale, height, form, and choice of materials of the two storey extension permitted under the previous application match that proposed for the new house. Amendments are made to front and rear fenestration to include front and rear entrance doors and the addition of a small bike shelter located in the nearby parking area, which is within the red line boundary.

Elevations approved under 23/505154/FULL for a two-storey side extension.



Elevations currently proposed for a two-storey end of terrace house.



- 6.16 In summary the proposal is in accordance with policies LPRHOU2 and LPRHOU4 that require building scale, height, form, appearance, and siting to fit unobtrusively with the existing building and the character of the street scene. The proposed setbacks of the front elevation and the roof, ensure the proposal appears subservient to the main dwelling, results in a development that fits unobtrusively with the existing dwelling and the character of the street scene.

Residential amenity

- 6.17 Local Plan Review policies LPRHOU2 (iii), LPRHOU4 (2),(4) and LPRSP15 seek to protect neighbours in relation to privacy, outlook, light, noise and activity. Marden

Neighbourhood Plan policy BE2 states "New housing development ...should provide suitable residential amenity for residents...".

- 6.18 The closest residential property is the host dwelling at 62 Sovereigns Way and then 64 Sovereigns Way beyond with both to the north of the proposed dwelling. The property at 25 Meades Close is to the west. A distance of 15 metres will separate 25 Meades Close from the new house including approximately 9m from the proposed house to the boundary of No.25.

Daylight/sunlight.

- 6.19 The proposal includes a two-storey end of terrace dwelling and single storey extension to the rear of the existing dwelling at 62 Sovereigns Way.
- 6.20 The proposed single storey rear extension will extend approximately 3m past the rear (west) elevation of 64 Sovereigns Way. The extension with eaves height of approximately 2.7m and maximum height of approximately 3.7m is acceptable in relation to overshadowing and loss of light and outlook.
- 6.21 Given the orientation of the site and the distance of the proposal from 25 Meades Close, the proposal is acceptable in relation to the residential amenity of the occupants of 25 Meades Close.

Privacy/overlooking.

- 6.22 The first floor window to the front elevation is a bathroom with a bedroom window to the rear (west) elevation. The Council seeks a minimum separation distance of 20m between directly opposing first floor habitable windows. This standard is achieved as 25 Meades Close is not directly opposite the proposed dwelling, and as a result there are no directly opposing windows.
- 6.23 The proposed first floor rear window would look towards the rear amenity space of 25 Meades Close. Existing privacy levels are relevant here and the first floor windows to the rear elevation of the terrace are highlighted. The view from the new window would be more oblique than views currently possible from existing first floor habitable windows in the terrace.
- 6.24 Considering the existing situation at the site, together with the fact there are no proposed directly opposing windows, the proposal is acceptable in relation to overlooking and privacy.

Noise/activity

- 6.25 The application is a conforming residential use in a residential area and the proposal is acceptable in relation to impact from additional noise and activity.
- 6.26 In summary overall, the proposal is acceptable in relation to residential amenity including loss of light, overshadowing, privacy and overlooking and noise and activity.

Standard of accommodation

- 6.27 Local Plan policy LPRSP15 and paragraph 135 of the NPPF state that proposals will be permitted where they create high quality design and provide adequate residential amenities for future occupiers. 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.

- 6.28 Policy LPRQD6 (technical standards) sets out that a 1-bedroom, 2-storey dwelling with 2 bedspaces should provide a minimum floor area of 58m². The proposed dwelling would have a gross internal area of 61m², which exceeds this minimum requirement.
- 6.29 Policy LPRQD7 (private amenity space) 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. The dwelling would have a suitable rear amenity area that meets these criteria.
- 6.30 Overall, in summary the proposed dwelling would meet minimum space standards and the dwelling would provide a good standard of residential amenity for future occupiers.

Parking/highways

- 6.31 Policy LPRHOU2 (iv) states that sufficient parking should be provided within the curtilage of the dwelling without diminishing the character of the street scene. Policy LPRHOU4 (3) states that access of an appropriate standard should be possible to a suitable highway.
- 6.32 Policy LPRSP15 states that proposals 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. Policy LPRTRA2 seeks to ensure that the vehicle trips generated by a use can be adequately accommodated on the road network.
- 6.33 The Kent and Medway Structure Plan 2006 sets out that a 1 bedroom dwelling in this sustainable location should have a maximum of 1 space and a 2 bedroom dwelling should have a maximum of 2 spaces. These standards require a maximum of three off street car parking spaces for existing and proposed dwellings
- 6.34 In a similar arrangement to other nearby properties, the residential parking for the application property is provided in a parking court to the north of the application site. No car parking would be provided within the curtilage of the proposed dwelling or the existing dwelling. This allows the retention of the existing soft landscaped area and the positive visual impact this has on the character of the street scene.
- 6.35 The existing arrangements will provide a total of 2 car parking spaces for the existing and proposed dwellings. This provision is acceptable and in accordance with the above maximum car parking standards. The site is within Marden rural service centre and therefore in a sustainable location, with access to a variety of public transport options and public amenities.
- 6.36 The vehicle access to the car parking and pedestrian access to existing and proposed dwellings is found to be acceptable. The vehicular and pedestrian movement generated by the proposal can be safely accommodated on the local highway network and the proposal is acceptable in relation to highway safety.
- 6.37 In summary, the proposal is acceptable with regard to parking provision, highway safety, pedestrian and vehicle access and trip generation.

Flooding

- 6.38 Local Plan policy LPRSP14(C) requires new development to include a Flood Risk Assessment where the site is located within Flood Zones 2 or 3. The application site is partially within and at the eastern end of flood zone 2 with all of Meades

Close also in flood zone 2. The submitted application includes a flood risk assessment.

- 6.39 The submitted flood risk assessment sets out several measures that will be incorporated into the new house to provide flood resilience. These measures include wall power sockets raised above ground level. A planning condition is recommended to require a full list of flood resistance and resilience measures to be submitted, approved in writing and installed prior to first occupation. A further condition is recommended requiring future occupant to sign up to the EA's Flood Warning Service. With these measures and the site only partially within an area at risk from flooding the proposal is acceptable in relation to flooding.

Ecology

- 6.40 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"*.
- 6.41 Biodiversity enhancements can 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. A planning condition is recommended seeking these measures.
- 6.42 In terms of biodiversity net gain (BNG), LPR policy LPRSP14(A) requires a 20% net gain on 'new residential development'. However, it is a material consideration that the current application was submitted prior to the adoption of the Local Plan Review, prior to the implementation date for the national 10% BNG requirement and the development is for only one house; in these circumstances it is concluded that it would be unreasonable to require 20% BNG in this case.

PUBLIC SECTOR EQUALITY DUTY

- 6.43 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

- 6.44 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 For the reasons outlined above, the proposed dwelling and erection of a single storey rear extension to the existing property 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 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.

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 08/03/2024
Proposed House Plans, Elevations And Block Plans – Drawing No. BDS-1798-P11 – Received 08/03/2024
Bike Shelter – Received 15/03/2024
Reason: To clarify which plans have been approved.
- 3) The external facing materials used for the development hereby permitted shall match those used on the existing building at 62 Sovereigns Way.
Reason: To ensure a satisfactory appearance to the development.
- 4) The development shall not commence above slab level until, until a noise report has been submitted to and approved in writing by the Local Planning Authority. The noise report shall demonstrate that the internal noise levels within the dwelling and external noise levels in the back garden will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - The work specified in the noise report to achieve the above standards shall be carried out in accordance with the approved details prior to occupation of the approved dwelling and shall be retained and maintained thereafter.
Reason: To protect the amenity of future occupiers of the site.
- 5) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of ecology on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of ecology through integrated methods into the fabric of the building by means such as swift bricks, bat tubes and bee bricks, and through the provision within the application site of measures such as bird and bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the approved dwelling, and all features shall be permanently retained and maintained thereafter.
Reason: To enhance the ecology and biodiversity in accordance with national and local planning policy.
- 6) 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.
- 7) 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 retained and maintained as such thereafter.

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

- 8) Prior to first occupation of the approved dwelling flood resistance and resilience measures shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The measures shall follow the advice of DEFRA's document Improving the Flood Performance of New Buildings Flood Resilient Construction. These measures shall be retained permanently thereafter.
Reason: To mitigate against flooding impacts and to provide an acceptable standard of living accommodation.
- 9) Within the first 3 months following first occupation of the approved dwelling evidence shall be submitted to show that residents of the dwelling have signed up to the EA's Flood Warning Service.
Reason: To mitigate against flood impact.
- 10) Prior to the first occupation of the dwelling hereby approved, facilities for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins, and (c) secure bicycle storage shall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority including the location of the proposed cycle storage sheds. These details will be maintained as such thereafter.
Reason: In the interests of amenity, to promote sustainable travel choices and the reduction of CO2 emissions.
- 11) 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:
 - a) details of all existing trees, and 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 any 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.
- 12) 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.

- 13) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The 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: To prevent undue light pollution and to protect wildlife.
- 14) 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.
- 15) 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.
- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, AA, B, C, D, E and F to that Order shall be carried out to the new dwelling hereby approved without first obtaining the permission of the Local Planning Authority.
Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers.

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

24/500504/FULL Lodge Farm, Goudhurst Road, Marden, Tonbridge, Kent, TN12 9NW

Scale: 1:2500

Printed on: 7/6/2024 at 14:19 PM by RebeccaB1

REPORT SUMMARY

REFERENCE NUMBER: 24/500504/FULL		
APPLICATION PROPOSAL: Demolition of existing agricultural barn and erection of 1no. chalet bungalow with associated access, landscape and biodiversity enhancements (revised scheme to 20/504096/FULL).		
ADDRESS: Lodge Farm Goudhurst Road Marden Tonbridge Kent TN12 9NW		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
<p>SUMMARY OF REASONS FOR RECOMMENDATION:</p> <p>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”. The proposal is clearly contrary to the Development Plan and has been advertised as a departure.</p> <p>The proposal will result in harm to the character and appearance of the countryside contrary to Local Plan Review policy SP9 and there are no Local Plan policies that directly support the use. In this context as the application is not in accordance with the adopted Local Plan Review, it needs to be determined as to whether there are other material considerations that justify granting planning permission.</p> <p>Permission has previously been approved for a larger new dwelling on the application site and a certificate of lawful development has confirmed that the previously approved house can be completed on the site at any time in the future. In these circumstances this earlier permission is a viable ‘fall back’ position. Moreover, the scheme proposed is superior to the ‘fall back’ position and therefore there is ‘betterment’.</p> <p>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 heritage impacts, neighbour amenity, and biodiversity. The access and parking arrangements are all acceptable.</p> <p>It is concluded that whilst the application is not in accordance with the development plan (a departure) the material considerations that have been outlined and the minimal level of harm indicate that planning permission should be approved.</p>		
REASON FOR REFERRAL TO COMMITTEE: The application seeks an educational building within the countryside, the development does not benefit from an exception to Local Plan Review policy SP9. As such the development would cause some harm to the character and appearance of the countryside and is a departure from the Local Plan Review.		
WARD: Marden And Yalding	PARISH COUNCIL: Marden	APPLICANT: Mr Thijs Bax
CASE OFFICER: William Fletcher	VALIDATION DATE: 12/02/24	DECISION DUE DATE: 26/06/24
ADVERTISED AS A DEPARTURE: Yes		

Relevant Planning History

23/502035/LAWPRO - Lawful development certificate to establish that planning permission 20/504096/FULL has been part implemented, and that the remainder of the development may be lawfully completed. Approved – 30/06/2023 (*Officer Note: This confirms that a dwelling on site has commenced and as detailed below will be given weight when considering a new residential dwelling in this location which in policy terms is within the countryside*).

20/504096/FULL - Demolition of existing agricultural barn and erection of 1no. detached dwelling, to be built to Passivhaus standards. Approved - 26/10/2020.

20/500928/PNQCLA - Prior Notification for a proposed change of use of agricultural building to 1no. dwellinghouse (Class C3) and for associated operational development. For it's prior approval to: - Transport and Highways impacts of the development - Contamination risks on the site - Flooding risks on the site - Noise impacts of the development - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed - Design and external appearance impacts on the building. Approved – 30/03/2020.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The proposal site is on the eastern side of Goudhurst Road, to the south of the village of Marden. For the purposes of the Local Plan the site is within the designated countryside; and a public right of way (KM282) runs along the northern boundary of the site.
- 1.02 The site contains a low-level timber framed building (apple store) with an asymmetrical flat roof, that is in part open; in part enclosed by corrugated metal sheeting (including to the roof); and in part enclosed by post and wire fencing. This building (pole barn) is dilapidated in appearance and is built up against (but not part of) a concrete block building that is part single storey and part 2-storey, again with an asymmetrical roof. This building is rendered and in a poor state of repair, with noticeable cracks to the walls, and a dilapidated corrugated metal roof with vegetation growing through.

2. PROPOSAL

- 2.01 The application is described as "Demolition of existing agricultural barn and erection of 1no. chalet bungalow with associated access, landscape and biodiversity enhancements (revised scheme to 20/504096/FULL)."

3. POLICY AND OTHER CONSIDERATIONS

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
LPRSP14(A) – Natural Environment
LPRSP15 – Principles of good design
LPRQD 4 – Design principles in the countryside
LPRQD6 – Technical standards
LPRQD7 – Private open space standards

Marden Neighbourhood Plan 2020:
NE3 – Landscape integration
NE5 – Landscape planting
BE1 – Local character
BE2 – Residential amenity

Supplementary Documents:
Maidstone Landscape Character Assessment (2013)

23/502035/LAWPRO - Lawful development certificate to establish that planning permission 20/504096/FULL has been part implemented, and that the remainder of the development may be lawfully completed. Approved – 30/06/2023

4. LOCAL REPRESENTATIONS

Local residents

- 4.01 As well as the posted site notice 3 neighbouring properties were consulted. No representations were received.

Marden Parish Council

- 4.02 No objections subject to conditions relating to wastewater management and biodiversity enhancements.

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)

KCC Highways

- 5.01 No objection subject to conditions on:
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
 - Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
 - Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.

KCC Public Rights of Way

No objections subject to the following concerns being addressed:

- i) To comply with the Secured by Design recommendations with regard to footpath design (Homes Guide 2024, points 8.8 to 8.18), we would wish to see limited height to the proposed new close boarded fence on the south side of the path (1.4m max). *(This will be conditioned.)*
- ii) Withdrawal of the proposal to install benches along the line of the path. *(Revised plans have been submitted showing these have been removed.)*
- iii) The use of mulch as a one off surface treatment in a setting like this is inappropriate and would increase the maintenance liability of the County Council. In terms of providing a level surface, this should comprise a geotextile mat, 100mm of compacted MOT type 1, finished with a 25mm layer of compacted fines - 3mm to dust. *(Revised Plans have removed the mulch and now indicated the MOT type 1 as requested).*
- iv) With regards to the inclusion of the enhanced biodiversity area at the rear of the site, which would enhance the visual amenity of the path, is appreciated but we would recommend that public access to the area is excluded. *(Revised drawings show that fencing would be placed around the enhanced biodiversity area, but it still appears that public access would be possible via the footpath, which is situated to the north of the biodiversity area. Conditions will be*

imposed requiring the applicant to submit details of all boundary fencing specifically showing that this location will be fully excluded from public access).

6. APPRAISAL

- 6.01 The key issues are:
- Spatial Strategy
 - Character and Appearance
 - Residential Amenity
 - Standard of Accommodation
 - Highways
 - Ecology
 - Sustainability

Spatial Strategy

- 6.02 The application site is in the countryside and the starting point for assessment of all applications in the countryside is LPR Policy SP9. Strategic Policy 9 states: "Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and will not result in significant harm to the rural character and appearance of the area."
- 6.03 The application is described as a replacement dwelling, and replacement dwellings benefit from consideration under LPR policy HOU11, however, the previously approved house (20/504096/FULL) has not been completed.
- 6.04 The applicant has secured a lawful development certificate which confirms that construction of the approved dwelling on site has 'commenced' and as such there is an extant, implementable permission for a new dwelling on this site.
- 6.05 As will be detailed below, what is proposed is less visually intrusive than the previously approved development. Conditions are recommended to require more extensive landscaping and biodiversity enhancements than the permitted proposal. In this situation, there will be a 'betterment' over the previously permitted proposal, but nevertheless, the dwelling has not been built and as such the application must be assessed as being a new dwelling in the countryside for which there is no policy support.
- 6.06 In relation to SP9 (Development in the Countryside) and considering the impact of development on the character and appearance of the countryside the relevant adopted local plan policies are SP15 and QD4. The impact of the development on local character and appearance is considered against policies SP15 and QD4.

Character and appearance

- 6.07 LPR Policy SP15 states that development must "*Respond positively to, and where possible enhance, the local, natural, or historic character of the area. Particular regard should be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage*" Policy QD4 has similar aims and objectives.
- 6.08 Whilst policy HOU11 is not wholly relevant as this is not strictly a replacement dwelling, policy HOU11 does provide design requirements which are relevant to assessment against SP15 and QD4. The relevant parts of policy HOU11 are considered below.

HOU11 iv. The mass and volume of the replacement dwelling is no more visually harmful than the original dwelling.

- 6.09 In terms of design the permitted dwelling under 20/504096/FULL was a two storey, four-bedroom detached dwelling. The dwelling comprised of two sections, with a maximum depth of 13.7m, a breadth of 10.3m and was depicted as having a maximum height of 7.55m, with eaves of 5.2m and would have a gabled roof form. The building would have a footprint of approximately 130m².
- 6.10 For comparison the existing building on site which is an 'L' shaped building with a maximum depth of 20m, a maximum breadth of 12.5m, and a minimum of 8.25m. The building is depicted as having a maximum height of 6m with the main bulk of the building possessing a height of 3.15m. It has a footprint of 195m².
- 6.11 The proposed dwelling which is part single and part 1.5 storey has a maximum 6.15m ridge height, and a footprint of approximately 200m³.
- 6.12 Whilst the footprint of the proposed dwelling is larger, there would be a reduction in volume over the permitted scheme which had a volume of approximately 850m³ compared to the proposed which has a volume of approximately 800m³. Therefore, the reduction in volume would be 50 cubic metres. By setting the two storey element further from the highway the main bulk of the dwelling is also less imposing on the street scene.
- 6.13 It is concluded that the mass and volume of the proposed dwelling does not cause harm. As set out earlier in this report there is currently no completed dwelling on the site to 'replace' only an implemented permission and a partially complete building. Were the application seeking a larger dwelling than what was originally approved it is likely that this would not be supported.

HOU11 v. The replacement dwelling would result in a development which individually or cumulatively is visually acceptable in the countryside

- 6.14 The supporting text to LPR policy SP9 advises "The countryside has an intrinsic rural character and beauty that should be conserved and protected for its own sake."
- 6.15 LPR policies SP15 and QD4 of the Local Plan Review also seek to achieve high quality design in development proposals, emphasising the need for type, siting, materials and design including mass and scale of development to maintain or enhance the local character.
- 6.16 The application site is located on the eastern side of Goudhurst Road, and is screened by existing vegetation, the most prominent views are immediately to the front of the application. If the surrounding vegetation were to be lost for any reason, the dwelling is set back from the roadside by approximately 20m and as such it is not assessed that the dwelling would be an imposing addition on the application site where surrounding vegetation lost.
- 6.17 The single storey element of the dwelling is located to the 'front' of the application site with the two storey element located to the rear and as such its 'impact' on the street scene is reduced when compared to the permitted dwelling. Whilst there is an increase in footprint this is at ground floor level whereby its nature the built form is less visually intrusive.
- 6.18 In terms of the proposed materials the applicants supporting statement notes "The proposed materials have been chosen to achieve a contemporary barn style aesthetic. The contrast of the metal and natural stone adds visual interest, and the

strategic use of materials draws attention to the different levels and heights - key components of the architectural design.”

- 6.19 This is broadly agreed with, the use of zinc cladding does lend the larger portion an air of 'functionality' which reflects the type of agricultural buildings that are found in the countryside, almost akin to a converted agricultural barn with the more domestic rag stone single storey elements.
- 6.20 Conditions will be imposed requiring the applicant to submit materials samples to ensure the quality of the materials used is high and that the proposed dwelling will be of a satisfactory visual appearance.
- 6.21 Public right of way (KM282) runs along the north of the site, whilst this appears to be quite overgrown, when considering the presence of existing buildings on site the development would not have a detrimental impact on views from the public right of way. On balance the development would have only minimal impact on views from the footpath.
- 6.22 Policy BE1 of the Marden Neighbourhood Plan states "*Development proposals should be designed to protect the fabric and setting of any designated and non-designated heritage asset and respect and enhance the existing character of the village. Development must be both visually and functionally sympathetic to the existing styles and materials – examples of which are illustrated in this plan, in order to maintain and enhance Marden's sense of place*".
- 6.23 It is assessed that the development is in accordance with the Marden Neighbourhood Plan.

Residential amenity

- 6.24 There are no neighbouring properties within the vicinity of the dwelling that could be impacted upon in terms of overshadowing and loss of light.
- 6.25 The closest property to the development is Branns Farmhouse to the south approximately 20m away. Only one proposed first floor window would face this dwelling and this is for a bathroom. With the separation distance, the impact of this window in terms of privacy is acceptable.
- 6.26 In terms of amenity impacts, the development is in accordance with Marden Neighbourhood Plan policy BE2. The development is in accordance with policy HOU11 (ix) which states that the replacement dwelling should not have a negative impact on neighbouring residential amenity in terms of privacy, daylight, sunlight and overshadowing.

Standard of accommodation

- 6.27 The proposed dwelling would be located on a plot with an area of approximately 1500m² and the dwelling would have an internal space of at least 200m². This meets the amenity space standard set out in policy LPRQD7
- 6.28 The dwelling possesses utility rooms and storage cupboards with living areas that are spacious and well lit. This meets the internal space standard set out in policy LPRQD6

Highways

- 6.29 The dwelling would be served by a parking area to its front. The development would not have a detrimental impact upon parking in the area or the wider highway network. There is sufficient space for car parking.

Ecology

- 6.30 The applicant has submitted a preliminary ecological assessment, it indicates that no protected species were discovered on site.
- 6.31 The applicant has submitted a tree survey as part of the application which indicates no trees would need to be felled to facilitate the development. Conditions will be imposed requiring the development to be carried out in accordance with tree protection measures detailed within the report.
- 6.32 In terms of biodiversity net gain (BNG), LPR policy LPRSP14(A) requires a 20% net gain on 'new residential development'. However, it is a material consideration that the current application was submitted prior to the adoption of the Local Plan Review, prior to the implementation date for the national 10% BNG requirement and the development is for only one house. In these circumstances it is concluded that it would be unreasonable to require 20% BNG in this case.

Sustainability

- 6.33 The application site is only 100 metres from the boundary of Marden rural service centre, which is served by a railway station. The site is located approximately 7 miles from the boundary of Maidstone urban area.
- 6.34 Whilst some services are available within Marden, realistically carrying out weekly shopping trips or accessing amenity facilities that are found within Maidstone itself, would require the use of a car. It is considered that occupants would come to rely on private vehicles to access local services to meet their day to day needs.
- 6.35 It is possible to access Marden via the public footpath adjacent to the application site but it is unrealistic to expect occupants to use this footpath in the dark and to carry shopping back and forth. Goudhurst Road is an unlit road with no public footpaths it is unlikely occupants would choose to walk north into Marden using this road.
- 6.36 Despite the above, there is an 'extant' permission for a new dwelling in this location and as such it is not assessed that the above is of significant weight in terms of refusing the application.

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 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 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 Local Plan Review policy SP9 and there are no Local Plan Review policies that directly support the use. In this context as the application is not in accordance with the adopted Local Plan Review, 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 as a result of the reduction in built form over the previously permitted proposals on site. The proposal is acceptable in relation to neighbour amenity, and biodiversity. The access and parking arrangements are all acceptable. Conditions can be imposed to ensure that the proposal results in a 'betterment' for biodiversity on site.
- 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.

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:
Application for planning permission
25620A_Walbax_-PL01 Proposed Block Plan
PL02 Rev A Proposed Site Plan
25620A_Walbax-PL03 Proposed Ground Floor Plan
25620A_Walbax-PL04 Proposed First Floor Plan
25620A_Walbax-PL05 Proposed Roof Plan
25620A_Walbax-PL06 Proposed Front and Side Elevations
25620A_Walbax-PL06i Proposed Front and Side Elevations
25620A_Walbax-PL07 Proposed Rear and Side Elevations
25620A_Walbax-PL07i Proposed Rear and Side Elevations
5012179 Existing Plans And Elevations
Cover Letter
Planning Statement
Preliminary Ecological Appraisal
20/36/100 Existing Site Plan
25620_A_EX01 Site Location Plan and Existing Site Plan
25620_A_EX02 Existing Site Plan
Arboricultural Report
25620 Design and Access Statement
Reason: To ensure the development is carried out to an acceptable visual standard.
- 3) No development including site clearance shall take place until tree protection is in place for all trees both within the red line application site boundary, and within falling distance of the red line application site boundary. The tree protection shall be in accordance with BS 5837 and maintained until all equipment, machinery and any surplus materials have been removed from the site. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant,

machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. All construction activities, tree protection, access facilitation pruning and pre-emptive root pruning shall be carried out in accordance with the approved recommendations of the submitted tree protection details contained within document Arboricultural Report produced by The Mayhew Consultancy Ltd 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.

- 4) The development hereby approved shall not commence above slab level until, written details and samples of external facing materials have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- 5) 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 retained and maintained as such thereafter.

Details shall specifically show that there is no public access to the proposed 'Enhanced Biodiversity Area' depicted within drawing PL02 Rev A (Proposed Site Plan) and that fencing to the south of Public Right of Way KM282 is no taller than 1.4m in height.

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.

- 6) The development shall not be occupied until the enhanced biodiversity area, indicated within drawing PL02 Rev A Proposed Site Plan has been fenced off and secured. The biodiversity area and the fencing of this area shall be maintained to the satisfaction of the local planning authority in perpetuity. No plant/materials/machinery shall be stored in this area during the construction period.

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

- 7) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of ecology on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of ecology through integrated methods into the fabric of the building by means such as swift bricks, bat tubes and bee bricks, and through the provision within the application site of measures such as bird and bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to the first occupation of the dwelling and all features shall be permanently retained and maintained thereafter.

Reason: In the interests of ecology and wildlife.

- 8) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter.
Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.
- 9) 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 Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
 - b) be in accordance with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.
 - c) include a layout plan with beam orientation.
 - d) provide a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
 - e) provide 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.
- 10) The development hereby approved shall not commence above slab level until a landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall
- (a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012)
 - (b) show all existing trees, landscaping on, and immediately adjacent to, the site and indicate whether it is retained or removed,
 - (c) provide details of new on-site landscaping in a planting specification (location, spacing, species, quantity, maturity).
 - (d) provide landscape implementation details and implementation 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.
- 11) All planting, seeding and turfing specified in the approved landscape scheme shall be in place by the end of the first planting season (October to February) following first occupation of the approved dwelling. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation the approved dwelling property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 12) Where the surface finish of the access road or private drive is intended to remain in unbound materials, the first 5m, as measured from the back of the highway, shall be treated with a surface dressing to avoid the displacement of loose materials onto the highway. The development shall not commence above slab level until, details of the proposed surface dressing have been submitted to and approved in

writing by the local planning authority and the approved dressing shall be provided prior to the first occupation of the building(s) or land.

Reason: In the interests of highway safety.

- 13) The dwelling 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 dwelling shall be occupied unless this standard has been met.

Reason: In the interests of sustainability.

- 14) 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.

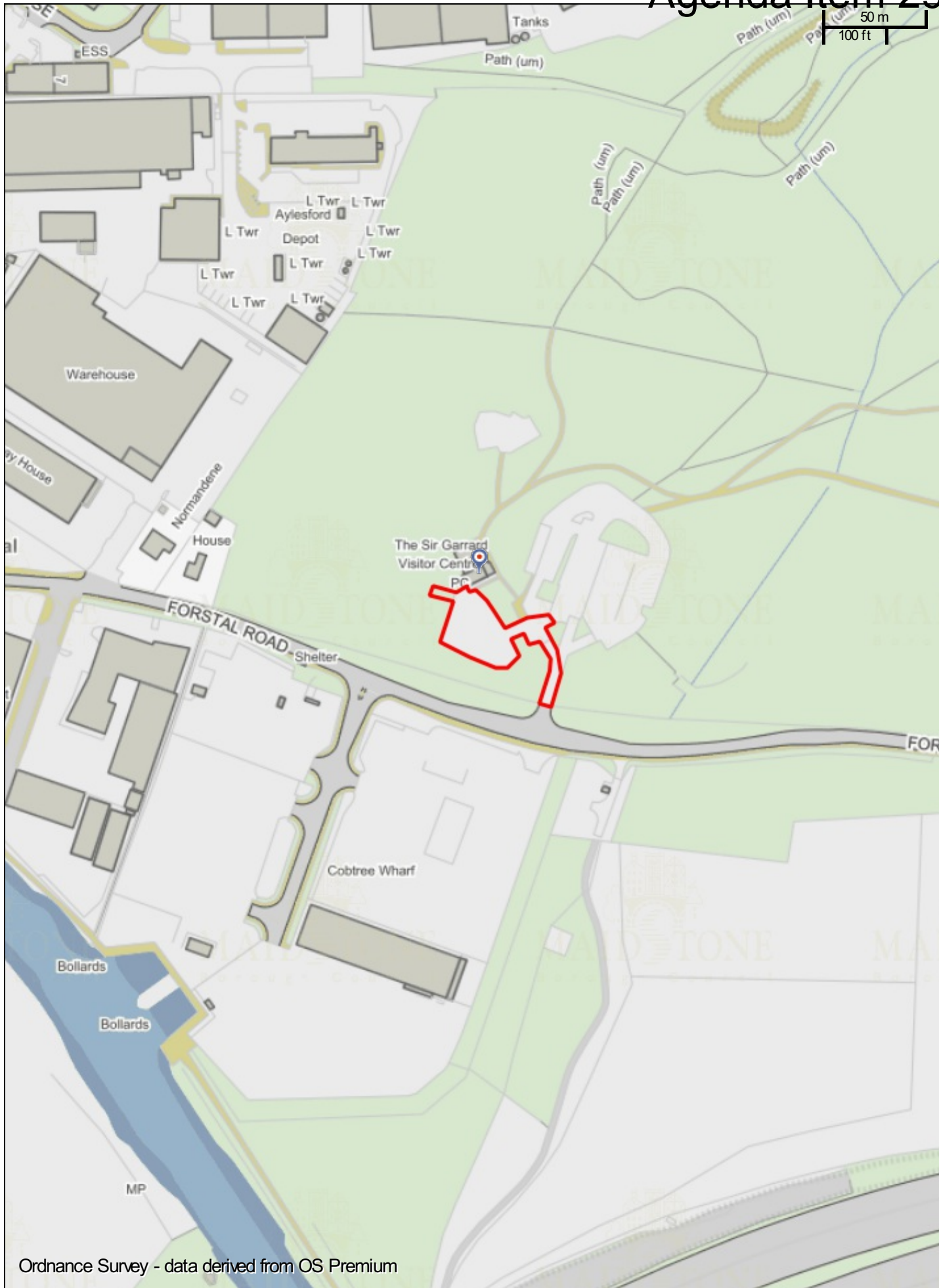
Reason: To ensure the development is in accordance with local and national policy and meets acceptable standards of accessible and adaptable dwellings.

- 15) No development shall not commence above slab level until a Verification Report, pertaining to the surface water drainage has been submitted to and approved by the Local Planning Authority.

The Report shall contain information, details and locations of the package treatment works and surface water management arrangements including means of collecting and disposal of runoff from the roofs. The development shall be carried out in accordance with the approved details and drainage measures maintained and retained thereafter.

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

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

REFERENCE NUMBER: 24/501322/FULL		
APPLICATION PROPOSAL: Removal and replacement of an existing storage container		
ADDRESS: Container Cobtree Manor Park Forstal Road Aylesford Kent		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed 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: Maidstone Borough Council is the applicant.		
WARD: Boxley	PARISH/TOWN COUNCIL: Boxley	APPLICANT: Ms. D. Turner AGENT: Andrew Wells Planning & Design
CASE OFFICER: Gautham Jayakumar	VALIDATION DATE: 24/04/24	DECISION DUE DATE: 27/06/24 (EOT)
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

12/1644: Installation of a new play area as shown on site Location Plans and Block Plans received 6th September 2012, Proposed Elevations numbered A 1/1 received 13th September 2012, Design and Access Statement and Application Form received 6th September 2012.
Permitted. 01/11/2012

06/2266: Formation of a new independent access to the existing disabled toilet facility separating the public toilet from the food kiosk entrance lobby as shown on drawings numbered 7612 / 1a and 1b, site plan and design and access statement received on 13/12/06.
Permitted. 01/02/2007

74/0496: Use of land as leisure/recreation area as amended by agents memorandum of 17/10/75, by memorandum of 12/5/76 and attached layout no. 5, by drawing received on 30/9/76 and by memorandum of 16/5/77.
Permitted. 08/09/1977

Pre-application advice

23/504360/PAMEET: Pre - Application Telephone/Office Meeting - To replace container in disrepair with a new container. Closed.

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site lies within the countryside and consists of public park land, known as Cobtree Manor Park, on the east side of the village of Aylesford. The park is positioned to the north side of Forstal Road, with its main entrance and car park accessed directly off the highway.

- 1.02 An existing storage container is located within the grounds of the park, to the west of the main entrance car park area, behind the park's Visitor Centre. This storage container would be removed in favour of the proposed. The storage container is placed on mowed grassland and surrounded by mature trees.
- 1.03 The existing storage container is a green, metal shipping container, with a single, pedestrian entrance door having been fitted into its east elevation, facing the car park. The original, full-height, metal double doors, on the north elevation, are secured by padlock. An electrical power supply has been installed to service the unit.

2. PROPOSAL

- 2.01 The proposal relates to the replacement of the existing storage container within Cobtree Manor Park with a new storage container at the same location as existing.
- 2.02 The existing unit is proposed to be replaced due to corrosion which has led to water seeping through into the unit (Image 1). The new unit will be used as a storage space for the Maidstone Council's Park Rangers, similar to the previous unit before the corrosion began and the container became unusable. The previous unit was also used as part office; however, the new unit would only be used for storage.



Image 1: Visible corrosion on the existing unit.

- 2.03 The proposed new container will be positioned in the same location and oriented in the same direction as the existing unit and will be exactly the same size and height. Double pedestrian doors will be located on the east elevation, with full height doors on the north elevation. The existing electrical power supply will be retained and used to service the new container.
- 2.04 The new container will be clad with horizontal, rough-sawn, natural timber planks, with dark grey metal, vandal-proof, double pedestrian doors on its east elevation and full-height timber clad doors on the north elevation (Image 2).

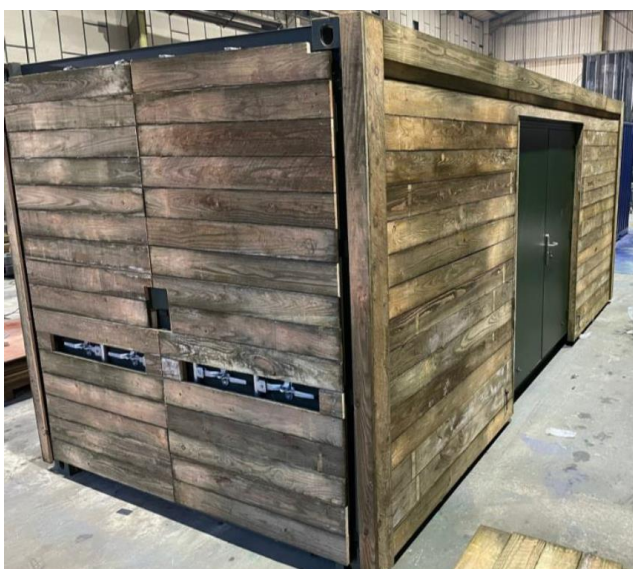


Image 2: Design and materials of the proposed container unit.

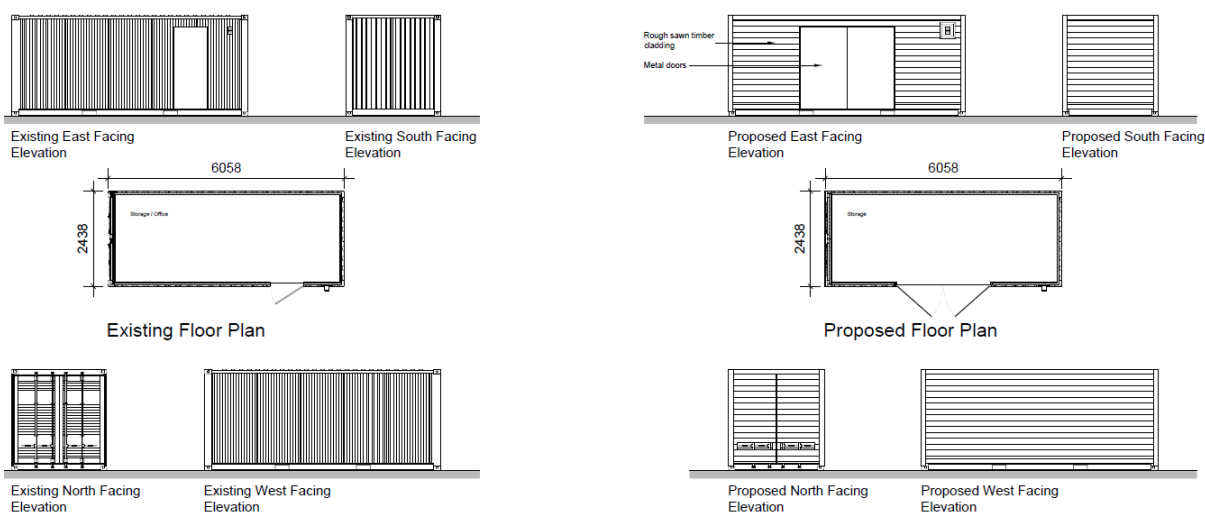


Image 3: Comparison between existing and proposed container

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review (2021 – 2038)
Policy LPRSP9 – Development in the Countryside
Policy LPRSP15 – Principles of Good Design
Policy LPRQ&D4 – Design principles in the countryside

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

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 No comments or objections from consulted neighbours or local residents.

5. CONSULTATIONS

Parish Council

Boxley Parish Council were consulted; however, did not provide any comments.

Network Rail Southern

Commented that having reviewed the application they had no comments to make on it.

KCC Minerals

Commented that they had no land-won minerals or waste management capacity safeguarding objections or comments to make regarding this application.

6. APPRAISAL

6.01 The key issues are:

- Impact on character and appearance of the area
- Other

Character and Appearance

6.02 The proposal relates to the replacement of an existing container unit with a new container unit which is of the same dimensions, form, at the same location and orientation as the existing unit. The only visual difference between the existing and the proposed would be its appearance due to the change of material.

6.03 The proposed container unit would be clad with horizontal, rough-sawn, natural timber planks which would pose a similar appearance to the existing material used in the Visitor Centre. The change in material from existing green metal to timber cladding would significantly improve the visual quality of the unit as the new materials would match the materials of the Visitor centre and be in keeping with the character and appearance of the area.

6.04 The proposal would also replace the existing container which is unsightly and somewhat deteriorated with a container that would appear more natural in appearance and appropriate within its surroundings.

6.05 Considering that the scale, form and location of the unit would be same as the existing container with the visual quality improved, the proposal would be acceptable in terms of its impact on the character and appearance of the area.

Other Matters

6.06 The use of the new container would be ancillary to the use of the wider site as public open space.

6.07 Within the pre-application advise letter the case officer had recommended the incorporation of ecological enhancement measures such as bug hotels, bird boxes etc. to be placed upon the container or on the land surrounding it. The submitted plans do not contain any ecological enhancements; therefore, a condition will be imposed requiring ecological enhancements to be provided to compensate for the operational loss of the development.

6.08 The applicant has identified that in relation to the proposal, no underground works would be carried out and the existing electrical supply will be retained for the new

container. Considering this, I am satisfied that no harm would be caused by the proposal on nearby trees.

PUBLIC SECTOR EQUALITY DUTY

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 To summarise, the proposed replacement container would be an improvement on the existing container unit in terms of visual quality and better associate with the Visitor Centre due to the materials being proposed. The proposal would not lead to harm to the landscape or surrounding trees.
- 7.02 Overall, the proposed development is considered to accord with the 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.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. PL 759 01 Proposed Site Plan

Drawing no. PL 759 03 Rev A Existing And Proposed Plans And Elevations

Application Form

All received on 25 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 container hereby permitted shall be as indicated on the approved Application Form;

Reason: To ensure a satisfactory appearance to the development.
- 4) The use of the container hereby approved shall not commence until details of a scheme for the enhancement of ecology on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of ecology 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 container and all features shall be maintained and retained thereafter.

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

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 30

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 20TH JUNE 2024**

APPEAL DECISIONS:

- 1. 21/506821/FULL** Residential development comprising 58no. new dwellings with access road to A20 with associated parking, including electric charging points, cycle storage, landscaping, refuse & recycling facilities, and children's play area.

APPEAL: Dismissed

Land South of A20 - Harrietsham
Ashford Road
Harrietsham
Kent
ME17 1BL

(Delegated)

- 2. 23/500209/FULL** Replace existing dwelling with erection of four bedroom dwelling and detached garage with associated landscaping and hardstanding.

APPEAL: Allowed

Coldharbour House
Coldharbour Lane
Hucking
Kent
ME14 3LS

(Delegated)

- 3. 22/505834/FULL** Demolition of existing stables and shed and erection of detached dwelling with associated parking (resubmission of 22/503191/FULL).

APPEAL: Dismissed

Land to the West of Rose Cottage
Charlton Lane
West Farleigh

Kent
ME15 0NT

(Committee – As per officers recommendation)

4. 23/500917/OUT

Outline application with all matters reserved for the erection of 1no. two bedroom bungalow, demolition of existing garage and associated shared access.

APPEAL: Dismissed

24 Mill Bank
Headcorn
Ashford
Kent
TN27 9RD

(Delegated)

5. 23/502978/FULL

Retrospective application to regularise installation of front windows which replaced previous rotten windows, to match previously approved rear windows.

APPEAL: Dismissed

50 Gabriels Hill
Maidstone
Kent
ME15 6JJ

(Delegated)

6. 23/503608/FULL

Demolition of garage. Erection of front porch, single storey rear and two storey side extension with integral garage and rear Juliet balcony.

APPEAL: Allowed

18 Westwood Road
Maidstone
Kent
ME15 6BG

(Delegated)

7. 23/504116/FULL

Erection of a single storey side extension including changes to fenestration.

APPEAL: Dismissed

Bydews Stables
Farleigh Hill
Tovil
Kent
ME15 0JB

(Delegated)
