

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 18 July 2013
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Ash, Chittenden, Collins, Cox,
Harwood, Hogg, Lusty (Chairman),
Moriarty, Nelson-Gracie, Paine,
Paterson, Mrs Robertson and
J.A. Wilson

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 Items withdrawn from the Agenda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 - 25 July 2013

Continued Over/:

Issued on 10 July 2013

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Alison Broom

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

- | | | |
|-----|---|-----------|
| 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 27 June 2013 | 1 - 6 |
| 11. | Presentation of Petitions (if any) | |
| 12. | Report of the Head of Planning and Development - Deferred Item | 7 |
| 13. | MA 11 1680 - 121 BATHURST ROAD, STAPLEHURST, TONBRIDGE, KENT | 8 - 14 |
| 14. | MA 13 0115 - THE MAP DEPOT SITE, GOUDHURST ROAD, MARDEN, KENT | 15 - 60 |
| 15. | MA 13 0587 - 2 LITTLE APPLEBY, LUCKS LANE, CHART SUTTON, MAIDSTONE, KENT | 61 - 94 |
| 16. | MA 13 0930 - FAIRBOURNE MANOR, FAIRBOURNE LANE, HARRIETSHAM, MAIDSTONE, KENT | 95 - 101 |
| 17. | Appeal Decisions | 102 - 103 |
| 18. | Chairman's Announcements | |

PLEASE NOTE

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

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 27 JUNE 2013

Present: Councillor Lusty (Chairman) and
Councillors Ash, Chittenden, Collins, Cox, English,
Harwood, Hogg, Moriarty, Nelson-Gracie, Paine and
Mrs Wilson

Also Present: Councillors McLoughlin, D Mortimer and
Sams

51. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from
Councillors Paterson, Mrs Robertson and J A Wilson.

52. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:-

Councillor English for Councillor Mrs Robertson
Councillor Mrs Wilson for Councillor Paterson

53. NOTIFICATION OF VISITING MEMBERS

Councillor McLoughlin indicated his wish to speak on the reports of the
Head of Planning and Development relating to applications MA/13/0103
and MA/13/0104.

Councillor D Mortimer indicated his wish to speak on the reports of the
Head of Planning and Development relating to applications MA/12/1541
and MA/13/0169.

Councillor Sams indicated his wish to speak on the report of the Head of
Planning and Development relating to application MA/12/1518.

54. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

55. URGENT ITEMS

Update Report

The Chairman stated that, in his opinion, the update report of the Head of
Planning and Development should be taken as an urgent item because it

contained further information relating to the applications to be considered at the meeting.

56. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application MA/12/1949, Councillor Ash stated that he knew Mr Norton who had registered to speak on behalf of Wealden Ltd, the applicant. However, he had not discussed the application with Mr Norton, and intended to speak and vote when it was considered.

57. EXEMPT ITEMS

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

58. MINUTES OF THE MEETING HELD ON 6 JUNE 2013

RESOLVED: That the Minutes of the meeting held on 6 June 2013 be approved as a correct record and signed.

59. PRESENTATION OF PETITIONS

There were no petitions.

60. DEFERRED ITEM

MA/12/1541 - ERECTION OF FOUR BLOCKS OF TWO AND THREE-STOREY TERRACED HOUSES COMPRISING 12 TWO-BEDROOM AND 12 THREE-BEDROOM HOUSES FOR AFFORDABLE RENT WITH ASSOCIATED PRIVATE AMENITY SPACE AND CAR PARKING - LAND OFF TOVIL GREEN, TOVIL, MAIDSTONE, KENT

See Minute 67 below.

61. MA/13/0169 - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF CONVENIENCE STORE AND 9 NO. DWELLINGS WITH NEW ACCESS, PARKING AND ASSOCIATED WORKS - AMBULANCE STATION, LOOSE ROAD, MAIDSTONE, KENT

Councillors Cox, English, Hogg and Paine stated that they had been lobbied.

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

Mrs Gandy, an objector, Mr Carter of the North Loose Residents' Association (against), Mr Atkinson, for the applicant, and Councillor D Mortimer addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the proposal, by virtue of the proposed uses,

layout and design would result in a development that would fail to respond positively to the character and appearance of the area and would result in a cramped form of development that would fail to provide an acceptable level of amenity for future occupiers. The proposal is therefore contrary to the guidance contained within the National Planning Policy Framework 2012.

RESOLVED: That permission be refused for the following reason:-

The proposal, by virtue of the proposed uses, layout and design would result in a development that would fail to respond positively to the character and appearance of the area and would result in a cramped form of development that would fail to provide an acceptable level of amenity for future occupiers. The proposal is therefore contrary to the guidance contained within the National Planning Policy Framework 2012.

Voting: 12 – For 0 – Against 0 – Abstentions

62. MA/12/1518 - APPLICATION FOR THE REMOVAL OF CONDITIONS 1 AND 2 OF PERMISSION MA/09/1510 (RETROSPECTIVE PLANNING PERMISSION FOR CHANGE OF USE OF LAND FOR RESIDENCE BY A GYPSY FAMILY INCLUDING STATIONING OF ONE MOBILE HOME, ONE TOURING CARAVAN, USE OF FORMER STABLE BUILDING AS ANCILLARY TO MOBILE HOME AND ASSOCIATED WORKS INCLUDING FENCING AND HARDSTANDING) TO ALLOW A PERMANENT PERMISSION - THE MELLOWS, MARLEY ROAD, HARRIETSHAM, MAIDSTONE, KENT

All Members except Councillor Ash stated that they had been lobbied.

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

Ms Bloomfield for objectors, Councillor Morris of Harrietsham Parish Council (against), Mrs Cash, the applicant, and Councillor Sams addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informative set out in the report.
2. That the Officers be requested to liaise with the applicant to ensure that the works required pursuant to condition 3 (alternative access treatment and landscaping) are delivered and to provide informal progress reports for the Planning Committee on the implementation of these works.

Voting: 12 – For 0 – Against 0 – Abstentions

63. MA/12/1949 - OUTLINE PLANNING APPLICATION, WITH ACCESS, LAYOUT, SCALE AND APPEARANCE TO BE DETERMINED AND WITH LANDSCAPING AS A RESERVED MATTER, FOR THE DEMOLITION OF BUILDINGS AT KENT

COTTAGE AND CHANCE HOLDING TO ENABLE THE CONSTRUCTION OF RESIDENTIAL DEVELOPMENT OF 29 DWELLINGS INCLUSIVE OF 11 AFFORDABLE DWELLINGS, INCLUSIVE OF RETAINED WOODLAND AS OPEN AMENITY LAND, ENHANCED LANDSCAPING INCLUDING NEW POND, ELECTRICITY SUB-STATION, FOUL DRAINAGE PUMPING STATION WITH ACCESS ROAD OFF GRIGG LANE - KENT COTTAGE AND CHANCE HOLDING, GRIGG LANE, HEADCORN, KENT

All Members stated that they had been lobbied.

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

Councillor Pyman of Headcorn Parish Council (against) and Mr Norton, for the applicant, addressed the meeting.

RESOLVED: That consideration of this application be deferred for further negotiations regarding the design and layout, including highways and the location of the play area, ecological enhancements and the Heads of Terms of the proposed S106 legal agreement.

Voting: 8 – For 0 – Against 4 – Abstentions

64. MA/12/2077 - VARIATION OF CONDITION 3 OF PERMISSION MA/11/0744 (THE CHANGE OF USE OF THE SITE TO A RESIDENTIAL CARAVAN SITE FOR 4 GYPSY FAMILIES INVOLVING THE SITING OF 4 MOBILE HOMES, 4 TOURING CARAVANS, THE ERECTION OF 4 BRICK-BUILT AMENITY BLOCKS WITH ASSOCIATED PARKING AREAS) TO ALLOW THE SITING OF TWO ADDITIONAL MOBILE HOMES ON PLOT 2 AND TWO ADDITIONAL MOBILE HOMES ON PLOT 3 INVOLVING THE EXTENSION OF HARD SURFACING - THE ORCHARDS, SNOWEY TRACK, OFF PARK LANE, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

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

Councillor Gershon of Boughton Monchelsea Parish Council (against) addressed the meeting.

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

Voting: 12 – For 0 – Against 0 – Abstentions

65. MA/13/0103 - AN APPLICATION TO VARY CONDITIONS 1, 2 AND 5 ATTACHED TO APPEAL DECISION APP/U2235/A/09/2114473 (MA/09/0731) TO ALLOW PERMANENT NON-PERSONAL OCCUPATION OF THE SITE AND AN ADDITIONAL TOURING CARAVAN ON THE SITE - PEAR PADDOCK, SYMONDS LANE, YALDING, KENT

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

Mrs Coster, the joint applicant, and Councillor McLoughlin addressed the meeting.

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

Voting: 11 – For 0 – Against 0 – Abstentions

Note: Councillor English left the meeting during consideration of this application, but returned prior to consideration of application MA/13/0104.

66. MA/13/0104 - AN APPLICATION TO VARY CONDITIONS 1, 2 AND 5 ATTACHED TO APPEAL DECISION APP/U2235/A/09/2114476 TO ALLOW PERMANENT NON-PERSONAL OCCUPATION OF THE SITE AND THE STATIONING OF 4 CARAVANS ON THE LAND, OF WHICH NO MORE THAN 2 SHALL BE STATIC CARAVANS OR MOBILE HOMES - PEAR VIEW, SYMONDS LANE, YALDING, MAIDSTONE, KENT

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

Mrs Coates, the applicant, and Councillor McLoughlin addressed the meeting.

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

Voting: 12 – For 0 – Against 0 – Abstentions

67. MA/12/1541 - ERECTION OF FOUR BLOCKS OF TWO AND THREE-STOREY TERRACED HOUSES COMPRISING 12 TWO-BEDROOM AND 12 THREE-BEDROOM HOUSES FOR AFFORDABLE RENT WITH ASSOCIATED PRIVATE AMENITY SPACE AND CAR PARKING - LAND OFF TOVIL GREEN, TOVIL, MAIDSTONE, KENT

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

Ms Newton, for the applicant, and Councillor D Mortimer addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, the Committee felt that the proposed development, by virtue of its layout and design would fail to respond positively to the sylvan nature of the site and would result in significant harm to the character and appearance of the area. The proposal is therefore contrary to the guidance contained within the National Planning Policy Framework 2012.

During the discussion on this application, a Member requested that his concerns regarding the need to provide appropriate infrastructure to mitigate the impact of residential development in Tovil be recorded.

RESOLVED: That permission be refused for the following reason:-

The proposed development, by virtue of its layout and design would fail to respond positively to the sylvan nature of the site and would result in significant harm to the character and appearance of the area. The proposal is therefore contrary to the guidance contained within the National Planning Policy Framework 2012.

Voting: 9 – For 2 – Against 1 – Abstention

68. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

Note: Councillor Moriarty left the meeting after consideration of this report.

69. CHAIRMAN'S ANNOUNCEMENTS

The Chairman drew the Committee's attention to forthcoming visits/training sessions.

70. DURATION OF MEETING

6.00 p.m. to 10.15 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

18 JULY 2013

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

1. **DEFERRED ITEM**

- 1.1. The following application stands deferred from a previous meeting of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation. The application may be reported back to the Committee for determination.

- | | | |
|------|-----------------------------------|----------------------|
| 1.2. | <u>Description of Application</u> | <u>Date Deferred</u> |
|------|-----------------------------------|----------------------|

MA/12/1949 - OUTLINE PLANNING APPLICATION, WITH ACCESS, LAYOUT, SCALE AND APPEARANCE TO BE DETERMINED AND WITH LANDSCAPING AS A RESERVED MATTER, FOR THE DEMOLITION OF BUILDINGS AT KENT COTTAGE AND CHANCE HOLDING TO ENABLE THE CONSTRUCTION OF RESIDENTIAL DEVELOPMENT OF 29 DWELLINGS INCLUSIVE OF 11 AFFORDABLE DWELLINGS, INCLUSIVE OF RETAINED WOODLAND AS OPEN AMENITY LAND, ENHANCED LANDSCAPING INCLUDING NEW POND, ELECTRICITY SUB-STATION, FOUL DRAINAGE PUMPING STATION WITH ACCESS ROAD OFF GRIGG LANE - KENT COTTAGE AND CHANCE HOLDING, GRIGG LANE, HEADCORN, KENT

27 JUNE 2013

Deferred for further negotiations regarding the design and layout, including highways and the location of the play area, ecological enhancements and the Heads of Terms of the proposed S106 legal agreement.

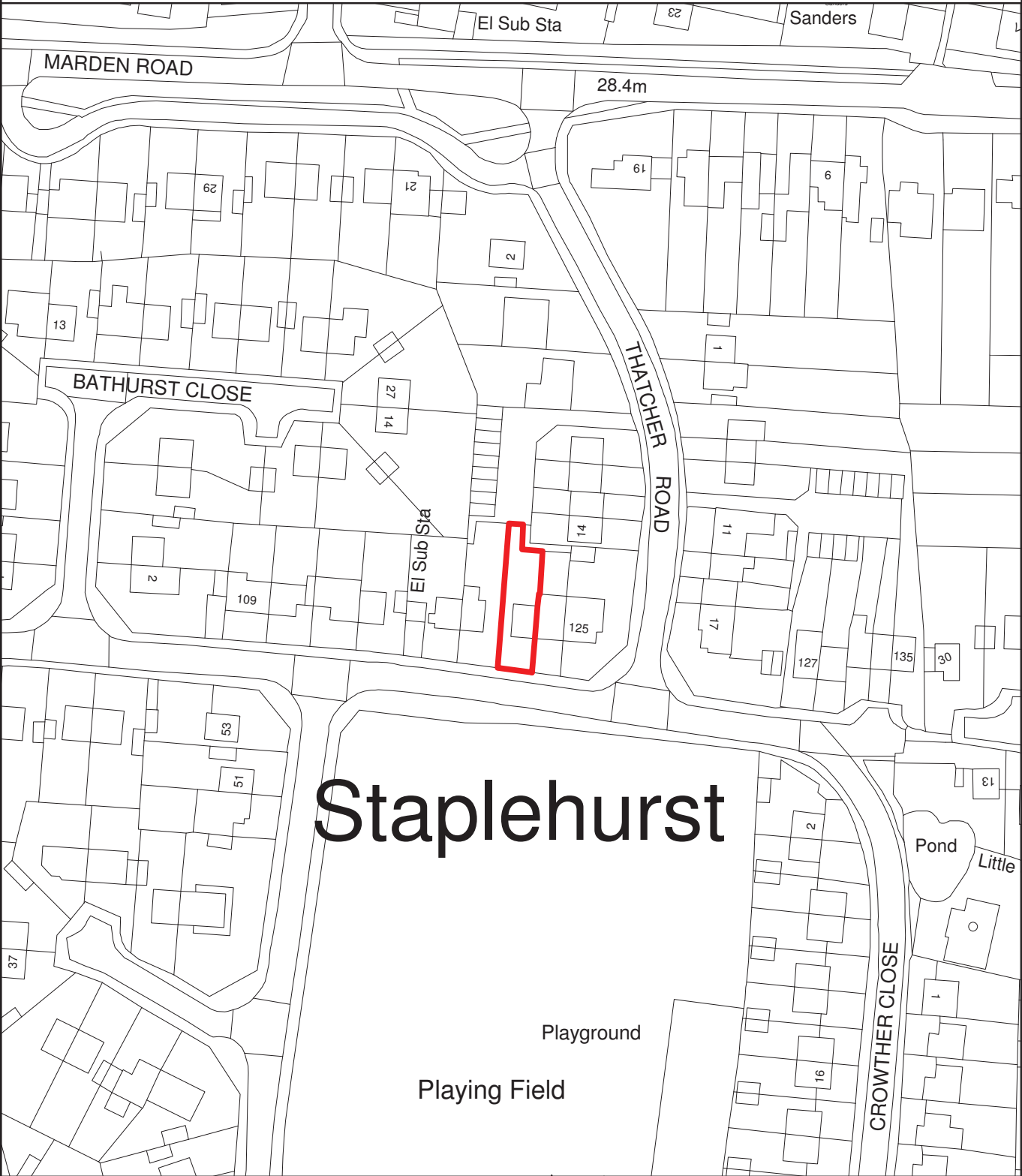
Agenda Item 13

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/1680

GRID REF: TQ7843

121 BATHURST ROAD,
STAPLEHURST.



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Rob Jarman
Head of Planning

APPLICATION: MA/11/1680 Date: 24 September 2011 Received: 6 March 2012

APPLICANT: Mr C James

LOCATION: 121, BATHURST ROAD, STAPLEHURST, TONBRIDGE, KENT, TN12 0NB

PARISH: Staplehurst

PROPOSAL: Erection of a detached garden room and workshop (retrospective application) as shown on drawings and photograph received on the 3rd October 2011, drawing received on the 18th and 19th October 2011 and amplified by drawing showing eaves detail received on the 6th March 2012.

AGENDA DATE: 18th July 2013

CASE OFFICER: Graham Parkinson

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by the Parish Council

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: H18
Government Policy: NPPF

2. HISTORY

- 2.1 MA/11/1084 -single storey side and rear extension- APPROVED- 23rd August 2011

3. CONSULTATIONS

- 3.1 Staplehurst Parish Council – Recommends refusal on the following grounds:
- Proposal considered overintensive for the site, will overhang neighbouring properties and maintenance would be impossible from two sides. Request application be reported to the Planning Committee.

4. REPRESENTATIONS

4.1 4 neighbouring properties were notified of the application and two observations have been received which are summarised below:

4.2 One letter raising no outright objection but making the following points:

- Contends that property boundaries have been breached, encroaching onto adjacent footpath/garden area.
- Parking facilities being affected.
- Use of building as workshop will create noise and disturbance.
- Loss of outlook from rear of property.
- Foundations not checked, would request that application under Building Regulations be submitted.

4.3 One letter raising objection as follows:

- Trees and hedges have been removed.
- Use of weatherboarding and roof tiles out of character with the area.
- Overhangs adjoining boundaries.
- Has not been provided with gutters and existing drains cannot cope with water draining across 12 Thatcher Road.
- Rear wall facing onto car park shown as weatherboarding, concerned regarding removal of this and installing doors in its place to provide access into adjoining parking area.
- Not 10 metres from rear of house.
- If approved will allow neighbouring properties to carry out similar work.
- Applicant runs business from home which would be main use of premises.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The site lies within the village confines of Staplehurst and is occupied by an end of terrace house fronting Bathurst Road and sited a short distance to the west of the junction with Thatcher Road.

5.1.2 In the rear garden of the property abutting a garage court to the north, a shed, the subject of this application has been erected. The eastern flank of the shed abuts a side and rear pedestrian accessway to 14 Thatcher Road an end of terrace house located to the east of the application site. The rear garden in which the shed is located has an average depth of just over 11 metres and has a north to south orientation .

5.1.3 In a wider context the area is residential in character.

5.2. Proposal

5.2.1 Retrospective planning permission is sought to retain a pitched roof shed having dimensions of 4.8x 3.2 metres, an eaves height of 2.1 metres and an overall height of just under 2.9 metres. A veranda 1.2 metres in depth has also been provided.

5.2.2 The building has a sloping tiled roof with the walls constructed from brick upstands with the spaces in between clad with shiplap boarding.

5.2.3 The applicant confirms that the building has been constructed solely for use as a garden room/hobby shed and will not be used for commercial purposes.

5.2.4 Given concerns raised regarding the shed overhanging adjoining land the applicant has amended the gutters and provided written confirmation that all parts of the shed now fall within his boundaries.

5.3 Principle of Development

5.3.1 Policy H18 of the adopted local plan permits dwellings to be extended. No objection is therefore identified to the principle of a shed in this residential setting subject to it being used for purposes ancillary to the enjoyment of the attached house and not harming the outlook and amenity of occupants of adjoining houses overlooking and abutting the site.

5.4 Visual Impact

5.4.1 Members are advised that outbuildings can be erected in the rear gardens of properties such as this without requiring planning permission subject to them not exceeding 2.5 metres in height where sited within two metres of a boundary,

5.4.2 As such the key visual impact is considered to be whether exceeding the height restriction set out above by 400 mm will materially increase the visual impact, principally of the roof area, compared to a building that could be erected without planning permission.

5.4.3 Concern has been raised regarding the design of the building including the choice of materials (being tiles and timber weatherboarding) contending that this makes it appear incongruous and out of character with the area. However, it is considered that the location of the shed, which will not feature in any street scene while abutting a garage court, is an acceptable example of domestic architecture appropriate to location such as this.

- 5.4.4 As such for the reasons set out above it is considered that the visual impact of the building is acceptable and design objections to it cannot be sustained as a consequence

5.5 Residential Amenity

- 5.5.1 Turning to the impact of the building on the outlook of adjoining houses, the nearest property overlooking it is 14 Thatcher Road, sited just under 10 metres to the east. However given the shallow roof pitch of the building, which substantially diminishes any impression of height or bulk, it is considered that the impact on the outlook and amenity of this property is acceptable.
- 5.5.2 Regarding any material impact on the occupants of 119 Batthurst Road, abutting the site to the west, again given a separation distance of just over 10 metres from this property, low profile of the building and presence of boundary screening, it is considered that the impact on this property is also acceptable.
- 5.5.3 Concerns have also been raised regarding potential noise and disturbance arising from the business use of the building. The applicants have confirmed that is only intended to use the building for domestic purposes and as such there is considered to be no sustainable objection on these grounds.
- 5.5.4 Were it subsequently to transpire that the building was being used for business purposes the Council could take action under its planning enforcement powers.

5.6 Other Matters

- 5.6.1 Concerns have been raised that the proposal encroaches onto adjoining land not in the ownership or control of the applicant. However given the amendments to the guttering that have been carried out and the applicants confirmation that all work falls within the site boundary, it is considered that this matter has been resolved.
- 5.6.2 Disputes relating to land ownership are private matters in which the Council is not empowered to become involved.
- 5.6.3 Regarding whether the buildings foundations are of an acceptable standard, outbuildings do not fall within the remit of the Building Regulations and as such there is no control over this aspect.
- 5.6.4 Concerns relating to the impact of the building on the use of the adjoining car park are noted. Given that the building does not encroach onto this area nor is it

is intended that the building will have access onto the car park it is not considered that its retention will harm the use of the car park.

- 5.6.5 Concerns have also been raised regarding opening up the rear of the building and its use it as a garage with access onto the car park. However the applicant has expressed no intention to this effect.
- 5.6.6 Loss of trees and hedges to enable the building to be erected has also been raised. However in the absence of any formal protection their loss has no material bearing on consideration of this application.
- 5.6.7 The issue of maintenance of the building raised by the Parish Council is noted. However this does not represent a material planning consideration and as such cannot be taken into account in determining this application.
- 5.6.8 Finally concerns relating to water draining across 12 Thatcher Road are noted however as guttering is now in place this matter is resolved.

6. CONCLUSION

- 6.1 Taking into account:(a) that the height of the building only slightly exceeds that which could be erected as 'permitted development' (b) its shallow roof slope, low profile and otherwise acceptable design (c) distance from nearest properties and (d) presence of boundary screening, means that the impact on the outlook and amenity of properties overlooking and abutting the site is considered acceptable.
- 6.2 In the above circumstances it is therefore considered that planning permission should be granted for its retention.

7. RECOMMENDATION

GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. The development hereby permitted shall be carried out in accordance with the following approved plans: as shown on drawings and photograph received on the 3rd October 2011, drawing received on the 18th and 19th October 2011 and amplified by drawing showing eaves detail received on the 6th March 2012.

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

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough

Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material consideration to indicate a refusal of planning consent.

21. 6. 2013





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21. 6. 2013

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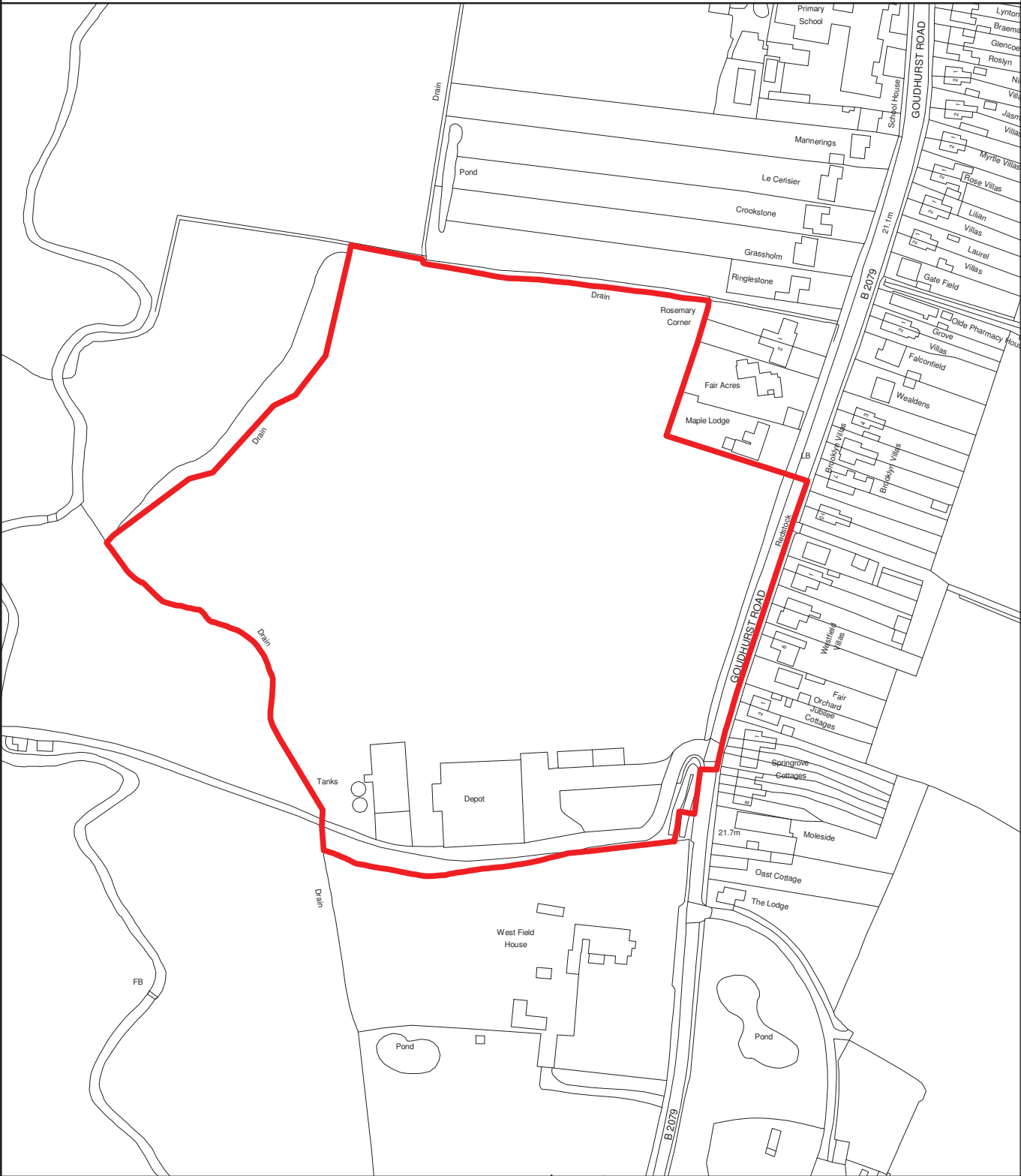
Agenda Item 14

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0115

GRID REF: TQ7344

THE MAP DEPOT SITE,
GOUDHURST ROAD, MARDEN.



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Rob Jarman
Head of Planning

APPLICATION: MA/13/0115 Date: 18 January 2013 Received: 24 January 2013

APPLICANT: Mark & Jacqueline Tomkinson Trustees of G G Tomkinson Pension Fund, G G Tomkinson Ltd and Redrow Homes Ltd

LOCATION: THE MAP DEPOT SITE, GOUDHURST ROAD, MARDEN, KENT

PARISH: Marden

PROPOSAL: Demolition of existing industrial buildings and breaking up of associated hardstanding and redevelopment of site to accommodate 110 dwellings together with associated play trail, amenity space, allotments, new access, parking and landscaping as shown on schedule of submitted plans and documents received 03/07/2013.

AGENDA DATE: 18th July 2013

CASE OFFICER: Steve Clarke

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by the Parish Council
- It is a departure from the Development Plan as the site is located outside the defined settlement boundary of Marden
- Councillor Mrs Blackmore and Councillor Nelson-Gracie have requested it be reported for the reason set out in the report

1.0 POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T13, T23, CF1
Village Design Statement: Marden Village Design Statement
Government Policy: National Planning Policy Framework 2012

2.0 HISTORY

- 2.1 There is no previous directly relevant planning history on this site.
- 2.2 It is clear that there have been packing shed(s) on the southern part of the site for a considerable period. There is a history of planning permissions dating back to November 1948 when permission was granted for an extension to the existing building. The use of the site/buildings appears to have changed from an agricultural pack-house to a commercial cold-store, pack-house and warehouse in late 1963 under application MK3/63/0014. There were

subsequent applications for extension and rebuilding of the store but none since 1974. The site is commonly known as the MAP (Marden Agricultural Packers) Depot,

- 2.3 The most recent application relating to the building is as follows:

MA/93/0357: Certificate of Lawful Development for the use of the existing building for the storage of agricultural horticultural and forestry chemicals and distribution between the hours of 6am and 11pm: GRANTED 11/06/1993

- 2.4 In respect of the field to the north of the Marden Agricultural Packers (MAP) Depot other than an application for an overhead line in 1959 (MK3/59/0153) the only applications are as follows:

MA/12/1821: Request for a screening opinion as to whether the proposed residential development of approximately 130 dwellings at the MAP Depot Site and land adjoining, west of Goudhurst Road, Marden, is development requiring an Environmental Impact Assessment: EIA Not required 25/10/2012

MA/88/1854 ('Fairacres') Change of use (of land) from agricultural to domestic: APPROVED 25/04 1989

MK3/62/0435 Outline application for erection of petrol filling station: REFUSED 24/04/1963: APPEAL DISMISSED 6/1/1964

3.0 CONSULTATIONS

- 3.1 **Marden Parish Council:** Recommend refusal and wish to see the application reported to the Planning Committee. They have commented as follows:-

'It was agreed that **REFUSAL** be recommended on the grounds that the concept and design of the three-storey apartment building is not in keeping with character of the village and would be out of place when seen from the surrounding countryside. However, if amended plans are submitted then the Parish Council reserves the right to reconsider and comment further.

It was also agreed that **REFUSAL** be recommended on flood risk and highway safety grounds due to concerns raised about the robustness of the reports submitted by the applicant. However, if councillors are provided with copies of the consultation responses from the Environmental Agency and KCC Highways then the Parish Council reserves the right to reconsider and comment further.

If MBC are minded to approve this application Councillors wish the following conditions applied:

- (1) S106 contribution to foul sewer improvements necessary to bring the existing pumping station and pipework system up to a standard which can accommodate the extra demand placed upon it by the new development.
- (1) S106 contribution to highway improvements associated with extra traffic generated by the new development
- (2) S106 contribution for Marden Primary School and local secondary education to accommodate the expected increase in the school-age population of the village resulting from the development
- (3) S106 contribution for Marden Medical Centre to accommodate the expected number of additional village residents following the development
- (4) For aspects not specifically addressed above, MBC/developers to also view the S106 document produced by Marden Parish Council
- (5) A management company be set up to appropriately manage the SuDS drainage system
- (6) A long term management plan to manage the open space/play trail/allotments
- (7) MPC would want involvement in the affordable housing scheme and for housing to be kept in perpetuity for local needs
- (8) Connection to be provided from rear of site to link with PROW KM245
- (9) Access road to the south of the site – needs traffic and parking restrictions to ensure clear access at all times for Gravel Pip residents together with emergency vehicles and large farm machinery (ie combine harvesters) using this route which is the only access onto the agricultural land to the rear of the development – this road must therefore be adopted as a public highway to enable legally enforceable restrictions to be applied.'

3.1.2 Further comments from the Parish Council were received on 3 July following their consideration of the latest amendments submitted on 10 June 2013.

'Cllrs recommend refusal on the basis that the parking provision proposed by the developer had been reduced by MBC to meet KCC's parking standards. However, this urban-centric approach fails to acknowledge that residents need a higher level of parking as reliance on cars is higher. Hazardous on-street parking is already prevalent in all parts of the village, and a lower level of provision in this development would also be detrimental to the amenity and general road safety to residents of the new estate and adjacent length of Goudhurst Road. Concern was also raised for those existing residents who access their properties through the site and for farm and emergency vehicle access.

However if MBC are minded to approve Cllrs would want to see the removal of permitted development rights especially for conversion of garages and lofts into additional rooms.

Comments from residents at the meeting are as follows

- Reliance on pumping station not sustainable for the development
- How would access to existing properties behind site (Gravel Pit/Turkey Farm) be kept clear
- Safety issue of vehicles leaving the development
- Reduction in parking spaces is not welcome
- Consider traffic calming in Goudhurst Road

- Clarification from MBC required as to why the parking standards are set at 1.99 cars per household
- Feel street scene amendments have not been considered thoroughly as still has a visual impact on the approach to the village
- Concern over the design/materials of the dwellings
- Feel a full infrastructure survey of the village needs to be undertaken before any large developments are considered to assess where building could best be sited
- Would prefer to see Affordable Housing distributed more around the development
- No drawing received of the street scene from the open countryside.'

3.2 **Environment Agency:**

3.2.1 Considerable discussion has taken place with the Environment Agency and the applicants regarding flood risk on the site. Further information was supplied by the applicants as a result of the initial comments of the Agency seeking to address the issues that they had raised. Following their consideration of the additional information, the following comments were received from the Environment Agency.

'Please accept our apologies for the delay in responding. We needed more time due to the complexity of the application and the flood modeling submitted. However, we have reviewed the information submitted and have the following comments to make:

We have **no objection** to the development at this location however we request the following conditions are included in any permission granted:

Condition: Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

In particular, the Microdrainage calculations should be undertaken using rainfall estimates from the FEH data set rather than the FSR dataset to inform the storage volumes required for the site. The detailed strategy should also consider how excess runoff from Goudhurst Road can be conveyed safely across the site without it entering the surface drainage infrastructure.

Condition: Prior to each phase of development approved by this planning permission no development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved. Please note that the report satisfies part 1 of this condition.
- Reason:** To protect controlled waters and ensure compliance with the NPPF.

Condition: No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect controlled waters and ensure compliance with the NPPF.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To protect controlled waters and ensure compliance with the NPPF.

Informatives

Flood risk

Our records of historic flooding show that a small part of the site may have flooded in 1960. However the modelled flood outline does not support this. Having analysed terrain data it is believed that there may be an error in our historic records. The developer has constructed a model of the Marden Mill Stream, however this doesn't improve the assessment of risk sufficiently to justify amendments to the flood map in the area.

Surface water drainage

The proposal for surface water drainage is acceptable in principle. With some changes the developer will be able to ensure that the development doesn't exacerbate flooding elsewhere. However there are a number of issues that need to be addressed:

- It is known that in times of heavy rain water flows from north to south along Goudhurst Road. The developer's drainage plan could be undermined if this water were to flow into the site. Therefore the developer needs to add a cut off drain to intercept this flow or exclude it from the site as it may surcharge their design.
- National guidance holds that drainage calculations should be undertaken using the Flood Estimation Handbook (FEH) and not the Flood Studies Report (FSR). The developer should redo their drainage calculations using the FEH and redesign the surface water drainage system accordingly.
- The kiosk for the pumping station should be raised above 300mm above the 1 in 100 year + climate change flood level to ensure that it works in all conditions.

A number of other developments are proposed around Marden to the east of this site. It is important that the local authority consider the wider impacts of these developments, where water will drain too from these sites. It is possible that developers to the east of Goudhurst Road may wish to discharge to the ditches that flow from east to west across this site. If this site is established before an overall strategy is developed the local authority may limit options for the future drainage of the community.

Foul Drainage

It should be noted that the foul water drainage systems in Marden are working at the limits of their design. The Local Authority should satisfy themselves that there is sufficient foul drainage capacity to accommodate this site and others which are proposed in the area.

Contamination

The report called Geo-environmental Desk Study Report, Goudhurst Road, (URS, January 2013) was supplied with the planning application. This preliminary site report or phase 1 investigation has been carried out in line with relevant guidance. The recommendations for further investigations at the site to determine any required appropriate remediation works should be carried out and relevant proposals agreed with the LPA before any site clean-up works are commenced.

There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater.

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.'

- 3.2.2 Subsequent comments from the Environment Agency are as follows:
'We have reviewed the information submitted and have **no objection** to the revised layout or alternative location for the foul sewage pumping station as shown on DWG

PL120509 SL.01 rev H.

We have also received revised proposals dated 1 May 2013 regarding the surface water drainage infrastructure directly from URS Consulting Engineers and while we are satisfied an acceptable sustainable drainage network can be incorporated into the development, further details still need to be finalised. We therefore recommend the conditions suggested in our letter dated 12th March be imposed on any consent which may be granted.'

- 3.2.3 No further comments were made as a result of the most recent amendments to the application received on 10 June 2013.

3.3 **Southern Water**

Have advised that there is currently insufficient capacity to provide foul drainage to serve the development and that additional off-site sewers or improvement to existing sewers must be provided. They advise that the proposed SuDS drainage scheme is not currently adoptable and that long term management regime should be put in place. They recommend a condition on any consent requiring details of foul and surface water drainage to be submitted and advise that the applicants should be requested to contact them to discuss the provision of the necessary additional sewage capacity.

- 3.3.1 The applicants will be required to undertake improvements to the foul drainage infrastructure in the area as a result of the development as a result of a capacity check. This concluded that the site could outfall to a sewer east of the existing dwellings on Goudhurst Road, with off-site sewer improvements required. These improvements include the upgrading of two pumping stations and the upgrading of 334m of existing sewers. These will be secured through an agreement with Southern Water under s104 of the Water Industry Act 1991. The details of the improvements to be secured are as follows:
- Upgrading the capacity of Sovereigns Way Old Works WPS from 61ltrs/second to 65ltrs/second.
 - Upgrading the capacity of Roughlands Marden WPS from 37ltrs/second to 52ltrs/second.
 - Increasing the size of a 289m length of sewer pipe to the east of Goudhurst Road from 300mm diameter to 450mm and a further 29m length from 150mm diameter to 225mm. Increase over a 16m length the size of a sewer pipe at the Roughlands Marden WPS from 300mm diameter to 375mm.

- 3.4 **Upper Medway internal Drainage Board:** Do not object and comment as follows:

'I can confirm that the site is within the Upper Medway Internal Drainage Board's District. The applicant should therefore be advised that any works proposed within any ordinary watercourse may require the Board's formal consent (a copy of the Board's byelaws is attached).'

Surface water runoff from this site drains via ordinary watercourses to Marden Beech Stream (IDB18) which is managed and maintained by the Board. Whilst the proposed discharge limit of 4.3l/s/ha is considered appropriate for this site, I note the applicant's intention to alter the proportions draining to different boundary ditches (increasing the discharge rate into the northern ditch from 1.8l/s to 5.0l/s). The applicant states that "the drain running along the northern boundary does not appear to be connected to an ordinary watercourse and is assumed to provide surface water drainage for the local area". Although I appreciate the applicant's concern in respect of the practicalities of providing a low discharge rate, I believe that a discharge rate of 2l/s can be achieved. This would allow post-development drainage to more closely mimic the existing arrangements (with appropriate alterations to flood storage capacities). If the applicant is not confident/able to restrict off-site flows to 2l/s then I would recommend that further information in respect of the northern ditch be established, including its condition, capacities and flow routes.

I am pleased that the applicant predominantly proposes 'open' SuDS and I would ideally like to see this system extended to avoid the need for underground storage at the northern end of the site. Maintenance of the drainage system must also be ensured for the lifetime of the development.'

3.5 **Kent Highway Services**

'The application proposes the development of 112 houses on land to the west of the B2079 Goudhurst Road at Marden. A new priority junction access is to be provided to serve the site approximately 70m to the north of the existing access to the map depot site. This access will serve 101 dwellings with the remaining 11 being accessed from the existing access to the map depot which will also provide a secondary access and emergency route to the larger development site. The main site access would be 5.5m wide narrowing to 4.8m within the site. Tracking diagrams have been provided which indicate the turning space available for a refuse vehicle and fire tender. The access arrangements are shown to be suitable for these vehicles.

Goudhurst Road is subject to a 30mph speed limit in the vicinity of the site accesses. The measured 85%ile speed of traffic on Goudhurst Road at this location is 39mph northbound (towards the village centre) and 40mph southbound (towards Goudhurst). Speeds are therefore significantly above the 30mph speed limit. Therefore measures are required to encourage speed reduction and improve safety on the approach to the development. Adequate visibility splays are shown from the main access and the applicant proposes to provide parking restrictions. Visibility from the existing access is restricted to the south by parked cars on the highway verge adjacent to the existing access which is currently used it seems, by the residents/visitors some of whom have no off street parking facilities. Parking along Goudhurst Road in the vicinity of the existing site access is not recommended as this section of road is on a slight bend therefore I would recommend that a parking area be provided to the south of the existing access set back into the development site in order that the parked cars do not obstruct visibility from the access. A parking beat survey has been completed along the B2079 Goudhurst Road to determine the on street parking demand close to the proposed site access. This indicated that at the time of the surveys there were no

vehicles parked along the B2079 within 50m of the proposed site access. The survey recorded a maximum of 9 vehicles parked along the 440m length of highway. No parking took place within 50m of the site access location. This would indicate that parking along Goudhurst Road would not be likely to interfere with the safety at the proposed new site access, however parking restriction are proposed to protect this area.

Parking within the site comprises of 257 spaces including 27 visitor spaces. The site layout and parking provision is considered acceptable. Cycle parking is to be provided at a level of 1 space per bedroom which is also acceptable.

The crash record indicates that there is not a particular crash problem in the vicinity of the site. There is a continuous footway along the eastern side of Goudhurst Road between the site accesses and the main village. The footway along the western side of Goudhurst Road starts approximately 120m to the north of the proposed site access. The applicant has offered to provide a footway between the development site and the existing footway to the north. There are no existing cycle routes in the village and no plans to provide any new cycle routes have been put forward. The applicant has offered to provide additional cycle parking facilities within Marden at the rail station, at the library and outside the post office. The train station is located approximately 750m from the site access and the nearest bus stops are approximately 450-500m from the site located on West End. Two new bus stops are proposed on Goudhurst Road close to the site, with dropped kerb crossings on Goudhurst Road to allow access to and from the new bus stops.

The development would be likely to generate 78 vehicle trips during the AM and PM peaks with 633 trips daily at the primary access to the site with an additional 8 vehicle trips in the peak periods and 61 daily movements at the secondary access. The residual number of trips when compared against the traffic generated by the existing use of the site is an additional 69 trips during the peak periods and an additional 514 trips per day. Picady has been used to assess the capacity of the B2079/Pattenden Lane junction and the main site access junction with Goudhurst Road. The results indicate that there is sufficient capacity to accommodate this development in the design years modelled - 2014 and 2019. The junction of the existing site access and Goudhurst Road has not been modelled as this development would be likely to lead to a net reduction in traffic flows using the junction.

I confirm that I do not wish to raise objection to the proposal subject to conditions:-'

- 3.5.1 There are a range of highway improvements to be secured under a s278 agreement: A footpath on the west side of Goudhurst Road from the site northwards to where the current path ends, the provision of two bus-stops, bus-boarders and information on Goudhurst Road, an uncontrolled pedestrian crossing across Goudhurst Road, enhancements to the 30mph gateway feature on Goudhurst Road and provision of an interactive speed sign on the northbound approach to the site.

3.5.2 Conditions relate to the provision and retention of cycle and parking spaces, visibility splays and the need to ensure access to each dwelling is completed prior to its first occupation. Other suggested conditions such as the provision of wheel-washing facilities and ensuring parking for site operatives etc. is on site are matters that should be dealt with by means of informatives.

3.5.3 Further comments were received on 3 July 2013 recommending that additional on street visitor parking spaces are provided on the main access road into the site, also opposite plots 46 and 59, adjacent to plot 71 and a double width space could be provided for plot 76.

3.6 **Kent County Council Public Rights of Way:** Does not object and comments as follows

'The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.

I note that this development will directly increase the pedestrian traffic on this footpath. I have had an initial site meeting with the applicants to discuss improving the surface of the path and integrating this route more fully into the development scheme to further improve pedestrian transport links from the site.

I note that the trees currently found alongside the Right of Way are to remain. I note that there are currently no planned works that will directly affect the Public Right of Way and in light of this I have **no objection** to the application.

Please inform the applicant of the following General Informatives:-

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:

1. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.

2. There should be no close board fencing or similar structure over 1.2 metres erected which will block out the views:

3. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.

4. No Materials can be brought onto site or stored on the Right of Way.

Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.'

3.7 **Kent County Council Heritage & Conservation:** Have advised that the site of the application lies within an area which has revealed evidence of prehistoric and medieval activity. They consider that similar remains may survive on this

site and in view of the size and scale of development they have recommended a watching brief condition is placed on any consent.

3.8 **Kent County Council Ecology:** Have commented as follows:-

'Reptiles:

While we do acknowledge that the area suitable for reptiles will increase once the development has been completed - we had some concerns that the receptor site for the translocation would not be large enough for the translocation. However the additional information provided has satisfied that the receptor site will be large enough - the additional enhancements detailed in the letter must be carried out prior to the start of the translocation.

Bats

Two trees have been recorded on site as having low potential to be suitable for roosting bats. Unfortunately the trees cannot be retained within the development site, we accept the reasoning which has been provided - the mitigation must be carried out as detailed within the ecological survey.

Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design.

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". A wildlife area is proposed for the site - we recommend that a management plan for the site is produced to ensure the site is managed to benefit biodiversity. We recommend that this is provided under a condition of planning permission.'

3.9 **Kent County Council (Mouchel):**

Have requested the following contributions:

Libraries: £2164.99 for additional bookstock and services at Marden library

Community Learning: £3215.38 for adult education centres and outreach community learning facilities in the area

Adult Social Services: £1785.95 to be used towards provision of Telecare and enhancement of local community facilities to ensure full DDA compliant access to clients.

Primary School:

£590.24/applicable flat (**£3,541.44**) and £2,360.96 (**£236,096**) per house for build costs for expansion of Marden Primary School (**Total £239,637.44**)

An earlier request for a contribution towards the cost of acquiring additional land for Marden Primary School to be able to expand has now been withdrawn as KCC Education have confirmed that there is sufficient space on the existing premises/site to enable the school to be expanded.

Secondary School:

£589.96 per applicable flat (**£3,539.76**) and £2,359.80 per house (**£235,980**) (**Total £239,519.76**) for the expansion of local secondary schools in the Maidstone Area which are currently at capacity and which the pupil numbers generated from this site together with other approved developments is such that the capacity of the schools will be exceeded.

3.10 NHS Property Services (formerly West Kent PCT):

Have requested a contribution of **£118,764** based on £360 per person multiplied by predicted occupancy rates, towards the provision of enhanced healthcare to meet the needs generated by the development. It is stated that the contribution would be used at both Marden and Staplehurst Medical Centres.

Predicted Occupancy rates

2 bed unit	@	2 persons
3 bed unit	@	2.8 persons
4 bed unit	@	3.5 persons
5 bed unit	@	4.8 persons

For this particular application the contribution has been calculated as such:

- $22 \times 2 = 44$ persons, $39 \times 2.8 = 109.2$, $45 \times 3.5 = 157.5$, $4 \times 4.8 = 19.2$
- Total = $329.9 \times £360 = £ 118,764$

3.11 MBC Landscape Officer: Does not object and comments as follows:

'The assessment of tree condition in the Arboricultural Impact Assessment and Tree Protection Plan produced by Pegasus Environmental is considered accurate. The linear group of Black Poplars (G2) on the south western boundary of the site is clearly the most prominent landscape feature on the site. Whilst the recommendation to remove this group is regrettable there is no reason to doubt the findings of the report. The trees do have structural faults and a limited safe useful life expectancy. It is therefore acceptable to remove and replant the group with structural landscaping but I would suggest the proposed tree planting is supplemented with a proportion of Black Poplar within the mix of species to ensure some of the verticality is retained.

If you are minded to grant consent, I would therefore wish to see a pre commencement condition requiring a detailed landscape scheme on this basis. It should also specify tree pits greater than 500mm depth, as this is normally considered too shallow for extra heavy standard trees. I would also want to see a condition requiring compliance with the submitted Arboricultural Impact Assessment and Tree Protection Plan and Arboricultural Method Statement produced by Pegasus Environmental.

In conclusion, I raise no objection to this application on arboricultural grounds and recommend conditions as detailed above.'

3.12 MBC Environmental Health: Do not object and comment as follows:

'The site is in a semi rural area and I consider that traffic noise is unlikely to have a significant impact on future residents. However, I note that one of my colleagues was recently contacted by a URS consultant with regard to this site and details needed in a noise assessment report. My colleague recommended that any noise assessment should include reference to the noise impact of construction (including traffic movements) on current residents, and that the report should also address the likely noise effects on current and future residents of extra traffic movements generated from the proposed development once built. I note that a Noise Assessment report by URS, ref 10th January 2013, has been submitted with this application. The report concludes that current traffic noise levels do not exceed noise levels for habitable rooms and gardens as referred to in BS 8233. Future traffic noise levels associated with increased traffic around the development, plus due to natural growth are predicted to be negligible. The report also concludes that construction of the proposed development is unlikely to result in excessive noise levels and that noise generating activities may be controlled by the use of an appropriate planning condition. I consider that any demolition or construction activities may have an impact on local residents and so the usual informatics or a relevant condition should apply in this respect.

The site is outside the Maidstone Town Air Quality Management Area, but I consider the scale of this development warrants some form of low emission strategy scheme in order to mitigate the potentially cumulative negative air quality impacts of the proposed development. The URS Transport Assessment addresses air quality and climate change related issues in that it identifies proposed schemes within this application which should improve connections to walking, cycling and public transport infrastructure. The TA also estimates the additional vehicular trips likely to be generated by the development and concludes that the development is unlikely to have a detrimental effect on the local highway network. In addition to the TA, an interim Level 1 Travel Plan has been produced; and this plan looks to reduce the use of the car by 10% within 5 years of its implementation by increasing the use of public transport (by 6%), walking by (2%) and bicycle use (by 2%). This Travel Plan (together with the TA) is acceptable as a low emission strategy scheme and contains proposed incentives/measures to increase the use of alternative modes. I note that the Travel Plan provides an indicative timetable for the implementation of these measures, details of how it would be coordinated, funded, monitored and reviewed. The Travel Plan improvement measures should ideally be conditioned in any planning permission that is granted.

The buildings to be demolished should be checked for the presence of asbestos and any found must only be removed by a licensed contractor. Possible contamination due to the historical use of the site including industrial buildings has been investigated through a URS site investigation report, ref 47062351/Desk Study/Marden. The report concludes and recommends that there should be a Phase 2 intrusive site investigation which should include targeted sampling of the soils in the area of the former above ground fuel tank, and should also address potential contamination from made ground and previous site uses. No Phase 2 report appears to have been submitted with this application and so a contaminated land condition should be used to require further investigation and reporting. In addition I note that there is no indication from the latest British Geological Survey maps of any significant chance of high radon concentrations.

The Clean Neighbourhoods and Environment Act 2005 requires the developer to produce a site waste management plan for any development which is over £300,000. The plan must be held on site and be freely available for view by the local Authority at any time. I can find no such document listed amongst documents submitted with this application.'

3.12.1 Conditions relating to contamination, the implementation of a travel plan and informatives relating to conduct and hours of operation on site during construction, the handling/removal of any asbestos and the submission of a site waste management plan were recommended.

3.13 **MBC Parks and Leisure:** Do not object: Given the indicated provision on the site as part of the development, a reduced off-site contribution has been requested of £800 per dwelling x 110 = £88,000. This would be used primarily towards the improvement, provision and maintenance of outdoor sports facilities and provision for children and young people equipped play and would be used at Marden Playing Fields. It is stated that:-

'Considering the size of the development and also the proposed positioning of the natural area to the north west of the development, this department would request an offsite contribution towards the Marden Playing Fields which is owned by Marden Parish Council. This area is considered strategically important to the village in relation to its central location and high usage by the community. A new development of this size being added to the community will no doubt see an increase in usage of this area. Marden Playing Fields is within 400m of the development site, and whilst the Cockpits Play Area is closer it has recently benefited from refurbishment and does not contain a large enough area for provision of outdoor sports

Currently the play area contained within is tired with a low satisfactory quality rating. Most of the equipment is aimed at over 6's and a teen shelter there is seldom used and is considered too close to the play area. An overhaul would be welcomed here to remove and replace a number of dilapidated items and renovate other equipment. The supply of an outdoor gym area and a wooden half-pipe type structure for wheeled sports is also lacking in this area of the borough and could be considered.'

4.0 REPRESENTATIONS

4.1 **Cllr Mrs Blackmore** has made the following representations and advises that if the recommendation is for approval; that she wishes the application to be reported Planning Committee.

'I would like to object to the above application for the following reasons:

1. Part of the site is situated within the flood plain which is not a suitable place to continue to place dwellings because of the effect the run off water will have on neighbouring properties.
2. The number of dwellings for the site is the wrong mix with too many properties containing four bedrooms and not enough with two or three bedrooms which would allow local people to purchase them.

3. There are too many properties proposed for the site.
4. The traffic during school drop off and collection time is quite chaotic and the number of properties together with the predicted number of vehicle movements would create mayhem outside the school which is about 150 metres from the site.
5. The entrance to the village along the Goudhurst Road would be radically changed. The local village street scene would change dramatically because the local architecture has not been considered. The proposed design of the properties are suitable for the centre of towns nor for a rural village.
6. The current drainage system can barely cope with the current sewage levels and further development will exacerbate the problem.
7. The block of flats which will be visible on entering the village are not appropriate and would ruin the street scene.
8. For the number of properties there are not enough parking space which may encourage more street parking.
9. If development goes ahead then no more than 40 units should be considered.

This site was deemed to be a low priority development site in 2009 due to the flooding problems, and it is strange that it is considered a few years later.

The majority of residents accept development for the village and the Neighbourhood Plan is underway. If it is possible to delay a decision until this document has been completed I believe this would be helpful. If you are mindful to approve this application I would ask for it to be presented to the Planning Committee.'

- 4.2 **Cllr Nelson-Gracie** has also commented and stated that he wishes the application to be reported to the Planning Committee.

'I wish to request that this application be heard before the Planning Committee, as it is a major application and is of interest to a large number of Marden residents.

I would comment that I feel strongly that this type of application should be considered as part of the Local Development plan and such applications should not be dealt with on an ad hoc basis. A Neighbourhood Plan is currently being developed in Marden, and recommendations from this should be considered as material planning considerations when they are published.'

- 4.3 Some **seventy** representations objecting to the application have been received to the application following the initial consultation and also two further consultation periods following receipt of amended/additional details. The representations include a letter from CPRE Protect Kent and a solicitor acting on behalf of two local residents. The objections are summarised as follows:-
- Visual impact – the development would have an unacceptable impact on the open gateway to the village.
 - Impact on the character of the countryside/village – the design of the dwellings, density and layout is urban and therefore inappropriate.

- Loss of employment – the redevelopment of the commercial buildings will result in a loss of employment opportunities.
- Lack of planning policy – the absence of an adopted Core Strategy or 5 year supply of land for housing means there is a policy gap which is being exploited by the Developer.
 - Land contamination – this issue has not been sufficiently addressed. The site has been used for the storage of chemicals for many years.
- Foul drainage – will only exacerbate existing problems in the area.
- Flooding – development in a flood plain is unacceptable and will exacerbate existing flooding problems.
- Other sites which have been put forward in the recent 'call for sites' are more suitable.
- The application pre-empted the current Marden Neighbourhood Plan process and is therefore premature.
 - Environmental impact will be unacceptable. There will be an adverse impact on wildlife and birds.
- Loss of agricultural land – would be irreversible.
 - An inappropriate mix of dwelling size and type, too many larger houses that Marden does not need.
- Inadequate school places – pressure on school.
- Highway – impact on overall capacity of roads in the village – increased congestion as close to the school – safety issues – location not sustainable – inadequate on-site parking – difficulties with southern access as proposed to be shared with existing residents and farm access.
- Greater enforcement of on-street parking along the length of Goudhurst Road should be undertaken and bus provision and cycle provision should be improved.
- Loss of current views across the site and to the countryside beyond for the occupiers of the housing on the eastern side of Goudhurst Road.
- Loss of property value.
- Loss of privacy.

4.4 One representation raising no objections to the development has been received. The development is considered to be well laid-out and with a good variety of houses and house designs, the writer's only concern is whether the existing infrastructure can cope.

4.5 One representation expressing support for the application has also been received.

5.0 CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located on the western side of the B2079 Goudhurst Road. It is located to the north of Westfield House and to the south of Maple Lodge. Maple Lodge and West field house as well as the site are allocated outside the defined settlement boundary of Marden in the Maidstone Borough-wide Local Plan 2000. Opposite the site on the eastern side of Goudhurst Road are a number of terraced, detached and semi-detached dwellings which are all located in the defined village envelope of Marden.
- 5.1.2 The site amounts to approximately 5.4ha. Approximately 80% of its area is currently an open green field with the remaining area occupied by hardstanding and two warehouses, two office buildings and two silos/tanks. The site is at a lower level (200mm to 500mm approximately) than the carriageway in Goudhurst Road and the land continues to fall towards the west and the western boundary is approximately 3m below the carriageway level in Goudhurst Road. The site is relatively level north to south.
- 5.1.3 The northern site boundary is marked by a ditch/drain and Public Right of Way KM245 that runs (parallel with and alongside but to the north of the ditch), westwards from Goudhurst Road between two dwellings 'Ringlestone' and '1 Rosemary Corner' and which continues past the site towards the west where it joins up with KM244 just to the north of Gravelpit Farm approximately 300m to the west of the site. The western site boundary is also marked by a ditch/drain and a line of poplar and other trees. The eastern boundary to Goudhurst Road is open and marked by a ditch, except at the southern end where a line of trees and shrubs screens the warehouse building and the hardstanding to the front of it. The southern boundary with Westfield House comprises a mixture of tree and shrub planting and close-boarded fencing.
- 5.1.4 There is an access track which runs along the southern boundary of the site off Goudhurst Road. This serves not only the existing buildings on the site but continues westwards towards Gravelpit Farm and Forge Farmhouse. These dwellings are located some 330m west of the site boundary. The track also serves as an access to the agricultural land to the west of the site.
- 5.1.5 Whilst the site lies outside the defined settlement boundary of Marden, it has no specific designation or allocation on the Maidstone Borough-wide Local Plan Proposals Map 2000.
- 5.1.6 The western part of the site beyond the extent of the buildings/tanks running roughly northwards in a straight line across the site, lies within Flood Zone 2 and the area adjacent to the ditch/drain along the western boundary is in flood Zone 3 as designated by the Environment Agency.

- 5.1.7 The site is not subject to any Tree Preservation Orders, nor is it close to or affects any Semi-Natural Ancient Woodland. The site is also not within an area of archaeological potential.

5.2 Proposal

- 5.2.1 The application is a full application and seeks permission for the demolition of the existing warehouse and other buildings on the site and the erection of 110 new dwellings on the site of the existing buildings and the adjacent field to the north. The gross density of the application site taking into account the 5.4ha site overall amounts to approximately 20.3 dwellings/ha and the net density (the area developed with housing and roads excluding the large amenity area and allotments) at approximately 3.44 ha is 31.9 dwellings/ha.

- 5.2.2 A new access road from Goudhurst Road would be provided to serve the majority of the development. The existing access serving the warehouse on the southern side of the site would be retained as residents of properties to the west of the site have a right of access over this road and it also serves adjacent farmland. This access would serve ten dwellings in the development and also act as an emergency site access if required.

- 5.2.3 The development comprises the following mix.
- 4 x one-bedroom flats (all affordable units)
 - 6 x two-bedroom flats (all affordable units)
 - 12 x two-bedroom houses (all affordable units)
 - 34 x three-bedroom houses (16 affordable units - 18 private units)
 - 50 x four-bedroom houses (6 affordable units - 44 private units)
 - 4 x five-bedroom houses (private units)

The dwellings and flats are two-storeys with the exception of the 5-bedroom house-type which has rooms within the roofspace.

- 5.2.4 The total number of affordable units is 44 which equates to 40%. Eighteen of the units are shared equity and 26 rented.
- 5.2.5 In addition to the dwellings, the application proposes the provision of 16 allotments, on-site amenity and open space including a play-trail and a central green area.
- 5.2.6 A Suds-based surface water drainage scheme is proposed and this includes the provision of an attenuation basin in the open area to the west of the site and the use of swales along the access roads and on the central green to connect with this basin.

- 5.2.7 The applicant's have confirmed that the dwellings will be constructed to meet Code for Sustainable Homes Level 4.
- 5.2.8 In terms of layout, the development is generally arranged into a series of perimeter blocks, with dwellings fronting roads with garages or off-street parking and as appropriate, rear parking courts. The access roads will have a footway on one side and swales as part of the SuDS scheme on the other. The allotments are located in the north east corner of the site to the rear of 'Maple Lodge' 'Fair Acres' and 1 and 2 Rosemary Corner. Parking spaces for the plot holders are provided. The allotments are overlooked by dwellings. The westernmost section of the site is shown as open space/amenity area. This is the area that has been modelled as land most likely to flood. No dwellings are located in this area which coincides with the area of Flood Zone 2.
- 5.2.9 The layout and numbers of dwellings proposed has been amended prior to and during consideration of the application, the central green has been enlarged and the juxtaposition of houses around it and in the central part of the site altered. The proposed mix and siting of dwellings on the Goudhurst Road frontage of the site has also been amended to more closely reflect the pattern of the houses on the east side of Goudhurst Road.
- 5.2.10 The most recent changes have seen two further units deleted from the Goudhurst Road frontage to enable the proposed dwellings fronting the road to be re-sited to further increase the spacing between dwellings. Further adjustments within the internal area of the site have also been made, with the result that only one dwelling unit has been lost overall. The scheme is now for 110 units. The changes that have been made are summarised as follows
- Former plot 82 has been deleted and the frontage development repositioned to give larger spaces between the buildings. Plot 76 (formerly plot 77) has been moved back from the footpath to open the space up to the facing plot 110 (formerly 111).
 - Former plot 106 has been deleted and the frontage development repositioned to give larger spaces between the buildings. Plot 110 (formerly plot 111) has also been moved back from the footpath to open the space up to the facing plot 76 (formerly plot 77).
 - Plot 1 moved north by 2m and the frontage development repositioned to give more space between the buildings.
 - Amended the car parking associated with above plots.
 - Added a window to the side of plot 76 and provided a detached garage.
 - Former plot 71 deleted and two Letchworth (plots 88 & 89) house types added. The parking court, turning head and bin and cycle store to flat block B has been reconfigured.

- Reduced the width of the drive to the front of plots 95 to 97 moving the garages and parking spaces back to allow adequate distance for manoeuvring. Incorporated the path into the drive and added areas back into the central green.

- 5.2.11 Along the frontage to Goudhurst Road, the existing ditch is to be retained and the proposed dwellings will be set back between 15m and 17m from the carriageway behind the ditch and a landscaped area. The dwellings would be a mixture of predominantly detached and semi-detached dwellings with one terrace of 4 units located towards the southern boundary. This reflects the pattern of development on the eastern side of Goudhurst Road. The dwellings fronting Goudhurst Road will have rear parking spaces and would be served by a pedestrian footway to their frontages.
- 5.2.12 Moving into the site the central access road will be fronted by detached dwellings and also a two-storey block of flats that also faces onto a central green area. The northern side of the road will be lined with street trees set in a verge and the southern side will be lined with swales forming part of the Suds drainage scheme. The road is provided with a pinch point and a raised shared surface area in the vicinity of the green. The green will also be fronted by dwellings to aid surveillance and to frame it.
- 5.2.13 The proposed house types draw on elements of the local vernacular. Roof styles include the use of bonnet and fully hipped roofs as well as gable features. A mix of facing brickwork, boarding render and tile hanging is proposed within the development. Plain tiles will be used for the roofs in a mixed russet or slate grey colour, key plots within the development will utilise plain clay tiles for the roof. Brick plinths are shown to some plots, windows and joinery will be white. The dwellings and flats proposed are all two-storey with the exception of the 5-bedroom house type which has rooms in the roof served by dormer windows to the front and roof lights to the rear.
- 5.2.14 Boundary treatment details have been submitted. These show a combination of 0.75m high brick walls and wooden picket fencing to the Goudhurst Road frontage and elsewhere in the site. Railings are proposed along the central access road and to the front of the properties that face onto the amenity open space area on the western side of the site. Timber bollards are shown to the outer edge of the green to prevent parking. The gardens of properties alongside access roads will be enclosed by 1.8m high brick walls. Generally fencing between properties is 1.8m high close-boarded or 1.4m high post and rail fencing with a 1.8m privacy panel adjacent to the dwellings. All properties have sheds.

- 5.2.15 As part of the application the applicants will be providing two new bus stops on the Goudhurst Road, a new footway from the site on the western side of Goudhurst Road to link with the existing footway to the north of the site, a new uncontrolled crossing over the Goudhurst Road in the vicinity of the site and additional cycle parking provision at the station and adjacent to the post office and library in Marden village centre.
- 5.2.16 The application was accompanied by a Design and Access statement, Planning statement, transport assessment, travel plan, Stage 1 Road safety audit, Stage 1 Road safety audit designer's response Archaeological assessment, Statement of community involvement, Noise assessment, Flood risk assessment, Drainage Strategy report, Sustainability statement, Environmental Desk Study report, Construction Environmental Management plan, Existing and proposed utility infrastructure report, Arboricultural method statement, Arboricultural impact assessment and tree protection plan, Landscape and visual impact assessment statement, Landscape management plan, Ecological assessment and Draft s106 heads of terms.

5.3 Principle of Development

- 5.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 5.3.2 The site is located in the countryside outside the defined settlement boundary of Headcorn. As stated earlier the site does however immediately adjoin the boundary along its western side. The starting point for consideration therefore is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 as follows:-

IN THE COUNTRYSIDE PLANNING PERMISSION WILL NOT BE GIVEN FOR DEVELOPMENT WHICH HARMS THE CHARACTER AND APPEARANCE OF THE AREA OR THE AMENITIES OF SURROUNDING OCCUPIERS, AND DEVELOPMENT WILL BE CONFINED TO:

- (1) THAT WHICH IS REASONABLY NECESSARY FOR THE PURPOSES OF AGRICULTURE AND FORESTRY; OR**
(2) THE WINNING OF MINERALS; OR
(3) OPEN AIR RECREATION AND ANCILLARY BUILDINGS PROVIDING OPERATIONAL USES ONLY; OR
(4) THE PROVISION OF PUBLIC OR INSTITUTIONAL USES FOR WHICH A RURAL LOCATION IS JUSTIFIED; OR
(5) SUCH OTHER EXCEPTIONS AS INDICATED BY POLICIES ELSEWHERE IN THIS PLAN.

PROPOSALS SHOULD INCLUDE MEASURES FOR HABITAT RESTORATION AND CREATION TO ENSURE THAT THERE IS NO NET LOSS OF WILDLIFE RESOURCES.

The proposed development does not fit into any of the exceptions set out in policy ENV28 which is why it has been advertised as a departure from the Development Plan.

- 5.3.3 It is necessary therefore to consider two main issues in relation to the proposals. Firstly whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified and secondly would the development cause harm to the character and appearance of the area or the amenities of surrounding occupiers?
- 5.3.4 Visual impact, landscape/ecology and residential amenity are considered later in the report.
- 5.3.5 In terms of other material considerations, Marden is a defined rural service centre and the application site immediately adjoins its boundary. The village offers a good range of facilities and services including shops, pubs, a primary school, library, medical centre surgery and railway station and a sizeable designated employment area on Pattenden Lane. The National Planning Policy Framework (NPPF) advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. With regard to applications for new housing in the countryside, new isolated dwellings should be avoided unless it accords with the special circumstances that are listed in paragraph 55 of the NPPF. The proposal clearly does not fall within any of the special circumstances cited, but it is in a sustainable location and immediately adjoins the existing settlement.
- 5.3.6 It is also necessary to consider the current position with regard to housing land supply within the Borough. Members will be aware of government advice in the National Planning Policy Framework that states (Para 47) that Councils should;

'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;'

5.3.7 The NPPF defines deliverable as:

'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.'

5.3.8 As stated above, local planning authorities must identify a 5-year supply of housing sites that have a realistic prospect of being delivered within that time frame. The land supply is updated at 1 April each year for a rolling 5-year period, and measured against the dwelling target for the local plan period (usually 20 years).

5.3.9 Maidstone has moved away from the preparation of a Core Strategy for the period 2006 to 2026 towards the production of a single Maidstone Borough Local Plan 2011 to 2031. The local plan will set a new dwelling target and allocate land to meet it. This work has not yet been completed, so an interim plan target/period for the calculation of Maidstone's 5-year housing land supply must be established.

5.3.10 The South East Plan (2009), which was the regional spatial strategy for the south east, set a target for Maidstone of 11,080 dwellings for 2006 to 2026. This target was based on evidence submitted by Maidstone Borough Council to the Examination in Public for the South East Plan and was supported by Kent County Council.

5.3.11 In 2010 the government announced its intention to revoke regional strategies and, as a consequence, a draft local target of 10,080 dwellings for the period 2006 to 2026 was determined and approved for public consultation in 2011. This target has since been overtaken by events. Several core strategy examinations in other parts of the country were suspended in 2012 (and in 2013) because the presiding Inspectors were not satisfied with the evidence supporting the local authorities' housing and employment targets. At these examinations there was a move away from locally determined targets to a greater emphasis on meeting national projections. Consequently, in November 2012, Cabinet resolved to re-examine the borough's draft dwelling target through a review of the evidence base.

5.3.12 The National Planning Policy Framework advises local planning authorities to have a clear understanding of housing needs in their area. They should

prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which meets household and population projections, addresses the need for all types of housing including affordable housing and caters for housing demand and the scale of housing supply necessary to meet this demand. Local planning authorities should prepare a Strategic Housing Land Availability Assessment (SHLAA) to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

- 5.3.13 The review includes three key pieces of work that together will establish a sound dwelling target for the local plan period 2011 to 2031: updated demographic forecasts, the production of a new SHMA and the preparation of a new SHLAA. Work on the SHMA and SHLAA is ongoing but further demographic and labour supply forecasts were completed in December 2012, using updated 2008 DCLG data (published in 2010) and also data from the 2011 census that had been released at that point. The forecasts looked at a number of scenarios, and an independent review of the data supported the officer-led approach of using the 10-year trend based projection of 14,800 dwellings for 2011 to 2031.
- 5.3.14 The two options for establishing an interim target (11,080 dwellings or 14,800 dwellings) have been given full consideration. The South East Plan was revoked in March 2013 but its 11,080 dwelling requirement for Maidstone had been tested through public examination, and it addressed a period (2006 to 2026) that is not too far removed from the new local plan period of 2011 to 2031. The population projections this target was based on are likely to be quite dated, but they are not considered to be too historic. The 2012 projection of 14,800 dwellings (2011 to 2031) represents very recent data, but this trend based projection is based on unrefined demographic data that has not yet been tested through the SHMA and the SHLAA, or through public consultation and independent examination. The new draft dwelling target will be approved for public consultation by Cabinet in September 2013 once the work to update the local plan evidence base is completed.
- 5.3.15 Legal opinion has been sought on this matter, which confirms that the South East Plan target of 11,080 dwellings for the period 2006 to 2026 should be used as an interim target and applied in calculating 5-year housing land supply. The council's 5-year housing land supply position at 1 April 2013 is set out below.

	Requirement	dwellings
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1	Interim housing requirement 2006/07 to 2025/26	11,080
2	Less completed dwellings 2006/07 to 2012/13	-4,880
3	Requirement 2013/14 to 2025/26	6,200
4	Annual target (6,200÷13 years to end of plan period)	477
5	Add 5% buffer per NPPF requirement (477x5%)	24
6	Annual target including 5% buffer	501
7	5 year dwelling target 2013/14 to 2017/18 (501x5 years)	2,505
	Supply	
8	5-year housing land supply 2013/14 to 2017/18	2,135
	5-year housing land supply position at 1 April 2013	
9	Shortfall in housing land supply	-370
10	Percentage housing land supply (2,135 as a % of 2,505)	85.2%
11	Number of years housing land supply (2,135÷501)	4.2 years

At this point the council has 4.2 years of housing land supply, which represents 85.2% of its requirement. This equates to a shortfall of 370 units.

5.3.16 In the light of this position, I do consider that bringing forward development on this sustainably located site immediately adjacent to a rural service centre would assist in helping to meet the identified shortfall and I consider this to be a strong material consideration in favour of permitting the development.

5.3.17 Reference has been made to the on-going Neighbourhood Plan work in the village and the fact that this application should not be permitted in advance of the completion of that work. Whilst work on the plan is progressing, no draft has been published for consultation. Such a plan would also need to be the subject of an examination. Given the likely timescales for this process and the current housing supply issue set out above it is not considered appropriate or reasonable to delay consideration of this application on that basis.

5.3.18 Subject to the details of the scheme being acceptable I raise no objections to the principle of development.

5.4 Visual Impact and Design

5.4.1 A key consideration in relation to the application is the visual impact of the development on the character of the area and the wider countryside. Clearly the character of this part of Goudhurst Road will change as development will take place on what is currently predominantly an open field.

- 5.4.2 In terms of the impact on the wider area, there are limited views of the site from the south. It is not visible until past Westfield House and is not visible in longer distance views from the High Weald Special Landscape Area around Winchett Hill/Goudhurst village. From the north, views of the site are again limited. This is due to the railway line which is on an embankment at this point. This railway line is bounded by trees and provides a strong visual barrier in the landscape. Views from the east are curtailed by the existing dwellings to the east of Goudhurst Road. From the west, the site would be visible from Public footpath KM244, but through retained trees and hedgerows. The existing development along Goudhurst Road is visible and provides a backdrop to current views. Further to the west, the existing field boundaries of trees and hedgerow limit views. Clearly development will come closer to public KM244 and the existing dwellings at Gravelpit Farm and Forge Farmhouse. However, given the extensive open amenity area to be provided and the context of existing development into which the new development will be inserted, I consider that the visual separation is acceptable and that the loss of the current open field would not be so harmful to the character of the area as to warrant and justify refusal.
- 5.4.3 I consider that the site layout overall is of an appropriate density at 31.9dwellings/ha (net), which strikes a balance between the need to make efficient use of the land but also the edge of village location. There is a higher density closer to the existing Goudhurst Road frontage and this reduces westwards towards the countryside. The proposed amenity area on the western side of the site provides an appropriate buffer to the countryside beyond at the same time as acting as an attenuation area for surface water and the SuDS scheme proposed. This will also have a 'trim-trail.' The central green area also provides a focal point at the centre of the development. In addition, the allotments provide an appropriate buffer between the existing dwellings which front Goudhurst Road adjacent to the north east corner of the site and the new dwellings.
- 5.4.4 The most recent change to the proposed layout has resulted in the loss of two dwellings on the site frontage to Goudhurst Road. This has enabled the remaining dwellings on the frontage to be spaced further apart increasing the separation between dwellings so that the spaces will now be visually noticeable when travelling northwards or southwards along Goudhurst Road.
- 5.4.5 There is now a strong rhythm to the proposed street frontage to Goudhurst Road established through the juxtaposition of the dwellings and their spacing which is enlivened by the different house types proposed and their orientation. The proposed elevation treatments of tile hanging, brick-work or boarding and the use of bay windows or gable features provide further visual interest.

- 5.4.6 The 15m-17m set back from the carriageway of these frontage dwellings, together with the retained ditch and the proposed landscaping to the front of the houses will provide for an appropriate entrance to the new development. The proposed trees on this landscaped frontage area also serve to add to the rhythm of the development on this frontage. It is a feature elsewhere along Goudhurst Road on its eastern side, that the frontage development has a rhythm to it comprising detached, semi-detached and small groups of terraced houses with spacing between. Development to the rear of these houses where it occurs is generally denser.
- 5.4.7 The central access road has an open and spacious feel through the combination of the roadway, pathways and the street trees and swales which will frame it. The central green will provide for a focus at the centre of the development and the most recent changes to the layout have reinforced this role and provide for a more enclosed/defined and overlooked space.
- 5.4.8 The general arrangement of the dwellings within the site as amended through negotiation has resulted in an acceptable layout.
- 5.4.9 In particular the Goudhurst Road frontage, which is the 'public face' of the development and will form a new gateway to the village now provides as stated earlier a strong sense of rhythm to the street. This rhythm is significantly enhanced by the 15m-17m set back of the proposed dwellings and the utilisation of the ensuing space to provide a landscaped setting for the development further enhanced by the proposed trees which will further add to this rhythm.
- 5.4.10 The proposed house types are varied. Along the Goudhurst Road frontage, a mix of house types are proposed. Some dwellings have gables facing the road some have ridges running north-south with barn-hips and a number of the houses have projecting two-storey gable features to the front elevation. These are all elements found on existing houses elsewhere along Goudhurst Road. The curtilages of the houses will be bounded by low brick walls or picket fences again, features commonly found in the surrounding area. The main access road into the site will be framed by two detached dwellings of the same house type with 'double frontages' that address both Goudhurst Road and the main access into the site.
- 5.4.11 The houses along the access road into the site are well spaced and of varying design and elevational treatment. One side of the access road will be framed by the proposed swales for the SuDS scheme and the other by street trees regularly spaced along the street. A build-out that incorporates one of the proposed street trees is proposed halfway between the site entrance and the central green. The road past the green is a raised shared surface area designed

to reduce vehicle speeds. The green is framed by some of the larger house types and the larger of the two flat blocks in the scheme. The flat block and the dwellings located at the corners of the road around the green, designed not only to face onto the green but also 'turn the corner' along the adjacent roads. The dwelling in this area of the site not only frame the green area and provide a sense of enclosure visually but also serve to ensure that this area will be surveilled.

- 5.4.12 The use of weatherboarding, render, tile hanging and brickwork with brick plinths and the provision of picket fencing, railings or low walls to the front of the houses within the development are all elements to be found in the village and are considered acceptable as a design approach. I consider it necessary for the overall quality of the scheme to ensure that driveways and footways within the site are block-paved. This can be secured by appropriate condition.
- 5.4.13 The applicants have confirmed and demonstrated that the dwellings will be constructed to achieve Code Level 4 of the Code for Sustainable Homes. This will result in a development that will be energy efficient in terms of construction and future energy/resource use.
- 5.4.14 I raise no objections to the development on the grounds of visual impact or design.

5.5 Residential Amenity

- 5.5.1 The proposed dwellings will not have an unacceptable impact on the privacy or amenity of existing adjacent dwellings.
- 5.5.2 The separation across Goudhurst Road is in the order of 30m. This is an acceptable degree of separation particularly taking into account the road that intervenes.
- 5.5.3 The houses on the southern side of the site are located some 11m or so north of the southern boundary. With the siting of Westfield House in excess of 30m from south of the site boundary and the intervening landscaping and boundary screening I consider that there would not be an unacceptable impact on the privacy or amenity of the occupiers of Westfield House.
- 5.5.4 The houses to west of the allotments would be approximately 70m from the rear walls of the existing properties that front Goudhurst Road (Maple Lodge, Fair Acres and 1 and 2 Rosemary Corner). This is an acceptable separation. Plots 15 and 16 are sited at an oblique angle to the rear of Maple Lodge and at a distance in excess of 21m from the rear wall of that property. They do face the rear section of the garden of Maple Lodge at a distance of around 14m

however there is an established hedge and trees within the garden of Maple Lodge that provides suitable screening. The property's patio area is set away from the boundary on the far side of the dwelling and would not be overlooked.

- 5.5.5 Appropriate privacy will be maintained within the new development as a result of the site layout.
- 5.5.6 No objections are raised to the development on the grounds of impact on residential amenity.

5.6 Highways

- 5.6.1 The proposed development will not have an unacceptable impact on the local highway network. Kent Highway Services have raised no objections to the development.
- 5.6.2 The development proposes a number of measures to improve pedestrian access in the vicinity of the site and also to improve bus-stop provision and cycle parking provision. These measures can be secured through a 'grampian' condition as they would be covered in any agreement under s278 of the highways Act, or through the s106 agreement in the case of the cycle parking. The site is close to local amenities and community facilities in a sustainable location.
- 5.6.3 Comment has also been made regarding the extent of parking provision on the site and the fact that insufficient spaces are provided. In their latest comments Kent Highway Services have recommended additional on-street parking is provided. This is on the basis that a number of the houses have tandem rather than independently accessible parking spaces and/or garages as required by KCC's adopted standard which does not count garages and seeks no tandem spaces.
- 5.6.4 As Members will be aware, KCC's parking standards have not been adopted by this Council. In addition, a balance needs to be struck between parking provision and the landscaping of any site.
- 5.6.5 In this case, the properties do in my view have an acceptable level of parking provision with the larger units provided with at least two or more parking/garage spaces, albeit that they are arranged in tandem. Introduction of on-street parking in the areas suggested would result in the loss of potential street trees and a reduction in the landscaped areas within the site, and would not be acceptable.
- 5.6.6 No objections are raised to the development on highway grounds.

- 5.6.7 A number of the conditions suggested by Kent Highway Services relating to wheel washing, construction and contractors storage and parking etc are matters which are properly dealt with by means of informatives.

5.7 Landscaping and ecology

- 5.7.1 A landscape masterplan has been submitted with the application. This provides for an acceptable framework to serve the development, both within the developed area, along the site boundaries and including the proposed open space/amenity area.
- 5.7.2 The loss of the existing poplar belt on the western boundary is unfortunate. However the trees have been shown to have limited structural and life expectancy in the justification submitted in the arboricultural reports that accompanied the application. The justification given has been accepted by the Landscape Officer. Subject to Black Poplars being provided in the replacement tree planting in this area, as suggested by the Landscape Officer, I consider the principles shown in the landscape masterplan to be acceptable. Detailed planting plans will be required and can be secured by appropriate condition.
- 5.7.3 Arboricultural surveys method statements and root protection plans have been submitted as part of the application. These are considered to be acceptable by the Landscape Officer subject to conditions that their recommendations are abided by.
- 5.7.4 The ecological impact of the development has also been considered. The KCC ecology team are satisfied with the assessment made and the proposed mitigation subject to confirmation that a minimum of 5 clear days of trapping will be observed prior to any destructive search being undertaken on the site. They also consider that an ecological management plan should be submitted. Both issues can be dealt with by means of an appropriate condition.
- 5.7.5 A number of ecological enhancement measures are indicated on the landscape masterplan, such as the provision of hibernacula and log piles, bird and bat boxes and the provision of wildflower grassland. The attenuation basins will also be planted with aquatic marginal species. I consider that in order to ensure that the landscaping scheme and ecological enhancements are compatible that a condition be imposed to require a specific site-wide ecological enhancement plan to be submitted.
- 5.7.6 Subject to the recommended safeguarding conditions being imposed as set out above, no objections are raised on ecological or landscape grounds.

5.8 Other Matters

- 5.8.1 As set out earlier in the report, the site is partially located within Flood Risk Zones 2 and 3. Many representations have been made regarding the potential impact of flooding from the development. It is clear however, that the applicants have not proposed any residential development within the limits of the identified flood zones. A detailed drainage strategy and flood risk assessment were submitted with the application, these have been the subject of close scrutiny by the Environment Agency, the statutory consultee.
- 5.8.2 Being a predominantly a greenfield site the onus on the applicant was to show that run-off from the site in its developed state would not be greater than in its undeveloped state taking into account the impact of a 1:100 year storm event and a 20% allowance for the effects of climate change.
- 5.8.3 Members will note that the Environment Agency do not object to the development and are satisfied that a suitable surface water drainage regime that meets the above requirements can be provided on the site.
- 5.8.4 Subject to the conditions specified by the Agency no objections are raised to the development on flood risk grounds.
- 5.8.5 Concerns have been raised regarding the inadequacy of the local sewage infrastructure. The applicants have indicated following consultation with Southern Water that the necessary improvements to existing foul water sewers in the vicinity of the site will be made. These will be via off-site improvements to two pumping stations and upgrading sections of the existing sewer network. These improvements will be achieved through an agreement between the applicants and Southern Water under s104 of the Water Industry Act 1991.
- 5.8.6 Appropriate conditions regarding potential contamination arising from the existing buildings/hardsstanding areas on the site and their historic use are also suggested. I am satisfied that this will address concerns that have been raised in the representations.
- 5.8.7 Whilst the site is not within a safeguarded area of archaeological potential there is a possibility that items of historic interest being located within the site. An archaeological watching brief condition has been recommended by KCC Heritage Conservation. I consider this to be reasonable and appropriate and will ensure that in the event any items of interest are found, appropriate investigation work will be undertaken.

5.9 S106 Contributions

5.9.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the CIL Regulations and paragraph 204 of the NPPF 2012. These have strict criteria that set out that any obligation must meet the following requirements: -

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

5.9.2 The summarised matters below are sought within a completed Section 106 and are discussed in full later in this section.

- Affordable Housing at 40% would be required in accordance with policy AH1 of the Affordable Housing DPD (2006).
- Healthcare contribution of £118,764 towards the improvement of facilities and services at Marden medical centre and Staplehurst medical centre.
- Primary school contribution of £239,637.44 towards primary school expansion at Marden Primary school
- Secondary school - £239,519.76 towards the extension of existing local secondary schools in Maidstone to cater for the additional demand for places.
- Library contribution of £2164.99 toward the provision of bookstock and services at local libraries for the additional demand on the resource.
- Community learning contribution of £3215.38 towards new/expanded facilities and services for adult education centres and outreach community learning facilities
- Adult Social Services: £1785.95 to be used towards provision of Telecare and enhancement of local community facilities to ensure full DDA compliant access to clients.
- The provision of additional cycle parking facilities at Marden Station, adjacent to Marden Library and by Marden Post Office.
- The provision of the open space, green and allotments within the site.
- The making of an off-site contribution of £800/dwelling (£88,000) towards the upgrading of Marden Playing Fields.

5.9.3 The Council's policy AH1 in its affordable housing DPD requires the provision of a minimum of 40% affordable housing on schemes of 15 units and above. The proposal includes the provision of 45 units of affordable housing. They would be a mix of social rent and shared equity. The split contained within the affordable housing DPD requires 60% of the affordable housing to be affordable rent and 40% for other forms of affordable housing. The development achieves this. I consider that the provision of 40% affordable housing is in accordance with the affordable housing DPD and therefore complies with the requirements of the Development Plan.

- 5.9.4 Mouchel on behalf of Kent County Council has requested a contribution of £241,998.40 towards primary school expansion. Evidence has been submitted that the schools in the vicinity (Marden and Collier Street) are nearing capacity and that the projections over the next few years show that capacity would be exceeded. I therefore consider that the requested contribution for school expansion complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three tests above.
- 5.9.5 There is also a request for a contribution of £241,879.56 towards the extension of applicable local secondary schools. There has been evidence submitted that the secondary schools in the local area are nearing capacity and that the projections over the next few years that capacity would be exceeded. Therefore contributions are sought from new developments on the basis that the demand for places arising from these developments cannot be accommodated within existing secondary schools. Therefore the extension to the school would be meeting the need arising from this development. I therefore consider that the requested contribution complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three tests above.
- 5.9.6 KCC have identified that there would be an additional requirement for bookstock at the local library on the basis that the development would result in additional active borrowers and therefore seek a contribution of £2164.99. I consider this request to be compliant with policy CF1 and to meet the tests set out above.
- 5.9.7 A community learning Community learning contribution of £3215.38 towards new/expanded facilities and services for adult education centres and outreach community learning facilities. I consider that this request is justified, compliant with policy CF1 and the applicants have agreed to provide such a contribution. Again, I consider that this request meets the three tests as set out above, and as such, it is appropriate to require this contribution be made.
- 5.9.8 A contribution towards adult social services of £1785.95 towards to be used towards provision of Telecare and enhancement of local community facilities to ensure full DDA compliant access to clients. Telecare provides electronic and other resources to aid independence including falls, flooding or wandering alarms, secure key boxes and lifeline. I consider that this request is justified, compliant with policy CF1 and then applicants have agreed to provide such a contribution. Again, I consider that this request meets the three tests as set out above, and as such, it is appropriate to require this contribution be made.

- 5.9.9 The proposed provision of additional cycle parking spaces will aid the sustainability of the development and provide increased incentives to use other modes of transport than the private car. This is in line with the advice in the National Planning Policy Framework and meets the three tests and as such I consider it appropriate this contribution is made.
- 5.9.10 Healthcare contribution of £118,764 towards the improvement of doctors surgeries at Marden medical centre and Staplehurst medical centre. NHS Property Services have demonstrated that the development will generate additional demand that cannot be accommodated in the surgeries. I consider that the request meets the three tests and is compliant with policy CF1.
- 5.9.12 The applicants have also offered obligations to secure the provision of the open space, green and allotments within the site. The open space and green would be managed by a management company. Details of the management arrangements for the allotments would need to be secured through the s106 agreement. I consider that that the proposed provision does meet the three tests and is in compliance with the Council's adopted Open Space DPD, policy OS1.
- 5.9.13 In addition, the applicants have agreed to meet the requested off-site contribution of £88,000 for the upgrading of Marden Playing Fields. This area is considered strategically important to the village in relation to its central location and high usage by the community. A new development of this size being added to the community will no doubt see an increase in usage of this area. Marden Playing Fields is within 400m of the development site, and whilst the Cockpits Play Area is closer it has recently benefited from refurbishment and does not contain a large enough area for provision of outdoor sports, the element which not provided for on the application site. I consider that that the proposed provision does meet the three tests and is in compliance with the Council's adopted Open Space DPD, policy OS1.
- 5.9.14 A draft of the s106 agreement has been submitted and is currently being considered.

6.0 CONCLUSION

- 6.1 The development site is located in the countryside outside the defined boundary of Marden village and as such represents a departure from development plan policy and would normally warrant refusal.
- 6.2 There are however, material considerations which have been set out and addressed in this report which indicate a different decision could be made.

- 6.3 The development would not result in such unacceptable harm to the countryside as to warrant refusal. The site is not readily visible in medium to long distance views and would in any event be read with the development either side of it. The site is in a sustainable location and lies immediately adjacent to a Rural Service Centre which does accord with the advice in the national Planning Policy Framework also considered earlier in the report.
- 6.4 There is also the issue of the current lack of a five-year housing land supply. This development would help to reduce the deficit but not, due to its location and resultant impact on the wider area, in a manner that would cause unacceptable harm to the character and visual amenities of the area.
- 6.5 The principle of development is considered acceptable in this instance. The development would also be acceptable in highway terms, in its impact on residential amenity and following detailed submission and mitigation, in terms of landscaping and ecology and flood risk.
- 6.6 Subject to the prior completion of a s106 agreement in accordance with the heads of terms considered above and the imposition of appropriate conditions, I recommend that permission should be granted.

7.0 RECOMMENDATION

SUBJECT TO:

- A: The prior completion of a s106 legal agreement, in such terms as the Head of Legal Services may advise to secure:
- The provision of a minimum of 40% affordable housing.
 - A healthcare contribution of £118,764 towards the improvement of services and facilities at the Marden medical centre and Staplehurst medical centre.
 - Primary school contribution of £239,637.44 towards primary school expansion.
 - Secondary school - £239,519.76 towards the extension of existing local secondary schools to cater for the additional demand for places.
 - Library contribution of £2164.99 toward the provision of bookstock and services at the local library for the additional demand on the resource.
 - Community learning contribution of £3215.38 towards new/expanded facilities and services for adult education centres and outreach community learning facilities.
 - Adult Social Services: £1785.95 to be used towards provision of Telecare and enhancement of local community facilities to ensure full DDA compliant access to clients.

- The provision of additional cycle parking facilities at Marden Station adjacent to the library and in the village centre adjacent to the Post Office.
- Details of the provision and subsequent management of the open space, green and allotment areas within the site.
- A contribution of £88,000 to be used towards the upgrading of Marden Playing Fields

The HEAD OF PLANNING BE GIVEN DELEGATED POWER TO GRANT PERMISSION subject to the following conditions and informatives:

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 approved details of the 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) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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 pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

3. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority 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 measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall be based on the principles shown on drawing no R.0283_10revE received 14/06/2013 and the landscape management plan dated 1101/2013 and shall include inter-alia;
 - i) The use of Black Poplar as part of the replacement planting on the western boundary

ii) The use of tree pits greater than 500mm in depth.

Reason: To ensure a satisfactory external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

5. The development shall be carried out in compliance with the Arboricultural Impact Assessment and Tree Protection Plan received 31/01/2013 and the Arboricultural Method Statement received 21/01/2013, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure retained trees are protected during the course of development and to ensure a satisfactory external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

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

Reason: To ensure that features of archaeological interest are properly examined and recorded pursuant to the advice in the NPPF 2012.

7. The development shall not commence until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The submitted scheme details shall include inter-alia;

- i) Microdrainage calculations undertaken using rainfall estimates from the FEH data set rather than the FSR dataset to inform the storage volumes required for the site.
- ii) The detailed strategy should also consider how excess runoff from Goudhurst Road can be conveyed safely across the site without it entering the surface drainage infrastructure.
- iii) The use of wildlife friendly drainage gullies and design features.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site pursuant to the advice in the National Planning Policy Framework 2012.

8. The development shall not commence until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved by the local planning authority:
 1. A site investigation scheme, based on the GEO-environmental Desk-Study report received 21/01/2013 submitted to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components shall be submitted to and approved by the local planning authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters and ensure compliance with the National Planning Policy Framework 2012.

9. The occupation of each phase of development shall not take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency

action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect controlled waters and ensure compliance with the National Planning Policy Framework 2012.

- 10.If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until the developer has submitted a revised remediation strategy to the local planning authority detailing how this unsuspected contamination will be dealt with and written approval obtained from the local planning authority. The revised remediation strategy shall be implemented as approved.

Reasons: To protect controlled waters and ensure compliance with the National Planning Policy Framework 2012.

- 11.Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B, C and F and Part 2 Class A, to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area pursuant to the advice in the National Planning Policy Framework 2012.

- 12.The development shall not commence until details of foul water drainage have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention in accordance with the NPPF 2012.

- 13.The development shall be constructed such that equipment is integrated into the dwellings so as to enable a broadband service to be provided to future occupiers of the dwellings hereby permitted.

Reason: To facilitate high quality communication for the local community, in accordance with the National Planning Policy Framework 2012.

14. The development shall not commence until, details of the proposed slab levels of the building(s) and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with the NPPF 2012.

15. The development shall not commence until, written details and samples of the materials, which shall include stock brick, plain clay tiles and weatherboarding 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 development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development in accordance with the NPPF 2012.

16. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

Reason: To ensure a sustainable and energy efficient form of development in accordance with the NPPF 2012.

17. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area pursuant to Policy ENV49 of the Maidstone-Wide Local Plan 2000 and the NPPF 2012.

18. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site and which shall include the use of brick pavements for all driveways and footways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development pursuant to the NPPF 2012.

19. No part of the development hereby permitted shall be occupied until the following works have been constructed and completed.
- i) A footpath on the west side of Goudhurst Road leading northwards from the site to the point where the existing footpath ceases
 - ii) The provision of two bus stops, bus boarders shelters and passenger information on the west and east sides of Goudhurst Road in the vicinity of the site
 - iii) The provision of an uncontrolled pedestrian crossing across Goudhurst Road in the vicinity of the site
 - iv) The enhancement of the 30mph gateway feature on Goudhurst Road and the provision of an interactive speed sign on the northbound approach to the site in Goudhurst Road.

Reason: In the interests of highway and pedestrian safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.

20. No dwelling shall be occupied until completion of the following works between a dwelling and the adopted highway has taken place.
- (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interests of highway and pedestrian safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.

21. Prior to the first occupation of any part of the development hereby permitted, a Residential Travel Plan including measures for its implementation, monitoring, review and subsequent enforcement, shall be submitted to and approved by the local planning authority in consultation with the highway authority and shall thereafter be implemented in accordance with the approved details of the plan upon first occupation any part of the development.

Reason: In the interests of sustainability pursuant to the advice in the National Planning Policy Framework 2012.

22. Notwithstanding the details and recommendations set out in section 5 of the ecological survey report dated January 2013 prepared by Aspect Ecology and the principles shown on drawing no R.0283_10revE (strategic landscape masterplan), the development shall not commence until an ecological enhancement and management plan and revised mitigation strategy has been submitted to and approved by the local planning authority. The plan and revised mitigation strategy

shall include the following:

- i) A detailed translocation plan for reptiles that inter-alia, provides for a minimum of 5 clear trapping days before a destructive search is undertaken.
- ii) the provision of bat bricks/boxes, bird nesting boxes and swift bricks.
- iii) the retention of a proportion of the cordwood within the site.
- iv) the provision of refugia and hibernacula.
- v) the provision of appropriate aquatic marginal plants to the attenuation basins
- vi) details of the wildflower seed mixes for the meadow area within the site and pond edges

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

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity pursuant to the advice in the National Planning Policy Framework 2012.

23. The development shall not commence until details of the proposed equipment to be used for the proposed play trail and details of any seating to be provided within the site have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure a satisfactory appearance to the development in accordance with the NPPF 2012.

24. The development hereby permitted shall be carried out in accordance with the following approved plans:
plans as shown in the schedule of plans and documents received 03/07/2013;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with the advice in the NPPF 2012.

Informatives set out below

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles in connection with the construction of the development may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours, cannot be stressed enough. Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.
3. There should be no close board fencing or similar structure over 1.2 metres erected which will block out the views:
4. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.
5. No Materials can be brought onto site or stored on the Right of Way.

The granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd. Anglo Street James House, 39A Southgate Street, Winchester, SO23 9EH

When designing the lighting scheme for the proposed development the recommendations by the Bat Conservation Trust must be considered (where applicable)

- a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury or metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.
- b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
- c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
- d) Lamps of greater than 2000 lumens (150 W) must not be used.
- e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
- f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.
- h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

Construction traffic and worker's vehicles in association with the development should only park within the application site and not on surrounding roads in the interests of highway safety.

The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However given the current shortfall in the required five-year housing supply and the lack of unacceptable harm to the character or appearance of the area as a result of the development and its relationship with the wider countryside and existing adjoining development, together with the site's sustainable location immediately adjacent to a rural service centre a departure from that policy would be likely to result in only minor harm to the character of the countryside.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided with formal pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Officer Comment

I wish to correct some errors and clarify other matters in the report.

First sentence of Paragraph 5.3.2 should read

'The site is located in the countryside outside the defined settlement boundary of Marden.'

The scheme as now revised is for 110 units and the new mix of dwellings is as follows.

	Affordable rent	Affordable Shared equity	Private	Total
1 bed flat	4	-	-	4
2 bed flat	-	6	-	6
2 bed house	6	6	-	12
3 bed house	10	6	20	36
4 bed house	6	-	42	48
5 bed house	-	-	4	4
Total	26	18	66	110

As a result of the change there is now a total of 44 affordable units.

Paragraphs 5.2.3 and 5.9.3 of the report are therefore also amended accordingly.

The KCC contributions also require amendment to reflect the lower number of units. (The requested education contributions are correct as stated in the report.)

Library contribution (£19.33 per dwelling) = **£2,126.30** previously £2164.99

Community learning contribution (£28.71 per dwelling) = **£3158.10** previously £3215.38

Adult Social Services (£15.95 per dwelling) = **£1754.50** previously £1785.95

The relevant s106 Heads of Terms should be amended accordingly.

For Members' information parking provision within the site is broken down as follows:

Allocated Parking Spaces: 222

Allocated Garage Spaces: 62

Total Allocated Spaces: 284

Visitor Spaces: 30

Overall Parking Spaces: 314_i.e. an average of 2.8 per unit

Amendments to recommendation

Amend the following S106 Heads of Terms to read as follows:

- Library contribution of £2126.30 toward the provision of bookstock and services at the local library for the additional demand on the resource.
- Community learning contribution of £3158.10 towards new/expanded facilities and services for adult education centres and outreach community learning facilities.
- Adult Social Services: £1754.50 to be used towards provision of Telecare and enhancement of local community facilities to ensure full DDA compliant access to clients.



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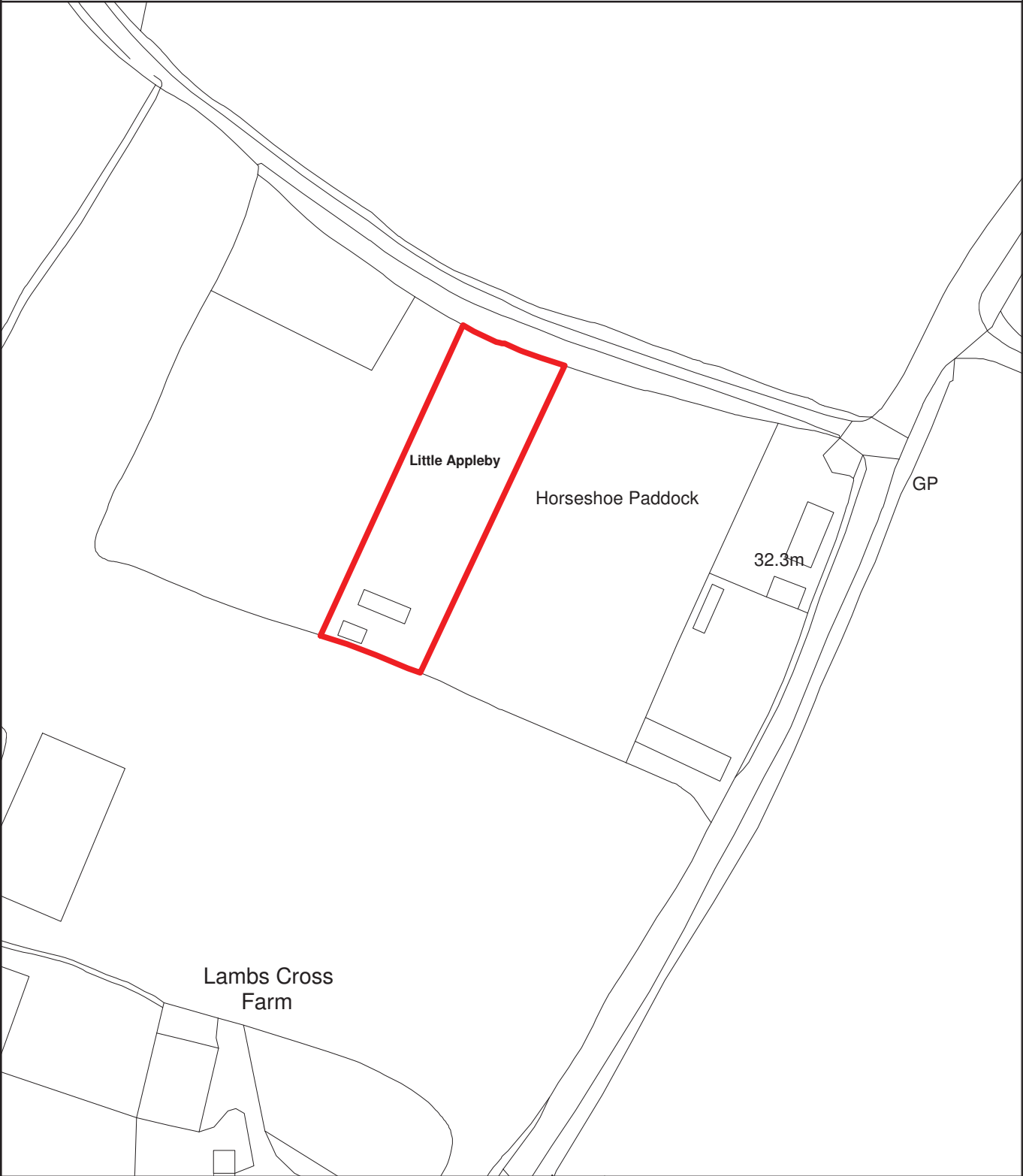
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12. 7. 2013

Agenda Item 15

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0587 GRID REF: TQ7848/7948
2 LITTLE APPLEBY, LUCKS LANE,
CHART SUTTON.



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Rob Jarman
Head of Planning

APPLICATION: MA/13/0587 Date: 4 April 2013 Received: 4 April 2013

APPLICANT: Mr John Smith Junior

LOCATION: 2 , LITTLE APPLEBY, LUCKS LANE, CHART SUTTON, MAIDSTONE, KENT, ME17 3FB

PARISH: Chart Sutton

PROPOSAL: An application to vary conditions 1 and 2 of MA/11/0675 (retrospective application for the change of use of land from agriculture to residential for a gypsy family with the stationing of three mobile homes, two touring caravans and the erection of two timber sheds) to allow the stationing of 5 caravans, of which no more than 4 shall be a static caravan or mobile home and to allow the additional mobile to be occupied by Mr Joseph Smith and his wife Mrs Karline Smith, and their resident dependents.

AGENDA DATE: 18th July 2013

CASE OFFICER: Catherine Slade

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by the Chart Sutton Parish Council and they have requested it be reported to Planning Committee for the reasons set out below.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28
- Government Policy: National Planning Policy Framework (2012), Planning Policy for Traveller Sites (2012)

2. HISTORY

MA/11/0675 - Retrospective application for the change of use of land from agriculture to residential for a gypsy family with the stationing of three mobile homes, two touring caravans and the erection of two timber sheds – APPROVED SUBJECT TO CONDITIONS

MA/91/1161 - Section 64 determination for the erection of a field shelter – REFUSED

MA/90/1655 - Hardstanding for the tending loading and unloading of livestock (cattle) and also siting of shelter and feed store – REFUSED

MA/79/0970 - Stationing of caravan to provide shelter and meals, garden shed for storage of tools etc – REFUSED

3. CONSULTATIONS

3.1 **Chart Sutton Parish Council:** *"Chart Sutton Parish Council wishes to see the application REFUSED and requests that it is reported to Planning Committee. The Parish Council believes the site is already overcrowded and is concerned about the disposal of sewerage/waste as there are no mains sewers at this site. The Council believes this will affect the River Beult, which is a clay river of low flow. It is designated a SSSI and allowing untreated or partially treated sewerage into the river would be extremely detrimental."*

3.2 **KCC Biodiversity Officer:** Raise no objections – *"The hedgerows within and surrounding the site are to remain unaffected by the proposed amendments. As a result we have no comments to make on this application - as we feel that the proposed changes have limited potential to impact on protected/notable species or habitats."*

3.3 **MBC Landscape Officer:** Raise no objections.

4. REPRESENTATIONS

4.1 No neighbour representations have been received.

5. CONSIDERATIONS

5.1 Introduction

5.1.1 This is an application for the variation of conditions 1 and 2 of permission MA/11/0675, which approved the change of use of land from agriculture to residential for a gypsy family with the stationing of three mobile homes, two touring caravans and the erection of two timber sheds at '2 Little Appleby' (formerly "Land west of Horseshoes Paddock"), Lucks Lane, Chart Sutton. Condition 1 restricts the number and type of caravans at the site while condition 2 restricts occupation of the site. A copy of the committee report and decision notice relating to this MA/11/0675 is attached as Appendix 1.

5.1.2 The variations seek to allow the siting of an additional mobile home, with no increase in the total number of caravans stationed on the land, and its occupation by Mr Joseph Smith, his wife Mrs Karline Smith, and their resident

dependents. Mr Joseph Smith was formerly a dependant of Mr John Smith Senior and Mrs Louisa Smith, and currently resides with his wife and child on the site in a tourer.

5.2 Site Description & Planning History

- 5.2.1 The application site is located in open countryside to the south of Lucks Lane, an unclassified public highway. The site is not subject to any national or local environmental designations, however the southern boundary of the Greensands Way Special Landscape Area is marked by Lucks Lane in this location. Notwithstanding the comments of the Parish Council, there are no Sites of Special Scientific Interest in the locality.
- 5.2.2 The application site comprises a gypsy and traveller site granted a permanent, personally restricted, permission at Planning Committee in February 2012 under application MA/11/0675. The consent approved a change of use of a field to a caravan site for occupation by persons of gypsy status, the accommodation approved comprising five caravans of which no more than three can be mobile homes or tourers to be occupied by the persons listed in condition 2 attached to MA/11/0675.
- 5.2.3 The site is a rectangular plot with an area of approximately 1700m², and a width of 23m. The site is hard surfaced in the areas on which caravans are stationed, with grassed areas in the along the eastern part of the site and the central part of the west of the site. At the time of the site visit there were three mobiles and two tourers on the land, which were stationed in the approximate positions shown on the A1 site layout plan approved under MA/11/0675. The site frontage, which has a located centrally vehicular access, comprises a mature native hedge which includes trees. The rear boundary of the site is also marked by a native hedge, whilst the east boundary has been planted with willow and other species, in accordance with the landscaping scheme required by condition 6 attached to MA/11/0675 (approved under MA/12/0497), although the approved scheme has not to date been implemented in full.
- 5.2.4 The land to the south and north of the site is in agricultural use. The land immediately to the east of the site is in unauthorised use as a gypsy site, the use being currently under consideration under the scope of MA/12/1044, also reported on the papers. Beyond this, at the junction of Lucks Lane and Chart Hill Road, is a further gypsy site known as "Horseshoe Paddock", which was granted a personal planning permission at appeal in 2000 and 2004 for two statics/mobile homes and two tourers. The three sites are all occupied by members of the same family. The land to the west of the site is used as a paddock associated with Horseshoe Paddock.

5.3 Proposal

- 5.3.1 Permission is sought for the stationing of an additional static caravan/mobile on the site, with no overall increase in the number of caravans on the land. Condition 1 of MA/11/0675 would therefore be varied to allow no more than five caravans on the land, of which no more than four can be static caravans/mobile homes. The additional mobile home would be occupied by Mr Joseph Smith and his wife Mrs Karline Smith, and their resident dependents, including a pre-school age child. These persons are currently residing on the site in a touring caravan. Consent is also sought for the variation of condition 2 to allow these parties to reside on the land as non-dependants of named persons listed in condition 2 of MA/11/0675.
- 5.3.2 The additional mobile home would be sited in the position of the tourer to be removed from the land, to the south of the mobile home located closest to the entrance to the site, on an existing area of hardsurfacing.

5.4 Principle of Development & Policy Background

- 5.4.1 Clearly, a gypsy and traveller site has been recently accepted at the site by the Council with a restriction on the maximum number of caravans of five, of which no more than three shall be static caravans or mobile homes. Condition 1 restricted numbers and types of caravans for the following reason:

"To safeguard the character and appearance of the countryside in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policy CC4 of The South East Plan 2009."

- 5.4.2 The occupation of the site under the scope of MA/11/0675 is restricted by condition 2 to Mr John Smith Senior and his wife Louisa Smith, their son Mr John Smith Junior and his resident dependents, and their granddaughter Ellen Smith and her resident dependants.
- 5.4.3 As such, the main consideration is whether the additional caravan would result in unacceptable harm to the countryside, and whether occupation of the site by Mr Joseph Smith, Mrs Karline Smith and their resident dependents is justified in the circumstances of this case.
- 5.4.4 In terms of policy, policy ENV28 of the Local Plan relates to development in the countryside stating that:

"Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers"

5.4.5 A key consideration in the determination of this application is central Government guidance contained with 'Planning Policy for Traveller Sites' (PPTS) published in March 2012. This places a firm emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.

5.4.6 Work on the Local Plan is progressing; however there is, as yet, no adopted Core Strategy. Local authorities have the responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. To this end Maidstone Borough Council, in wifeship with Sevenoaks District Council procured Salford University Housing Unit to carry out a revised Gypsy and Traveller Accommodation Assessment (GTAA). The GTAA concluded the following need for pitches over the remaining Core Strategy period:-

Oct 2011-March 2016	105 pitches
April 2016- March 2021	25 pitches
April 2021- March 2026	27 pitches
Total Oct 2011 – March 2026	157 pitches

5.4.7 These figures were agreed by Cabinet on the 14th March 2012 as the pitch target to be included in the next consultation version of the Core Strategy. However, an amended target was agreed by Cabinet on 13th March 2013 of **187 pitches** (30 additional pitches) to reflect the extension of the new Local Plan period to 2031.

5.4.8 The Local Development Scheme approved by Cabinet on 13th March 2013 also approved the amalgamation of the Core Strategy Local Plan and the Development Delivery Local Plan, to be called the Maidstone Borough Local Plan. The single Local Plan would contain policies together with the balance of all land allocations (including gypsy and traveller sites). The timetable for adoption is July 2015.

5.4.9 Draft policy CS12 of the emerging Local Plan (Cabinet agreed 13th March 2013) outlines that the Maidstone Borough Council need for gypsy and traveller pitches will be addressed through the granting of planning permissions and through the allocation of sites.

5.5 Gypsy Status

5.5.1 Annex 1 of the PPTS defines gypsies and travellers 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 show people or circus people travelling together as such."

- 5.5.2 The gypsy status of all families at the site was accepted under application MA/11/0675 and the additional caravan would be for occupation by the son, wife and resident dependants of Mr and Mrs Smith as a result of the growth of this gypsy and traveller family. As such, I am satisfied that the variation is sought in respect of genuine additional gypsies or travellers, and that the use of the land for such purposes can be adequately secured by way of conditions.

5.6 Need for Gypsy Sites

- 5.6.1 The PPTS gives guidance on how gypsy accommodation should be achieved, including the requirement to assess need.

- 5.6.2 The latest GTAA (2011-2026) provides the projection of accommodation requirements as follows –

Oct 2011-March 2016	105 pitches
April 2016- March 2021	25 pitches
April 2021- March 2026	27 pitches
Total Oct 2011 – March 2026	157 pitches

As outlined above, an amended target was agreed by Cabinet on 13th March of **187 pitches** (30 additional pitches) to reflect the extension of the new local plan period to 2031.

- 5.6.3 Taking into account this time period, since 1st October 2011 the following permissions for pitches have been granted (net):

43 Permanent non-personal permissions
9 Permanent personal permissions
0 Temporary non-personal permissions
25 Temporary personal permissions

Therefore a net total of 52 permanent pitches have been granted since 1st October 2011.

- 5.6.4 It must be noted that the requirement for 105 pitches in the initial 5 year period includes need such as temporary consents that are yet to expire (but will before the end of March 2016) and household formation. Therefore although the pitch target is high for the first five years, the immediate need is not, in my view,

overriding. However, the latest GTAA clearly reveals an ongoing need for pitches.

5.7 Personal Circumstances

- 5.7.1 The original permission was granted in part as a result of the personal circumstances of the applicants, who have ongoing health and educational needs, which were considered to represent material considerations which weighed in favour of approval of a grant of planning permission.
- 5.7.2 The current application seeks to vary condition 2 attached to MA/11/0675 in order that members of the same family, who currently live on the site as dependents of the applicants, may occupy a mobile home. It is understood that following the death of Mr John Smith Senior and the birth of Ellen Smith's second, third and fourth children, that Mr Joseph Smith and Mrs Karline Smith have a significant role in providing care to Mrs Louisa Smith who is in continuing poor health. A letter has been provided to this effect from the Cobtree Medical Practice. Given the ongoing health requirements of older members of the family and the educational needs and maturation of younger members of the family, together with the natural growth of the family groups within the unit, it is considered that the variation to allow occupation of the site by the named individuals and resident dependants (who in any case have historically resided on the site) is acceptable.
- 5.7.3 The applicant has confirmed that a single tourer will be adequate for the current expected travelling needs of the occupiers of the site.

5.8 Visual Impact

- 5.8.1 The latest guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in open countryside (paragraph 23) but goes on to state that where sites are in rural areas, considerations are that sites do not dominate the nearest settled community and do not place undue pressure on local infrastructure. No specific reference to landscape impact is outlined, however, this is addressed in the National Planning Policy Framework and clearly under Maidstone Borough-Wide Local Plan policy ENV28.
- 5.8.2 The site is already established and benefits from a permanent, albeit personal, consent and so it needs to be considered whether an additional static caravan would result in unacceptable harm to the landscape. I agree with the previous assessment under MA/11/0675 that the site is not prominent or unduly harmful, and is reasonably well screened in medium and long range views from Lucks Lane, Chart Hill Road and the KH558 public footpath by existing landscaping and planting which has yet to reach full maturity. Although the additional mobile

home would be visible in views through the site access, the extent of the landscaping to the northern boundary of the site is such that these views would be limited and would be limited in oblique views from elsewhere on the public highway.

- 5.8.3 The additional static caravan would be sited in the position of a tourer of similar scale which would be removed as a result of approval of the current application, and as such it is not considered that the proposal under consideration would result in significant additional visual harm, or undue consolidation or intensification of the use of the site. It is noted that the proposed variation would not result in the introduction of any additional area of hard surfacing, or loss of landscaping. My view is that the extent of the existing and approved screening and the scale of the site are such that the additional mobile home can be accommodated without causing any significant or unacceptable harm to the landscape.

5.9 Residential Amenity

- 5.9.1 The application site is located immediately adjacent to an unauthorised gypsy site, Horseshoes Paddock, which is the subject of a currently undetermined application for a change of use to land as a residential (MA/12/1044), beyond which is a further gypsy site which was granted planning permission for the (MA/11/0675). There is no reason to expect that the domestic activities that would result from the exchange of a tourer for a mobile home would result in any undue harm to the residential amenity of the occupiers of these sites.
- 5.9.2 The nearest permanent dwellings are located approximately 90m to the south and 130m to the north east; the proposal would not have any impact upon the residential amenity of the occupiers of these properties.

5.10 Highways

- 5.10.1 The existing access has previously been fully assessed and found to be of an adequate standard, and it is not considered that the proposal would result in any harm to highway safety by way of additional traffic.

5.11 Other Matters

- 5.11.1 The Kent County Council Biodiversity Officer has confirmed that there would be no detrimental implications for ecology from the additional mobile home.
- 5.11.2 Foul drainage is currently dealt with by way of cess pit, the details of which were approved under discharge of conditions application MA/12/0497. Receipts have been provided to indicate that the structures hold up to 2000 gallons of

waste. It is not considered that the replacement of a tourer with a mobile home will place undue strain upon the existing installation.

6. CONCLUSION

- 6.1 It is not considered that the variation of condition 1 to allow an additional mobile home with no overall increase in the number of caravans allowed to be stationed on the site, would result in any significant additional visual or other harm. In the context of a growing family the variation of conditions 2 and 3 to allow occupation of the site by Mr Joseph Smith, Mrs Karline Smith and their resident dependents in addition to the persons named in condition 2 attached to MA/11/0675 is acceptable.
- 6.2 I therefore recommend that permission is granted subject to conditions. Being an application to vary conditions of the original consent, and therefore in effect creating a new permission, I propose conditions securing the quality of the development as imposed under MA/11/0675 and requiring the use to be undertaken in accordance with the details approved under MA/12/0497, where relevant.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. No more than 5 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 4 shall be a static caravan or mobile home) shall be stationed on the site at any one time;

Reason: To safeguard the character and appearance of the countryside in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and central government planning policy as set out in the National Planning Policy Framework 2012.

2. The occupation of the site hereby permitted shall be carried on only by Louisa Smith; her son Mr John Smith Junior and his resident dependents; her son Mr Joseph Smith, Karline Smith and their resident dependants; and her granddaughter Ellen Smith and her resident dependants;

Reason: The personal circumstances of the applicant and his family are considered to represent overriding grounds to allow planning permission and in order to protect the character and appearance of the countryside in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and central

government planning policy as set out in the National Planning Policy Framework 2012 and Planning Policy for Traveller Sites 2012.

3. When the land ceases to be occupied by those named in condition 2 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority;

Reason: To appropriately restore the site in the interest of protecting the character and appearance of the countryside in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, and central government planning policy as set out in the National Planning Policy Framework 2012 and Planning Policy for Traveller Sites 2012.

4. No commercial activities shall take place on the land, including the storage of materials;

Reason: To prevent inappropriate development, safeguard the amenity, character and appearance of the countryside and safeguard highway safety in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, and central government planning policy as set out in the National Planning Policy Framework 2012 and Planning Policy for Traveller Sites 2012.

5. No external lighting, other than that approved under MA/12/0497, shall be installed at the site;

Reason: To prevent inappropriate development, safeguard the amenity, character and appearance of the countryside and safeguard highway safety in accordance with policies ENV28 and ENV49 of the Maidstone Borough-Wide Local Plan 2000 and central government planning policy as set out in the National Planning Policy Framework 2012 and Planning Policy for Traveller Sites 2012.

6. The details of landscaping approved under MA/12/0497 shall be implemented in full during the next planting and seeding season following the date of this decision and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure an appropriate setting to the site in the interests of visual amenity in accordance with policies ENV6 and ENV28 of the Maidstone Borough-

Wide Local Plan 2000 and central government planning policy as set out in the National Planning Policy Framework 2012 and Planning Policy for Traveller Sites 2012.

7. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gate or walls shall be erected at the site beyond those approved under condition 8;

Reason: in the interest of protecting the character and appearance of the countryside and to prevent the deliberate isolation of the occupiers from other members of the community in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, and central government planning policy as set out in the National Planning Policy Framework 2012 and Planning Policy for Traveller Sites 2012.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

R. Odone
17/01/12

APPLICATION: MA/11/0675 Date: 16 May 2011 Received: 20 December 2011

APPLICANT: Mr J Smith

LOCATION: LAND WEST OF HORSESHOES PADDOCK, LUCKS LANE, CHART SUTTON, MAIDSTONE, KENT

PARISH: Chart Sutton

PROPOSAL: Retrospective application for the change of use of land from agriculture to residential for a gypsy family with the stationing of three mobile homes, two touring caravans and the erection of two timber sheds as shown on A1 site location plan received on 24th May 2011 and A1 site layout plan received on 20th December 2011.

AGENDA DATE: 26th January 2012

CASE OFFICER: Richard Timms

The recommendation for this application is being reported to Committee for decision because:

- It is a controversial development due to the receipt of a petition of approximately 1200 signatures referring to the application.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV28
- The South East Plan 2009: CC6, H4, C4
- Government Policy: PPS1, PPS3, PPS4, PPS7, PPS9, PPS23
- Circular 01/2006: Planning for Gypsy & Traveller Caravan Sites

2. HISTORY

MA/91/1161 - Section 64 determination for the erection of a field shelter - REFUSED

MA/90/1655 - Hardstanding for the tending loading and unloading of livestock (cattle) and also siting of shelter and feed store - REFUSED

MA/79/0970 - Stationing of caravan to provide shelter and meals, garden shed for storage of tools etc - REFUSED

3. CONSULTATIONS

Chart Sutton Parish Council: Wishes to see the application REFUSED but do not wish the application to be reported to Planning Committee.

"Wishes to see the application REFUSED because: it is an agricultural field in greenfield site in open countryside; is outside any area of development; there are no mains services available and the demand has already been met for Gypsy/Traveller sites in Maidstone."

KCC Biodiversity Projects Officer: No objections

"No ecological information has been submitted in support of this application. We have reviewed the desk top information available (OS maps, aerial photographs, site photographs, biological records) and consider that there is minimal potential for ecological impacts as a result of the proposals."

The site itself does not appear to have had particular ecological interest, comprising short grassland. Of greatest potential value are the hedgerows to the northern and southern boundaries. The 1993 Kent Wildlife Habitat Survey found that these hedgerows were species-rich (at least five 'woody species' and 'associated features' in a 30m stretch – see the Hedgerows Regulations 1997 for full details), and this is very unlikely to have changed. From the site photographs, it appears that the creation of the entrance has required approximately 4-5 metres of hedgerow to be removed."

There are no woodland areas linked to the site so we do not consider there to be a 'reasonable likelihood' of dormouse presence in the hedgerow. Had we been consulted prior to the development taking place, we would have advised that works affecting the trees/vegetation be undertaken outside of the bird nesting season in order to minimise potential for damage/destruction of active bird nests. We do not consider an ecological survey to be necessary."

The key principles of Planning Policy Statement 9 are not only to avoid, mitigate or compensate for harm to biodiversity but also to incorporate ways to enhance and restore it. We note the intention to plant trees around the perimeter of the site and advise that the planting should be of a native species mix in order to achieve the maximum ecological benefit."

MBC Environmental Health Manager: Grant approval subject to a condition requiring more specific drainage details and any caravan sites licence conditions being met.

Kent Highway Services: No objections

4. REPRESENTATIONS

Neighbours: Five representations received raising the following points:

- Visually intrusive and harmful to the countryside.
- Change of use of agricultural land.
- Access has been created by destroying part of a hedge.

- Large quantity of similar sites in the area and there seems to be no limit on the numbers.
- We understood there was a cap on the number of mobile homes in relation to private houses.
- Totally illegal.
- Does not appear to be a planning notice at the site.
- Any native of the Parish would be unsuccessful in getting planning permission.
- Any consent should be conditional upon adequate screening.

Petition:

A petition of approximately 1200 signatures in relation to the open countryside around Wierton, Chart Sutton, Boughton Monchelsea and the Greensand Way has been received which makes references to a number of gypsy sites, including the application site and also to a proposed residential conversion. To summarise it states that the Council has the highest number of authorised and unauthorised sites in Kent, considers that the Council has a lack of rigour concerning process and enforcement and that checks and procedures have not been followed and that it has not planned sufficiently to meet the needs of travellers with the result that many have had to resort to unlawful developments which is harming community cohesion and is not fair on the residents, nor on the travellers.

(The Council agreed that the petition be referred to the Cabinet at a future date (to be considered as a representation on the Core Strategy), the Planning Committee (in so far as it relates to "live" planning applications and enforcement generally) (considered on 12th January 2012) and the Regeneration and Economic Development Overview and Scrutiny Committee (to consider the policy implications and make recommendations to the Cabinet as appropriate) (considered on 25th October 2011). The petition therefore has/will be fully considered by the Council and as such, no specific comments relating to it are made in this report)

Weald of Kent Protection Society: *"Not only are the proposed buildings etc in open countryside where such building is normally not permitted, but the site also seems particularly "unsustainable", since it is on an open agricultural field, not well located as regards transport access or proximity to facilities, and likely to have negative visual impact on countryside. We recognise that there may be genuine shortage of sites, but this one is surely particularly unsuitable."*

5. CONSIDERATIONS

5.1 Introduction & Site Description

- 5.1.1 This is a retrospective application for the change of use of land to residential for a gypsy family with the stationing of three mobile homes, two touring caravans, two timber sheds and associated works at 'Little Appleby', Land West of Horseshoes Paddock, Lucks Lane, Chart Sutton.
- 5.1.2 The site is located within the open countryside with no special landscape designation, although the Greensand Ridge Special Landscape Area is immediately to the north. The site is a rectangular parcel of land located on the south side of Lucks Lane, approximately 1700m² in area. It is located within the centre of a grassed field with a road frontage width of around 23m where hedging and trees have been removed to provide vehicular access. It extends back from the road southwards for around 74m where it meets a hedge boundary here.
- 5.1.3 At the time of my site visit there were two static mobile homes and three touring caravans but the applicant intends to replace one of the touring caravans with a static mobile home (total of 3 static and 2 tourers). One mobile is sited towards the front, north of the site on the west side. This is occupied by the applicant Mr John Smith snr. and his wife Louisa. The other mobile is at the rear of the site and is occupied by Mr John Smith jnr., his wife Mary and their son John (18 yrs). One of the tourers is being lived in by John jnr's daughter Ellen Smith and her partner Henry and their 2 children (both under 2yrs) and this is to be replaced with a static mobile home within the middle and on the west side of the site. Ellen is also expecting another child. The two tourers are for the family when travelling.
- 5.1.4 There is hard surfacing at the site entrance and around the mobile homes. There are grass areas retained on the east and west sides and at the rear. There is a timber shed (to be retained) and temporary toilet (to be removed) in the northwest corner and temporary toilet within a shed (to be removed) near to the rear boundary. There is also a small moveable storage container here. There is stock proof fencing along both sides of the site.
- 5.1.5 Either side of the site are grassed fields grazed by horses owned by the applicant's nephew who lives at the gypsy site 'Horseshoe Paddock' around 55m to the east. This site has a personal permission for 2 mobile homes and 2 tourers allowed at appeal in 2000 and 2004. To the rear, south is an established hedge around 3m in height with an open grassed field in different ownership beyond. The site frontage with Lucks Lane is formed by an established deciduous hedge with trees and there is a short section of 2m high timber fencing (to be

removed) on the west side of the access which has timber gates set back from the road.

- 5.1.6 Apart from the 'Horsehoes Paddock' site, the nearest dwellings are 'Lambs Cross Farm' around 90m south of the site and 'Noons Farm' around 130m to the northeast.

5.2 Proposal

- 5.2.1 This application proposes a retrospective change of use of agricultural land to a residential caravan site for occupation by a gypsy family. As outlined above there would be 7 adults and 2 children living on the site. The family previously lived at a site in the AONB in Wealden District, East Sussex but had to move off following a dismissed appeal which will be discussed in more detail below.
- 5.2.2 This involves three mobile homes and two touring caravans with the layout as currently on site and set out above but with new native hedge and tree landscaping. The shed (5m x 2.5m and approx. 2m in height) at the front of the site would be retained and the temporary toilet removed. A new shed would be erected at the rear of the site to replace the temporary toilet. Two septic tanks would provide foul drainage and one has already been installed at the front.

5.3 Principle of Development

- 5.3.1 There are no saved Local Plan policies that relate directly to this type of development. Policy ENV28 of the Local Plan relates to development in the countryside stating that:

"Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers"

- 5.3.2 ENV28 then outlines the types of development that can be permitted. This does not include gypsy development: this was previously formally covered under housing Policy H36 but this is not a 'saved' policy.
- 5.3.3 There is no specific gypsy accommodation policy in The South East Plan 2009 although Policy H4 makes reference to providing accommodation for gypsies and therefore there is no need to advertise this application as a departure from the Development Plan. Policy CC1 concerns sustainable development and ensuring the physical and natural environment of the South East is conserved and enhanced. Policy CC6 outlines that actions and decisions associated with the development and use of land should respect, and where appropriate enhance, the character and distinctiveness of settlements and landscapes. Policy C4 concerns landscape and countryside management, essentially outlining that outside nationally designated landscapes, positive and high quality management

of the region's open countryside will be encouraged, protected and enhanced, securing appropriate mitigation where damage to local landscape character cannot be avoided.

5.3.4 PPS7: Sustainable Development in Rural Areas outlines at paragraph 15 that:

"Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced."

5.3.5 PPS4 is also considered relevant, as whilst it relates to economic development, it provides the Government's most recent stance on the protection of the countryside at Policy EC6 –

"Local Planning Authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all."

5.3.6 Also key in the determination of this appeal is Central Government Guidance contained within Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites. This places a firm emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites will need to be found in rural areas. The Government has carried out consultation on a Planning Policy Statement for traveller sites but this guidance has not yet been finalised or formally adopted so I attach it little weight.

5.3.7 Work on the Local Development Framework is progressing; however there is, as yet, no adopted Core Strategy. Now that the Government intends to abolish the South East Plan, local authorities have the responsibility for setting their own target for the number of pitches to be provided in their areas. The Core Strategy will set the target pitch figure for the Borough for the period 2006 to 2016. The Core Strategy will contain a gypsy and traveller policy to assess any windfall sites. The initial Core Strategy public consultation has recently ended, which includes the agreed Cabinet target of 71 pitches for the period 2006 to 2016.

5.3.8 The Local Development Scheme Priority Documents were considered by Cabinet on 8th June 2011. In relation to the Gypsy and Traveller Pitch Allocations DPD, Cabinet agreed to no longer pursue this as a specific DPD but instead to merge it with, and allocate pitches within the overall Land Allocations DPD (under a new title of Development Delivery DPD). (The Land Allocations DPD will allocate the specific sites for residential and non-residential development, as well as dealing with landscape designations and village boundaries). A revised Local Development Scheme was reported to the Task and Finish Panel on the 20 September 2011 with a revised timescale for the adoption of documents. This indicates that the Development Delivery DPD is scheduled for adoption in March

2015. This Council, in partnership with Sevenoaks District Council, has procured Salford University Housing Unit to carry out a revised Gypsy and Traveller Accommodation Assessment and work on that continues.

- 5.3.9 Issues of need are dealt with below but, in terms of broad principles, Development Plan Policy and Central Government Guidance clearly allow for gypsy sites to be located in the countryside as an exception to the general theme of restraint.

5.4 Gypsy Status

- 5.4.1 Circular 01/06 defines gypsies and travellers 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 show people or circus people travelling together as such."*
- 5.4.2 I have reviewed a recently dismissed hearing appeal decision (Ref. APP/C1435/A/09/2116465 - 16th March 2010) within Wealden district where the Inspector was satisfied that the Smith family are gypsies for the purpose of the Circular. They are of Romany Gypsy origin. They lived in Australia for over 30 years where they had an itinerant lifestyle and travelled for work purposes. The family returned to England in the early part of 2006 following a tragic incident where one family member died and another was injured. The family have various health issues, that will be discussed below and therefore have stopped travelling. They are related to the Smiths at Horseshoe Paddock who's gypsy status has been accepted. I am satisfied they comply with the Circular definition.

5.5 Need for Gypsy Sites

- 5.5.1 Planning Policy Statement 3: Housing makes specific reference to the need to accommodate Gypsies and Travellers. Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites gives guidance on how this should be achieved, including the need to start the process with a clear assessment of needs through Gypsy and Traveller Accommodation Assessments.
- 5.5.2 A Gypsy and Traveller Accommodation Assessment (GTAA) was conducted previously to assess the level of need for gypsy accommodation over the five year period from April 2006 to April 2011 and resulted in the overall pitch requirement being identified of 44 pitches for the whole 5 year period.
- 5.5.3 Since April 2006 the following permissions for pitches have been granted (net):

50 permanent non-personal permissions

15 permanent personal permissions
8 temporary non-personal permissions
27 temporary personal permissions

- 5.5.4 Therefore a net total of 65 permanent planning permissions have been granted since April 2006.
- 5.5.5 The Council has agreed its public consultation draft pitch requirement for the period 2006 to 2016 for inclusion in the draft Core Strategy as 71 pitches so there is currently a shortfall of 6 pitches. This target is currently being updated as a revised Gypsy and Traveller Accommodation Assessment is being carried out.
- 5.5.6 In terms of unauthorised pitches, based on the most recent July 2011 count and according to the Council's database at the time of writing this report, there are 51 unauthorised mobile homes and 72 touring caravans.
- 5.5.7 Numerous Inspectors at appeal consider that the level of unauthorised mobiles is an indication of general need; however, I do not consider this to be currently overriding.
- 5.5.8 It is considered that the Council has met the Identified need for the period 2006 to April 2011 through the Development Management process. However, the need for pitches continues beyond April 2011.

5.6 Visual Impact

- 5.6.1 Whilst there is no criteria-based policy for the determination of gypsy caravan applications (Circular 01/06 is the key document), the impact of such developments on the character and appearance of the countryside is a key consideration.
- 5.6.2 The application site is not located in an area designated for its landscape value. I have visited the site in both the summer and winter and the site is generally well screened from Lucks Lane by the established hedgerow along the lane's south side in the summer. In the winter it is more easily seen but any views are still broken by the hedging. The site is clearly visible when standing at the entrance to the site and there are some limited views through an access around 60m to the northwest on the lane. Whilst easier to see in winter, I consider the roadside hedgerow provides a good natural screening of the site.
- 5.6.3 Further from the site, the hedgerows bounding both sides of Lucks Lane screen any views from Chart Hill Road further to the northeast. There are glimpses of the caravans through the existing Horseshoe Paddock site at the junction of Chart Hill Road and Lucks Lane but the site is not prominent from here.

Otherwise the site is not clearly visible from Chart Hill Road. From public footpath KH558 between 180m and 320m to the west there are broken views of some caravans between established hedging, although again I would not suggest the site is prominent or overly intrusive from here. Following this path to the east the site is generally well screened by intervening hedgerows and there are only broken glimpses from the footpath around 85m south of the site.

- 5.6.4 Overall, I consider the visual impact of the site is low in the wider landscape but there are short range views from Lucks Lane and glimpses from the public footpath and limited points on Chart Hill Road. The site is more visible during the winter months but additional landscaping could further screen the site and reduce its visual impact. The applicant has proposed native hedge planting with trees along both flanks of the site, by the access and a line of trees within the centre of the site. Existing hedging and trees at the front and rear would be retained. In time this landscaping would help the site assimilate into its setting and reduce the impact of the development. I also consider the amount of hard surfacing could be reduced and landscaped which would be beneficial. My view is that whilst the site causes some impact upon character and appearance of the countryside here, it is not a significant impact.
- 5.6.5 There is the nearby traveller site to the east but I consider the separation distance of 55m is such that they do not result in a significant harmful impact when seen together and the proposed landscaping would reduce any impact. There are other traveller sites on Chart Hill Road but I do not consider that a granting of permission here would lead to an unacceptable over-concentration in terms of visual impact, given the spacing between the respective sites.

5.7 Personal Circumstances

- 5.7.1 The applicant has put forward various personal circumstances as part of their submission, many of which were fully considered under the dismissed appeal at Wealden, East Sussex. (This appeal was dismissed due to the visual impact of the development, however, this site was located within an AONB, a national landscape designation that benefits from the highest level of landscape protection)
- 5.7.2 I consider it important to review the Inspector's discussion of the applicant's accommodation needs and personal circumstances as they are still much the same. He stated as follows:

"The appellants consider that a settled site is needed as a base for their extended family. Given their traumatic experience stemming from the incident in Australia where a family member died and another was injured, mutual support from relatives is valued. With regard to mutual support, I am also aware that the appellants are of pension age and that Ellen Smith gave birth to a daughter last November, and she is now pregnant again. The family therefore consider it important that they stay together as a group. The

appellants consider that permanent dwellings would not provide appropriate accommodation for the family because it would be alien to their gypsy lifestyle and culture.

There are material personal circumstances relating to health and education. Doctor's letters dated 7 September and 9 November 2009 have been submitted in support of the appeal. The letters indicate that the family are under a great deal of stress which is having an adverse impact on their health and that the stress is related to the issues regarding the family living on the site, and also to the longer term issues related to the incident in Australia. One family member, who has had a stroke, now has a heart condition and serious health problems, whilst another has a condition where the body rejects its kidneys. Other family members suffer from hypertension, depression, insomnia, and psoriasis. At the hearing it was mentioned on behalf of the appellants that the family member who has the heart condition has deteriorated over the last two years and has become a registered disabled person during this time. However, there is no detailed medical evidence before me to support the contention that there has been deterioration.

However, it is my opinion that there has not been a significant change in personal circumstances since February 2008 when the previous Inspector mentioned those before him in his decision letter. I can only concur with the previous Inspector and find that none of the personal circumstances currently before me demonstrate a need for the appellants to be on the appeal site. The medical conditions referred to also occur in the settled population. Nevertheless, I consider it likely that access to education and health facilities would suffer if the family members were unable to live on a settled site. I therefore conclude that there are material personal circumstances which weigh in favour of the appeal."

5.7.3 Since that decision, the applicant outlines that the family had to move from the Wealden site and had nowhere to go so lived on the roadside for a short period. Because of the applicant's ill health and their grand daughter's two young babies it was not considered suitable and so they moved on to this proposed site. Many of the same people are who were living on the Wealden site are also living on this site. Those at the application site have put forward the following health and general issues.

5.7.4 A letter from the Cobtree Medical Practice (June 2011) outlines that the applicant's both suffer with serious long term medical conditions. Dr Michale Hever states that,

"John Smith Snr. has Ischaemic Heart Disease causaign chest pain and breathlessness on minima exertion, Cerebrovascular Disease (stroke) causing arm and leg weakness, and depression and post-traumatic stress disorder having witnessed the brutal and tragic murder of their son in Australia. Louisa suffers from Hypertension (high blood pressure) and likewise chronic depression and post-traumatic stress disorder. Having to move yet again would be very likely to cause you both further stress and upset."

- 5.7.5 Various doctor's letters from 2006 to 2009 have also been submitted which state the same. Doctor's letters have been submitted from the previous Wealden site (7th September 2009) stating that their son John Smith jnr. suffers from hypertension.
- 5.7.6 Since submission of the application John Smith Snr. has been diagnosed with lung cancer which is confirmed by letters from the Cobtree Medical Practice and Heart of Kent Hospice (November 2011) and is due to be treated with radiotherapy. Ellen Smith is pregnant and expecting a baby in May 2012, which is confirmed by correspondence from the Cobtree Medical Practice.
- 5.7.7 The applicant's wife states that she and her husband need their family with them to provide support and I note that this was referred to in the previous appeal decision where the Inspector states that, *"with regard to mutual support, I am also aware that the appellants are of pension age and that Ellen Smith gave birth to a daughter last November (2009), and she is now pregnant again. The family therefore consider it important that they stay together as a group."* She outlines that it is a gypsy tradition to live together as one extended family unit.
- 5.7.8 The Inspector considered there to be material personal circumstances relating to health issues and living together as one unit but felt that none of the personal circumstances demonstrated a need for the appellants to specifically live on the Wealden site. Nevertheless, he considered it likely that access to education and health facilities would suffer if the family members were unable to live on a settled site and so concluded that these were material personal circumstances.
- 5.7.9 The personal circumstance of the applicant's have changed since that April 2010 decision with John Smith Snr. now being diagnosed with lung cancer, Ellen Smith and her partner having another baby and expecting another. In my view the personal circumstances now attract greater weight in favour of the development than before. I consider that the applicant and his wife benefit greatly from other family members living on site both for support and for practical reasons (e.g. providing lifts to their GP and hospital) and that they all provide valuable support for one another. I agree with the previous Inspector that although the personal circumstances do not necessitate the family to live at this particular site, it would provide a settled base to provide access to essential health facilities. I consider that these are material personal circumstances that weigh in favour of the proposal.

5.8 Residential Amenity

- 5.8.1 The nearest dwellings are 'Lambs Cross Farm' around 90m south of the site and 'Noons Farm' around 130m to the northeast. At this distance I do not consider any adverse impacts upon residential amenity would occur in terms of privacy

and disturbance. I consider the site is a sufficient distance (55m) from Horseshoe Paddocks such that the amenity of both sites is acceptable.

5.9 Highways & Sustainability

- 5.9.1 There is good visibility onto Lucks Lane from the access and traffic is unlikely to be travelling at high speeds on this narrow lane. I consider that the use of the site would not result in any significant highway safety issues, and no objections have been raised by the KCC Highways Engineer. I also consider the local highway network is capable of accommodating the relatively low level of vehicle movements involved.
- 5.9.2 It is inevitable that gypsy traveller sites will be located beyond the bounds of settlements and within the rural area. In my view this site is not so remote from basic services and public transport opportunities as to warrant objection on the basis that this is not a sustainable location being under 2km from Chart Sutton and 2.5km from Sutton Valence. The site will provide easier access to GP and other health services and prevent potential unauthorised roadside stopping so in the context of Circular 01/06, I consider the site is not so unsustainable so as to warrant an objection.

5.10 Ecology

- 5.10.1 The site was part of a grass field which was partly grazed by horses. No objections have been raised by the KCC Biodiversity Projects Officer who does not consider an ecological survey is necessary as the site does not appear to have had particular ecological interest. The hedgerows to the north and south are considered important and these would be retained, obviously apart from that lost to create the access. New native hedge and tree planting would provide benefits and overall I consider there to be no grounds to object in relation to ecology.

5.11 Drainage

- 5.11.1 Two septic tanks would be provided (one is installed) both 3080 litres capacity. I have discussed this with the Environmental Health section and they have confirmed that this capacity should be sufficient for the number of people on site but the applicants will need to contact the Environment Agency to establish/obtain a consent to discharge. This could potentially be refused and an alternative solution required so I consider a condition to ensure any arrangement is agreed and finalised is reasonable to prevent any pollution of the environment.

5.12 Other Matters

- 5.12.1 Other issues raised on the application not considered above relate to the change of agricultural land, a cap on the number of mobile homes in relation to private houses, that a native of the Parish would be unsuccessful in getting planning permission and no planning notice at the site. The proposals would not result in the loss of the best and most versatile agricultural land. There is no 'cap' on the number of mobile homes allowed in relation to houses but I do not consider the proposals would lead to unacceptable over-concentration of sites or any harmful impact upon residential amenity. The applicant's fall within the definition of gypsies and travellers and so in principle can be allowed to live at rural locations under current planning policy and law. A site notice was attached to the telegraph pole outside the site on Lucks Lane on 17th June allowing 21 days for any comments and I note it is still in place.

6. CONCLUSION

- 6.1.1 I consider there is some harm to the countryside here but it is localised mainly to a short section of Lucks Lane and the site is not prominent or unduly harmful in any medium to long range views both in the summer and winter. The site is also not located in an area designated for its landscape value. My view is that the harm is not significant and could be reduced through new landscaping at the site. Nonetheless there is some harm to the countryside.
- 6.1.2 I consider there are strong material personal circumstances that weigh in favour of the development for the applicants, mainly relating to issues of health but also the benefits of the family living together to provide support for one another and having a settled base that provides regular access to health services. In balancing this against the level of harm, which I do not consider to be significant, and the fact that the site can be further landscaped, I consider that the applicant's personal circumstances outweigh this level of harm. On this basis, I consider a permanent permission is justified but that it should be personal to the applicant's family as this has been a determining factor in my decision.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. No more than 5 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 3 shall be a static caravan or mobile home) shall be stationed on the site at any one time. The static caravans shall only be sited in the positions as shown on the site layout plan (1:200 scale) received on 20th December 2011;

Reason: To safeguard the character and appearance of the countryside in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policy C4 of The South East Plan 2009.

2. The occupation of the site hereby permitted shall be carried on only by the applicant Mr John Smith Senior and his wife Louisa Smith, their son Mr John Smith Junior and his resident dependents, and their granddaughter Ellen Smith and her resident dependants;

Reason: The personal circumstances of the applicant are considered to represent overriding grounds to allow planning permission and in order to protect the character and appearance of the countryside in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan (2000) and policy C4 of the South East Plan (2009) and guidance in Circular 01/2006.

3. When the land ceases to be occupied by those named in condition 2 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

Reason: To safeguard the amenity, character and appearance of the countryside in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policy C4 of the South East Plan (2009).

4. No commercial or business activities shall take place on the land;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policy C4 of the South East Plan (2009).

5. Within 2 months of the date of this decision details of existing and any proposed external lighting within the site shall be submitted to the Local Planning Authority for approval in writing. No further external lighting shall be installed at the site beyond that approved under this condition;

Reason: To safeguard the character and appearance of the countryside in accordance with Policy ENV28 of The Maidstone Borough-Wide Local Plan 2000 and policy C4 of the South East Plan (2009).

6. Within 2 months of the date of this decision specific details of the landscaping scheme as shown on the site layout plan (1:200 scale) received on 20th December 2011, outlining indigenous species, details of hedges and trees to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and

long term management plan shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall also include the reduction in the amount of hard surfacing and its replacement with soft landscaping.

Reason: No such details have been submitted and to ensure an appropriate setting to the site in the interests of visual amenity in accordance with Policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan 2000, Policy C4 of the South East Plan 2009.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the next planting and seeding season following their approval and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure an appropriate setting to the site in the interests of visual amenity in accordance with Policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan 2000, Policies CC1 and C4 of the South East Plan 2009 and PPS7.

8. Within 2 months of the date of this decision details of all fencing and boundary treatments shall be submitted to the Local Planning Authority for approval in writing. The details shall include retention of the post and wire fencing along the sides of the site and a reduction in the amount of close-boarded fencing at the front of the site.

Reason: No such details have been submitted and to ensure an appropriate setting to the site in the interests of visual amenity in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policy C4 of the South East Plan 2009.

9. Within 3 months of the date of this decision full details of the proposed means of foul water disposal shall be submitted to the Local Planning Authority for approval in writing. If septic tanks are to be used you will need to provide evidence of approval or consent from the Environment Agency. The development shall thereafter be undertaken in accordance with the approved details;

Reason: In the interests of proper drainage and prevention of pollution in accordance with PPS23.

10. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gate or walls shall be erected at the site beyond those approved under condition 8;

Reason: To ensure an appropriate setting to the site in the interests of visual amenity in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policy C4 of the South East Plan 2009.

11. The development hereby permitted shall be carried out in accordance with the following approved plans: A1 site location plan received on 24th May 2011 and A1 site layout plan received on 20th December 2011.

Reason: To safeguard the character and appearance of the countryside in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) and Policy C4 of The South East Plan 2009.

Informatives set out below

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 Environmental Health Manager on 01622 602145 in respect of a licence.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

Cobtree Medical Practice

Dr Michael Heber

Southways
Sutton Valence
MAIDSTONE, Kent
ME17 3HT

16 April 2013

Mrs Louisa Smith
Little Appleby
Lucks Lane
Chart Sutton
Maidstone
Kent
ME17 3EX

MA 13/0587

Dear Mrs Smith,

You asked me to write a letter of support for your planning application. Please feel free to use this letter.

Your son Joseph and his wife Karlene are currently living on your site in a touring caravan, without permanent heating or toilet and washing facilities. Karlene is providing you with support and acting as your carer since the sad death of your husband. You suffer with high blood pressure, depression and deteriorating arthritis.

It would be advantageous for all of you if permission were granted for Joseph and Karlene to have a mobile home on the site.

Yours sincerely,


Michael Heber



Directorate of Change, Planning and the Environment
Maidstone House, King Street, Maidstone, ME15 6JQ

DEVELOPMENT CONTROL

Mr J Smith
Little Appleby
Lucks Lane
Chart Sutton

My Ref: MA/11/0675
Date: 26 January 2012

TOWN AND COUNTRY PLANNING ACTS

Town and Country Planning (General Permitted Development) Order 1995
Town and Country Planning (Development Management Procedure) (England)
Order 2010

TAKE NOTICE that **THE MAIDSTONE BOROUGH COUNCIL**, The Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PLANNING PERMISSION** in accordance with the details set out below:

APPLICATION: MA/11/0675

DATE RECEIVED: 20 December 2011 DATE VALID: 20 December 2011

APPLICANT: Mr J Smith

PROPOSAL: Retrospective application for the change of use of land from agriculture to residential for a gypsy family with the stationing of three mobile homes, two touring caravans and the erection of two timber sheds as shown on A1 site location plan received on 24th May 2011 and A1 site layout plan received on 20th December 2011.

LOCATION: LAND WEST OF HORSESHOES Paddock, LUCKS LANE, CHART SUTTON, MAIDSTONE, KENT

GRID REF: 578994, 148628

This permission is **SUBJECT** to the following conditions:

1. No more than 5 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 3 shall be a static caravan or mobile home) shall be stationed on the site at any one time. The static caravans shall only be sited in the positions as shown on the site layout plan (1:200 scale) received on 20th December 2011;

Reason: To safeguard the character and appearance of the countryside in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policy C4 of The South East Plan 2009.

Continuation of decision: MA/11/0675

2. The occupation of the site hereby permitted shall be carried on only by the applicant Mr John Smith Senior and his wife Louisa Smith, their son Mr John Smith Junior and his resident dependents, and their granddaughter Ellen Smith and her resident dependants;

Reason: The personal circumstances of the applicant and his family are considered to represent overriding grounds to allow planning permission and in order to protect the character and appearance of the countryside in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan (2000) and policy C4 of the South East Plan (2009) and guidance in Circular 01/2006.

3. When the land ceases to be occupied by those named in condition 2 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

Reason: To safeguard the amenity, character and appearance of the countryside in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policy C4 of the South East Plan (2009).

4. No commercial or business activities shall take place on the land;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policy C4 of the South East Plan (2009).

5. Within 2 months of the date of this decision details of existing and any proposed external lighting within the site shall be submitted to the Local Planning Authority for approval in writing. No further external lighting shall be installed at the site beyond that approved under this condition;

Reason: To safeguard the character and appearance of the countryside in accordance with Policy ENV28 of The Maidstone Borough-Wide Local Plan 2000 and policy C4 of the South East Plan (2009).

6. Within 2 months of the date of this decision specific details of the landscaping scheme as shown on the site layout plan (1:200 scale) received on 20th December 2011, outlining indigenous species, details of hedges and trees to be

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

Continuation of decision: MA/11/0675

retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management plan shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall also include the reduction in the amount of hard surfacing and its replacement with soft landscaping.

Reason: No such details have been submitted and to ensure an appropriate setting to the site in the interests of visual amenity in accordance with Policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan 2000, Policy C4 of the South East Plan 2009.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the next planting and seeding season following their approval and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure an appropriate setting to the site in the interests of visual amenity in accordance with Policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan 2000, Policies CC1 and C4 of the South East Plan 2009 and PPS7.

8. Within 2 months of the date of this decision details of all fencing and boundary treatments shall be submitted to the Local Planning Authority for approval in writing. The details shall include retention of the post and wire fencing along the sides of the site and a reduction in the amount of close-boarded fencing at the front of the site.

Reason: No such details have been submitted and to ensure an appropriate setting to the site in the interests of visual amenity in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policy C4 of the South East Plan 2009.

9. Within 2 months of the date of this decision full details of the proposed means of foul water disposal shall be submitted to the Local Planning Authority for approval in writing. If septic tanks are to be used you will need to provide evidence of approval or consent from the Environment Agency. The

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

Continuation of decision: MA/11/0675

development shall thereafter be undertaken in accordance with the approved details;

Reason: In the interests of proper drainage and prevention of pollution in accordance with PPS23.

10. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gate or walls shall be erected at the site beyond those approved under condition 8;

Reason: To ensure an appropriate setting to the site in the interests of visual amenity in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policy C4 of the South East Plan 2009.

11. The development hereby permitted shall be carried out in accordance with the following approved plans: A1 site location plan received on 24th May 2011 and A1 site layout plan received on 20th December 2011.

Reason: To safeguard the character and appearance of the countryside in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) and Policy C4 of The South East Plan 2009.

Informatives set out below

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 Environmental Health Manager on 01622 602145 in respect of a licence.

The applicant should contact Maidstone Borough Council Landscape Officers in advance of submitting and implementing any approved landscaping scheme and work closely with them to ensure an effective delivery of the scheme.

This application has been considered in relation to the following policies:

IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

Continuation of decision: MA/11/0675

Maidstone Borough-Wide Local Plan 2000: ENV28

South East Plan 2009: CC6, H4, C4

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

Signed

R.L.L. Jarman

Rob Jarman
Head of Planning

Date 26 January 2012

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**THIS IS NOT A BUILDING REGULATION APPROVAL**

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.

**TAKE NOTICE** that this decision does not confirm compliance with Section 53 of The County of Kent Act, 1981 and, therefore, it will be incumbent upon the applicant to ensure they comply with the said requirement.

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IMPORTANT:- YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES



14. 6. 2013



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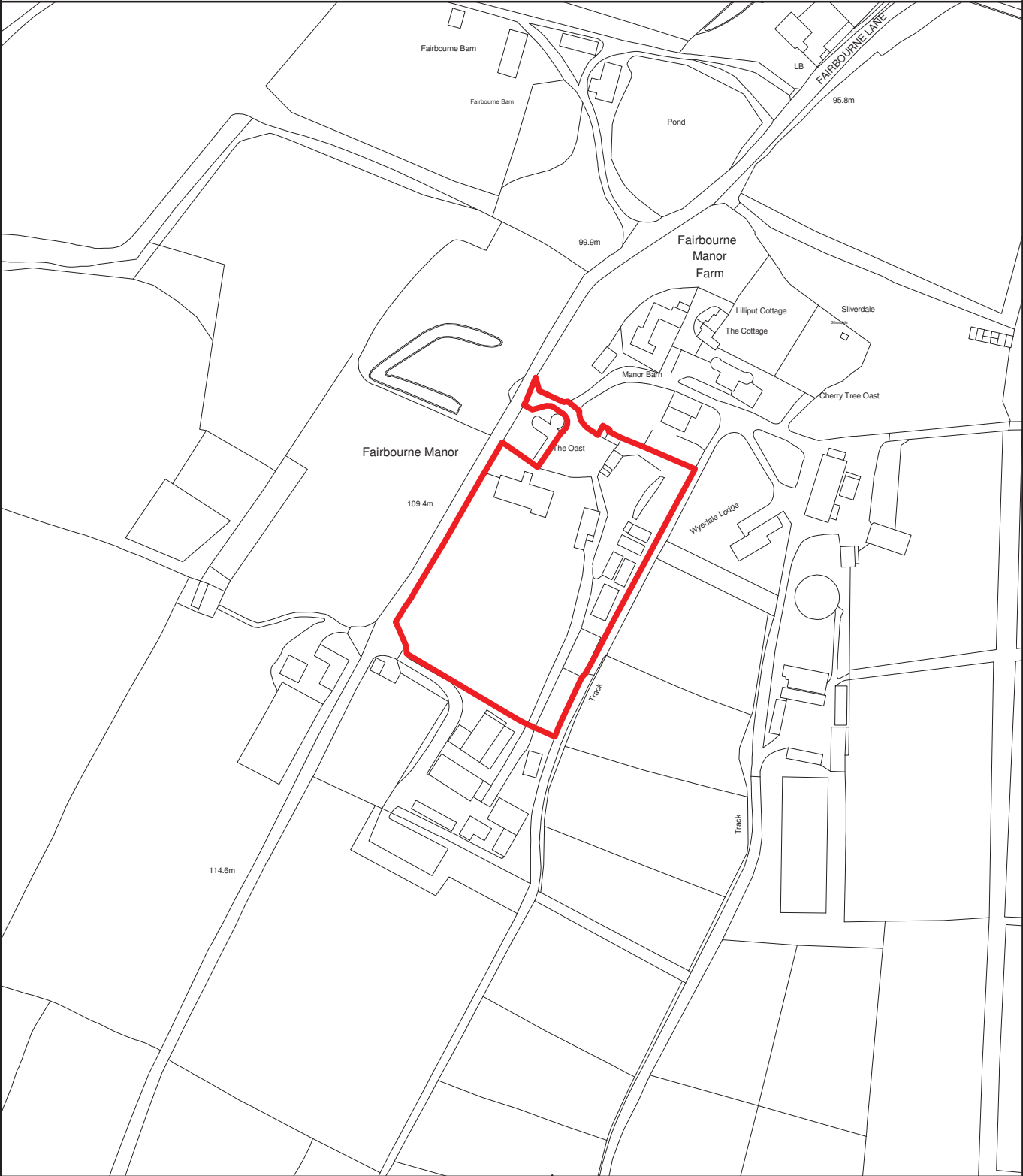
Agenda Item 16

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0930

GRID REF: TQ8651

FAIRBOURNE MANOR, FAIRBOURNE LANE,
HARRIETSHAM.



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Rob Jarman
Head of Planning

APPLICATION: MA/13/0930 Date: 23 May 2013 Received: 23 May 2013

APPLICANT: Mr Gordon Harrold, Retigraph Ltd

LOCATION: FAIRBOURNE MANOR, FAIRBOURNE LANE, HARRIETSHAM,
MAIDSTONE, KENT, ME17 1LN

PARISH: Harrietsham

PROPOSAL: Retrospective application for listed building consent for the erection of new porches and an infill extension as shown on Drawings H-1024 100, H-1024 101a, H-1024 111a, H-1024 112a, H-1024 113a, H-1024 114a, H-1024 114a, H-1024 115a, H-1024 116a, H-1024 117a, Design and Access Statement, Statement of Significance and Photographs 1-39 on H-1024 doc 12 received 23 May 2013.

AGENDA DATE: 18th July 2013

CASE OFFICER: Joanne Alexander

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by Harrietsham Parish Council and they wish the application to be reported to Planning Committee

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: N/A
- Village Design Statement: N/A
- Government Policy: National Planning Policy Framework (2012)

2. HISTORY

MA/84/1166 – change of use of barn to gallery and outbuilding to fine art screen painting workshop and studios - AC

3. CONSULTATIONS

3.1 Harrietsham Parish Council – wish to see the application approved

3.2 Conservation Officer – objects to the application on heritage grounds as the alterations do not fit in well with the building; the porch to the east elevation is of unfortunate proportions and features an inappropriate false-pitch roof with flat

top; the porch to the north elevation has an inappropriately pitched roof, being of a markedly shallower angle than the other gables and sits uncomfortably with this elevation of the house; and the loss of openness of the loggia is unacceptable in principle with its infilling with crude plate glass windows significantly altering the character and detracting from the qualities of the 1910 addition.

4. REPRESENTATIONS

4.1 Neighbours – no responses have been received.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 Fairbourne Manor is a large 17th Century, grade II listed building having extensions circa 1910 and circa 1945. It is set on the eastern side Fairbourne Lane being one of a number of detached properties served by the same vehicular access.

5.1.2 For the purposes of planning, the site lies in the open countryside, being to the south of the village of Harrietsham. Footpath KH285 runs on the line of one of the vehicular access tracks which serves the properties, being to the north of the entrance to the subject site.

5.2 Proposal

5.2.1 This is a retrospective application seeking listed building consent seeking regularisation for various works prior to the sale of the property.

5.2.2 The details accompanying the application confirm that the works to which the application relate were carried out some 35 years ago without the necessary consent being sought at that time. The development consists of:

- a new porch to east elevation
- a new porch to north elevation
- the infilling/enclosing of the existing loggia with two windows and one door.

5.2.3 The porch to the east elevation is attached to the extension from circa 1910 and serves the kitchen area. It measures some 1.6 metres in depth, by 5.2 metres in length and provides a secure store area with door to the southern side, and entrance porch with door and two windows to the eastern elevation, and one window to the northern elevation. It has a false pitched roof which has a flat top to a height of some 3.5 metres.

5.2.4 The porch to the north elevation measures some 3.4 metres in width, by 3.75 metres in depth having a pitched roof to a height of some 4.1 metres. The entrance door is to the eastern elevation, together with one windows. A further window is inserted to the remaining two elevation of the porch.

5.3 Principle of Development

5.3.1 There are no saved policies within the Maidstone Borough Local Plan 2000 which directly relate to listed buildings, however the National Planning Policy Framework (NPPF) addresses 'Conserving and enhancing the historic environment' at Section 12.

5.3.2 Paragraph 126 of the NPPF states that it should be recognised that heritage assets are an irreplaceable resources and they should be conserved in a manner appropriate to their significance; with paragraph 132 stating that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with the guidance recognising that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 133 states that permission should be refused where a proposed development leads to substantial harm to or total loss of significance of a designated heritage asset, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss; and 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 benefit of the proposal, including securing its optimum viable use.

5.3.3 The application confirms that the subject works were undertaken by the owners around 35 years ago, and feel that they were undertaken in a sympathetic way; that they are subservient; do not impinge on the historic fabric; with the porches and the infilling of the loggia protecting the historic fabric of the building from weather; and that the works are reversible and the historic building can be returned to its pre-existing state if required. The accompanying documents point out that the alterations mainly affect the 1910 extensions rather than the original 17th century wing.

5.3.4 The Conservation Officer notes that the Heritage Statement reveals that the 1910 extensions were designed by Eden and Hodgson.

5.3.5 Francis Charles Eden(1864-1944) is a well-known architect, originally articulated to the famous Victorian architects Bodley and Garner, who formed a partnership with Victor Tyliston Hodgson from 1902 (Hodgson himself had been a former

assistant to another prominent Victorian architectural partnership Alfred Waterhouse and Son). Eden is particularly known for his designs for church fittings and stained glass, and he was a member of the Art Workers Guild, an important body within the Arts and Crafts Movement to which many of the most prominent architects and designers belonged. A number of buildings designed by F C Eden have been listed.

- 5.3.6 The Conservation Officer notes that the large extensions added to Fairbourne Manor in 1910 are well-designed in the Arts and Crafts vernacular manner and although of lesser significance than the original building, are nevertheless of considerable value, with great care having been taken to fit them in with the original building. He notes that unfortunately, the alterations for which retrospective consent is now being sought have unfortunately not shared this care in terms of them being designed to fit in with the original building.
- 5.3.7 The Conservation Officer notes that the porch to the east elevation is of unfortunate proportions and features an inappropriate false-pitched roof with a flat top; that the porch to the north elevation has an inappropriately pitched roof, being of a markedly shallower angle than the other gables on this elevation of the house with which it sits uncomfortably.
- 5.3.8 With regard to the Loggia, the conservation officer notes that the open loggia is a feature which became popular in the late 19th/early 20th Century, particularly in Arts and Crafts houses (it was popular with Sir Edwin Lutyens for example) and may therefore be seen as a typical feature of such houses. Its infilling with crude plate glass windows significantly alters its character and detracts from the qualities of the 1910 work. The loss of its openness is unacceptable in principle.

5.4 Other Matters

- 5.4.1 Harrietsham Parish Council wish to see the application approved, however do not provide any further comments.
- 5.4.2 The LPA in considering this listed building consent application have identified and assessed the particular significance of this heritage asset and how it is affected by the proposal and have taken this into account when considering the impact the proposal has on the heritage asset in accordance with Paragraph 129 of the NPPF 2012.

6. CONCLUSION

- 6.1 The Conservation Officer objects to the application on heritage grounds for the reasons detailed above, and as such consent should be refused for the unauthorised works which have been carried out to this Grade II Listed Building.

7. RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

1. The design of the subject alterations fail to fit in well to this well-designed part of the Grade II listed building and therefore results in substantial harm to the designated heritage asset with there being no substantial public benefits that outweigh that harm. The porch to the east elevation is of unfortunate proportions and features an inappropriate false-pitched roof with a flat top; the porch to the north elevation has an inappropriately pitched roof which is of a markedly shallower angle than the other gables on this elevation, hence it does not fit comfortably with this elevation of the house; and the loss of openness of the Loggia is unacceptable in principle with the use of crude plate glass windows significantly altering the character and detracts from the qualities of the 1910 work. The development is therefore contrary to the National Planning Policy Framework 2012, in particular paragraphs 126, 132 and 133.

Note to applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was not considered to comply with the provisions of the Development Plan and NPPF as submitted, and would have required substantial changes such that a new application would be required.

The application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and there were not considered to be any solutions to resolve this conflict.

It is noted that the applicant/agent did not engage in any formal pre-application discussions.

The applicant is advised to seek pre-application advice on any resubmission.

Item no.	Page no.	Address
16	95-101	Fairbourne Manor, Fairbourne Lane, Harrietsham
Reference no.		
MA/13/0930		

Written confirmation has been received from the Clerk of Harrietsham Parish Council that they withdraw their request that the application be approved and that the Chairman is happy to support the Conservation Officer's comments on the application.

Amendments to Recommendation

My recommendation remains unchanged.

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THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 18th July 2013**

APPEAL DECISIONS:

- 1. – MA/ 12/0557** Change of use of land from agricultural to residential and stationing of 2 mobile homes, 3 touring caravans and 2 utility blocks with associated parking for two gypsy families and keeping of horses as shown on site location plan, block plan and utility building plan date stamped 24 March 2012 and ecological report dated 27 July 2012 and personal information received on 21 September.

APPEAL: Allowed with conditions

Land between Park Wood Lane & Frittenden Road known as Three Sons and Parkwood Stables, Park Wood Lane, Staplehurst, Kent TN12 0DF

Delegated Powers

- 2. – ENF 12194** **Parkwood Stables**

Without planning permission, the change of use of the land from agriculture to a mixed use comprising agriculture, the stationing of caravans (including mobile homes) for residential occupation, the keeping of horses, the parking and storage of motor vehicles unconnected with agriculture, the parking and storage of a catering trailer, the stationing of metal storage containers and the placing of domestic and other paraphernalia all ancillary to the residential use and the keeping of horses on the land; and the carrying out of operational development being the laying of hardsurfacing and installation of a drainage pipe in a ditch and infilling around that pipe; laying of areas of hardsurfacing, including an internal trackway; the erection of a timber utility building; the erection of a timber stable building; the erection of fencing and gates; and the installation of a satellite dish.

APPEAL: Dismissed

Parkwood Stables, Park Wood Lane, Staplehurst, Kent TN12 0DF

Delegated Powers

3. – ENF 12194

Three Sons

Without planning permission, the change of use of the land from agriculture to the stationing of caravans (including mobile homes) for residential occupation and the parking and storage of motor vehicles unconnected with agriculture and the placing of domestic and other paraphernalia ancillary to the residential use on the land; and the carrying out of operational development being the laying of hardsurfacing; and the erection of fencing and gates.

APPEAL: Dismissed

Three Sons, Park Wood Lane, Staplehurst, Kent TN12 0DF

Delegated Powers
