

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 2 June 2016
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Boughton, Clark, Cox, English,
Harwood, Hastie, Hemsley, Munford,
Perry, Powell, Prendergast, Round and
Mrs Stockell

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Election of Chairman
5. Election of Vice-Chairman
6. Items withdrawn from the Agenda

Continued Over/:

Issued on 24 May 2016

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Debbie Snook on 01622 602030**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

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

7. Date of Adjourned Meeting - 9 June 2016
8. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
9. Disclosures by Members and Officers
10. Disclosures of lobbying
11. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
12. Minutes of the meeting held on 28 April 2016 - to follow
13. Appointment of Political Group Spokespersons
14. Presentation of Petitions (if any)
15. Report of the Head of Planning and Development - Deferred Items 1
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20. 15/505906 - Grafty Green Garden Centre, Headcorn Road, Grafty Green, Kent 82 - 99
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23. 15/508298 - Shangri La, Horseshoes Lane, Langley, Kent 128 - 146
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| 31. 16/502434 - Car Park At 37 King Street, Maidstone, Kent | 216 - 219 |
| 32. Appeal Decisions | 220 - 222 |
| 33. Joint Report of the Head of Finance and Resources and the Head of Planning and Development - Planning Committee Member and Substitute Member Training | 223 - 228 |
| 34. Chairman's Announcements | |

PART II

To move that the public be excluded for the item set out in Part II of the Agenda because of the likely disclosure of exempt information for the reason specified having applied the Public Interest Test.

	Head of Schedule 12A and Brief Description	
35. Exempt Appendix to the Report of the Head of Planning and Development Relating to Application 14/0668 - Oaklands, Gravelly Bottom Road, Kingswood, Maidstone, Kent	1 – Information Relating to an Individual	229 - 232

PLEASE NOTE

The following applications will be rolled over to the adjourned meeting of the Committee scheduled to be held on 9 June 2016:

- 14/0174 – Land East of Glebe Gardens, Old Ashford Road, Lenham**
- 14/500696 – Oakland Place, Greenway Forstal, Harrietsham**
- 16/500037 – The Old Forge, Chartway Street, East Sutton**
- 16/500533 – Herts Farm, Old Loose Hill, Loose**
- 16/501427 – Pleydells Bungalow, Sutton Road, Langley**
- 16/502434 – Car Park at 37 King Street, Maidstone**

The order in which the remaining 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.

BACKGROUND DOCUMENTS: The background documents for the items on the agenda are to be found on the respective planning files for each application and on the files for those applications referred to in the history section of each report. Background documents are available for inspection during normal office hours at the Maidstone Borough Council Gateway Reception, King Street, Maidstone, Kent ME15 6JQ.

Agenda Item 15

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

2 JUNE 2016

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

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.

APPLICATION	DATE DEFERRED
<u>14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT</u> Deferred to enable the Officers to negotiate movement of the signage to locations that are less visually intrusive.	14 January 2016

REPORT SUMMARY

REFERENCE NO - 14/0174			
APPLICATION PROPOSAL Outline application for the erection of 8 houses with access to be considered at this stage and all other matters reserved for future consideration.			
ADDRESS Land East of Glebe Gardens, Old Ashford Road, Lenham, Kent			
RECOMMENDATION APPROVE with conditions.			
SUMMARY OF REASONS FOR RECOMMENDATION Councillor Sams called the application in before Planning Committee for the reasons set out in the report. The recommendation is contrary to the views of Lenham Parish Council.			
WARD Harrietsham And Lenham Ward	PARISH/TOWN COUNCIL Lenham	APPLICANT C/O Sibley Pares Chartered Surveyors AGENT Sibley Pares And Partners	
DECISION DUE DATE 31/03/14	PUBLICITY EXPIRY DATE 31/03/14	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
None			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site amounts to 0.49ha of formerly cultivated land, situated on the eastern edge of Lenham village south of Old Ashford Road at the eastern end of Glebe Gardens, a modern residential cul-de-sac from where access to the site would be gained. It is approximately 300m east of Lenham Village square.
- 1.02 The site is bordered to the south and east by agricultural land, the residential houses of Glebe Gardens to the west and the village pond to the north which is fed by a chalk stream and drains into a stream, on its eastern side. To the south east is Tanyard Farm which forms a group of agricultural buildings.
- 1.03 To the north of Old Ashford Road is an area of Special Landscape Character and beyond to the north is the AONB.
- 1.04 The site is relatively flat, mainly covered in a light scrub and surrounded by trees.

2.0 PROPOSAL

- 2.01 The site forms part of the emerging strategic housing allocations set out in Policies SP8 and H1 (43) of the submission version of the Maidstone Borough Draft Local Plan (Regulation 19) 2016 for a maximum of 10 dwellings. The policy requires the line of trees along the southern and eastern boundaries to be enhanced to protect the setting of the Grade II listed Tanyard Farmhouse together with pond

enhancement and improvements to footpath KH399 that runs adjacent to the southern boundary of the site connecting St Mary's Church to Tanyard Farm.

- 2.02 This outline application seeks consideration of access only with all other matters reserved. The proposal involves the provision of 8 x 2 storey houses in total to include 6 x 4 bed semi-detached houses and 2 x 5 bed detached houses. The indicative layout shows that the siting of the houses would continue the pattern of development along Glebe Gardens incorporating the siting of a 5 bed house at the end cul-de-sac to provide a focal point.
- 2.03 The indicative design of the houses (not being considered in this application) would reflect the character of the village and local area incorporating a mixed pallet of materials which would include brick, clay tiles and weatherboarding and block pavements to the road surface.
- 2.03 Access to the site would be gained from the eastern end of Glebe Gardens between nos. 17 and 18 Glebe Gardens.
- 2.04 A range of landscape initiatives and biodiversity mitigation measures are proposed and are described within this report including native tree and hedgerow planting and translocation of Great Crested Newts to the adjoining land during the construction period.
- 2.04 The pond and some surrounding amenity land was to be gifted to Lenham Parish Council by way of a Unilateral Undertaking to be completed after a resolution of planning approval and following the enhancement works to the pond and amenity area to include the following:
- Creation of new wetland and habitat enhancement.
 - Clearance, dredging and extension of pond with refurbishment of sluice.
 - Planting programmes and screening.
- 2.05 However, the Parish Council are now objecting to the principle of the development. In any event, the gift of the pond and surrounding amenity land to the Parish Council is immaterial and not necessary to the outcome of the application and does not form an intrinsic part of the application assessment.

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV6, ENV28, ENV34, ENV41, T13
Maidstone Borough Council (Submission Version) Draft Local Plan: SS1, SP3, S5, SP8, H1(43), H2, DM1, DM2, DM3, DM6, DM10, DM11, DM12, DM13, DM23, DM24, DM30, ID1.
Lenham Neighbourhood Plan - Regulation 14 stage:

3.3 The Maidstone Borough Local Plan will provide a framework for development until 2031. It plans for homes, jobs, shopping, leisure and the environment, and will plan infrastructure to support these. The Local Plan is emerging and its policies are material to the consideration of this application and as the plan has reached submission stage to the Secretary of State, the plan is afforded significant weight.

3.4 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving listed structures potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess. Such special regard has been paid in the assessment of this planning application.

4.0 LOCAL REPRESENTATIONS

4.01 **Lenham Parish Council** – Objection and support.

4.02 Representation of support received 26 September 2014 stating that the Parish Council wish to see the application approved and pond and amenity land transferred to the Parish Council as agreed with the applicant.

4.03 Objection letter dated 2 March 2016 summarised as follows:

- Site is of great importance for Lenham adjacent to Glebe Pond and the ‘Upper Stour’. Very high amenity value for both visitors and residents.
- Site subject to groundwater flooding within a wetland area.
- SUDS mitigates only against flooding from surface water not ground water where water may rise up through floors.
- Glebe pond is the source of the River Stour where the development would detract from this landmark.
- The function of wetland will be lost and cannot be mitigated.
- Retaining land to the east cannot mitigate for the loss of land in volume.
- Proposal does not ‘recognise the wider benefits of the ecosystem services.’
- Adverse impact on biodiversity displacing wildlife and protected species.
- Development would make a ‘positive contribution to local character and distinctiveness.

4.04 **Neighbours/Interested Parties:** The Council posted site notices, advertised a press notice and wrote to surrounding neighbours of the site. Neighbours were re-consulted when material amendments to the proposed development were received by the Council.

In total, 16 objections were received from 14 households in response to the consultation exercises and are summarised as follows:

- Site not suitable for housing development due to groundwater flooding and close to spring.
- Site is a bog in the winter months.
- Archaeological survey and trenching should be carried out prior to commencement.
- Special place for invertebrates, vertebrates, flora and fauna and has potential for much more if cared for as a wildlife sanctuary.
- Adverse impact on wildlife which will destroy 90% of the local species.
- Unique important historic environment which should be preserved.

- Ecology report is inaccurate.
- Loss of village amenity space.
- Proposal sacrifices most of the complex habitat for the species including great crested newts, frogs, bats, kingfishers and grass snakes.
- species and at the same
- Threatens pollution of the chalk stream.
- Adverse visual impact.
- Would be a blot on the landscape.
- Not a brownfield site and located outside village boundary.
- Development will set an inappropriate precedent for future unsympathetic expansion of the village.
- Adversely affect the open nature of the approach to the village from the A20.
- The positioning of existing driveways, existing fencing and proposed new road will result in a hazardous highway layout.
- Loss of privacy.
- Insufficient parking spaces proposed which would result in additional parking outside of the site.
- Great crested newt survey is inaccurate.

4.05 **Councillor Sams:** Objection raised summarised as follows:

- Development would impinge dramatically on pond and land associated with the pond due to its over intensive use of the site, affecting the viability of the area for protection and conservation.
- There would be great environmental impact locally and wider on the Upper Stour and on biodiversity including wetlands.
- The Glebe pond and its environment are of significant importance to the village.

5.0 CONSULTATIONS

5.01 **MBC Arboricultural Officer:** No objection subject to conditions.

5.02 **MBC Heritage Officer:** Insufficient information submitted to address the archaeological and landscape heritage significance. A Landscape Heritage Statement and a revised Archaeological Evaluation Excavation report has since been submitted and address the outstanding issues appropriately.

5.03 **KCC Flood Risk/SUDS:** No objection subject to conditions. The revised drainage strategy is acceptable in principle.

5.04 **KCC Ecology:** No objection subject to conditions.

5.05 **KCC Archaeology:** No objection subject to a condition.

5.06 **KCC Highways:** No objection subject to conditions.

5.07 **Environment Agency:** Assessed as having a low environmental risk. No comments to make.

5.08 **Kent Wildlife Trust:** Concern raised regarding lack of funding set aside by the applicant for the on-going management of the pond and wetland areas and lack of an appropriate Management Plan and mitigation for the loss of habitat.

5.09 **CPRE Kent:** Objection raised summarised as follows:

- Damage to geological conservation interest (and potential tourism asset);
- Possible impacts on the water environment of the Upper Great Stour;
- Removal of wetland which in itself is important for the ecology of the Upper Great Stour;
- Reducing wetland habitat which cannot be mitigated by a small area of wetland which might be managed for wildlife;
- Existing groundwater flooding which cannot be mitigated against by SUDS;
- The historic relevance of the site in creating a 'sense of place' and the connected amenity aspect for Lenham;
- The failing of this planning application in recognising the historic importance of the site and its relationship to other historic assets in the area.
- Unsustainable development.

5.10 **Southern Water:** No objection subject to a condition.

5.11 **UK Power Networks:** No objection.

5.12 **Southern Gas Networks:** No objection

6.0 BACKGROUND PAPERS AND PLANS

Ecology Phase 1 Habitat Survey January 2014
Archaeological Evaluation Excavation June 2015
Tree Survey January 2014
Planning Statement January 2014
Great Crested Newt Survey & Mitigation Report – Issue 1 December 2014
Landscape Heritage Statement March 2016

2048/13/B/4 – Location Plan
2048/13/B/6B – Proposed site layout plan
2048/13/B/5 – Restoration of Pond & Adjacent Habitats
2048/13/B/7B – Landscape Strategy
2048/13/B/8 – Site plan existing
2048/15/B/1A – Drainage Strategy

7.0 APPRAISAL

7.01 The main planning considerations relevant in the determination of this application are:

- The acceptability of the principle of development.
- Visual Impact of the development on the landscape.
- Impact of the development on biodiversity.
- Impact of the development on heritage assets.
- Impact on flooding and drainage.
- Impact of the development on living conditions at neighbouring properties.

Principle of Development

- 7.02 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. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

“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.”*

- 7.03 None of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case.

- 7.04 In this case the Submission Version of the Draft Local Plan has advanced and was submitted to the Secretary of State for examination on the 20 May 2016 and examination is expected to follow in September. Policy SP17 of the Draft Local Plan, which relates to development in the countryside and Policy SP8 relating to Lenham Rural Service Centre are relevant together with Policy H1(43) which allocates the site for housing of approximately 10 dwellings. As such, whilst the site is located outside of the settlement boundary within the countryside, given the sites allocation for housing and the small scale nature of the development which would contribute to meeting housing needs on the edge of a growth rural service centre contributing to the delivery of approximately 1500 dwellings in the latter period of the plan, the proposed development would accord with the policies of the Submission Version of the Draft Local Plan which now afford significant weight in the determination of this application.

- 7.05 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states 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;’

- 7.06 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to

quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.

- 7.07 The Draft Local Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure and allows the Council to demonstrate a 5 year supply of deliverable housing sites.
- 7.08 The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The monitoring demonstrates the council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.
- 7.09 With regard to this case, the application site is located adjacent to the settlement boundary of Lenham which is identified as a Rural Service Centre (RSC) in the Draft Local Plan under draft policy SP8, providing a range of key services including a primary and secondary school, range of local shops, eateries, doctors surgery, village hall to name but some of the amenities/facilities available. The application site is allocated under Policy H1(43) and Policy SP8 of the emerging plan for development of approximately 10 dwellings and sets out the criteria to be met whereby planning permission would be granted. Although the Policy states approximately 10 units should be provided, it is considered that given the layout and constraints of the site, the provision of 8 units is appropriate in this instance. In addition, whilst the red line site boundary does not follow the red line boundary set out in the Draft Local Plan due to the application receipt date being January 2014 prior to the formulation and finalisation of Policy H(43), the application red line boundary has been formed to address the constraints of the site such as retained trees, wetland areas and a swale to the south to address surface water drainage. Land to the east of the site within the H1(43) allocated policy red line but outside the application red line boundary would remain as open amenity space within the applicants ownership and for migration of Great Crested Newts.
- 7.10 Rural Service Centres are considered the most sustainable settlements in Maidstone's settlement hierarchy, as set out in the draft Local Plan, outside of the town centre and urban area. They have been identified as such for their accessibility, potential for growth and role as a service centre for surrounding areas. The draft Local Plan states that "Rural service centres play a key part in the economic and social fabric of the borough and contribute towards its character and built form. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys".

- 7.11 In this context, it is considered that the principle of the development is, by virtue of national planning policy as set out in the NPPF and local planning policy as set out in the emerging Local Plan which is considered to carry significant weight, acceptable in principle, subject to detailed consideration of whether any adverse impacts of the development would outweigh the benefits of the application in respect of the provision of housing in a sustainable location.

Visual Impact

- 7.12 Saved Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) states that in the countryside, planning permission will not be given for development which harms the character and appearance of the area.
- 7.13 Saved Policy ENV34 of the Maidstone Borough-Wide Local Plan (2000) states that particular attention will be given to the protection and conservation of the scenic quality and distinctive character of the Special Landscape Areas.
- 7.14 Policy SP17 of the Submission Version of the Draft Local Plan sets out the requirements where development in the countryside will be permitted where they do not harm the character and appearance of the area and any impacts can be appropriately mitigated.
- 7.15 Paragraph 17 states that Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.16 Paragraph 56 attaches great importance to the design of the built environment and considers it key to sustainable development. It is indivisible from good planning and should contribute positively towards making places better for people.
- 7.17 Paragraph 58 states that developments should function well and add to the overall quality of an area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and be visually attractive as a result of good architecture and appropriate landscaping.
- 7.18 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The intrinsic character and beauty of the countryside should be recognised.
- 7.19 The Kent Design Guide (2005) (KDG) emphasises that design solutions should be appropriate to context and the character of the locality. Development should reinforce positive design features of an area; include public areas that draw people together and create a sense of place; avoid a wide variety of building styles or mixtures of materials; form a harmonious composition with surrounding buildings or landscape features; and seek to achieve a sustainable pattern and form of development to reduce the need to travel and improve the local context.
- 7.20 As the application seeks outline permission considering access only, the design and layout shown on the submitted plans are indicative only. However, it is considered that the site is capable of accommodating the number, size and bulk of houses shown incorporating a similar pattern of development as that within Glebe Gardens to the west.

- 7.21 To the north side of Old Ashford Road lies an area of Special Landscape Character and immediately beyond that to the north lies the AONB. There are no protected trees or other landscape designations constraining this site. Approximately 7 trees of differing maturity and condition would be removed to facilitate the development, however, this would be subject to a layout and design submitted with the reserved matters application. Only tree 10 within the southern tree belt is to be removed due to its very poor condition and recent branch loss. It is considered that the proposed development would not be highly visible from beyond the immediate site area and boundary frontages and would be appropriately screened by the remaining tree belts to the site boundaries as well as the trees located on the adjoining land to the east and north around the pond. A landscape strategy drawing has been submitted showing locations for hedgerow planting, trees and shrubs around the site incorporating native species.
- 7.22 As such, it is considered that views made from publicly accessible areas and the public footpath to the southern boundary would amount to '*negligible neutral*' due to the encompassing treeline features and proposed landscape mitigation and enhancement measures. Whilst the development would be seen in public views from Old Ashford Road and to a more limited degree from the public footpath to the south, it would mainly be seen in the context of the existing built form of Lenham and Glebe Gardens.
- 7.23 Conditions to ensure the implementation of a suitable landscape strategy are recommended to mitigate any adverse visual impact and to enhance the biodiversity of the site and the setting of the Grade II listed Tanyard Farmhouse to the south east and a condition requiring the submission of a detailed arboricultural method statement (AMS) is also considered to be necessary.
- 7.24 Whilst it is acknowledged that the site has a certain visual amenity value, provides an appropriate rural backdrop and setting to the pond and is regarded as an important community space (albeit in private ownership), it is considered that the site is well contained within the existing mature vegetation from long distance views and landscape mitigation measures to strengthen the boundary vegetation would reduce the perceptibility of the site from public viewpoints. As such it is considered that the landscape visual impact would be low and would accord with Policies ENV6, ENV28 and ENV34 of the Maidstone Local Plan and Policy H1(43) of the emerging Local Plan.

Biodiversity Impact

- 7.25 The Conservation of Habitat and Species Regulations 2010 (as amended) contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provides for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.
- 7.26 The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural

England and the “three tests” under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:

- There are “imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”;
- there is no satisfactory alternative; and
- the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

7.27 Section 40 of the Natural Environment and Rural Communities Act (2006) states that ‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. Section 40(3) of the same Act also states that ‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.

7.28 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environmental by minimising the impacts on biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are most resilient to current and future pressures.

7.29 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity, Where development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or compensated for, then planning permission should be refused. Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted. Opportunities to incorporate biodiversity in and around developments should be encouraged.

7.30 Saved Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) and Policy SP17 of the Submitted Version of the Draft Local Plan state that proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources. Saved Policy ENV41 states that development will not be permitted which would lead to the loss of ponds, or which would harm their visual and wildlife functions.

7.31 The applicants have submitted a Phase 1 Ecology Report identifying the potential ecological constraints on the site which identified potential for roosting and foraging bats within trees, widespread reptiles and breeding birds. The report states that the site is not considered to be suitable habitat for dormice, badgers, reptiles and amphibians and currently has a low ecological value where the surrounding areas proposed for open space and habitat management have a higher ecological value.

7.32 A Great crested newt has been recorded on the site from within the pond area to the north of the site (water body 1). The Habitat Suitability Index assessments of the water bodies within and around the site confirmed that they were suitable for supporting Great Crested Newts. The surveys confirmed the presence of a low population of newts forming a sub population within water bodies 1, 3 and 4.

7.33 There are no records of reptiles on the site, however, there are records of grass snake 0.92km from the site and slow worms 0.58km from the site. These locations are separated from the site by either arable land and the railway or residential properties and a busy road. Reptile habitat preferences are for allotments, compost heaps, south facing banks and rough grassland which are not present on site. The siltation in the pond on site and the significant shading by the tree canopies within and over hanging the pond reduces the ponds' grass snake potential.

7.34 The copse on site comprising of mature trees, with significant ivy cover and broken limbs (target noted on horse chestnut), as well as standing and running water bodies is not large enough for dormice and there are no suitable connections to appropriate large blocks of woodland.

Enhancements

7.35 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The proposed enhancements are as follows:

7.36 The ecological value of the pond is to be enhanced through a management plan comprising of the removal of the dominant tree canopy surrounding the pond. The pond is to be dredged in order to remove the silt and create some areas of shallow water around the edges of the pond in order that the pond develops good marginal vegetation and the water levels will naturally control its extent. The marginal planting should be complemented with floating and submerged native plant species.

7.37 Enhancements of the retained wetland areas of tall ruderal and semi-mature woodland would include selective coppicing of ash and willow and planting native tree species such as alder and once established, these trees will be incorporated into the coppice management regime to encourage a mosaic of diverse wetland ground flora. A native species hedgerow would be planted between the pond and the wetland area to shield this area from disturbance which will benefit a range of other wildlife such as breeding birds, bats and invertebrates.

7.38 The retention of dead wood on-site for hibernating reptiles would be supplemented by the creation of log piles made up of logs 1 to 1.5m long, 100 to 200mm diameter and in piles some 1m high and 2m wide, using any wood arising from the site.

7.39 A condition is also recommended that bat roosting features and bird nesting opportunities are incorporated into the proposed development site.

7.40 Whilst much of the biodiversity and landscape enhancements are located outside of the red line site boundary, they are included within the blue line site ownership area which is to be used to accommodate the migration of great crested newts and necessary to mitigate the impacts of the development. The emerging allocation boundary does not include the pond and adjacent land to the north and thus the enhancement to the pond is considered as an added benefit of the scheme but not necessary in order to make the development acceptable.

7.41 It is considered that there is a need to ensure that these enhancement measures will be managed appropriately to benefit biodiversity. As such, a condition is recommended requiring that they should be addressed within the submission of the Landscape and Ecological Management Plan.

Mitigation

- 7.42 A Great Crested Newt survey and mitigation report has been submitted confirming that the development site and surrounding land can support GCN and confirmed the presence of a low population of newts. The County Council Ecologist has been consulted and is satisfied that the applicant has a good understanding of the impact the proposed development will have on GCN.
- 7.42 The mitigation strategy involves the trapping of newts and transporting them to the receptor site located to the north and east of the development site which will be suitably enhanced to accommodate GCN and enclosed with temporary Amphibian Exclusion Fencing creating a sealed trapping area.
- 7.43 The principle and method set out in the mitigation strategy is considered to be acceptable. However, as the survey data is now nearly two years old, it is considered that the detail of the mitigation strategy needs to be reviewed and updated. As such, a condition is recommended requiring an updated mitigation strategy to be submitted prior to commencement of development.
- 7.44 The County Council Ecologist is satisfied that subject to the various measures described in this report being controlled by planning conditions, no unmitigated harm would be caused to local biodiversity, including GCNs, and that opportunities to enhance local biodiversity at the site would be appropriately taken up. As such, this aspect of the development would be acceptable.
- 7.45 Overall it is considered that subject to conditions, the proposed development would have a negligible impact on the wider nature conservation importance of the site, that mitigation measures would enhance and improve the ecological value of the site, increasing biodiversity by improving habitat and increasing foraging potential.

Heritage Impact

- 7.46 Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving heritage assets potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess. Such special regard has been paid in the assessment of this planning application.
- 7.47 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.48 Paragraph 132 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II*

listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

- 7.49 Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 7.50 Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 7.51 The NPPG states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of the proposal on such assets.
- 7.52 Tanyard Farmhouse (Grade II) lies adjacent to this site and despite its proximity to the centre of Lenham, the farmhouse and farmyard occupy a rural setting which is an important contributory feature to its significance. Development of this land in the manner proposed would extend village development closer, causing some erosion of this rural setting.
- 7.53 There is also an attractive small timber-framed building immediately adjacent to the south eastern corner of the site but its original function is not clear. The main pond on the northern edge of the site, fed by the springs which are the source of the River Stour, appears to have been formed by damming, and the course of the stream to the south where it runs along the side of the farmyard to Tanyard Farm appears to have been artificially straightened. The name of the farm suggests that a Tannery may once have operated here, although if so this use had ceased by the 1870s as the OS map of that date shows the pond as silted up. Tanning required a good water supply, both for soaking the skins initially to clean and soften them up and also for powering bark mills used to grind bark to produce the tannin necessary in the tanning process. A tannery may have taken over a former milling site or may have been purposely sited here from the outset. There is a smaller pond on the south side of the site, which would be built over under the current proposals, which also drains into the stream exiting from the main pond; this pond also appears on the 1870s OS. It's thin, rectangular shape hints at it being a man-made feature, albeit presumably fed by a natural spring.
- 7.54 A Landscape Heritage Statement has been submitted which sets out that the development site has no historic landscape and the pond, mill pond and stream (being the origin of the River Stour) will not be affected by the proposed

development. The pond is to be restored to its 1868 condition so that it does not silt up and the surrounding land will be enhanced as set out above.

- 7.55 The criteria set out in emerging Policy H1(43) housing allocation requires the line of trees along the southern and eastern boundaries of the site to be enhanced in order to protect the setting of the listed farmhouse. The submitted landscape strategy plan shows 2 rows of 2 metre high native hedgerow mix at 0.5 metre centres to be planted to the southern and eastern boundaries to address this criteria.
- 7.56 With regard to archaeological significance, the site has been subject to a phase of pre-determination archaeological evaluation works. The submitted revised details include a copy of the archaeological evaluation which did not reveal extensive or highly significant archaeology but some indications of Iron Age/Romano-British activity were located as well as deposits of possible geo-archaeological and early prehistoric importance. One of the trenches did clarify the presence of a spring on the site, which may have been a focus for prehistoric and later ritual and industrial activity.
- 7.57 The trenching was targeted and limited and indicated there is potential for early prehistoric and later prehistoric and Roman remains on this site. However, there is nothing known at this stage to suggest these remains are likely to be a major constraint on development. The County Council Archaeological officer considers that further evaluation and detailed archaeological and geo-archaeological mitigation is required which can be secured by condition.
- 7.58 As such, on balance it is considered that there are insufficient heritage grounds to justify refusal of this application and the proposed development would amount to less than substantial harm to surrounding Heritage assets and their setting balanced against the benefits of the development in contributing to meeting housing needs within a growth area and the 5 year housing supply. It is recommended that conditions are imposed requiring the submission of full details of materials and landscaping.

Flood Risk and Drainage

- 7.59 Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk.
- 7.60 A number of objections received refer to ground water flooding on the site and the presence of a high water table which may have implications for drainage, flooding and finished floor levels.
- 7.61 The site is not located in a flood risk area. KCC flood risk/SUDS officer has been consulted and considers that the submitted revised drainage strategy is acceptable in principle which shows the drainage pond to the south east corner within the boundary and can be adjusted as required by the detailed design.
- 7.62 The Landscape Heritage statement also states that there are small springs in the area which are currently not collected into the main pond. The detailed design of the development layout and drainage strategy will address the collection of the spring water into a cut-off drain and directed to the stream which runs from the pond.
- 7.63 As the application is for outline permission, the groundwater issues would be considered during the detailed design of the development to ensure resilience to this source of flood risk and route any exceedance flows to avoid flooding to property. As

such a condition is recommended requiring the submission of a detailed sustainable surface water drainage scheme prior to commencement of development.

Highways

7.64 Paragraph 32 of the NPPF states that all development which generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.65 The indicative layout shows the 4 bed houses to accommodate 2 tandem parking spaces within a driveway and a single garage and the 5 bed houses to accommodate up to 4 tandem parking spaces within a driveway and double garage.

7.66 KCC Highways have been consulted and raise no objection to the proposal subject to conditions. Where tandem spaces are proposed, additional on-street spaces should be provided in addition to visitor spaces.

Residential Amenity

7.67 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

7.68 Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

7.69 Saved Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) states that in the countryside, planning permission will not be given for development which harms the amenities of surrounding occupiers.

7.70 The residential properties most affected by the proposed development would be nos 17 and 18 Glebe Gardens, mainly by the provision of the new vehicular access road between the houses reaching the site. However, the houses are set approximately 6 metres back from the edge of the road which would be sufficient distance to avoid any significant intrusion in the form of noise and disturbance from vehicles passing.

7.71 The indicative layout shows a standard pattern of development continuing the built form of the houses along Glebe Gardens. The distance between the side elevations of the proposed houses sited adjacent to nos.17 and 18 Glebe Gardens would be approximately 15 metres which would be more than sufficient to avoid any overshadowing, overlooking and loss of privacy where first floor side windows would be unacceptable. A 2 metre high hedge is proposed to be planted between the properties to the north west boundary providing a further layer of privacy and separation.

7.72 The impact upon surrounding residential amenity will be very limited due to the proposals sympathetic layout together with the presence of mature trees and

vegetation surrounding the site. Similarly, there would be very little, if any, harm caused by noise and disturbance from the occupation of the development, only from the construction of the development albeit for a temporary period and during working hours.

OTHER MATTERS

- 7.73 The supporting documentation states that a key feature of this development is that subject to planning approval being granted, the pond and surrounding amenity land would be gifted to the Parish Council for community use in perpetuity and fully managed by the Parish Council after significant enhancement works to the pond, trees, reptile receptor land and water environment have been undertaken by the applicant in compliance with the relevant Grampian conditions recommended.
- 7.74 During the course of the application, in November 2014 the applicants confirmed that Lenham Parish Council would accept the freehold gift of the land, secured through a submitted unilateral S106 undertaking, a draft of which has been submitted for the purpose of facilitating the transfer of ownership on grant of planning consent.
- 7.75 Since then, Lenham Parish Council have objected to the application, for reasons set out above in the Local Representations section of the report. As such, it is considered that as the gift of the land to the Parish Council would not overcome any legitimate planning objection, is not necessary to make the development acceptable, does not form an intrinsic part of the application assessment nor constitutes any enhancement or mitigation function, then the offer of the land as a gift should not form any part of the application and recommendation of this report. If the resolution of the committee is to grant planning permission, then the gift and transfer of the land can be agreed as a private civil transaction which would not conflict with any permission granted as planning permissions and compliance with all conditions and obligations contained therein lie with the land and the land owner.

8.0 CONCLUSION

- 8.01 The principle of development is considered acceptable due to being an allocated site for housing in the emerging Local Plan and the location of the site adjoining an identified Rural Service Centre in a sustainable location.
- 8.02 Whilst the development would be seen in public views from Old Ashford Road and to a more limited degree from the public footpath to the south, it would be seen in the context of the existing built form of Lenham and Glebe Gardens. Conditions are suggested that will require any detailed scheme to be landscape led in terms of its design and visual and landscape impact, retaining existing site boundaries of mature native hedging and trees. As a result it is considered that the overall visual impact of the proposed development is acceptable in the context set out above.
- 8.03 There would be some harm to the rural setting of Grade II listed Tanyard Farmhouse but, whilst this is an important factor, this harm would be less than substantial in nature. The development would be acceptable in terms of biodiversity, heritage impacts, the impact on neighbours' living conditions, highways and flood risk subject to appropriate planning conditions, which are recommended. In relation to biodiversity, taking into account mitigation measures, it is likely there would be an improvement and enhancement of the ecological value of the site.
- 8.04 Consultation responses and other representations received have been considered in relation to the proposal, and assessed the application in respect of all material

considerations. For this reason it is recommended that planning permission be granted subject to the following conditions.

9.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS:

- 1) The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

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

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990, and in order to encourage the commencement of development and boost the provision of new market supply in accordance with paragraph 47 of the National Planning Policy Framework 2012 and paragraph 027 of the National Planning Policy Guidance 2014.

- 2) The details of reserved matters of layout and appearance submitted pursuant to condition 1 above shall include inter-alia;

- (i) The provision of off-site reptile receptor site with suitable levels of connectivity with the surrounding reptile habitat.
- (iii) Full details of rooflines and roofscapes, streetscenes within the site and sections across the site; and
- (iv) The incorporation of decentralised and renewable or low-carbon sources of energy.

Reason: No such details have been submitted, to ensure a high quality design for the development and to safeguard biodiversity assets.

- 3) Except as set out in these conditions, the development hereby permitted shall not be carried out except in accordance with the approved plans, drawings, reports and supporting documents:

Ecology Phase 1 Habitat Survey January 2014
Archaeological Evaluation Excavation June 2015
Tree Survey January 2014
Planning Statement January 2014
Great Crested Newt Survey & Mitigation Report – Issue 1 December 2014
Landscape Heritage Statement March 2016

2048/13/B/4 – Location Plan
2048/13/B/6B – Proposed site layout plan
2048/13/B/5 – Restoration of Pond & Adjacent Habitats
2048/13/B/7B – Landscape Strategy

2048/13/B/8 – Site plan existing
2048/15/B/1A – Drainage Strategy

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

- 4) The development shall not commence until details of all fencing, walling and other boundary treatments have been submitted to the Local Planning Authority and approved in writing. The boundary treatments shall not include closeboarded fencing of a height greater than 1.8m, or closeboarded fencing or solid walling of a height of greater than 1m to the boundary of any public space, and shall include the retention and where necessary reinforcement of boundary hedges to the site using appropriate native species as set out in Maidstone Landscape Character Assessment 2012 and Maidstone Landscape Local Character Assessment Supplement 2012, and access through or under site and plot boundaries for small mammals including badgers and hedgehogs shall be provided for by way of the inclusion of post and rail fencing and/or fencing raised a minimum of 20cm above ground level.

The development shall be carried out in accordance with the approved details before the first occupation of the development and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development, secure the amenity of future occupiers,, and safeguard biodiversity assets.

- 5) The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces, including hard surfaces, of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. 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 and a high quality of design.

- 6) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a Landscaping and Ecological Management Plan to include full details of a landscape and ecological enhancement scheme 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 landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and Maidstone Landscape Character Assessment Supplement 2012 (Harrietsham to Lenham Vale landscape type), and shall include, inter alia, the retention of all trees and hedges identified as such in the LaDellWood Tree Survey Report, Issue 1 received 31 January 2014; the retention, repair and enhancement of hedgerows and tree lines to the southern and eastern boundaries; and details of the enhancements to the reptile receptor site prior to translocation with suitable levels of connectivity with the surrounding reptile habitat and enhancements to the pond and wetland areas.

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all

landscape areas including the pond, surrounding amenity areas and wetland sites other than privately owned, domestic gardens.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details for the lifetime of the development.

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development.

- 7) 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 buildings 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.

- 8) The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) including details of any tree works that would be necessary to implement the proposal, which shall include details of all trees to be retained and the proposed measures of protection, undertaken in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations" has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include full details of areas of hard surfacing within the root protection areas of retained trees which should be of permeable, no-dig construction and full details of foundation design for all buildings within root protection zones, where the AMS identifies that specialist foundations are required. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained, ensure a satisfactory setting and external appearance to the development.

- 9) The development shall not commence until an updated Great Crested Newt Mitigation Strategy is submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: In the interests of protecting Great Crested Newts in and around the site. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

- 10) The development shall not commence until details of any external 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 be carried out in accordance with the approved details and maintained thereafter.

Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area.

- 11) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:
- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- 12) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the strategy (by RCD Consultants Ltd. Dec 2015) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed with no increase to flood risk on or off-site. The detailed design shall also consider the effects of elevated groundwater levels upon the site and incorporate sufficient mitigate measures.

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

- 13) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i) a timetable for its implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

- 14) No infiltration of surface water drainage into the ground, other than that allowed under the sustainable surface water drainage scheme approved under condition 12 above, is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters;

Reason: To prevent pollution of the environment and protect controlled waters.

- 15) Prior to occupation of the development, full details of bat roosting features and bird nesting opportunities within the site shall be submitted to and approved in writing by the local planning authority. The work shall be implemented prior to the occupation of the last dwelling and thereafter managed and maintained in accordance with the approved details.
- 16) 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.

Reason: In order to prevent pollution of the environment.

- 17) No development shall take place until details of the proposed slab levels of the buildings 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.

INFORMATIVES

1. The applicant is advised that wheel washing facilities should be provided at the entrance of the site to prevent the transfer of mud on the highway.

Case Officer: Richard Elder

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

THE MAIDSTONE BOROUGH COUNCIL

Oaklands
Gravelly Bottom Road
Kingswood, Maidstone
ME17 3NS

MBC Ref: 14/0668



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - MA/14/0668		
APPLICATION PROPOSAL Retrospective application for the change of use of land from agricultural to residential involving the stationing of one mobile home and the laying of hard surfacing.		
ADDRESS Oaklands, Gravelly Bottom Road, Kingswood, Maidstone, Kent, ME17 3NS		
RECOMMENDATION Permission		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL 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 considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE It is contrary to views expressed by Broomfield & Kingswood Parish Council.		
WARD Leeds	PARISH/TOWN COUNCIL Broomfield & Kingswood	APPLICANT Mr Eldridge AGENT
DECISION DUE DATE 22/7/14	PUBLICITY EXPIRY DATE 22/7/14	OFFICER SITE VISIT DATE Initially 18/7/14
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): There is planning application history and enforcement investigation history concerning the application site and also application history from when it fell under a wider parcel of land. There is also a history of formal enforcement action relating to this wider land including the site. Most recently, in April 2014, the stationing of a caravan and the construction of areas of hardstanding on the land resulted in enforcement investigations which led to the subject application. Under MA/11/0224 a full application was submitted for a change of use of the application site from agricultural to residential and the erection of a four bedroom dwelling. This was withdrawn in 2011. MA/07/1024 (application site only) had been previously refused for the demolition of four agricultural sheds and the formation of a driveway to form access to the rear (south) of the site and construction of barn style chalet dwelling with associated triple garage. This was refused in 2007 on the grounds that the development would be visually prominent and would represent an unjustified addition to sporadic development in the countryside, harmful to its character and appearance. MA/03/2066 (application site only) applied for the use of the land for the keeping of horses and the erection of a stable block. This was refused in 2003 as it was considered there would be inadequate supervision/security arrangements for the horses as the application site is physically remote from the owner's dwelling.		

MA/94/1196 (application site only) applied for the erection of a single storey building to provide three stables, foodstore and agricultural store. This was refused in 1994 on the grounds that it would be intrusive development detrimental to visual amenity and that there was no proven agricultural need.

MA/94/0389 (application site only) applied for a certificate of lawful development for the use of the land for leisure purposes and the stationing of two containers. This was refused in 1994 for the reasons that the use was not immune and the containers were not permitted development.

MA/92/1239 (application site only) was an outline application for the erection of a bungalow which was refused in 1992 on the grounds that it would be outside any built up area without any exception, and it would be visually prominent and intrusive.

Under MA/91/0514 (majority of application site) permission was conditionally granted in 1991 for a block of stables with a fodder store.

MA/89/0512 (majority of application site) applied for a stables, office and bungalow, and this was refused in 1989 on the grounds that it would be outside any built up area without any exception, and that it would be visually obtrusive.

MA/87/0389 (majority of application site) was for a dwelling. This was refused in 1987 for the reasons that the site was in a rural area intended to remain undisturbed and that the use would therefore be undesirable; that there was no agricultural need; that it would be detrimental to visual amenity; that the new access would be onto a classified road; and that the approach road was unsuitable.

Under MA/84/0681 (majority of application site) permission was granted in 1984 for the demolition of agricultural sheds and erection of a double stable block with ancillary storage. However, it appears this permission was never implemented.

In 1982 an enforcement notice was served against the change of use of land known as Stonecrop Farm, which at that time included land now forming the application site, to a mixed use for the purposes of a caravan site; for the storage of caravans; for the storage, spraying, repair and maintenance of motor vehicles and motor vehicle parts; and for the purposes of a workshop for the manufacture and storage of timber items. This notice was issued on the grounds that the site was in a rural area intended to remain undisturbed, and that the uses were intrusive and undesirable for the countryside and therefore detrimental to the amenities of the area. It appears this notice was complied with.

1.0 BACKGROUND INFORMATION

- 1.1 This item was deferred by Members at Planning Committee on 17 March 2016. Members deferred the item so that information could be sought on when the applicant's son was likely to finish in education.

- 1.2 This report acts as an addendum to the original report (attached as an appendix) and addresses solely that issue. This includes the confidential information previously reported as an urgent update.

2.0 DESCRIPTION OF SITE

- 2.1 The site is within the countryside. It is on the south side of the rural Gravelly Bottom Road which provides links to the villages of Kingswood and Langley and the primary roads to Maidstone. There is sporadic ribbon development on both sides of Gravelly Bottom Road, mostly on large plots, and a mix of uses including agricultural, commercial and residential.
- 2.2 The application site itself was previously the north-west part of the adjacent farm complex and land which includes a dwelling still located immediately to the east. There is also a dwelling on the other side of the public footpath KH311 which runs along the western boundary of the site. There are also three large residential plots on the other side of Gravelly Bottom Road. Generally tree cover is heavy in this area of the road. There is ancient woodland at the rear of the site. There is also tree cover generally, some very mature, in and around the site. The mobile home applied for is on site in the position shown on the plans in the south-east part of the site, and the roadway and hardsurfacing also subject to the application have been constructed. There is close-boarded fencing on the rear and front boundaries of the site, and also in double-gate form on the front. The rear fencing is part of the neighbouring site and does not appear to form part of the application, although the front element is described in the submitted Design & Access Statement. The site rises gently towards the rear.

3.0 PROPOSAL

- 3.1 The application is retrospective for the use of land for the stationing of a mobile home for the applicant's gypsy/traveller family, with hardsurfacing for a driveway and parking, and with alterations to the existing access from Gravelly Bottom Road including the erection of fencing and gates. A septic tank and soakaway are also included. The application site is shown on the submitted details as around 100 metres across the frontage and around 80 metres at its deepest, which is a fair representation of the actual size of the plot.
- 3.2 The mobile home is shown on the submitted details to be fairly central on the plot and that is a fair representation of where it is actually positioned, with the fairly limited hardsurfacing around it also as shown. The driveway is also as shown on the plans, leading direct to the mobile home from the highway access. The septic tank is shown on the plans as being close to the north-west of the mobile home.
- 3.3 Amended details have been submitted that show existing trees and shrubbery on the site that are to be retained and the front fencing and gates around the entrance.
- 3.4 Additional details have also been submitted in the form of a Design & Access Statement; Ecological Survey; and Tree Survey.

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

- Draft Local Plan policies: GT1, SP17, DM16, DM34
- Planning Policy for Traveller Sites 2015 (PPTS)

5.0 Since this application was last reported to committee on 17 March 2016, further permissions have been granted towards meeting the need for gypsy sites.

5.1 Since 1st October 2011 the following permissions for pitches have now been granted (net):

- 81 Permanent non-personal permissions
- 13 Permanent personal permissions
- 3 Temporary non-personal permissions
- 33 Temporary personal permissions

5.2 Therefore a net total of 94 permanent pitches have been granted since 1st October 2011. As such a shortfall of 36 pitches remains outstanding for the 2011-2021 period.

5.3 The projection accommodation requirement is as follows:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2021	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches

Total: Oct 2011 – March 2031 - 187 pitches

5.4 The submitted version of the Local Plan carries significant weight and it will deliver approximately 41 pitches for Gypsy and Traveller accommodation to assist in meeting needs during the plan period.

6.0 Further information for consideration

6.1 Following the deferral of this item from 17 March 2016 committee, it has now been confirmed by the applicant that his son is soon to be 11 years of age and that he will be staying in education until he is 18 years of age.

6.2 Whilst officers consider a permanent unrestricted permission is appropriate for this development, Members were not minded to agree and have sought information on when the applicant's son was likely to finish in education. This was on the basis that they may consider a temporary and personal permission appropriate. The information received on this was that the son is soon to be 11 years of age and is in his first year of secondary education. He could therefore continue to be in secondary education for the next 7 years until he is 18 years of age.

6.3 As such, were Members minded to accept a temporary and personal permission, it is recommended that the following conditions are attached.

7.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

1. The occupation of the site hereby permitted shall be carried on only by the applicant Mr David Eldridge and his resident dependents, and shall be for a limited period until 31 July 2023, or the period during which the site ceases to be occupied by them, whichever is the shorter.

When the land ceases to be occupied by those named above, the use hereby permitted shall cease and any caravans, materials and equipment brought onto the land in connection with the use shall be removed

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to reflect the personal need of the applicant and family.

2. No more than 1 static caravan or mobile home, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time;

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

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

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside and nearby properties.

4. Within 2 months of the date of this decision, details of all fencing, walling and other boundary treatments must be submitted to the Local Planning Authority for approval in writing, and the approved details shall thereafter be implemented within 2 months of the date of any subsequent approval and maintained thereafter;

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

5. Within 2 months of the date of this decision there shall be submitted to the Local Planning Authority for approval in writing a scheme of landscaping using indigenous species which shall be in accordance with BS:5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' and include a programme for the approved scheme's implementation, maintenance 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 include the following;

- Retention of existing vegetation within the site.
- Native tree and hedge planting along the boundary of the site with the public footpath.
- Native tree and hedge planting along the northern boundary of the site and to screen the enclosures erected at the entrance.
- The seeding of bare ground areas with a species rich grassland seed mix.

- The management of the areas of grassland adjacent to the scrub/woodland as a wild flower meadow.
- Definition of the landscaped areas and residential element of the site.

Reason: In the interests of visual amenity and biodiversity.

6. 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 date of the 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 a satisfactory setting and external appearance to the development.

7. Details on the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal, must be submitted within one month of the date of this decision for approval by the LPA. These details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

Reason: in order to meet the advice and requirements contained within the NPPF 2012.

8. Within 1 month of the date of this decision, details of satisfactory facilities for the storage of refuse on the site shall be submitted to and approved in writing by the LPA and the approved facilities shall be provided before the first occupation of the building(s) or land and maintained thereafter.

Reason: to protect residential amenity

9. Within 2 months of the date of this decision, details of an ecological management plan for the site must be submitted to the Local Planning Authority for approval in writing; the approved details must be fully implemented and maintained thereafter;

Reason: in the interests of ecology and biodiversity.

10. Within 2 months of the date of this decision, bat and bird boxes shall be erected within the boundary of the site as detailed in the ecological survey and thereafter maintained.

Reason: in the interests of ecology.

11. Within 1 month of the date of this decision, a bound surface shall have been created for the first 5 metres of the approved access back from the edge of the highway and thereafter maintained to the satisfaction of the LPA;

Reason: in the interests of highway safety and to meet the advice and requirements of the NPPF 2012.

12. Within 1 month of the date of this decision, the front gates must be set to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway to prevent waiting on the highway.

Reason: in the interests of highway safety and to meet the advice and requirements of the NPPF 2012

INFORMATIVES

- 1 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.

Case Officer: Jon Lawrence

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

REPORT SUMMARY

REFERENCE NO - 14/0668		
APPLICATION PROPOSAL Retrospective application for the change of use of land from agricultural to residential involving the stationing of one mobile home and the laying of hard surfacing		
ADDRESS Oaklands, Gravelly Bottom Road, Kingswood, Maidstone, Kent, ME17 3NS		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL 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 considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE It is contrary to views expressed by Broomfield & Kingswood Parish Council		
WARD Leeds	PARISH/TOWN COUNCIL Broomfield & Kingswood	APPLICANT Mr Eldridge AGENT
DECISION DUE DATE 22/07/14	PUBLICITY EXPIRY DATE 22/07/14	OFFICER SITE VISIT DATE Initially 18/7/14

SPECIAL FACTORS

The Committee of 27/11/2015 considered an urgent update report from the Head of Planning and Development recommending that this application be withdrawn from that agenda. It was noted that Officers needed to investigate information received late the previous day regarding the gypsy status of the applicant.

It was resolved that agreement be given to the withdrawal of application MA/14/0668 from the agenda to enable the Officers to investigate information received relating to the applicant's submissions on gypsy status.

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

There is planning application history and enforcement investigation history concerning the application site and also application history from when it fell under a wider parcel of land. There is also a history of formal enforcement action relating to this wider land including the site.

Most recently, in April 2014, the stationing of a caravan and the construction of areas of hardstanding on the land resulted in enforcement investigations which led to the subject application.

Under MA/11/0224 a full application was submitted for a change of use of the application site from agricultural to residential and the erection of a four bedroom dwelling. This was withdrawn in 2011.

MA/07/1024 (application site only) had been previously refused for the demolition of four agricultural sheds and the formation of a driveway to form access to the rear (south) of the site and construction of barn style chalet dwelling with associated triple garage. This was refused in 2007 on the grounds that the development would be visually prominent and would represent an unjustified addition to sporadic development in the countryside, harmful to its character and appearance.

MA/03/2066 (application site only) applied for the use of the land for the keeping of horses and the erection of a stable block. This was refused in 2003 as it was considered there would be inadequate supervision/security arrangements for the horses as the application site is physically remote from the owner's dwelling.

MA/94/1196 (application site only) applied for the erection of a single storey building to provide three stables, foodstore and agricultural store. This was refused in 1994 on the grounds that it would be intrusive development detrimental to visual amenity and that there was no proven agricultural need.

MA/94/0389 (application site only) applied for a certificate of lawful development for the use of the land for leisure purposes and the stationing of two containers. This was refused in 1994 for the reasons that the use was not immune and the containers were not permitted development.

MA/92/1239 (application site only) was an outline application for the erection of

a bungalow which was refused in 1992 on the grounds that it would be outside any built up area without any exception, and it would be visually prominent and intrusive.

Under MA/91/0514 (majority of application site) permission was conditionally granted in 1991 for a block of stables with a fodder store.

MA/89/0512 (majority of application site) applied for a stables, office and bungalow, and this was refused in 1989 on the grounds that it would be outside any built up area without any exception, and that it would be visually obtrusive.

MA/87/0389 (majority of application site) was for a dwelling. This was refused in 1987 for the reasons that the site was in a rural area intended to remain undisturbed and that the use would therefore be undesirable; that there was no agricultural need; that it would be detrimental to visual amenity; that the new access would be onto a classified road; and that the approach road was unsuitable.

Under MA/84/0681 (majority of application site) permission was granted in 1984 for the demolition of agricultural sheds and erection of a double stable block with ancillary storage. However, it appears this permission was never implemented.

In 1982 an enforcement notice was served against the change of use of land known as Stonecrop Farm, which at that time included land now forming the application site, to a mixed use for the purposes of a caravan site; for the storage of caravans; for the storage, spraying, repair and maintenance of motor vehicles and motor vehicle parts; and for the purposes of a workshop for the manufacture and storage of timber items. This notice was issued on the grounds that the site was in a rural area intended to remain undisturbed, and that the uses were intrusive and undesirable for the countryside and therefore detrimental to the amenities of the area. It appears this notice was complied with.

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The site is within the countryside. It is on the south side of the rural Gravelly Bottom Road which provides links to the villages of Kingswood

and Langley and the primary roads to Maidstone. There is sporadic ribbon development on both sides of Gravelly Bottom Road, mostly on large plots, and a mix of uses including agricultural, commercial and residential.

- 1.02 The application site itself was previously the north-west part of the adjacent farm complex and land which includes a dwelling still located immediately to the east. There is also a dwelling on the other side of the public footpath KH311 which runs along the western boundary of the site. There are also three large residential plots on the other side of Gravelly Bottom Road. Generally tree cover is heavy in this area of the road. There is ancient woodland at the rear of the site. There is also tree cover generally, some very mature, in and around the site. The mobile home applied for is on site in the position shown on the plans in the south-east part of the site, and the roadway and hardsurfacing also subject to the application have been constructed. There is close-boarded fencing on the rear and front boundaries of the site, and also in double-gate form on the front. The rear fencing is part of the neighbouring site and does not appear to form part of the application, although the front element is described in the submitted Design & Access Statement. The site rises gently towards the rear.

2.0 PROPOSAL

- 2.01 The application is retrospective for the use of land for the stationing of a mobile home for the applicant's gypsy/traveller family, with hardsurfacing for a driveway and parking, and with alterations to the existing access from Gravelly Bottom Road including the erection of fencing and gates. A septic tank and soakaway are also included. The application site is shown on the submitted details as around 100 metres across the frontage and around 80 metres at its deepest, which is a fair representation of the actual size of the plot.
- 2.02 The mobile home is shown on the submitted details to be fairly central on the plot and that is a fair representation of where it is actually positioned, with the fairly limited hardsurfacing around it also as shown. The driveway is also as shown on the plans, leading direct to the mobile home from the highway access. The septic tank is shown on the plans as being close to the north-west of the mobile home.
- 2.03 Amended details have been submitted that show existing trees and shrubbery on the site that are to be retained and the front fencing and gates around the entrance.
- 2.04 Additional details have also been submitted in the form of a Design & Access Statement; Ecological Survey; and Tree Survey.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan 2000: ENV6, ENV28

:

4.0 LOCAL REPRESENTATIONS

4.01 **Letters of objection** were originally received from **eleven** local residents. **Three** of these were in respect of both the original and amended/additional details and **one** followed the amended/additional details submitted. The following summarises all the grounds of objection raised:-

- It is a rural location
- Have doubts that ecology suggestions in survey can be carried out
- Is a retrospective application, showing disregard for planning regulations
- Hardsurfacing for parking one car is applied for but there is two cars on site
- There is previous enforcement still active against caravans on the land
- Was previously a field with a farm gate
- Clearance of trees and bushes
- Previously no drive and now a sweeping one through land and a hardstanding which is imposing and out of character for rural nature of area
- Effect on property value
- Disregard shown for habitat and biodiversity
- Gravelly Bottom Road (GBR) is actually a single track road with limited passing which is dangerous
- Access is dangerous
- Access has actually been altered by removal of hedge and is now out of character with others on GBR
- No Environmental Impact Assessment submitted despite bordering ancient woodland
- A mobile home is out of place and unsightly for this residential area
- Doubts that applicant is a gypsy, has lived in a dwelling
- Only development on GBR has been replacement of existing properties or re-use of
- Was no existing buildings on land, only an iron shed demolished in mid-1980's
- Reduction in wildlife has already occurred
- Septic tank and soakaway done without permission
- Currently no permanent mobile homes in GBR
- Potential for further gypsy development on site if permission granted
- Ample sites with vacancies nearby
- Area is grassland and woodland of historic and biodiverse significance
- Effect on outlook of other properties due to raised location of site
- Visible from public footpath
- Does not blend in with rural landscape
- Could set precedent for developments elsewhere on GBR
- Overlooking of adjacent properties

- 4.02 Since the additional information received on the nomadic lifestyle of the applicant, there have been further similar representations from **two** of the local residents.

5.0 CONSULTATIONS

- 5.01 **Broomfield & Kingswood Parish Council** have commented both on the original submissions, on the later amended/additional details submitted, and on the further information received regarding the nomadic lifestyle of the applicant. A planning expert has also latterly written on their behalf in addition.

Original submission comments: "Councillors wish this application to be refused, and wish it to be referred to the Planning Committee for the following reasons:-

- 1) The application is inaccurate
 - S6 – states that there is no proposal for a new or altered access to or from the public highway also no new or altered pedestrian access proposed to or from the public highway. The applicant has answered no but significant damage to hedgerow and agricultural land has been carried out in creating access and laying hard standing to a previously overgrown agricultural plot.
 - S13 – Councillors believe that the nature of Oaklands which borders ancient woodland will have been critically damaged by the works that have been carried out and that in all likelihood there may have been protected and priority species, important habitats or other biodiversity features and possibly features of geological conservation importance, that have received critical damage and harm.
 - S14 – The site has been redundant for many years as previous enforcement notices has prevented any activity.
 - S15 – Trees and hedges have already been removed and are having a negative influence for neighbouring properties and have already affected the character of the local landscape.
- 2) The applicants supporting statement says
 - a) The site is not within any protected area of countryside when the property is surrounded on two sides by ancient woodland.
 - b) There has not been any additional developments in Gravelly Bottom Road for several years, only extensions and improvements or rebuilds.
 - c) Siting a caravan as a permanent residence in a rural area and in full view of the highway, where other dwellings are scattered along the road and most not visible from the road, would be detrimental to the general aesthetics of the area.
 - d) Gravelly Bottom Road is a single track road with passing places. There have been many road traffic accidents at exactly the location of Oaklands and Oak Tree Farm (an immediate neighbour) in recent years due to excessive speed on the blind bend. It is a busy road as one of the main accesses to the village of Kingswood.

- 3) Councillors consider that giving permission for this application will be setting a dangerous precedent. The applicant admitted to owning the land since last year, thereby allowing plenty of time for submission of a planning application before work had commenced which can only suggest a complete intention at flouting of planning regulations”.

Amended/additional details comments: “Councillors reviewed the amended application at a planning meeting held on 1st September and concluded that the application should be **refused** for the following additional reasons:-

1. Application states that the applicant is claiming gypsy status with no evidence to support the statement.
2. There has been no robust evidence base to establish need for a traveller site in this location.
3. Ecology report states that the site is considered to be of moderate to high ecological value based on the habitats on site and the wooded areas in close proximity. Recent works have created disturbance with the creation of hard standings etc., which will prevent the return of indigenous species.
4. MBC has recently reviewed planning policy for gypsy and traveller sites as part of their emerging Local Plan and with agreement with this parish MBC has already concluded that there are too many traveller sites within the parish and in the immediate vicinity, therefore no more sites would be required or needed. MBC have currently identified appropriate sites for development for travellers which has not included Broomfield & Kingswood
5. Broomfield & Kingwood’s emerging Neighbourhood Plan has also recognized that there are sufficient traveller sites within the parish and in the immediate surrounding parishes and has therefore not included additional traveller sites within the plan. Nine sites already been identified in situ which are all of significant sizes
6. “Planning decisions must be made in accordance with the development plan.... Identifies (allocates) sites for development..... aims to protect landscape areas” Maidstone Borough Local Plan training workshop - 27/08/2014
7. Government’s policy aim – to ensure fair and effective provision of authorized sites for travellers to facilitate the traditional and nomadic way of life..... whilst respecting the interests of the settled community.
8. Planning policy for traveller sites – make an assessment of needs, work collaboratively, identification of land for sites, protect the green belt, reduce unauthorized development & encampments whilst protecting local amenities and environment.
9. The Parish Council wish to see the site returned to its prior condition

Councillors wish this application to be reported to the Planning Committee”

Comments made in respect of further information received on the nomadic lifestyle of the applicant; “With reference to planning application 14/0668 – Oaklands, Gravelly Bottom Road, Kingswood and the additional information that has been provided by the application in response to your request to clarify his traveller status.

Councillors remain concerned that the information previously provided by the applicant has only been provided to mislead to enable planning permission to be granted. As you are already aware sufficient information has been provided to adequately determine that the applicant has never lived a traveller lifestyle but only ever lived in settled accommodation as both adult and a minor.

The additional information now supplemented by the applicants agent on the 23rd November in that "Now that he has reconciled his relationship with his former wife he has agreed to give his youngest son a more permanent home for the duration of his education", this latest information can also be considered to be used to mislead officers in their determination of this application as it has been publicly advertised that the applicants ex-wife is now engaged to be married (and not to the applicant) also Councillors have been provided with information of a court order taken out through the Medway courts preventing the applicant having contact with the son, reference ME13P01187 this court order has not been rescinded.

For all the previous objections and additionally the reasons outlined above Councillors still wish this application to be refused and the site returned to its previous agricultural nature at the earliest".

The planning expert appointed recently on their behalf has also made the following comments: "I have been retained by Broomfield with Kingswood Parish Council (BKPC) to represent their views with regard to the application.

The first issue which has to be dealt with is whether or not the applicant is indeed a member of the travelling community and therefore eligible to have his application considered under planning policies for gypsies and travellers. Recently you will have received an email from Gail Gosden, BKPC's parish clerk, which appears to undermine the truth of the applicant's claims in this respect. Therefore it is important that MBC undertakes a thorough investigation.

According to the Planning and Compulsory Purchase Act 2004, s.38: If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, *the determination must be made in accordance with the plan unless material considerations indicate otherwise.*

Clearly the Maidstone Local Plan 2000 must be considered to be a historic document. The Draft Local Plan 2014 does not cite Oaklands in the list of potential sites under policy GT1. It does admit that there is a shortfall in provision. However, when BKPC were in discussions with MBC over their local plan it was agreed that no more gypsy and travellers sites would be allocated within the parish because there are already more than enough. As an experienced planning officer you will know that to allow this site could set a precedent for further development in the future, given that permission runs with the land. This is true to the experience of BKPC on

other sites within the parish, and the reason why an enforcement order was imposed on the wider site, then known as Stonecrop Farm, in 1982. As a planning professional I appreciate the fact there is nothing illegal in applying for retrospective planning permission. However the applicant has shown a cavalier attitude towards the sensitivities of this site by destroying or damaging extant flora and fauna. Given the long list of refused applications of an agricultural nature on this site, it would be a derogation of duty to permit this one. I submit therefore that this application be refused. No doubt you are aware of the public concern pertaining to this matter.

- 5.02 **MBC Landscape Section** have confirmed that the Tree Condition Survey submitted is acceptable in principle. They also confirm that on the basis of this survey, and also that the application is retrospective, no objections are raised on aboricultural grounds subject to a landscape condition including the replacement hedge planting as proposed in the survey. They also confirm that they have no comments to make in respect of the additional information received on the nomadic lifestyle of the applicant.
- 5.03 **Natural England** have raised no objections to both the original and later submissions, as they advise the proposal is unlikely to affect any statutorily protected sites or landscapes , and have pointed to its published "Standing Advice" on protected species. They also confirm that they have no comments to make in respect of the additional information received on the nomadic lifestyle of the applicant.
- 5.04 **KCC Ecology** originally commented that as no ecological information had been submitted then the development has the potential to result in ecological impacts. Following the later submission of that information they then commented as follows:

"We have reviewed the ecological information which has been submitted and we require no additional information to be provided prior to determination of the planning application.

The application is for a retrospective planning application and it is very disappointing that the works were implemented prior to ecological survey being carried out. The ecological survey has detailed that the boundary and surrounding area is of moderate to high ecological value – as such it suggests that before the development works were carried out the whole site may have contained suitable habitat for protected/notable species.

The applicant is proposing to seed/turf the bare ground areas and to compensate for the loss of habitat we suggest that it is seeded with a species rich grassland seed mix and the areas of grassland adjacent to the scrub/woodland is managed as a wild flower meadow.

Details of how the site will be managed must be submitted for comments as a condition of planning permission, if granted.

Enhancements - One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around

developments should be encouraged". We recommend that bat and bird boxes (as detailed within the ecological survey) are erected within the boundary of the site."

They have also added that they have no comments to make on the additional information received on the nomadic lifestyle of the applicant.

- 5.05 **KCC Highways** comment that "the proposal is to use an existing access onto Gravelly Bottom Road which is of a sufficient width and provides good visibility. The proposal will not significantly increase traffic along Gravelly Bottom Road. The previous use of the site was agricultural, therefore the change of use will result in smaller vehicles using the site, which will increase highway safety. There is sufficient parking and turning space within the site to allow vehicles to enter and leave in a forward gear. For these reasons there would be no ground for an objection with regards to highway concerns, subject to conditions". These conditions concern the access and its gradient; the set back distance of the of gates; the retention of the parking space; and the bound surface.

6.0 Principle of Development

- 6.01 There are no saved Local Plan policies that relate directly to this type of development. Policy ENV28 of the MBWLP 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."

- 6.02 Policy ENV28 then outlines the types of development that can be permitted. This does not include gypsy development as this was previously covered under housing policy H36 of the MBWLP but this is not a 'saved' policy. Policy ENV34 (Special Landscape Area) affords greater protection of is designed to control the spread of inappropriate development.
- 6.03 A key consideration in the determination of this application is central Government guidance contained with 'Planning Policy for Traveller Sites' (PPTS) amended in August 2015. This places an emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.
- 6.04 In determining whether persons are "gypsies and travellers" for the purposes of the PPTS, consideration should be given to the following:
- a) whether they previously led a nomadic habit of life
 - b) the reasons for ceasing their nomadic habit of life
 - c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

6.05 Though work on the emerging local plan is progressing as yet there are no adopted policies responding to the provision of gypsy sites. 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 partnership with Sevenoaks District Council procured Salford University Housing Unit to carry out a revised Gypsy and Traveller Accommodation Assessment (GTAA). Whilst this work is set to be revisited in light of the changes to the PPTS, at this time it has not commenced and this information does remain the current need figure. The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2021	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches
Total: Oct 2011 – March 2031	-	187 pitches

6.06 These figures were agreed by Cabinet on the 13th March 2013 as the pitch target and were included in the consultation version of the Local Plan. The current GTAA provides the best evidence of needs available at this point of time and the decision needs to be based on evidence at the time of the decision.

6.07 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Draft Policy DM26 of the Regulation 18 version of the Draft Local Plan accepts that this type of accommodation can be provided in the countryside provided that certain criterion is met. The Draft Plan also states that the Borough's need for gypsy and traveller pitches will be addressed through the granting of permanent planning permissions and through the allocation of sites. The timetable for adoption is currently for the latter half of 2017.

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

7.0 Need for Gypsy sites

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

7.02 As stated above, the projection accommodation requirement is as follows:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2021	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches

Total: Oct 2011 – March 2031 - 187 pitches

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

- 79 Permanent non-personal permissions
- 10 Permanent personal permissions
- 3 Temporary non-personal permissions
- 33 Temporary personal permissions

7.04 Therefore a net total of 89 permanent pitches have been granted since 1st October 2011. As such a shortfall of 17 pitches remains outstanding.

7.05 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. This explains why the need figure appears so high in the first 5 years.

8.0 Gypsy Status

8.01 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, but excluding members of an organised group of travelling show people or circus people travelling together as such."

8.02 It has been raised in representations made that there should be doubts over the gypsy status of the applicant as it is thought that he has lived in housing. It is a key consideration whether the applicant, as the intended occupant, complies with the definition of a gypsy and has a site based housing need. In this respect, it is claimed in the submitted documents that the applicant Mr Eldridge is of gypsy descent and from the gypsy community. The below information has been provided to back this up.

8.03 The applicants' grandmother was a Romany gypsy married to his travelling gypsy grandfather. They both came from the South Wales area and travelled all over South & North Wales but were primary based in Herefordshire, making a living by selling fine lace and paper flowers, which my grandmother made, as well as working on farms. Between them they had ten children of which seven of them continued the travelling lifestyle with the remaining three marrying non gypsy travellers. The applicants' mother also married a travelling man who was not a gypsy but took that way of life, and travelled with the family until the grandparents died. They then travelled with the rest of the family and eventually some of the family based themselves in Kent & some in Hampshire. They lived on various sites, but mainly farmland picking hops and fruit, while the men concentrated on wood cutting and tool sharpening. Throughout the

summer they shared a site in Watlingbury, Kent with the Smith family, and yearly they would meet up at Appleby where they would join relatives from Wales and Hampshire.

- 8.04 The applicant states that he was born in Pembury, Kent, at a time when his parents were based on a farm in East Malling, Kent. He states that he lived in two trailers with his family until the age of 20 years, travelling throughout Kent but mainly based in Medway at Greenacres. He then married at the age of 21 and continued to live in a trailer with his non traveller wife until the age of 23, by which time they had two children. They decided that it would be better to settle in a house for the benefit of the children's education and to give them stability, and they went on to have a further two children. He then returned to the travelling lifestyle four years ago when the marriage broke down and lived on his brother's land in a trailer in Northampton. He then returned to Kent and lived on a site in Cuxton, Kent, before moving onto a plot owned by another travelling family until the purchase of the application site. Two of his children have taken the travelling lifestyle, his daughter is currently living on a site in Marden, Kent with another travelling family by the name of Beany, and his son is on a site in Hampshire.
- 8.05 The applicant has confirmed that he has now temporarily stopped travelling in order to provide a home for his son during his secondary education at a school nearby to the application site, and that thereafter his intention is to once again adopt the nomadic life.
- 8.06 From this I consider there is sufficient evidence that the applicant and intended occupant Mr David Eldridge is from the travelling community, that he re-commenced that lifestyle around what would now be five years ago, and that he has now again temporarily given up that lifestyle for the sake of his son's education. He therefore complies with the definition of a gypsy as outlined in the latest Government guidance in Planning Policy for traveller sites.

9.0 Visual Impact

- 9.01 Guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside 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 NPPF, and also clearly under Local Plan policy ENV28 which seeks to prevent harm to the character and appearance of the countryside.
- 9.02 The application site is largely screened from Gravelly Bottom Road by the dense, and in places mature, tree cover and shrubbery both around the frontage and within the site. The mobile home itself is also set back some 40 metres into the site and therefore also benefits even further from tree and shrub cover within the site, despite being in a slightly elevated position in comparison to the frontage and highway. Further, the tree and shrub cover on the west boundary of the site with the adjacent public

footpath also result in a good screen from that direction. There is also good tree cover provided by the woodland to the rear, and trees and planting around the boundary with the residential property of Stonecrop to the east. The front fence and gates included in the application, whilst being minimalistic, also help to screen, as does fencing around the rear of the site. The hardstanding is also considered minimal in the context of the size of the site. I therefore consider this is not visually harmful development to the surrounding area and landscape, and that the level of harm is low to the character and appearance of the countryside. The development is only visible from short range views when next to site. Nonetheless, boundary treatment and landscaping conditions should still be imposed to enhance and secure the appearance of these enclosures, secure the existing trees and planting; and also required planting around those enclosures. This would ensure further softening/screening of the development, and would also define the curtilage and what land/planting is in the applicants' control.

10.0 Residential amenity

10.01 There are residential dwellings either side of the application site, however, the tree and shrub screens, in places dense, on and around both side boundaries mean that there is no overlooking resulting either to or from the application development. The distances between either of these dwellings and the application mobile home are, in any case, at least some 50 metres. I do not consider there to be any significant impact on their residential amenities.

11.0 Highway safety implications

11.01 The access to the site is from Gravelly Bottom Road. It has been raised in representations made that this is a single track road with limited passing that is dangerous. However, it is not considered that the utilisation of this existing access with alterations for this use leads to any further detriment to highway safety creation. Any increase in traffic that results from this development would be minimal. The gates are also set back adequately from the highway. Appropriate conditions can also secure this matter. Indeed, Kent Highways have raised no objections subject to suggested conditions concerning the access, and I agree with those they suggest in respect of the "set back" distance of the gates and the bound surface.

12.0 Landscape and biodiversity implications

12.01 One of the principles of the National Planning Policy Framework is that *"opportunities to incorporate biodiversity in and around developments should be encouraged"*.

12.02 In terms of any impact on ecology, the applicant is proposing to seed/turf the bare ground areas. To compensate for the loss of habitat, conditions can therefore ensure that it is seeded with a species rich grassland seed mix, and the areas of grassland adjacent to the scrub/woodland are managed as a wild flower meadow. Details of how the site will be managed must also be submitted through condition. The bat and bird

boxes detailed within the ecological survey to be erected within the boundary of the site can also be secured by condition.

12.03 No objections have been raised by KCC on the grounds that that there would be any impact on the ancient woodland. This is, in any case, separated from the application site by public footpath KH311. The built development on site is also some 30 metres distance from the ancient woodland. It is also intended through condition to secure significant landscaping in the back part of the site to ensure a buffer zone between the use and the ancient woodland. This will ensure there will be no negative impact on the woodland.

12.04 The Tree Condition Survey submitted is acceptable in principle. On the basis of this survey, and as the application is retrospective, no objections are raised on aboricultural grounds subject to a landscape condition including the replacement hedge planting as proposed in the survey.

12.05 A landscaping scheme will also be ensured by way of condition to ensure new planting will be native species.

13.0 Other considerations

13.01 There are other gypsy sites in the area and this has been raised in objections. Guidance in Planning Policy for traveller sites states that sites should not dominate the nearest settled community. I consider that this site, when combined with other gypsy sites in the vicinity, would not dominate the settled community.

13.02 Although it is indicated that foul sewage would be dealt with by a septic tank, no detail other than its location and a drain run has been submitted. A condition should therefore be imposed requiring further details to be submitted. Further conditions can also secure details of the storage and disposal of waste; the provision of potable water supplies; and details of facilities for the storage of refuse.

13.03 Resultant effect on property value, being a matter raised in objections made, is not a planning concern.

13.04 Although the site is within the countryside, I do not consider that it is so remote from services to warrant a refusal on sustainability grounds. Other gypsy sites have been found to be acceptable, and are similar distances from facilities. In addition, the wider considerations of sustainability within the Planning Policy for traveller sites document include the advantages of providing a settled base for the occupiers.

13.05 I do not recommend any conditions restricting occupancy to the applicant on the basis that the site and development are considered acceptable for all the reasons above. In the case of this specific site, there is no reason to object to a permanent unrestricted use as a gypsy site.

13.06 An environmental impact assessment is also not required.

14.0 Conclusion

- 14.01 The site is located within the countryside, however, gypsy sites can be acceptable in the countryside. It is considered that the applicant is a gypsy and complies with the definition contained within the Planning Policy for traveller sites document.
- 14.02 The visual impact of the development is minimal. There is good tree and planting cover in and around the site and also enclosures. Nonetheless, boundary treatment and landscaping conditions should still be imposed to enhance and secure the appearance of these enclosures, secure the existing trees and planting; and also the required planting around those enclosures.
- 14.03 The application development, when combined with other gypsy sites in the vicinity, and in relation to the existing authorised development, does not dominate the settled community.
- 14.04 In the context of gypsy and traveller accommodation, the application site is considered to be in a sustainable location that is not so remote from services and facilities to justify a refusal.
- 14.05 The application development does not have any adverse impact on residential amenity.
- 14.06 The application development does not lead to any increased risk to highway safety.
- 14.07 In terms of ecological issues, appropriate conditions can compensate for the loss of habitat.
- 14.08 There are no other significant planning issues that would warrant refusal of the application.
- 14.09 I therefore consider the development is acceptable and recommend an unrestricted permanent permission.

RECOMMENDATION – GRANT Subject to the following conditions:

1. The site shall not be used as a caravan site by any persons other than gypsies or travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2012;

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.

2. No more than 1 static caravan or mobile home, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time;

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

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

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside and nearby properties.

4. Within 2 months of the date of this decision, details of all fencing, walling and other boundary treatments must be submitted to the Local Planning Authority for approval in writing, and the approved details shall thereafter be implemented within 2 months of the date of any subsequent approval and maintained thereafter;

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

5. Within 2 months of the date of this decision there shall be submitted to the Local Planning Authority for approval in writing a scheme of landscaping using indigenous species which shall be in accordance with BS:5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' and include a programme for the approved scheme's implementation, maintenance 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 include the following;

- i) Details of the species, size, density and location of all new planting within the site, including the significant planting expected in the southern area of the site to provide a buffer zone between the use and the adjacent ancient woodland;

- ii) Native hedge planting along the northern boundary of the site.

Reason: In the interests of visual amenity and biodiversity.

6. 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 date of the 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 a satisfactory setting and external appearance to the development.

7. Details on the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal, must be submitted within one month of the date of this decision for approval by the LPA. These details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should

also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

Reason: in order to meet the advice and requirements contained within the NPPF 2012.

8. Prior to the commencement of the development, details of satisfactory facilities for the storage of refuse on the site shall be submitted to and approved in writing by the LPA and the approved facilities shall be provided before the first occupation of the building(s) or land and maintained thereafter.

Reason: to protect residential amenity

9. Within 2 months of the date of this decision, details of an ecological management plan for the site must be submitted to the Local Planning Authority for approval in writing; the approved details must be fully implemented and maintained thereafter;

Reason: in the interests of ecology and biodiversity.

10. Within 2 months of the date of this decision, bat and bird boxes shall be erected within the boundary of the site as detailed in the ecological survey and thereafter maintained.

Reason: in the interests of ecology.

11. Within 1 month of the date of this decision, a bound surface shall have been created for the first 5 metres of the approved access back from the edge of the highway and thereafter maintained to the satisfaction of the LPA;

Reason: in the interests of highway safety and to meet the advice and requirements of the NPPF 2012.

12. Within 1 month of the date of this decision, the front gates must be set to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway to prevent waiting on the highway.

Reason: in the interests of highway safety and to meet the advice and requirements of the NPPF 2012

INFORMATIVES

- 1 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.

Case Officer: Jon Lawrence

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Reference number: MA/14/0668

Additional Information

Reference to a Court Order in relation to the applicant's son, which was included in comments made by Broomfield & Kingswood Parish Council, has been raised with the applicant and a response has been received relating to the applicant's personal circumstances and his son's education.

The applicant has requested that the contents of the response are made confidential, and it is considered that they should remain confidential (as an Appendix to this urgent update) for the reason that it is information relating to an individual that is considered exempt under paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972.

It is in the public interest that this Appendix be taken in private because the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

However, the applicant has made the following statement:

"Mr & Mrs Eldridge share custody of their children now and have done so for some time, in fact by mutual consent their children now spend almost all of their time with Mr Eldridge."

Amendment to Report

Para 9.01 should read "*Guidance in the PPTS states that Local Planning Authorities should **very** strictly limit new traveller development in the countryside....*"

I can confirm that the application has been assessed with this in guidance mind.

Further Considerations

The Parish Council have referred to sections of the Kingswood Neighbourhood Plan which are relevant to this development. With regard to this Plan, the Council has recently received the report of the examiner and he concludes it does not meet the basic conditions and cannot proceed. Therefore, whilst a material consideration, it does not have sufficient weight to base any decision on.

Amendments to Conditions

Condition 1

Amend wording to read ".....Planning Policy for Traveller Sites **2015**"

Condition 5

Amend condition to read as follows:

5. Within 2 months of the date of this decision there shall be submitted to the Local Planning Authority for approval in writing a scheme of landscaping using indigenous species which shall be in accordance with BS:5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' and include a programme

for the approved scheme's implementation, maintenance 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 include the following;

- Retention of existing vegetation within the site.
- Native tree and hedge planting along the boundary of the site with the public footpath.
- Native tree and hedge planting along the northern boundary of the site and to screen the enclosures erected at the entrance.
- The seeding of bare ground areas with a species rich grassland seed mix.
- The management of the areas of grassland adjacent to the scrub/woodland as a wild flower meadow.
- Definition of the landscaped areas and residential element of the site.

Reason: In the interests of visual amenity and biodiversity.

Condition 8

Delete the wording "Prior to the commencement of the development,...." And replace with the wording "**Within 1 month of the date of this decision,.....**"

Recommendation

My recommendation remains unchanged subject to the amended conditions above.

Agenda Item 18



REPORT SUMMARY

REFERENCE NO - 14/500696/AMRCON		
APPLICATION PROPOSAL Remove conditions 1 and 2 of MA/07/2232 (change of use from agricultural land to residential for gypsy family and stationing of one mobile home and one touring caravan) with a condition which reads "The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (Department for communities and local guidance). Vary condition 3 to allow no more than 4 caravans (2 static and 2 touring caravans) to be stationed on the sites at anytime.		
ADDRESS Oakland Place Greenway Forstal Harrietsham Kent ME17 1QA		
RECOMMENDATION - GRANT Subject to the following conditions		
SUMMARY OF REASONS FOR RECOMMENDATION Whilst there is conflict with saved policies ENV28 and ENV34 of the Development Plan, the personal circumstances of the applicants and the ongoing need for gypsy and traveller sites are considered to outweigh this conflict.		
REASON FOR REFERRAL TO COMMITTEE - It is contrary to views expressed by Harrietsham Parish Council.		
WARD Harrietsham And Lenham Ward	PARISH COUNCIL Harrietsham	APPLICANT Mr Tony Lee AGENT Mr Philip Brown
DECISION DUE DATE 23/07/14	PUBLICITY EXPIRY DATE 05/08/15	OFFICER SITE VISIT DATE 19/02/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

MA/07/2232 - Change of use from agricultural to residential for gypsy family and stationing of one mobile home and one touring caravan – Refused (allowed on appeal)

MAIN REPORT

1.0 Site description

1.01 'Oakland Place' is a lawful gypsy site that was allowed on appeal in 2009. The site is of a general rectangular shape with existing vehicle access onto Greenway Forstal Lane. The site is softly landscaped, with established planting all around the plot. The site is within the countryside that falls within the North Downs Special Landscape Area as defined by the Maidstone Borough-Wide Local Plan 2000 (MBWLP). 'Mount Farm' is the nearest neighbour to the north-west of the site; the Garden of England Mobile Home Park is some 90m to the south-east; and agricultural land is found behind the site. There is limited development in the surrounding area and what development there is, is sporadic; and the site is located approximately 1000m to the north-west of the village of Harrietsham.

2.0 Background information

2.01 The proposal submitted under MA/07/2232 was for the change of use of land from agricultural to residential for a gypsy family and for the stationing of 1 mobile home and 1 touring caravan. This application was refused by the Council but subsequently allowed on appeal by the Planning Inspectorate in July 2009, who granted a personal permission for Mr Lee and his wife Betsy Devall and their 2 daughters. The Inspector concluded:

".....there is some localised harm to the character and appearance of the countryside and that it results in the loss of a small amount of BMV land. However the harm is limited extent and I consider that it is outweighed by the other material considerations, and in particular the identified unmet need for the sites for Gypsies and Travellers that is both immediate and significant in extent; the specific accommodation need of this family; the lack of any known alternative sites; the absence of any policy in the development plan against which alternative sites could be assessed; and the education needs of the 2 children."

3.0 Proposal

- 3.01 The applicant seeks to remove conditions 1 and 2 of the original decision notice so that the site can be occupied by any person falling within the gypsy definition; and seeks permission for an additional mobile home and touring caravan on the site (varying condition 3). Conditions 1, 2 and 3 state:

1. The occupation of the site hereby permitted shall be carried out on only by the following and their resident dependants: Tony Lee and Betsy Devall.

2. When the land ceases to be occupied by those named on condition 1 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto the land in connection with the use shall be removed. Within 3 months of that time the land shall be restored to its condition before the use commenced.

3. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan or mobile home) shall be stationed on the site at any time.

- 3.02 The additional mobile home is for Mr Lee's daughter, Betsy, and her partner to allow them to form their own household; and the applicant wishes to remove the personal restriction as it inhibits the applicant's ability to use the site as collateral in raising finance to provide improved facilities.
- 3.03 The additional pitch would make use of the existing access from Greenway Forstal and it would be sited behind the existing mobile home and include the additional laying of hardstanding.

4.0 Policy and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan (submission version): SP17, GT1, DM7, DM16, DM34
- DCLG - Planning Policy for Traveller Sites (August 2015)

5.0 Consultations

- 5.01 **Harrietsham Parish Council:** Wish to see the application refused and reported to Planning Committee;

"There is no justification for the change in conditions. The original conditions should stand as they are still valid."

- 5.02 **KCC Highways:** Raises no objection.
- 5.03 **Environment Agency:** Raises no objection with recommended condition.
- 5.04 **Southern Water:** Raises no objection.
- 5.05 **Neighbour representations:** 18 representations received. 1 raised no objection to the proposal and the others raised concerns over loss or property value; visual/landscape impact; residential amenity; highway safety/parking; and setting a precedent.

6.0 Principle of development

- 6.01 There are no saved Local Plan policies that relate directly to this type of development. Policy ENV28 of the MBWLP 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.”

- 6.02 Policy ENV28 then outlines the types of development that can be permitted. This does not include gypsy development as this was previously covered under housing policy H36 of the MBWLP but this is not a ‘saved’ policy.

- 6.03 A key consideration in the determination of this application is central Government guidance contained with ‘Planning Policy for Traveller Sites’ (PPTS) amended in August 2015. This places an emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.

- 6.04 Though work on the emerging local plan is progressing as yet there are no adopted policies responding to the provision of gypsy sites. 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 partnership with Sevenoaks District Council procured Salford University Housing Unit to carry out a revised Gypsy and Traveller Accommodation Assessment (GTAA). Whilst this work is set to be revisited in light of the changes to the PPTS, at this time it has not commenced and this information does remain the current need figure. The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2021	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches
Total: Oct 2011 – March 2031	-	187 pitches

- 6.05 These figures were agreed by Cabinet on the 13th March 2013 as the pitch target and were included in the consultation version of the Local Plan. The borough is now into the next Local Plan period (April 2016-March 2021) which has a need of 25 pitches, equating to an average of 5 pitches a year.

- 6.06 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Draft Policy DM16 of the Regulation 19 version of the Draft Local Plan accepts that this type of accommodation can be provided in the countryside provided that certain criterion is met. The Draft Plan also states that the Borough’s need for gypsy and traveller pitches will be addressed through the granting of permanent planning permissions and through the allocation of sites. The timetable for adoption is currently for spring 2017.

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

Need for Gypsy Sites

- 6.08 The PPTS gives guidance on how gypsy accommodation should be achieved, including the requirement to assess need. As stated above, the projection accommodation requirement is as follows:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2021	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches
Total: Oct 2011 – March 2031	-	187 pitches

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

- 81 Permanent non-personal permissions
- 13 Permanent personal permissions
- 3 Temporary non-personal permissions
- 33 Temporary personal permissions

- 6.10 Therefore a net total of 94 permanent pitches have been granted since 1st October 2011. As such there is a shortfall of 36 pitches for the 2011-2021 period.

- 6.11 The submitted version of the Local Plan carries significant weight and it will deliver approximately 41 pitches for Gypsy and Traveller accommodation to assist in meeting needs during the plan period.

Gypsy Status

- 6.12 Since the application was submitted, the Government has issued revisions on the national planning guidance for Gypsy & Traveller development contained in 'Planning Policy for Traveller Sites' (PTS). The revised guidance came into force on 31st August 2015, and the planning definition of 'gypsies & travellers' have been amended to exclude those who have ceased to travel permanently. The revised definition is as follows;

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

- 6.13 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition in terms of ceasing travel temporarily, the PTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.

- 6.14 It is accepted that Mr Lee and his wife are a long established Kent gypsy family, as confirmed by the Planning Inspector under MA/07/2232. The additional pitch will be for their daughter Betsy, who travels with the rest of her family throughout the year, and her partner who is also a member of the travelling community who canvasses and travels for work in landscaping, moving to wherever the work is. It is therefore reasonable to say that Betsy and her partner have not ceased to travel permanently or temporarily; and that they will continue to travel for work. With the evidence

before me I am therefore of the view that Betsy and her partner lead a nomadic habit of life and accept that they fall within the gypsy status definition for the purposes of planning.

Sustainability

- 6.15 The gypsy site is existing and it is approximately 1km to the west of the village of Harrietsham and its services/amenities and public transport links. I therefore consider it unreasonable to argue that this proposal would be any more unsustainable in terms of location than the existing situation and raise no objection in this respect.

7.0 Visual Impact

- 7.01 Guidance in the PPTS states that local planning authorities should very strictly limit new traveller development in the countryside 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 has been outlined, however this is addressed in the NPPF and saved Local Plan policy ENV28.
- 7.02 Whilst set behind the existing mobile home, the proposal would be sited on an open area of land and the development of this site would see this change what with the addition of a mobile home, touring caravan, hardstanding and the attendant paraphernalia that comes with this. Views of it would be possible from a short section of Greenway Lane and at certain points along the A20 to the south of the site. However, this harm is considered to be localised and in these views it would be seen in the context of 'Oakland Place' and the nearby mobile home park to the east.
- 7.03 It should be noted that the Planning Inspector (under the appeal for MA/07/2232) considered the application based on a layout plan that showed the mobile home sited towards the rear of the site, in a not too dissimilar location than what is now proposed for the additional mobile home. So whilst further details of layout were requested by way of condition, it seems to me that the principle of development this far back into the site was not considered unacceptable by the Inspector.
- 7.04 The site already benefits from a well established mixed native hedge to the front boundary and established Laurel planting around the site; and existing hard boundary treatment consists of low level timber post and rail fencing. Given this, it is considered unreasonable and unnecessary for further soft landscaping to be insisted upon.
- 7.05 In summary, the Planning Inspector accepted that the addition of 1 mobile home on this site did have an *"urbanising effect on the site.....and has resulted in harm to the character and appearance of the immediate area"*, but this harm was outweighed by other material considerations. This localised visual harm remains to the character and appearance of the countryside and Special Landscape Area, and in my view the addition of another mobile home on this site would further detract from the landscape. This identified harm does weigh against the proposal, particularly as guidance in the PPTS now seeks to very strictly limit new traveller development in the countryside. With this considered, I do not consider an unrestricted use of the site (as applied for) is appropriate for this site.
- 7.06 It is also worth noting that if this application is refused, then as expressed by the Planning Inspector given their local roots to the area, there is the likelihood of the applicant's daughter and her partner becoming homeless and needing to stay on

roadsides or unlawful sites which could potentially be more visually harmful than their occupation on the proposal site.

8.0 Residential Amenity

- 8.01 A residential use is not generally a noise generating use; and the nearest residential property would be more than 50m away. Given this, I am satisfied that the addition of a second mobile home would not have a significant detrimental impact on the residential amenity of any neighbouring residence, in terms of general noise and disturbance and privacy.

9.0 Highway safety implications

- 9.01 The proposal makes use of the existing access; it would provide sufficient parking and turning facilities; the proposal is unlikely to lead to a significant increase in traffic generation or an unacceptable intensification of use of the access; and I also consider the local highway network to be capable of accommodating any additional traffic. The Highways Authority have also raised no objection, and so I am satisfied that this proposal would not result in an adverse highway safety issue.

10.0 Other considerations

- 10.01 Given the current condition and location of the proposal site, and the nature of the proposed development, I am satisfied that there are no objections to be raised in terms of flood risk and it is considered unnecessary to request any further ecological information given the well maintained nature of the site. The Environment Agency have recommended a condition for details of a scheme for the disposal of foul and surface waters in order to prevent pollution of the water environment as the site lies in a Source Protection Zone 2. This condition will be duly imposed.
- 10.02 The issues raised by Harrietsham Parish Council and local residents have been addressed in the main body of this report. I would also add that the loss of property value is not a material planning consideration; and each application is considered on its own merits and would not set a precedent for future development. It is also thought that the proposal would not result in an over concentration of gypsies and travellers in the area.

11.0 Conclusion

- 11.01 The desire to keep a family together and to allow the applicant's daughter to remain within the local area to start her own family, as opposed to being potentially homeless, does demonstrate there is a need for her and her partner to have a permanent base. However, due to the location of this site in an area afforded additional landscape protection, I consider it inappropriate to grant unrestricted permission. This sentiment was echoed by the Planning Inspectorate under MA/07/2232, as quoted previously within this report.
- 11.02 The determination of this application centres on the balance to be struck between the harm to the character and appearance of the countryside and SLA and the on-going need to provide accommodation for gypsies and travellers. So whilst the proposed development would cause some visual harm, which will be mitigated to a degree through the existing landscaping, the specific family requirements of the applicant together with the ongoing need to provide accommodation for gypsies and travellers leads to a recommendation for a personal permission (in line with the previous Inspector) and I therefore recommend conditional approval of the application on this basis.

RECOMMENDATION –GRANT Subject to the following conditions:

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

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

- (2) The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants: Tony Lee, Betsy Devall, Betsy Lee and partner.

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to reflect the personal needs of the named persons and their families, and to safeguard the character and appearance of the countryside that falls within a Special Landscape Area.

- (3) When the land ceases to be occupied by those named in condition 1 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto the land in connection with the use shall be removed. Within 3 months of that time the land shall be restored to its condition before the use commenced.

Reason: To safeguard the character and appearance of the countryside that falls within a Special Landscape Area.

- (4) No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be static caravans or mobile homes) shall be stationed on the site at any time;

Reason: To safeguard the character and appearance of the countryside that falls within a Special Landscape Area.

- (5) No lighting whether permanent or temporary shall be installed on the site without the prior written consent of the Local Planning Authority;

Reason: To safeguard the character and appearance of the countryside that falls within a Special Landscape Area and neighbouring amenity.

- (6) No vehicle over 3.5 tonnes shall be parked or stored on the site.

Reason: To safeguard the character and appearance of the countryside that falls within a Special Landscape Area.

- (7) No commercial activities shall take place on the land, including the storage of materials;

Reason: To safeguard the character and appearance of the countryside that falls within a Special Landscape Area.

- (8) The development shall not commence until details of the proposed means of foul and surface water disposal have been submitted to and approved in writing by the local planning authority;

Reason: To prevent pollution of the water environment as the site lies in a Source Protection Zone 2.

- (9) The development hereby permitted shall be carried out in accordance with the proposed layout plan received 28/05/14;

Reason: To safeguard the character and appearance of the countryside that falls within a Special Landscape Area.

Case Officer: Kathryn Altieri

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



15/503223 - Bletchenden Manor Farm
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REPORT SUMMARY

REFERENCE NO - 15/503223/FULL		
APPLICATION PROPOSAL		
Part retrospective - Change of use and rebuilding of former cattle shed to provide tourist accommodation.		
ADDRESS Bletchenden Manor Farm, Bletchenden Road, Headcorn, Kent, TN27 9JB		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
The proposed development, subject to imposition of the recommended conditions, is considered to comply with the policies of the Development Plan (Maidstone Borough Wide Local Plan 2000) and there are no overriding material planning considerations justifying the refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE		
The recommendation is contrary to the views of Headcorn Parish Council.		
WARD Headcorn	PARISH/TOWN Headcorn	COUNCIL APPLICANT Mr J Hart And Mrs F Wright AGENT Savills
DECISION DUE DATE 24/06/15	PUBLICITY EXPIRY DATE 24/06/15	OFFICER SITE VISIT DATE 14/05/2015

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site was formerly occupied by two buildings which have now been demolished. The application site is sited over 60 metres to the east of Bletchenden Manor Farm and The Granary which are both Grade II Listed Buildings.
- 1.02 The site has access off a private lane which is a northern continuation of Bletchenden Lane that also serves a number of houses. Public footpath KH602 runs along the north site boundary with fields beyond to the north.
- 1.03 The application site falls within an area at risk of flooding (Flood Zone 3). There is a bund around approximately 2-3m in height in the west part of the site which forms part of privately maintained flood defences.
- 1.04 In a wider context the application site lies within open countryside and within a Special Landscape Area.

2.0 PROPOSAL

- 2.01 Planning permission was granted under ref: MA/09/0943 for the change of use of buildings on the application site to provide tourist accommodation.
- 2.02 In the course of carrying out the conversion works and due to the condition of the building it became necessary for the building to be demolished. Foundations have since been constructed and low brick courses laid in relation to a replacement building but work has now ceased pending the outcome of this planning application.
- 2.03 Permission is therefore sought as part of the current planning application to rebuild and use the buildings for tourist accommodation exactly as that which was approved under planning permission ref: MA/09/0943.
- 2.04 The application has been accompanied by updated Flood Risk (FRA) and ecological assessments.

3.0 RELEVANT PLANNING HISTORY:

- 3.01 10/2070: Conversion of redundant stable and cattle shed to 2no. separate dwellings – REFUSED-05/05/2011 on the grounds that retention of the cattle shed building for residential purposes contrary to policy ENV45 of the Maidstone Borough-Wide Local Plan 2000 in that this building is not of sufficient architectural or historic interest to merit a redevelopment to residential use.
- 3.02 MA/09/0943: Change of use and conversion of cattle sheds and stables for tourist accommodation – APPROVED- 11/01/2010

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF 2012)
National Planning Practice Guidance (NPPG 2014)
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T13,
Maidstone Borough Council Draft Local Plan: SS1, DM1, DM2, DM3, DM35

- 4.01 The application site lies outside any defined settlement and in open countryside forming part of an Special Landscape Area as defined in the Maidstone Borough-Wide Local Plan 2000. As such it is subject to policies ENV28 and ENV34 of the adopted local plan.
- 4.02 Following consideration of comments made as a result of recent consultation, the Council submitted the draft Local Plan (Regulation 19) for examination on the 20 May 2016. The emerging plan is a material consideration and can, however, be given some weight when considering planning applications by virtue of its progress through the stages in the adoption process.
- 4.03 Regarding the Headcorn Neighbourhood Plan (NP), it is out for Regulation 16 consultation for 6 weeks which started on the 15 January 2016. As such some weight should be afforded to the plan. In connection with the current proposal policy HNP3 relates to water management and flood risk and amongst other things seeks to discourage development taking place within flood zones 2 and 3.
- 4.04 Policy HNP19 relates to tourism while policy HNP23 refers to small businesses.

- 4.05 Reference has also been made to policy HNP33 relating to building new dwellings in the countryside.

5.0 LOCAL REPRESENTATIONS

- 5.01 A site notice was displayed at the site on the 14th May 2015.

- 5.02 6 neighbouring properties notified- 7 objections have been received which are summarised below:

- Application incorrect – cannot be a conversion as building no longer exists to convert while footprint of new building larger than demolished cattle shed.
- Proposal represents a new building in the countryside rather than a conversion. As such cannot be considered under policies relating to conversion of existing buildings within the countryside.
- Contend that building was deliberately demolished in order to obtain a new purpose built dwelling within the countryside.
- Site falls within curtilage of LB therefore Listed Building Consent will be required.
- Enforcement action should be taken to secure reinstatement of Listed Building that has been demolished.
- Harm rural character of area, character of an historic farmstead and Low Weald SLA.
- Development in area at risk of flooding making it unsuitable for any form of residential use.
- Proposal will increase flood risk to which nearby houses are exposed to by overwhelming local flood defences and if planning permission is granted local residents will claim damages against the Council.
- Use of access road which is also a public footpath will increase traffic flow resulting in harm to the free flow of traffic and highway safety.
- Site access not owned by applicant but by residents in Bletchenden Road.
- Does not accept that planning permission ref: MA/09/0943 was started within 3 years. As such the planning permission has expired and fresh planning permission should have been obtained.
- As wildlife surveys were carried out some time ago they are no longer valid and new surveys should be undertaken.
- Contend that the area is already extremely well served by tourist accommodation and this development is therefore unnecessary.
- Does not meet tests for sustainable development as it will serve no economic or social role, destroy an existing historic environment and harm wildlife while contrary to provisions of NPPF in seeking to avoid isolated new dwelling in the countryside.
- Contrary to the provisions of the Headcorn Neighbourhood Plan.

- 5.03 3 supporting representations received which are summarised below:

- Occupant of Bletchenden Manor Barn states that as the nearest neighbour to proposal there is no objection to the proposal as long as design and materials are appropriate to this rural setting. Concerns are expressed that normal planning procedures have not been followed, that the footprint of the proposed building is larger and that proposal could result in local flood defence being overwhelmed.
- Welcome work that improves appearance of the site subject to historic character of the area not being compromised.
- Have farmed area for over 100 years and support proposals that can be seen to benefit the rural economy.

- Site has been left too long in an unsightly state and subject to the proposal including measures for local wildlife in addition to hedge planting that has been carried out considers that proposal will benefit the local area.
- 5.04 In addition to the above the following summarised representations have been received from Bletchenden residents:
- Initial conversion allowed on the basis that the building was Listed and therefore needed to be retained. As it has now been demolished represents the construction of a new dwelling in the countryside contrary to the NPPF.
 - Site lies in area at risk of flooding and further development will increase flood risk in the area.
 - Will harm heritage character of the area.
 - Unless new wildlife surveys undertaken cannot be sure that the proposal will not harm wildlife.
 - Highway harm to users to users of public footpath and local residents.
 - Applicant has no right to gain access to site on route shown.
 - Contrary to provisions of policy HNP33 of neighbourhood plan.
 - Will result in the need for additional sewage treatment plants discharging into local watercourses increasing flood risk.
 - Not justified in tourist terms, will provide no community benefit while resulting in harm to the character of the countryside.
 - Failure to ensure the proposal pays sufficient regard to wildlife needs could place any decision at the risk of judicial review.
- 5.05 In addition residents in Bletchenden have commissioned their own Flood Risk Study and its key conclusions are summarised below:
- As Bletchenden is located entirely within Flood Zone 3 it is necessary to apply a sequential test for any new standalone development and the requirement is to show there are no other reasonable available sites within the area at a lower risk of flooding.
 - If the sequential test is met there is also the requirement to pass an Exception Test.
 - As part of this test a site specific flood risk assessment must be submitted which demonstrates the development will be safe for its lifetime taking into account the future users without increasing flood risk elsewhere and where possible reducing flood risk overall.
 - Bletchenden lies within a functional floodplain (zone 3B) and more vulnerable development such as new housing should not be permitted within zone 3B.
 - Due to predicted flood depths and recent actual flood events it is not considered appropriate flood mitigation including provision of safe escape routes could be implemented for new development in any part of Bletchenden.
 - Any new structure could causes a significant loss of flood storage capacity with limited option for any compensatory provision due to the flat low lying topography of the area.
 - In summary Bletchenden is not a suitable location in flood risk terms for new development.

6.0 CONSULTATIONS

- 6.01 **Headcorn Parish Council:** Objects to the proposal and wishes to see it refused on the following grounds:

- Development contrary to policy HNP33 of the neighbourhood plan that seeks to prevent new houses being built in the countryside.
 - That the size, layout and design of the building makes it appear more as a private house rather than being intended for tourist accommodation.
 - Site falls within a flood zone.
- 6.02 Also expressed concerns regarding the FRA, rights of way, the ecology survey and impact on heritage character of the area.
- 6.03 **Weald of Kent Protection Society:** Objects on the following grounds:
- As the original building collapsed there is no longer any building to convert and proposal therefore represents construction of a new building in the countryside.
 - Though the cattle shed apparently had no heritage value the site is located in a conservation area while the farmstead is a listed building.
 - Though the farmstead is in poor state it was previously identified as one of the most important examples of an intact farmstead typifying Wealden heritage and culture and as a result the buildings should be repaired.
 - Site lies within a flood zone.
 - Access to the site does not lie within the ownership or control of the applicant.
- 6.04 **MBC Heritage:** Following the collapse of the original building this is no longer a conversion but a new build. The collapsed building was of no historic or architectural value so there is no argument in favour of its re-building on these grounds. However the proposed reinstated building will have no significant impact on the setting of nearby listed buildings.
- 6.05 **Natural England:** No comments
- 6.06 **KCC PROW:** No objections
- 6.07 **KCC Archaeology:** The application site is considered to be the possible site of a medieval moated manor complex which became a fairly extensive post medieval farm. The medieval residence may have been surrounded by a moat of which the current ponds could be remnants. Some of the current buildings are Listed Buildings but there are other outbuilding which may be post medieval or earlier and are key parts of the historic complex. Of particular note for this application is that the 1st Ed OS map seems to indicate a possible outbuilding just to the north of the cattle shed.
- Remains associated with the medieval and post medieval use of the site may be revealed during groundworks, including the foundations of the small building identifiable on the 1st Ed OS map just north of the cattle shed. As such recommend a condition to secure a watching brief.
- 6.08 **KCC Biodiversity Officer:** The applicant has confirmed that all ground works have been completed i.e there is no requirement for foundations etc. to be dug while the vegetation on the site has been regularly mown. As such it is not considered the works will result in loss of suitable terrestrial habitat for Great Crested Newts (GCN) or reptiles and as such do not consider there is a requirement to carry out an updated ecological survey or a trapping exercise prior to works recommencing.

However as fencing has been damaged there is potential for individual newts/reptiles to be present and there is a need for precautionary mitigation to be implemented prior to works recommencing. In addition there is construction material present within the site which may be used by the occasional resting newt/reptile. Suggest these

areas moved by hand on to pallets and if any GCN/Reptile are found the applicant must contact their ecologist for advice. In addition the existing exclusion fence should be repaired as soon as possible.

6.09 **KCC Highway Services:** No objection

6.10 **Environment Agency:** Notwithstanding submission of the amended flood risk assessment (FRA) maintain objection to the proposal for the following reasons:

- Primary reason given for objecting to the earlier application MA/09/0943 was the lack of safe access for occupiers under flood conditions. This was based on the understanding that occupiers would be able to remain in the property as the conversion would itself be protected against internal flooding, despite it being within an area at high risk to flooding (Flood Zone 3).
- The current application appears to show a building with sleeping accommodation on the ground floor. No information has been provided to confirm the new dwelling will be safe from internal flooding and therefore, occupants could be placed at risk.
- The applicant states the site is protected by a private flood defence scheme constructed in partnership with the Environment Agency. This is not the case and the Environment Agency is unable to verify the integrity of the defence, or the standard of protection it is designed to offer.
- The flood event of December 2013 was of not particularly significant magnitude at this location when compared to the 100yr return period extent and so because the site has not flooded in recent years, does not mean this can be attributed to the local flood defence scheme.
- Unable to confirm the property is protected against flooding, either from the River Beult or local watercourses.
- No information has been provided to confirm the proposed development has greater flood protection than the scheme proposed in 2009 to which objection was raised.
- Unable to confirm the proposed dwelling will be safe against internal flooding, irrespective of whether it is to be used for permanent or holiday accommodation.
- Occupiers will not have safe access under flood conditions.

6.11 Having assessed further information submitted in connection with the Flood Risk Assessment the following issues remain:

- The report does not include a topographic survey of the existing flood defence bund giving only an approximate level of the bund. As such the Environment Agency are unable to verify whether the bund has a continual height above that of the design flood level and on this basis the objection based on flood risk is maintained.
- The remaining queries regarding access ramps and non return valves have been dealt with satisfactorily.
- Maintain previous statement that safe egress from the property in a flood cannot be improved upon. Even with the presence of the flood bund residents would still have to move through over 250m of flood water at a depth of at least 0.5m to a point on Bletchenden Road.
- Note photographs submitted by an objector showing flooding in 2013. Unfortunately cannot ascertain precisely where this flooding is unless clarified by the objector.

- A bund crest height of 20.35mOD would be sufficient provided the applicant can demonstrate this was the continuous height around the entire bund. To date confirmation the bund crest is a minimum of 20.35mOD along the entire bund has not been provided. Therefore remain unable to confirm the site will be protected against flooding from a number of return periods up to and including the 1% Annual Exceedance Event plus a 20% increase in climate change.
- Understand a significant part of the flood embankment is on 3rd party land and so applicant cannot guarantee the embankment will be maintained along its entire length to an appropriate standard for the lifetime of the development.
- Access from Waterman Quarter is restricted during flood conditions, which the Council should consider in terms of safe access and egress.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 The development proposals are shown on drawing numbers: 0-08/92/001 A being the existing cattle shed layout and appearance plans, block plan at a scale of 1:1000 and proposed elevation plan received on the 29th April 2015, proposed layout plan received the 10th April 2015 and 1:1250 block plan received the 10th April 2015.
- 7.02 The application is supported by a Planning Statement, Design and Access Statement, Bat Survey dated October 2009 by thompson ecology, flood risk assessment by Monson dated the 5th November 2015, Ecological Scoping Survey and Great Crested Newt and General Amphibian Survey by Kent Wildlife Trust dated April and September 2009, extended phase 1 ecology report and method statement for vegetation removal and management for reptiles by Hone Ecology dated the 29th September 2015

8.0 APPRAISAL

- 8.01 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. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000. As the site lies within open countryside forming part of a Special Landscape Area (SLA) the proposal is specifically subject to policies ENV28 and ENV34 of the adopted local plan. Policy states ENV 28 states that:

“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.”*

- 8.02 Subsection 5 above refers to exceptions to policy ENV28 indicated by other policies in the adopted plan. In this case policy ENV44 relating to the reuse of existing rural buildings for other uses including tourism is also relevant.

- 8.03 Policy ENV34 relating to SLA's essentially requires that the protection and conservation of land quality will take precedence over other planning considerations.
- 8.04 The key issues in relation to this proposal are considered to be (a) principle (b) impact on rural character of the area and the Special Landscape Area (SLA) (c) impact on adjoining properties (d) heritage considerations (e) flooding (f) wildlife and habitat and (g) highways.

Principle

- 8.05 Paragraph 28 of the NPPF is relevant in considering the provision of tourist accommodation on the application site. The NPPF seeks to secure a prosperous rural economy and amongst other things, states that local planning authorities should:
- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;
- 8.06 Planning permission was granted under ref: MA/09/0943 to convert the buildings previously located on the application site into tourist accommodation. This decision established the principle of tourist accommodation on this land. The main issues to be considered as part of the current planning application are whether there has been any material change in the planning policy background or other circumstances since planning permission was originally granted under ref: MA/09/0943 that would justify a different outcome.
- 8.07 Planning permission under ref: MA/09/0943 was granted under the provisions of policy ENV44 of the adopted local plan; this policy relates to the reuse or adaptation of existing rural buildings for, amongst other things, tourism uses. One of the ten criteria set out in policy ENV44 is that the building should be in situ and of permanent, substantial and sound construction which is capable of conversion without major or complete reconstruction.
- 8.08 The applicant advises that in the course of implementing the permission ref: MA/09/0943, the cattle shed partially collapsed and as a result had to be completely demolished. Rebuilding commenced with foundations and low walls being constructed, but on being advised that planning permission was required to replace the building this work ceased.
- 8.09 Dealing first with replacing the previous building. The building has only been recently demolished with the Council having records both of its size and location. In this context it would be extremely difficult for the Council to substantiate any meaningful objection to a replacement building of the same or similar location, appearance, bulk and massing to that which was previously located on the site. The replacement building currently proposed has been designed to be of a similar appearance, bulk and massing and in a similar location to the previous building on the application site

- 8.10 Regarding whether the proposal can be seen to comply with policy ENV44 of the adopted local plan the normal policy requirement is, amongst other things, that the building should be in situ and of permanent, substantial and sound construction capable of conversion without major or complete reconstruction. Clearly this does not apply to the current proposal but given the special circumstances justifying a replacement building it is considered appropriate to apply the other criteria set out in policy ENV44 in assessing the proposal. These criteria are discussed in the following sections of this report. Subject to the assessment of this other criteria in ENV44 and given the clear support for new business in rural areas including tourism in the NPPF, the principle of a well-designed new buildings used for tourist purposes on the application is considered acceptable.

Impact on rural character of the area and Special Landscape Area

- 8.11 Policy ENV44 states that the reuse or adaptation of rural buildings for tourism use will be permitted where the building is of a form, bulk and general design that is in keeping with its rural surroundings. The policy states that any alterations proposed as part of the conversion should be in keeping with the rural character of the building in terms of detailed design and materials.
- 8.12 In size, design and siting terms the proposed building reflects that permitted under application ref: MA/09/0943 and which would have been the building currently occupying the site but for the circumstances set out above. As such it is considered the impact of the proposed building raises no new issues in relation to its impact on the rural character of the area and the Special Landscape Area.
- 8.13 Policy ENV44 states that no new fences, walls or other structures associated with the use of the building or the definition of its curtilage or any sub-division should be erected if they would harm the visual amenity of the countryside. A planning condition is recommended (condition 4) that seeks the submission of details of any fencing or walls for approval. It is considered that this condition will ensure that no structures are erected that would harm visual amenity in line with policy ENV44.

Impact on adjoining properties

- 8.14 Policy ENV44 states that tourism uses will be permitted subject to the proposed use not harming the local environment or the amenities of local residents through the creation of noise, dust, smoke, fumes, grit, vibration or any form of water, soil or air pollution. The principle of a tourism use has previously been established and it remains the case that the intended use will meet these criteria and is unlikely to have any impact on adjoining properties in this manner.
- 8.15 In accordance with policy ENV44, the proposed use does not involve any commercial, industrial, sport or recreational activity or storage of raw materials or finished goods outside the building and the amenity of future occupants would not be harmed by the proximity of farm uses or buildings.
- 8.16 As the separation distance to adjoining properties is maintained there continues to be no objection to the proposal based on any material harm to the outlook or amenity of nearby properties.

Heritage Considerations

- 8.17 Concern has been raised that the building represented a curtilage Listed Building and as such Listed Building Consent should have been obtained before demolition took

place. However the MBC heritage advisor has confirmed that as the building did not fall within the acknowledged curtilages of the nearby Listed Buildings, it was not listed, nor had any merit as a heritage asset in its own right.

- 8.18 Turning to the impact of the new building on the character and setting of nearby listed buildings. As there is no material change in size, design and siting terms compared to that approved under application ref: MA/09/0943, the impact remains unchanged. In the circumstances no objection is raised and this view is supported by the MBC Heritage Advisor.

Flooding

- 8.19 When planning permission MA/09/0943 was approved the impact of flooding was assessed in detail including the sites location in an area at risk of flooding (zone 3). At the time the Environment Agency stated it was obliged to object due to uncertainty regarding the availability of safe dry access and/or egress during a flooding event.
- 8.20 The wider Little Bletchenden area is subject to a privately funded flood prevention scheme. This scheme involves diversion ditches and bunds with one way valves and a series of pumps surrounding the application site and nearby properties.
- 8.21 In considering the earlier planning application it appreciated by the Environment Agency that the site benefitted from privately maintained defences but it was not clear to them how efficient they would be during a flooding event. The proposal was classed as 'minor development' within the former PPS25 (now superseded by the NPPF) and as a result not subject to sequential or exception tests.
- 8.22 Planning permission was granted for the earlier application despite the Environment Agency's concerns for the following reasons; the Environment Agency objections were restricted to safe access/egress from the site, no evidence was available to show that safe access/egress would not be possible and the site had not flooded since the new flood defences were put in place. No planning conditions relating to flood attenuation were attached to the earlier granted planning permission.
- 8.23 Given the sites location in an area at risk of flooding, a flood risk assessment has been submitted in support of the current planning application setting out the following flood risk management measures:
- A clay bund has been constructed around the properties at Bletchenden following the flooding in October 2000. The height of the flood defences under the control of the applicant are set at around 20.443 AOD whereas 1% Annual Exceedance Probability is 20.287 AOD.
 - There is a network of internal ditches within the bund to deal with surface water and where these outfall, they have been fitted with anti-flood valves to prevent water backing up in to the protected area.
 - As a further safeguard, two surface water pumping stations have been constructed on the internal ditches so that surface and groundwater levels can be controlled by pumping excess water over the boundary.
 - Regarding the proposed dwelling manual door barriers are to be fitted to all external doors to provide a water tight seal along with covers for air bricks to prevent ingress of water into wall cavities.
 - A pump will be installed under the block and beam of the new building floor to pump away any raising ground water.
 - Non -return valves to be installed to ground floor toilets to prevent back flow into the property.

- Mortar for brickwork will contain a waterproofing agent and the brickwork thereafter to be sprayed with a waterproof sealant, the internal plaster is to contain a waterproofing agent, all of which will limit the entry of water through walls.
 - All door and window frames and openings for cables etc. to be sealed with a silicone gel to prevent water entry of water at these points.
 - The ground floor level will be approximately 400mm above outside ground level with no bedrooms created on the ground floor.
 - No electrical sockets or switches to be lower than 800mm to reduce the risk of electrical failure.
 - Property owner to sign up to the EA's flood line to receive information and flood warnings by email and text.
 - installation of flood warning system to ensure safe egress from the property during a flood event.
 - The system can have CCTV attached to it, so that the onset of a flood can be monitored by computer, tablet or and phone with an alarm sounding in the house, alerting occupants whether they are asleep or not and that alarm can be sent to portable devices around the world thus safe safeguarding the house when empty.
- 8.24 Notwithstanding the above, though the Environment Agency accepts a bund crest height of 20.35mOD would be sufficient in flood protection terms, in the absence of the applicant being able demonstrate this height is exceeded over the length of the entire bund it maintains the view that the application site remains at risk of flooding. As such, despite the presence of the bund the Environment Agency concludes that residents would still have to move through over 250m of flood water at a depth of at least 0.5m to a high point on Bletchenden Road. The Environment Agency therefore maintains its view that safe egress from the property in flood conditions cannot be improved upon.
- 8.25 The Environment Agency has not defined what it means by safe access and appears to be maintaining its objection based solely on the contention that the site is at risk of flooding without providing guidance on what the level of that risk is. This leaves this issue to be considered as a residual risk of flooding to be determined by the Local Planning Authority.
- 8.26 In determining any planning application exposed to risk from an acknowledged source in planning terms, (in this case flooding), it must first be determined whether the proposed mitigation is sufficient to address the risk. The history of the site and specifically in this case the similar buildings that until relatively recently occupied the site must also be taken into account.
- 8.27 The mitigation measures set out above include the following (a) a raised ground floor level (b) no sleeping accommodation at ground floor level (c) construction measures to limit damage to the building should flooding occur along with (d) early warning and alarm measures. It is considered that these measures, even without the presence of the flood protection bund, mean that future residents would be unlikely to be placed at risk of an unforeseen flooding inundation.
- 8.28 In the worst case scenario, where the property is surrounded by floodwater (and the applicant is adamant that at no time has the site been previously flooded) residents needing to leave the building or emergency services needing to gain access to the site would according to the Environment Agency have to move through 250 metres of flood water of at least 0.5 metres deep before getting to, or from higher ground on Bletchenden Road. Clearly negotiating such a depth of water is not desirable,

however given the water would be still/slow moving it is considered unlikely it would prove an insuperable obstacle to entering or leaving the site.

- 8.29 Concern has been raised that granting planning permission for the proposal will place other properties in the locality at risk of flooding. It should be noted that the current proposal will provide additional flood mitigation measures that were not possible as part of the earlier approval. These measures include a void at the base of the new building that will increase the flood storage capacity on the site and in the absence of any increase in ground level elsewhere, it is not considered the proposal will add materially to the risk of flooding of adjoining properties. Planning conditions are recommended to ensure that there ground levels on the site are not altered and that the building void is provided (conditions 13 and 16).
- 8.30 As such, if the planning permission granted under ref: MA/09/0943 had been implemented occupation of the building could have taken place without any of the proposed flood attenuation measures described above being in place. Given the commitment to a replacement building on this site, and with the flood mitigation measures proposed and the presence of the bund, it is considered that the current proposal represents a material improvement in addressing flood risk compared to that previously approved. Despite the Environment Agency concerns it is therefore considered that the current proposal will result in net benefits to the previously approved scheme in terms of addressing the flood risks that future occupants of the building and nearby residents will be exposed.
- 8.31 Turning to the flood risk assessment submitted by local Bletchenden residents, it is not disputed the site lies within a flood zone and that what is being proposed represents 'sensitive' development. As such if any 'new build' was being proposed, without the special circumstances that are present here, it is likely that the submitted objections based on development in an area at risk of flooding would be supported. However for the reasons set out above this is a not a simple case of 'new build' but replacing an existing building for which planning permission has already been granted for use as tourist accommodation.
- 8.32 In these circumstances it is considered there are no substantive grounds on which to refuse planning permission for a replacement building similar to that which was previously on the application. In addition the proposal provides the opportunity to secure an improved development in terms of addressing the flood risk issues raised both by the Environment Agency and local residents.

Wildlife and habitat considerations

- 8.33 The application approved under ref: MA/09/0943 was accompanied by an ecological and reptile survey. This great crested newt and reptile survey was undertaken of the site and surrounds. No great crested newts were identified within ponds adjacent to the site due to the presence of fish within the ponds. A grass snake was identified close to the site boundary. The installation of a reptile proof fence was recommended with site clearance to be carried out in a manner to avoid harming reptiles. A reptile fence was installed in 2010 and is repaired on a yearly basis.
- 8.34 Regarding the wider field where the cattle shed site is located, this supports rank grassland having the potential to support common protected reptiles. A precautionary approach was recommended to clear a small works area. The works area is currently unlikely to support reptiles owing to its regular use by machinery. A condition is recommended (condition 10) to ensure that the following wildlife mitigation measures

that are set out in an updated ecological appraisal proposed measures are implemented:

- Stage 1: Strimming vegetation with a brush cutter during warm dry weather to a height 10cm above ground. This can be undertaken at any time of year with nesting birds to be left until young have fledged, breeding bird season March – August inc.
- Stage 2: After a minimum of 48 hours during warm dry weather the vegetation should be strimmed to ground level up to the works area boundary. Farm debris on site to be hand searched for reptiles then moved onto pallets off the ground. Once the works area has been defined and hand searched for reptiles it should be marked with a reptile proof fence.
- In the event a reptile is found after clearance works, works shall cease in that area and an ecologist will be contacted.
- Any reptiles caught will be relocated to the rank grassland area at the edge of the site away from the works area.
- Reptile fencing to be erected around the works area to isolate the site activities. This will also prevent reptiles re-establishing on site from other areas.
- The route of the fence line will be hand searched and a small trench dug by hand and back filled to a depth of approximately 200mm to accommodate the necessary under lap of the sheet membrane. Soil from the trench will then be placed on both sides of the trench to ensure there is enough soil to backfill the trench adequately once the plastic sheeting is in place.
- The exclusion fencing will comprise a plastic sheet membrane secured to wooden posts using sealer washers and 35mm large head clout nails. The plastic membrane is smooth such as ultra violet stabilised 1000 gauge polypropylene or similar. The sheet width will be sufficient to permit the formation of a 150mm lip required as anti-burrow lip to fencing. An anti-climb lip will be installed by folding polythene at top of post.
- The fencing membrane will be as taut as possible without noticeable creases or folds, which could permit reptiles to climb the fence.
- The fence posts to positioned on the side of the fencing from which the animals are to be excluded (to eliminate the risk of reptiles/amphibians being able to climb back into the exclusion area).
- The membrane will be secured to the posts using plastic pads or washers to avoid the sheet tearing under tension and wind pressure etc. Wooden battens, which may allow the animals to scale the fence, were not used to fix the membrane to the posts. Gaps will be avoided in the layout of the fencing where animals could pass and thereby avoid capture.
- The fence will support an 'under lap' of 150mm to prevent animals from passing underneath. Posts will be installed at a maximum spacing of 1.5m with the fence sheeting secured in at least three equally spaced positions per post. The wooden posts will be at least 800mm in length.
- Once the sheeting and posts are in position the soil will be backfilled replaced with the turf downwards in the trench (in order to suppress re-growth of vegetation). The backfill will be firmly compacted to eliminate any gaps or lumps on both sides of the fence.

8.35 Regarding bats, the site was surveyed in connection with the 2009 permission which revealed the presence of bats. and a number of mitigation measures set out which will be reincorporated into this proposal being (a) planting of nectar rich plants in nearby ponds to attract insects providing food for bats (b) retention of existing trees and hedgerows to provide roosting or commuting bats (c) provision of bat boxes in mature trees (d) landscaping to include a wildflower mix to attract greater diversities

of insects and (d) controls on lighting. A planning condition (condition 9) is recommended to ensure that these measures are implemented.

- 8.36 It is considered the above measures represent a comprehensive package of wildlife mitigation measures. Furthermore given KCC Ecology's acknowledgement that as all ground works have been completed while vegetation on the site has been regularly mown that the works will not result in loss of suitable terrestrial habitat for great crested newts or reptiles no further surveys or trapping is considered necessary.
- 8.37 In the circumstances it is considered the proposal continues to pay sufficient regard to wildlife and habitat issues in accordance with the provisions of the NPPF.

Highway considerations

- 8.38 Policy ENV44 states that where permission will be granted for tourist accommodation if traffic generated by the new use can be safely accommodated by the site access and local road system, if it will have no adverse effect on the amenities of local residents, if it will not result in the erosion of roadside verges, and if it is not detrimental to the character of the countryside.
- 8.39 Policy ENV 44 states that there should be sufficient room in the curtilage of the building to park the vehicles of those who will work or visit there and also to serve its use, all without detriment to the visual amenity of the countryside.
- 8.40 Taking into account the earlier planning permission granted for tourism accommodation on the application site the current proposal will be the same in its highway impacts as that currently under consideration. It is considered that the proposed accommodation will result in minimal traffic generation and that sufficient on site parking and turning space is available. With the small scale of the proposal it is considered that there is no harm identified to the free flow of traffic and highway safety on the local road network.

Town and Village vitality

- 8.41 Policy ENV44 states that a proposed tourist use should not lead to the dispersal of tourist activity on such a scale as to prejudice town and village vitality. It is not considered that the provision of a single building of tourist accommodation will lead to undue dispersal of tourist accommodation and the proposal does not increase the level of accommodation from that previously approved.

9.0 CONCLUSIONS

- 9.01 Following the above assessment the following conclusions are reached:
- Given the acknowledged presence in size, design and siting terms of the original building and that it has only been recently demolished an objection to a similar replacement building cannot be substantiated.
 - No objection is identified to use of the building for tourist purposes taking into account the provisions of the NPPF. Whilst it is acknowledged that the original building has been demolished the proposal is otherwise in accordance with policy ENV44 of the adopted local plan.
 - No harm is identified to the rural character of the area or the wider Special Landscape Area.
 - Is acceptable in its heritage impacts.

- Will not result in any material harm to the outlook or amenity of adjoining properties.
- Though the site lies within an area at risk of flooding given the commitment to a replacement building it is considered the proposed mitigation measures are proportionate to the level of flood risk identified while existing flood risk in the locality is unlikely to be exacerbated by the proposal.
- Makes acceptable to safeguard wildlife in accordance with the NPPF
- Is acceptable in its highway impacts.

9.02 In the circumstances it is considered the balance of issues fall in favour of the proposal and that planning permission should be granted.

10.0 RECOMMENDATION: – GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development shall not commence until joinery details of the proposed windows and doors have been submitted to and approved in writing by the Local Planning Authority. The details shall specify materials and finishes and include large scale plans at a scale of either 1:20 or 1:50 showing long and cross profiles of the mullions, transoms and cills. Work shall only be carried out in accordance with the approved details and retained as such at all times thereafter.

Reason: In the interests of visual amenity. This information is required prior to commencement as some works have already been carried out on the site.

3. The development shall not commence until written details and samples of all external materials to be used for permeable surface materials, access ways, parking and turning areas have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials.

Reason: In the interests of visual amenity. This information is required prior to commencement as some works have already been carried out on the site.

4. Prior to first occupation of the building hereby approved fencing, walling and other boundary treatments shall be in place which are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with the approved details retained for the lifetime of the development.

Reason: In the interests of visual amenity.

5. In the first available planting season following occupation of the building hereby approved a native species landscaping scheme shall be implemented that is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall show existing trees and hedgerows to be retained, and specify the areas of new planting, the type, size and density of any planting along with long term management details of the landscaping scheme. Any planting becoming dead, dying or diseased within 5 years of planting

shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity.

6. The development shall not commence, and before any equipment, machinery or materials are brought onto the site, barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations' shall be in place to protect any trees/hedgerows that are to be retained. The barriers and/or ground protection shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority.

Reason: In the interests of visual amenity. This work is required prior to commencement in order to protect any trees or hedgerows retained on the site.

7. No external lighting whatsoever shall be installed without the written prior approval of the Local Planning Authority. Any lighting shall only be installed in accordance with the approved details and retained as such at all times thereafter.

Reason: To safeguard the nighttime rural environment and in the interests of wildlife protection.

8. Bat mitigation measures shall be carried out in accordance the details set out in section 6 of the submitted Bat Survey dated October 2009.

Reason: In the interests of wildlife.

9. Prior to first occupation of the development hereby approved details of the provision of bat boxes shall be submitted for prior approval in writing by the Local Planning Authority. The approved bat boxes shall be installed within 1 month of first occupation of the building and retained as such at all times therefore.

Reason: In the interests of wildlife.

10. Prior to first occupation of the development hereby approved the proposed mitigation measures relating to great crested newts and reptiles set out in extended phase 1 ecology report and method statement for vegetation removal and management for reptiles by Hone Ecology dated the 29th September 2015 shall be implemented and maintained in accordance with the submitted details.

Reason: In the interests of wildlife.

11. The building hereby permitted shall only be used for holiday accommodation and shall not be occupied for this purpose for more than 28 days as a single letting. There shall be no consecutive lettings beyond 28 days to the same person(s), family or group and a written record of all lettings shall be kept and made available for inspection by the Local Planning Authority on 5 working days notice being given.

Reason: To prevent the creation of a permanent residential use in the countryside in the interests of amenity.

12. The development shall not commence until the following details to deal with the risks associated with contamination of the site have first been submitted to and approved in writing by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site.

Any material brought onto the site shall be certified clean;

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

Reason: In the interests of amenity and public safety. The details are required prior to commencement as further construction works may restrict the scope of any necessary remediation works.

13. Prior to first occupation of the development hereby approved a suitable void shall be provided at the base of the new building, with the void in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The void shall be retained in accordance with the approved details for the lifetime of the development.

Reason: In the interests of flood protection .

14. Prior to first occupation of the development hereby approved flood risk management methods shall be implemented in accordance with the details set out in paragraphs 7.01-7.16 (inc) of the flood risk assessment carried out by Monson dated the 5th November 2015, with these measures maintained as such at all times thereafter.

Reason: In the interests of flood protection .

15. No sleeping accomodation shall be provided on the ground floor of the building hereby permitted.

Reason: In the interests of flood protection .

16. The slab level of the building hereby permitted shall be 400mm above the existing ground level and there shall be no changes to existing ground levels within any part of the site.

Reason: In the interests of flood protection and to maintain flood storage capacity.

17. The development shall not commence 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 features of archaeological interest are properly examined and recorded. This information is required prior to commencement as works may harm items of archaeological value.

18. The development shall not commence until details of surface and waste water disposal have been submitted for the prior approval in writing of the local planning authority. The development shall only be carried out in accordance with the approved details which shall be maintained as such at all times thereafter.

Reason: In the interests of flood and pollution prevention. This information is required prior to commencement as works may prevent the installation of necessary measures.

19. The development hereby permitted shall be carried out in accordance with the following approved plans being drawing nos: 0-08/92/001 A being the existing cattle shed layout and appearance plans, block plan at a scale of 1:1000 and proposed elevation plan received on the 29th April 2015, proposed layout plan received the 10th April 2015 and 1:1250 block plan received the 10th April 2015.

Reason: To ensure the quality of the development is maintained in the interests of visual amenity.

INFORMATIVES:

Construction

As the development involves demolition and / or construction the development should be carried out in accordance with the Mid Kent Environmental Code of Development Practice.

Asbestos

The applicant is advised that 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.

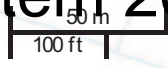
Note to Applicant

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

In this instance following clarification of the submitted details the application was acceptable.

Case Officer: Graham Parkinson

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



REPORT SUMMARY

REFERENCE NO - 15/505906/FULL			
APPLICATION PROPOSAL			
Demolition of the existing garden centre buildings and infrastructure, erection of 14 detached bespoke dwellings including garages with annex above, two storey B1 office unit (5,515sqft); together with associated parking, access and landscaping.			
ADDRESS Grafty Green Garden Centre Headcorn Road Grafty Green Kent ME17 2AT			
RECOMMENDATION – REFUSE PLANNING PERMISSION			
SUMMARY OF REASONS FOR RECOMMENDATION-REASONS FOR REFUSAL			
<p>1. The proposal is a departure from the Development Plan in that it would be contrary to</p> <ul style="list-style-type: none"> • Saved Policy ENV28 of the Maidstone Borough Wide Local Plan (MBWLP) in that it is located in open countryside outside of the a defined settlement and does not fit into any of the exceptions relating to development in the countryside and; • Saved Policy ENV34 of the MBWLP where landscape considerations are given priority over other planning considerations. • That the application fails to demonstrate that it is a sustainable form of development contrary to advice and guidance contained within paragraphs 14 , 49, 50 and 55 of the NPPF; 			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none"> • The proposal is a departure from the Development Plan • Referral by Boughton Malherbe Parish Council 			
WARD Headcorn	PARISH/TOWN COUNCIL Boughton Malherbe	APPLICANT SQE Grafty Green Ltd/Quinn Estates AGENT DHA Planning	
DECISION DUE DATE 09/06/16	PUBLICITY EXPIRY DATE 09/11/15	OFFICER SITE VISIT DATE 11/03/16	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
09/0363	Erection of a new building to house and operate a biomass electricity plant	Approved	27/04/2009
<i>Summarise Reasons</i>			
83/1671	Erection of temporary toilet accommodation	Approved	19/01/1984
<i>Summarise Reasons</i>			
87/1209	Opening of pet centre	Approved	27/11/1987

<i>Summarise Reasons</i>

82/1143	Change of use of glasshouse area to retail garden centre	Approved	18/08/1983
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MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 This site broadly occupies the footprint of the former Grafty Green Garden Centre, some 4ha in area that operated a market garden and retail garden centre from the site between 1982 to its closure in March 2015. Topography of the site is relatively level with the northern boundary benefiting from a dense tree screen. Though now abandoned, the buildings and fabric of the garden centre remains largely in place with the larger part of the site consisting of glass houses, growing shed and sales areas of the garden centre, some 6200sqm. Buildings on site are now in a poor condition overall, with the remainder of the site utilized for overspill parking and the storage of caravans. Two accesses serve the site from off Headcorn Road and Crumps Lane respectively.

1.2 Though a brownfield site, the setting is predominantly rural countryside with some sporadic isolated housing some distance from the nearest small settlement at Grafty Green located 1km to the north east.

1.3 Larger Key settlements in the wider locality with a full range of services are in excess of 5km distant located in Lenham and Headcorn containing services such as convenience stores and doctors, railway stations and access to more regular bus services. Smaller villages such as Ulcombe (2.7km) and Platts Heath (3.1km) are geographically closer to the site and offer a more limited range of services including primary schools and village shop. The nearest secondary schools are located some 10km distant at Maidstone. An infrequent bus service passes runs from Grafty Green to Maidstone via some of the local villages.

1.4 In terms of flood risk, the site is located in the EA Flood Risk Zone 1 with a low (1 in 1000) annual probability of flooding.

1.5 Location is within the Low Weald Special Landscape Area

2.0 PROPOSAL

2.1 It is proposed to demolish the existing garden centre buildings and redevelop the site for 14 new dwellings and a single 512sqm, 2 storey office development located to the south of the site. The layout drawings shows the five bedroom two storey dwellings, each within a substantial curtilage ranging from 1.06acres (Plot 1) with the smallest providing still substantial garden areas of 0.35acres (Plots 5 – 6 and 8 – 11) Each plot would contain a detached double garage with the potential to provide for ancillary living accommodation available for use in the roof space. Layout is centred on two curved estate roads sourced from a common existing entrance from Crumps Lane with the existing road junction onto Headcorn Road also utilized to provide an egress only onto the highway system at Headcorn Road

2.2 The 512sqm office building would be located at the southern part of the site fronting Crumps Lane and consist of a semi hexagonal two storey building with two office spaces on each floor separated by centrally positioned common utilities and service areas. 25 commercial parking spaces would be provided within the curtilage to service this building

2.3 In terms of construction materials each of the buildings would use the following in common:

- A red stock facing brick
- Grey Oak facing board
- Either a grey tile or grey slate roofing material
- Timber windows and doors

2.4 The existing dwellings at Wellington Lodge and Gate House would be retained respectively on the north eastern and southern edges of the development adjacent to the entrances.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T13, CF1, H27; H28
Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)
Maidstone Borough Council Draft Local Plan: SS1, SP3, SP7, SP8, H1 (27), H2, DM1, DM2, DM4, DM6, DM11, DM12, DM13, DM20, DM23, DM24, DM27, ID1

4.0 PLANNING CONSTRAINTS

None Relevant

5.0 CONSULTATIONS

5.1 **Boughton Malherbe Parish Council** – No objection. Request that the matter be referred to full committee if officers minded to refuse.

5.2 **KCC Flood Protection** – No objections to the proposed drainage in principle and the proposed reduction of peak flows compared to that of the existing site is welcomed.: Accordingly, should your Authority be minded to grant permission to this development, we would request that the following Conditions are attached in respect of SuDS, implementation, maintenance and management of the sustainable drainage scheme and control of surface water to avoid risks to controlled waters.

5.3 **Kent Police: Object to the proposal**; Specific reference to crime & disorder and fear of crime referred to para.57 of the NPPF has been omitted. **Natural England – No objection** Comments dated 20th August 2015

5.4 **KCC Highways**: No objection to this application subject to the following conditions.

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing;
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for at least the first 5 metres of the access from the edge of the highway.

5.5 KCC Economic Development:

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

5.6 KCC Archaeologist: No comments

5.7 Upper Medway IDB: No objections subject to conditions pertaining to surface water drainage.

5.8 MKP Environmental Protection: No Objection: The developer should be encouraged to install electric vehicle rapid charging points. Request conditions in respect of Land contamination risk assessment to be undertaken and remediation measures in respect of any contamination identified during demolition.

5.9 MBC Economic Development Officer: Support the application: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. The application supports these fundamental planning policies. These principles are reflected in Policy DM1 in the Regulation 18 Local Plan which encourages the use of brownfield land so long as the site is not of high environmental value, which this application site is not deemed to be. This proposed application provides the potential for 5,513sqft of employment space in a rural location, offering the opportunity to counter the loss of jobs following the closure of the Grafty Green Garden Centre. This would contribute towards achieving the target of delivering 14,400 new jobs in the Borough by 2031, as outlined in the adopted Economic Development Strategy 2015. Good quality, flexible small office space is in demand and there is a paucity of stock and a lack of investment in property of this nature. This is evidenced in the Qualitative Employment Site Assessment (GVA September 2014) which forms part of the evidence base for the Lo Plan. This situation has deteriorated as the Borough has seen a significant reduction in the volume of office space lost due to the temporary Permitted Development Rights that enable the conversion of office space to residential uses without planning consent. The Council has received 57 prior notification applications for conversions of offices to residential use since June 2013. Should all these offices be converted the potential loss of office space could exceed 150,000 sq. ft. Evidence from Locate in Kent, the County's inward investment agency, supports the view that there is a need for small flexible work space. Analysis of their commercial property database indicates that at the end of July 2015, only 43 office properties were available in

Maidstone borough at the size ranges that this development will cater for. The small office development will benefit from Open Access BT broadband connections, which are vital infrastructure for all business regardless of location and offers employment opportunities for residents in the new.

5.10 MBC Housing Officer

It should be noted that in the progress of this application, the applicant has substantially increased their offer in respect of commuted sum for affordable housing, initially set at £34,000, to £190,000

The Councils adopted policy on affordable housing (Policy AH1 – adopted December 2006)

Below is a summary of what the Councils Housing team's position is with regards to the above planning application

Firstly, in the applicants email dated 11 May 2016 they have set out the latest total contributions, namely:

· Village Hall -	£50,000
· Broadband -	£50,000
· Affordable Housing -	£190,000
· NHS -	£18,864
· Primary education -	£33,053
· Public Open Space	£22,050
· Library Book stock -	£672
· TOTAL -	£364,639

As has previously been highlighted, the Village Hall and Broadband provisions (both £50,000) should not take preference over contributions to affordable housing, therefore these amounts should be included within the affordable housing provision. Furthermore, as the local planning authorities number one priority for s.106 contributions, affordable housing contributions should therefore be prioritised above the amounts quoted above for NHS (£18,864) and Primary Education (£33,053) as well

With the above comments in mind, Housing believe that the off-site affordable housing contribution for this scheme should be given priority over the other contributions listed and should be at least £341,917, made up as follows:

Affordable Housing	£190,000
Village Hall	£50,000
Broadband	£50,000
NHS	£18,864
Primary education	£33,053

5.11 KCC Ecology

We have reviewed the ecological information submitted and we are satisfied that sufficient information has been provided to provide a good understanding of the ecological constraints associated with the proposed development. The submitted surveys confirmed that the following species/species groups are present:

- At least 4 species of foraging bats
- Grass snake and Common Lizard (insufficient survey visits were carried out to establish population size)

In addition the surveys confirmed there was suitable habitat present on site for breeding birds and hedgehogs.

Reptiles

The surveys have confirmed that grass snakes and common lizards are present on site and detailed that a translocation will need to be implemented prior to any works commencing on site. The mitigations strategy has detailed that the reptiles will be translocated to an area within the east of the site. While we support the intention to create an onsite receptor site it cannot be created within residential gardens as there is no guarantee that future residents will manage the receptor area to retain suitable reptile habitat. We advise that if planning permission is granted an updated reptile mitigation strategy is produced and submitted as a condition of planning permission.

In addition to the information submitted within the original report it must include the following:

- Map showing the location of the receptor site.
- Confirmation that it is not included within the residential gardens
- Timings for the proposed receptor site (including ecological enhancement works)
- Management plan for the receptor site and an undertaking by the applicant that it will be implemented as part of the site management works.
- Details of long term monitoring

Bats

The activity surveys have confirmed that at least 4 species of bats are foraging within the site – particularly around the boundary of the site. The site plan clearly shows that the site boundaries will be retained if planning permission is granted. As detailed within the report, the lighting for the proposed development must be designed to minimise impact on foraging and commuting bats. We recommend that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements). Precautionary Mitigation The report has highlighted that there is suitable habitat on site for breeding birds and hedgehogs which may be negatively impacted by the construction of the proposed development (if granted). We recommend that the precautionary mitigation for breeding birds and hedgehogs (phase 1 survey) is implemented if planning permission is granted.

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The ecological enhancements recommended within the phase 1 survey must be implemented if planning permission is granted. In addition we recommend that integrated bat boxes are incorporated in to the new buildings.

5.12 Southern Water: Require a formal application for a connection to the public sewer.

5.13 UK Power Networks: No Objection

6.0 Local Representations

A site notice was displayed on the site on 11th August 2015. Six letters have been received from local residents, two in support of the application and four objecting to the proposal on the grounds of:

- Drainage issues extant on the site; incidences of local flooding;
- Crumps Lane being unsuitable as an access to residential development
- Availability of industrial and office sites elsewhere in the vicinity;
- Residential development of the site would substantially increase traffic flows within the locality beyond the capability of the local highway network to cope.

7.0 BACKGROUND PAPERS AND PLANS

7.1 Drawings : 14.093.02.C; 14.093.03.A; 14.093.04; 14.093.05; 14.093.07; 14.093.08; 14.093.09; 14.093.10.A; 14.093.11.A; 14.093.12; 14.093.13; SDS204336.01; SDS204336.02; SDS204336.03; SDS204336.04; SDS204336.05; SDS204336.06; 2243/15/B/3; 2243/15/B/4

7.2 Documents: Housing Types; Power Details Planning Statement; Design and Access Statement; Archaeology Desk Based Assessment; Flood Risk Assessment; Economics Benefits Statement; Landscape Strategy; Landscape Visual Impact Assessment ; Tree Survey; Phase 1 Habitat Survey; Statement of Community Involvement; Transport Statement; Geo Environmental Investigation ; Sustainability Report; Landscape Strategy ; Utilities Report; Strutt and Parker Marketing Information ; Quinton Edwards Marketing Information.

8.0 APPRAISAL

8.1 Principle of Development

8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications shall be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this Borough the Development Plan remains the saved policies of the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

“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.”*

8.3 Located where it is within open countryside, outside of a defined settlement and therefore subject to the saved MBWLP Policy ENV28, the proposal does not fit into any of the permitted exceptions relating to development in the countryside. None of the exceptions contained within the MBWLP against the general policy of restraint apply, and as such, the proposal represents a departure from the Development Plan.

9.0 Five Year Land Supply

9.1 Outside of the Development Plan, the National Planning Policy Framework 2012 (NPPF) sets out the key material considerations in respect of the determination of applications for residential development in the open countryside. In this respect paragraph 47 of the NPPF advises 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;”

9.2 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011-31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19,600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.

9.3 The new Local Plan has advanced and was submitted to the Secretary of State for examination on the 20 May 2016. Examination is expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure and allows the Council to demonstrate a 5 year supply of deliverable housing sites.

9.4 The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The monitoring demonstrates the council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.

9.5 Now submitted to the Inspectorate for examination, the emerging policies of the new Local Plan are now considered to carry significant weight in the consideration of applications.

10. Sustainable Development

10.1 As indicated by way of justification by the applicant in their submission, the then lack of a five year supply at the time of submission was cited as a significant factor in the justification of the principle of this application under para. 49 of the NPPF which required that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as

ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date where a five year supply cannot be demonstrated. However, the 5 year land supply has now been demonstrated in the recent submission of the Local Plan for examination by the Inspectorate. Therefore, though the presumption in favour of **sustainable** development identified in paragraph 14 of the NPPF remains, Maidstone Borough Wide Local Plan (2000) Policy ENV28 is once again relevant and a material policy consideration in the assessment and determination of this application for residential development located outside of settlement boundaries and within the countryside.

10.2 Located some distance outside of the settlement boundaries of the smaller villages listed in Policy H27 of the Borough Wide Local Plan or even within 10km of any of the larger villages (Policy H28) insufficient justification has been made in this application for the residential development in the countryside; for instance, the provisions for dwellings reasonably considered necessary for the purposes of agriculture or forestry or any other policy exception that might be considered acceptable elsewhere. As such, this development is clearly contrary to the requirements of Policy ENV28 of the Maidstone Borough-Wide Local Plan in respect unsuitable residential development in the countryside. No allocation has been made for the development of this site in the emerging Local Plan recently submitted to the Inspectorate.

10.3 The remoteness of the site is one of its defining characteristics. For instance, the closest settlement is Grafty Green, a small rural settlement some 2km distant containing a rural shop/post office and a public house. Further afield the nearest main settlements identified as Rural Service Centres (RSC) in the settlement hierarchy laid out in the draft Local Plan under draft policy SP3, are at Headcorn 5.1km distant and Lenham at 6.4km distant.

10.4 The applicant raises in their submission that the vehicular traffic generated by the proposed residential development is likely to be significantly less than that generated by the garden centre when it was in operation. However, the type of journeys that would have been generated by visitors to the garden centre retail outlet would have been materially different from those of the residential units proposed. As a shopping destination, the garden centre would have been the destination for customers and suppliers visiting the site and the end point of these specific vehicle journeys. Residential development centred on this site would necessitate both short haul and longer vehicular journeys even to serve the most basic needs of the residents.

10.5 In terms of its relationship with other settlements with core services, the development occupies a relatively isolated location some distance from the Rural Service Centres of Lenham and Headcorn which would be expected to provide the majority of its day to day needs and is even some distance from the closer minor village settlements of Grafty Green (2km), Ulcombe (2.7km) and Platts Heath at 3.1km. Local bus service connections are infrequent (3 journeys per day) passing the site Mondays to Saturdays but with no service on Sundays and, as previously indicated, the closest secondary schools are located some 10km distant in Maidstone.

10.6 Within this context, it is considered that dwellings on this site would be compromised in terms of their sustainability by being located at a distance from any village or major service centre to be almost wholly reliant car borne journeys to service even their most basic needs. Notwithstanding its non compliance with saved Policy ENV28 of the adopted Borough Wide Local Plan (2000), this site would otherwise be unable to be considered **sustainable** location for residential development in the terms of the NPPF and draft Local Plan.

10.7 The NPPF encourages residential development to be located in or close to village settlements where their presence would serve to promote and serve local services, in

compliance with paragraph 70 of the NPPF with isolated locations such as the former garden centre at Grafty Green avoided unless there are exceptional circumstances.

10.8 The bringing forward of such a low density development of 14 dwellings on a 4ha site would result in a development of some 3.5 dwellings per hectare site. Notwithstanding its location occupying a largely brownfield site within the open countryside, the proposal would arguably fail to make any significant contribution to either the local or to the borough wide housing supply. However, paragraph 50 requires the delivery of a wide choice of high quality homes that are able to widen opportunities for home ownership and enable the creation of sustainable, inclusive and mixed communities.; plan for a mix of housing based on current and future demographic trends and needs of different groups within the community; identifying, the size, type, tenure and housing that is required on particular locations to reflect the local demand and, where a need is identified, contain a provision for affordable housing either on or off site if on site provision is not practicable. The application for the low density development as proposed would not satisfy any of these provisions.

11.0 Design and Layout of Residential Development

11.1 The applicants claim that this low density development would respect the character of the area and respect the character of the local landscape is not borne out in terms of densities and layout that would appear to be arbitrary and unrelated either to the context of the site or sense of place within its countryside location. Indeed, part of the development would extend beyond the brownfield land onto previously undeveloped land (Plots 1, 2, 3, and 4) to the west of the proposed junction with Crumps Lane.

11.2 The applicant offers no clear rationale for the use of such low residential densities, across the site other than it would replace a redundant and contaminated commercial facility with a niche development of 14 dwellings. A case is put in the design and access documents and the Planning Statement for the redevelopment of the garden centre which used to operate from the eastern end of the site to be considered the redevelopment of previously developed land. However, the western end of the site within the application site remained as greenfield land.

11.3 The Design & Access Statement makes references on page 12 of this document to local character influences. However, other than the garden centre to be demolished, the local character of the location is determined by an open countryside of enclosed fields interspersed with isolated dwellings and farmsteads well spaced apart, set within the backdrop of the nearby Greensand Ridge and; where the predominant commercial activity remains agriculture.

11.4 The proposed development in the form of an isolated estate of large five bedroom dwellings fails to reflect local distinctiveness in terms of road layout, density, scale of the dwellings plot layout, aspect and orientation paying little regard to the rural pattern of development. Arguably, in terms of the scale; design & type of dwelling ; layout; the setting out of the internal road network ; and layout of both the peripheral and internal boundary landscape; reflects a suburbanised character that is clearly out of place within its rural setting within the Kentish Countryside. Though the existing hedges and tree screens are to be retained on the perimeter of the development, gaps exist in places with the application proposing minimal tree planting along the roads where only a hedge boundary is shown. Existing screening of the site is therefore partial and views of the dwellings from outside of the site will take time to be softened by possible later planting by future residents leaving the large properties proposed visible from the existing lanes until any such planting matures. Though the minimal hedge and tree planting to the internal boundaries would result in less than robust screening between dwellings this, again, could be augmented by

subsequent planting of garden plants by future occupiers and, in any case, distances between each dwelling and their orientation would be successful in any case in preventing any loss of residential amenity by mutual overlooking of private areas of main windows.

11.5 The road layout and distribution of development appears to pay little regard to the rural pattern of development. The curving layout of the access road is not a characteristic of the local area and appears arbitrary and gives the new development a very suburban feel. It is not the best or most appropriate response to this rural location. This site planning also creates large areas of hard standing in front of buildings.

11.6 The suburban feel to this site is further emphasised by the creation of substantial areas of hard standing in front of each of the dwellings. There is a failure, also to draw benefit from the rural location in terms of locating green space and views out of the site, despite the generosity of plots. Whilst the use of local materials and design references are welcome, together with the use of Kentish Vernacular design cues the scale of the dwellings and plot layout are such to resemble a collection of 'barn conversions' laid out within a suburban street pattern which would not be a pattern of design and development that would be indicative or acceptable in terms of its setting and context within the local still largely unspoilt rural countryside. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas that are truly outstanding and innovative helping to raise the standard of design in rural areas; significantly enhance its immediate setting and be of a design and scale sensitive to the defining characteristics of the local area. This development is none of these and therefore fails to meet design guidance for rural development laid out in this paragraph.

12. Office Development

12.1 The MBC Economic Development Officer argues that this would contribute towards achieving the target of delivering 14,400 new jobs in the Borough by 2031, as outlined in the adopted Economic Development Strategy 2015. He also advises that good quality, flexible small office space is in demand and there is a paucity of stock and a lack of investment in property of this nature. This is evidenced in the Qualitative Employment Site Assessment (GVA September 2014) which forms part of the evidence base for the Local Plan. He cites a loss of office accommodation lost due to the temporary Permitted Development Rights that enable the conversion of office space to residential uses without planning consent.

12.2 Evidence from Locate in Kent, the County's inward investment agency, supports the view that there is a need for small flexible work space. Analysis of their commercial property database indicates that at the end of July 2015, only 43 office properties were available in Maidstone borough at the size ranges that this development will cater for. The small office development will benefit from Open Access BT broadband connections, which are vital infrastructure for all business regardless of location and offers employment opportunities for residents in the new.

12.3 Some concern has been raised by the Design South East in respect of the commercial space not being sufficiently integrated or otherwise relating well with the residential part of the development. However, this site has, until its closure in 2015, was consistently operated commercially as a sui generis mixed use garden centre since the 1980's providing local employment in terms of the horticultural, sales and other ancillary uses such as the café. This application would seek to retain and an important employment use on part the site

12.4 In terms of its design, materials and overall external appearance, the mainly two storey building would reflect in terms of its roof and window lines, the scale and character of the proposed dwellings proposed within the wider residential estate with external finishes of timber facing board and slate roofs reinforcing the built connection with the wider built

scheme. Though integrated into the overall scheme the office would be located within its own compound with both the building and car parking area benefiting from a dense tree and hedge screen

12.5 At the heart of the National Planning Policy Framework is the ubiquitous presumption in favour of sustainable development with paragraph 7 of the NPPF providing the three dimensions required for sustainable development which are its roles in relation to the economy, social well being and the environment. In this, the provision of 512sqm of offices would, in respect of supporting the rural economy, comply with guidance contained in paragraph 28 of the NPPF in terms of supporting the sustainable growth of enterprise in rural areas by the re-use of previously developed brownfield land. These principles are reflected in Policies DM1 & DM4 of the emerging Local Plan which respectively support the principles of good design in respect of the office development and encourages the use of brownfield land so long as the site is not of high environmental value.

12.6 In providing for 512sqm of employment space in a rural location, the proposed development would allow for the opportunity to counter the job losses within the locality from previously generated by the closure of the Grafty Green Garden Centre. Arguably, this would contribute toward achieving the target of delivering 14,400 new jobs in the Borough by 2031, as outlined in the adopted Economic Development Strategy 2015.

13.0 Contamination

13.1 The applicant has maintained that the use of the site for 14 dwellings together with an office development, would serve to re-use and restore a contaminated brownfield of some long standing within the locality and the dwellings proposed would be an acceptable and sustainable alternative use of the site. Given the use of the site as a garden centre for a period of over forty years, concentrations of chemical fertilisers would have been used leaving a deposit of residual contamination. The applicants Geo-Environmental investigation indicates that substantial ground works would need to be undertaken in accordance with industry standards in respect of the disposal of contaminated waste.

13.2 A Refurbishment and Demolition Asbestos Survey undertaken by the applicant identifies substantial use of asbestos materials within the site in the construction of buildings in items such as corrugated roof sheeting; barge boards and cladding of external walls. In addition asbestos was used on a substantial number of ancillary items such as electrical fuse boxes, flooring down-piping and protection strips, external gutters, wall tiles and roof tiles. After demolition, of these materials would need to be undertaken in accordance with industry standards in respect of the disposal of contaminated waste.

13.3 Though clearance of contaminants from the site is a laudable aim in itself, the proposal fails to justify an otherwise unsustainable form of development in terms of its isolated location within the countryside.

14.0 Commuted Sums/Affordable Housing Provision

14.1 The overall commuted sums made available, in the region of £364,639, have been examined and 'pressure tested' by the valuers appointed by the Council and in their view the sum offered is viable in respect of this site

14.2 Paragraph 49 of the NPPF urges local planning authorities to be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including rural exception sites such as the former Grafty Green Garden Centre, where appropriate. Authorities are also advised, within these circumstances to consider whether allowing some market housing on sites such as these would, in turn, facilitate the provision of significant additional affordable housing to meet local needs.

14.3 Development of this size and scale would therefore be expected to generate a commuted sum toward housing which in terms of the Affordable Housing SPD is set at 40/% affordable housing provision of the houses built. Of these, 60% would be for rental with the rest available for shared ownership. This equates to 4 affordable rent units and 2 shared ownership units Given the size, value and low density of the proposed development the council was amenable to negotiate an alternative arrangement based on the provision of, say, affordable houses off site of a size and scale more commensurate for use by the average family..

14.4 No allocation of land to provide for affordable housing provision has been made upon the site though, as a site of over 0.5ha, it would usually be required under the Councils Affordable Housing DPD. Overall provision has been made for commuted sums totalling £364,639 has been made by the applicant including an affordable housing contribution off site; sums for primary education, public, NHS contribution and public open space, again off-site.

14.5 The breakdown of the applicant's latest offer in respect of contributions made on 11th May 2016 is set out below

· Village Hall -	£50,000	
· Broadband -	£50,000	
· Affordable Housing -	£190,000	
· NHS -	£18,864	
· Primary education -	£33,053	
Public Open Space	£22,050	
· Library Book stock -	£672	- TOTAL -£364,639

14.6 In their calculations, the applicant has also included in this sum contributions of £50,000 each in respect of the village hall refurbishment and repair, and; the introduction of broadband to the area none of which are policy requirements of this Council or required under the CIL regulations

14.7 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

14.8 Neither the Village Hall Contribution or the Broadband contribution are necessary for the furtherance of this development or, in the case of the village hall in any way related to the development in terms of scale or kind whereas, the provision of broadband could be transferred to the cost of the development

14.9 Part D of the adopted policy states that where affordable housing cannot be provided on-site, the Borough Council will accept appropriate off-site provision. It has generally been agreed that provision of affordable housing on site would not be appropriate for this development, mainly due to the unit sizes being proposed as well as issues of affordability. However, the Housing Officer used the proposed unit sizes provided to calculate The Council's Affordable Housing commuted sum as by using smaller sized units for example, this would not give a true reflection on the schemes viability.

14.10 The Housing Officer is of the opinion that the Village Hall and Broadband provisions (both £50,000) should not take preference over contributions to affordable housing and, therefore be included within the affordable housing provision. The Housing Officer also maintains that, in respect of S106 contributions, affordable housing contributions be prioritised above all to include the other sums of money allocated for NHS (£18,864) and Primary Education (£33,053).

14.11 Notwithstanding the substantially improved offer received from the applicant raising their initial and clearly inadequate offer of £34,000 to £190,000, The Housing Officer maintains that the off-site affordable housing contribution for this scheme should, nonetheless, be given priority over all the other contributions listed and should be at least **£341,917**, made up from the total sum of money offered in respect of contribution irrespective of policy requirements for these. However, other contributions such as NHS; Primary Education; Libraries and Public Open Space remain subject to planning policy requirements, which, in effect ring fences these sums and, as such, cannot be negotiated away to provide additional sums for affordable housing.

14.12 Though the applicant has agreed to regard the sum for Broadband to be considered as a cost to the development in much the same way as, say, drainage provision, and included within the primary costings of the development and this developer is free to undertake under their own volition

14.13 With respect to the village hall, the applicant has also made it clear that they would not be prepared to not agree the withdrawal of its funding and the £50,000 allocation, instead, being put towards affordable housing (AH) to provide for an overall affordable housing contribution totalling £240,000. It is therefore fair to assume that the applicant would not be prepared to sign an s106 agreement. This, in itself, would form an additional ground for refusal being that an inadequate off-site contribution towards AH is being provided as the applicant proposes monies to go to the village hall (at the expense of AH). This is contrary to the Affordable Housing DPD.

15.0 Ecology

15.1 The County Ecologist has analysed the Ecology Report submitted by La Dell Wood on behalf of the applicant which identified the presence common lizards and grass snake as well as evidence of bat activity on the boundary. No objection is raised by the County Ecologist subject to suitable mitigation strategies being adopted and put in place should members be minded to grant planning permission.

16.0 Visual Impact and Landscaping

16.1 Other than two adjoining properties at Gate House located on the southern perimeter of the site and Willington Lodge on the eastern boundary facing onto Headcorn Road; the site is surrounded by agricultural land. Perimeters of the site already benefit from a dense tree and hedge screen on the all boundaries with only a partial gap on the southern boundary facing onto Crump Lane.

16.2 The site is south of the Greensand Ridge some 3 – 4km distant and there will be the possibility of some visibility of the site when viewed southward from the brow of the hillside. However, this would be mitigated by the irregular topography of the area and intervening woodland

16.3 Local views of the site are already mitigated by the dense tree screen existing on the perimeter of the site and these would be mitigated by further landscape planting undertaken to augment the perimeter screen and also internally to boundaries within the site. The proposal would therefore not be readily visible from the nearby highway network or more distant dwellings in the locality such as Orchard Farm

16.4 The proposed density on the site appears arbitrary and unrelated to either the context or place making decisions. In areas the layout appears somewhat wasteful, with large areas of space given over to parking courts in front gardens and seemingly awkward leftover spaces around and between homes and garages. In addition the development has now spread westward to develop a larger site than the pre-application indicated, spreading the same amount of development thinner across the area.

16.5 It is intended by the applicant to provide full details of the perimeter and internal landscaping within the context of a Landscape Master Plan which would be subject to a condition should planning permission be approved

16.6 This will include additional hedge and tree planting to enhance and reinforce the existing hedgerow enclosures on the main out-facing northern and southern elevation with an 8 – 10m deep belt of trees planted on the western boundary of the site that does not have a hedgerow. Water storage would be created sourced from standing water and screened by additional planting at the junction with Crumps Lane. Internally, the individual plots would be planted with mixed hedges on their respective boundaries

17.0 Residential Amenity

17.1 Only two nearby dwellings would be affected by the proposal and they are located on the perimeter of the site. Gate House, on the southern perimeter is located some 23m to the south of the gable end of Plot 1 which presents not main living room windows towards this dwelling. In addition, a hedge and tree screen would be planted on the intervening boundary between the two,

17.2 The main rear elevation of Willington Lodge, on the eastern perimeter would be positioned in excess of 30m from the main elevations of Plots 10 & 11 and, separated by an augmented existing hedge and tree screen. Window to window interface distances between the existing dwellings and those proposed are therefore sufficient to protect the residential amenities of these dwellings.

17.3 Layout of the proposed scheme is low density at less than 4 dwellings per hectare within substantial plots with hedge and trees screens located on each of their boundaries. As such, there would be sufficient space and landscaping designed within the scheme to protect the residential amenities of the dwellings.

18.0 Highways

18.1 A total of 14 dwellings, each with double garages and outside parking and a commercial parking area of 24 spaces will be served by the sole access onto the site from Crumps Lane to serve the office block. Egress only from the site would be shared by the

existing roadway onto Headcorn Road. No objection to this application has been raised by KCC Highways subject to conditions on the following

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing;
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for at least the first 5 metres of the access from the edge of the highway.

19.0 CONCLUSION

19.1 The site is located in a geographically isolated area within open countryside outside of and some distance from any defined settlement and therefore subject to the saved MBWLP Policy ENV28, the proposal does not fit into any of the permitted exceptions relating to development in the countryside. None of the exceptions contained within the MBWLP against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. Within this context, it is considered that 14 dwellings located on this site would be compromised in terms of their sustainability by being located of sufficient distance from any village or major service centre to be almost wholly reliant car borne journeys to service even their most basic needs. As such, the proposed development unable to be considered a **sustainable** location for residential development in the terms and guidance contained within the NPPF.

19.2 The suburban feel to this site is further emphasised by the creation of substantial areas of hard standing in front of each of the dwellings. There is a failure, also to draw benefit from the rural location in terms of locating green space and views out of the site, despite the generosity of plots. Whilst the use of local materials and design references are welcome, together with the use of Kentish Vernacular design cues the scale of the dwellings and plot layout are such to resemble a collection of 'barn conversions' laid out within a suburban street pattern which would not be a pattern of design and development that would be indicative or acceptable in terms of its setting and context within the local still largely unspoilt rural countryside. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas that are truly outstanding and innovative helping to raise the standard of design in rural areas; significantly enhance its immediate setting and be of a design and scale sensitive to the defining characteristics of the local area. This development is none of these and therefore fails to meet design guidance for rural development laid out in this paragraph.

19.3 With respect to the village hall, the applicant has also made it clear that they would not be prepared to agree the withdrawal of its funding and the £50,000 allocation, instead, being put towards affordable housing (AH) to provide for an overall affordable housing contribution totalling £240,000. As such, an inadequate contribution would be made toward affordable housing contrary to the Council's Affordable Housing DPD.

RECOMMENDATION –REFUSE for the following reasons:

Reasons for refusal

1. An inadequate off-site contribution towards affordable housing would be provided with monies that could otherwise be used for this purpose instead being put toward the repair and maintenance of Grafty Green Parish Hall which is located some 2km distant from the development and, not necessary for the carrying out of the development contrary to the Council's Affordable Housing DPD.
2. The design and layout of the development, which encroaches westward onto greenfield land, consists of uniformly large dwellings and curtilages in the form of a suburban street pattern that would have a visually conspicuous and discordant presence that would not be acceptable in terms of its setting and context within the local still largely unspoilt rural countryside located within the Low Weald Special Landscape Area. The proposal would therefore be contrary to saved Policy ENV34 of the MBWLP that seeks to both conserve and protect the scenic quality and distinctive character of the area and also be contrary to paragraph 55 of the NPPF which seeks to promote sustainable development in rural areas.
3. The development occupies a relatively isolated location some distance from the Rural Service Centres of Lenham and Headcorn which would be expected to provide the majority of its day to day needs and is even some distance from the closer minor village settlements. It is considered that residential development of this site would be compromised in terms of sustainability by being located at a sufficient distance from any village or major service centre for the residents to be almost wholly reliant car borne journeys to service even their most basic needs. The site is therefore unable to be considered a **sustainable** location for residential development in being contrary to the requirements of paragraph 55 of the NPPF that would seek to both maintain and enhance the vitality of rural communities and paragraph 70 which seeks to encourage development close to existing settlements and villages where their presence would serve to promote local services.

INFORMATIVES

Case Officer: Tom OConnor

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

REPORT SUMMARY

REFERENCE NO - 15/506021/FULL		
APPLICATION PROPOSAL Erection of nine dwellings with associated landscaping and access via a private drive off Fishers Road, Staplehurst.		
ADDRESS Fishers Oast Fishers Road Staplehurst Kent TN12 0DD		
RECOMMENDATION Permit		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL -The site represents a sustainable location with accessible links to local settlements, in line with the NPPF. -The application would not cause significant harm to highways safety, residential or visual amenity. -The site is on land allocated for residential use in the Draft Local Plan. Notwithstanding the fact that the plan is yet to be examined the site is considered acceptable for residential development; and is in accordance with the NPPF and these are sufficient grounds to depart from the adopted Local Plan.		
REASON FOR REFERRAL TO COMMITTEE The proposal represents a departure from the provisions of the Development Plan.		
WARD Staplehurst Ward	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Wright Holdings Ltd AGENT Peter Brett Associates
DECISION DUE DATE 17/09/15	PUBLICITY EXPIRY DATE 17/09/15	OFFICER SITE VISIT DATE 28/9/15
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 14/500363/OUT - Outline - (Appearance, landscaping and layout reserved) residential development comprising 9no two-storey houses with access via a private drive off Fishers Road, Staplehurst - Withdrawn MA/13/1580 - Demolition of motor vehicle body repair workshop and demolition of 2no. existing dwellings in converted farm buildings. Erection of 4no. two-bedroomed dwellings and 2no. three-bedroomed dwellings with associated garaging/parking and landscaping – Approved [this application relates to the adjacent site to the south east]		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is an irregularly shaped piece of rough grassland with an area of approx. 0.45ha. The site is located in the rural area, just beyond the defined village boundary to the north east of Staplehurst. The land is not the subject of any particular

designation. The public highway of Fishers Road ends at the defined village boundary and beyond that becomes a private road serving the application site (off its north west side) and the group of buildings at Fishers Farm (off its south east side). The Fishers Farm group has now become a small estate of houses following the redevelopment allowed under permission MA/13/1580. Public Right of Way (PROW) KM295 shares the line of the road before diverting off across the application site northwards to the railway line, whilst PROW KM296 leaves KM295 and continues around the north and east sides of the Fishers Farm built group.

- 1.02 The application site is bounded by the housing and gardens at the head of Fishers Road to the south west. To the west and north west is an area of grassland with trees separated from the site by a field boundary made up of an open drainage channel with a mature line of trees around it. To the north is the Staplehurst/Headcorn railway line. To the north east is a grassed paddock separated from the site by a line of mature conifers. To the east and south are the houses and gardens of the aforementioned Fishers Farm redevelopment.

2.0 PROPOSAL

- 2.01 Full planning permission is sought to develop the site for 7 detached and a pair of semi-detached properties with garaging. Therefore a total of 9 houses is proposed.
- 2.02 Vehicular access would be via the existing private road off the head of the Fishers Road public highway with a new 'extension' of that access road northwards into the site to a new termination just to the south of the railway line. The houses essentially 'wrap around' the central access road and its various minor off-shoots. The site lies adjacent to the railway line and an acoustic fence (2.4m high) is proposed along the northern margins of the site as recommended by an acoustic report that has been submitted as part of the application. Hedging is proposed on either side of that fence.
- 2.03 Continuing the subject of access, the line of PROW KM295 is proposed to be amended so that it would shift eastwards to run down the length of the new access road (before crossing the railway line at its existing point). PROW KM296 would require more minor amendment but would essentially retain its current line.
- 2.04 The housing adopts a low density and generally spacious layout to reflect the village-edge location. Proposed housing is shown to be two storey and of a simple cottage style, featuring prominent gables and feature chimneys. A mix of materials is proposed: principally red stock brickwork and clay tile hanging under plain clay tile roofs. Garaging is integral for dwellings in the southern part of the site; whereas in the northern part it is detached and of a 'cart-lodge' style, either single or shared-double garages, with asymmetrical roofs. Each property would have at least two parking spaces.
- 2.05 A landscaping scheme is proposed that retains the existing main structural elements around the boundaries of the site, notably the ash and maple trees in the southern section, the stream-side trees and hedging along the western boundary and the mature leylandii hedge to the east. Ecological mitigation/enhancement works are also proposed and these are discussed in detail below.

3.0 POLICY AND OTHER CONSIDERATIONS

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

Development Plan: Maidstone Borough Wide Local Plan 2000: Policies ENV6, ENV26, and ENV28.

Maidstone Borough Local Plan: Submission Version:

Policy SP10: Staplehurst Rural Service Centre
Policy H1: Housing site allocations
Policy H1(50): Fishers Farm, Staplehurst
Policy DM1: Principles of good design
Policy DM2: Sustainable design
Policy DM11: Housing Mix
Policy DM12: Density of housing development
Policy DM24: Sustainable transport
Policy DM25: Public transport
Policy DM27: Parking standards

The Staplehurst Neighbourhood Plan has not yet been examined and therefore its policies cannot be given significant weight.

4.0 LOCAL REPRESENTATIONS

4.1 Before the application was amended, Staplehurst Parish Council stated:

“Councillors voted to recommend APPROVAL and do not wish the application be referred to MBC Planning Committee.”

Following the receipt of amended details:

“Councillors noted that since their previous consideration of the application in August 2015 new information had come to light, particularly comments from the Medway Internal Drainage Board about drainage issues and a residents observations and photographic evidence which had been submitted to MBC. They recommended that the site layout should be reconsidered and modified to meet the concerns of the drainage board and to take an integrated view taking into account proposed development on neighbouring sites too. They expressed concern about the impact of tree clearance on drainage, the excessive height of the 2.4 metre fencing and the flawed assessment of railway noise which did not properly consider freight trains. Councillors agreed that the information was significant enough to recommend REFUSAL of the application until such time as the listed issues were addressed. Councillors did not request the application be reported to MBC Planning Committee.”

4.2 Letters of objection have been received from 4 local residents and the following (summarised) points are made:

- a) The railway noise assessment is insufficient to base a decision on. It does not sample the noisiest rail periods. Overnight freight trains have not been properly considered, nor has the removal of vegetation and the effect that would have on acoustics.
- b) The acoustic fence would be unsightly.
- c) Surface water is prevalent here and that would have an adverse impact on the occupants of the housing. This has not been adequately considered. The ditch is at capacity and there are doubts as to how that would be treated and managed.
- d) With regard to Great Crested Newts (GCN), the survey work was incomplete in that it failed to include all of the relevant ponds. A connectivity corridor is needed in the form of an uncultivated buffer strip adjacent to the railway.

- e) Inadequate attention has been paid to the presence of bats and reptiles and there is inadequate provision for the mitigation of impact on those creatures.
- f) There should be less development so as to allow all of these issues to be resolved.
- g) The scheme would cause a loss of residential amenity with additional traffic, noise, dust, overshadowing and surface water flooding.
- h) The public footways should remain accessible.
- i) The development would affect third party land ownership and easement rights.

4.3 Letters of support have been received from 2 local residents. Comments are made that the development would enhance the area; and that the acoustic fence would mute train sound and screen the sewage works. The site is dry, even after recent rainfall.

5.0 CONSULTATIONS

5.1 KCC Highways and Transportation has no objection subject to conditions to secure parking and turning and control the construction phase.

5.2 The KCC West Kent PROW Manager states:

“I confirm that I have no objection to the proposed development in principle subject to a properly made diversion Order being completed under the Town and Country Planning Act 1990. Although such an order would be subject to its own consultation and specifications, as a broad guideline, we would be looking for a minimum width of 2m for the diverted route and a bound, metalled surface throughout.

Notwithstanding the granting of planning permission, a Temporary Traffic Regulation Order to close the path during construction work will not be granted until the permanent diversion order has been made and confirmed and Kent County Council will take any necessary enforcement action to prevent the stopping up of, or interference with, the public footpaths prior to this.”

5.3 Natural England has no objection.

5.4 The KCC Biodiversity Officer: latest views attached as an appendix to this report.

5.5 The Upper Medway Internal Drainage Board comments:

“Please note that although the site of the above proposal is outside of the Upper Medway IDB’s district it does drain via ordinary watercourses to Houndhurst Stream (U16), which is IDB managed and maintained, and on to the River Beult. The proposal therefore has the potential to affect IDB interests.

Should the Council be minded to approve this application it is requested that details of surface water drainage be made subject of a planning condition requiring runoff to be restricted to no more than that of the pre-developed site, with on-site storage provided to accommodate the 1 in 100 year storm event +CC. Maintenance of the drainage system must also be assured for the lifetime of the development.”

5.6 MIDKENT EHSS has reviewed the application and the acoustic report submitted: there is no objection provided the recommendations of that report are followed.

5.7 The MBC Landscape Officer comments:

“I have considered the tree survey and proposed landscaping scheme and raise no objection to the proposal on arboricultural or landscape grounds, subject to conditions requiring compliance with the approved details and (an amended version of the standard) landscaping condition detailing timing of the implementation of the landscaping and replacement of failed plants within 5 years.”

Further comments were submitted recommending conditions on the size of planting, implementation and management of the landscaping.

6.0 APPRAISAL

Principle of Development

Local Plan Policy

- 6.01 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. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is Policy ENV28 which relates to development within the open countryside. The policy states that:
- 6.02 *“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.”*
- 6.03 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.
- 6.04 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council’s position in respect of a five year housing land supply.

Five year housing land supply

- 6.05 The National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states 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;”

- 6.06 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.
- 6.07 The new Local Plan has advanced and was submitted to the Secretary of State for examination on the 20 May 2016. Examination is expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure and allows the Council to demonstrate a 5 year supply of deliverable housing sites.
- 6.08 The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The monitoring demonstrates the Council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.
- 6.09 The new Local Plan has been submitted and is considered to attract significant weight: it allocates this land for housing as part of a much larger allocation.

Sustainable development

- 6.10 Paragraph 14 of the NPPF states that the “...presumption is favour of sustainable development...should be seen as a golden thread running through...decision making”.
- 6.11 The application site is located adjacent to an existing settlement boundary and there is good access to the basic services and public transport opportunities available within Staplehurst village. Staplehurst is considered as a rural service centre under Policy SP10 within the Draft Local Plan; and considered a sustainable location for significant new housing allocations, of which the application site forms (a very small) part. Development such as this would lead to an increase in population that would help to support village services and facilities. The policy allows for new housing on allocated sites. The policy is yet to be adopted; however it is considered that the site meets sustainability credentials.

- 6.12 Paragraph 55 of the NPPF states: “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.” Although outside the settlement boundary, the scheme adjoins it and due to the numerous houses and buildings close by it is not considered that the proposed dwellings would be ‘isolated’ as defined by Paragraph 55 of the NPPF.

Draft housing allocation

- 6.13 Policy H1(50) of the Maidstone Borough Local Plan: Submission Version seeks to allocate the application site for residential development. The application site forms a very small part of the much larger Fishers Farm allocation. The policy is yet to be adopted but carries significant weight; therefore consideration of the policy in respect to the application is appropriate.
- 6.14 This is a small site at the northern extremity of the allocation that is somewhat distinct from the much larger blocks of land to the east and south that form the vast majority of the overall allocation. This small parcel of land is effectively separated from the remainder of the allocation by the physical barriers formed by the existing Fishers Farm buildings and the strong leylandii hedge on the eastern boundary. The only connection being the link to the east provided by PROW KM296. The application is, in practice, a separate physical entity to those blocks of land to the east which are the subject of major applications as yet undetermined. This, together with the fact that the size of development proposed here means that it does not qualify for the normal range of infrastructure and community facility requirements faced by major developments, leads me to conclude that it is not appropriate to rigidly apply all of the criteria in H1(50). Those more strategic policy requirements are being addressed in those other applications. Having said that it is my view that the development proposed here does broadly comply with the density, design and landscaping requirements referred to in the policy.
- 6.15 It is considered that the development of the site for housing would represent a sustainable form of development and in principle the scheme would be acceptable subject to an assessment of whether the impacts of development would demonstrably outweigh the benefits in accordance with Paragraph 14 of the NPPF. Further consideration in this respect is discussed below.

Visual Impact (including landscaping)

- 6.16 The site is outside a settlement boundary and as such is defined as being within the countryside. Guidance and Development Plan policy generally seek to protect the character of the countryside. Policy ENV28 of the Local plan states: *‘In the countryside planning permission will not be given for development which harms the character and appearance of the area.’*
- 6.17 The development would effectively represent an extension of Staplehurst Village; however, as referred to above, this is a somewhat self-contained parcel of land with a strong physical barrier to the north provided by the railway line. In these circumstances I consider that harm from long and medium range views of the development would be very limited.
- 6.18 Short range views are much more available from the railway line and the PROWS that cross the site. However, if housing is acceptable on this site, I consider that the

low density put forward here to be appropriate to this edge of settlement location and I consider the layout, design and materials to be appropriate.

- 6.19 In terms of landscaping, the site is currently a rather uninspiring piece of managed grassland that has no landscape merit other than its vegetated boundaries. Landscaped boundary features are to be retained as a part of the scheme and the interior is to be landscaped with hedging and new tree and shrub planting. A 5 metre wide landscape buffer is to be put in place at the northern boundary of the site with the railway. I note that the Landscape Officer has no objection and I agree that there is no reason to object here on landscaping grounds.
- 6.20 In all, clearly the negative impacts of new residential development need to be balanced against the emerging housing allocation and the need to boost housing land supply. In summary, whilst the loss of open green space is always regrettable, in this case I do not consider this to be so significant as to withhold permission.

Residential Amenity

- 6.21 The design and layout proposed here is such that there would be no significant impact on neighbouring residential property in terms of loss of light, outlook and privacy. I do not believe that noise and disturbance from vehicular and pedestrian 'comings and goings' would be harmful to amenity. Given the layout, the occupants of the prospective dwellings should enjoy at least a reasonable standard of amenity.
- 6.22 In terms of rail noise, an acoustic report has been submitted with the application that has been examined and found to be satisfactory by the Environmental Health Officer. That report recommends the erection of an acoustic fence on the northern edge of the development and acoustic glazing to the houses nearest the railway line. One objector is critical of the adequacy of the acoustic report but there is no firm evidence to consider it so. I have no doubt that prospective occupants of the housing (particularly at the northern end of the site) would endure some disturbance in house and garden from railway noise but I do not consider this would be so bad as to withhold permission.

Highways and PROWs

- 6.23 The Highways Officer raises no objection and I agree that access, parking and turning arrangements are such that there is no justifiable reason to object. The layout shows at least 2 parking spaces per dwelling which is appropriate for this locality.
- 6.24 The PROWs that cross the site would need some minor realignment but, having sought the advice of the KCC West Kent PROW Manager, I am satisfied that the new routes would not be significantly less attractive, safe or convenient. Obviously the diversions would need to go through the separate legal process of diversion.

Surface Water Drainage

- 6.25 The Parish Council and local residents are concerned on this issue but this site is not within the significant flood zones (2 and 3) designated by the Environment Agency. I note the presence of the open ditch along the western boundary of the site and the intention to discharge surface water (via a controlling system) into that drain: the presence of such a feature is not unusual and its use would not necessarily lead to flooding given proper management. I note the concerns raised but there is no objection from The Upper Medway Internal Drainage Board and I am satisfied that

this matter can be dealt with by way of a condition requiring details of the proposed methodology for dealing with surface water drainage.

Ecology

- 6.26 This issue has been the subject of significant discussion between the applicant's agents and the KCC Biodiversity Officer including a meeting on site to examine the situation 'on the ground'. In her initial comments the Biodiversity Officer expressed concerns as to adequacy of the survey work for Great Crested Newts (GCN) and the interpretation of it; including concern that it was not intended to apply for a European Protected Species Mitigation Licence (EPSML). The site does not provide optimal habitat but GCN had been recorded in ponds to the west and east of the site and the Biodiversity Officer is of the view that GCN would be likely to be crossing the site between the water bodies: with that in mind the development, including the intention to discharge surface water to the drain, would require an EPSML. She also expressed a concern that mitigation was inadequate for GCN and reptiles; that the impact on bats had not been properly addressed; and that the scheme displayed poor connectivity between habitats to east and west.
- 6.27 After various meetings and discussions the plans were amended and new reports submitted to overcome these concerns. The plans now show various mitigation measures and ecological enhancement works: the principal features of which are a 5m wide wildlife corridor at the northern extremity of the site (including a hibernaculum) to supplement the existing undeveloped land to the side of the railway line so as to provide a connectivity corridor across the northern part of the land. Further connectivity would be provided by wildlife culverts under the access road/footpath and 'animal access points' around the site to allow access across fences/plot boundaries. Bird boxes and bat ridge tiles are shown on each of the plots. The landscaping proposals described above provide further enhancement for wildlife.
- 6.28 The latest comments of the Biodiversity Officer are copied in full at the appendix to this report. Clearly there is still some difference of opinion here on the interpretation of the GCN survey results and she expresses concern that there is ambiguity as to the intention to apply for an EPSML. I have since taken this up with the agents who have written to confirm that an EPSML will be applied for. Aside from the EPSML issue, the Biodiversity Officer considers the corridor and the other connectivity measures to be acceptable; and endorses the bat/bird box and landscaping enhancement measures. Whilst there have been differences of opinion on the approach taken, I am now of the view that the submitted reports and mitigation/enhancement works are such that there should now be no objection raised on the issue of ecology.

7.0 CONCLUSION

- 7.1 The proposed development does not conform with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000; however, it does form part of a wider housing allocation in the emerging Local Plan and this should be given significant weight. The development is at a sustainable location, and is not considered to result in significant planning harm. Due to the low adverse impacts of the development it is considered that there are sufficient grounds to depart from the adopted Local Plan as it would represent a sustainable form of development and be in accordance with the NPPF.

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

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

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

- (2) Prior to the development reaching damp proof course level details of all external materials (including wearing surfaces for the roads, turning and parking areas), shall have been submitted in writing for the approval of the Local Planning Authority. The development shall only be carried out in accordance with the approved details;

Reason: In the interests of visual amenity.

- (3) 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) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or vehicular access to them;

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

- (4) Before development commences, full details of all proposed measures to safeguard the well-being of Great Crested Newts and other protected species during the construction phase; and full details (including the timing of implementation and future management) of all ecological mitigation/enhancement works shall be submitted to and approved by the Local Planning Authority. These measures/works shall be based on the proposals shown on approved drawing Ecology J received 18/3/16;

Reason: To protect and enhance existing species and habitat on the site in the future and to ensure that the enhancement methods can be successfully implemented prior, during or post development. This information is required prior to commencement as any site works have the potential to harm any protected species that may be present.

- (5) Prior to the development reaching damp proof course level, full details of the proposed external lighting and the methods to prevent light spillage shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details;

Reason: In the interests of ecology and to prevent light pollution.

- (6) Prior to development commencing the following shall be submitted to and approved in writing by the Local Planning Authority:

- details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.
- details of construction vehicle loading/unloading and turning facilities.

- details of parking facilities for site personnel and visitors during construction phase.

The works shall be carried out in accordance with the approved details and retained for the duration of the construction works;

Reason: To ensure that no mud or other material is taken from the site on to the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents and to ensure that adequate space is available on site to ensure construction phase can be carried out without a detrimental impact on highway safety and local amenities. This information is required prior to commencement as any works may result in the nuisance that this condition seeks to prevent.

- (7) The houses on Plots 6, 7 and 8 shall not be occupied until the acoustic attenuation measures (including the erection of the acoustic fence) described within the submitted Railway Noise Impact Assessment and approved drawings have been fully implemented;

Reason: In order to ensure that the occupants of the housing enjoy a reasonable standard of amenity.

- (8) Development shall not begin until a sustainable surface water drainage scheme, has been submitted to and approved in writing by the Local Planning Authority. The surface water strategy should be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015). The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the 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 and disposal of surface water from the site. This information is required prior to commencement as any construction work may restrict the extent of a drainage scheme.

- (9) Prior to the development reaching damp proof course level, a scheme of hard and soft landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management shall be submitted to and approved by the Local Planning Authority. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include full details of proposed means of surfacing and boundary treatments. Notwithstanding the notation on the submitted drawings, the requirement for the size of new trees shall be nursery standard size, 8-10cm girth, 2.7-3m high;

Reason: No such details have been submitted.

- (10) 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 setting and external appearance to the development.

- (11) Prior to the development reaching damp proof course level, details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

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

Drawing numbers:

15/10/02, 04A, 06, 08 received 23/7/15

15/10/03B, 09E, 10B, received 14/10/15

Landscape J received 11/3/16

15/10/05E and Ecology J received 18/3/16

Reason: To clarify which plans have been approved.

Case Officer: Geoff Brown

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



ECOLOGICAL ADVICE SERVICE

TO: Geoff Brown
FROM: Stefanie Bramley
DATE: 31st March 2016
SUBJECT: 15/506021/FULL Fishers Oast, Staplehurst

Thank you for the opportunity to provide further advice on this application. We have the following response to make:

Following our meeting with the applicant in February, the following information has been submitted:

- Letter from Emma Hawkes, Peter Brett Associates LLP to Geoff Brown, Maidstone Borough Council
- EPSML: Statement of Intention
- Great Crested Newt Survey Report
- Ecology (drawing)
- Landscape (drawing)
- GCN Population Status Results (drawing)
- Habitat Creation, Restoration and Enhancement Measures (drawing)
- Mitigation Connectivity Measures (drawing)
- Bat Emergence and Re-entry Survey

The revised *Great Crested Newt Survey Report* continues to present conclusions that do not accord with our interpretation of the data. It is stated in the report that "*the main focus of the meta-population relating to this application appear to centre around three ponds 30, 31 and 12*", with scant regard given to the medium-high population of great crested newts recorded just 70m east of the site at Pond 7 (a, b and c). Indeed, these results are reported as 3 separate 'good' population counts, rather than summing the 3 counts (in accordance with good practice) due to the proximity of the water bodies to each other.

The report continues to conclude that "*there will be no loss of terrestrial habitat suitable for GCN*" when it should more correctly be stating that the site does not contain optimal habitat, but give the proximity of known populations and the distribution of more suitable habitats around the site, there is potential for great crested newts to cross the site.

The introductory paragraphs to the *EPSML: Statement of Intention* note largely reiterate the above-highlighted contents of the *Great Crested Newt Survey Report*, referring to the “low risk that GCN may enter the site” and that “any disturbance or risk of killing or harming amphibians is very low”. Despite this being a statement of intention to secure a European protected species mitigation licence, the note introduces the caveat “if required”.

There is no reference to the proposed works to the ditch to the west of the site, into which it is proposed to discharge surface water. These works will have to be incorporated into the EPSML application and we advise that confirmation is sought that the potential for impacts here will be taken into account.

No reference is made to the Natural England great crested newt method statement risk assessment (see below), which as we have previously advised indicates that offences against great crested newts are highly likely. If the applicant concludes that a EPSML is “not required”, our advice is that offences against great crested newts will be committed and this could provide a reason for refusal of the application.

Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	0.5 - 1 ha lost or damaged	0.7
Land 100-250m from any breeding pond(s)	No effect	0
Land >250m from any breeding pond(s)	No effect	0
Individual great crested newts	No effect	0
	Maximum:	0.7
Rapid risk assessment result:		

Notwithstanding the “if required” uncertainty that the *EPSML: Statement of Intention* and *Great Crested Newt Survey Report* maintain, if Maidstone BC considers this undertaking to be sufficient, the details of the precise mitigation method will be secured within the EPSML and Maidstone BC need therefore only consider the likelihood of a EPSML not being granted, alongside the potential for the proposed development to deliver on broader ecological principles, both in ensuring the ecological value of the area is not diminished as a result of the proposals and in the delivery of ecological enhancements within the site.

In addition to the implementation of appropriate construction-period mitigation measures, the delivery of continued ecological connectivity between the areas east and west of the site is essential. We advise that the amendments to the wildlife corridor that have been provided within the submission have potential to ensure ongoing ecological connectivity and on this basis we could consider the submission to be acceptable (notwithstanding the above point re the EPSML uncertainty). The delivery of the proposals must be secured by Maidstone BC, if planning permission is granted, and alongside a EPSML this would ensure that the potential impacts to great crested newts are adequately addressed.

Measures to ensure that opportunities for biodiversity are available within the site have also been included in the submission (e.g. native species planting bat and bird boxes, permeable close boarded fencing). We advise that securing the implementation of these, in addition to the necessary mitigation measures, will assist Maidstone BC in meeting the principle of the

NPPF that "*opportunities to incorporate biodiversity in and around developments should be encouraged*".

Lighting recommendations are also provided. We advise that any external lighting must be designed to minimise impacts to bats, and in particular must not illuminate any roosting features or boundary habitats. The details can be secured by condition, if planning permission is granted.

If you have any queries regarding our comments, please contact me.

Stefanie Bramley MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following document(s):

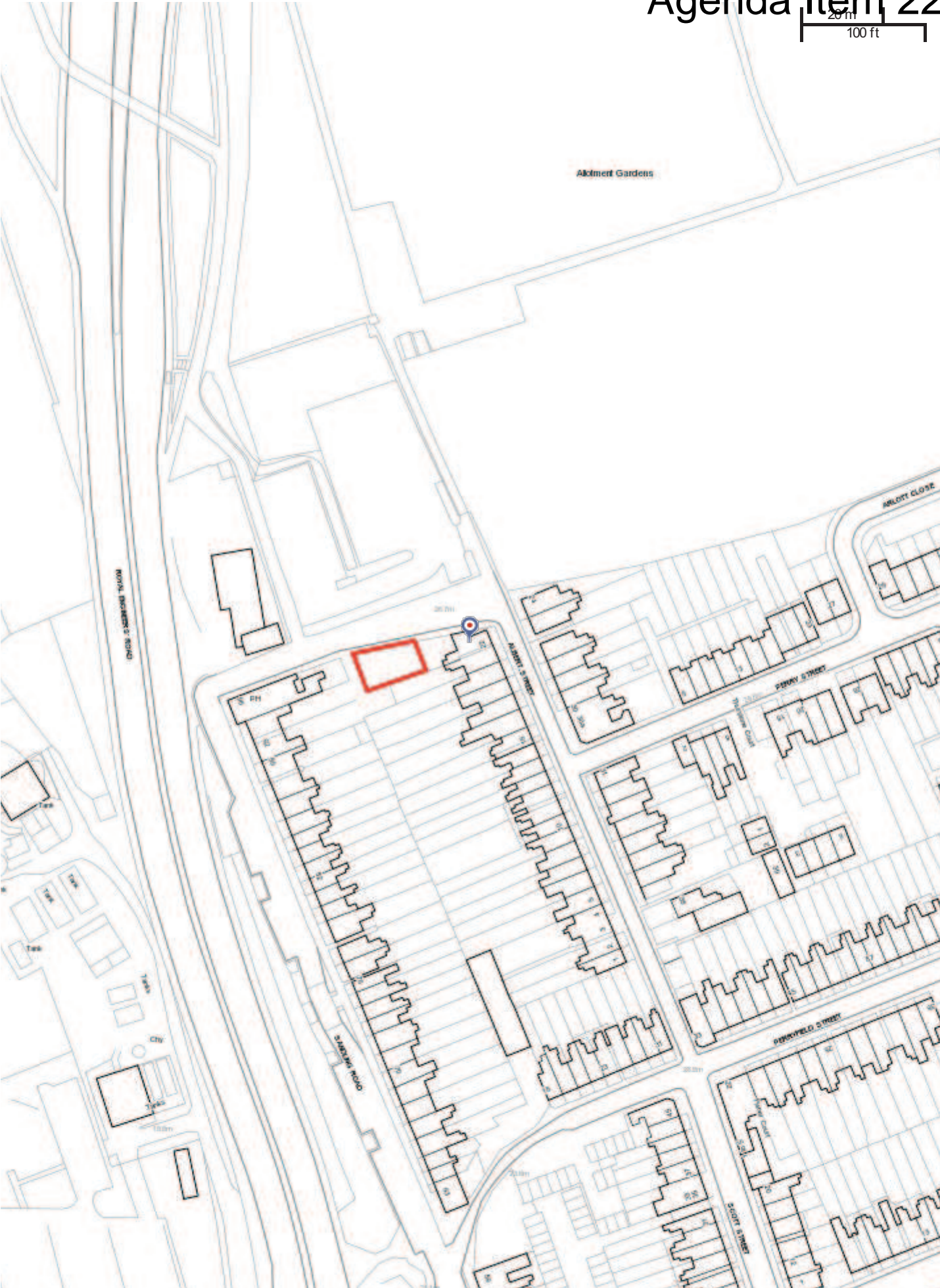
Letter from Emma Hawkes, Peter Brett Associates LLP to Geoff Brown, Maidstone Borough Council dated 10th March 2016.

Ecology, Rev J (drawing). Unattributed. Undated.

EPSML: Statement of Intention. Wildthing Wildlife Consultants. March 2016.

Great Crested Newt Survey Report, version 2.6. Wildthing Wildlife Consultants. March 2016.

Landscape, Rev J. (drawing). Unattributed. Undated.



15/506552 - Land Rear of 22 Albert St.
Scale: 1:1250
Printed on: 24/5/2016 at 10:45 AM

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REPORT SUMMARY

REFERENCE NO - 15/506552/FULL		
APPLICATION PROPOSAL Erection of a detached two storey, two bedroom dwelling with associated changes to fenestration and external appearance.		
ADDRESS Land Rear Of 22 Albert Street Maidstone Kent ME14 2RN		
RECOMMENDATION – Grant Planning Permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL 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 considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE - Called in by Councillor Harwood for the reasons outlined below		
WARD North Ward	PARISH/TOWN COUNCIL	APPLICANT Mr Steve Burrows AGENT Philip Holley Architects
DECISION DUE DATE 06/10/15	PUBLICITY EXPIRY DATE 06/10/15	OFFICER SITE VISIT DATE 04/09/15 & 15/4/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): None relevant		

MAIN REPORT

1.0 SITE DESCRIPTION:

- 1.1 The site lies between the rear gardens of 22 Albert Road and 96 Sandling Road (The Flower Pot PH) and fronts on to Sandling Road. The land was formerly part of the rear garden serving 22 Albert Road but has been severed from the domestic garden by a fence in recent years. Since this time the land has been vacant however its use class remains domestic.
- 1.2 The plot has a 1.8m high wall running around its perimeter with timber vehicular access gates opening on to Sandling Road. The site backs on to the rear garden of 21 Albert Road. The site is relatively level with a few conifer trees which would be removed as part of the application.
- 1.3 Access is currently gained via timber vehicular gates which open on to Sandling Road. Directly to the west of the site lies a narrow private access drive which serves rear access to several neighbouring properties.
- 1.4 The site is characterised by Victorian terraced housing with the nearby Shell petrol filling station being fairly dominant in the streetscene to the north west. Directly north lies a car park which is well screened by mature trees and to the far north east lies access to a large area of allotments. There are currently double yellow lines and part of an on-street parking bay on the highway

immediately in front of the site.

1.5 The site lies within the urban area and an Area of Archaeological Importance.

2.0 PROPOSAL:

2.1 The application seeks planning approval for a detached two bedroom dwelling and car port with associated garden area. The house would be gable fronted and set out over two floors. The proposed dwelling is detailed to be constructed from yellow stock bricks and black cement slate effect tiles. Dark grey aluminium windows have also been detailed.

2.2 The proposed dwelling would have a small hallway with WC, a kitchen and living room at ground floor and two bedrooms, an en-suite and a family bathroom at first floor.

2.3 The building has been designed with a relatively low eaves and ridge heights with the low pitched roof facilitating the overall height of 7.2m.

2.4 Windows are proposed at ground floor to the north (front) and east (side) of the building. At first floor two glimpse windows are proposed to the south (rear) serving bedroom 2 and the bathroom, and two further glimpse windows to the west (side) serving the landing and en-suite. Two windows are proposed to the front (north) at first floor serving bedrooms 1 and 2.

2.5 A detached car port with a pitched roof is proposed on the eastern boundary of the site and would be accessed via timber gates which would open on to Sandling Road. Separate approval from KCC Highways would be required to form a new crossover and separate agreement would be required with the parking team at MBC along with payment of costs in relation to altering the on street parking bay and yellow lines.

3.0 POLICY AND OTHER CONSIDERATIONS:

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough Wide Local Plan 2000: ENV6, T13
- Draft Maidstone Local Plan (2011-2031) - Submission Version: SS1, SP1, DM1, DM2, DM3, DM10, DM12,

4.0 LOCAL REPRESENTATIONS:

4.1 20 representations have been made on the application from 14 households as a result of the initial and secondary consultations and site notice. The comments are summarised below:

- Loss of privacy
- Parking
 - Loss of existing off street spaces for 22 Albert Road

- Loss of on street parking bay
- Narrow road
- Additional parking permits will be issued for a parking zone which is already at capacity
- Poor turning space on road to allow car to exit the car port
- Impact of construction traffic/parking on local roads
- Garden grabbing (backland development)
- Loss of sunlight
- Nuisance from external lighting
- Overdevelopment/cramped
- Lack of landscaping
- Impact on wildlife
- Overbearing impact to neighbours
- Design
 - Not in keeping with locality
 - Grey aluminium windows not in keeping with local area
 - Car port should have a flat roof
- Conflict with adjacent pub garden use

4.2 Councillor Harwood: Called in due to significant local interest and controversy.

5.0 CONSULTATIONS:

5.1 **Kent Highways:** No detailed comments, general parking/technical standards apply.

5.2 **Environmental Health:** The site is in an urban area, but traffic noise is unlikely to be a significant problem for this particular site. The site is within the Maidstone Town Air Quality Management Area, but I do not consider the scale of this development and/or its site position warrants either an air quality assessment or an Air Quality Emissions Reduction condition applied to it.

There is no indication of land contamination based on information from the contaminated land database and historic maps databases. There is no indication of any significant chance of high radon concentrations for this site.

Section 9 of the application form states that there will be “External patio and security lighting”, I consider there is potential for light nuisance to be caused (particularly since neighbours report that previously a security light in the West corner of the site caused problems for them), a condition regarding lighting should therefore be applied to any planning permission granted.

The application form states that foul sewage will be dealt with via mains system; and there are no known Private Water Supplies in the vicinity. Any demolition or construction activities may have an impact on local residents and so the usual informatives should apply in this respect.

5.3 **KCC Archaeology:** The site of the application lies close to the discovery of a Roman coin and is adjacent to the possible route of a Roman road. Remains associated with Roman activity may be encountered and I recommend a

condition to secure a watching brief.

- 5.4 **Heritage Landscape and Design:** In my view this modest dwelling will not look out of place in this area of high density development and will not have a detrimental impact on the setting of nearby listed buildings in Sandling Road. The site is currently somewhat scruffy and development could enhance the area. Conditions recommended for materials, removal of permitted development rights and landscaping.

6.0 APPRAISAL:

- 6.1 Key issues in this case are a) the principle of housing development in this location, b) the impact of the siting, scale and appearance of the proposal on the local area in terms of residential and visual amenity, and c) the impact of the proposal on parking provision within the site and within the locality.

Principle of Development

- 6.2 The site lies within the urban confines of Maidstone where the principle of housing development is acceptable in broad policy terms, subject to the detailed design being acceptable in terms of visual and residential amenity, parking etc.
- 6.3 Paragraph 17 of the NPPF encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value (excluding residential gardens) and goes on to state that LPA's should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- 6.4 Paragraph 53 of the NPPF goes further to state that LPA's should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The NPPF at Paragraph 53 therefore makes it clear that residential garden development can be acceptable provided the local area is not unduly harmed. As such, it is my view that the proposal must be assessed first in terms of its impact on the visual and residential amenities of the local area before the principle of the development on garden land can be established in this instance. In terms of whether the site is in a sustainable location, Albert Street/Sandling Road is within walking distance to the town centre and train stations and is close to the A229 Royal Engineers Road which has regular bus services. Accordingly, the proposal does lie within a sustainable location for new housing development.

Visual Impact

- 6.5 The proposal has been amended during the course application to alter the layout of the first floor to a two bedroom house and reduce the size of the rear (south) facing windows. The scheme represents a compact development which clearly seeks to make use of a relatively small plot of land between the

rear gardens of 22 Albert Road and The Flower Pot PH. However, the site does seem capable of accepting a dwelling of this size in my view, especially in terms of the relatively low eaves and ridge heights for a two storey dwelling. Purely from a streetscene point of view I do not consider the proposal, in its amended form, would give rise to harm to the character and appearance of the area. Moreover, details of materials, fenestration, timber gates and landscaping can all be fully conditioned to ensure that the detail of the final development is closely controlled. Accordingly, in terms of visual amenity/impact on the streetscene, I do not consider the proposal would give rise to harm to the local area as required by Paragraph 53 of the NPPF.

- 6.6 I note the concerns raised by some local residents in terms of the character of the area being Victorian terraced properties, however this scheme is relatively simple in its form and scale. It is considered that, with appropriate materials, a clean contemporary finish is preferable in my view to a pastiche interpretation of the surrounding properties which would always appear as a modern copy rather than an individually designed house as currently proposed. Moreover, the NPPF is clear at Paragraph 58 that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.
- 6.7 For the reasons set out above, I am satisfied that the proposal also meets the requirements of Paragraphs 57 and 58 of the NPPF in relation to achieving a high quality development which adds to the overall quality the area whilst optimising the potential for the site to accommodate development.

Residential Amenity

- 6.8 As the site lies in close proximity to the rear elevations of several properties and adjacent to residential garden areas, while also directly abutting the boundary of Nos. 22 and 21 Albert Street, there is a need to consider the impact of the proposal on the residential amenity of these properties.
- 6.9 As stated previously, the proposal has been designed with relatively low eaves and ridge heights with the first floor utilising part of the roof height to achieve the necessary internal head height. Notwithstanding this, the proximity to neighbours is still a concern which must be fully assessed. The main bulk of the building would sit directly north of the informal parking area serving No.21 Albert Street thereby ensuring the most overbearing elevation would not affect the main garden area of this property, which lies to the southeast of the footprint of the proposed dwelling.
- 6.10 By locating the garden area and car port between the footprint of the proposed dwelling and the rear elevation of No.22 a flank-to-rear separation distance of 19m at first floor would be achieved which is an acceptable distance in this instance. For this reason I do not consider the position, size and mass of the proposed dwelling would give rise to harm to the occupants of Nos.22 or 21 Albert Street. Turning to the properties to the west, being The Flower Pot PH and 94 Sandling Road, These would also be approximately 23m away when measured flank-to-rear at first floor which, in such an urban

area with very high densities of development, is also an acceptable distance in my opinion.

- 6.11 Whilst it is not disputed that a noticeable impact would occur to the nearest neighbours, as they are used to an open site in this location, the impact must be adverse to warrant a refusal of planning permission. As stated above, the relative separation distances, and the availability of other areas of garden away from the development, i.e. closer to the rear building lines of the properties, are such that the impact in terms of overbearing/oppression would not be adverse in this location.
- 6.12 Turning to overlooking/loss of privacy, there have been several objections received on this basis. The original application included two standard sized window openings on the rear (south) elevation at first floor which directly overlooked the surrounding garden areas to an unacceptable degree. However, following advice from Officers the application has been amended to have single narrow “glimpse” windows on this elevation and the flank (western) elevation facing The Flower Pot PH, all of which can be conditioned to be obscured glazed in my view to ensure that no overlooking would occur. Each bedroom would retain a front facing (north) principal window which would not result in any loss of privacy to neighbours.
- 6.13 In terms of loss of sunlight, it is my view that the proposal is a sufficient distance from neighbouring building lines to result in an undue loss of sunlight or daylight due to the position of the proposed dwelling relative to the tracking of the sun and nearest sensitive premises.
- 6.14 In light of the above considerations in relation to various aspects of residential amenity, I am of the view that the proposal would accord with the requirements of Paragraph 17 of the NPPF in terms of residential amenity which states that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”
- 6.15 In light of the considerations set out in paragraphs 7.5 to 7.13 above the conclusion that the proposal would not result in harm to the “local area” results in the test for development within residential gardens, as set out at paragraph 53 of the NPPF, being met. As such, the principle of development within this location is acceptable for the purposes of the Framework.

Highways

- 6.16 The site lies on an Unclassified Road and does not amount to 5 or more dwellings. As such Kent Highways do not issue detailed advice on such proposals and Officers must rely on other available parking advice set out in KCC Parking Standards for example. As the proposal simply seeks to move an existing access to the east of the site there is no significant issue in terms of the principle of an access in this location. However, the issue of parking provision and the subsequent impact on the existing on-street parking

bay/road-markings remain pertinent to the application.

- 6.17 The site was formerly used as parking for No.22 Albert Street but has recently been severed from the curtilage by a timber fence. As such, No.22 currently has no parking and the development of this site will make that situation permanent. I can appreciate the objections raised on this basis, however the erection of the fence to sever the land and the cessation of the use of the rear part of the garden for parking are outside the Council's control. The existing timber gates could be closed off by bricking up the opening under permitted development. As such this is not the same situation as loss of parking on a site where the original parking is controlled by condition and that loss of spaces can then be considered by the LPA. The loss of the use of the site as parking is not therefore, in this instance a material planning consideration.
- 6.18 The proposed development would have one space in the form of a car port and, in such a sustainable location, this provision meets the Kent Parking Standards Interim Guidance Note 3 (2008) which requires one space per two bedroom dwelling within a town centre/edge of centre location such as this. I therefore consider the parking level as proposed to be acceptable. I note the concerns raised in relation to the likelihood of such a space being used on a daily basis, however in locations such as this where parking is at a premium it is more likely especially as a car port is proposed rather than a garage. However, I do consider it reasonable to condition the car port to remain as a parking space which would be secured by way of a condition.
- 6.19 The proposal would result in the loss of an adjacent on-street parking bay to facilitate the proposed new access and car port. The existing access would be closed off and there are currently double yellow lines in this location. The lost bay could not be accommodated in front of the closed off access as this point in the road is too narrow to have bays on both sides of the carriageway. As such, the parking bay would need to be reduced in size to facilitate the proposed development. These works would require separate approval from the Council's parking department. I note the objections raised in relation to the loss of a parking space and concerns raised by the Council's parking team, which currently benefits all residents in that parking zone. However, it is considered that the loss of one on-street space would not be sufficient grounds to justify refusal of the application.
- 6.20 In light of the above considerations, and subject to conditions requiring the parking provision to be provided, surfaced and drained, and the car port to remain open-fronted, I am of the view that the parking provision for the proposal is acceptable.

Landscaping

- 6.21 The application does not propose a landscaping scheme at the present time, however a scheme can be conditioned to be submitted at a later date and carried out in the appropriate planting season. Due to the size of the site the

benefit to the locality capable of being provided through landscaping is limited, especially as the site is enclosed by a tall wall with no ability for frontage planting. However, I do consider there is a need for some specimen trees to be planted on the southern boundary of the site to assist in long term screening and also in an effort to soften the impact of the development for No.21 when using their garden area. Whilst such planting would be close to foundations for the house and car port I remain of the view that some form of tree species could be safely planted in this location without long term damage to footings. As such, in this instance, I consider a landscaping scheme can be justified. Subject to such a condition I am of the view that the proposal accord with Policy ENV6 of the MBWLP 2000.

Other Matters

- 6.22 Turning to other matter raised by local residents, I agree that there is the potential for harm from insensitive external lighting and recommend a condition in this respect. My colleagues in Environmental Health also raise this as a potential concern.
- 6.23 The impact of the proposal on local wildlife is also a concern raised by local residents and I do not consider it unreasonable for the proposal to include some biodiversity enhancements such as bird/bat boxes within the site. I therefore recommend a condition to be attached requiring a scheme of enhancements to be submitted as supported by Paragraph 109 of the NPPF.
- 6.24 The impact of the proposal on the use of the adjacent pub garden has been raised by several residents, including the possible concern that community events held at the PH could be at risk of being required to cease due to future nuisance complaints from residents of the proposed house. As the design of the new dwelling is such that there are only two “glimpse” windows on the western elevation which faces the PH and these serve bathrooms/landing it is unlikely that noise will affect principle habitable rooms unduly. In addition, the proposed private amenity space serving the site would be buffered from any noise from the PH by the physical bulk of the proposed house. In addition, should a noise complaint be raised in the future, the NPPG in Noise Paragraph 007 makes it clear that when a noise complaint is being investigated the “character of the locality” in noise terms is considered and the long-established sources of noise in the vicinity, such as PH’s are factored in to any assessment. Moreover, Environmental Health have not raised any concerns in this respect. It is for these reasons that I do not consider there to be a noise concern for the proposal or an indirect concern for the future normal operation of the adjacent PH which has been located in a residential area for many years.

7.0 CONCLUSION

- 7.1 In light of the above considerations, I am satisfied that the proposal meets relevant national and local policy and guidance in relation to design,

residential amenity, parking, and ecology. I therefore recommend permission is granted subject to conditions.

8. RECOMMENDATION – GRANT Subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Application Form received 11.08.2015, Location Plan PHA-PL-001 received on 11.08.2015, Site Plan PHA-PL-002 received 11.08.2015, Existing Elevations PHA-PL-003 received 11.08.2015, Proposed Site Plan PHA-PL-006 Rev A received 08.12.2015, Proposed Plans PHA-PL-004 Rev C received 20.05.2016, and Proposed Elevations PHA-PL-PL005 Rev C received 20.05.2016.

Reason: To clarify which plans have been approved.

3. Written details including source/ manufacturer, and samples of bricks, tiles and any cladding materials to be used externally along with full details of the proposed timber gates, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development shall be carried out within Classes A, B, C and E of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order).

Reason: In the interests of protecting the character and amenities.

5. Before the first occupation of the building hereby permitted the windows(s) at first floor level on the south (rear) and west (flank) elevations shall be fitted with glass that has been obscured to Pilkington level 3 or higher (or equivalent) and shall be non-opening up to a maximum height of 1.7m above internal floor level. Both the obscured glazing and the non-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be retained as such.

Reason: In the interests of protecting the residential amenities of adjacent dwellings

6. No development shall take place until a landscape and boundary treatment scheme has been submitted to and approved in writing by the local planning authority. The scheme shall detail all new planting including the location, species, heights and numbers of all soft landscaping and all boundary treatments in terms of location, type, material and height. The approved scheme shall be implemented prior to occupation (boundary) or within the next available planting season following occupation (landscaping). All trees and shrubs shall be retained for a period of five years from the date of planting and should any planting become damaged or diseased within that period the specimen shall be replaced unless otherwise agreed in writing by the Local Planning Authority.

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development.

7. The building hereby approved shall not be occupied until the approved parking area has been provided, surfaced and drained in accordance with the approved details and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity.

8. Prior to development commencing, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. This shall include the provision of bat/bird boxes and the use of swift bricks. The development shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity.

Reason: To protect and enhance existing species and habitat on the site in the future.

9. No external lighting shall be installed until a detailed scheme of lighting has been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of safeguarding the residential amenities of nearby residents.

10. 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.

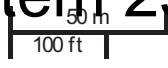
Reason: To ensure that features of archaeological interest are properly examined and recorded.

INFORMATIVES

1. As the development involves demolition and / or construction, the applicant's attention is drawn to the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.
2. Attention is drawn to Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" – as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.
3. The applicant is reminded of the need to ensure that relevant Party Wall agreements have been entered in to prior to works.
4. The applicant is reminded of the need to secure approval for a new dropped kerb or any works within the limits of the highway from Kent County Council Highways Services. Please view <http://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb> for further information and to apply.
5. The applicant is urged to contact Maidstone Borough Council's Parking Team at Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ. Telephone 01622 602603 or email parkingoperations@maidstone.gov.uk
6. The applicant is reminded that the development hereby approved cannot lawfully be commenced (in accordance with Condition 7 above) until separate approval has been obtained from the Council's parking team for alterations to the road markings for the on-street parking bays, and such works having been carried out in accordance with the approved works.

Case Officer: Lucy Harvey

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



15/508298 Shangri La
Scale: 1:2500
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REPORT SUMMARY

REFERENCE NO - 15/508298/OUT		
APPLICATION PROPOSAL Outline application with all matters reserved for the construction of 5no. dwellings with associated parking, access and landscaping works on the land to the south of Shangri-La, Horseshoes Lane, Langley		
ADDRESS Shangri La Horseshoes Lane Langley Kent ME17 3NA		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is considered to conflict with the policies of the Development Plan (Maidstone Borough Wide Local Plan 2000) and Maidstone Borough Council (Submission Version) Draft Local Plan but there are overriding material planning considerations justifying a granting of planning permission, subject to the imposition of recommended conditions.		
REASON FOR REFERRAL TO COMMITTEE RECOMMENDATION CONTRARY TO THE VIEWS OF LANGLEY PARISH COUNCIL		
WARD Sutton Valence And Langley Ward	PARISH/TOWN COUNCIL Langley	APPLICANT Mr & Mrs E Goode AGENT DHA Planning
DECISION DUE DATE 16/12/15	PUBLICITY EXPIRY DATE 16/12/15	OFFICER SITE VISIT DATE
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

There is no relevant planning history directly relating to the application site. However there are two applications at the following sites, both refused but subsequently allowed on appeal, which are considered to represent material considerations in the determination of this application.

Land Adj 3 Old Style, Sutton Road, Langley, Maidstone, Kent, ME17 3LZ

MA/13/1965: Erection of a 4 bedroom detached dwelling and 1 bedroom integral annexe

Land South Of Horseshoes Lane, Langley. Kent

MA/15/501236: Outline application for the erection of 5no. dwellings with access, parking, landscaping and associated infrastructure on land to the south of Horseshoes Lane, Langley (all matters reserved)

The location of these sites relative to the application site are shown on plan attached as **APPENDIX 1**.

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.01 The application site, which has an area of 0.48 ha, apart from the access, is rectangular in shape and comprises the southern part of the rear garden of Shangri La, a wide frontaged detached house fronting Horseshoes Lane. The application site falls away from Horseshoes Lane in a north to south direction and is enclosed on its east, west and southern boundaries by high evergreen hedgerows.
- 1.02 Shangri La is sited just under 130 metres to the east of the junction of Horseshoes Lane with Sutton Road and is sited in open countryside forming part of the Southern Anti Coalescence Belt.
- 1.03 In a wider context Shangri La and its garden partly provides the eastern definition of an area of sporadic, widely spaced mainly housing development comprising a mix of detached and terraced houses, running up to Sutton Road to the west.

2.0 PROPOSAL

- 2.01 Outline planning permission with all matters reserved at this stage, is sought for the erection of 5 detached dwellings. In seeking to demonstrate the site is capable of accommodating this scale of development, illustrative access, site layout and design plans have been submitted. The illustrative site layout plan shows use of an existing access to service the development with provision of a new access road looping to the west of the Shangri La before entering the developed area of the site. The proposed illustrative layout shows an inward facing cul de sac of 5 houses all with detached garages. The illustrative design details show a mix of chalet style detached houses with low eaves heights with accommodation in the roof areas with small dormers and the use of half hip roof treatments.
- 2.02 The application is also accompanied by a flood risk assessment carried out in connection with development proposed at Little Court, Sutton Road, Langley which the applicants consider to be relevant to this site, a phase 1 desk study into site contamination and an ecological scoping survey.
- 2.03 The following has also been submitted in support of the application .
- The application site occupies a sustainable location given its proximity to Langley (0.4 miles); Langley Heath (0.6 mile); Leeds (1.6 miles); Five Wents (0.7 miles) and Parkwood (1.5 miles).
 - These settlements provide a number of services being Leeds Kent House B&B; Amora Flowers; St. Nicholas Church; Leeds and Broomfield Cricket Club; Leeds Village Primary School; Langley Rumwood Nurseries and Garden Centre; Langley Heath GP Surgery (The Orchard Surgery); The Village Hall and Recreation Ground and Manning Autos; Five Wents The Plough at Langley Public House; Murco Petrol Station; Wamlake Car Centre; Young and Partners Motors Limited Parkwood Parkwood Industrial Park; Morrisons Superstore/petrol station; Holy Family RC School.
 - This demonstrates there are a range of services within walking distance of the site.
 - The site is connected by local bus services nos. 12, 13 and 64 with the nearest bus stop being less than 100 metres from the application site. These buses provide services to Maidstone, Hollingbourne, Linton and other surrounding service centres.
 - At an appeal at The Oak in Sutton Valence (reference APP/U2235/A/14/2228989) the Planning Inspector acknowledged the site was located some 400 metres outside the settlement confines. He considered the appeal site was well served by bus stops

and local shops within close proximity to the appeal site and therefore sustainably located and well connected to surrounding settlements.

- An appeal at 3 Old Style, Sutton Road immediately west of the application site was allowed for the erection of a two-storey, four bedroom dwelling with associated parking and access has been allowed. The Inspector confirmed the proposed dwelling would be in a sustainable location and would not be harmful to the character and appearance of the countryside.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV32, T13,
Maidstone Borough Council (Submission Version) Draft Local Plan: SS1, SP17,
DM1, DM2, DM4, DM6, DM10, DM12.

3.01 As set out in paragraph 1.01 above the application site lies outside any defined settlement in open countryside forming part of the Southern Anti Coalescence Belt as defined in the Maidstone Borough-Wide Local Plan 2000. As such it is subject to policies ENV28 and ENV32 of the adopted local plan.

3.02 The Council has recently finished its Regulation 19 consultation on the submission version of the draft Local Plan and representations from that consultation are currently being assessed. The emerging plan is a material consideration and given the latest position on a demonstrable 5 year supply of housing land, policies which were seen to restrict the supply of housing land can now be given significantly greater weight when considering planning applications by virtue of its progress through the stages in the adoption process.

4.0 LOCAL REPRESENTATIONS

4.01 A site notice was displayed at the site on 21st January 2016.

4.02 Ten neighbouring properties were notified of the application and two objections have been received which are summarised below:

- Will harm the rural character of the area and result in loss of views across the site.
- The development allowed on appeal at 3 Old Style has had an adverse effect on the character of the area.
- Will result in harm to the free flow of traffic and highway safety along Horseshoes Lane.
- Use of the proposed access road will result in harm to aural amenity along with increased light pollution harmful to the rural character of the area.

5.0 CONSULTATIONS

5.01 **Langley Parish Council:** Object to the proposal on the following grounds:

- The village has well defined boundaries and proposal will appear as a discordant incursion into open countryside beyond the existing defined boundaries.
- The proposal is contrary to the provision of paragraph 55 of the NPPF seeking to avoid isolated residential development in the countryside.
- The proposal will significantly harm the landscape setting and character of Langley and erode the existing separation between Langley and the continuing outward

expansion of Maidstone while harming the function of the Southern Anti Coalescence Belt.

- Will generate additional traffic placing additional pressure on existing overloaded roads within the locality while the access onto Horseshoes Lane will result in harm to the free flow of traffic and highway safety.

- Housing allocation H1(10) being land to the south of Sutton Road is the subject of a formal objection from Kent Highways. No further dwellings should be permitted along the A274 Sutton Road until this has been resolved.

- There is no housing justification for the proposed dwellings given the housing provision being made within the locality.

- If permitted the proposal will set a precedent for similar harmful development in the locality while resulting in the erosion of Langley's identity as a separate rural settlement and be harmful to its setting as a consequence.

- Particularly concerned regarding the impact of application ref: 15/508415 on land At Little Court , Sutton Road, to the south of the application site being an outline application with all matters reserved for the demolition of the existing structures on the site and construction of 4no. dwellings with associated parking, access and landscaping.

5.03 **KCC Highway Services** : No objection subject to imposition of conditions to secure on site parking and turning both pre and post the construction process.

5.04 **KCC Biodiversity Officer**: Satisfied that sufficient information has been provided to determine the planning application and that the potential for Great Crested Newts (GCN) to be present within the site and the surrounding area has been properly assessed. The ecological survey carried out for the adjacent site includes an assessment of the pond which is located within 9 metres of the proposed development site. However this waterbody is a seasonal stream rather than a pond which regularly dries out and at the time of the survey was polluted by agricultural waste. Therefore satisfied that GCN are unlikely to be present within the pond.

Another other pond is located at Sheiling Hall. However are satisfied there is no requirement for an Habitat Suitability Index or GCN survey to be carried out on this pond.

To accord with the provisions of the NPPF opportunities to incorporate biodiversity in and around developments should be encouraged which should be secured by condition.

5.05 **Natural England**: Have no comment to make advising it is for the Local Planning Authority to determine whether the application is consistent with national and local policies on the Natural Environment.

5.06 **KCC Heritage**: The site lies within an area of post medieval activity. Shieling Hall, to the east, is considered to be a 15th century farmhouse and remains associated with post medieval activity may be encountered during groundworks. However raise no objection subject to imposition of a condition to secure a watching brief.

5.07 **Environment Agency**: No objection though noting that while the majority of the site lies within Flood Zone 1 proposed plots 2 and 3 are very close to Flood Zone 3. Therefore recommend condition relating to the finished floor levels of the units on plots 2 and 3.

5.08 **Maidstone Borough Council Environmental Health Manager**: No objections

5.09 **Southern Water:** No objection

6.0 BACKGROUND PAPERS AND PLANS

6.01 The development proposals are shown on drawing numbers DHA/10870/01-08 (consec).

6.02 The application is supported by a Planning Statement, Design and Access Statement, Phase 1 Desk Study ref:1465/GH/9-2015/384 and Flood Risk Assessment by Herrington Consulting Ltd both dated September 2015 and Ecological Scoping survey carried out by Martin Newcombe Wildlife Consultancy dated the 23rd August 2015.

7.0 APPRAISAL

Principle of Development

7.01 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. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000 and policies contained with the submission version of the draft local plan. As the site lies within open countryside forming part of the Southern Anti Coalescence Belt the proposal is specifically subject to policies ENV28 and ENV32 of the adopted local plan. Policy states ENV 28 states that:

“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.”*

7.02 In addition the Council considers it is now capable of demonstrating a 5 year supply of housing land as set out below. As such great weight can now be attached to policy SP17 of the submission version of the draft local plan (policy SP17) seeking to control development in the countryside apart from certain exceptions. Though policy SP17 is more detailed than policy ENV28 it essentially replicates the key development restraints provisions of policy ENV28.

7.03 None of the exceptions against the general policy of restraint set out in policy ENV28 of the adopted local plan and policy SP17 apply to this application which therefore represents a departure from the Development Plan. In such circumstances it falls to consider whether there are any overriding material considerations justifying a decision not in accordance with the Development Plan and whether granting planning permission would result in unacceptable demonstrable harm incapable of being acceptably mitigated.

7.03 As a further consideration the application site comprises part of the acknowledged garden curtilage of Shangri La. The definition of previously developed land (pdl) set out in the NPPF specifically excludes land in built up areas such as private residential

gardens from being pdl. The inference from this is that garden land falling outside built up areas fall within the definition of pdl and the applicants have sought to place particular emphasis on this.

7.04 Notwithstanding the above, this does not mean the presumption in favour of development on pdl overrides the provisions of policies ENV28 or policy SP17, as the commitment to existing built mass in considering development proposals in the countryside is already acknowledged. As such the approach to development in the countryside is not materially altered by the inclusion of rural residential curtilages as pdl.

7.05 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states 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;'

7.06 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.

7.07 The new Local Plan has advanced and was submitted to the Secretary of State for examination on the 20 May 2016. Examination is expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure and allows the Council to demonstrate a 5 year supply of deliverable housing sites.

7.07 The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The monitoring demonstrates the council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.

7.09 A five year supply of housing land is a significant factor and paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as policy ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. However policy ENV28, given the housing supply position, can now be considered up to date while policy SP17 should also be given great weight for the same reason.

7.10 Despite this, the presumption in favour of sustainable development identified in paragraph 14 of the NPPF still means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

Sustainability:

7.11 Given the presumption in favour of sustainable development set out in the NPPF, the key assessment in principle terms is whether the application site can be considered to be sustainably located in relation to public transport provision and other services. The application site lies outside any built up area in open countryside and as such would not normally fall to be considered as a candidate for sustainable development. However the recent appeal in June 2014 on land adjoining 3 Old Style, Sutton Road, Langley allowed the erection of a 4 bedroom detached dwelling and 1 bedroom integral annexe immediately abutting the application site to the west and is relevant in determining whether the current proposal can be considered to represent an example of sustainable development.

7.12 In allowing the above appeal the Inspector concluded, amongst other things, at paragraph 4 of the decision that:

“The largest part of the settlement of Langley lies across the fields to the east of the appeal site and the village of Sutton Valence, with its schools and limited range of shops and services is about 2.5 km to the south. Sutton Road is on a bus route with frequent services to Maidstone and Headcorn which both have opportunities for employment, shops and services and railway stations. Taking into account the public transport links I consider that the appeal site is in a location where day-to-day journeys could reasonably be made without reliance on the private car.”

7.13 It is considered the above comments represent a recent and unequivocal statement regarding the sustainability of this site. In terms of its relevance to the current application, this site immediately abuts the western site boundary while though the application site does not front Sutton Road the proposed access is just under 130metres to the east of Sutton Road. As such given this appeal decision it is considered it would be difficult to seek to argue the current application site occupies an unsustainable location given its close proximity to a site that has already been judged to be sustainable.

7.14 It is recognised that in reaching the above conclusion Members may be aware of the dismissed appeal in connection with land to the south of Horseshoes Lane which is referred to on the plan attached as **Appendix 1** to this report.

7.15 Paragraph 19 of this appeal decision is set out below

“I have been referred to two appeal decisions by the appellant, relating to development at The Oaks, Maidstone Road, Sutton Valence and 3 Old Style, Sutton

Road. On the evidence before me these sites appear to be in more sustainable locations, with greater accessibility to services and public transport. In the case of The Oaks, the Inspector also concluded that residents would be able to access a reasonable range of services on foot and that would not be the case here. Overall, different conclusions on the sustainability of their location were reached by the Inspectors and I also note that a different conclusion was reached in terms of the harm to the character and appearance of the area and the effect on the significance of a heritage asset was not a consideration for the Inspectors.”

- 7.16 Given the specific reference to the allowed appeal at 3 Old Style and the comments made on its sustainability, it is not considered this appeal gives any support to the view that the current application site occupies an unsustainable location.
- 7.17 In the circumstances it is considered the application site occupies a sustainable location when the applying the criteria set out in the NPPF and draft Local Plan given its proximity to a site allowed on appeal that has already been judged to be sustainable.
- 7.18 As the Council is now in a position to demonstrate a five year housing land supply the normal restraints on residential development in the open countryside now apply as the adopted Local Plan is no longer out of date. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on existing service centres and on land within or adjoining existing settlements. Though the development does not strictly meet these siting preference, for the reasons set out above it is nevertheless still considered to represent an example of sustainable development in location terms.
- 7.19 As such despite the weight that can now be given to policies ENV28 and SP17 given the provisions of the NPPF and local planning policy supporting sustainable development the proposal remains acceptable in principle. Consideration therefore turns on its detailed impacts and whether this reveals an unacceptable demonstrable harm for other reasons outweighing the presumption in favour of sustainable development set out in the NPPF.
- 7.20 Detailed considerations in connection with this application are considered to be the visual impact of the development on the rural character of the locality including whether the function of anti coalescence belt will be compromised, design and layout considerations, residential amenity, access/highway safety and ecology.

Visual Impact

- 7.21 The proposal has been submitted in outline form with all matters reserved. However in seeking to demonstrate the site is capable of accommodating the scale of development proposed (in a manner meeting the Councils normal design and layout standards while minimising its impact on the wider landscape) illustrative design and layout plans have been submitted along with long section plans and details of the visibility splays to the access onto Horseshoes Lane to serve the development.
- 7.22 The development has two key visual impacts being those related to the access and its impact on Horseshoes Lane and the housing element of the proposal.
- 7.23 Dealing first with the impact of the access, an existing access onto Horseshoes Lane will be widened to secure improvements to visibility. Taking into account the existing nature of the frontage being a low brick wall topped by railings and based on the

submitted illustrative details, it is not considered increasing the width of the access will have any material visual impact. Turning to the line of the access road running to the west of Shangri La for over 80 metres before entering the housing sector of the proposal, subject to the use of an appropriate rural wearing surface such as gravel hot rolled into a tarmac base, it is not considered this will have any material impact though the impact of any lighting should be controlled by condition. As such it is not considered improvements to the access and provision of the access road will, on their own, or combination with the proposed housing to the rear of the site have any material significance in contributing to the overall visual impact of the proposal.

- 7.24 Turning to the impact of the proposed housing sited just under 60 metres from the rear of Shangri La, cross section details show the site falling away in a north to south direction such that the lowest part of the site is just under 3.5 metres lower than the slab level of Shangri La. The net effect of these cross falls is that when viewed from Horseshoes Lane just under 90 metres to the north, the submitted illustrative details show that glimpse views will only be available to roof profiles which by their very nature are recessive details minimising any impression of bulk. As such given (a) the set back of proposed houses from Horseshoes Lane (b) additional native species screening along the northern site boundary and (c) that the proposed houses will be built at the levels shown, it is considered the impact of the proposed development when viewed from Horseshoes Lane will not result in any significant increase impression of built mass that may be viewed as being harmful to the rural character of the area.
- 7.25 Regarding the impact of the development when viewed from surrounding land, the application site on all boundaries is enclosed by high hedgerows which are to be retained and this will be secured by condition. Taking into account the site cross-falls, enclosed inward looking nature of the development and the illustrative design and siting details showing low profile houses set on average over 10 metres from site boundaries, it is considered the impact of the development will be contained within the site. As such the limited impression of built mass outside the site will not result in material harm to the character or openness of the adjoining countryside contrary to the provisions of policy ENV28 of the adopted local plan or SP17 of the draft local plan.
- 7.26 As the development will be largely imperceptible in the wider landscape it is considered it would be difficult to sustain an objection based on any material impact on the function of the anti coalescence belt contrary to the provisions of policy ENV32 of the adopted local plan.
- 7.27 Concerns have been raised that the proposal will consolidate existing adhoc and scattered development in the locality setting a precedent for similar development resulting in the erosion of Langley's identity as a separate rural settlement and harming its setting as a consequence. Members are reminded that precedent is not a reason for objecting to an application as one of the key principles underpinning the planning process is that each application must be dealt with on its merits. When applying this test it is considered for the reasons set out the proposed development is acceptable in its own right and will not have any material impact in eroding the character, setting or settlement integrity of Langley.

Design and layout considerations

- 7.28 The illustrative design details show detached houses all with low eaves capped by pitched roofs with accommodation in the roof. The details show elements of the local rural vernacular with the use of waney edge barge boards, half hip roofs, small

dormers and the design, siting and proportions of doors and windows amongst other things. As such the submitted illustrative designs are considered acceptable.

- 7.29 The layout shows a 'typical' inward looking cul de sac which it is considered to meet the Councils normal block spacing, privacy and amenity space standards. While the layout is acceptable in its own right it has a suburban quality and density which materially departs from the more spacious character of nearby development. However the self-contained and enclosed nature of the site means the site lacks outside reference points enabling such a wider comparison to be made. In the circumstances no objection is raised to the proposed illustrative layout which is considered to show the site is capable of accommodating the scale of development sought.

Residential amenity

- 7.30 For the reasons set out above it is considered the illustrative layout is capable of achieving an acceptable residential environment for future residents. Regarding any impact on properties overlooking and abutting the site, though concerns have been raised regarding loss of views (which is not a consideration that can be taken into account), given the illustrative design and siting of the proposed houses, retention of boundary hedgerows and separation distances to houses abutting the site, it is considered that no material loss of amenity will occur.

Highways

- 7.31 Concerns have been raised (a) that the proposal will result in harm to the free flow of traffic and highway safety along Horseshoes Lane and surrounding road network due to the additional traffic generated using roads already operating over capacity and (b) that as housing allocation H1(10) (being land to the south of Sutton Road) is the subject of a formal objection from Kent Highways no further dwellings should be permitted along the A274 Sutton Road until this has been resolved.
- 7.32 Dealing with point (a) additional traffic generated by this development of 5 houses will be nominal. Furthermore adequate on-site turning will be provided enabling vehicles to leave the site in a forward direction along with the proposed improvements to the visibility splays to the proposed access. As such in the absence of objection from Kent Highways no objection is identified based on harm to highway safety and the free flow of traffic.
- 7.33 Turning to point (b) as the proposal will have little impact in traffic generation terms and again in the absence of objection from Kent Highways, such a moratorium could not be justified in the circumstances of this application.

Biodiversity

- 7.34 The application site comprises a large mown area forming part of the garden curtilage of Shangri La with the site perimeters defined by evergreen hedgerows. Given its use as a mowed, maintained and relatively level grassed area with no features which might provide wildlife habitats, in its current form the site has little/no intrinsic wildlife potential. However given its location abutting open countryside having features capable of sustaining wildlife and that it is likely to be visited by wildlife, an ecological survey was undertaken.
- 7.35 The ecological survey mainly of adjoining land revealed a total of 90 species of plants and animals. No notable species of plant were found. A total of 10 bird species were

recorded but there was localised potential nesting bird habitat in the hedges and garden shrubs on the site.

- 7.36 There was no evidence of any species which are specifically protected under wildlife legislation. However house sparrows were evident though the sites current value to this species is as a possible occasional feeding area. If appropriate mitigation measures such as house sparrow nesting boxes are incorporated into any new development there will be a slight increase in potential nesting and possibly feeding habitat of higher quality than presently exists and there would therefore be no long term impact on this species.
- 7.37 No evidence of bats were identified in nearby buildings, nor badgers, dormice or common reptiles.
- 7.38 Regarding the potential presence of Great Crested Newts (GCN) in nearby ponds one pond was more of a seasonal stream than a pond and was polluted by manure from nearby stables. As a consequence no GCN were identified nor was it considered these ponds were likely future habitats. It was therefore concluded there was little potential for protected species on the site.
- 7.39 KCC ecology are satisfied no protected species will be materially affected by the development and subject to the wildlife mitigation measures set out, being the provision of house sparrow nesting boxes and taking in to account the additional native species planting and retention of existing boundary hedgerows, it is considered the requirement to safeguard, make provision for and to improve wildlife habitats set out in the NPPF is met.

Flood risk, drainage and contaminated land

- 7.40 The EA advise that it has no objection on flooding grounds as the majority of the site lies within Flood Zone 1. However as proposed plots 2 and 3 are close to Flood Zone 3 it recommends a condition relating to the finished floor levels of the units on plots 2 and 3. Subject to this being conditioned along with the provision of a SUDS it is considered the proposal is acceptable in flood risk grounds.
- 7.41 With regards to foul drainage, Southern Water raise no objection to the proposal on these grounds though it recommends an informative advising of the possibility of a public sewer crossing the site.
- 7.42 Regarding contamination, the site survey did not reveal any obvious risk of contamination which might prove harmful to human health or be a source of pollution if disturbed. Nevertheless the report recommends that in the course of groundworks the condition of the ground is regularly checked for signs of potentially localised contamination. This reflects the possibility that past uses of the site may have resulted in some residual contamination which may be revealed as part of the construction process. In the circumstances it is considered appropriate to impose a condition to address this eventuality.

Other Matters

- 7.43 The Council now seeks to ensure that at least 10% of the energy demands of new development is met from renewable sources to secure a more sustainable form of development in accordance with the provisions of the NPPF. It is appropriate to address this matter by condition.

- 7.44 Regarding the Parish Councils concern at the impact of application ref: 15/508415 (being land At Little Court , Sutton Road lying to the south of the application site and an outline application with all matters reserved for the demolition of the existing structures on the site and construction of 4no. dwellings with associated parking, access and landscaping), this application is currently undetermined. In the event of a positive officer recommendation the application will be brought before the Planning Committee for determination.

8.0 CONCLUSIONS

- 8.01 It is acknowledged the proposal is contrary to adopted Maidstone Borough-Wide Local Plan 2000 and policy SP17. However notwithstanding that a five year housing land supply can now be demonstrated as the site is considered to occupy a sustainable location it is considered the proposal remains acceptable in principle and accords with the NPPF.
- 8.02 Turning to the details of the proposal, it is considered the submitted illustrative details demonstrate the site is capable of accommodating the scale of development proposed in a manner meeting the Councils normal design and layout standards to secure an acceptable residential environment. In addition taking into account the site topography and that it is surrounded by high existing hedgerows, it is considered the main impact of the proposal will be contained within the site. As such it will not result in any material increase in the impression of built mass harmful to the open character of the adjoining countryside or function of the Southern Anti Coalescence Belt. The proposal is also considered to be acceptable in its impact on adjoining properties, will not result in any material harm to the free flow of traffic or highway safety on the local road network while safeguarding the interests of wildlife nor contribute to or be at risk of flooding while safeguarding public safety and possible pollution risks.
- 8.03 In the circumstances it is considered that any harm that would otherwise arise from the proposal has been mitigated to an acceptable level while resulting in a contribution in towards meeting housing need in the Borough and on balance it is considered the proposal should be granted planning permission.

RECOMMENDATION:

CONDITIONS

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority for :-
 - a. Access
 - b. Layout
 - c. Scale
 - d. Appearance and
 - e. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

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

2. The details of landscaping submitted pursuant to condition 1 shall provide for the retention of existing mature hedging running along the whole length of the south, west and east site boundaries.

Reason: In the interests of visual amenity.

- 3 The development hereby approved shall not commence until details of all fencing, walling and other boundary treatments have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

4. Details submitted pursuant to condition 1 shall show details of the access onto Horshoes Lane, sight lines to this access along with the details of internal access and highway arrangements, on site parking and turning to serve the development hereby approved. None of the dwellings hereby approved shall be occupied until the approved measures are in place which shall be retained at all times thereafter with no impediment to their intended use.

Reason: In the interests of the free flow of traffic and highway safety.

5. Prior to commencement of the of development hereby approved construction vehicle loading/unloading and turning, parking facilities for site personnel and visitors and wheelwashing shall be provided. These measures shall be maintained on site throughout the construction phase of the development,

Reason: In the interests of the free flow of traffic and highway safety.

6. No surface water shall discharge onto the public highway while a bound surface shall be provided for at least the first 5 metres of the access from the highway edge of Horshoes Lane.

Reason: In the interests of the free flow of traffic and highway safety.

7. The development hereby approved shall not commence until written details and samples of the materials to be used in the construction of the external surfaces, including hard surfaces, of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The materials shall include, inter alia, swift and bat bricks. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to provide wildlife habitat to accord with the provisions of the NPPF.

8. Before first occupation of any of the dwellings hereby permitted a scheme of landscaping, using indigenous species shall be submitted for prior approval in writing by the Local Planning Authority. An indigenous species planting belt shall also be planted along the north site boundary of the area shown to be developed for housing. In addition 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 along with a programme for the approved scheme's implementation and long term management shall also be submitted for prior approval in writing by the Local Planning Authority.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified.

Reason: In the interests of visual amenity.

9. All planting, seeding or turfing comprised in the approved landscaping details shall be carried out in the first planting and seeding seasons following first occupation of any of the dwellings hereby approved. 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.

10. The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) including details of any tree works that would be necessary to implement the proposal, which shall include details of all trees to be retained and the proposed measures of protection, undertaken in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations" has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include full details of areas of hard surfacing within the root protection areas of retained trees which should be of permeable, no-dig construction and full details of foundation design for all buildings within root protection zones, where the AMS identifies that specialist foundations are required. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained, ensure a satisfactory setting and external appearance to the development.

11. No external lighting whatsoever shall be placed on any part of the site without first obtaining the prior approval in writing of the Local Planning Authority. Lighting shall only be installed in accordance with the approved details and retained as such at all times thereafter.

Reason: To safeguard the night-time rural environment in the interests of visual amenity.

12. The development hereby permitted shall not commence until a detailed surface water drainage scheme for the site based on sustainable drainage principles has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainable development and flood protection.

13. 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 for its prior approval in writing. The remediation strategy shall be implemented as approved.

Reason: In the interests of pollution prevention.

14. The development hereby approved shall be carried out at the levels shown on drawing no:DHA/10870/07. In addition the height of any buildings shall not exceed that shown on this plan.

Reason: In the interests of visual amenity.

15. 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.

16. The development hereby permitted shall not be commenced until details demonstrating the finished floor levels of plots 2 and 3 will be a minimum of 600mm above existing ground level, have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of flood protection.

17. Before first occupation of any of the houses the size, design and siting of two house sparrow boxes and two open fronted bird boxes shall be submitted for prior approval in writing by the Local Planning Authority. The boxes shall be installed within 3 months of approval and retained as such at all times thereafter.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

18. The development hereby approved shall not commence until details have been submitted for prior approval in writing by the Local Planning Authority of decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development. The approved details will be in place before first occupation of the development hereby approved and maintained as such at all times thereafter.

Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.

19. The development hereby approved shall be carried out in accordance with the following submitted details being drawing nos: DHA/10870/01-08 (consec).

Reason: In the interests of amenity.

INFORMATIVES

Highways:

Planning permission does not convey any approval for any works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council – Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Foul Water:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Investigations indicate there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development is required. This should not involve disposal to a public foul sewer.

Due to changes in legislation that came in to force on 1 st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 3030119) or www.southernwater.co.uk.

Pollution Prevention

Please note that all precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance "PPG1 – General guide to prevention of pollution", which can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1

Waste

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2), provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
 - ii. The Waste (England and Wales) Regulations 2011
 - iii. Hazardous Waste (England and Wales) Regulations 2005
 - iv. Pollution Prevention and Control Regulations (England and Wales) 2000
 - v. Environmental Permitting (England and Wales) Regulations 2010
- Method of Construction

As the development involves construction compliance with the Mid Kent Environmental Code of Development Practice is expected.

Wildlife:

You are reminded of the legal protection afforded to nesting birds and to ensure that no development is carried which might affect these.

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 pre-application advice.

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, following receipt of further information was acceptable.

Case Officer: Graham Parkinson

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

APPENDIX 1



A 30d style Dwelling allowed on appeal.

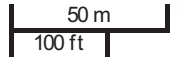
APPLICATION SITE

Land south of Hasshoes

ShareGIS printing
Scale: 1:2500
Printed on: 13/4/2016 at 12:32 PM

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Agenda Item 24



15/509275 Land South West to The Gables

Scale: 1:2500

Printed on: 20/4/2016 at 10:58 AM

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REPORT SUMMARY

REFERENCE NO - 15/509275/OUT			
APPLICATION PROPOSAL Outline application with access matters reserved for proposed residential development following demolition of existing buildings with replacement storage building.			
ADDRESS Land South West To The Gables Marden Road Staplehurst Kent TN12 0PE			
RECOMMENDATION: GRANT planning permission subject to the conditions and informatives set out in Section 10.0.			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000 or Policy SP17 of the Submission Version of the Maidstone Borough Local Plan Publication February 2016. However, the development is at a sustainable location, and is not considered to result in significant planning harm. Due to the low adverse impacts of the development it is considered that there is sufficient grounds to depart from the adopted and submitted Local Plan as it would represent a sustainable form of development and re-use of brownfield land in accordance with the National Planning Policy Framework 2012 and Policy DM4 of the Local Plan Submission.			
REASON FOR REFERRAL TO COMMITTEE This application is a departure from the Local Plan. This application has been called in by Cllr Brice and Staplehurst Parish Council: Concern from local residents, harmful to the open countryside, sewage, flooding, relationship with neighbouring use of land.			
WARD Staplehurst Ward	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr P R Garrod AGENT D. C. Hudson & Partner	
DECISION DUE DATE 31/12/15	PUBLICITY EXPIRY DATE 27/5/16	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/506076/PNP	Prior Notification for a change of use from a storage or distribution building (Class B8) and any land within the curtilage to a dwellinghouse (Class C3).	Granted	22.09.2015

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 This site is accessed from Marden Road and is located to the rear of the existing residential property of The Gables. The main parcel of land is set back from the road by approximately 73m and is accessed by a narrow track that runs parallel to the curtilage of The Gables.

- 1.2 The site is currently occupied by a collection of pole barns and agricultural storage building. In the centre of the site is an area of concrete hardstanding that covers the width of the site. These structures and area of hardstanding and are set within mown grassland.
- 1.3 To the east of the site is a crane storage depot and to the south and west is open countryside. Immediately to the south of the application site is an area of grassland under the same ownership, which appears to have been regularly mown.
- 1.4 The site is located within the open countryside, although no other designations apply. It is not located within a flood zone and there are no listed buildings in the immediate vicinity.
- 1.5 The site benefits from the grant of prior notification for the change of use from a storage distribution building to a dwellinghouse. This was granted through permitted development rights and therefore an appraisal against the development plan was not required. Outline planning permission, on the other hand will need to be assessed against the relevant development plan policies.

2.0 PROPOSAL

- 2.1 This is an outline application for a residential development with appearance, landscaping, layout and scale reserved for future consideration.
- 2.2 The approval of access details is being sought. This indicates that the access would be from Marden Road, using the existing access adjacent to The Gables.
- 2.3 An indicative layout has been provided, although this does not form part of the decision as the layout is reserved for future consideration. It indicatively demonstrates that there would be four detached properties on the site with a central service strip in the centre of the site. The existing tree screen would be retained to the east of the site and field access would be retained to the south of the site, in the south west corner.

3.0 PLANNING CONSTRAINTS

- 3.1 None relevant

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Wide Local Plan 2000: Policy ENV28

Submission Version of the Maidstone Borough Local Plan Publication February 2016
: Policies SP10, SP17, DM1, DM2, DM4, DM11, DM12, DM27 and DM34.

5.0 LOCAL REPRESENTATIONS

A site notice was displayed at the site and the application has been advertised in the Local Paper. The advertisement of the application as a departure from the Local Plan expires on 27 May 2016 and Members will be updated verbally at the Committee of any further comments received.

	COMMENTS RECEIVED
Parish/Town Council	<p>Councillors voted to recommend refusal and request that the application be referred to MBC.Planning Committee for the following reasons:</p> <ul style="list-style-type: none"> - the site is outside the village envelope and not proposed for development in either the Staplehurst Neighbourhood Plan or the draft Maidstone Local Plan; - contravention of Policy ENV 28 proved grounds for refusal of application 14/0700 Bramleys, Marden Road, and such grounds apply equally in this case; - there are known drainage and sewage management issues in Marden Road - according to the Staplehurst Surface Water Management Plan project leader, the area experiences the worst drainage in the village; - the proposed access road is too narrow and a passing place appears to encroach on neighbouring property; - the layout does not take into account the proximity of fuel storage and provides insufficient area for large vehicles to manoeuvre; - councillors could find no case for the proposed replacement storage building; councillors had previously indicated they did not wish to see a change of use from storage and distribution to a single residential building the proposal to build four houses on a larger site multiplies their concerns.
Residential Objections Number received: 2	<ul style="list-style-type: none"> - Inappropriate scale of development - Overshadowing of vegetable patch - Unacceptable loss of privacy - Noise along driveway as a result of additional cars - Loss of tree that acts as a wind barrier and is home to wildlife - Water runoff - Concerns over sewage disposal - Adjacent to storage depot could be a health hazard - The adjacent site generates considerable noise on a 24/7 basis are required to attend at very short notice many emergency operations. Noises associated with this work can be considerable, such as the use of heavy air spanners removing and refitting wheels and major components. - Flashing lights from adjacent occupier - Overlooking from the high level cabs of the vehicles to the depot - Noise report underestimates the actual noise levels generated by the proposals
Residential Support Number received: 0	None received

6.0 CONSULTATIONS

6.01 KCC Highways: no objection (27th November 2015)

The access is existing with a good crash record at the junction. The access is proposed to be widened at the junction, which is welcomed to prevent vehicles having to reverse out onto Marden Road. There are adequate parking and turning

facilities within the site. The local refuse collection authority should be consulted on the proposals. For the reasons outlined above and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority subject to:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

6.02 **Environmental Health: no objection**

(15th April 2016)

It is hard to do an acoustic assessment given the irregular use so a sort of worst case scenario is a reasonable way forward. I do not see any justification for refusing this application on noise grounds and feel that the proposals for mitigation (headlined below) are acceptable:

1. The double glazing will be 6-12-6 glazing.
2. There will be whole house ventilation to all rooms, rather than individual mechanical ventilation to each room. This is a much quieter system and more efficient and gives the occupants constant fresh air and heat recovery, but still the option of opening windows should they so wish.
3. There will be no windows to habitable rooms on the elevation to the houses facing the yard, whatever the final layout.
4. The fence between the proposed housing and yard will be 2.4 metres in height. Not only will this help reduce noise, but also give some visual screening, even if the existing hedge is finally removed.

(10th March 2016)

The site is in a semi-rural area, and traffic noise is unlikely to be a significant problem for this particular site. The site is outside the Maidstone Town Air Quality Management Area, and I do not consider the scale of this development and/or its site position warrants either an air quality assessment or an Air Quality Emissions Reduction condition applied to it.

The historical/current use of the site for commercial processes leads me to consider that there is potential for land contamination and so a relevant condition should be attached to any permission granted. According to the latest British Geological Survey maps, the site is in a "radon affected area" and has a 3-5% chance of having high radon concentrations. Radon is a naturally occurring radioactive gas which enters buildings from the ground, the British Research Establishment code requires that new buildings in radon affected areas to be constructed with basic preventative measures i.e. protective membrane and suitable underfloor ventilation.

The application form states that foul sewage will be dealt with via mains system; and there are no known Private Water Supplies in the vicinity.

Any demolition or construction activities may have an impact on local residents and so the usual informatives should apply in this respect. The parts of the building being demolished/converted should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.

No objection, subject to comments above plus conditions as listed:

1. HOURS OF WORKING (DEMOLITION/CONSTRUCTION)

No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

[In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary for safety reasons to conduct works during a railway possession or road closure, outside the hours specified in this condition].

2. LAND CONTAMINATION

The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

3. NOISE MITIGATION

The developer should have regard to the mitigation report carried out by MRL Acoustics dated March 2016, ref MRL/100/996.1v2, and shall submit for approval

written evidence that the development meets all the recommendations specified in the report prior to occupation.

6.03 **Southern Water (9th December 2015):** No objection subject to details of drainage

7.0 **BACKGROUND PAPERS AND PLANS**

1945/01; 1945/04; 1945/06

Noise Mitigation Report: MRL Acoustics dated March 2016, ref MRL/100/996.1v2

8.0 **APPRAISAL**

Principle of development

8.1 The National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states 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;'

8.2 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.

8.3 The new Local Plan has advanced and was submitted to the Secretary of State for examination on the 20 May 2016. Examination is expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure and allows the Council to demonstrate a 5 year supply of deliverable housing sites.

8.4 The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was

applied to the OAN. The monitoring demonstrates the council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.

- 8.5 The new Local Plan has been submitted and is considered to attract significant weight.
- 8.6 The site is outside the defined settlement boundaries for Staplehurst in both the adopted and submitted Local Plan. Policies ENV28 and SP17 both seek to restrict new housing development outside settlement boundaries. However the NPPF and the submitted Local Plan both encourages sustainable development and the re-use of brownfield sites and as such although not an allocated site and outside the settlement boundary both these need to be considered.

Sustainability of the site

- 8.7 The site is located outside of the settlement boundary of Staplehurst. The village itself has a number of key services and facilities expected of a larger village. It has a local shop, post office and GP surgery. Staplehurst is served by a nearby train station (approximately 1km north east of the site) and has connections by bus to Maidstone town centre.
- 8.8 The approved Hen & Duckhurst permission (ref: 14/502010/OUT), which was approved at planning committee subject to a legal agreement. would extend the settlement boundary of Staplehurst further to the west and the application site would be within 200m of this. This would provide direct access to the facilities and the station in Staplehurst. As a result, I do not consider there would be grounds to refuse this application based on the unsustainable location.
- 8.9 Even if the Hen & Duckhurst site is not developed, the closest public footpath would only be 250m from the site entrance, with grass verges up to this point to provide adequate accessibility to Staplehurst.
- 8.10 In a recent appeal decision APP/U2235/A/14/2224793 at The Bramleys, which lies 130m to the west of the application site the Inspector did raise concerns relating to the poor links to Staplehurst, which would result on a reliance on the private car. However for the reasons set out, I would consider this site to be within a sustainable location and would amount to sustainable development, therefore meets the requirements of the NPPF.

Re-use of Brownfield land

- 8.11 Paragraph 17 of the NPPF sets out the Core Planning Principles, these include :

‘encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.’
- 8.12 Policy DM4 of the Local Plan Submission states :

‘Exceptionally, the residential redevelopment of brownfield sites in the countryside which meet the above criteria and which are in close proximity tolarger village will be permitted provided the redevelopment will also result in a significant environmental improvement and the site is, or will be made demonstrably accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.’

- 8.13 Point 1 of Policy DM4 sets out that the site should not be of high environmental value and the new density of new housing shall reflect the character and appearance of individual localities.
- 8.14 The site benefits from a prior notification for the re-use of the building for residential, the following section addresses the visual impact of the proposed development and the site does not have a high environmental value. The site is considered to be in a sustainable location and would result in the re-use of a brownfield site as supported by the NPPF and in principle it is considered that the redevelopment of the site for residential housing would be acceptable.

Visual impact in the countryside

- 8.15 This site is located in the open countryside, which means that saved policy ENV28 is of relevance. This policy is a restrictive development policy that seeks to resist inappropriate development in the countryside when there would be a detrimental impact on the character and appearance of the landscape.
- 8.16 This site comprises three existing structures and an area of concrete hardstanding to the centre. One of the structures on site already benefits from permission through the permitted development rights to convert it into a single dwelling house.
- 8.17 The access track from Marden Road is already in place, and although may require a surface treatment, would not require any amendments in terms of width or positioning. The access point is directly adjacent to, and partly shared by, The Gables; a large two storey detached property. I would not consider that the shared use of this access point for additional dwellings to the rear would have a detrimental impact on the open countryside from Marden Road.
- 8.17 At present, there is an established hedgerow to the western boundary of the site and a close boarded fence to the east. To the rear of the site, there is currently no boundary and the site opens to mown grassland.
- 8.18 With the present landscaping in place, there may be glimpses of the proposed development when travelling east along Marden Road. I am satisfied, however, that with an appropriate design of the development and the incorporation of the necessary additional landscaping, then this could be addressed satisfactorily. At this stage, with appearance, landscaping, layout and scale reserved for future consideration I would consider that the harm caused to the open countryside in this location could be mitigated at a later stage when these details are submitted.
- 8.19 To the south of the site by approximately 300m is a public footpath, but this is screened by a treeline that prevents intervisibility between the site and the footpath. I am therefore not concerned about visual impact from this direction.
- 8.20 Although the pattern of development along Marden Road is characterised by large detached properties directly adjacent to the road; it is acknowledged that these become gradually more spread apart further to the west. This proposal would be only 200m from the access to the Hen & Duckhurst site to the east on Marden Road (ref: 14/502010/OUT), which was approved at planning committee subject to a legal agreement. It is an outline application for up to 250 new dwellings. Although this has not yet been built, it will have the effect of altering the development pattern in the immediate vicinity of the site. As a result, I would not consider that this pattern of proposed development would appear incongruous in this location on Marden Road.

- 8.21 The upheld appeal decision APP/U2235/A/14/2224793 at The Bramleys, which is 130m to the west of the site along Marden Road is relevant to this application. It was acknowledged by the Inspector in this decision that, “there is development near the appeal site, but it is sporadic and it becomes more so travelling to the west along the road. The character is rural and the gaps between built form increases with roadside vegetation and an agricultural character becoming more dominant”. It was also stated by the Inspector that the “development of the site would consolidate the presence of buildings and activity in an area where the dominance of domestic uses is diminishing and would alter the character and appearance to that of an overly-urban form of development.”
- 8.22 Whilst each case must be assessed on its own merits, I would consider that the points raised by the Inspector in the above appeal decision do not apply to this current application for reasons set out above. In summary, I do not consider that the proposal would have a significant visual impact on the open countryside. The site already has structures and the access is already in place; the houses would not be visible from Marden Road or any public footpath as a result of the set back from the road.
- 8.23 Whilst the indicative plans submitted alongside this application show a quantity of four dwellings, I would consider this to be excessive in this location and would result in a cramped form of development. It must be noted, however, that this outline application does not specify the quantity of units proposed and therefore this is something that can be addressed at reserved matters stage when the details of the scheme will be secured.

Residential Amenity

- 8.24 The site is located to the south of The Gables, which is located adjacent to the road. The potential new houses would be approximately 45m from the main house and therefore I would not consider it to have a detrimental impact on the private amenity of these neighbours. Whilst these neighbours have raised concerns over the impact upon the vegetable patch at the end of their garden, this is not a material consideration.
- 8.25 Additionally, whilst there would be an increase in the quantity of traffic along the access road, I would not consider this would amount to an unacceptable level of noise and disturbance.
- 8.26 Concerns have been raised in relation to the neighbouring use of the property by the current occupiers of this site, which is industrial in its nature. Their concerns relate to the noise levels generated from this site can be large and during unsociable hours. I have no reason to question this concern as the planning history demonstrates there is no restriction on the hours of the use. An established use certificate for “storage of materials, plant and equipment, the ancillary repair of same and for the storage of lorries necessary to transport the same” was awarded in 1989 (ref 89 1681), and aerial photos demonstrate that this has been a continuous use.
- 8.27 In consultation with Environmental Health and to address the concerns raised, it has been agreed by the applicant that the following will be incorporated:
- The double glazing will be 6-12-6 glazing.
 - There will be whole house ventilation to all rooms, rather than individual mechanical ventilation to each room.

- There will be no windows to habitable rooms on the elevation to the houses facing the yard, whatever the final layout.
 - The fence between the proposed housing and yard will be 2.4 metres in height.
- 8.28 Based on the above, which can be secured by way of condition, Environmental Health has confirmed that these would address their concerns to create acceptable living conditions for future occupiers. I have specifically raised the issues that the adjacent site has a lawful and unfettered use for the 'storage of materials, plant and equipment, the ancillary repair of same and for the storage of lorries necessary to transport the same', and could operate on a 24/7 basis. It has been confirmed by Environmental Health that there are no objections despite this use.
- 8.29 With this in mind, I would consider that the proposal would provide for an acceptable living condition for future occupants.

Access

- 8.30 It has been confirmed by KCC Highways that the access provisions in this location would not raise any significant concerns. For this reason, I am satisfied that the access would be acceptable.

Ecology

- 8.31 Given the previous use of the continued maintenance of the land (which has meant that the grass has been consistently mown) and the location of the site adjacent to the crane site, I would not consider that there would be a reasonable likelihood of protected species being present and affected by the proposals.
- 8.32 The National Planning Policy Framework (the Framework) and Circular 06/2005: Biodiversity and Geological Conservation confirm that surveys should be carried out prior to planning permission being granted where there is a reasonable likelihood of a protected species being present and affected.
- 8.33 I would recommend that any permission on this site would be subject to a condition requiring ecological enhancements within the proposal.

Drainage

- 8.34 Concerns have been raised in relation to the drainage in this area. The proposal is to contain any surface drainage within the site using sustainable urban drainage and a condition can be attached to secure this.
- 8.35 Southern Water supports this stance and seeks, through appropriate planning conditions, to ensure that appropriate means of surface water disposal are proposed for each development.
- 8.36 Southern Water have confirmed that a formal application for a connection to the foul sewer must be made by the applicant or developer, but subject to this there is no objection relating to foul drainage.
- 8.37 With the above in mind and the drainage for this site is considered to be acceptable.

Summary

9.0 The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000 or Policy SP17 of the Submission Version of the Maidstone Borough Local Plan Publication February 2016. However, the development is at a sustainable location, and is not considered to result in significant planning harm. Due to the low adverse impacts of the development it is considered that there is sufficient grounds to depart from the adopted and submitted Local Plan as it would represent a sustainable form of development and re-use of brownfield land in accordance with the National Planning Policy Framework 2012 and Policy DM4 of the Local Plan Submission.

10.0 **RECOMMENDATION** – Grant Planning Permission subject to the following conditions and informatives :

CONDITIONS to include

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:- a. Layout , b. Scale, c. Appearance, d. Landscaping. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

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

2. The details of landscaping submitted as reserved matters pursuant to Condition 1 of this grant of outline planning permission shall include a scheme of hard and soft landscaping, including details of the treatment of all hardsurfacing within the site and boundary treatments, 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 during the course of development and a programme for the approve schemes implementation and long term management. This plan shall also incorporate ecological enhancements, including bat boxes and log piles. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The development shall be carried out in accordance with the approved scheme of hard and soft landscaping and boundary treatments;

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development and to promote ecological enhancements.

3. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the development 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.

4. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and

approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: In the interests of public amenity

5. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

Reason: To ensure an acceptable

6. The developer should have regard to the mitigation report carried out by MRL Acoustics dated March 2016, ref MRL/100/996.1v2, and shall submit for approval written evidence that the development meets all the recommendations specified in the report prior to occupation. This shall include details of the double glazing, whole house ventilation systems, 2.4m high fence to the eastern boundary of the site and a layout that has no windows to habitable rooms on the elevation to the houses facing the yard to the east.

Reason: In the interests of residential amenity.

7. Prior to the commencement of the development hereby permitted, samples of the materials to be used in the external surfaces of the building must be submitted and approved, in writing, by the Local Planning Authority. The development shall then be constructed using the approved materials.

Reason: For reasons of visual amenity.

8. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

9. No development shall commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

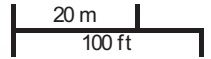
INFORMATIVES

1. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW or www.southernwater.co.uk

Case Officer: Rachael Elliott

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 25



REPORT SUMMARY

REFERENCE NO - 16/500037/FULL		
APPLICATION PROPOSAL Demolition of existing buildings and erection of 6 No dwellinghouses, amenity space, landscaping and access.		
ADDRESS The Old Forge Chartway Street East Sutton Kent ME17 3DW		
RECOMMENDATION		
SUMMARY OF REASONS FOR REFUSAL The proposed development fails to comply with the policies of the Development Plan (Maidstone Borough Wide Local Plan 2000) and Maidstone Borough Council (Submission Version) Draft Local Plan and there are no overriding material planning considerations justifying granting planning permission.		
REASON FOR REFERRAL TO COMMITTEE Called in for determination by Planning Committee by Cllr Round		
WARD Headcorn	PARISH/TOWN COUNCIL East Sutton	APPLICANT Kent Forklifts Ltd AGENT DHA Planning
DECISION DUE DATE 10/03/16	PUBLICITY EXPIRY DATE 10/03/16	OFFICER SITE VISIT DATE 14/04/16

HISTORY

There is no planning history affecting the application site directly relevant to this proposal.

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.01 The application site is located on the south side of Chartway Street just over 220 metres from its junction with Charlton Lane to the west and over 150 metres from the junction with Morry Lane to the east. The site lies within open countryside not subject to any specific landscape designation.
- 1.02 The application site can be divided into 2 clearly separate areas. The first area abutting Chartway Street is principally occupied by a narrow single storey workshop building just over 40 metres long and its associated parking and turning areas. Immediately abutting this building to the east is Old Forge House while to the east are a pair of detached cottages known as 1 and 2 Manor Farm Cottages.

- 1.03 The second much larger area to the south comprises an open field enclosed on its east and southern boundaries by hedgerows. Sited abutting and wrapping around the western site boundary is the substantial buildings and open storage area forming part of the agricultural distribution operations carried out at Street Farm.

2.0 PROPOSAL

- 2.01 Detailed planning permission is sought for the demolition of the existing commercial/industrial buildings and their replacement with 6 no: 4 and 5 bedroom detached houses all with integral garaging. The houses have all been designed to reflect the local rural vernacular with the use of catslide and half hip roofs, small pitched roof dormers, brick and timber cladding, use of weatherboarding, exposed rafter feet and clay tile hanging.

- 2.02 A single central access will be created off Chartway Street with the area occupied by the existing long narrow commercial building being landscaped with a sustainable drainage swale system also shown within this area. The access will extend into the open field terminating in a turning head with all the proposed houses served off this. The access road and all hard surfaces forming part of the development will be water permeable in accordance with sustainable drainage principles.

- 2.03 Regarding landscaping, individual private amenity areas will be defined by post and rail fencing along the line of which will be planting in the form of native hedgerow species. On the northern site perimeter an existing 6 metre high conifer hedge and existing 1 metre post and wire and 1.8 metre high closeboarded fences will be retained. Along the eastern site boundary an existing 8 metre high conifer hedgerow on average just over 4 metres wide which will be retained. Along the south and western site boundaries' what is described as a native tree copse will be planted. This is on average 6 metres in width depth but where the site abuts the adjoining commercial use this increases to a belt over 10 metres wide.

- 2.04 The applicant has set out the following:

- The site is located a short distance to the west of Kingswood which has a range of facilities including a primary school, village hall/community centre, surgery, shops and a hot food takeaway.
- The site is within walking distance of employment sites in Chartway Street while there is also a bus services to Maidstone town centre being the No.59 bus.
- Bus stops are located within walking distance to the site in Chartway Street.
- The site is relatively close to Headcorn railway station (approximately 5 miles distance) which provides a regular and frequent service to London and Ashford International Station.
- Conclude the site occupies a reasonably sustainable location notwithstanding its rural location.

- 2.05 The proposal is also accompanied by a transport statement, contaminated land assessment and extended phase 1 Habitat and Bat Survey report.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13,

Maidstone Borough Council (Submission Version) Draft Local Plan: SS1, SP17, DM1, DM2, DM4, DM12.

- 3.01 As set out in paragraph 1.01 above the application site lies outside any settlement in open countryside as defined in the Maidstone Borough-Wide Local Plan 2000. It is therefore principally subject to policy ENV28 of the adopted local plan.
- 3.02 The Council has recently finished its Regulation 19 consultation on the submission version of the draft Local Plan. The submission version of the draft Local Plan is a significant material consideration and given the latest position on a demonstrable 5 year supply of housing land, policies which were seen to restrict the supply of housing land can now be given significantly greater weight when considering planning applications by virtue of its progress through the stages in the adoption process.

4.0 LOCAL REPRESENTATIONS

- 4.01 A site notice was displayed at the site on 21st January 2016.
- 4.02 The application has been 'called in' for determination by the Planning Committee by Cllr Round and his comments are set out below:
- The Parish of East Sutton is especially concerned in terms of various needs and sensitivities in regard to all forms of Planning activity at present and the Parish Council have suggested that being presented to committee would be their preference as they recommend refusal.
 - Believes in the interests of openness and transparency that a committee decision is best served for the community.
 - Concurs with the neighbouring Parishes; Broomfield and Kingswood view that in their communication vehicle access/transport matters and road safety should also be presented as a key issue when giving consideration to such applications.
 - Another matter giving concern locally is water run-off and drainage issues, which should be given due scrutiny if making any planning decisions, in an area that has its own geographical sensitivities as well as many water/drainage concerns.
 - Above sums up the key points, but there are many other considerations to be taken into view within those points.
- 4.03 Fourteen neighbouring properties were notified of the application and seven objections have been received which are summarised below:
- Proposes development on a greenfield site contrary to development plan.
 - Proposal not justified on housing need grounds while resulting in loss of a commercial use in a rural area.
 - Area lacks services relating to waste disposal and water supply and additional housing will only make situation worse.
 - Will result in additional traffic harming the free flow of traffic and highway safety on the local road network while insufficient on site parking has been provided.
 - Will result in unsustainable development as site remote from local services encouraging car use while local bus services poor and infrequent.
 - Do not accept that vehicle movements will be limited to only 30 movements per day – contend that figure will be double this while figures on existing traffic movements substantially over estimated.
 - Proximity of houses to site boundaries will result in loss of light and outlook to adjoining houses including loss of views across the site.

- Will result in cramped and overcrowded development t out of character with the locality while a similar housing proposal was refused under ref:15/500464.
- Reducing existing 2 metres wall at Old Forge House down to 0.9 metres to secure acceptable sight lines not on land in applicant's ownership or control.

5.0 CONSULTATIONS

5.01 **Broomfield and Kingswood Parish Council:** Object to the proposal on the following grounds:

- Consider the site is poorly located on a bend with bad access onto an already congested road for lorries and traffic between two large farms.

5.02 **East Sutton Parish Council:** Object and wish proposal to be considered by the Planning Committee. The grounds for objection are that the site is unsustainable while employing at least 5 people.

5.03 **KCC Highway Services :** Having carried out its own assessment of the proposal consider it offers appropriate benefit and suitable vision splays with reshaping of the adjoining wall on the western side of the access .

Traffic generation could be generated from this site, without requiring planning permission and the proposal offers a reduction in vehicle trips and a change of use that provides a reduction in goods or service vehicle numbers attracted.

Can confirm there have been no injury crashes on Chartway Street between Charlton Lane and Morry Lane for at least the last ten years and considering this record, the reduction in potential trips, the scale of the development and the centralisation and standard of the access confirm there is no objection to the proposal on highway grounds.

Also confirm that car parking is adequate and the access road is suitable to accommodate refuse collection access and turning.

Should planning permission be granted should be subject to conditions relating to construction traffic management and provision of the access and on site parking and turning.

5.04 **Natural England:** Have no comment to make advising it is for the Local Planning Authority to determine whether the application is consistent with national and local policies on the Natural Environment.

5.05 **KCC Heritage:** The proposed development lies adjacent to a "smithy" identifiable on the 1st Ed OS map. Remains associated with post medieval activity may survive on the site. Nevertheless raise no objection subject to imposition of a condition to secure a watching brief.

5.06 **Maidstone Borough Council Environmental Health Manager:** The site is in a semi-rural area, and traffic noise is unlikely to be a significant problem for this particular site. The site is outside the Maidstone Town Air Quality Management Area, and do not consider the scale of this development and/or its site position warrants either an air quality assessment or an Air Quality Emissions Reduction condition applied to it.

The site is currently a B2 industrial use plus part vacant brownfield site, this and the historical use of the site as a forge leads to the conclusion that any planning permission should be subject to a contaminated land condition.

There is no indication of high radon concentrations.

As such subject to conditions requiring a contaminated land survey and waste water drainage details raise no objection.

5.07 **Heritage, Landscape and Design:** There are no protected trees on, or adjacent to, this site and there are no trees which form a constraint to the development proposal. The Landscape Capacity Study: Site Assessments, January 2015 considers the capacity of the landscape to accommodate housing on this site is low. However this could be improved by the removal of the existing coniferous boundary hedges, which are inappropriate in landscape character terms and have been subject to a number of high hedge complaints from neighbouring properties. Appropriate native species should be replanted to mitigate their loss.

5.08 **Southern Water:** No objection

5.09 **UMIDB:** Though the site lies outside of the drainage boards district provided surface water runoff rates are restricted to that of the pre-developed site raise no objection.

6.0 BACKGROUND PAPERS AND PLANS

6.01 The development proposals are shown on drawing numbers DHA/11086/01-15 (consec).

6.02 The application is supported by a topographical survey, Planning Statement, Design and Access Statement, Transport Statement dated December 2015, Groundsure site contamination Report dated 9 December 2015 and Extended Phase 1 Habitat and Bat Building Survey Report dated November 2015.

7.0 APPRAISAL

Principle of Development

7.01 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. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000 and policies contained with the submission version of the draft local plan. As the site lies within open countryside the proposal is specifically subject to policies ENV28 of the adopted local plan. Policy states ENV 28 states that:

“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.”*

- 7.02 In addition the Council considers it is now capable of demonstrating a 5 year supply of housing land as set out below. As such great weight can now be attached to policy SP17 of the submission version of the draft local plan (policy SP17) seeking to control development in the countryside apart from certain exceptions. Though policy SP17 is more detailed than policy ENV28 it essentially replicates the key development restraints provisions of policy ENV28.
- 7.03 None of the exceptions against the general policy of restraint set out in policy ENV28 of the adopted local plan and policy SP17 apply to this application which therefore represents a departure from the Development Plan. In such circumstances it falls to consider whether there are any overriding material considerations justifying a decision not in accordance with the Development Plan and whether granting planning permission would result in unacceptable demonstrable harm incapable of being acceptably mitigated.
- 7.04 A material consideration is that part of the site comprises previously developed land (pdl). It should also be noted that there is no adopted policy requiring retention of rural employment sites such as this.
- 7.05 Notwithstanding the above, this does not mean the presumption in favour of development on pdl overrides the provisions of policy ENV28 or policy SP17 as the commitment of existing built mass in considering development proposals in the countryside is already acknowledged.
- 7.06 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states 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;'*
- 7.07 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.
- 7.08 The new Local Plan has advanced and was submitted to the Secretary of State for examination on the 20 May 2016. Examination is expected to follow in September.

The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure and allows the Council to demonstrate a 5 year supply of deliverable housing sites.

- 7.09 The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The monitoring demonstrates the council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.
- 7.10 A five year supply of housing land is a significant factor and paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as policy ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. However policy ENV28, given the housing supply position, can now be considered up to date while policy SP17 should also be given great weight for the same reason.
- 7.11 Despite this, the presumption in favour of sustainable development identified in paragraph 14 of the NPPF still means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 7.12 As a further consideration, as part of the search for sites in connection with the Strategic Housing Land Accommodation Assessment (SHLAA) the application site has already been assessed regarding its suitability for housing. It was concluded however that as the site was remote from services, future occupants would be reliant on car use and that its development would result in an unacceptable consolidation of sporadic development within the countryside as such it was rejected.

Sustainability:

- 7.13 Given the presumption in favour of sustainable development set out in the NPPF, the key assessment in principle terms is whether the application site can be considered to be sustainably located in relation to public transport provision and other services. The application site lies outside any built up area in open countryside and as such would not normally fall to be considered as a candidate for sustainable housing development.
- 7.14 Despite the above the applicant seeks to argue the site occupies a sustainable location due to the following:
- The site is located a short distance to the west of Kingswood which has a range of facilities including a primary school, village hall/community centre, surgery, shops and a hot food takeaway.
 - The site is within walking distance of employment sites in Chartway Street while there is also a bus services to Maidstone town centre being the No.59 bus.
 - Bus stops are located within walking distance to the site in Chartway Street.
 - The site is relatively close to Headcorn railway station (approximately 5 miles distance) which provides a regular and frequent service to London and Ashford International Station.

- 7.15 Dealing first with the proximity of the site to Kingwood to the north and west of the site, using Chartway Street and Duck Pond Lane, Kingswood, at its nearest point, is just under 700 metres from the application site. Given this distance and that narrow unlit country roads would have to be used it is considered highly unlikely residents of the development would walk or cycle to Kingswood. Regarding the use of public transport in getting to more distant destinations buses are infrequent and likely to prove inconvenient for many trips. The conclusion must be that on a 'day to day' basic movements to and from the site by residents will invariably be by car.
- 7.16 In the circumstances it is considered the application site occupies an unsustainable location when applying the criteria set out in the NPPF and Local Plan and which has already been concluded as part of the SHLAA site assessment.
- 7.17 The NPPF advises that when planning for development through the Local Plan process and determination of planning applications, the focus should be on existing service centres and on land within or adjoining existing settlements. The development does not meet these siting preferences. As such for the reasons set out above it is considered to represent an example of unsustainable development in the countryside.
- 7.18 As such it is considered there is an objection to the principle of the development given the provisions of the NPPF and local planning policy as set out in the submission version of the draft local plan. Consideration therefore turns on the detailed impacts of the proposal and whether this reveals insufficient demonstrable harm for other reasons such as to outweigh the presumption against unsustainable development set out in the NPPF.
- 7.19 Detailed considerations in connection with this application are considered to be its visual impact on the rural character of the locality, design and layout considerations, residential amenity, highways and ecology.

Visual Impact

- 7.20 Consideration of the proposal can be separated into two parts being the visual impacts associated with (a) the redevelopment of the commercial buildings and parking and turning areas fronting Chartway Street and (b) development of the field at the rear.
- 7.21 Dealing first with the redevelopment of the commercial complex, these represent typical utilitarian buildings and areas of hardstanding often found within rural areas. In this case the site abuts existing residential development and in such circumstances it can be appropriate to permit redevelopment where it can be seen as bringing about significant improvements in visual and aural amenity along with reductions in HGV and other commercial traffic using unsuitable country roads, as set out by policy DM4 of the submission version of the Draft Local Plan.
- 7.22 In this case the whole commercial complex is to be removed to provide for the site access with land abutting the access to be used for landscaping. Though this might provide an improvement for adjoining residents by removal of the commercial buildings and the noise, activity and traffic movements associated with these, this would nevertheless leave a wide gap having a negative/neutral impact on the streetscene. It is considered that if the application site area was solely restricted to that occupied by the existing buildings and associated hardstandings, frontage housing appropriate in size and design to this rural area would be preferable to what

is currently being proposed for this part of the site i.e. essentially enabling development to bring forward the housing development on the open land to the rear.

- 7.23 Turning now the large open area at the rear of the commercial complex, removal of the commercial buildings would enable views through the access into the proposed development. The proposal involves substantial two storey houses and despite their design, using elements of local vernacular, this cannot disguise the fact there will be a substantial increase in built mass wholly eroding the open undeveloped character of this large field. The applicants seek to address the impact of the development on the wider rural character of the area by relying on substantial existing and proposed screen planting on the site boundaries in an effort to screen the site from outside view. However given (a) the size of the area, which also acts to provide an open setting for to houses fronting Chartway Street (b) that the Landscape Capacity Study has concluded the capacity of the landscape to accommodate housing on this site is low while (c) the SHLAA assessment concluded development of the site would result in an unacceptable consolidation of sporadic development within the countryside there is considered to be no reason to challenge these assessments.
- 7.24 It is therefore considered the proposed houses by reason of their size, design and siting would result in the unacceptable consolidation of existing sporadic development in the locality while representing a substantial encroachment into adjoining open countryside detrimental to the rural character and landscape quality of the area contrary to the provisions of policy ENV28 of the adopted local plan and policy SP17 of The submission version of the draft local plan

Design and layout considerations

- 7.25 The design details show varying house styles reflecting elements of the local Kentish vernacular with the use of catslide and half hip roofs, small pitched roof dormers, brick and timber cladding, use of weatherboarding, exposed rafter feet and clay tile hanging. There is therefore considered to be no inherent design objection to this approach.
- 7.26 The layout shows a 'typical' informal inward looking cul de sac which is considered to meet the Councils normal block spacing, privacy and amenity space standards. While the layout is acceptable in it own right it has a suburban quality and density which materially departs from the more spacious and widely separated character of nearby development. It will therefore appear incongruous and out of character in this rural location as a consequence.

Residential amenity

- 7.27 For the reasons set out above it is considered the proposed layout achieves an acceptable residential environment for future residents. Regarding any impact on properties overlooking and abutting the site, there are houses abutting the northern site boundary and concerns have been raised the proposal will result in loss of outlook, erode privacy and materially harm the access of daylight and sunlight to these properties.
- 7.28 Regarding impact on outlook, the rear boundaries of houses in Chartway Street will abut the units shown on plots 1, 5 and 6. The intention is that the existing high conifer hedge within the application site is to remain thereby largely screening these houses. This hedge is however the subject of complaints which may result in its height being reduced.

- 7.29 Dealing first with the impact on 1 and 2 Manor Farm Cottages, were the conifer hedge to be removed there would be clear views onto the rear of the unit on plot 1. However taking into account the design and roof profile of this unit and a separation distance of just over 16 metres from the rear of 1 and 2 Manor Farm Cottages, it is considered it would be difficult to substantiate any material harm on the outlook of these properties.
- 7.30 Turning to the impact on Forge Cottage and Old Forge House as there will be a separation distance of over 30 metres from the rear of the unit on plot 5 it is not considered there will be any material impact on the outlook of these houses in the event of the conifer hedge being reduced in height. Regarding the impact of the unit on plot 6 given its oblique relation and siting to the east of Old Forge House no material harm is identified to the outlook of this property.
- 7.31 Concerns relating to the access of daylight and sunlight have also been raised. However given the size and siting of the proposed houses and their proximity to the existing houses no objection is identified on these grounds.
- 7.32 Loss of privacy concerns can be addressed by condition restricting the installation of windows above ground floor level on the north facing elevations of the units on plots 1 and 5 and west facing elevation of the unit on plot 6.
- 7.33 The remaining concern relates to the impact on aural amenity of the proposed dwellings having regard to the adjoining agricultural distribution use abutting the western site boundary, which is a noisy and unneighbourly activity. However given the dense boundary screening (which will also help screen this operation), setback from the boundary and in the absence of objection from the Environmental Health Manager no objection is identified to the proposal on aural amenity grounds.

Highway considerations:

- 7.34 Concerns have been raised that the proposal will generate additional traffic that will harm the free flow of traffic and highway safety on the local road network. Dealing first with existing traffic generation the existing buildings have a gross floor area of just over 480 sqm. Based on traffic data from similar sized industrial units it was projected that total in-out vehicle movements between 0700-1900 hrs was 61 vehicle movements with 4 movements at the am peak and 5 in the pm peak periods. It was also concluded that goods vehicle movements would amount to no more than 4 per day all taking place outside peak hours.
- 7.35 In addition to projected vehicle movements the applicants advised that at the height of the business 10 staff were employed on site some of which were engineers who entered and left the site along with access by clients along with access by goods vehicles confirming the projected figure of over 60 movements per day for commercial buildings of this area.
- 7.36 Traffic projections for the 6 houses proposed indicated only 30 trips per day with only 4 trips in the am and pm peak periods.
- 7.37 The above figures confirm there will be reduced traffic on local roads including a reduction in the number of goods vehicles attracted to the site.
- 7.38 It is acknowledged that objectors are challenging these traffic generation figures particularly the existing figures as being far too high. It should be stressed that traffic generation figures are based on the average daily activities of a wide range of activities falling within the same use class as the current occupiers which could have

located on site. To base traffic generation solely on traffic generated by a use operating at a sub optimum level does not reflect the reality of traffic which could be generated from this site.

- 7.39 As such the proposal will generate less traffic compared to the existing use of the site, improvements to the visibility splays onto Chartway Street and that sufficient on site parking is being provided, it is considered the proposal will bring about an improvement to the free flow of traffic and highway safety on the local road network. As such in the absence of objection from Kent Highways the proposal is considered acceptable in its highway impacts.

Ecology:

- 7.40 The site in its current form comprises the existing commercial buildings, the open field at the rear and hedgerows both native and conifer defining the field boundaries. The extended phase 1 habitat and bat survey identified no rare or uncommon species on the site. Proposed mitigation measures therefore involve the erection of small hole bird boxes throughout the site, retention and enhancement of boundary planting including enhancing and restoring on old hedge on the southern site boundary, creation of a wildflower meadow to ensure the site remains permeable to hedgehogs gaps will be provided in fencing between gardens while log piles will be left on site to support diversity and provide shelter for hedgehogs.
- 7.41 Taking into account that apart from hedgerows defining the field, the remaining components of the site provide little in the way of wildlife habitat. The proposed landscaping and other measures comprise a package of wildlife habitat measures representing a substantial improvement compared to existing site conditions. In the circumstances it is considered an acceptable provision for wildlife has been made in accordance with the provisions of the NPPF.

Other Matters

- 7.42 The Council now seeks to ensure that at least 10% of the energy demands of new development is met from renewable sources along with provision of a sustainable drainage system. Both these measures are required to secure a more sustainable form of development to accord with the provisions of the NPPF. These matters can be addressed by condition.
- 7.43 Regarding concerns the area already lacks adequate waste water disposal and water supply and the proposed housing will make the situation worse fails to take into account the existing commercial use of the site already makes demands on these facilities. As such in the absence of objection from Southern Water it is considered the demand for such services generated by 6 houses is unlikely to exceed that already made on these systems by the existing commercial operations being carried out.
- 7.44 As such, subject to conditions to secure details of waste and surface water disposal in accordance with sustainable drainage principle no objection is identified to the proposal on these grounds.

8.0 CONCLUSIONS

- 8.01 The key conclusions are considered to be as follows:

- The proposal is contrary to adopted Maidstone Borough-Wide Local Plan 2000 and submission version of the draft local plan. As such it should only be granted on the basis that benefits derived from the proposal substantially outweigh any harm identified and that any harm is capable of reasonable mitigation.
- The proposal would result in an unsustainable housing development contrary to the provisions of the NPPF.
- Would also result in the unacceptable consolidation of existing sporadic development while representing a substantial encroachment into adjoining open countryside detrimental to the rural character and landscape quality of the area contrary to the provisions of policy ENV28 of the adopted local plan and SP17 of the submission version of the draft local plan.
- The harm identified above is considered to significantly outweigh any benefit in meeting the demand for housing within the Borough.

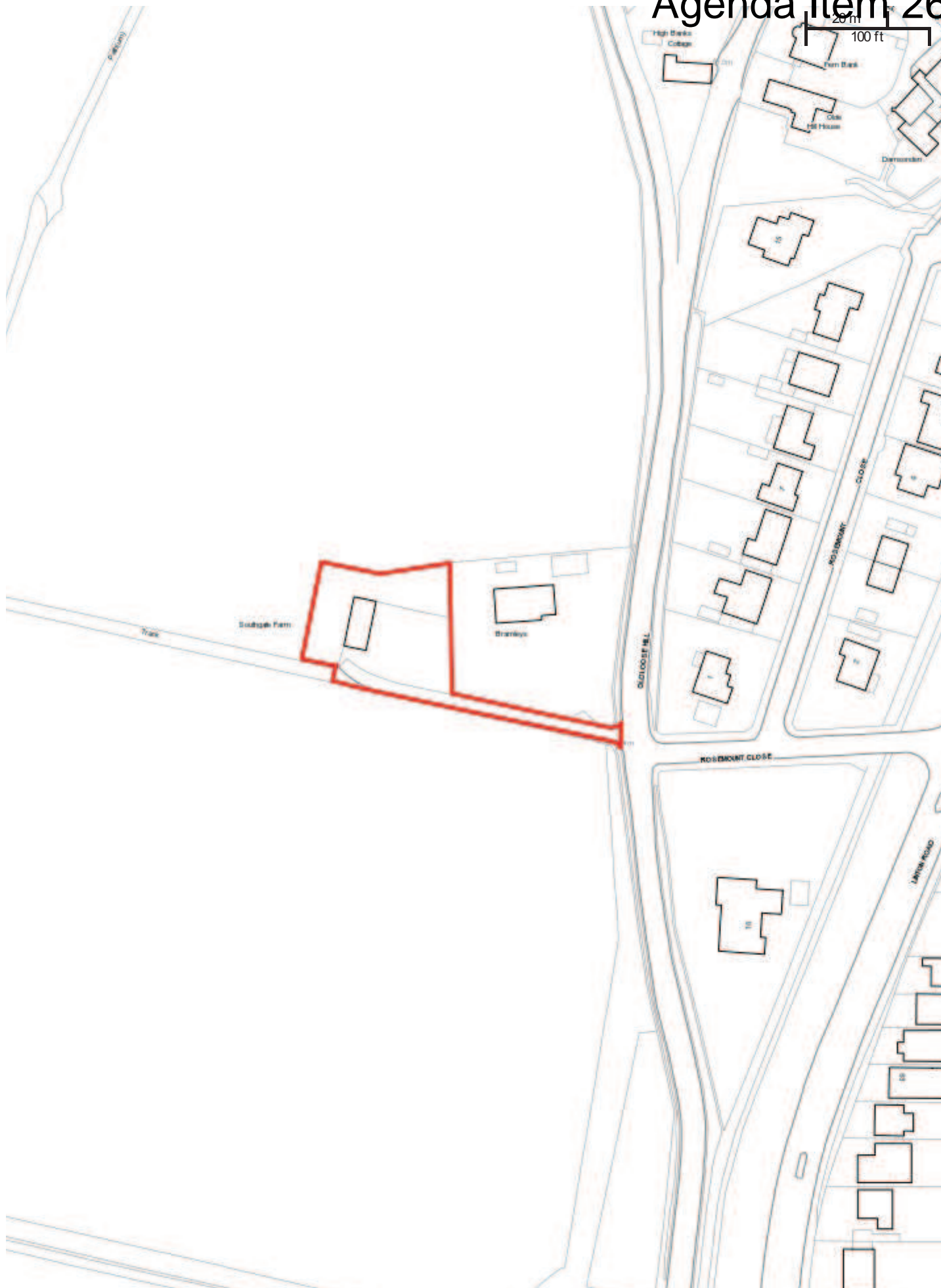
8.03 In the circumstances it is considered the harm arising from the proposal is incapable of being acceptably mitigated and the balance of issues therefore fall firmly in favour of refusing planning permission.

RECOMMENDATION: REFUSE PLANNING PERMISSION

1. The proposal would result in the creation of an unsustainable form of housing development in the countryside mainly reliant on car use to gain access to services and as such would be contrary to the key provision of the NPPF that development should be sustainable.
2. The proposed houses by reason of their size, design and siting materially depart from the more spacious and widely separated character of nearby development therefore appearing incongruous and out of character in this rural location as a consequence. In addition the proposal will result in an unacceptable consolidation of existing sporadic development in the locality while representing a substantial encroachment into adjoining open countryside detrimental to the rural character and landscape quality of the area contrary to the provisions of policies ENV28 of the adopted local plan and SP17 of the submission version of the draft local plan.

Case Officer: Graham Parkinson

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



16/500533 - Herts Farm
Scale: 1:1250
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REPORT SUMMARY

REFERENCE NO - 16/500533/FULL		
APPLICATION PROPOSAL Conversion of redundant agricultural barn to residential dwelling, erection of new single bay oak framed car port and landscaping		
ADDRESS Herts Farm Old Loose Hill Loose Kent ME15 0AN		
RECOMMENDATION Approve		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is not in accordance with policies ENV28 and ENV45. However, the fall back position for this application would be permitted development and this scheme would secure a higher standard of materials and, ecological enhancements and landscaping by way of a condition. It is considered to be in a sustainable location and in the absence of planning harm, this is considered sufficient grounds to depart from Local Plan policies in this case.		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • Called in by Loose Parish Council for the following reasons: impact on landscape, undermines the concept of the anti-coalescence belt, highway safety, traffic, damage to verges • Departure from the Development Plan 		
WARD Loose TBC	PARISH/TOWN COUNCIL Loose	APPLICANT Mr Matthew Stevens AGENT Country House Developments Ltd
DECISION DUE DATE	PUBLICITY EXPIRY DATE 20/5/16	OFFICER SITE VISIT DATE 16/3/16
RELEVANT PLANNING HISTORY: None relevant		

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 This application relates to a single storey barn building of approximately 75sqm. It is located approximately 75m west from the settlement boundary of Loose and 18m to the garden of the nearest property, Bramleys, a large detached two storey house. Access is obtained along a private track running west from Old Loose Hill and to the south of the site, which is shared with Bramleys.

1.2 Public footpath KM62 runs to the south of the site, which also serves as the existing access to the site from Old Loose Hill. This track is partially tarmacked up to the entrance with The Bramleys. Further to the west of the entrance to the Bramleys, the track decreases in width and becomes overgrown with the hedgerow from the Bramleys. The surface become ragstone/earth/grass at this point.

1.3 The building itself has timber weatherboard elevations and a corrugated cement fibre roof. It is set within a plot of approximately 485sqm. The eastern boundary is defined by a low level hedge and to the north and west boundaries are

- 1.4 The site is located outside of any defined settlement boundary and therefore is considered to fall within the 'open countryside', which means that saved policy ENV28 of the Maidstone Borough Wide Local Plan 2000 is of relevance. The site also falls within the southern anti-coalescence belt, which seeks to prevent the extension of urban areas. This is covered by Policy ENV32.
- 1.5 It has been confirmed by the applicant's structural engineer that the structure is, with appropriate repair and alteration, suitable for the proposed change of use.

2.0 PROPOSAL

- 2.1 This application seeks the conversion of the existing barn on the site to a two bedroom residential dwelling and the erection of a single car port. There are no extensions or additions proposed to the existing barn building.
- 2.2 In terms of alterations to the existing building, this would involve the insertion of windows to the west, east and north elevations. The building would be reclad in an ebony stained softwood, with matching joinery. A grey zinc roof is proposed to replace the existing roof on the building. A flue is proposed on the east side of the roof.
- 2.3 Additional planting is proposed within the site, including the reinforcement of the existing hedgerow to the south and west. An additional hedgerow would be planted to the north. A wildflower garden would be located to the south east corner of the site. The driveway would be constructed in permeable retained shingle.
- 2.4 The proposal also seeks a car port to the west of the existing building. It would have a ridge height of 4.9m, and eaves height of 2.2m at the front and 1.4m at the rear. The structure would have a brick plinth and ebony stained elevations. The roof would be constructed in slate tiles.
- 2.5 A new foul drainage connection is proposed along the access driveway and to the public sewer. Underground gas and electricity are proposed along the access track. In terms of water storage, a soakaway for storm water overflow from the water butt storage is proposed in the north east of the site. Water butts are proposed to each of the down pipes of the main building.

3.0 PLANNING CONSTRAINTS

Public Right of Way KM62

4.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Development Plan: ENV28; ENV32; ENV45
- Maidstone Local Plan (Submission Version) May 2016: SP17, DM1, DM2, DM3, DM27, DM34, DM35

5.0 LOCAL REPRESENTATIONS

- 5.1 Two local residents have objected for the following reasons:

- Detrimental impact on privacy to Rosemount Close and The Bramleys as a result of the change in land levels;
- Isolated location;
- Overlooking of Loose Valley and Loose Valley Area of Local Landscape Value;
- Proposed landscaping is out of character;
- Detrimental impact on views from footpath;
- Impact on highway safety and additional traffic;
- Insufficient sewerage proposals;
- Damage to hedgerow along boundary to access;
- Damage to copper beech tree;
- Damage to footpath;
- Noise and disturbance
- Overshadowing to Bramleys

5.2.1 *The Loose Parish Council wish to object to this application, and for this to be referred to the MBC Planning Committee for the following reasons:*

The application site falls in the proposed Loose Valley Area of Local Landscape Value as identified in the emerging Local Plan. Policy SP5 allows the re-use of buildings except in isolated locations. Although bounded by an existing dwelling to the east, the shed is surrounded on the other three sides by open countryside. As such we consider it to be isolated particularly as it does not form part of a group of buildings on the same site.

Again in the emerging Local Plan; policy SP5.2.7 states that it is important for settlements to retain their individual identities. This proposal extends dwellings in Loose westwards towards Coxheath from where developments north-eastwards are already threatening to engulf Loose. These proposals undermine the concept of the identified anti-coalescence belt. Concerns were also raised on the poor sight lines for drivers emerging from the junction of the track with Old Loose Hill.

It was strongly felt that this will also raise problematic issues with heavy construction traffic going in and off site, and the fact that there are weight restrictions in the Loose Village. We would not wish to see the same serious unacceptable damage to verges, highways and historical features, as what has already been experienced at the development in Well St. This was caused by large vehicles entering and leaving the development site at land adjacent to Beggars Roost, and travelling up and down the very narrow lane of Well St. In the event of this application being approved, it is strongly recommended that a condition is imposed by MBC to the developers, to stop this kind of harm to the environment and historical value of Loose from happening.

We note that there also appears to be some confusion with the drawings, in relation to the main drainage proposals, and we would insist on a connection to the main drainage system.

5.3 CONSULTATIONS

KCC Archaeology: no comments

KCC Highways: no objection

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

KCC PROW: No objection

Public Rights of Way KM62 footpath runs inside the southern boundary of the site and should not affect the application. I have however, enclosed a copy of the Public Rights of Way network map showing the line of this path for the information of yourself and the applicant. The County Council has a controlling interest in ensuring that the footpath is maintained to a standard suitable for use by pedestrians. Any maintenance to the higher level required for continuous motorised vehicular access would be the responsibility of the relevant landowners. The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs
- The duration of the closure is kept to a minimum
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

The successful making and confirmation of an order should not be assumed.

MBC Landscaping: No objection

There appear to be no protected trees on, or immediately adjacent to, this site. The proposed landscape scheme is generally acceptable. I therefore raise no objection on arboricultural/ landscape grounds.

MBC Conservation: Objection

This is a very modest building which appears to have been erected between 1908 and 1936. It is of no architectural or historic interest and makes no positive contribution to the character of the surrounding countryside. In my opinion, therefore, there is no justification for a residential use.

6 BACKGROUND PAPERS AND PLANS

502/CP/001/A; 502/CP/002/A; 502/CP/003; 502/CP/004; 502/CP/005/A;
501/CP/006/A; 502/CP/009/B and Bat and Barn Owl Survey dated 13th January 2016

7 APPRAISAL

- 7.1 This site is located within the open countryside, as defined by the Maidstone Borough Wide Local Plan 2000 because it falls outside of a settlement boundary. It also falls within the southern anti-coalescence belt to the south of Maidstone urban area.
- 7.2 The application is for the conversion of an existing agricultural barn.
- 7.3 Saved Policy ENV45 of the Maidstone Borough Wide Local Plan provides guidance regarding when this type of conversion is considered acceptable; when conversion is the only means of retaining buildings that are worthy of retention for their contribution to the character and appearance of the Kent countryside and every reasonable attempt has been made to secure a suitable business use for the building.
- 7.4 I am not convinced that this small agricultural building is of such a quality that requires retention. This has been confirmed by the MBC Conservation Officer who has objected to the proposal in terms of ENV45. However, for reasons set out below, in terms of the permitted development rights for such conversions and the sustainable location and no planning harm, this could provide an exception.
- 7.5 Based on the information submitted, I am satisfied that a conversion from agriculture to residential would be permitted through the Town and Country Planning (General Permitted Development) (England) Order 2015, which would be the applicant's fallback position should planning permission be refused. This would not allow the applicant to include a separate car port, but equally it would not be possible for MBC to attach conditions relating to materials, ecology and landscaping if the application was through the permitted development procedure. A balance must therefore be struck between the harm that an additional car port provides against the mitigation measures that can be attached by way of condition.
- 7.6 In assessing this application, it is necessary to assess the, five year supply of housing, the sustainability of the site, the visual impact of the proposals on the open countryside, the highways implications and the residential amenity of neighbouring and future occupants.

Housing supply

- 7.7 This site falls within the open countryside, which means that ENV28 is of relevance. This seeks the protection of the character and appearance of the open countryside. ENV28 is, however, a restrictive housing policy which can no longer be considered relevant as a result of the National Planning Policy Framework
- 7.8 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states 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;'

- 7.9 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.
- 7.10 The new Local Plan has advanced and was submitted to the Secretary of State for examination on the 20 May 2016. Examination is expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure and allows the Council to demonstrate a 5 year supply of deliverable housing sites.
- 7.11 The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The monitoring demonstrates the council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.
- 7.12 Given the 5 year supply of housing the proposal would be contrary to ENV28 and SP17 of the emerging Local Plan as it relates to residential development in the countryside and this does weigh against the proposal. Notwithstanding the five year housing land supply it is still necessary to assess the proposal against the National Planning Policy Framework, including the sustainability of the location.

Sustainability

- 7.13 Notwithstanding the five year supply of housing it is still necessary to consider whether the location of this barn is a sustainable location for a new dwelling, as required by the NPPF. The barn is within walking distance of a bus stop along the A229, approximately 140m from the site and this provides links into Maidstone town centre. It is also within walking distance of the settlement of Loose.
- 7.14 Based on the above, I would consider that this site is in a sustainable location and therefore there should be a presumption in favour of its development.

Visual Impact

- 7.15 This site would not be visible from Old Loose Hill as a result of the existing hedgerow and fence along the roadside boundary. To the west and north of the site is an established orchard, which acts as an additional buffer from these directions.
- 7.16 The site would, however, be visible from public footpath KM62, which is immediately to the south of the proposals and uses the same access from Old Loose Hill.

- 7.17 There are no extensions proposed to the existing barn building and therefore the scale of the main structure would remain the same. It is proposed to re clad the elevations with ebony stained weather boarding and a new roof would be constructed in grey standing seam zinc. I would consider these materials to be appropriate in this location and would be no more visually intrusive than the existing from the public footpath. It must be noted that these changes would be possible through the permitted development procedure.
- 7.18 The proposal also seeks a car port to the west of the existing building. It would have a ridge height of 4.9m, and eaves height of 2.2m at the front and 1.4m at the rear. The structure would have a brick plinth and ebony stained elevations. The roof would be constructed in slate tiles.
- 7.19 Whilst the car port would add a modest amount of built development to the site, the additional landscaping proposed would act as a screen from the public footpath to the south and therefore would not result in an unsatisfactory level of visual harm to the site. The materials proposed are considered to be appropriate in this rural location. This landscaping and use of materials could be secured by way of a condition.
- 7.20 The entrance to the site from Old Loose Hill is already used as an access The Bramleys and therefore I would not consider that, from the road, there would be a significant visual impact as a result of one additional dwelling.
- 7.21 Based on the above assessment, therefore, I would consider that the visual impact of the proposals would be considered acceptable and they would not cause significant visual harm to the open countryside in line with ENV28 and ENV32.

Residential Amenity

- 7.22 This proposal would be for a single storey residential dwelling. Whilst I accept that there are modest changes in land level in the immediate vicinity, the application building is 18m from the boundary of The Bramleys, and 29m from the main house. As a result, I would not consider that any windows to the east elevation of the property would result in a loss of privacy, overshadowing or overlooking to any habitable rooms. I acknowledge that this proposal to use the land for residential garden space may result in a change in outlook from the upper storeys of The Bramleys, but I would not consider this to be a reason for refusal. A hedge is already in place to this boundary, which provides a screen to the site and I would therefore not consider that the use of the land for residential garden would have a significant impact on the occupiers of The Bramleys.
- 7.23 In terms of overlooking from Rosemount Close, this is over 75m away and therefore is unlikely to result in harm to the residential amenity in this location.
- 7.24 The number of vehicles travelling along the access to the south of the site would inevitably increase as a result of the proposed development, but I would not consider that this would cause undue harm to the residents of The Bramleys as it would be approximately 20m to the south of the main house.
- 7.25 Based on the above, I would not consider that the proposed development would result in an unacceptable level of harm to nearby residents in terms of residential amenity.

Highways and parking

- 7.26 Based on the scale of the development proposed, this development proposal does not meet the criteria to warrant involvement from the Highway Authority. It does not require any amendments to the access of the site and I would consider this proposal to be acceptable in highway terms.
- 7.27 The proposal will provide one space within the car port and additional space for at least two cars within the site. I would consider this to be acceptable

Landscaping

- 7.28 There appear to be no protected trees on, or immediately adjacent to, this site. According to the MBC Landscape Officer, the proposed landscape scheme is generally acceptable.

Ecology

- 7.29 A Bat and Barn Owl Survey has been carried out, which indicates that no sign of barn owl were found during the survey and no bats or signs of bats were found during the internal/external inspection. Recommendations have been set out to include ecological enhancements within the scheme including the provision of ready-made bird boxes, ready-made bat boxes, log piles, hedgerow planting, climbing plants and a drought-resistant wildflower meadow.
- 7.30 I am satisfied that with the proposed ecological enhancements, which can be secured by way of a condition, then this proposal will be acceptable in ecological terms.

8.0 CONCLUSION

- 8.1 Whilst this proposal is contrary to Policies ENV28 and ENV45, which seek to resist inappropriate development in the countryside, based on the above, I am satisfied that the proposal for a residential dwelling would be in a sustainable location and would not cause significant harm to the open countryside.
- 8.2 The development could be achieved through permitted development rights and this permission would ensure a high quality development in terms of materials, landscaping and ecological enhancements. This is considered to be sufficient grounds to depart from the Local Plan in this instance.

9.0 RECOMMENDATION –Grant permission subject to the following conditions:

CONDITIONS

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 502/CP/001/A; 502/CP/002/A; 502/CP/003; 502/CP/004; 502/CP/005/A; 501/CP/006/A; 502/CP/009/B

Reason: To ensure the quality of the development is maintained and to prevent harm to the open countryside.

3) The development hereby permitted shall be carried out in accordance with the landscape plan 502/CP/004. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development (or such other period as may be agreed in writing by the Local Planning Authority) and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surrounding and provides for adequate protection of trees.

4) The development shall not commence until, written details and samples of the materials to be used in 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 be constructed using the approved materials.

Reason: To ensure a satisfactory appearance of the development.

5) 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 have been submitted to and approved, in writing, by the Local Planning Authority. The first 5 metres of the access from the highway should be a bound surface. The development shall thereafter be undertaken in accordance with the subsequently approved details.

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

6) The development shall take into account the recommendations set out in the KB Ecology Bat and Barn Owl Survey (dated 13th January 2016). The ecological enhancements as shown on 502/CP/004 shall be completed prior to the first occupation of the building hereby permitted.

Reason: In the interest of ecological enhancement.

7) Notwithstanding the provisions of the Town and Country Planning (general Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no extensions shall be carried out without the permission of the local planning authority;

Reason: To safeguard the character of the open countryside.

8) No development shall commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

9) The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

10) No external lighting whether permanent or temporary shall be installed on the site without the prior written consent of the Local Planning Authority;

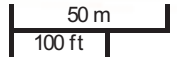
Reason: To preserve the character and visual amenity of the countryside and neighbouring amenity

INFORMATIVES

Case Officer: Flora MacLeod

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 27



16/501427 - Pleydells Bungalow
Scale: 1:2500
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REPORT SUMMARY

REFERENCE NO - 16/501427/FULL			
APPLICATION PROPOSAL Construction of 2-bed chalet bungalow.			
ADDRESS Pleydells Bungalow Sutton Road Langley Kent ME17 3ND			
RECOMMENDATION - Approve			
SUMMARY OF REASONS FOR RECOMMENDATION - This is a departure from the Development Plan.			
REASON FOR REFERRAL TO COMMITTEE The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000 or policy SP17 of the Submission Version of the Maidstone Borough Local Plan Publication February 2016. However, the development is at a sustainable location and is not considered to result in significant planning harm, and so the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.			
WARD Sutton Valence & Langley Ward	PARISH COUNCIL Langley	APPLICANT Mr K Busher AGENT Martin Potts Associates	
DECISION DUE DATE 09/02/16	PUBLICITY EXPIRY DATE 27/5/16	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
08/2168	Conversion of existing detached garage into self-contained annexe accommodation	PER	Dec 2008
04/2439	Erection of a 4 bay garage to replace existing double garage (resubmission of application 04/1110)	PER	Feb 2005
04/1110	Demolition of double garage and outbuilding and erection of a four car garage	REF	Oct 2004
03/1596	Erection of rear conservatory	PER	May 2008
03/0277	Erection of single storey front and side extensions	PER	Feb 2003

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 This site is located approximately 170m to the east of Sutton Road (A274). It is to the east of the existing Pleydells Bungalow, which is on the northern side of an access track. A large garage building separates the existing bungalow from the proposal site. This garage building benefits from planning permission 08/2168 for the conversion into self contained annexe accommodation.
- 1.2 This site is designated as open countryside according to the Maidstone Borough Wide Local Plan 2000 because it falls outside of any defined settlement boundary. There are no listed buildings, TPOs or any other constraints in the immediate vicinity of the site. There is a public footpath approximately 90m to the north of the property, across the open fields, which fall under the ownership of the applicant.

- 1.3 The site is relatively flat and is bounded to the north by a post and rail fence. The southern boundary is defined by a tree line, which separates the site from the private road to the south.

2.0 PROPOSAL

- 2.1 This application is for the erection of a detached 2 bedroom chalet bungalow to the north east of the existing Pleydells Bungalow. The proposal incorporates elements of local materials; ragstone, slate, brick and weatherboard. The proposed house would have a pitched roof, with a ridge height of 6m and an eaves height of 2.2m.

- 2.2 The existing access would remain unchanged.

- 2.3 The proposal also incorporates a landscaping plan, which would include a hedge to the north, west and east of the proposed house. The existing trees would be retained and the annex and garage building would remain in place.

3.0 PLANNING CONSTRAINTS

- Potential Archaeological Importance

4.0 POLICY AND OTHER CONSIDERATIONS

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Development Plan: ENV6, ENV28
- Local Plan (submission version): SP17, DM1, DM2, DM7, DM27, DM34

5.0 LOCAL REPRESENTATIONS

A site notice was displayed on site and a newspaper advert has been published in the newspaper. This expires on 27/5/16.

Langley Parish Council: Please be advised that my Council would wish to see this application approved and do not wish for this to be reported to the planning committee.

6.0 CONSULTATIONS

MBC Conservation: There are no heritage implications at this site.

KCC Highways: Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

KCC Archaeology: Has no comments to make.

7.0 BACKGROUND PAPERS AND PLANS: P779/100 Rev A.

8.0 APPRAISAL

Principle of development

- 8.1 The National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states 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;'

- 8.2 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.
- 8.3 The new Local Plan has advanced and was submitted to the Secretary of State for examination on the 20 May 2016. Examination is expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure and allows the Council to demonstrate a 5 year supply of deliverable housing sites.
- 8.4 The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The monitoring demonstrates the council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.
- 8.5 The new Local Plan has been submitted and is considered to attract significant weight.
- 8.6 The site is outside any defined settlement boundary in both the adopted and submitted Local Plan. Policies ENV28 and SP17 both seek to restrict new housing development outside settlement boundaries. However the NPPF and the submitted Local Plan both encourage sustainable development and so although it is not an

allocated site and outside the settlement boundary this issue still needs to be considered.

Sustainability of the site

- 8.7 The NPPF defines 'sustainable' to mean that better lives for us, which do not result in worse lives for future generations. Sustainable development is referred to as incorporating positive growth. One of the National Planning Policy Framework's core planning principles seeks to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable".
- 8.8 This site is set back from one of the main roads leading out of Maidstone, with two bus stops located within 350m of the end of the 200m track. These bus stops are located on the main road, which has a footpath on the one side. Whilst it is possible to walk to the bus stops, they are located at such a distance that I would not expect to be walked regularly. However, given the nearby development at Langley Park, which incorporates a school and retail provision, the site will be in walking distance to local amenities.
- 8.9 This site would therefore not be in such an unsustainable location as to warrant objection.

Visual Impact and Design

- 8.10 The purpose of Policy ENV28 is to protect and enhance the character and local distinctiveness of the Borough's rural environment. The proposed house would be located along a quiet rural track, which does not have an established pattern of development. Whilst this proposal would be contrary to Policy ENV28 and there would be some visual impact on this countryside location, I do not consider this to be significant.
- 8.11 The NPPF states at Paragraph 60 that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 8.12 The proposal is for a modest chalet bungalow structure, which would have a ridge height of approximately 6m and an eaves height of approximately 2.2m. The proposal would seek to use local materials; Kent ragstone, stone coping, slate, brick and weatherboarding. The overall design of the building is modern in its approach, with the use of high level glazing to the west elevation. I would consider this to be acceptable in this location.
- 8.13 The proposal also seeks to incorporate a new hedge to the north comprising Hawthorn and Blackthorn and a new hedgerow to the east comprising Wild Pivet and Crab Apple. The tree line to the southern boundary of the site would be retained, as shown on Drawing P779/100 Rev A. I would consider that these landscaping measures would reduce the visual impact of the proposed development and this would be considered to be acceptable.
- 8.14 Based on the above, I would consider the design, materials and landscaping to be acceptable in this location so that it would not appear incongruous in the open countryside, thereby reducing any visual harm that may be caused.

Residential Amenity

- 8.15 In terms of loss of daylight, sunlight, privacy and impact on outlook, I would not consider that the proposed location of the dwelling would be likely to have a negative impact on any of the neighbouring properties by virtue of the separation distances between properties.

Summary

- 8.16 This site is not located within a settlement boundary but is within walking distance from public transport links and the new mixed use development at Langley Park; and whilst the proposal would have some impact on the openness of the countryside, it is not considered to be so harmful as to warrant refusal. So whilst the proposal is contrary to saved policy ENV28 of the Development Plan and policy SP17 of the submitted version of the plan; and the borough can demonstrate a 5 year housing land supply, it is considered that on balance the proposal's limited visual harm together with its sustainable location puts it in line with the NPPF and I therefore recommend conditional approval on this basis.

9.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P779/100 Rev A

Reason: To ensure the quality of the development is maintained and to prevent harm to the open countryside.

- 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 long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surrounding and provides for adequate protection of trees.

- 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 buildings 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.

Planning Committee Report

- 5) The development shall not commence until, written details and samples of the materials to be used in 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 be constructed using the approved materials.

Reason: To ensure a satisfactory appearance of the development.

- 6) 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 have been submitted to and approved, in writing, 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.

- 7) No development shall commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

- 8) The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

- 9) No external lighting whether permanent or temporary shall be installed on the site without the prior written consent of the Local Planning Authority;

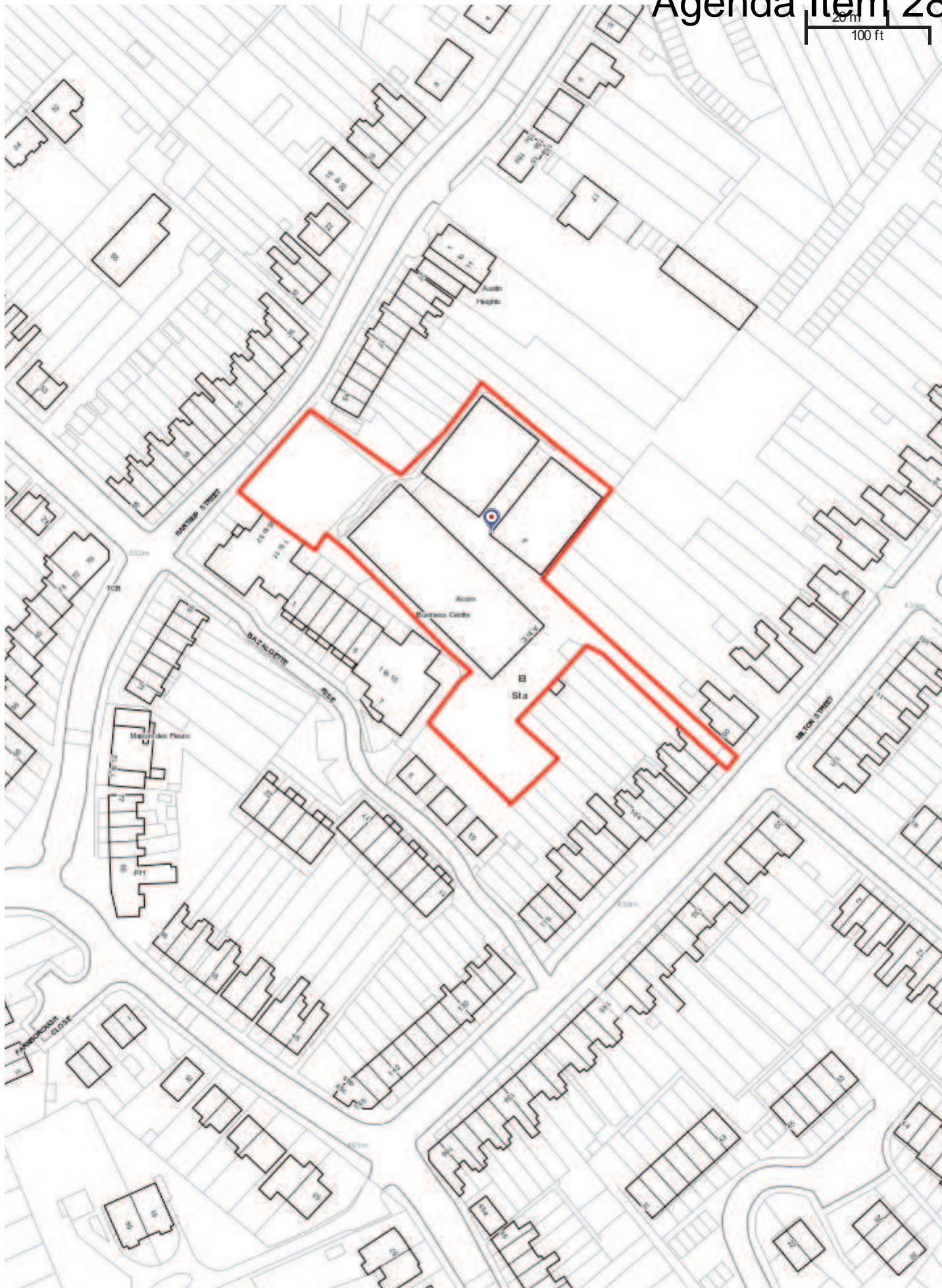
Reason: To preserve the character and visual amenity of the countryside and neighbouring amenity.

- 10) Prior to the first use of the building hereby permitted, details of ecological enhancement measures shall first be submitted to and approved in writing by the Local Planning Authority and maintained thereafter;

Reason: In the interests of biodiversity.

Case Officer: Kate Altieri

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



16/501766 - Land to the Rear of Milton St. & Hartnup St.

Scale: 1:1250

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REPORT SUMMARY

REFERENCE NO - 16/501766/FULL		
APPLICATION PROPOSAL		
Minor material amendment - to 14/503755/FULL - Demolition of the existing commercial buildings and the change of use and erection of 22 residential units, together with new access from Hartnup street, and associated landscaping and car parking provision - amendments for the removal of the split level dwellings and slight reduction in scale of some of the dwellings.		
ADDRESS Land To The Rear Of Milton Street And Hartnup Street Maidstone Kent ME16 8LL		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL		
The proposals constitute minor material amendments to the previously approved scheme on this site for 22 residential units and the changes proposed are not considered to result in significant planning harm.		
REASON FOR REFERRAL TO COMMITTEE		
Councillor Paul Harper has requested the application be reported to Committee for the reasons set out below.		
WARD Fant Ward	PARISH/TOWN COUNCIL	APPLICANT Hyde Homes C/O Mr K Clark At Skillcrown Homes AGENT DHA Planning
DECISION DUE DATE 08/06/16	PUBLICITY EXPIRY DATE 08/06/16	OFFICER SITE VISIT DATE 01/04/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
14/503755/FULL - Demolition of the existing commercial buildings and the change of use and erection of 22 residential units, together with new access from Hartnup street, and associated landscaping and car parking provision – Approved at planning committee on 30.07.2015. Decision issued 23.11.2015.		
16/502300/SUB - Submission of Details pursuant to Condition 7 - Crossover of 14/503755/FULL – Permitted		
16/502303/SUB - Submission of Details pursuant to Condition 11 - Contamination and Condition 12 - Methodology Report of 14/503755/FULL – Permitted		
16/502641/SUB - Submission of details for planning permission 14/503755/FULL to discharge condition 3 – materials – Permitted		
16/502827/SUB - Submission of details for planning permission 14/503755/FULL to discharge Condition 4- Landscaping and Condition 6 - Boundary Treatments – Permitted		

1.0 DESCRIPTION OF SITE

- 1.1 The application site is situated between Milton Street and Hartnup Street and comprises 0.44ha of land with previous lawful industrial use known as Acorn Business Centre. The site has recently been cleared of the industrial units following the approval of planning application 14/503755/FULL. The existing vehicle access is from Milton Street. The character of the surrounding area is mainly residential in the form of terraced housing or flats.

- 1.2 The rear gardens of 84-104 Milton Street adjoin the application site on its southern side and the rear gardens of 1-6 Bazalgette Rise and 27-45 Hartnup Street to the west and north-west.

2.0 PROPOSAL

- 2.1 Minor material amendment - to 14/503755/FULL - Demolition of the existing commercial buildings and the change of use and erection of 22 residential units, together with new access from Hartnup street, and associated landscaping and car parking provision - amendments for the removal of the split level dwellings and slight reduction in scale of some of the dwellings.
- 2.2 Erect 22 dwellings comprising a block of 6 x2 bed flats (3 storey) served by the existing access from Milton Street and 16x3 bed town houses (2 storey) served by a new access from Hartnup Street. 34 parking spaces are proposed within the site.
- 2.3 The following minor material amendments are proposed:
- Reduction in height of plots 12 to 16.
 - Insertion of dormer windows in the front roof slope of plots 12 to 16
 - Removal of the split level houses and regrading of the site. Plots 12 to 16.
- 2.4 The above changes are considered to constitute minor material amendments and can be considered under the Section 73 application.

3.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
Maidstone Borough-Wide Local Plan 2000: H1, ED2, CF1, T21, ENV6
- Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)
- Maidstone Borough Local Plan Publication (Regulation 19) February 2016

4.0 LOCAL REPRESENTATIONS

- 4.1 **Cllr Paul Harper:** *'I would like to call in planning application 16/501766/FULL Former Acorn Business Centre to be discussed at the planning committee.*

The issue of the development of the former Acorn Business Centre is still very sensitive in the Milton and Hartnup Street neighbourhoods, with people concerned on the impact locally, including significant impact on the local environment and residents, road movement, problems of car parking and also loss of employment land with no provision for replacement jobs. Residents have contacted me on this issue and therefore I would like it called in to have a full public discussion'.

- 4.2 **Local Residents:** One letter of objection has been received. Comments are summarised as follows:
- Parking pressure in surrounding streets.

5.0 CONSULTATIONS

- 5.1 **KCC Highways:** No objection to this application. Should this application be approved I would be grateful for retention of condition 7 of the approval to 14/503755/FULL regarding redesign of the Hartnup Street access to a vehicle crossover type.
- 5.2 **Environment Agency:** No comments to make
- 5.3 **Southern Water:** No comments to make.
- 5.4 **Kent Police:** The proposal falls outside Kent Police remit for commenting.
- 5.5 **KCC Lead Local Flood Authority:** No objection to the minor material amendment application
- 5.6 **UK Power Network:** Note the location of a sub station which will be retained within the site and advise that access to the sub station should be retained.
- 5.7 **Landscape:** The site landscaping was approved under a condition application on 18.04.2016.

6.0 APPRAISAL

- 6.1 The applicant has applied to vary the approved drawings (condition 2) of planning permission 14/503755/FULL to include the above changes. Under the terms of the Section 73 application only the above proposed changes will be assessed. The principle of the housing development, including (inter alia) the highways impacts, landscaping, drainage and planning obligations, will not be revisited as these aspects are not considered to be affected by the proposed amendments. As such I consider the key considerations to be design and amenity impacts.

Visual impact

- 6.2 The proposed amendments would not affect the three properties fronting onto Hartnup Street. Plot 12 to 16 would be set back from the streetscene within the site and would not be visually prominent within the context of the Hartnup Street. The introduction of the five dormer windows and slight reduction in the overall height of plots 12 to 16 would have a limited visual impact on the streetscape and in terms of the overall design and appearance, these amendments are considered to be acceptable. The dormer windows would be subordinate to the roof slope and would have a uniform appearance.

Residential Amenity

- 6.3 The terrace houses at plot 12 to 16 would be slightly reduced in height compared to the approved scheme and the proposed ridge height would now be comparable to the ridge height of the flatted block. The reduction in height and introduction of five dormer windows is not considered to result in any unacceptable amenity impacts over or above the approved scheme. The proposed dormer windows would not result in any direct overlooking into neighbouring residential windows or private outdoor amenity areas due to the location of the houses, separation distances and oblique viewing angles.

Highways

- 6.4 The proposals do not alter the approved parking, access and turning areas. Details have been submitted in relation to condition 7 demonstrating a vehicle crossover from the site onto the site from Hartnup Street. These details have been agreed by KCC Highways.

6.5 34 parking spaces are proposed for 22 dwellings, as per the approved scheme, which is considered to be acceptable and in accordance with KCC parking standards. The concerns about parking which have been raised by a local resident relate mainly to the lack of on-street parking in the surrounding streets. There is considered to be a satisfactory level of parking provision within the site which is unlikely to exacerbate the situation in the surrounding area.

6.6 The proposal would not result in any unacceptable highway safety issues compared to the approved scheme. KCC Highways has been consulted and do not raise any objections on highways safety or parking grounds.

7.0 CONCLUSION

7.1 The principle of the residential development at this site has been accepted previously and it is considered that the minor material amendments as proposed are acceptable and it is recommended subject to completion of a section 106 agreement (Deed of Variation and Supplemental Deed) planning permission be granted. The S106 Deed of Variation will tie the decision for this application to the previously agreed and signed S106 in order to secure the agreed contributions / obligations.

7.2 Where an application under Section 73 is granted, the effect is the issue of a fresh grant of permission. A decision notice describing the new permission should be issued, setting out all the conditions pertaining to it. In this instance a number of the conditions for the original application have been approved by the council and the wording of the new conditions has been worded to reflect this.

8.0 RECOMMENDATION – GRANT Subject to the following conditions and Deed of Variation and Supplemental Deed linking the varied agreement to the Section 73 Application.

CONDITIONS

(1) The development hereby permitted shall be begun before 23 November 2018.

Reason: In accordance with the provisions of S91 of the Town & Country Planning Act 1990, as amended by S51 of the Planning and Compulsory Purchase Act 2004

(2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers

DHA/11278/02, DHA/11278/14 Rev A, DHA/11289/06 Rev A, DHA/11278/01, DHA/11278/09 Rev A, DHA/11289/04 Rev A, DHA/11289/08 Rev A; received 15 March 2016 and DHA/11278/11 B, DHA/11278/13 B, DHA/11278/07 B, DHA/11278/08 B, DHA/11278/12 B, DHA/11278/05 B, DHA/11278/10 B; received 30 March 2016.

Reason: to ensure a satisfactory form of development.

(3) The development shall be constructed in accordance with the materials details as approved under application 16/502641/SUB.

Reason: To ensure a satisfactory appearance

- (4) All hard and soft landscape works shall be carried out in accordance with the details approved under application 16/502827/SUB. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

Reason: In the interests of visual amenity

- (5) Details of the means of refuse collection from the 6 flats (Plots 17-22) via the proposed access from Hartnup Street shall be submitted to and approved by the LPA before development commences. The approved details shall be implemented before the dwellings are first occupied.

Reason: To ensure that satisfactory arrangements are made for the effective collection of waste due to the narrow width of the existing access from Milton Street.

- (6) The development shall be carried out in accordance with the boundary details approved under application 16/502827/SUB. The boundary treatment shall be completed before the dwellings are occupied.

Reason: In the interests of visual and residential amenity

- (7) The details of the crossover from Hartnup Street as approved under application 16/502300/SUB shall be implemented before the dwellings are first occupied.

Reason: in the interests of highway safety.

- (8) Details of any floodlighting shall be submitted to and approved in writing by the local planning authority before the buildings are occupied. Development shall be carried out in accordance with the approved details

Reason: In the interests of visual amenity

- (9) Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: In the interests of environmental protection

- (10) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the relevant conditions; have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until the condition has been complied with in relation to that contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

- (11) The development shall be carried out in accordance with the contamination investigation and risk assessment, detailed remediation scheme and Methodology Report as approved under application 16/502203/SUB

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

- (12) The approved remediation scheme (16/502303/SUB) must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

- (13) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

The investigation and risk assessment must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health
 - o property (existing or proposed) including buildings, crops,
 - o livestock, pets, woodland and service lines and pipes.
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of the measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 12;.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

- (14) Prior to first occupation of the dwelling hereby approved, details of the size, design and siting of 'swift' bricks shall be submitted for prior approval in writing by the Local Planning Authority. The bricks shall be installed before the dwellings are first occupied and retained at all times thereafter in accordance with the approved details.

Reason: In the interests of nature conservation.

INFORMATIVES

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

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.

Case Officer: Andrew Jolly

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



16/502060 - 27 High Street

Scale: 1:1250

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REPORT SUMMARY

REFERENCE NO - 16/502060/FULL		
APPLICATION PROPOSAL Change of use from a kitchen showroom (A1 use) to a mixed class coffee shop (A1/A3 use) and installation of shop front.		
ADDRESS 27 High Street Headcorn Kent TN27 9NH		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL 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 considerations to indicate a refusal of this planning application.		
REASON FOR REFERRAL TO COMMITTEE It is contrary to views expressed by Headcorn Parish Council.		
WARD Headcorn	PARISH COUNCIL Headcorn	APPLICANT Goldex Investments Ltd AGENT Architecture Design Ltd
DECISION DUE DATE 03/06/16	PUBLICITY EXPIRY DATE 18/05/16	OFFICER SITE VISIT DATE 01/04/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

16/502061 - Advertisement consent for 1 externally illuminated Fascia Sign and 1 externally illuminated projecting sign – Under consideration

MA/98/0697 – Advert consent - Approved

MA/94/0999 – Satellite dish - Refused

MA/93/0481 – Rear extension – Approved

MA/91/1363 – Retention of portable cabin – Refused

MA/90/1335 – Extensions – Approved

MA/90/1336 – Conservation area consent for extensions – Approved

MA/89/1932 – Rear extension – Refused

MA/89/1934 – Garage – Approved

MA/87/0397 – Advert consent – Refused

MA/75/0754 – Advert consent - Refused

MAIN REPORT

1.0 Site description

1.01 27 High Street is a 2 storey building that is located some 70m to the east of the dog-leg turning onto North Street. Dawk's Meadow runs along the eastern (side) boundary of the site, leading up to a number of residential properties; the High Street is the main commercial street through Headcorn; and the surrounding uses vary and include retail, a public house, a Post Office; takeaways; cafes/restaurants; and residential. The High Street benefits from on-street parking. For the purposes of the Development Plan, the proposal site is within an Article 4 Direction Conservation Area; a Local Centre for shopping; within the village envelope of Headcorn; and within a Special Landscape Area.

2.0 Proposal

- 2.01 This application is for the proposed change of use of the ground floor from an A1 use (retail) to a mixed use of A1 and A3 (restaurant/café) use, to be run as a coffee shop; and for the installation of a new timber framed shop front that will be painted grey in colour. The proposal does not include any outside seating areas (front or back).
- 2.02 In terms of the mixed use, the A1 (retail) element comes with the takeaway purchases of beverages, and pre manufactured food; and the A3 (café/restaurant) use relates to drinks and snacks being consumed on the premises. It is important to note that the proposed use will have no cooking facilities on site, and that the only food served is pre-made off-site and if necessary heated up (which requires no commercial extract or ventilation systems).
- 2.03 The ground floor of this unit is currently empty, and has been so for around a year; and its previous use was as a kitchen showroom. The proposal will continue to benefit from 2 on-site parking spaces; the internal floor space is some 175m²; and it is expected to employ 5 full-time and 3 part-time members of staff. The air conditioning and toilet extract ventilation units to the rear are existing and will remain unaffected by the proposal.
- 2.04 The proposed opening hours are as follows:
- Mondays - Fridays: 06:30 hrs – 19:00hrs
 - Saturdays: 07:00 hrs – 19:00 hrs
 - Sundays and bank Holidays: 08:00 hrs – 18:00 hrs

3.0 Policy and other considerations

- Maidstone Borough-Wide Local Plan 2000: R1, R3, R10, R11, R17, R19, ENV34, T13
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan (submission version): SP5, SP7, DM18, DM19
- Headcorn Neighbourhood Plan

4.0 Consultations

- 4.01 **Headcorn Parish Council:** Wish to see the application refused and reported to Planning Committee;

“The Headcorn Neighbourhood Plan has a clear vision for the role and protection of the High Street. It is both thriving and highly valued by the residents and businesses and given its Conservation status must be considered in its entirety as a heritage asset. This application consists of a change of use of an existing retail unit to that of a coffee shop operated by a national chain.

The High Street is already served by a significant number of small family run businesses that operate under A1/3 licenses. Shops and services in the village create local employment and self-employment. Small shops tend to employ proportionately more people in relation to the size of the business. Small independent shops are especially valuable to local economies. Buying locally-produced goods or spending money in local shops keeps wealth circulating in our communities, thus allowing the High Street to remain resilient to economic changes.

Evidence shows that for every £10 spent in an independent local shop or service £25 is generated for the local economy compared to only £14 being generated for every £10 spent in a national retailer. Research completed by the New Economics Foundation (NEF) shows that national chain actually spend very little locally Sainsburys spends 9% locally Iceland spends 13.5% locally JD Weatherspoon’s 19.2% locally. Whereas local businesses spend at 80% locally.*

It is the view of the Council that approval of this application would cause harm to the existing local economy and may result in the closure of other units on the High Street.

The committee is further concerned that the proposed business hours are not in keeping with that of the existing high street and would have significant impact on the residents who live on the High Street.

Parking in Headcorn is already a significant problem and given that this premises are adjacent to an area of a bus stop and double yellow lines, burden will be added to the existing problem.

It is interesting to note that the report developed by Allegra Strategies includes consumer research and business research undertaken in Putney, Shoreditch, Edinburgh, Leeds, Sutton Coldfield and Cardiff. There appears to be no research centred on rural communities or their High Street. Further the research from Deloitte referenced in the report says "the research shows those High Street which maintain the right mix of shops, while offering experiences and convenience that cannot be replicated online, remain popular". Given that Headcorn has 6 retail units that provide coffee, a further retailer of this nature is not maintaining the right mix."

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

4.03 **Environmental Health Officer:** Raise no objection.

4.04 **Conservation Officer:** Raises no objections.

4.05 **Neighbour representations:**

- 20 objections raising concerns over parking and congestion; it being an unwelcomed use and wanting to keep independent businesses in Headcorn; and it being competition for existing businesses
- 11 representations of support as it would make use of a vacant building; bring more footfall and job opportunities into the area; it is of a good design; and would help modernise the village centre.

5.0 Principle of development

5.01 There is a presumption in favour of sustainable development within the National Planning Policy Framework (NPPF), and it is accepted that the proposal site is within a sustainable location. In terms of the 3 dimensions to sustainable development in the wider sense, the NPPF also seeks development to contribute to building a strong, responsive and competitive economy; to support strong, vibrant communities; and to contribute and enhance our built and historic environment. It should also be noted that the NPPF seeks to support a prosperous rural economy; and states that local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas.

5.02 Policy R1 of the Local Plan relates to any retail development in the borough and states that it can be permitted in a village settlement such as Headcorn, subject to various criteria. The proposal site is also within a Local Centre and saved policy R10 of the Development Plan states;

THE BOROUGH COUNCIL WILL MAINTAIN EXISTING RETAIL USES IN THE DEFINED DISTRICT AND LOCAL CENTRES, CONSISTENT WITH THEIR SCALE AND FUNCTION, AND DEVELOPMENT WHICH WOULD HARM THEIR VITALITY AND VIABILITY WILL NOT BE PERMITTED. POLICY R11 WILL APPLY IN THE DISTRICT AND LOCAL CENTRES, WHICH ARE DEFINED AS:

(xvi) HIGH STREET, HEADCORN;

PROPOSALS FOR FURTHER CLASS A1 RETAIL DEVELOPMENT WILL BE PERMITTED IN, OR IMMEDIATELY ADJACENT TO, EXISTING DISTRICT OR LOCAL CENTRES SUBJECT TO THE APPROPRIATE CRITERIA IN POLICIES R1 AND R2.

THE COUNCIL WILL PERMIT THE DEVELOPMENT OF NEW LOCAL CENTRES ANCHORED BY A CONVENIENCE STORE OR SUPERMARKET, PARTICULARLY IN AREAS DEFICIENT OF SUCH FACILITIES, SUBJECT TO THE APPROPRIATE CRITERIA IN POLICIES R1, R2, R11 AND R15. THE DEVELOPMENT OF NEW DISTRICT CENTRES WILL NOT BE PERMITTED.

- 5.03 Saved policy R17 of the Development Plan states;

THE COUNCIL WILL PERMIT HOT FOOD SHOPS, RESTAURANTS, CAFES, BARS AND PUBLIC HOUSES OUTSIDE THE CORE SHOPPING AREA TO WHICH POLICY R7 APPLIES, PROVIDED THAT THE FOLLOWING CRITERIA ARE MET:

*(1) THAT THERE IS NO DETRIMENTAL EFFECT, BY REASON OF HOURS OF OPENING, FUMES AND SMELLS OR NOISE AND DISTURBANCE, TO NEARBY OR ADJOINING USES AND ESPECIALLY RESIDENTIAL AMENITY; AND
(2) THAT THE EFFECT OF ONE OR A CONCENTRATION OF SUCH USES WOULD NOT BE DETRIMENTAL TO THE VITALITY AND VIABILITY OF ANY DISTRICT OR LOCAL CENTRES WITHIN WHICH THEY MAY BE LOCATED.*

- 5.04 The proposal is for a mixed use of Class A1 (retail) and Class A3 (café/restaurant), and so an element of A1 use will be retained. In addition, there remains other retail uses within and close to the Local Centre, including the Post Office and a Sainsbury's Local. With this considered, I am satisfied that there are alternative A1 (local convenience type) uses that would remain easily accessible to the local community.
- 5.05 In terms of the potential impact upon the Headcorn High Street Local Centre, to put it into context this coffee shop would occupy only 175m² of floor space, which is well short of the retail threshold in the Local Plan (500m²), when a retail impact assessment or the application of a sequential approach would be required. This floor space is also significantly lower than the threshold in the NPPF for a retail impact assessment is 2,500m². I appreciate this is a mixed use application but these figures emphasise this proposal is not of a scale that is likely to adversely affect the vitality and viability of Headcorn High Street.
- 5.06 The proposed coffee shop would provide some competition with the existing coffee shops/cafes in the Local Centre of which there are 2 with this as their made trade and a delicatessen that also sells tea, coffee and food to eat on the premises. However, this is only a small number of businesses and much of the local centre is made up of other specialist shops selling antiques, flowers, furniture, health and beauty services/products, musical instruments, bikes, and hardware goods; and there are also other trades such as hairdressers/barbers, estate agents, a public house, charity shops, a camera shop, takeaways, restaurants, Sainsbury's, newsagents, bakery, fishmongers, butchers, factory shop, and a Post Office. Whilst a new coffee shop would provide competition, it is considered that it is not of such a scale that would cause significant harm to local shops or the overall vitality and viability of the retail centre; and I am satisfied that there would not be an over concentration of this use in Headcorn High Street. For these reasons, I do not consider an objection in terms of harm to this Local Centre could be sustained.
- 5.07 It is noted that 'Costa' will be the intended occupier of the premises. However, as Members are aware, any particular company that may or may not occupy the premises is not a material planning consideration. I am therefore satisfied that this proposal would not be contrary to saved policies R10 and R17 of the Development Plan.

- 5.08 Whilst there is the potential for other retail uses, such as a convenience store, to occupy the premises, the last use was that of a kitchen sales unit; the building has been vacant for around a year; and the proposal will retain a part retail use. I am therefore of the view that the proposal is not contrary to saved policy R11 of the Development Plan. Saved policy ENV34 of the Development Plan seeks to protect the distinctive character of the area.
- 5.09 The submitted version of the Local Plan carries significant weight and I am satisfied that the proposal is in accordance with the relevant policies of this document.
- 5.10 The Headcorn Neighbourhood Plan is currently subject to Examination. Policy HNP1 seeks high quality design appropriate to, where relevant, the setting of the conservation area and other heritage assets; policy HNP2 seeks to protect Headcorn's historic environment; and policy HM Project 4 seeks to improve shop frontages in the High Street. I will go on to discuss the visual impact of the proposal later on in the report. Policy HNP17 states that business units located on the High Street will not be permitted where ...*"the result would be to create a Retail Class A (1 – 5) or retail warehouse development that would be in direct competition with the High Street and of a sufficient scale that it could risk undermining the viability of the High Street as a whole"*. I have explained above why this proposal would not undermine the viability of the High Street, and whilst this document is a material consideration, it does not hold sufficient weight to go against policy and guidance within the Development Plan and the NPPF.
- 5.11 I will now consider the proposal against the local and national policy/guidance as set out.

6.0 Visual Impact

- 6.01 The only external change for consideration under this application is the new shop front. There is a separate advert consent application being assessed under 16/502061 for the proposed signage.
- 6.02 The proposed shopfront is in keeping and in proportion with the building and the streetscene, and the Conservation Officer has also raised no objections and considers it to be an improvement on the existing frontage. I am therefore satisfied that this element of the proposal would not have an adverse impact upon the character and appearance of the building or upon the setting of the conservation area and near-by listed buildings, or upon the character of the special landscape area.

7.0 Residential Amenity

- 7.01 There is a residential flat at first floor of the building and it is important to consider the potential impact on this. There is the potential for the noise generated by the change of use to be more intrusive to this residence when compared to the previous use as a kitchen sales shop, what with the likely greater number of patrons frequenting the coffee shop and their different behaviours when compared to the previous use. As such, I consider the recommended condition to resist the transmission of airborne sound between the ceiling and floor that separates the cafe and proposed flat is reasonable and shall be duly imposed. These details go beyond Building Regulations, as they are designed only for residential to residential insulation and do account for the higher levels of noise generated by commercial operations. Compliance with this condition can be shown through the submission of a specialist report that demonstrates levels of insulation (whether existing or additional) meets the requirements set.

- 7.02 In terms of the proposed opening hours, the Environmental Health Officer has raised no objection; and given the High Street location of the proposal with its on-street parking provision, and its close proximity to other commercial uses that are open into the evening, such as the adjacent public house, takeaways, restaurants and Sainsbury's Local, I am satisfied that the proposed coffee shop would not cause any further significant harm to the amenity of any local resident in terms of general noise and disturbance.
- 7.03 Whilst the Environmental Health Officer has recommended a number of conditions requiring details of noise levels omitted from plant equipment, it must be stressed that the proposed use will have no cooking facilities on site, and that the only food served is pre-made off-site and if necessary heated up. The air conditioning and toilet extract ventilation units to the rear are existing and remain unchanged by this proposal; and the development does not require the installation of any external commercial extract or ventilation systems. As such, there are no amenity objections to the proposal in terms of noise and odour, and the Environmental Health Officer has also raised no objection. An informative will be added to remind any future occupant that planning permission would be required for the installation of any external ventilation/extract systems.
- 7.04 I am therefore satisfied that the proposal would be in accordance with saved policy R17 of the Development Plan, and no objection is raised in terms of its potential impact upon any local resident.

8.0 Highway safety implications

- 8.01 The Highways Officer is of the view that this proposal is likely to increase pedestrian trip generation greater than vehicular trip generation, and so I am satisfied that the capacity of the local highway network would not be adversely impacted upon. In addition, there is existing on-street parking along the High Street as well as an off-street pay and display car park in close proximity to the site. So whilst the proposal would not provide on-site parking provision, this is considered acceptable by the Highways Officer because of the site's village centre location. I am therefore satisfied that this proposal would not result in an adverse highway safety issue.

9.0 Other considerations

- 9.01 Waste storage will be to the rear of the building (in two 1100 litre Eurobins), with 1 of these bins being for recyclable waste and collected on a weekly basis; and foul sewage will be disposed of via the mains sewer and there are no flood risk issues. I raise no further comment on these issues. The proposal would not impede or change the existing access to the flat above.
- 9.02 The issues raised by Headcorn Parish Council and local residents have been addressed in the main body of this report. However in respect of Headcorn Parish Council's comments, the Development Plan and the NPPF does not seek to consider what local and national companies invest back into the local economy and so this is not a material consideration in the determination of this application. I would also add that each application is considered on its own merits and would not set a precedent for future development.

10.0 Conclusion

- 10.01 For the reasons outlined, I am of the view that this proposal would not cause any demonstrable harm to the character and setting of the area and conservation area; and it would not harm the amenities of existing residents or the vitality and viability of Headcorn High Street. It is therefore considered overall that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the National Planning Policy Framework, and all other material considerations such as

are relevant. I therefore recommend conditional approval of the application on this basis.

RECOMMENDATION –GRANT Subject to the following conditions:

CONDITIONS:

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

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

- (2) The use hereby permitted shall only open to customers within the following times: 06:30-19:00hrs Mondays to Fridays, 07:00-19:00hrs Saturdays and 08:00-18:00hrs Sundays and Bank Holidays and no deliveries shall be taken or dispatched outside of these hours;

Reason: To safeguard the amenity of local residents.

- (3) Prior to the first occupation of the development hereby approved, details of how the ceiling and floor that separates the residential use above and the commercial unit at ground floor level hereby approved shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels will be submitted to and approved in writing by the local planning authority. The weighted standardized difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 10140; 2011 Acoustics - Measurement of sound insulation in buildings and of building elements- Part 4: Field measurements of airborne sound insulation between rooms. The approved measures shall be implemented and maintained thereafter;

Reason: To safeguard the amenity of occupants of the flat above.

- (4) The development hereby permitted shall be carried out in accordance with drawings 08.47/A.03 and 08.47/A.04 received 08/03/16 and 08.47/A.12.1 received 03/05/16;

Reason: To safeguard the character and appearance of then surrounding area and to safeguard the amenity of local residents.

INFORMATIVES

- (1) For clarification, this approval has not granted planning permission for the installation of any new external ventilation/extract systems. If any occupant wishes to install such equipment, planning permission would be required.
- (2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: Kathryn Altieri

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 30



16/502061 - 27 High Street

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REPORT SUMMARY

REFERENCE NO - 16/502061/ADV		
APPLICATION PROPOSAL Advertisement consent for 1 x externally illuminated fascia sign and 1 x externally illuminated projecting sign.		
ADDRESS 27 High Street, Headcorn, Kent, TN27 9NH		
RECOMMENDATION APPROVAL		
REASON FOR REFERRAL TO COMMITTEE Headcorn Parish Council has requested that the application be referred to the Planning Committee.		
WARD Headcorn	PARISH/TOWN COUNCIL Headcorn	APPLICANT Goldex Investments Ltd AGENT Architecture Design Limited
DECISION DUE DATE 12/05/16	PUBLICITY EXPIRY DATE 21/04/16	OFFICER SITE VISIT DATE 31/03/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

- 16/502060/FULL - Change of use from a kitchen showroom (A1 use) to a mixed class coffee shop (A1/A3 use) and installation of shop front. – Pending Decision.
- 98/0697 - Advertisement application for externally illuminated fascia sign - Application Permitted 18.06.1998

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01.1 The application site comprises a detached 2-storey building located to the northern side of the High Street in Headcorn. The building is presently unoccupied but has most recently been used as a kitchen showroom. There remains an externally illuminated sign across the front of the shop relating to the former use as well as a bracket at first floor level to accommodate a hanging sign, although no sign is in place.

1.01.2 In terms of neighbouring uses, no.25 is occupied by a furniture and picture framing shop and is part of a terrace of shops that are grade II listed. No.29 is the George and Dragon public house. On the opposite side of this part of the High Street there is a post office/shop as well as residential dwellings that are also grade II listed buildings.

1.01.3 Headcorn High Street is designated as a Conservation Area and no.27 is subject to an Article 4 Direction. In addition, the High Street is also defined within the adopted Maidstone Borough Wide Local Plan 2000 as a District and Local Centre.

2.0 PROPOSAL

2.01 This submission seeks advertisement consent for the display of one externally illuminated fascia sign and 1 externally illuminated hanging sign. The application form notes that consent is requested for the standard period of 5 years.

2.02 The fascia sign will be comprised of exterior grade 19mm marine plywood timber and will extend across the width of the property. The sign will measure 11.3m in width and 0.6m in height. The background colour of the sign will be grey, specified as RAL7022. Above the entrance door to the property will be individual lettering in a cream colour (RAL9001) with the edging finished in what is described by the applicant as 'Costa Red'. The sign will also feature the wording 'EST.1971' at its western end in white lettering. The illumination of the sign will be external and will remain as existing.

2.03 The existing hanging sign bracket will be replaced with a new black stainless steel fixing bracket that will project from the building by 0.948m. The bracket will hold a round sign with a diameter of 0.632m. The sign itself will be comprised of timber of 38mm thickness and will have a background colour of 'Costa Red'. It will also feature the name Costa in white. The sign will be illuminated with a light trough either side of the sign and these will be incorporated within the bracket. The troughs will be finished in black and measure 632mmx100mmx100mm with internal white LED illumination of 200 candelas per metre square (cd/m²).

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) – Paragraph 67
National Planning Practice Guidance (NPPG) - Advertisements
Maidstone Borough-Wide Local Plan 2000: ENV8
Maidstone Borough Council Draft Local Plan: SP7; DM19

4.0 LOCAL REPRESENTATIONS

4.01 A site notice was displayed at the site on 31/03/2016.

4.02 As a result of the consultation process, one letter of objection has been received from a resident who lives opposite the application site at no.26 High Street. The letter makes the following points:

- Signs of this sort have no place in a picturesque village High Street and I believe other less obtrusive signs have been refused on this ground in the past.
- Such signs are contrary to the aesthetic and architectural landscape and in the context are visually offensive.
- I live directly opposite the proposed coffee shop and illuminated signs will shine directly into both my living room and my bedroom, starting at 6.30am. This will cause intolerable nuisance amounting to, I believe, infringement of a protectable right on my part.

5.0 CONSULTATIONS

- 5.01 **MBC Conservation Officer:** The proposed signage is acceptable.
- 5.02 **KCC Highways and Transportation:** The proposed illuminated advertisement does not exceed the maximum luminance levels set out in the Institution of Lighting Engineers Technical Report 'Brightness of Illuminated Advertisements'. The proposed projecting sign is set back from the edge of the carriageway. For these reasons, I do not wish to raise objection on behalf of the local highway authority.
- 5.03 **Headcorn Parish Council:** The High Street is a conservation area and the signage proposed by this application is inappropriate in this location. It was noted that the level of lighting in the High Street is rural and not at Highway Standard. In hours of darkness the illuminated sign would be very prominent and have significant impact on the residential properties on the opposite side of the road. The Council therefore wish to see this application refused and referral to the planning committee is required.

6.0 BACKGROUND PAPERS AND PLANS

- 6.01 The proposals are detailed on drawing numbers:
08.47/A.01 – Site Plan and Block Plan;
08.47/A.02 – Existing Ground Floor;
08.47/A.03 – Proposed Floor Plan;
08.47/A.04 – Existing and Proposed Shop Front;
Design and Access/Planning Statement.

7.0 APPRAISAL

- 7.01 The display of advertisements is subject to a separate consent process within the planning system and is set out within the Town and Country Planning Control of Advertisements Regulations 2007. The only matters for consideration in the control of advertisements are the effect upon amenity and public safety and as such, the process is noted as being 'lighter touch' than the system of obtaining planning permission for development.

- 7.02 The National Planning Policy Framework (NPPF) sets out the requirement for good design in all proposals. Specifically, paragraph 67 states that,

'Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'

- 7.03 In respect of the Maidstone Borough Wide Local Plan, policy ENV8 relates to signage for retail premises. Applications for new signage will be permitted provided that the set criteria are met. Of relevance to this application is:

- The size, design, positioning, materials, colour and method of illumination of signage is not detrimental to the character and appearance of the building or the surrounding area;

- In conservation areas, the proposals meet a high standard of traditional design appropriate for the area.
- 7.04 In the context of the above together with the criteria of the Town and Country Planning (Control of Advertisements) Regulations 2007, the key issues for consideration therefore are visual and residential amenity together with the implications for public safety.

Visual Amenity

- 7.05 The High Street in Headcorn is designated as a conservation area and is also identified as a district and local centre in the Maidstone Borough Wide Local Plan 2000. There are a variety of commercial premises with associated signage, some of which is externally illuminated. The majority of the signage is traditional in appearance and it is notable that there are hanging signs above a number of premises. The application site in its present state features a fascia sign which is externally illuminated and there is also a bracket for a projecting sign at first floor level. In essence, the principle of allowing signage along the High Street would appear long established.
- 7.06 The proposed fascia sign and hanging sign will be comprised of timber and finished in colours that represent the corporate branding of Costa Coffee. The proposed illumination will be external, with the illumination of the fascia sign being unaltered from the existing. The proposed hanging sign will be externally illuminated by LED strips that will be directed onto the sign itself. The level of illumination is 200cd/m² and it is noted on the application form to be static.
- 7.07 In my opinion, the appearance and illumination of the proposed signs are appropriate to their setting. In view of the fact that there are similar examples along the High Street I believe that the signs are visually in keeping with their surroundings and will not appear incongruous. I am therefore satisfied that this proposal will not detract from the quality or character of the conservation area and that this submission meets the policy requirements set out previously.

Residential Amenity

- 7.08 The consultation process attracted one letter of objection from a resident opposite the application site and this put forward the view that the proposed illumination will shine directly into habitable rooms causing intolerable nuisance. In addition, the Parish Council has raised concern that in the hours of darkness, the illuminated signs will have a significant impact upon residents opposite the site.
- 7.09 I have assessed the objections in terms of the distance between the application site and the residential properties opposite as well as the level and direction of the proposed means of illumination. There is at least 23m between no.27 High Street and no.26 High Street and the external illumination will be directed onto the signs themselves. The intensity of illumination is noted on the application form as being 200 cd/m² which in accordance with the recommendations of the British Lighting Engineers Technical Report 'Brightness of Illuminated Advertisements' is below the maximum level of 600 cd/m² recommended for rural or small village locations.
- 7.10 I am however mindful that it would be inappropriate for the signs to be illuminated at all hours and in the circumstances I recommend a condition that specifies that this can only occur during the opening hours of the premises. Furthermore, I also

recommend that a condition requiring the illumination to be of a static type is also imposed to safeguard the situation going forward.

Public Safety

- 7.11 Of key importance to the assessment of advertisements and public safety are the observations of the local highway authority. In this case, KCC Highways and Transportation have raised no objections. The proposed level of illumination is relatively low and in addition, the type of illumination is noted to be static and therefore not a distraction for drivers.
- 7.12 Under the terms of advertisement consent, the applicant is obliged to maintain the signs in an appropriate condition such that they do not present a safety hazard and this obligation will be included in the conditions on the recommendation. In the circumstances, it is my opinion that this proposal does not raise any implications for public safety.

8.0 CONCLUSION

- 8.01 In evaluating the issues in this case, the key criteria are amenity and public safety. As a conservation area, Headcorn High Street is of notable character that merits special protection. In my opinion, the proposed signage is reflective of other commercial premises in the locality and will therefore appear appropriate in this setting. Furthermore, I do not consider that the proposed level and means of illumination will result in a loss of residential amenities. In assessing this submission, I believe there are no resulting issues of public safety.
- 8.02 I have taken into consideration the consultation responses and other representations received in relation to the proposal, and assessed the application in respect of all material considerations. In balancing the issues that can be taken into account in this type of application, it is my opinion that this submission should be approved.

9.0 RECOMMENDATION – GRANT ADVERTISEMENT CONSENT – subject to the following conditions:

CONDITIONS

1. i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(ii) No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

- (iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

- (iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with the provisions of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. The advertisements for which consent is hereby granted must be removed in accordance with condition 1 (v) within five years of the date of this consent.

Reason: In accordance with the provisions of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. The advertisements hereby permitted shall only be illuminated during the opening hours of the premises to which they relate and at no other times.

Reason: In the interests of residential amenity.

4. The advertisements hereby permitted shall only be statically illuminated.

Reason: In the interest of highway safety and residential amenity.

5. The advertisements hereby permitted shall be installed in accordance with drawing numbers 08.47/A.01 – Site Plan and Block Plan; 08.47/A.02; 08.47/A.03; 08.47/A.04 Design and Access/Planning Statement.

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

INFORMATIVES

1. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required, are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: Georgina Quinn

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



16/502434 - King Street Car Park

Scale: 1:1250

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REPORT SUMMARY

REFERENCE NO - 16/502434/FULL		
APPLICATION PROPOSAL Demolition and rebuilding of north wall		
ADDRESS King Street Car Park, Maidstone		
RECOMMENDATION – GRANT PLANNING PERMISSION		
SUMMARY OF REASONS FOR RECOMMENDATION 1. The proposal is considered to comply with the Development Plan and there are no material considerations to indicate a refusal.		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> The Council is the applicant 		
WARD High Street	PARISH/TOWN COUNCIL n/a	APPLICANT Maidstone Borough Council
DECISION DUE DATE 06/06/16	PUBLICITY EXPIRY DATE 11/05/16	OFFICER SITE VISIT DATE 20/04/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
App No	Proposal	Decision
13/2186	Demolition and rebuilding of wall	Withdrawn
14/0203	Demolition and rebuilding of wall	Approved

1. 0 POLICIES

Maidstone Borough-Wide Local Plan 2000: None specific
 Submission Version of the Maidstone Borough-Wide Local Plan (2016): DM1, DM3
 Government Policy: National Planning Policy Framework
 National Planning Policy Guidance

2. 0 CONSULTATIONS

- 2.1 Conservation Officer: Do not wish to object.
- 2.2 Kent County Council Heritage Conservation Unit: No comments.
- 2.3 Kent County Council Highways: No objections.

3.0 CONSTRAINTS

- 3.1 Adjoins Maidstone Holy Trinity Conservation Area

4.0 REPRESENTATIONS

4.1.1 None to date.

5.0 CONSIDERATIONS

5.1 Site Description

5.1.1 This application relates to a wall, which is located to the north of an existing public car park in Maidstone Town Centre. To the north of the wall is a private road serving a taxi business. The wall runs along the southern boundary of Maidstone Holy Trinity Conservation Area.

5.2 Proposal

5.2.1 Planning Permission is sought for the demolition and rebuilding of the wall, which is in a poor state of repair. This would involve the introduction of gabion walling with a ragstone face, with masonry above and a chain link fence on top.

5.3 Visual Impact

5.3.1 The existing wall is currently in a poor state of repair and fragmentary condition. Indeed, it is a mixture of ragstone and brick and has the appearance of having been repaired in places. I do not consider that in its current form, the wall makes a positive contribution to the character and appearance of the Conservation Area and its demolition is not, therefore, considered harmful to the Conservation Area.

5.3.2 The proposed design is similar to that approved under extant permission 14/0203 and is a mixture of ragstone and brick. This design is considered appropriate to the Conservation Area setting and visually acceptable.

5.3.3 Although the addition of chainlink fencing is not ideal, it is in keeping with the character of the surroundings, which includes chainlink fencing, used elsewhere to the car park, and palisade fencing, to enclose a private car park north of the site.

5.3.4 Furthermore, it is a permeable type of fencing, so would have relatively limited visual impact because there would be views through it. It would also not be of an excessive height (projecting only approximately 700mm above the top of the wall).

5.3.5 I conclude that the proposal would preserve visual amenity and the character, appearance and setting of the Conservation Area. I note that the Conservation Officer has not objected.

5.4 Residential Amenity

5.4.1 Due to the nature, scale and siting of the works, there are no significant residential amenity issues.

5.5 Other Matters

5.5.1 Due to the nature and scale of the proposal, there are no significant archaeological issues. There are no significant highways issues, due to the position of the wall, set back from the public highway.

6.0 CONCLUSION

- 6.1 The proposed development would preserve the character and appearance of the Conservation Area and complies with the Development Plan. Approval is recommended.

7.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

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

drawing no.s 13140/01A and 13140/02 received on 04/04/16 and a site location plan received 06/04/16;

Reason: To preserve the setting, character and appearance of the Conservation Area.

3. The development shall not commence until samples of the bricks to be used in the construction of the external surfaces of the development hereby permitted, have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To preserve the setting, character and appearance of the Conservation Area.

INFORMATIVE

It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 2nd June 2016**

APPEAL DECISIONS:

- 1. 15/507132** Removal of condition 02 and 03 of (MA/98/1360 Retrospective application for change of use of agricultural building to tourist accommodation) from tourist accommodation to residential dwelling.
- APPEAL:** Allowed with Conditions
- Little Poplar Farm, Ulcombe Road, Headcorn, Kent, TN27 9LB
- (Delegated)
-
- 2. 15/504237** Construction of detached 3-bedroom dwelling and detached garage to rear of existing dwelling
- APPEAL:** Allowed with Conditions
- 103 Eyhorne Street, Hollingbourne, Kent, ME17 1TX
- (Delegated)
-
- 3. 15/504845** Erection of detached dwelling in rear garden. Conversion and change of use of existing ground floor former public house, accommodation wing and upper floor flat to 8No residential apartments, including internal and external alterations. Subdivide ground floor to retain 2No retail units. New parking and landscaping.
- APPEAL:** Allowed with Conditions
- The Kings Arms Public House, High Street, Headcorn, Kent, TN27 9NH
- (Committee)
-
- 4. 15/500464** Redevelopment of former garden nursery to provide 6 dwellings with associated garaging and access.
- APPEAL:** Allowed with Conditions.

Land Adjoining Four Wents Orchard, Chartway Street, Sutton Valence, Kent, ME17 3JA

(Delegated)

5. 15/504451

Outline application for 5 No 2 to 3 bedroom houses in the former car park and gardens of 75 and 75A College Road (with all matters reserved).

APPEAL: Dismissed

Land Rear Of 75 And 75A College Road, Maidstone, Kent, ME15 6TF

(Delegated)

6. 15/506746

Outline (Access and layout not reserved) – Demolition of existing dwelling to facilitate erection of 3 No. detached dwellings and new accessway.

APPEAL: Dismissed

16 Trapham Road, Maidstone, Kent, ME16 0EL

(Delegated)

7. 15/506037

Demolition of existing commercial buildings, hardstanding and Woodford Coach House and the erection of a replacement dwelling for Woodford Coach House and 9 dwellings with parking and landscaping as shown on drawing numbers DHA/10167/03a Rev A and DHA/10167/03b Rev A and DHA/10167/04 Rev A and DHA/10167/05 Rev A and DHA/10167/06 Rev A and DHA/10167/07 Rev A and DHA/10167/08 Rev A and DHA/10167/09 Rev A and DHA/10167/10 Rev A and DHA/10167/11 Rev A and DHA/10167/13 Rev A and DHA/10167/16 Rev A; received on 30.10.2015 and DHA/10167/01 and DHA/10167/02; received on 3.08.2015.

Supporting documents include; PJC/3712/15/02/A 02 and PJC/3712/15/02/B 02; dated 20.07.2015 and PJC/3712/15/02/C 01; dated 30.06.2015 and Arboricultural Impact Assessment (3712/15/02) by PJC Consultancy; dated 20.06.2015 and Arboricultural Survey

(PJC/3712/15) by PJC Consultancy; dated 26.05.15 and Bat Survey by Calumma Ecological Services; dated 23.07.2015 and Preliminary Ecological Appraisal by Calumma; dated 6.11.2014 and Reptile Survey by Calumma Ecological Services; dated 15.05.2015 and Phase 1 Desk Study by Lustre Consulting; dated July 2015 and Foul and Surface Water Management Strategy by RMB Consultants Ltd; dated July 2015 v.3 and DHA Transport Statement and Design and Access Statement; dated July 2015.

Appeal: Allowed with conditions

Woodford Farm, Maidstone Road, Staplehurst,
Kent, TN12 0RH

(Committee)

8. 14/505844

Tree preservation order application for consent to fell to ground level 1 no. Swamp Cypress tree.

Appeal: Allowed with Conditions

54 Valley Drive, Loose, Kent, ME15 9TL

(Delegated)

Agenda Item 33

Planning Committee

2 June 2016

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Planning Committee Member and Substitute Member training

Final Decision-Maker	Planning Committee
Lead Head of Service	Paul Riley Head of Finance and Resources
Lead Officer and Report Author	Rob Jarman Head of Planning and Development Tessa Ware Democratic Services Officer
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

- 1.1 The Committee agree that the following training and development be completed by all Planning Committee Members and Substitute Members by December of each year as a minimum requirement:
- all newly elected members, new to the Planning Committee as members or substitute members, to attend:
 - § the induction training;
 - § the Planning training session on delegated powers and use of conditions, reasons for refusal and Section 106 on 25 July 2016;
 - § plus one other Planning training session
 - long serving Planning Committee Members and Substitute Members attend;
 - § the Planning training session on delegated powers and use of conditions, reasons for refusal and Section 106 on 25 July 2016;
 - § plus one other Planning training session, and:
 - all Planning Committee Members and Substitute Members attend all of the professional development sessions agreed between the Head of Planning and Development, with powers delegated by the Planning Committee, and the Political Group Spokespersons.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all and Securing a successful economy for Maidstone Borough by ensuring planning decisions are made using an up to date knowledge and understanding of national and local planning policies and legislation.

Timetable

Meeting	Date
Planning Committee	2 June 2016

Planning Committee Member and Substitute Member training

2. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 2.1 This report outlines Planning Committee Members' and Substitute Members' responsibilities to ensure their knowledge and understanding of current local and national planning policies and legislation remains up to date while serving on or supporting the Committee.
- 2.2 The report also recommends a programme of annual training available to Planning Committee Members and Substitute Members to facilitate the fulfilment of their responsibilities.

3. INTRODUCTION AND BACKGROUND

- 3.1 The Council's Constitution sets out the responsibilities of Planning Committee Members and Substitute Members.
- 3.2 The Council's Constitution, Part 4.4 (Local Code of Conduct for Councillors and Officers dealing with planning matters), Section 1.c states, under "The General Role and Conduct of Councillors and Officers":

'The Council has agreed that no member will be able to serve on the Planning Committee without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to the Committee as specified by the Committee. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the Committee for newly appointed Councillors and substitutes of the Committee. If the specified training has not been completed by the due date, the Councillor will cease to be a member/substitute member of the Committee until the training has been completed. The Head of Finance and Resources will keep a record of the training requirements of the Committee and of the Councillors' compliance with the requirements. Existing members and substitute members of the Committee should be updated regularly on changes of legislation and procedures and must receive refresher training on an annual basis. Failure to undertake the refresher training will result in the Councillor ceasing to be a member/substitute member of the Committee until the refresher training has been completed. All members of the Council will be provided with training on planning processes.

- 3.3 Further, Part 3.1, section 4.2 paragraph 2 of the Council's Constitution states under Appointment of Substitute Members of Committees and Sub-Committees, that:

'No Councillor will be able to serve on the Planning and Licensing Committees without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to the

Committee as specified by the Committee. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the Committee and must be refreshed annually. If the specified training has not been completed by the due date, the Councillor will cease to be a Member/Substitute Member of the Committee until the training has been completed.'

Also, Part 4.4 section 20 states:

- *'All Members of the Planning Committee and substitute Members should receive training on grounds of refusal and imposition of conditions.'*
- *'All Councillors should receive basic training on planning issues.'*

3.4 A programme of training has been arranged with the Planning Department for the Municipal year 2016-2017. Planning Committee Members and Substitute Members are strongly recommended to attend as follows:

Subject	Date	Recommended attendance
New Member induction	26 May 2016	Essential for all newly elected Members and newly elected Members on Planning Committee and new Substitute Members
Process for determining planning applications and how the Committee works	28 June 2016	Recommended for all newly elected members on Planning Committee and new Substitute Members
Delegated powers and use of conditions, reasons for refusal and S106	25 July 2016	Essential for all Planning Committee Members and Substitute Members
Local Plan, Neighbourhood Plans, NPPF and NPPG	27 September 2016	Recommended for all Planning Committee Members and Substitute Members
Enforcement	25 October 2016	Recommended for all Planning Committee Members and Substitute Members
Heritage, Landscape and Ecology	22 November 2016	Recommended for all Planning Committee Members and Substitute Members

3.5 The Committee are asked to agree a minimum level of training for Committee Members and Substitute Members, from the list at 3.4, that will maintain a suitable level of knowledge and understanding of national and local policies and legislation to be able to properly perform their functions as a Planning Committee

- 3.6 On-going professional development and refresher training will be made available to Committee Members and Substitute Members through the year. The content and delivery method of this training will be agreed with the Political Group Spokespersons. The Committee are asked to delegate powers to the Head of Planning and Development to agree the content and delivery method of this training in consultation with the Political Group Spokespersons.
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4. AVAILABLE OPTIONS

- 4.1 The Committee could decide to do nothing. However, this is not recommended as it would contravene the Council's own Local Code of Conduct for Councillors and Officers Dealing with Planning Matters.
- 4.2 The Committee could decide that Planning Committee Members and Substitute Members attend all of the training detailed in 3.4. This would be useful for newly elected Councillors who are members of the Planning Committee but would not be essential for long serving members of the Planning Committee save where new legislation or guidance has been introduced.
- 4.3 The Committee could decide that the following training and development be completed by all Planning Committee Members and Substitute Members by December of each year as a minimum requirement:
- all newly elected members, new to the Planning Committee as members or substitute members, to attend:
 - § the induction training within one month of the beginning of the municipal year;
 - § the Planning training session on delegated powers and use of conditions, reasons for refusal and Section 106 (25 July 2016);
 - § plus one other Planning training session within four months of the beginning of the municipal year
 - long serving Planning Committee Members and Substitute Members attend;
 - § the Planning training session on delegated powers and use of conditions, reasons for refusal and Section 106 (25 July 2016);
 - § plus one other Planning training session within four months of the beginning of the municipal year; and,
 - all Planning Committee Members and Substitute Members attend all of the professional development sessions agreed between the Head of Planning and Development, with powers delegated by the Planning Committee, and the Political Group Spokespersons.
-

5. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

5.1 The preferred option is option 4.3. The reasons for this recommendation are:

- The Committee Members will fulfil their responsibilities under the Local Code of Conduct for Councillors detailed in Part 4.4, Section 1c of the Council's Constitution;
- Members and Substitute Members of the Planning committee will fulfil their individual responsibilities to maintain their knowledge and understanding of local and national planning policy and legislation, and;
- The Planning Committee will avoid being inquorate due to an insufficient supply of suitably trained Substitute Committee Members.

NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

5.2 Once the Committee has made its decision information on the training dates and times will be sent to all Committee Members and Substitute Members.

5.3 The Head of Planning and Development in consultation with the Political Group Spokespersons will agree the content and delivery method of the professional development training. Dates will be agreed and all Planning Committee Members and Substitute Members will be notified.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities		
Risk Management		
Financial		
Staffing		
Legal	Members have a constitutional duty to undertake a minimum amount of training relative to the particular committee on which they sit; they also have a public responsibility to be able to make proper and lawful decisions.	Kate Jardine, Team Leader (Planning), Mid Kent Legal Services
Equality Impact Needs Assessment	Reasonable adjustments based on needs will be made to allow	Clare Wood, Policy &

	all members to participate in training. E.g larger size fonts	Information Officer
Environmental/Sustainable Development		
Community Safety		
Human Rights Act		
Procurement		
Asset Management		

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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