

AGENDA

ADJOURNED PLANNING COMMITTEE MEETING



Date: Thursday 9 June 2016
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

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

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting

Continued Over/:

Issued on 3 June 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

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

6. Disclosures by Members and Officers
7. Disclosures of lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. 14/0174 - Land East Of Glebe Gardens, Old Ashford Road, Lenham, Kent 1 - 23
10. 14/500696 - Oakland Place, Greenway Forstal, Harrietsham, Kent 24 - 32
11. 15/506021 - Fishers Oast, Fishers Road, Staplehurst, Kent 33 - 51
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13. 16/500037 - The Old Forge, Chartway Street, East Sutton, Kent 65 - 77
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16. 16/502434 - Car Park At 37 King Street, Maidstone, Kent 96 - 99
17. Appeal Decisions 100 - 102
18. Joint Report of the Head of Finance and Resources and the Head of Planning and Development - Planning Committee Member and Substitute Member Training 103 - 108
19. Chairman's Announcements

PLEASE NOTE

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

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

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.

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.

Representation

After publishing of the Planning Committee agenda reports, Councillor Harwood has written to the Council to highlight a lack of specific reference to incorporation of appropriate integral wildlife niches within the fabric of residential units proposed within this outline application. (NPPF paragraph 118 “opportunities to incorporate biodiversity in and around developments should be encouraged”).

The incorporation of integral swift / bat bricks within northern elevation of all proposed units (which are appropriate in this village edge location close to a pond) is recommended.

Officer Comment:

Paragraph 7.39 of the report states:

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

Condition 15 states the following:

“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”.

In order to address Councillor Harwood’s recommendations on this issue, it is considered that the condition should be amended to ensure details of bat roosting features and bird nesting opportunities are submitted for approval prior to commencement of the development and should read as follows:

“Prior to commencement 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”.

Reason: In the interests of providing suitable wildlife habitat.

Agenda Item 10



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.



15/506021 - Fishers Oast
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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.

Reference number: 15/506021/FULL

OFFICER COMMENT

On review of the proposed landscaping scheme, with regard to Plot 9 in the eastern part of the site, I see that the proposed hedging is shown on the 'garden side' of the rear garden boundary with the proposed fencing outside that directly bordering the public footpath. I consider it more appropriate that the hedging should be on the outside of the fence to provide a 'softer' aspect to the development and provide a more favourable environment for the footpath. I therefore recommend the imposition of a condition to secure that change.

Recommendation: Add the following condition:

Notwithstanding the notation on the submitted drawings, with regard to the southern western boundary treatment to Plot 9, the landscaping scheme to be submitted shall show the proposed hedging outside (ie to the south west) of the proposed close boarded fencing;

Reason: In order to provide a properly landscaped setting for the development as viewed from the public right of way.

Reference number: 15/506021/FULL

One of the objectors has written to confirm his objections. He makes the following (summarised) points:

- a) This site was formerly a genuine rural wildlife habitat but this has been harmed. Connectivity between Great Crested Newt (GCN) breeding ponds to the east and west of this site is important. However, the wildlife corridor proposed to help this cannot be fit onto the site with the current layout.
- b) A GCN corridor needs to be properly implemented and managed through condition.
- c) External lighting needs to be carefully controlled through condition to minimise harm to bats.
- d) The application fails to provide an adequate and attractive route for public rights of way across the site with narrow paths and over-bearing fencing. The previous development on the adjacent site was also deficient in this regard. This should be remedied through condition.
- e) The number of dwellings should be reduced in the interests of ecology, surface water drainage, mitigation of railway noise and the character of the area.

The agents have referred the issue of the use of the railway by freight trains (and the consequent possible effects of noise affecting residential amenity) to their acoustic expert. In summary the expert concludes that the use of the line by freight trains is infrequent and in decline such that the conclusions of the noise report should not be significantly affected.

OFFICER COMMENTS:

The GCN corridor is marked on the latest landscape and ecology plans and is specifically dimensioned at 5m. The agents have confirmed that the corridor is achievable as shown on those plans and will be implemented. However, I note that there appears to be an error in terms of the scale bar on the Proposed Site Plan and the latest corridor proposals appear to be not reflected on the proposed layout plans aimed at showing the proposals for the diversion of the public rights of way. I consider this inconsistency needs to be rectified before the decision is issued and therefore I recommend that I be given delegated powers to approve the application subject to the receipt of accurately scaled amended layout plans that reflect the layout shown on the landscape and ecology plans (which are entirely correct).

A condition on ecology is already recommended in my original report and that covers the issue of the management of the corridor.

The KCC West Kent PROW Manager has examined the proposals at every stage of this application and has no objection. The issue of the adequacy/attractiveness of the footpaths and the issues over the number of dwellings and matters of layout/design have already been addressed and found to be acceptable: an amendment to the recommendation on the issue of landscaping has been put forward in my earlier urgent update.

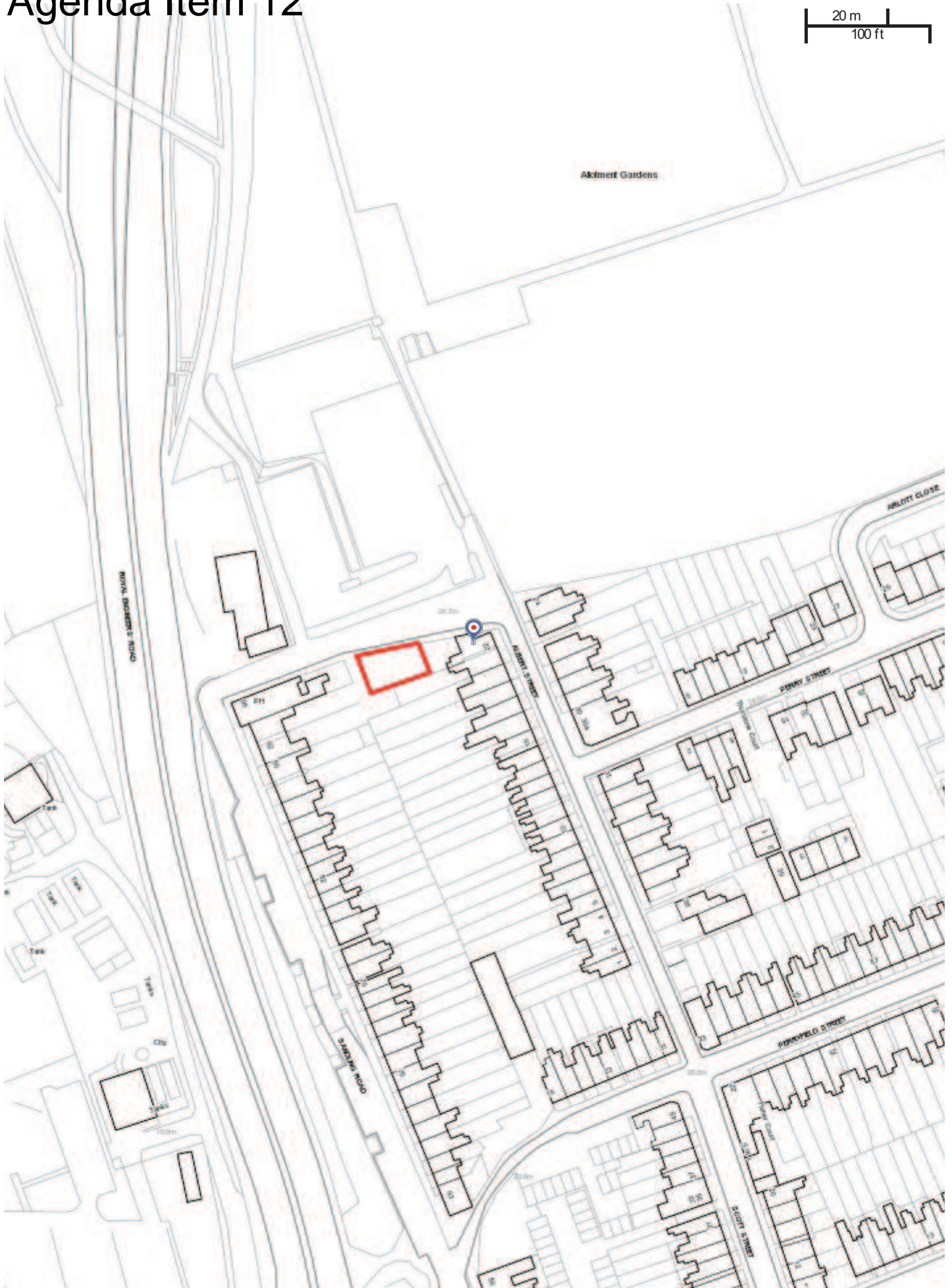
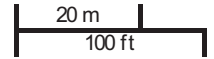
Recommendation:

A) I be given delegated powers to approve the application subject to the receipt of accurately scaled amended layout plans that reflect the layout shown on the landscape and ecology plans subject to the conditions in my original report with the following additional condition:

Notwithstanding the notation on the submitted drawings, with regard to the southern western boundary treatment to Plot 9, the landscaping scheme to be submitted shall show the proposed hedging outside (ie to the south west) of the proposed close boarded fencing;

Reason: In order to provide a properly landscaped setting for the development as viewed from the public right of way.

Agenda Item 12



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.

Amended Plans were received on 20 May 2016 which alter the first floor windows and incorporate a change in material on the central recessed front wall whilst also creating a feature window in this location which rises to meet the eaves line.

Officer Comment

To reflect the changes set out above, Paragraph 2.4 of the main report should be revised as follows:

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

The amendments were sought by Officers to add architectural style to the front elevation of the building and to re-locate one of the west (flank) facing windows to the north (front) elevation where there was an area of blank wall.

Conditions were already recommended to ensure the windows on the south and west elevations were obscure glazed and non-opening below 1.7m when measured internally, prior to occupation. Whilst the windows have been amended the conditions remain relevant.

Recommendation

My recommendation remains unchanged.



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.

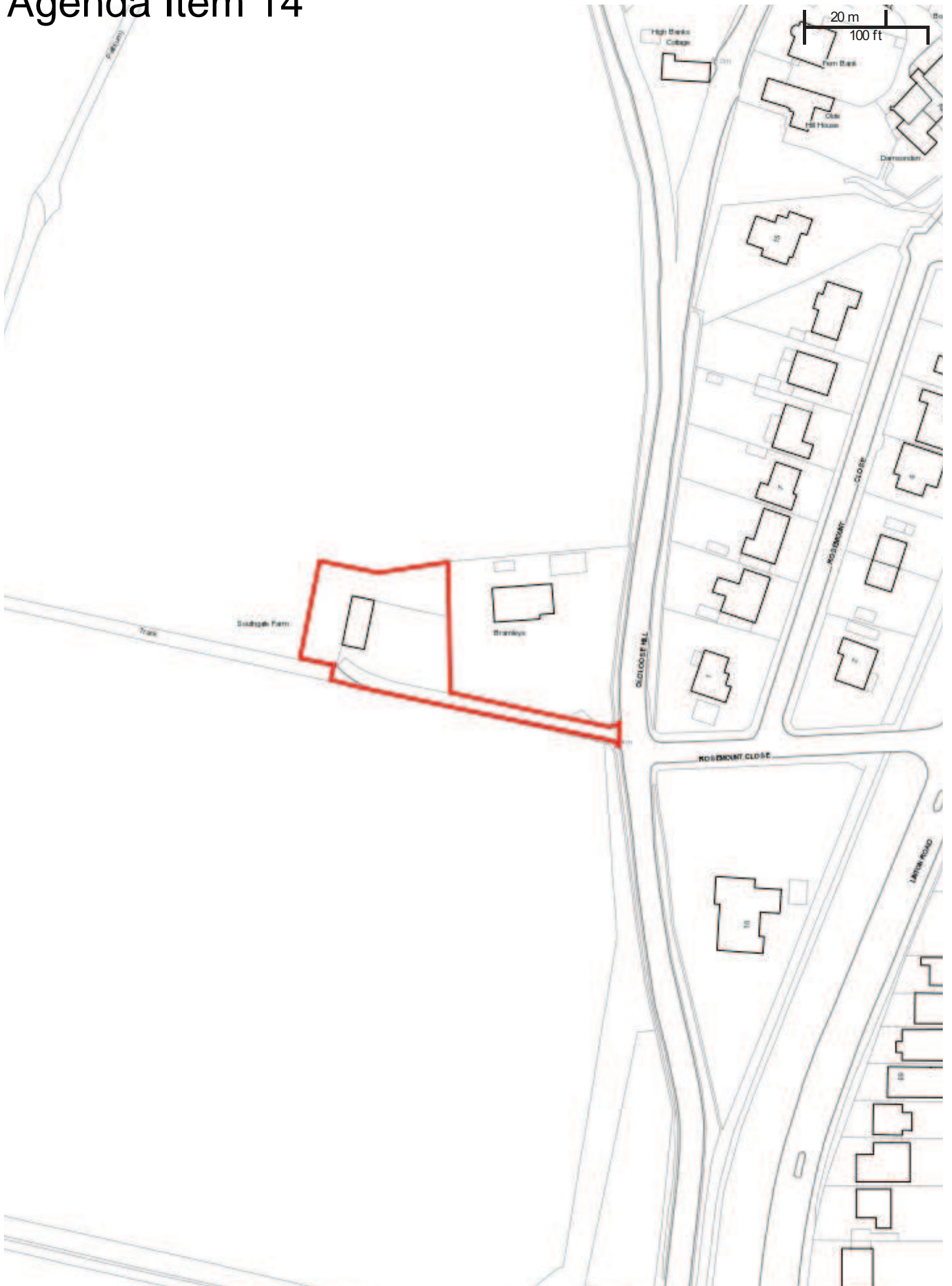
RECOMMENDATION: REFUSE PLANNING PERMISSION

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.

Agenda Item 14



16/500533 - Herts Farm
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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.

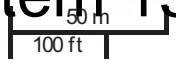
10) No external lighting whether permanent or temporary shall be installed on the site without the prior written consent of the Local Planning Authority;

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.



16/501427 - Pleydells Bungalow
Scale: 1:2500
Printed on: 24/5/2016 at 10:23 AM

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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.

Agenda Item 16



16/502434 - King Street Car Park
 Scale: 1:1250
 Printed on: 24/5/2016 at 10:40 AM

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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 • 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.

Agenda Item 17

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)

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.
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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		