

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 6 July 2017
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

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

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 13 July 2017

Continued Over/:

Issued on 28 June 2017

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Alison Broom

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

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 15 June 2017 1 - 7
11. Presentation of Petitions (if any)
12. 16/505598 - Cricket And Tennis Club, Frittenden Road, Staplehurst, Kent 8 - 14
13. 16/506320 - Jubilee Free School, Gatland House, Gatland Lane, Maidstone, Kent 15 - 45
14. 16/506322 - Gatland House, Gatland Lane, Maidstone, Kent 46 - 67
15. 16/506505 - Mote Park Recreation Ground, Mote Park, Maidstone, Kent 68 - 84
16. 16/507848 - Greenfields, Stanley Road, Marden, Kent 85 - 91
17. 16/508659 - Land South Of Redwall Lane, Linton, Kent 92 - 122
18. 17/500883 - Land At Stanley Farms, Plain Road, Marden, Kent 123 - 127
19. 17/501093 - Land West Of Mill Bank, Maidstone Road, Headcorn, Kent 128 - 139
20. 17/501593 - Great Oak Farm, Friday Street, East Sutton, Maidstone, Kent 140 - 146
21. Report of the Head of Planning and Development - S106 Contributions for Town Centre 147 - 149
22. Appeal Decisions 150 - 151
23. 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.

For full details of all papers relevant to the applications on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection by appointment during normal office hours at the Maidstone Borough Council Reception, King Street, Maidstone, Kent ME15 6JQ.

MAIDSTONE BOROUGH COUNCIL

Planning Committee

MINUTES OF THE MEETING HELD ON THURSDAY 15 JUNE 2017

Present: Councillor English (Chairman), and
Councillors Boughton, Clark, Harwood, Hastie,
Hemsley, Munford, Powell, Prendergast, Round,
Spooner, Mrs Stockell and Vizzard

Also Present: Councillor J Sams

47. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillor Cox.

48. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that Councillor Hastie was substituting for Councillor Cox.

49. **NOTIFICATION OF VISITING MEMBERS**

Councillor J Sams indicated her wish to speak on the report of the Head of Planning and Development relating to application 16/506490 – 37 – 39 West Street, Harrietsham, Kent.

50. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

51. **URGENT ITEMS**

The Chairman stated that, in his opinion, the update reports of the Head of Planning and Development should be taken as urgent items as they contained further information relating to the applications to be considered at the meeting.

52. **DISCLOSURES BY MEMBERS AND OFFICERS**

With regard to the reports of the Head of Planning and Development relating to applications 16/506320 and 16/506322 (Jubilee Free School, Gatland House, Gatland Lane, Maidstone, Kent), Councillor Prendergast said that in her new position as Deputy Cabinet Member for Education at Kent County Council, she had not taken part in any discussions regarding the School, and intended to speak and vote when the applications were considered.

With regard to the report of the Head of Planning and Development relating to application 16/506490 (37 -39 West Street, Harrietsham,

Kent), Councillor Powell said that he was a Member of Harrietsham Parish Council, but since he was not a Member of the Parish Council when the application was first considered, he intended to speak and vote when it was discussed.

53. EXEMPT ITEMS

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

54. MINUTES OF THE MEETING HELD ON 25 MAY ADJOURNED TO 1 JUNE 2017

RESOLVED: That the Minutes of the meeting held on 25 May adjourned to 1 June 2017 be approved as a correct record and signed.

55. PRESENTATION OF PETITIONS (IF ANY)

There were none.

56. 16/507491 - 3 TONBRIDGE ROAD, MAIDSTONE, KENT

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

RESOLVED: That permission be granted subject to the conditions set out in the report, as amended by the urgent update report, with the amendment of Conditions 2 and 13, to read as follows:

Condition 2 (amended)

Development hereby permitted shall be carried out in accordance with the following drawing numbers: 15-671-001 (Location plan); 15-671-002B (Site Plan) rec 06.02.2017; 15-671-010B (Ground floor plan) rec 16.12.2016; 15-671-011B (First floor plan) rec 16.12.2016; 15-671-012B (Second floor plan) rec 16.12.2016; 15-671-013B (Third floor plan) rec 16.12.2016; 15-671-015 (Rear and side elevations) rec 06.02.2017; 15-671-016 (East elevation) rec 06.02.2017; 15-671-018A (Sections) rec 06.02.2017 and 15-671-019 Section 2 rec 06.02.2017. Transport Assessment (Journey Transport Planning); Visual impact assessment; Design and Access Statement; Noise Exposure Assessment by Clement Acoustics ref 11182-NEA-02

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

Condition 13 (amended)

Prior to first occupation of any residential unit facilities for the storage of domestic refuse shall be in place in accordance with details that have previously been submitted to and approved in writing by the local Planning Authority and shall be maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

Voting: 12 – For 0 – Against 1 – Abstentions

57. 16/504892 - HEADCORN HALL, BIDDENDEN ROAD, HEADCORN, KENT

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

RESOLVED: That the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report, as amended by the urgent update report, subject to the prior completion of a Section 106 legal agreement, in such terms as the Head of Legal Services may advise, to secure an affordable housing viability review mechanism based on a commuted sum of £2,075,273.

Voting: 13 – For 0 – Against 0 – Abstentions

58. 16/506320 AND 16/506322 - JUBILEE FREE SCHOOL, GATLAND HOUSE, GATLAND LANE, MAIDSTONE

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

RESOLVED: That the update report be noted.

59. 16/508382 - WARMLAKE BUSINESS ESTATE, MAIDSTONE ROAD, SUTTON VALENCE, KENT

All Councillors stated that they had been lobbied, except Councillor Harwood.

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

Mr Billingham, for the objectors, Councillor Poulter of Sutton Valence Parish Council and Mr Mickelborough, for the applicants, addressed the meeting.

RESOLVED: That the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report, as amended by the urgent update reports, with the amendment of Conditions 3, 4 and 7 and additional conditions concerning electric charging points and structural landscaping, to read as follows:

Condition 3 (amended)

Before development commences on the application site full details of the proposed elevational treatment (following demolition) of the western end elevation of the retained commercial units shall be submitted to and

approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity. These details are necessary before development commences as they raise fundamental issues as to the appearance of the retained units.

Condition 4 (amended)

Before the first occupation of the new dwellings full details of proposed ecological enhancement works (including a timetable for implementation and management) shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of ecology.

Condition 7 (amended)

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved details.

Reason: To ensure adequate sewerage is provided.

Additional Condition (Electric Charging Points)

Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on the given building(s) with dedicated off street parking, and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

Additional Condition (Structural Landscaping)

The details of landscaping submitted pursuant to Condition 1 shall provide for at least a 10metre native landscape buffer along the north and west boundaries of the site that shall be excluded from any residential gardens. Details shall include measures for its implementation and management for at least a 20 year period.

Reason: In order to mitigate the impact of the development, to ensure a satisfactory appearance to the development.

Voting: 7 – For 5 – Against 1 – Abstentions

60. 13/0226 - TUTSHAM FARM, HUNT STREET, WEST FARLEIGH, KENT

All Councillors had been lobbied except Councillors Harwood, Spooner and Vizzard.

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

Mr Scott of West Farleigh Parish Council and Ms Buckby, for the applicant, addressed the meeting.

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

Voting: 12 – For 0 – Against 1 – Abstentions

61. 16/506490 - 37 - 39 WEST STREET, HARRIETSHAM, KENT

Councillors English, Powell and Prendergast stated that they had been lobbied.

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

Mr Beale, an objector, Councillor Dean from Harrietsham Parish Council and Councillor J Sams (Visiting Member) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission by reason of the plot sizes, the coverage of plots, lack of available space for landscaping, loss of boundary hedging, and loss of open space would result in a cramped form of over-development that would be unsympathetic, incongruous and harmful to the character and appearance of the area, and would result in the exacerbation of on-street car parking contrary to policy ENV6 of the Maidstone Borough-Wide Local Plan 2000; the National Planning Policy Framework 2012 and policies DM1, DM10, DM12 and DM27 of the Maidstone Borough Local Plan Publication May 2016 (Submitted version)

RESOLVED: That permission be refused for the following reasons:

By reason of the plot sizes, the coverage of plots, lack of available space for landscaping, loss of boundary hedging, and loss of open space would result in a cramped form of over-development that would be unsympathetic, incongruous and harmful to the character and appearance of the area, and would result in the exacerbation of on-street car parking contrary to policy ENV6 of the Maidstone Borough-Wide Local Plan 2000; the National Planning Policy Framework 2012 and policies DM1, DM10, DM12 and DM27 of the Maidstone Borough Local Plan Publication May 2016 (Submitted version).

Voting: 13 – For 0 – Against 0 – Abstentions

62. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT - PLANNING COMMITTEE MEMBER AND SUBSTITUTE MEMBER TRAINING

The Principal Planning Officer presented the item on Member Training to the Committee.

RESOLVED: That,

1. New Planning Committee members and new substitute members complete Planning Induction Training by the end of July 2017, covering the Development Plan, Planning Policies & Guidance, Legislation, Planning Conditions, Refusal of Planning Applications, and Section 106 Agreements in order to fulfil the requirements in the Constitution.
2. Existing Planning Committee members and substitute members complete training by the end of September 2017 covering annual refresher training on Planning Policies & Guidance, Legislation, Planning Conditions, Refusal of Planning Applications, and Section 106 Agreements in order to fulfil the requirements in the Constitution.
3. Planning Committee members and substitute members complete training as deemed appropriate by officers following the introduction of any new policy, guidance or legislation in order to fulfil the requirements in the Constitution.
4. Planning Committee members and substitute members are strongly recommended to complete the following optional training sessions:
 - a. Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process).
 - b. Maidstone's New Local Plan – How its policies will continue to deliver high quality development.
 - c. Between 1-3 specialised/best practice subject area sessions potentially covering design, air quality and biodiversity but to be agreed between the Head of Planning and Development and the Political Group Spokespersons. (This would be likely to be run by an external trainer/body within a budget of £2,000).

Voting: 13 – For 0 – Against 0 – Abstentions

63. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

64. CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that he had no announcements.

65. DURATION OF MEETING

6.00 p.m. to 7.57 p.m.

Agenda Item 12



16/505598 - Cricket and Tennis Club

Scale: 1:2500

Printed on: 28/6/2017 at 11:30 AM by ElyH

REPORT SUMMARY

REFERENCE NO: 16/505598/FULL		
APPLICATION PROPOSAL: Erection of a pair of three bedroom semi-detached dwellings.		
ADDRESS: Cricket And Tennis Club, Frittenden Road, Staplehurst, Kent, TN12 0DH		
RECOMMENDATION: REFUSE PLANNING PERMISSION		
SUMMARY OF REASONS FOR REFUSAL: The proposal by reason of the poor layout, building orientation, poor design and loss of trees and boundary hedging in this prominent location outside the settlement boundary would be harmful to the character and appearance of the street scene, harmful to the character of the countryside, with a negative impact on the setting of the Staplehurst Conservation Area and contrary to the National Planning Policy Framework 2012, policy ENV6 of the Maidstone Borough Wide Local Plan 2006 and policies DM1, DM3 and DM34 of the Maidstone Borough Local Plan Submitted Version May 2016 and policy PW2 of the Staplehurst Neighbourhood Plan.		
REASON FOR REFERRAL TO COMMITTEE: Councillor Louise Brice has requested that the application is determined by the Planning Committee if officers are minded to refuse planning permission.		
WARD: Staplehurst	PARISH COUNCIL: Staplehurst	APPLICANT: Staplehurst Cricket And Tennis Club AGENT: Sonnex Surveying Ltd
DECISION DUE DATE: 31/08/16	PUBLICITY EXPIRY DATE: 29/07/16	OFFICER SITE VISIT DATE: 28/03/2017
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites): None relevant		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The triangular application site covers an area of 0.12 hectares and is located on the east side of Cranbrook Road (High Street/A229) on the corner with Frittenden Road. The site is outside, but adjacent to the Staplehurst settlement boundary. Brandon House and Ash House immediately to the north of the site are within Staplehurst Conservation Area.
- 1.02 The site forms part of the Staplehurst Cricket and Tennis Club and has been used partly as allotment gardens. Whilst there are no protected trees or other landscape designations, there are ten individual trees and a group of semi-mature ash on the site. A mixed species hedge approximately 2 metres in height is along the Frittenden Road frontage.

- 1.03 Public Right of Way path KM308 runs adjacent to the south west boundary of the site between the site and the 2 storey Cricket Lodge in use as residential accommodation. The site is not located in a designated flood zone.

2.0 PROPOSAL

- 2.01 Erection of a pair of 3 bedroom semi-detached houses with a new access from Frittenden Road. The two houses provided with rear gardens are orientated to face south east, away from the two road frontages and towards a new off street parking area for 4 cars. A driveway to the front of the properties provides access on to Frittenden Road with two 5 metre by 2.5 metre deep turning areas.
- 2.02 Three of the ten trees and part of the Ash group that are currently on the site are to be retained with a new entrance with necessary sightlines formed in the existing boundary hedge in Frittenden Road.
- 2.03 The planning application has been submitted by a trust providing sports facilities for Staplehurst Village. The profit from these two dwellings will go into the Trust for the development of the leisure and open space facilities for Staplehurst.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T13 and CF1
 - National Planning Policy Framework (NPPF)
 - National Planning Practice Guidance (NPPG)
 - Supplementary Planning Documents: Open Space Development Plan Document (2006)
 - Maidstone Borough Council Local Plan Publication (submission version) February 2016; SP5, SP17, DM1, DM2, DM3, DM7, DM11, DM22, DM24, DM25, DM27, DM34 and ID1
 - Staplehurst Neighbourhood Plan: PW2; PW4 and H1;
- 3.01 In the Regulation 19 version of the emerging Local Plan, policies which do not have proposed main modifications will not be subject to further public consultation. The implication is that the Local Plan Inspector does not consider that changes are required in order for these policies to be considered sound. Whilst the position will not be certain until the Inspector issues his final report, a reasonable expectation is that these policies will progress unaltered into an adopted Local Plan. In these circumstances, it is considered that approaching full weight can be afforded to these policies in the determination of planning applications.
- 3.02 In relation to the weighting there are no major modifications proposed to policies SP5; DM1; DM2; DM25; DM27. Major modifications are proposed to policies SP17, DM3, DM7 DM11; DM24, DM34; and ID1. The final inspector's report is due at the end of July with adoption of the plan anticipated in mid September 2017.

4.0 LOCAL REPRESENTATIONS

- 4.01 The planning application has been advertised with individual letters sent to adjoining properties, a site notice and a press notice.
- 4.02 **Local residents:** Three representations received from local residents objecting to the proposal on the following grounds (summarised):
- Overlooking and loss of privacy;
 - Site located outside of the village boundary;
 - Would set a precedent;
 - Increased traffic;

- Not identified for development in the Neighbourhood Plan;
- New vehicular access is dangerous;
- Contrary to policy PW2 of the Neighbourhood Plan.

- 4.03 **Local resident:** Six representations (including the chair, vice chair and three members of the cricket and tennis club) has been received in support of the proposal on the following grounds (summarised):
- To support the future vitality of the club and community.

5.0 **CONSULTATIONS**

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

- 5.01 **KCC Public Rights of Way Officer:** No objection subject to no works undertaken on a Public Right of Way without the express consent of the Highways Authority;
- 5.02 **Kent CC Highways:** No objection subject to provision of car parking, turning areas and sightlines.
- 5.03 **Cllr Brice:** Supports the application due to the local investment it would create in one of the most vital village sporting resources. If refusal recommended then Cllr Brice would like it brought to committee.
- 5.04 **Staplehurst Parish Council** Recommend approval and do not wish the application to be reported to Planning Committee

6.0 **APPRAISAL**

Main Issues

- 6.01 The key issues for consideration relate to:
- The principle of development;
 - Visual impact and design of the development;
 - Impact of the development on biodiversity; and
 - Impact of the development on the living conditions at neighbouring properties.

Principle of Development

- 6.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the Statutory Development Plan unless other material considerations indicate otherwise.
- 6.03 In this case the Development Plan consists of the Maidstone Borough-Wide Local Plan 2000 and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy is generally restrictive to development outside the settlements, unless it is related to agriculture or forestry. The relevant policy in the emerging plan is policy SP17.
- 6.04 The neighbourhood plan strongly supports the protection of the wider countryside outside the areas identified for new development. There is a presumption against the development of any land other than those sites identified as suitable for development within this neighbourhood plan (Policy PW2). The proposal is therefore considered to be contrary to the adopted development plan including the neighbourhood plan.

Visual impact and design

- 6.05 Proposals should have high quality design and respond positively to, and enhance the character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage, incorporating a high quality modern design approach (emerging policy DM 1). Avoid inappropriate development likely to have significant adverse effects on designated heritage assets and their settings (emerging policy DM 3).
- 6.06 The vision for preparing the Staplehurst Neighbourhood Plan includes an aim of enforcing the quality of new development through use of materials, details and inclusive design that responds to context (Staplehurst NP page 9). A positive relationship between existing built areas and the new will be critical to the successful assimilation of new development (Staplehurst NP para 3.22). The design of new housing should be informed by the traditional form, layout, character and style of the village's vernacular architecture.
- 6.07 The proposed semi detached buildings are orientated to face away from the main road frontages in both Cranbrook Road and Frittenden Road, with proposed rear and side elevations to these boundaries. This introspective layout is considered poor design and will result in poor relationship with existing development, poor visual appearance and dead street frontages. The design of the new housing fails to respect the traditional form, layout, character and style of the village's vernacular architecture.
- 6.08 This arrangement would provide poor amenity for future residents with private gardens immediately adjacent to the public road. The layout and siting of the houses also results in a large area of hardstanding to the front of the properties to provide off street car parking and the necessary access to these car parking spaces and vehicle turning areas.
- 6.09 In addition to an allotment, the application site is currently occupied by ten trees and an Ash group. The proposal involves removal of seven of the existing ten trees and part of the Ash group. The proposed new access is on to a stretch of road with a speed limit of 60 miles per hour. In order to maintain highway safety KCC Highways require visibility splays of 45 metres in both directions from the centre of the new access and a distance of 2.4 metres from the back edge of the highway. These sightlines will require a significant reduction in the existing boundary hedge along Frittenden Road to a height of a metre.
- 6.10 Whilst they have no formal protection, the trees on the site and the existing hedge form part of the character of the area and the setting to the adjacent Staplehurst Conservation Area. It is considered that the removal of the trees and the new entrance in the boundary hedging will have a detrimental impact on the character of the area.
- 6.11 The proposal fails to create high quality design and fails to respond positively to, or enhance the character of the area. The proposals fail to add to the overall quality of an area and fail to address the two main road frontages. Whilst the loss of the trees and the boundary hedge will have a detrimental impact on their own, the impact will be heightened by the poor design of the proposed dwellings and the removal of the potential screening of the rear and side elevations .

Residential amenity

- 6.12 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. Paragraph 17 of

the NPPF states that planning should seek a good standard of amenity for all existing and future occupants of buildings.

- 6.13 The closest existing residential property is Cricket Lodge located approximately 20 metres to the west on the other side of the public right of way footpath. A distance of 20 metres separates the rear first floor rear windows of the nearest house and the side window of Cricket Lodge. This distance is considered acceptable to maintain amenity.
- 6.14 The area between the new dwellings and Cricket Lodge is occupied by a public right of way approximately 3 metres wide. Mature planting, hedges and trees are also located to the western boundary of the application site which would obscure views and provide privacy screening. Whilst it is accepted that construction work may cause disturbance this nuisance will be short term and temporary and as a result would not be grounds to refuse planning permission.
- 6.15 In summary with the separation distance from other residential properties, the proposed development is acceptable in relation to residential amenity.

Access/highway safety

- 6.16 Paragraph 32 of the NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people; and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.17 The proposed layout shows 2 three bed houses with vehicular access from Frittenden Road. The proposal includes 2 parallel parking spaces for each house with a turning area for each house to allow ingress and egress in a forward gear. Visibility splays have been shown on the revised site layout plans of 45 metres in length. On the basis that the off street parking, turning areas and visibility splays are provided there is no objection to the development on highways grounds and no objection has been received from KCC highways.

Ecology

- 6.18 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment 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.
- 6.19 An ecological assessment was submitted in support of the application. The assessment did not find any protected species either in the site or using it in passing. Should approval be given conditions should be used to boost biodiversity in the area.

7.0 CONCLUSION

- 7.01 The proposed development represents poor design as it fails to address either of the two roads that the site has frontages. The inward looking development providing dead road frontages will have a negative impact on the street scene and the setting of the adjacent Staplehurst Conservation Area.
- 7.02 The negative impact of the development increased by the large amount of hardstanding that will be required for access, parking and turning, the removal of trees and the reduction in the boundary hedging that form part of the character of the area.

- 7.03 It is acknowledged that the proposed development is intended to provide much needed investment into the Tennis and Cricket Club. Whilst this aim is fully supported the negative impact from the proposed development outlined in this report is considered to outweigh any benefit generated by approving planning permission.

8.0 RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

The proposed development, by reason of the poor layout, building orientation, poor design and loss of trees and boundary hedging in this prominent location outside the settlement boundary would be harmful to the character and appearance of the street scene, harmful to the character of the countryside, with a negative impact on the setting of the Staplehurst Conservation Area and contrary to the National Planning Policy Framework 2012, policy ENV6 of the Maidstone Borough Wide Local Plan 2006 and policies DM1, DM3, DM34 and SP17 of the Maidstone Borough Local Plan Submitted Version May 2016 and policy PW2 of the Staplehurst Neighbourhood Plan.

INFORMATIVE

In making this decision the following plans were considered 'KCC Highways Requirements' plan rec 17.08.2016; Site Location Plan; SS201402/1 (ground floor plan); SS201402/2 (first floor plan); and SS201402/3 (elevations).

Case Officer: Graeme Moore

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



REPORT SUMMARY

REFERENCE NO - 16/506320/FULL			
APPLICATION PROPOSAL Erection of an extension to the existing school building for educational use.			
ADDRESS Jubilee Free School Gatland House Gatland Lane Maidstone Kent ME16 8PF			
RECOMMENDATION Approve subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The application is considered to comply with the relevant policies of the development plan and the approach of the National Planning Policy Framework (NPPF) and other relevant publications which represent material considerations in support of the application. The proposed extension and related impact of the additional floorspace and pupils is considered to be acceptable having regard to the relevant matters including design and layout of the school, relevant standards, access to playspace and open space, impact on amenity of neighbouring properties and highway matters.			
REASON FOR REFERRAL TO COMMITTEE Application has been called to committee by local councillors in order the proposals can be debated at committee for reasons of public interest			
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Education Funding Agency AGENT JLL	
DECISION DUE DATE 31/10/16	PUBLICITY EXPIRY DATE 02/12/16	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
13/1709	Demolition of existing buildings and erection of 14 dwellings	Approved	14.4.2014
14/503957	Application for permanent change of use to a free school (Class D1)	Approved	12.11.2015
16/501502	Discharge of condition of 14/503957 relating to cycle, drop off/pick up and pedestrian access	Approved	17.6.2016
16/501507	Discharge of condition of 14/503957 Parent/Pupil drop off and School Travel Plan	Approved	16.6.2016
16/501509	Discharge of condition of 14/503957 relating to boundary	Approved	28.6.16
16/501512	Discharge of condition of 14/503957 landscaping scheme	Pending	
16/506322	Removal of Condition 2 relating to limits to pupil numbers as restricted by Condition 2 of 14/503957	Pending	

1.0 MAIN REPORT

1.1 The application (and its linked application 16/506322) was deferred at the committee of the 25th May 2017 to enable the following matters to be addressed and reported back to the committee for decision;

- The matter of the under provision of playspace on the school site and whether other off-site arrangements could provide acceptable provision in lieu of this shortfall
- Landscaping of the site including addressing the frontage with Gatland Lane.
- Renewable energy measures to be secured on site
- Security lighting and other lighting issues
- Ecological enhancements

1.2 Following the committee deferral, a meeting was held with councillors, officers and the applicant on the 5th June 2017 to discuss the above matters in more detail and discuss what further information should be submitted to address the issues that were identified. Thereafter, the applicant has been working on providing this additional information and this is set out in the wider report. An update was provided at the 15th June 2017 Planning Committee to explain progress with these matters and that work was still ongoing following the meeting with councillors.

2.0 Proposal:

2.1 The proposal relates to the construction of a two storey extension to the existing school building which will facilitate the increase in pupil numbers to allow the school to accommodate up to 420 pupils within the site. This application sits alongside application 16/506322/FUL which seeks to remove condition 2 from the original planning permission, 14/503957, which restricts pupil numbers at the school to 240 pupils before 2022 and then 210 pupils thereafter.

2.2 The full description is set out in the report at **Appendix 1**

3.0 CONSULTATIONS

Parks and Leisure No objections in principle to the hiring of the sports pitch and the strategy to be employed by the school in ensuring other users can continue to use the adjacent playing fields. Would be possible to block book pitch in advance and advise applicant contain the booking team to set this up.

MBC Landscape No objections subject to implementation and management condition and tree protection conditions

4.0 BACKGROUND PAPERS AND PLANS

4.1 In addition to the documents previously submitted to the council, an updated Design and Access Statement which includes a play strategy along with updated landscaping plans and planting specification, a Sustainable Construction document and renewable energy statement. The plans have also been updated to reflect the changes to the landscaping layout including more permanent features such as planters and trellis.

4.2 The applicant has also provided a schedule of progress with the existing conditions attached to the existing permission which was requested to be provided as

information and this will be available on request at the committee. However, this did not form part of the deferral on the 25th May and is not material to the consideration of this application.

5.0 APPRAISAL

Playspace

- 5.1 The principle issue discussed at the committee on the 25th May was whether the amount of on-site playspace was acceptable to serve an increased number of pupils on the site. Most importantly there were concerns as whether it was acceptable to utilise off-site space at Gatland Playing Field and Bower Grove School in lieu of this on-site shortfall and whether there was sufficient certainty this could be provided. For ease of reference the on-site provision is as follows which can be seen against the BB103 standards below. It is recognised by the applicant that the site is not able to provide the necessary on-site open space as set out by the government guidance document, BB103, which provides advice in respect of school standards.

	BB103 Guidance (420 pupils)	Jubilee Primary School
1. Hard Informal and Social Area*	620sqm	856.5sqm
2. Hard Outdoor PE	1,030sqm	197sqm
3. Soft Informal and Social Area	1,440sqm	423sqm
TOTAL	3,120sqm	1485.5

- 5.2 It can be seen that there is a under provision in respect of two types of the playspace suggested by BB103 but that the school exceeds the standards for the type of playspace which is deemed most important by BB103 in terms of the hierarchical approach to provision of playspace on site.
- 5.3 In relation to soft informal and social areas, the site is only able to provide less than a third of the BB103 standard which is 1440sqm. In order to make up this shortfall off-site, the applicant is proposing to rent a playing pitch at the adjacent Gatland Playing Fields for two afternoons a week during term time which will provide the necessary additional space which cannot be provided on site. The pitch is located directly adjacent to the school premises and thus access to the playing fields is safe and within close proximity. The school has advised that when the Gatland playing pitches are used, the pitch would be enclosed by temporary safety barrier chains and the children would be supervised by 6 members of staff in accordance with the school safeguarding responsibilities. This arrangement would allow sports and games to be carried out on the pitch (which is approximately 5,700sqm in size) in order the school can fulfill its PE activities. This arrangement has been reviewed by the Council's Parks and Leisure department who have no objection to this arrangement and they also confirm it is likely that this could be secured on a long term booking. The school is proposing this arrangement over the winter and summer terms along with a winter and summer sports meeting. On this basis, it is considered there is sufficient certainty of the provision of soft open space and space for play and

games and on the basis of its close proximity to the site, this is considered acceptable in order to address the under provision on site.

- 5.4 In relation to Hard PE space, it was set out in the previous report that the school has a reciprocal agreement with Bower Grove school which would allow the school to utilise Bower Grove facilities and in return Bower Grove could use the facilities at Jubilee school including the indoor hall that is proposed in the new extension. This agreement was signed in 2014 and it has been advised that this agreement still stands notwithstanding the concerns of councillors that this was somewhat outdated and that it was signed by a previous headmaster. Since the previous deferral, the applicants have been working with Bower Grove school to obtain an updated and more legally robust agreement but at the time of this report, such an update to the agreement remains outstanding and thus the 2014 agreement remains the sole agreement between the two schools.
- 5.5 As set out in the previous report, it is the officer's view that such an agreement does provide sufficient evidence of access to additional sports facilities including that of Hard PE space, when it is required and such an agreement is mutually beneficial for both schools. In addition to this off-site provision, it should be noted that the school does provide an on-site hard sports pitch of 197sqm which would allow a variety of sports and games to take place on an all-weather court. There is also an indoor hall of 226sqm which could provide additional playspace along with the other play areas within the site. Furthermore, the aforementioned rental of the sports pitch at Gatland Playing fields, whilst not an all-weather surface, will provide further variety to provide pupils with a varied program of play and sports as per the curriculum especially when one considers the BB103 guidance which states *'these guidelines will not necessarily have to be met in every case and should always be applied flexibly in light of the particular circumstances.'*
- 5.6 The applicant has provided a list of other free schools that have been approved across the UK, with many on sites which do not meet the full BB103 requirements in respect of on-site open space and in the most part are on sites smaller than the current application site at Jubilee School. Indeed, there are many existing schools within the Maidstone Borough itself which either have limited on site playspace or share playspace and thus the use of adjoining/nearby land for this purpose is not usual nor has it been seen to undermine the quality of such schools. Whilst, an updated agreement with Bower Grove may be produced following finalisation of this report, it is considered on balance that there is sufficient access to on-site and off-site open space to support the expansion of the school to a 2-form entry having regard to the approach set out by BB103 which advocates a flexible approach to such provision.

Landscaping

- 5.7 Following the meeting on the 5th June and concerns regarding the lack of structural landscaping, further landscaping detail has been provided along with a landscape specification. Whilst, the previous report recommended a landscape condition, this additional detail, which takes account of concerns regarding a lack of structural landscaping is considered to represent an improvement to the earlier scheme and will achieve an improvement in the appearance and enclosure of the Gatland Lane frontage and will retain existing good quality trees and supplement these with good quality new specimens. The scheme has been reviewed by the MBC landscape officer and they have no objections to the planting and it is considered the landscaping generally accords with MBC guidelines through the inclusion of structural planting to the boundaries and provision of planting beds which will provide

an attractive setting to the buildings and the site. It is considered the scheme achieves a good standard of landscaping in accordance with policies DM1 and DM3.

Renewable Energy

- 5.8 The applicant has provided further information in respect of the renewable energy provisions and the issue of the sustainable construction. The applicant has provided two reports, one being essentially a pre-BREEAM assessment and an energy statement which confirms the use of PV panels within the roof of the new extension. In order to secure these as part of the development, it is therefore considered necessary to impose a condition requiring the development to meet the BREEAM very good standard and a condition to require final details of renewable energy to be provided. On this basis it is considered the scheme will comply with policy DM2.

Ecology

- 5.9 The updated Design and Access Statement sets out the aims of providing swift boxes within the north and south elevation of the building which will be of benefit to enhancing biodiversity on the site. There is also the intention to provide additional habitat through log piles and new native planting in the form of hedgerows and trees. As the location of the swift boxes are not known shown in detail, it is considered appropriate to impose a condition requiring a biodiversity enhancement plan in order to confirm the exact details of these enhancements and that these are maintained over the lifetime of the development.

Lighting

- 5.10 The final matter that was raised as part of the deferral decision was additional information requested in respect of lighting and security lighting on the site. Whilst it is noted the existing site has existing lighting in place, it is acknowledged that the expansion of the school could lead to an increase in activity. It is recommended that a suitable condition be imposed to any permission that would require the submission of details of lighting which could then be reviewed by the Council's Environmental Protection Team to ensure there are no adverse impacts on the surrounding area..

6.0 CONCLUSION

- 6.1 Following the deferral of the application on the 25th May 2017, the applicant has provided further information on the matters raised by councillors and it is considered this provides the necessary additional information to confirm the school would be served or have access to adequate open space provision, both on site and off site (within close proximity) having regard to the advice set out in the government guidance. This guidance clearly states the standards should be applied flexibly and the play strategy that has been outlined will secure suitable access to open space which will be proportionate to the growth of the school.
- 6.2 As set out in the earlier report, Paragraph 72 of the NPPF states ; *“the government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted’*. In addition to this support from policy and government guidance, there is a significant need for new school places within Maidstone and the school itself is

contained within the KCC commissioning plan for the area and the refusal of this application could have a damaging effect on the supply of school places having regard to the current and projected deficits.

- 6.3 Whilst, the school does not entirely comply with the relevant playspace standards, it is not considered the under supply on site is sufficient to justify a refusal on the application bearing in mind such guidance advises council's to apply these standards flexibly and that the applicant has put forward reasonable and achievable solutions to providing off-site alternatives, which themselves are within close proximity of the school.
- 6.4 Further information and/or suitable conditions are suggested relation to the other matters in respect of landscaping, ecology, lighting and renewable energy which will secure a good quality of development as per the relevant policies and which would meet the approach set out by the guidance. As set out in the earlier report, the site is considered acceptable to accommodate a 2-form entry school and will be acceptable in planning terms having regard to the relevant matters.

7.0 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. The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) 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 to the development

3. The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority 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 existing and prospective occupiers.

4. No development of hard surfaces shall take place until an Arboricultural Method Statement detailing hard surfaces within the root protection areas of trees in accordance with the principles set out in the current edition of BS 5837 and other current best practice guidance has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with these approved details.

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

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

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

6. The landscaping set out on plan L500 P03 received June 2017 and the specification L900 P03 received June 2017 should be implemented in the first planting season following occupation of the building ((October to February). Any seeding or turfing which fails to establish or any trees or plants which, within 10 years from the first occupation of the building, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

7. The development hereby approved shall not commence until a method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason: To ensure the construction of development does not result in highway safety.

8. The development hereby approved shall not commence until the parking spaces have been laid out in accordance with the Proposed Site Plan date stamped 25th August 2016 and shall be retained thereafter.

Reason: To ensure adequate on school parking and to prevent harm to the highway

9. Within 3 months from the date of this decision a School Travel Plan, including a Safer Travel Document to deal with up to 420 pupils, shall be submitted for approval to the

Local Planning Authority. The Document shall set out information for parents and pupils of all parking and highway restrictions in the area, details of all existing and proposed pedestrian and vehicle access points into the School, details of the School Crossing Patrol, Walking Buses and any other measures to encourage sustainable transport choices and also the need to be considerate to all local residents when either driving and parking or walking to School. It will also clearly set out the restriction on pupil numbers that the School must adhere to and that the drop-off and pick up point at the front of the School must only be used by School buses, taxis and emergency vehicles and not by parents. The School will supply the parents of all pupils with a copy of the Travel Plan within 3 months of it being approved and shall permanently make a copy publicly available on-line on the school website for viewing by local residents and any other interested parties. It shall also be registered and uploaded to KCC's online portal and reviewed on a yearly basis.

Reason: In the interests of highway safety, safety and amenity of the pupils, the amenity of the local residents and surrounding area.

10. The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

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

11. The use of the new extension shall not commence until details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall include an acoustic assessment which demonstrates that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority
12. The development hereby approved shall not commence until, a scheme to demonstrate that the internal noise levels within the school building do not adversely affect external noise levels in back gardens and other relevant amenity areas. This will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, have been submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of aural amenity

13. Prior to the first occupation of the extension hereby approved, a management plan relating to the timing of external play times and breaks for pupils should be submitted to the council and approved in writing by the Local Planning Authority. Such a plan should include the timetable and management of the use of external areas, including consideration of staggered break times for the different classes and details of school management and monitoring of measures. Once approved, the use of the site should be undertaken in accordance with these approved details.

Reason: In order to protect amenities of nearby properties

16. No building hereby permitted shall be occupied until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

17. The proposed building shall achieve at least a Very Good BREEAM rating in terms of energy and water efficiency credits. A final certificate should be issued within 6 months of first occupation to confirm the Very Good BREEAM rating has been achieved:

18. Prior to the commencement of development above 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

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

JPS DMA 22 DR 300 Rev T +T E Elevations 1
JPS DMA 22 DR 301 Rev T +T E Elevations 2
JPS DMA 22 DR 00114 Rev T+T E Roof plan
JPS DMA 22 DR 0012 Rev T+T E Ground Floor plan
JPS DMA 22 DR 00113 Rev T+T E 1st Floor plan
JPS DMA 22 DR 00114 Rev T+T E Roof plan
JPS DMA 22 DR 01002 Rev T+T E site plan
Design and Access Statement June 2017
Renewable Energy Statement
Sustainable Construction Statement

Case Officer: Diane Chaplin

Planning Committee Report

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

REPORT SUMMARY

REFERENCE NO - 16/506320/FULL			
APPLICATION PROPOSAL Erection of an extension to the existing school building for educational use.			
ADDRESS Jubilee Free School Gatland House Gatland Lane Maidstone Kent ME16 8PF			
RECOMMENDATION Approve subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The application is considered to comply with the relevant policies of the development plan and the approach of the National Planning Policy Framework (NPPF) and other relevant publications which represent material considerations in support of the application. The proposed extension and related impact of the additional floorspace and pupils is considered to be acceptable having regard to the relevant matters including design and layout of the school, relevant standards, access to playspace and open space, impact on amenity of neighbouring properties and highway matters.			
REASON FOR REFERRAL TO COMMITTEE Application has been called by local councillors in order the proposals can be debated at committee for reasons of public interest			
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Education Funding Agency AGENT JLL	
DECISION DUE DATE 31/10/16	PUBLICITY EXPIRY DATE 02/12/16	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
13/1709	Demolition of existing buildings and erection of 14 dwellings	Approved	14.4.2014
14/503957	Application for permanent change of use to a free school (Class D1)	Approved	12.11.2015
16/501502	Discharge of condition of 14/503957 relating to cycle, drop off/pick up and pedestrian access	Approved	17.6.2016
16/501507	Discharge of condition of 14/503957 Parent/Pupil drop off and School Travel Plan	Approved	16.6.2016
16/501509	Discharge of condition of 14/503957 relating to boundary	Approved	28.6.16
16/501512	Discharge of condition of 14/503957 landscaping scheme	Pending	
16/506322	Removal of Condition 2 relating to limits to pupil numbers as restricted by Condition 2 of 14/503957	Pending	

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site is Jubilee Free School which was opened in September 2014 and currently has around 150 pupils. The school was granted planning permission under 14/503957 which granted permission for up to 240 pupils up to the year 2022 and 210 thereafter. The school forms part of the KCC Education commissioning plan 2016-20.
- 1.2 The building fronts onto Gatland Lane and is a two storey building with a rear two storey projection. To the rear are hard surfaced and a grassed areas with a parking area to the eastern part of the site. There are two vehicle access points into the site from Gatland Lane (either side of the buildings frontage) and there is a grass verge and low level wall for boundary treatment to the front of the site. Boundary treatment to the north (rear) and west largely consists of well established conifer trees; and to the east it is of close boarded fencing and some level of planting. To the east and south there are residential properties, with the rear gardens of properties in Sherbourne Drive backing onto the site: to the north a substation and then a playing field beyond; and to the west an access road and then a sports field.
- 1.01 The site covers an area of some 0.48 hectares and is within the defined urban area as identified by the Maidstone Borough-Wide Local Plan 2000 (MBWLP)

2.0 PROPOSAL

- 2.1 The proposal relates to the construction of a two storey extension to the existing school building which will facilitate the increase in pupil numbers to allow the school to accommodate up to 420 pupils within the site. The extension will also lead to an increase in staff to 35 members when the site is at full capacity from the existing 18 FTE (equivalent). There will be also be alterations to the internal parts of the existing building to create a logical layout to the school as well as changes to the external parts of the site including new plays areas and creation of a multi use court to the north of the site. 35 parking spaces (plus two disabled spaced) and cycle storage will be provided and the existing access arrangements will be retained and the site will continue to operate in accordance with the conditions placed upon the original consent 14/503957 (with the exception of condition 2 as set out below).
- 2.2 This application sits alongside application 16/506322/FUL which seeks to remove condition 2 from the original planning permission, 14/503957, which restricts pupil numbers at the school to 240 pupils before 2022 and then 210 pupils thereafter. Essentially, these applications, although separate, are mutually dependent upon one another as the extension is necessary to accommodate the additional pupils that would be permitted by the removal of condition 2 of 14/503957 and likewise, if the condition is not removed then there is no necessity for the extension. However, this application seeks to deal with the uncertainty that existed at the time of 14/503957 which was submitted for higher pupils but it was unclear how the site at that time could accommodate this level of pupils. This extension application sets out the additional floorspace that can accommodate the additional pupils as a two form entry (2FE) primary school.
- 2.2. The extension will be located to the north west boundary of the site, running from the rear of the existing school buildings with play areas, including a Multi use Games Area (MUGA) being located to the north and seating areas, and three further play

areas, to be located between the new extension and the car parking area on the eastern part of the site. The car parking area will accommodate 350 parking spaces located along with the eastern boundary which will lead to the existing access to the south-west corner of the site which is similar to the extant consent which had 32 spaces on the eastern boundary. Whilst the extension will result in the reduction in open space within the site, the new scheme will include four distinct play areas within the site and will have potential access to sports pitches to the west for physical education through booking with Maidstone Borough Council Parks department and there will be continued shared access to Bower Grove School facilities to the north which is confirmed by formal agreement (which is attached as **Appendix 1**). The main hall of 226 square metres will also provide further facilities for all weather play.

- 2.3 The extension will extend to 967 square meters and will contain a main hall and studio, along with classrooms, kitchen at ground floor and classrooms and other facilities at first floor along with internal changes to the existing building to create a logical layout to the new enlarged school.

3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: Maidstone Local Plan 2000- CF1
Emerging Local Plan; DM1, DM3, DM23, DM27
Supplementary Planning Documents:

5.0 LOCAL REPRESENTATIONS

- 5.1 The site notice was placed at the site on the 4th October 2016.
- 5.2 There have been 19 objections from members of the public, including Save Fant Farm Community Group to the application who raise the following issues:
- Limited land
 - Congestion and parking problems
 - Extension is not required
 - Parking and changing character of the area
 - Site incapable of accommodating such an extension or providing a holistic education
 - Lack of play space which is below standards
 - Highway Safety
 - Noise levels
- 5.3 There have been 8 letters of support which highlight the following issues
- The plans appear well thought out
 - Parents car share and on the most part park responsibly
 - Maidstone needs new schools and restrictions caused issues for new intakes
 - Is an asset to the local community
 - Stopped Gatland Road being used as a rat run and cars do not obstruct traffic
 - Need as many reception places as need

6.0 CONSULTATIONS

- 6.1 **Environmental Health** have no issue with air quality or noise from classrooms (which it considers can be dealt with by condition), they wished to have greater information on the matter of disturbance on adjoining occupiers both from pick up and drop off but also at play time and lunchtimes. Further discussions were held with the Environment Health department and further information was presented and the view was a planning condition relating to staggered break times, which will restrict numbers of children outside at any one time, could address the matter to the point they no longer object to the application. This matter is discussed further below in more detail.
- 6.2 **KCC Highways** No objections to the application but highlights high parking occupancy in beat study area particularly in afternoon but highlights these will have only a minor impact on peak traffic. Subject to parking restrictions and conditions relating to travel plan and construction management plan and KCC state the effects are not severe in terms of the NPPF.
- 6.3 **MBC Landscape** No objections to layout and tree removal but concerns regarding the mulching and installation of seats under a category B tree. As such there should be a condition regarding arboricultural method statement and tree protection plan as well as the standard landscaping conditions
- 6.4 **KCC Archaeology** No comments to make

7.0 BACKGROUND PAPERS AND PLANS

Application forms
 Existing and Proposed Block Plans
 Existing and Proposed Elevations
 Existing and Proposed Floorplans
 Proposed Sections
 Proposed Landscaping Plans
 Transport Statement and further information in respect of parking beats, etc
 Planning Statement
 Design and Access Statement
 Tree Survey
 Air Quality Assessment
 Noise Report

8.0 APPRAISAL

Background

- 8.1 The school was originally approved as a one form entry (1FE) primary school under application 14/503957 which permitted the use of the site as a Free School subject to a condition restricting pupil numbers to 240 up until 2022 and then 210 pupils thereafter. The application in 2014 was originally submitted on the basis of a capacity of up to 420 pupils but during the application process the applicant agreed to the restrictive condition to reduce numbers as officers felt there was a lack of information regarding the ability of the site to accommodate such numbers. For example, there was no application for an extension to provide for a larger pupil number of 420 (or a 2 Form Entry equivalent) and it was unclear whether there would be sufficient outdoor play space if an extension was built on the site. As no plans were provided for the

design and layout of any extension that would enable the school to cater for 420 pupils (or 2FE equivalent), it was impossible to determine whether such an extension would also be acceptable in terms of impact on the surrounding area.

- 8.2 The application was approved subject to a number of conditions including those relating to Parent/Pupil Safety Plan (Condition 3), improvements to the highway (Condition 5), School Travel Plan (Condition 6), Dropping off policy (Condition 8) and pedestrian access (condition 9) and these will remain in place and will need to be adhered to by the school. These measures were imposed to reduce impacts of the school use and also to improve the safety of pedestrians at busy times. These conditions allow for a 3 pick up/drop off bays for buses, taxis but no facilities for general drop off children and the travel plan and Parent/Pupil Safety plan has been submitted and approved by the council. Most of these details or requirements of the conditions are based upon 420 pupils, but where these are not, such as the Travel Plan, a further condition will be required and this is outlined in more detail below.
- 8.3 As such, the application establishes the principle of an educational facility on the site and this application merely relates to the impact of the extension on the site and the potential associated impacts of this increased floorspace. This application contained further information and assessment of the potential impacts of the development in terms of transport/highway impact, school standards including playspace, noise and other relevant matters.
- 8.4 A pre-application was held in March 2016 with the applicant regarding the increase in the capacity of the school and advice was provided in respect of the pertinent matters such as playspace, impacts on adjoining properties and highways.

Principle of Development

- 8.5 The application relates to an existing Free School which is located within the built up area of Maidstone whereby development is considered acceptable subject to other policies. In the case of the Maidstone Local Plan 2000, the relevant policy is CF1 which relates to new community facilities, including educational facilities. Whilst this is not directly relevant to existing facilities, it does imply new facilities should be provided to meet future need which is generated by new development, a point which will be touched upon further below. This policy is taken forward in policy DM23 of the emerging plan which again recognises the need to provide community facilities to meet the needs of new residential development. As set out below, there is currently a deficit of school places within the Maidstone West Area which does not take account of the future growth within the emerging plan and thus there is a context where further education provision is necessary.
- 8.6 Of relevance to this point is that school is included in the KCC Commissioning Plan 2017-2021 to provide primary school places within the Maidstone West area which together with other central Maidstone areas has been subject to high level of inward migration from London Boroughs. The Commissioning report states that the restriction of places at Jubilee School to 1FE is an aggravating factor which has placed considerable pressure on central Maidstone for reception and Year 1 and 2 places. Whilst the report recognises this current planning application, it does state there will be a need a further 1FE for Maidstone West area should this not be approved.
- 8.7 At a national level, the policy relating to the provision of school development remains a positive one which paragraph 72 of the NPPF stating ; *“the government attaches*

great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted'

8.8 Whilst, the application is an extension to an existing school rather than a new school facility, it is considered the significant support offered by national and local policy also remains relevant. For example, the Communities and Local Government Policy Statement on Planning for Schools Development (Aug 2011) sets out the Government's Commitment to support the development of state-funded schools and their delivery through the planning system. The policy statement advises that *"it is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision makers can and should support that objective, in a manner consistent with their statutory obligations"*. It encourages collaborative working, which *"would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes" "*. It states that *"the Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and the following policies should apply with immediate effect:*

- ***There should be a presumption in favour of the development of state funded schools, as expressed in the National Planning Policy Framework.***
- ***Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.*** *The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.*
- ***Local authorities should make full use of their planning powers to support state-funded schools applications. ...***
- ***A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.*** *Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence."*

8.9 The Plain English Guide to Planning for Free Schools, produced by the Department for Communities and Local Government in January 2015, reinforces and strengthens earlier advice. It sets out in paragraph 2 that *"the Government is committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state funded education, and raising educational standards. Free schools have an important part to play in delivering this challenge."*

8.10 Therefore it is clear the position of the NPPF, wider government policy and the council's existing and emerging policy, presents strong support for school related development where this can deliver quality school places to meet the needs of the local community. However, it is recognised that the impacts of the increase in pupil

numbers needs to be properly assessed in order to ensure there is no harm that would outweigh this strong presumption that weighs heavily in favour of the scheme.

Need

- 8.11 The previous application set out the position that the Maidstone West Primary area will have a growing need for reception year places over the next three years, with a shortfall of 32 spaces in 2017/18 and 22 spaces in 2018/19. Since this decision in 2015, the position of need for primary school places requires further reflection to take account of population changes since that time and also the future growth that is occurring in the area. The application has been reviewed by the KCC Education who consider the additional pupils places will help meet the forecast pressure over the medium term and the school currently forms parts of its commissioning plan up until 2020. The response from KCC highlights deficits in the Maidstone West area of 35 places in 2016 with further deficits of 4 and 10 places from 2017-8 to 2019-20. Furthermore, the adjoining area of Maidstone North also presents a deficit of 92 places over the period to 2020. Whilst, KCC have commissioned 30 reception places at East Borough Primary School to try and address this demand, KCC have stated this is not a permanent solution.
- 8.12 KCC confirm that this overview of need does not take into account the need that would arise from the planned increase of new homes within the emerging plan and that this will quite logically drive up demand with the planning groups and potentially exacerbate the existing deficits. The extension to the school will contribute to meeting this need and avoid pupils having to attend schools further afield from their homes.
- 8.13 It is also pertinent that policy DM23 of the emerging Local Plan recognises the need for education as part of future growth but at the same time the current school provision within the commissioning plan does not take account of the future growth as set out in the emerging plan. Thus the fact planning policy places significant weight on the need to deliver further school places and that there is a significant need within the area, these factors weigh heavily in favour of the development.
- 8.14 However, the NPPF recognises that development should be sustainable and thus the impacts of this extension (and obviously the increase in pupil numbers it will facilitate) in culmination with the existing school will now be considered in more detail below;

Design and Layout

- 8.15 The new extension will extend from the rear (northern) part of the building and will be of two storey with a flat roof which will step down from the main building which is around 9.4 metres in height to the extension will be 8.4 metres in height. The extension will be connected to the building through a glazed link. The extension will be rendered and painted white with brick slips at lower ground level. The extension will incorporate turquoise aluminium windows and a yellow curtain wall panel to the link element of the extension. It is considered the extension will create a modern, well designed addition, which will be appropriate to the existing building.
- 8.16 The extension will extend to 967 square meters and internally will contain a main hall and studio, along with classrooms, kitchen at ground floor and classrooms and other facilities including a library at first floor along with internal changes to the existing building to create a logical layout to the school with its extended facilities. The upper floor will also contain two roof terraces. As a result of the extension, the school will

have two classrooms for each year group, 1-6, and 2 reception classrooms along with staff facilities, library and ICT rooms. The school would also exceed the standards set out in BB103 which relate to floorspace standards for new schools although this does stress the need for flexibility depending upon the circumstances of each case. For a new build 2FE School, the minimum standards are 2048sqm and the floorspace of the completed school building would be 2254sqm which exceeds the standards by 182sqm.

- 8.17 Externally, the layout of the school will remain similar to the existing site albeit with the new extension running along the western boundary. The car parking area will remain in a similar position to that approved albeit it will include 2 additional spaces and cycle parking. As a result of the extension, the play areas will be formalised with the Multi Use Games Area being located to the northern boundary and three further different play spaces each with a different theme, being located within the central part of the site between the MUGA and the rear part of the building further south. The site will be subject to additional landscaping throughout the site including new tree planting to the boundaries and soft and hard landscaping which would be secured by a suitable planning condition. In terms of external space, the site exceeds the BB103 standards in respect of Hard Informal and social space and although falls below the standards as set out in BB103 on the other types of open space, the school are seeking to address through other measures, which are discussed in more detail below.
- 8.18 Subject to suitable conditions relating to materials, landscaping, it is considered from a design and layout perspective, the development would constitute good design and would accord with policy DM1 and Section 7 of the NPPF.

Play space Standards

- 8.19 When the previous application 14/503957 was considered, one of the main concerns regarding the higher pupils numbers was the extent of outside/playing space associated with the school. There are several relevant documents that provide guidance on this issue. The most recent document entitled Advice on Standards for School Premises, produced by the Department of Education in March 2015, sets out that outdoor space is needed for PE, which includes the provision of games and also for pupils to play outside. Building Bulletin 103 sets out the standards of such space and this will be discussed further below. There are two types of outdoor space used for PE, sports pitches (such as grass and/or all weather) used for team games such as football, hockey and cricket and hard surfaced games courts (such as MUGA's) used for netball, tennis etc. Outdoor space is also needed for informal play and socialising, which is usually both hard and soft surfaced.
- 8.20 Page 14 deals with the issue of outdoor space in terms of on-site and off-site provision. It advises that *"Schools often need to maximise the use of their sites in order to provide the variety of spaces needed. Advice on the sizes of spaces can be found in the 'Area Guidelines for Mainstream Schools' in Building Bulletin 103".* It also states that *"some schools will be on restricted sites and will not have enough outdoor space to meet requirements. In these situations, pupils will need to be provided with access to suitable off-site provision".*
- 8.21 Department of Education published its 'Area Guidelines for Mainstream Schools, Building Bulletin 103' in June 2014. It states on page 36 that *"some schools will be on restricted sites and will not have enough outdoor space to meet requirements on site. In these situations pupils will need to be provided with access to suitable*

off-site provision. On restricted sites, where space will be at a premium, a flexible approach to the site area and the management of the use of that area will be needed, and consideration should be given to providing the following, in priority order:

- *Firstly, space for hard informal and social area including outdoor play area immediately accessible from nursery and reception classrooms;*
- *Then hard outdoor PE space, to allow some PE or team games to be played without going off site, ideally in the form of a multi-use games area that can also be used as hard informal and social area;*
- *Then soft informal and social area for wider range of outdoor educational opportunities and social space;*
- *Finally some soft outdoor PE can be provided. If this is in the form of an all weather pitch, it can count twice towards the recommended minimum.”*

- 8.22 The applicant has compared the extent of playspace that is being provided on site to the BB103 standards in the priority order outlined above. This is in recognition that BB103 accepts off-site provision is sometimes necessary but if space can be provided on site, it should be provided in the order as set out above.

The outdoor space is proposed to be set out as below;

(1) Hard informal and social area- on site provision of 856sqm against the BB103 requirement of 620sqm

(2)Hard Outdoor PE- on site provision of 197sqm against a requirement of BB103 of 1030sqm

(3)Soft informal and Social Area- on site provision of 423sqm against a requirement of 1440sqm

- 8.23 It can be seen above, that the playspace which is prioritised by BB103 (type 1) above) is provided above standard on site but the applicant recognises there is a shortfall in open space for the other categories. The layout seeks to provide a variety of play areas to provide variety and stimulation for pupils in the space available as well as the MUGA to the north of the site. In order to address the shortfall in the other types of playspace, the school would share facilities with Bower Grove School, which has both soft and hard play facilities. This is secured by a formal agreement between the schools, a copy of which is attached as **Appendix 1**, with the arrangement allowing Bower Grove to also utilise the facilities at Jubilee including the proposed new hall in the extension.
- 8.24 Further provision of soft outdoor PE will also be provided through the rental of the adjacent sports pitches (to the west) through the Maidstone Parks and Leisure department who confirm that there is availability during school hours (fields are only booked at weekends) and subject to costs and maintenance implications, the applicant would likely be able to block book field/s for use for sports and recreation like with any other user. This together with the Bower Grove facilities would provide access to facilities in accordance and potentially in excess with the BB103 standards. The new school extension will include the provision of an indoor hall and studio which will also provide additional play space within the site.
- 8.25 Bearing in mind BB103 relates to new school facilities, it does suggest some flexibility in relation to these standards by stating; *Some schools will be on restricted sites and will not have enough outdoor space to meet requirements on site. In these situations pupils will need to be provided with access to suitable off-site provision. On restricted sites, where space will be at a premium, a flexible*

approach to the site area and the management of the use of that area will be needed, and consideration should be given to providing the following, in priority order: The school has met the type of space prioritised by BB103 and it is considered the proximity and likely availability of this off-site land and facilities within school hours makes this a feasible option to provide additional play space so pupils have proper access to such facilities as part of their schooling. The fact the BB103 guidance recognises that a flexible approach is sometimes needed, it is considered this approach would be acceptable in this case. This on the basis of the standards required for a 2 form entry primary school and a maximum of 420 pupils.

- 8.26. It is recognised that this outdoor space is largely dependent on off-site provision but perhaps most importantly the school delivers in excess of the requirement on site in relation to the type of space prioritised by BB103; Hard informal and social areas, which is the type most readily required by students and when formal PE space is required, this space can be provided on land that abuts the school site. This type of arrangement is common in many schools across the UK whereby the provision of PE playing space is reliant on off-site provision/utilising shared facilities across schools, but the fact the facilities are almost directly accessible from the site is considered to make this on site shortfall against the standards acceptable in officer's view.
- 8.27 Whilst, it is recognised the previous committee report raised concerns regarding the ability of the site to meet the standards for a 2FE Primary school for 420 pupils, further information is now available with regards to the hiring of the adjacent sports pitches and this together with the agreement with Bower Place and the facilities provided within the new scheme, it is now considered to meet the play space requirements for a 420 pupil 2FE.

Visual Impact

- 8.28 The application site is contained within the urban area of Maidstone with playing fields to the west and residential development to the east, in the form of Sherbourne Road and Burghclare Drive. The extension has been designed to connect to the rear of the building and run northwards at a similar height and employing an architectural style which is compatible with the existing property. Whilst the extension will be visible from the adjacent sports pitches, it is considered with a good landscaping scheme, the visual impact will be acceptable particularly as the extension will be read in conjunction with the existing built form and the built up area beyond. The impact of the new building from the East will be reduced due to the separation distances from the rear garden of the properties on Sherbourne Gardens which back onto the site. From Gatland Lane, the visual impact of the extension is limited by reason of its location to the rear of the building. From the access it will be likely that the car parking area will be visible although this area is currently laid out as the existing car park so little impact over and above the existing site will be caused.
- 8.29 The application proposes additional planting of Wild Cherry trees along the eastern boundary, which will supplement and replace the existing boundary screening and this, will help soften views of the building once these have matured. Further planting will take place to the frontage of the site as well as further tree planting and hedgerows around the car park. This planting will create an additional benefit over that of the existing school appearance, particularly from Gatland Lane and will help soften the appearance of the building in short and medium term views.
- 8.30 It is considered the development will not cause significant impact on the local townscape and will be acceptable within its built context and will accord with Policy

DM1 which required development to be of high quality design and respond positively to the local character of the area.

Residential Amenity

- 8.31 The previous application, 14/503997, explored the issues of noise impact on adjoining properties with the submitted noise assessment at that time being based upon the potential for 420 pupils at the site. This report has been resubmitted with the current application. Whilst members ultimately decided to restrict the numbers of pupils to 240 falling to 220, these studies are useful in establishing the impact and the response of the council's specialist departments if this extension was constructed and condition 2 was removed as proposed by 16/506322. The main impacts are and were in the previous application, that of the drop and pick up of children and the impact of children in the playground at break times.
- 8.32 In relation to noise impacts from pick up and drop off, the previous noise assessment concludes that the predicted use of the external playground areas and student drop off/collection will not result in any unacceptable noise impact to residents at Gatland Lane and Sherbourne Drive. The environmental officer has stated that the development is unlikely to cause significant harm to local residential amenity by way of drop off and collections and this was a position accepted in the previous application.
- 8.33 In this application, the Environment Health raised the potential disturbance on adjoining occupiers by reason of noise from children in the playground although it is noted this was not raised as an objection in the original 2014 application. The noise report assesses this issue and considers the impact would not have a significant impact on residents bearing in mind the background levels and existing use. Following further discussions with the applicant and the planning officer, the Environmental Health officer has confirmed that subject to management measures, specifically the use of staggered break times for students, that he has now no objections to the scheme. The use of staggered break times can be secured by condition with is set out in condition 11 below which would require a management plan to be submitted to the council.

Safety and Highways

- 8.34 The matters of road safety and safety to road users and pedestrians was a concern in the previous application, 14/503957 and has been again raised by residents and local groups. The application is supported by a Transport Statement and KCC Highways, Maidstone Borough Council and the applicants have been involved in further discussions regarding access, car parking and the general impacts on road safety. As part of these discussion further information has been provided with regards to parking beats, progress on works that were agreed under the parent permission and walking routes to the site. Before assessing the impact of the additional growth of the school it is necessary to consider the fact the conditions placed upon the original consent, 14/503957, will remain in place and the detail approved for these conditions, including those relating to Parent/Pupil Safety Plan (Condition 3), improvements to the highway (Condition 5), Dropping off policy (Condition 8) and pedestrian access (condition 9) were all based on 420 pupils. However, it is recognised there some approved details relating to conditions which were based on the lower pupil numbers such as the travel plan and thus it is recommended new conditions are applied to this application to deal with the issues

based on the higher pupil numbers. This includes a new travel plan condition to be applied to 16/506320 if approved. These conditions, both existing and proposed, will still need to be adhered to by the school in the event pupil numbers increase. These measures will obviously have some impact in reducing impacts and improving the safety of pedestrians at busy times.

Access and Parking

- 8.35 The development will utilise the existing access and will provide 37 parking spaces (including disabled provision) along with cycle parking to the south of the parking area. This is considered to be adequate to deal with the maximum number of full time 35 staff members (at full capacity) and bearing in mind the no drop off policy for general pupils, this parking provision is considered to be adequate. The access has also previously been considered to be safe and present no significant highway issues. On this basis and the limited increase of on-site activity, it is considered the access and parking arrangements are acceptable in relation to the increase in pupil numbers. Following receipt of further information KCC Highways have reviewed the scheme do not have any objections with regards to on-site parking or access to the site.

Impact of Traffic on Congestion/Road Network Capacity

- 8.36 There have been a number of concerns raised regarding the capacity of the local road network to cope with the increased traffic that could occur as a result of the intended growth of the school. Whilst recognising that the activity associated with the site would be largely restricted to AM and PM periods associated with school opening hours, it is necessary to fully consider the impact of the increased traffic. The Transport Statement states that the school as proposed by this application will generate an additional 69 vehicle trips or 138 two way vehicle movements in the morning and afternoon in comparison to the consented capacity. The report highlights the impact on junctions between Gatland Lane and Fant Lane and Gatland Lane, Farleigh Lane and Glebe Lane as being potentially affected by the new development. However, it concludes that the level of trips associated with the extension would not have a detrimental impact on the operation of the junction when compared to the consented level of growth.
- 8.37 The matter of the local highway network and its capacity for further growth was investigated in some detail in the Fant Farm appeal (ref: APP/U2235/W/16/31482) which relates to the development of up to 225 dwellings which lies within the locality of the school. The transport impacts of the development were considered in combination with the intended growth of the school and therefore the views of the Inspector on the impact on the wider highway network are very relevant to this application.
- 8.38 Firstly, the Inspector looked at the cumulative impacts of the residential development and its consented level and the category of road that Gatland Lane would best represent. He had the following comments;

'The appellant's Transport Assessment (TA) compared recorded traffic flows in Gatland Lane against urban road capacities set out in TA 79/99 of Design Manual for Roads and Bridges comparing it initially against UAP3, variable standard road carrying mixed traffic with frontage access, side roads, bus stops and at-grade pedestrian crossings, which has an indicative one-way hourly flow of 900. Gatland

Lane broadly matches the characteristics of UAP3 and this is not in my view an inappropriate comparator.'

'Taken together with the traffic projections for the appeal scheme, the Transport Statement results indicate that with the school operating at permitted capacity the total morning peak flows in 2018 on Gatland Lane west of the site access would be some 683 and east of the site access 642. This would still be significantly below the 900 theoretical capacity of a UAP3 road, and indeed below the 750 busiest directional flow capacity of a UAP4 road described as a busy high street carrying predominantly local traffic with frontage activity including loading and unloading.'

The resulting effect on the Gatland Lane/Farleigh Lane/Glebe Lane junction, which has been shown to operate currently with spare capacity, and on the Gatland Lane/Fant Lane junction would be modest with the junctions continuing to operate satisfactorily.

- 8.39 The Inspector then went onto consider the impacts should the school increase to 420 pupils (as this application was live at the time of the appeal);

"If expansion of the school to a 430 pupil intake was granted, there is shown to be a potential for traffic flows in Gatland Lane, including trips arising from the proposed development, of 756/815 in 2018 and 797/856 in 2025. Whilst this would exceed the UAP4 theoretical capacity of Gatland Lane, it would remain below the UAP3 capacity. Further, there is no certainty that permission will be granted and the assumptions in respect of school catchment would not necessarily hold true over this time period. It is reasonable for example to assume that some children from the proposed development would attend the enlarged school. If that was the case, they could reasonably be expected to walk to school resulting in fewer than anticipated vehicle movements.'

- 8.40 Therefore, in summary the Inspector has concluded that there is sufficient road capacity for both the residential development and that of Jubilee School even at its intended capacity of 420 pupils. As the Fant Farm scheme was dismissed on other grounds and thus this will not be coming forward, the Inspector conclusions robustly infer that the impact of the growth of Jubilee School will be acceptable in terms of the local road network and capacity. KCC Highways, in reviewing the scheme, also note the growth of the school would remain in capacity of the local highway network. This point is a significant material consideration which weighs in favour of the removal of condition 2.

Impact on highway as a result of parking associated with the school

- 8.41 The applicant also submitted parking beat data as part of the development which sought to establish the unrestricted parking capacity of the nearby roads and the current demand from the school at peak times, namely at school start and finish times. This included roads at Gatland Lane, Ridgeway, Cowdrey Close, Chamberlain Avenue, Burghclere Close, Sherbourne Drive and Portsdown Close, roads that are within walking distance or have sustainable links through to the school site. The scope of this survey was agreed with KCC Highways and essentially then calculates the capacity of the road network to accommodate parking from the proposed additional growth of the school. This information was provided to allow better understanding of the parking stresses that occurs at the peak times associated with the school use.

- 8.42 This parking beat data has been reviewed by KCC Highways and the officers recognise parking stress at peak times including in the afternoon where 100% parking occupancy is expected to occur at Ridgeway, Cowdrey Close, Chamberlain Avenue (part) and Burghclere Drive with 97% occupancies predicted at Gatland Lane and Sherbourne Drive within the study area. However, KCC does not consider effects to be severe in NPPF terms and considers these effects to present only minor conflict with peak time traffic and importantly that Gatland Lane remains within capacity. It is also pertinent to consider the extent of these effects particularly as full parking occupancy will only occur when the school is at maximum capacity and the effects will only last for a limited period around picking up time in the afternoon with the rest of the day being unaffected. KCC also consider mitigation can be provided in the form of a break in traffic on Gatland Lane for larger vehicles achieved by parking restrictions and the inclusion of a link to the recreation ground which was secured via condition of the parent planning permission.
- 8.43 Thus in summary, there is no significant adverse effects caused by the development on highway grounds on account of site specific highway matters or effects on the wider highway network. KCC highways raise no objection to the scheme subject to a conditions requiring a construction management plan and travel plan

Landscaping/Trees

- 8.44 The application is supported by landscaping plans which set out the proposed soft and hard landscaping which will apply to the external areas of the site. As set out above, the extension will create a play area zone which will run from the rear of the existing building and wrap around the parking area which will extend along the eastern boundary. The play area will include various surfaces, including two play areas consisting of artificial lawn, permeable bound gravel and a tarmaced sport court (MUGA). This will be contained within a natural setting including an area contained an area consisting of bark chippings with seating and retention of existing trees along with new planting along the boundaries and within the site where appropriate.
- 8.45 The council's landscape department have reviewed this application and has no objections subject to a condition requiring a arboriculture method statement and tree protection in order those trees to be retained are protected during the construction and lifetime of the development. This can be secured by a suitable planning condition along with conditions relating to hard and soft landscaping where further detail and specification can be sought.

Other Matters

- 8.46 The development is not considered to present significant ecology value having regard to the fact the site is currently mown and well kept grass and there is little potential for protected species although a condition is suggested to provide ecological enhancements to the site as part of the extension application in order that this would accord with paragraph 118 of the NPPF and policy DM3 of the Maidstone Emerging Plan.
- 8.47 The application is also supported by an air quality assessment which concludes that the impact on air quality during construction is not significant and over the lifetime of the development the impacts on the wider area are negligible. This assessment has been reviewed the environmental health officer who states the site is sufficient far

away from any air quality hotspot and no significant impact will be caused by this development.

9.0 CONCLUSION

- 9.1 The principle of a school is established on site and is a school which currently contributes to the needs of the Maidstone West area and which is included in the KCC Commission Plan up to 2020. The relevant planning and government guidance set out strong support for new school facilities and there is an identified current and future need in the area for new school places.
- 9.2 This application sits alongside a separate application, 16/506322, which seeks to remove condition 2 of 14/503957 to allow greater pupil numbers to attend the school. These applications are mutually dependent on one another. For example if the condition 2 is not removed, there is no need for the extension and vice versa, if condition 2 is lifted then the extension is needed to deliver the additional accommodation for the extra pupils.
- 9.3 It is considered the new school will meet the relevant standards for new schools in terms of internal floorspace and will also prioritise on-site playspace in accordance with the standards. Any shortfall of on-site playspace will be mitigated by access to open space, through agreement with the neighbouring school and through hiring of adjacent sports pitches, an option which is feasible and available to the school. Thus in short, it is considered the school will create an education facility of a good standard which will go some way to meeting the needs of the area.
- 9.4 In terms of the associated effects of the larger school, these have been assessed by relevant specialist departments, Inspectors and the case officer and it is considered the extension to the school will not have any significant impact on the area or surrounding properties.
- 9.5 The development is considered to accord with development plan and therefore it is recommended planning permission is granted subject to the planning conditions below.

10.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS to include

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

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

2. The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) 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 to the development

3. The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority 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 existing and prospective occupiers.

4. No development of hard surfaces shall take place until an Arboricultural Method Statement detailing hard surfaces within the root protection areas of trees in accordance with the principles set out in the current edition of BS 5837 and other current best practice guidance has been submitted to and approved in writing by the local planning authority.

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

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

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

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

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

7. The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and a [5] year management plan.

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

8. The use or occupation of each phase of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

9. The development hereby approved shall not commence until a method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason: To ensure the construction of development does not result in highway safety.

10. The development hereby approved shall not commence until the parking spaces have been laid out in accordance with the Proposed Site Plan date stamped 25th August 2016 and shall be retained thereafter

Reason: To ensure adequate on school parking and to prevent harm to the highway

11. Within 3 months from the date of this decision a School Travel Plan, including a Safer Travel Document to deal with up to 420 pupils, shall be submitted for approval to the Local Planning Authority. The Document shall set out information for parents and pupils of all parking and highway restrictions in the area, details of all existing and proposed pedestrian and vehicle access points into the School, details of the School Crossing Patrol, Walking Buses and any other measures to encourage sustainable transport choices and also the need to be considerate to all local residents when either driving and parking or walking to School. It will also clearly set out the restriction on pupil numbers that the School must adhere to and that the drop-off and pick up point at the front of the School must only be used by School buses, taxis and emergency vehicles and not by parents. The School will supply the parents of all pupils with a copy of the Travel Plan within 3 months of it being approved and shall permanently make a copy publicly available on-line on the school website for viewing by local residents and any other interested parties. It shall also be registered and uploaded to KCC's online portal and reviewed on a yearly basis.

Reason: In the interests of highway safety, safety and amenity of the pupils, the amenity of the local residents and surrounding area.

12. The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

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

13. The use of the new extension shall not commence until details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall include an acoustic assessment which demonstrates that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

14. The development hereby approved shall not commence until, a scheme to demonstrate that the internal noise levels within the school building do not adversely affect external noise levels in back gardens and other relevant amenity areas. This will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, have been submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of aural amenity

15. Prior to the first occupation of the extension hereby approved, a management plan relating to the timing of external play times and breaks for pupils should be submitted to the council and approved in writing by the Local Planning Authority. Such a plan should include the timetable and management of the use of external areas, including consideration of staggered break times for the different classes and details of school management and monitoring of measures. Once approved, the use of the site should be undertaken in accordance with these approved details.

Reason: In order to protect amenities of nearby properties

INFORMATIVES

With the exception of condition 2 (should the committee decide to approve 16/506322), the conditions of 14/503957 continue to apply in full force and those details subsequently discharged as part of related applications.

Case Officer: Diane Chaplin

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

17th December 2014

Jubilee Primary School's occasional use of Bower Grove School's playing field

This letter is to confirm the outcome of our recent discussions surrounding Jubilee Primary School's proposed occasional use of Bower Grove School's playing field.

We thank you for confirmation that your school permits us occasional use of its playing field. Our use of your facility will be by prior arrangement and in a planned manner and we acknowledge that Bower Grove School will have priority use of the field. Likewise, we are happy to offer you use of classroom space for your intervention purposes and the like in the same manner. We consider this a mutually beneficial arrangement and should not be construed as constituting a binding agreement between us. This arrangement is open to review by either school for reasons, inter alia, of continued feasibility or relevance as circumstances dictate. We will, of course, act responsibly with respect to your playing field.

As ever I would like to thank you for your support and help and your longstanding major contribution to the Maidstone community.

Signed



Neil Pattison
Member Jubilee Primary School



Trevor Phipps
Head Teacher, Bower Grove School

Agenda Item 14



16/506322 - Gatland House

Scale: 1:1250

Printed on: 23/5/2017 at 15:01 PM by EllyH

REPORT SUMMARY

REFERENCE NO - 16/506322			
APPLICATION PROPOSAL			
Removal of condition 2 of 14/503957 (Application for permanent change of use to a free school (Class D1)) - The condition restricts the number of pupils to 240 until July 2022 and then 210 from September 2022 onwards. The condition is therefore required to be removed, to accommodate an increase in capacity. In the event the extension of floorspace application is approved at the subject site.			
ADDRESS Jubilee Free School Gatland House Gatland Lane Maidstone Kent ME16 8PF			
RECOMMENDATION Approve - Remove condition 2 and impose new condition limiting pupil numbers to 420 pupils			
SUMMARY OF REASONS FOR RECOMMENDATION			
The removal of condition 2 is considered to comply with the relevant policies of the development plan and the approach of the National Planning Policy Framework (NPPF) and other relevant publications which represent material considerations in support of the application. The proposed removal of the condition relating to pupil numbers is intrinsically linked with application 16/506320 which will deliver the additional floorspace required for the additional pupils that would be permitted by removal of condition 2. It is considered the related increase in pupils and the impact of the additional floorspace is considered to be acceptable having regard to the relevant matters including relevant standards, access to playspace and open space, impact on amenity of neighbouring properties and highway matters.			
REASON FOR REFERRAL TO COMMITTEE			
Application has been called by local councillors in order the proposals can be debated at committee for reasons of public interest			
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Education Funding Agency AGENT JLL	
DECISION DUE DATE 31/10/16	PUBLICITY EXPIRY DATE 02/12/16	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
13/1709	Demolition of existing buildings and erection of 14 dwellings	Approved	14.4.2014
14/503957	Application for permanent change of use to a free school (Class D1)	Approved	12.11.2015
16/501502	Discharge of condition of 14/503957 relating to cycle, drop off/pick up and pedestrian access	Approved	17.6.2016
16/501507	Discharge of condition of 14/503957 Parent/Pupil drop off and School Travel Plan	Approved	16.6.2016

16/501509	Discharge of condition of 14/503957 relating to boundary treatment	Approved	28.6.2016
16/501512	Discharge of condition of 14/503957 landscaping scheme	pending	
16/506320	Erection of an extension to the existing school building for educational use	Pending	

1.0 MAIN REPORT

1.1 The application 16/506320 was deferred at the committee of the 25th May 2017 to enable the following matters to be addressed and reported back to the committee for decision and due to the relationship with this application, 16/506322 was also deferred. The matters for deferral are set out below ;

- The matter of the under provision of playspace on the school site and whether other off-site arrangements could provide acceptable provision in lieu of this shortfall
- Landscaping of the site including addressing the frontage with Gatland Lane.
- Renewable energy measures to be secured on site
- Security lighting and other lighting issues
- Ecological enhancements

1.2 Following the committee deferral, a meeting was held with councillors, officers and the applicant on the 5th June 2017 to discuss the above matters in more detail and discuss what further information should be submitted to address councillors concerns. Thereafter, the applicant has been working on providing this additional information and this is set out in the wider report. An update was provided at the 15th June 2017 Planning Committee to explain progress with these matters and that work was still ongoing following the meeting with councillors.

1.3 The committee report for the 25th May 2017 is attached to this report as **Appendix 1** and should be read in conjunction with this.

2.0 Proposal:

2.2 This report relates to the removal of condition 2 of 14/503957 (Application for permanent change of use to a free school (Class D1)) - The condition restricts the number of pupils to 240 until July 2022 and then 210 pupils from September 2022 onwards. The condition is proposed for removal to allow up to 420 pupils and create a two form entry school (2FE)

2.3 The full description is set out in the report at **Appendix 1**

3.0 CONSULTATIONS

Parks and Leisure No objections in principle to the hiring of the sports pitch and the strategy to be employed by the school in ensuring other users can continue to use the adjacent playing fields. Would be possible to block book pitch in advance and advise applicant contain the booking team to set this up.

MBC Landscape No objections subject to implementation and management condition and tree protection conditions

4.0 BACKGROUND PAPERS AND PLANS

- 4.1 In addition to the documents previously submitted to the council, an updated Design and Access Statement which includes a play strategy along with updated landscaping plans and planting specification, a Sustainable Construction document and renewable energy statement. The plans have also been updated to reflect the changes to the landscaping layout including more permanent features such as planters and trellis.
- 4.2 The applicant has also provided a schedule of progress with the existing conditions attached to the existing permission which was requested to be provided as information and this will be available on request at the committee. However, this did not form part of the deferral on the 25th May and is not material to the consideration of this application.

5.0 APPRAISAL

- 5.1 Whilst this application relates to the removal of the restriction of the condition relating to pupil numbers, this is intrinsically linked with the application 16/506320 which relates to the extension of the school to provide sufficient accommodation to increase the school from a 1-form entry to a 2-form entry. However, the majority of the matters relating to the deferral, with the exception of playspace, have greater relevance to the linked application which proposes the operational development and it is not considered necessary to repeat the commentary of this detailed matters. However, this report will cover the matters which would be relevant to the increase in pupil numbers, which in this is principally the access to playspace.

Playspace

- 5.1 The principle issue discussed at the committee on the 25th May was whether the amount of on-site playspace was acceptable to serve an increased number of pupils on the site. Most importantly there were concerns as whether it was acceptable to utilise off-site space at Gatland Playing Field and Bower Grove School in lieu of this on-site shortfall and whether there was sufficient certainty this could be provided. For ease of reference the on-site provision is as follows which can be seen against the BB103 standards below. It is recognised by the applicant that the site is not able to provide the necessary on-site open space as set out by the government guidance document, BB103, which provides advice in respect of school standards.

	BB103 Guidance (420 pupils)	Jubilee Primary School
1. Hard Informal and Social Area*	620sqm	856.5sqm
2. Hard Outdoor PE	1,030sqm	197sqm
3. Soft Informal and Social Area	1,440sqm	423sqm
TOTAL	3,120sqm	1485.5

- 5.2 It can be seen that there is a under provision in respect of two types of the playspace suggested by BB103 but that the school exceeds the standards for the type of playspace which is deemed most important by BB103 in terms of the hierarchical approach to provision of playspace on site.
- 5.3 In relation to soft informal and social areas, the site is only able to provide less than a third of the BB103 standard which is 1440sqm. In order to make up this shortfall off-site, the applicant is proposing to rent a playing pitch at the adjacent Gatland Playing Fields for two afternoons a week during term time which will provide the necessary additional space which cannot be provided on site. The pitch is located directly adjacent to the school premises and thus access to the playing fields is safe and within close proximity. The school has advised that when the Gatland playing pitches are used, the pitch would be enclosed by temporary safety barrier chains and the children would be supervised by 6 members of staff in accordance with the school safeguarding responsibilities. This arrangement would allow sports and games to be carried out on the pitch (which is approximately 5,700sqm in size) in order the school can fulfill its PE activities. This arrangement has been reviewed by the Council's Parks and Leisure department who have no objection to this arrangement and they also confirm it is likely that this could be secured on a long term booking. The school is proposing this arrangement over the winter and summer terms along with a winter and summer sports meeting. On this basis, it is considered there is sufficient certainty of the provision of soft open space and space for play and games and on the basis of its close proximity to the site, this is considered acceptable in order to address the under provision on site.
- 5.4 In relation to Hard PE space, it was set out in the previous report that the school has a reciprocal agreement with Bower Grove school which would allow the school to utilise Bower Grove facilities and in return Bower Grove could use the facilities at Jubilee school including the indoor hall that is proposed in the new extension. This agreement was signed in 2014 and it has been advised that this agreement still stands notwithstanding the concerns of councillors that this was somewhat outdated and that it was signed by a previous headmaster. Since the previous deferral, the applicants have been working with Bower Grove school to obtain an updated and more legally robust agreement but at the time of this report, such an update to the agreement remains outstanding and thus the 2014 agreement remains the sole agreement between the two schools.
- 5.5 As set out in the previous report, it is the officer's view that such an agreement does provide sufficient evidence of access to additional sports facilities including that of Hard PE space, when it is required and such an agreement is mutually beneficial for both schools. In addition to this off-site provision, it should be noted that the school

does provide an on-site hard sports pitch of 197sqm which would allow a variety of sports and games to take place on an all-weather court. There is also an indoor hall of 226sqm which could provide additional playspace along with the other play areas within the site. Furthermore, the aforementioned rental of the sports pitch at Gatland Playing fields, whilst not an all-weather surface, will provide further variety to provide pupils with a varied program of play and sports as per the curriculum especially when one considers the BB103 guidance which states '*these guidelines will not necessarily have to be met in every case and should always be applied flexibly in light of the particular circumstances.*'

- 5.6 The applicant has provided a list of other free schools that have been approved across the UK, with many on sites which do not meet the full BB103 requirements in respect of on-site open space and in the most part are on sites smaller than the current application site at Jubilee School. Indeed, there are many existing schools within the Maidstone Borough itself which either have limited on site playspace or share playspace and thus the use of adjoining/nearby land for this purpose is not usual nor has it been seen to undermine the quality of such schools. Whilst, an updated agreement with Bower Grove may be produced following finalisation of this report, it is considered on balance that there is sufficient access to on-site and off-site open space to support the expansion of the school to a 2-form entry having regard to the approach set out by BB103 which advocates a flexible approach to such provision.

CONCLUSION

- 6.1 Following the deferral of the application on the 25th May 2017, the applicant has provided further information on the matters raised by councillors and it is considered this provides the necessary additional information to confirm the school would be served or have access to adequate open space provision, both on site and off site (within close proximity) having regard to the advice set out in the government guidance. This guidance clearly states the standards should be applied flexibly and the play strategy that has been outlined will secure suitable access to open space which will be proportionate to the growth of the school.
- 6.2 As set out in the earlier report, Paragraph 72 of the NPPF states ; "*the government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted*". In addition to this support from policy and government guidance, there is a significant need for new school places within Maidstone and the school itself is contained within the KCC commissioning plan for the area and the refusal of this application could have a damaging effect on the supply of school places having regard to the current and projected deficits.
- 6.3 Whilst, the school does not entirely comply with the relevant playspace standards, it is not considered the under supply on site is sufficient to justify a refusal on the application bearing in mind such guidance advises council's to apply these standards flexibly and that the applicant has put forward reasonable and achievable solutions to providing off-site alternatives, which themselves are within close proximity of the school.

6.4 As set out in the earlier report, it is considered it has been demonstrated that the site could accommodate a 2-form entry school, subject to the approval of 16/506320, and thus it is recommended that the condition is removed and replaced with a condition limiting pupil numbers to no more than 420 pupils.

7.0 RECOMMENDATION – GRANT and removal condition 2 of 14/503957 and impose the following condition as follows;

1. The maximum number of students enrolled in the school shall not exceed 420 pupils.

Reason: To enable the LPA to regulate and control the site/building in the interests of the amenity of the area

INFORMATIVES

The remaining conditions on 14/503957 will continue to apply in full force.

Case Officer: Diane Chaplin

REPORT SUMMARY

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16/506320	Erection of an extension to the existing school building for educational use	Pending	

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site is Jubilee Free School which was opened in September 2014 and currently has around 150 pupils. The school was granted planning permission under 14/503957 which granted permission for up to 240 pupils up to the year 2022 and 210 thereafter. The school forms part of the KCC Education commissioning plan 2016-20.
- 1.2 The building fronts onto Gatland Lane and is a two storey building with a rear two storey projection. To the rear are hard surfaced and a grassed areas with a parking area to the eastern part of the site. There are two vehicle access points into the site from Gatland Lane (either side of the buildings frontage) and there is a grass verge and low level wall for boundary treatment to the front of the site. Boundary treatment to the north (rear) and west largely consists of well established conifer trees; and to the east it is of close boarded fencing and some level of planting. To the east and south there are residential properties, with the rear gardens of properties in Sherbourne Drive backing onto the site: to the north a substation and then a playing field beyond; and to the west an access road and then a sports field.
- 1.3 The site covers an area of some 0.48 hectares and is within the defined urban area as identified by the Maidstone Borough-Wide Local Plan 2000 (MBWLP)

2.0 PROPOSAL

- 2.1 This report relates to the removal of condition 2 of 14/503957 (Application for permanent change of use to a free school (Class D1)) - The condition restricts the number of pupils to 240 until July 2022 and then 210 pupils from September 2022 onwards. The condition is proposed for removal to allow up to 420 pupils and create a two form entry school (2FE)
- 2.2 This application sits alongside application 16/506320, which relates to the extension to the existing building which will provide the additional floorspace to accommodate this increase in pupils. Essentially, these applications, although separate, are mutually dependent upon one another as the extension is necessary to accommodate the additional pupils that would be permitted by the removal of condition 2 of 14/503957 and likewise, if the condition is not removed then there is no necessity for the extension.
- 2.3 The matter of the pupils numbers was subject of the earlier application 14/503957, but pupil numbers were restricted to those set out in condition 2 as it was considered there was insufficient certainty that the school could achieve the standards for a 2FE

and it was also unclear how these additional pupils could be accommodated on site as at that time it was only the existing building that was subject of the application.

3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: Maidstone Local Plan 2000.
Emerging Local Plan; DM1, DM3, DM23, DM27,
Supplementary Planning Documents:

5.0 LOCAL REPRESENTATIONS

5.1 The site notice was placed at the site on the 4th October 2016.

5.2 There have been 19 objections from members of the public, including Save Fant Farm Community Group to the application who raise the following issues:

- Limited land
- Congestion and parking problems
- Extension is not required
- Parking and changing character of the area
- Site incapable of accommodating such an extension or providing a holistic education
- Lack of play space which is below standards
- Highway Safety
- Noise levels
-

5.3 There have been 8 letters of support which highlight the following issues

- The plans appear well thought out
- Parents car share and on the most part park responsibly
- Maidstone needs new schools and restrictions caused issues for new intakes
- Is an asset to the local community
- Stopped Gatland Road being used as a rat run and cars do not obstruct traffic
- Need as many reception places as need

6.0 CONSULTATIONS

6.1 **Environmental Health** have no issue with air quality or noise from classrooms (which it considers can be dealt with by condition), they wished to have greater information on the matter of disturbance on adjoining occupiers both from pick up and drop off but also at play time and lunchtimes. Further discussions were held with the Environment Health department and further information was presented and the view was a planning condition relating to staggered break times, which will restrict

numbers of children outside at any one time, could address the matter to the point they no longer object to the application. This matter is discussed further below in more detail.

- 6.2 **KCC Highways** No objections to the application but highlights high parking occupancy in beat study area but highlights these will have only a minor impact on peak times. Subject to parking restrictions and conditions relating to travel plan and construction management plan and KCC state the effects are not severe in terms of the NPPF.
- 6.3 **MBC Landscape** No objections to layout and tree removal but concerns regarding the mulching and installation of seats under a category B tree. As such there should be a condition regarding arboricultural method statement and tree protection plan as well as the standard landscaping conditions
- 6.4 **KCC Archaeology** No comments to make

7.0 BACKGROUND PAPERS AND PLANS

Application forms
Covering letter
Site location plan

Relevant background papers of 16/506320

Existing and proposed block plans
Existing and Proposed Elevations
Existing and Proposed Floorplans
Proposed Sections
Proposed Landscaping Plans
Transport Statement and further information in respect of parking beats, etc
Planning Statement
Design and Access Statement
Tree Survey
Air Quality Assessment
Noise Report

8.0 APPRAISAL

Background

- 8.1 The school was originally approved as a one form entry (1FE) primary school under application 14/503957 which permitted the use of the site as a Free School subject to a condition restricting pupil numbers to 240 up until 2022 and then 210 pupils thereafter. The application in 2014 was originally submitted on the basis of a capacity of up to 420 pupils but during the application process the applicant agreed to the restrictive condition to reduce numbers as officers felt there was a lack of information regarding the ability of the site to accommodate such numbers. For example, there was no application for an extension to provide for a larger pupil number of 420 (or a 2 Form Entry equivalent) and it was unclear whether there would be sufficient outdoor play space if an extension was built on the site. As no plans were provided for the design and layout of any extension that would enable the school to cater for 420 pupils (or 2FE equivalent), it was impossible to determine whether such an extension would also be acceptable in terms of impact on the surrounding area.

Planning Committee Report

- 8.2 The application was approved subject to a number of conditions including those relating to Parent/Pupil Safety Plan (Condition 3), improvements to the highway (Condition 5), School Travel Plan (Condition 6), Dropping off policy (Condition 8) and pedestrian access (condition 9) and these will remain in place and will need to be adhered to by the school.. These measures were imposed to reduce impacts of the school use and also to improve the safety of pedestrians at busy times. These conditions allow for a 3 pick up/drop off bays for buses, taxis but no facilities for general drop off children and the travel plan and Parent/Pupil Safety plan has been submitted and approved by the council. Most of these details or requirements of the conditions were based upon 420 pupils, but where those which are not, such as the Travel Plan, a further condition will be required and this is outlined in more detail below.
- 8.3 As such, the application establishes the principle of an educational facility on the site and members now have an application to extend the building to a standard which accords with the floorspace standards for an 2FE under 16/506320, also before the committee, and the current application to remove the condition relating to pupil numbers to allow a 2FE to be formed.
- 8.4 A pre-application was held in March 2016 with the applicant regarding the increase in the capacity of the school and advice was provided in respect of the pertinent matters such as playspace, impacts on adjoining properties and highways.

Principle of Development

- 8.5 The application relates to an existing Free School which is located within the built up area of Maidstone whereby development is considered acceptable subject to other policies. In the case of the Maidstone Local Plan 2000, the relevant policy is CF1 which relates to new community facilities, including educational facilities. Whilst this is not directly relevant to existing facilities, it does imply new facilities should be provided to meet this future need which is generated by new development, a point which will be touched upon further below. This policy is taken forward in policy DM23 of the emerging plan which again recognises the need to provide community facilities to meet the needs of new residential development. As set out below, there is currently a deficit of school places within the Maidstone West Area which does not take account of the future growth within the emerging plan and thus there is a context where further education provision is necessary.
- 8.5 Of relevance to this point is that school is included in the KCC Commissioning Plan 2017-2021 to provide primary school places within the Maidstone West area which together with other central Maidstone areas has been subject to high level of inward migration from London Boroughs. The Commissioning report states that the restriction of places at Jubilee School to 1FE is an aggravating factor which has placed considerable pressure in central Maidstone for reception and Year 1 and 2 places. Whilst the report recognises this current planning application, it does state there will be a need a further 1FE for Maidstone West area.
- 8.6 At a national level, the policy relating to the provision of school development remains a positive one which paragraph 72 of the NPPF stating ; *“the government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools*

promoters to identify and resolve key planning issues before applications are submitted'

8.7 Whilst, the application seeks to increase pupil numbers in an existing school (in combination with 16/506320) rather than a new school facility, it is considered the significant support offered by national and local policy also remains relevant. For example, the Communities and Local Government Policy Statement on Planning for Schools Development (Aug 2011) sets out the Government's Commitment to support the development of state-funded schools and their delivery through the planning system. The policy statement advises that *"it is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision makers can and should support that objective, in a manner consistent with their statutory obligations"*. It encourages collaborative working, which *"would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes" "*. It states that *"the Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and the following policies should apply with immediate effect:*

- ***There should be a presumption in favour of the development of state funded schools, as expressed in the National Planning Policy Framework.***
- ***Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.*** *The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.*
- ***Local authorities should make full use of their planning powers to support state-funded schools applications. ...***
- ***A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.*** *Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence."*

8.7 The Plain English Guide to Planning for Free Schools, produced by the Department for Communities and Local Government in January 2015, reinforces and strengthens earlier advice. It sets out in paragraph 2 that *"the Government is committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state funded education, and raising educational standards. Free schools have an important part to play in delivering this challenge."*

8.8 It is clear from the above that there is a clear policy support in favour of further education provision including that of the increase in school places that the removal of the condition would permit. That being said, the principle of the development has already been justified on the site under application 14/503957 and thus this application is largely parasitic on the application 16/506320. For example, if members decide to approve that application, then that decision would justify the approval of this application. This is on the basis the retention of condition 2, in those circumstances, would fail the tests of the NPPF in that it would be longer necessary or reasonable to restrict lower pupil numbers as it would be clear the higher numbers of pupils could be accommodated within the site. However, on the same basis, if the

other application, 16/506320, was refused, the condition would remain compliant with the tests on the basis the ability of the site to accommodate additional pupils remains uncertain and thus the condition in those circumstances would be remain acceptable in relation to the NPPF tests.

- 8.9 However, as with the application 16/506320 which is also before the committee, the need for the removal of the condition and the impacts of the increase in pupil numbers needs to be properly assessed in order to ensure there is no harm that would outweigh this strong presumption that weighs heavily in favour of additional pupil numbers.

Need

- 8.10 The previous application set out the position that the Maidstone West Primary area will have a growing need for reception year places over the next three years, with a shortfall of 32 spaces in 2017/18 and 22 spaces in 2018/19. Since this decision in 2015, the position of need for primary school places requires further reflection to take account of population changes since that time and also the future growth that is occurring in the area. The application has been reviewed by the KCC Education who considers the additional pupils places to help meet the forecast pressure over the medium term and the school currently forms parts of its commissioning plan up until 2020. The response from KCC highlights deficits in the Maidstone West area of 35 places in 2016 with further deficits of 4 and 10 places from 2017-8 to 2019-20. Furthermore, the adjoining area of Maidstone North also presents a deficit of 92 places over the period to 2020. Whilst, KCC have commissioned 30 reception places at East Borough Primary School to try and address this demand, KCC have stated this is not a permanent solution.
- 8.11 KCC confirm that this overview of need does not take into account the need that would arise from the planned increase of new homes within the emerging plan and that this will quite logically drive up demand with the planning groups and potentially exacerbate the existing deficits. The extension to the school will contribute to meeting this need and avoid pupils having to attend schools further afield from their homes.
- 8.12 It is also pertinent that policy DM23 of the emerging Local Plan recognises the need for education as part of future growth but at the same time the current school provision within the commissioning plan does not take account of the future growth as set out in the emerging plan. Thus the fact planning policy places significant weight on the need to deliver further school places and that there is a significant need within the area, these factors weigh heavily in favour of the development.
- 8.13 However, the NPPF recognises that development should be sustainable and thus the impacts of the increase in pupil numbers it will facilitate in combination with the existing school will now be considered in more detail below;

School Standards including floorspace and playspace

- 8.14 It is recognised that councillors need to be content that the removal of condition 2 to allow an increase in pupil numbers can be accommodated on the site. Firstly, as set out in more detail in the accompanying report for 16/506320, the school would deliver a range of facilities through its extended form proposed by 16/506320 and the completed school would exceed the standards set out in BB103 which relate to standards for new schools although this does stress the need for flexibility depending

upon the circumstances of each case. For a 2FE School, the minimum standards are 2048sqm and the floorspace of the completed school building would be 2254sqm which exceeds the standards by 182sqm.

- 8.15 When the previous application 14/503957 was considered, one of the main concerns regarding the higher pupils numbers was the extent of outside/playing space associated with the school. There are several relevant documents that provide guidance on this issue. The most recent document entitled Advice on Standards for School Premises, produced by the Department of Education in March 2015, sets out that outdoor space is needed for PE, which includes the provision of games and also for pupils to play outside. Building Bulletin 103 sets out the standards of such space and this will be discussed further below. There are two types of outdoor space used for PE, sports pitches (such as grass and/or all weather) used for team games such as football, hockey and cricket and hard surfaced games courts (such as MUGA's) used for netball, tennis etc. Outdoor space is also needed for informal play and socialising, which is usually both hard and soft surfaced.
- 8.16 Page 14 deals with the issue of outdoor space in terms of on-site and off-site provision. It advises that *"Schools often need to maximise the use of their sites in order to provide the variety of spaces needed. Advice on the sizes of spaces can be found in the 'Area Guidelines for Mainstream Schools' in Building Bulletin 103". It also states that "some schools will be on restricted sites and will not have enough outdoor space to meet requirements. In these situations, pupils will need to be provided with access to suitable off-site provision"*.
- 8.17 Department of Education published its 'Area Guidelines for Mainstream Schools, Building Bulletin 103' in June 2014. It states on page 36 that *"some schools will be on restricted sites and will not have enough outdoor space to meet requirements on site. In these situations pupils will need to be provided with access to suitable off-site provision. On restricted sites, where space will be at a premium, a flexible approach to the site area and the management of the use of that area will be needed, and consideration should be given to providing the following, in priority order:*
- *Firstly, space for hard informal and social area including outdoor play area immediately accessible from nursery and reception classrooms;*
 - *Then hard outdoor PE space, to allow some PE or team games to be played without going off site, ideally in the form of a multi-use games area that can also be used as hard informal and social area;*
 - *Then soft informal and social area for wider range of outdoor educational opportunities and social space;*
 - *Finally some soft outdoor PE can be provided. If this is in the form of an all weather pitch, it can count twice towards the recommended minimum."*
- 8.18 The applicant has compared the extent of playspace that is being provided on site to the BB103 standards in the priority order outlined above. This is in recognition that BB103 accepts off-site provision is sometimes necessary but if space can be provided on site, it should be provided in the order as set out above.

The outdoor space is proposed to be set out as below;

- (1) Hard informal and social area-** on site provision of 856sqm against the BB103 requirement of 620sqm
(2)Hard Outdoor PE- on site provision of 197sqm against a requirement of BB103 of 1030sqm

(3)**Soft informal and Social Area**- on site provision of 423sqm against a requirement of 1440sqm

- 8.19 It can be seen above, that the playspace which is prioritised by BB103 (type 1 above) is provided above standard on site but the applicant recognises there is a shortfall in open space for the other categories. The layout seeks to provide a variety of play areas to provide variety and stimulation for pupils in the space available as well as the MUGA to the north of the site. In order to address the shortfall in the other types of playspace, the school would share facilities with Bower Grove School, which has both soft and hard play facilities. This is secured by a formal agreement between the schools, a copy of which is attached as **Appendix 1**, with the arrangement allowing Bower Grove to also utilise the facilities at Jubilee including the proposed new hall in the extension.
- 8.20 Further provision of soft outdoor PE will also be provided through the rental of the adjacent sports pitches (to the west) through the Maidstone Parks and Leisure department who confirm that there is availability during school hours (fields are only booked at weekends) and subject to costs and maintenance implications, the applicant would likely be able to block book field/s for use for sports and recreation like with any other user. This together with the Bower Grove facilities would provide access to facilities in accordance and potentially in excess with the BB103 standards. The new school extension will include the provision of an indoor hall and studio which will also provide additional play space within the site.
- 8.21 Bearing in mind BB103 relates to new school facilities, it does suggest some flexibility in relation to these standards by stating; *Some schools will be on restricted sites and will not have enough outdoor space to meet requirements on site. In these situations pupils will need to be provided with access to suitable off-site provision. On restricted sites, where space will be at a premium, a flexible approach to the site area and the management of the use of that area will be needed, and consideration should be given to providing the following, in priority order:* The school has met the type of space prioritised by BB103 and it is considered the proximity and likely availability of this off-site land and facilities within school hours makes this a feasible option to provide additional play space so pupils have proper access to such facilities as part of their schooling. The fact the BB103 guidance recognises that a flexible approach is sometimes needed, it is considered this approach would be acceptable in this case. This on the basis of the standards required for a 2 form entry primary school and a maximum of 420 pupils.
- 8.22. It is recognised that this outdoor space is largely dependent on off-site provision but perhaps most importantly the school delivers in excess of the requirement on site in relation to the type of space prioritised by BB103; Hard informal and social areas, which is the type most readily required by students and when formal PE space is required, this space can be provided on land that abuts the school site. This type of arrangement is common in many schools across the UK whereby the provision of PE playing space is reliant on off-site provision/utilising shared facilities across schools, but the fact the facilities are almost directly accessible from the site is considered to make this on site shortfall against the standards acceptable in officer's view.
- 8.23 Whilst, it is recognised the previous committee report raised concerns regarding the ability of the site to meet the standards for a 2FE Primary school for 420 pupils, further information is now available with regards to the hiring of the adjacent sports pitches and this together with the agreement with Bower Place and the facilities provided within the new scheme, it is now considered to meet the play space

requirements for a 420 pupil 2FE and thus should not weigh against the removal of condition 2.

Residential Amenity

- 8.24 The previous application, 14/503997, explored the issues of noise impact on adjoining properties with the submitted noise assessment at that time being based upon the potential for 420 pupils at the site. This report has been resubmitted with the current application. Whilst members ultimately decided to restrict the numbers of pupils to 240 falling to 220, these studies are useful in establishing the impact and the response of the council's specialist departments if this extension was constructed and condition 2 was removed as proposed by 16/506322. The main impacts are and were in the previous application, that of the drop and pick up of children and the impact of children in the playground at break times.
- 8.25 In relation to noise impacts from pick up and drop off, the previous noise assessment concludes that the predicted use of the external playground areas and student drop off/collection will not result in any unacceptable noise impact to residents at Gatland Lane and Sherbourne Drive. The environmental officer has stated that the development is unlikely to cause significant harm to local residential amenity by way of drop off and collections and this was a position accepted in the previous application.
- 8.26 In this application, the Environment Health raised the potential disturbance on adjoining occupiers by reason of noise from children in the playground although it is noted this was not raised as an objection in the original 2014 application. The noise report assesses this issue and considers the impact would not have a significant impact on residents bearing in mind the background levels and existing use. Following further discussions with the applicant and the planning officer, the Environmental Health officer has confirmed that subject to management measures, specifically the use of staggered break times for students, that he has now no objections to the scheme. The use of staggered break times can be secured by condition with is set out in condition 11 below which would require a management plan to be submitted to the council as part any approval under 16/506320.

Safety and Highways

- 8.27 The matters of road safety and safety to road users and pedestrians were a concern in the previous application, 14/503957 and have been again raised by residents and local groups. The application is supported by a Transport Statement and KCC Highways, Maidstone Borough Council and the applicants have been involved in further discussions regarding access, car parking and the general impacts on road safety. As part of these discussion further information has been provided with regards to parking beats, progress on works that were agreed under the parent permission and walking routes to the site. Before assessing the impact of the additional growth of the school it is necessary to consider the fact the conditions placed upon the original consent, 14/503957, will remain in place and the detail approved for these conditions, including those relating to Parent/Pupil Safety Plan (Condition 3), improvements to the highway (Condition 5), Dropping off policy (Condition 8) and pedestrian access (condition 9) were all based on 420 pupils. However, it is recognised there some approved details relating to conditions which were based on the lower pupil numbers such as the travel plan and thus it is recommended new conditions are applied to this application to deal with the issues

based on the higher pupil numbers. This includes a new travel plan condition to be applied to 16/506320 if approved. These conditions, both existing and proposed, will still need to be adhered to by the school in the event pupil numbers increase. These measures will obviously have some impact in reducing impacts and improving the safety of pedestrians at busy times.

Access and Parking

- 8.35 The development will utilise the existing access and will provide 37 parking spaces (including disabled provision) along with cycle parking to the south of the parking area. This is considered to be adequate to deal with the maximum number of full time 35 staff members (at full capacity) and bearing in mind the no drop off policy for general pupils, this parking provision is considered to be adequate. The access has also previously been considered to be safe and present no significant highway issues. On this basis and the limited increase of on-site activity, it is considered the access and parking arrangements are acceptable in relation to the increase in pupil numbers. Following receipt of further information KCC Highways have reviewed the scheme do not have any objections with regards to on-site parking or access to the site.

Impact of Traffic on Congestion/Road Network Capacity

- 8.36 There have been a number of concerns raised regarding the capacity of the local road network to cope with the increased traffic that could occur as a result of the intended growth of the school. Whilst recognising that the activity associated with the site would be largely restricted to AM and PM periods associated with school opening hours, it is necessary to fully consider the impact of the increased traffic. The Transport Statement states that the school as proposed by this application will generate an additional 69 vehicle trips or 138 two way vehicle movements in the morning and afternoon in comparison to the consented capacity. The report highlights the impact on junctions between Gatland Lane and Fant Lane and Gatland Lane, Farleigh Lane and Glebe Lane as being potentially affected by the new development. However, it concludes that the level of trips associated with the extension would not have a detrimental impact on the operation of the junction when compared to the consented level of growth.
- 8.37 The matter of the local highway network and its capacity for further growth was investigated in some detail in the Fant Farm appeal (ref: APP/U2235/W/16/31482) which relates to the development of up to 225 dwellings which lies within the locality of the school. The transport impacts of the development were considered in combination with the intended growth of the school and therefore the views of the Inspector on the impact on the wider highway network are very relevant to this application.
- 8.38 Firstly, the Inspector looked at the cumulative impacts of the residential development and its consented level and the category of road that Gatland Lane would best represent. He had the following comments;

'The appellant's Transport Assessment (TA) compared recorded traffic flows in Gatland Lane against urban road capacities set out in TA 79/99 of Design Manual for Roads and Bridges comparing it initially against UAP3, variable standard road carrying mixed traffic with frontage access, side roads, bus stops and at-grade pedestrian crossings, which has an indicative one-way hourly flow of 900. Gatland

Lane broadly matches the characteristics of UAP3 and this is not in my view an inappropriate comparator.'

'Taken together with the traffic projections for the appeal scheme, the Transport Statement results indicate that with the school operating at permitted capacity the total morning peak flows in 2018 on Gatland Lane west of the site access would be some 683 and east of the site access 642. This would still be significantly below the 900 theoretical capacity of a UAP3 road, and indeed below the 750 busiest directional flow capacity of a UAP4 road described as a busy high street carrying predominantly local traffic with frontage activity including loading and unloading.'

The resulting effect on the Gatland Lane/Farleigh Lane/Glebe Lane junction, which has been shown to operate currently with spare capacity, and on the Gatland Lane/Fant Lane junction would be modest with the junctions continuing to operate satisfactorily.

- 8.39 The Inspector then went onto consider the impacts should the school increase to 420 pupils (as this application was live at the time of the appeal);

"If expansion of the school to a 430 pupil intake was granted, there is shown to be a potential for traffic flows in Gatland Lane, including trips arising from the proposed development, of 756/815 in 2018 and 797/856 in 2025. Whilst this would exceed the UAP4 theoretical capacity of Gatland Lane, it would remain below the UAP3 capacity. Further, there is no certainty that permission will be granted and the assumptions in respect of school catchment would not necessarily hold true over this time period. It is reasonable for example to assume that some children from the proposed development would attend the enlarged school. If that was the case, they could reasonably be expected to walk to school resulting in fewer than anticipated vehicle movements.'

- 8.40 Therefore, in summary the Inspector has concluded that there is sufficient road capacity for both the residential development and that of Jubilee School even at its intended capacity of 420 pupils. As the Fant Farm scheme was dismissed on other grounds and thus this will not be coming forward, the Inspector conclusions robustly infer that the impact of the growth of Jubilee School will be acceptable in terms of the local road network and capacity. KCC Highways, in reviewing the scheme, also note the growth of the school would remain in capacity of the local highway network. This point is a significant material consideration which weighs in favour of the removal of condition 2.

Impact on highway as a result of parking associated with the school

- 8.41 The applicant also submitted parking beat data as part of the development which sought to establish the unrestricted parking capacity of the nearby roads and the current demand from the school at peak times, namely at school start and finish times. This included roads at Gatland Lane, Ridgeway, Cowdrey Close, Chamberlain Avenue, Burghclere Close, Sherbourne Drive and Portsdown Close, roads that are within walking distance or have sustainable links through to the school site. The scope of this survey was agreed with KCC Highways and essentially then calculates the capacity of the road network to accommodate parking from the proposed additional growth of the school. This information was provided to allow better understanding of the parking stresses that occurs at the peak times associated with the school use.

- 8.42 This parking beat data has been reviewed by KCC Highways and the officers recognise parking stress at peak times including in the afternoon where 100% parking occupancy is expected to occur at Ridgeway, Cowdrey Close, Chamberlain Avenue (part) and Burghclere Drive with 97% occupancies predicted at Gatland Lane and Sherbourne Drive within the study area. However, KCC does not consider effects to be severe in NPPF terms and considers these effects to present only minor conflict with peak time traffic and importantly that Gatland Lane remains within capacity. It is also pertinent to consider the extent of these effects particularly as full parking occupancy will only occur when the school is at maximum capacity and the effects will only last for a limited period around picking up time in the afternoon with the rest of the day being unaffected. KCC also consider mitigation can be provided in the form of a break in traffic on Gatland Lane for larger vehicles achieved by parking restrictions and the inclusion of a link to the recreation ground which was secured via condition of the parent planning permission.
- 8.43 Thus in summary, there is no significant adverse effects caused by the development on highway grounds on account of site specific highway matters or effects on the wider highway network. KCC highways raise no objection to the scheme subject to conditions requiring a construction management plan and travel plan.

Other Matters

- 8.36 The application is also supported by an air quality assessment which concludes that the impact on air quality during construction is not significant and over the lifetime of the development the impacts on the wider area are negligible. This assessment has been reviewed the environmental health officer who states the site is sufficient far away from any air quality hotspot and no significant impact will be caused by this development.

9.0 CONCLUSION

- 9.1 The approval of this application to remove condition 2 is dependent on the committee's decision on 16/506320 as if this is not approved then the condition remains necessary as there is a lack of accommodation within the site to accommodate the additional pupil increase that is currently restricted by condition 2. However, that being said, the officer assessment of this application and that of 16/506320 consider that there are no adverse effects that would arise from the proposed growth and extension of the school into the 2FE and thus if 16/506320 is granted planning permission, condition 2 should also be removed.
- 9.2 On the basis that there are no identified significant adverse effects as a result of the proposed additional pupil numbers and on the basis the other application is permitted, it is recommended condition 2 is removed to allow the school to become a 2FE primary school. However, in order to provide greater control over the use and to limit pupil numbers to those to which have been assessed under these applications it is recommended a replacement condition is imposed to limit pupil numbers to 420 pupils.

- 11.0 RECOMMENDATION** – GRANT and removal condition 2 of 14/503957 and impose the following condition as follows;

:

1. The maximum number of students enrolled in the school shall not exceed 420 pupils.

Planning Committee Report

Reason: To enable the LPA to regulate and control the site/building in the interests of the amenity of the area

INFORMATIVES

The remaining conditions on 14/503957 will continue to apply in full force.

Case Officer: Diane Chaplin

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

17th December 2014

Jubilee Primary School's occasional use of Bower Grove School's playing field

This letter is to confirm the outcome of our recent discussions surrounding Jubilee Primary School's proposed occasional use of Bower Grove School's playing field.

We thank you for confirmation that your school permits us occasional use of its playing field. Our use of your facility will be by prior arrangement and in a planned manner and we acknowledge that Bower Grove School will have priority use of the field. Likewise, we are happy to offer you use of classroom space for your intervention purposes and the like in the same manner. We consider this a mutually beneficial arrangement and should not be construed as constituting a binding agreement between us. This arrangement is open to review by either school for reasons, inter alia, of continued feasibility or relevance as circumstances dictate. We will, of course, act responsibly with respect to your playing field.

As ever I would like to thank you for your support and help and your longstanding major contribution to the Maidstone community.

Signed

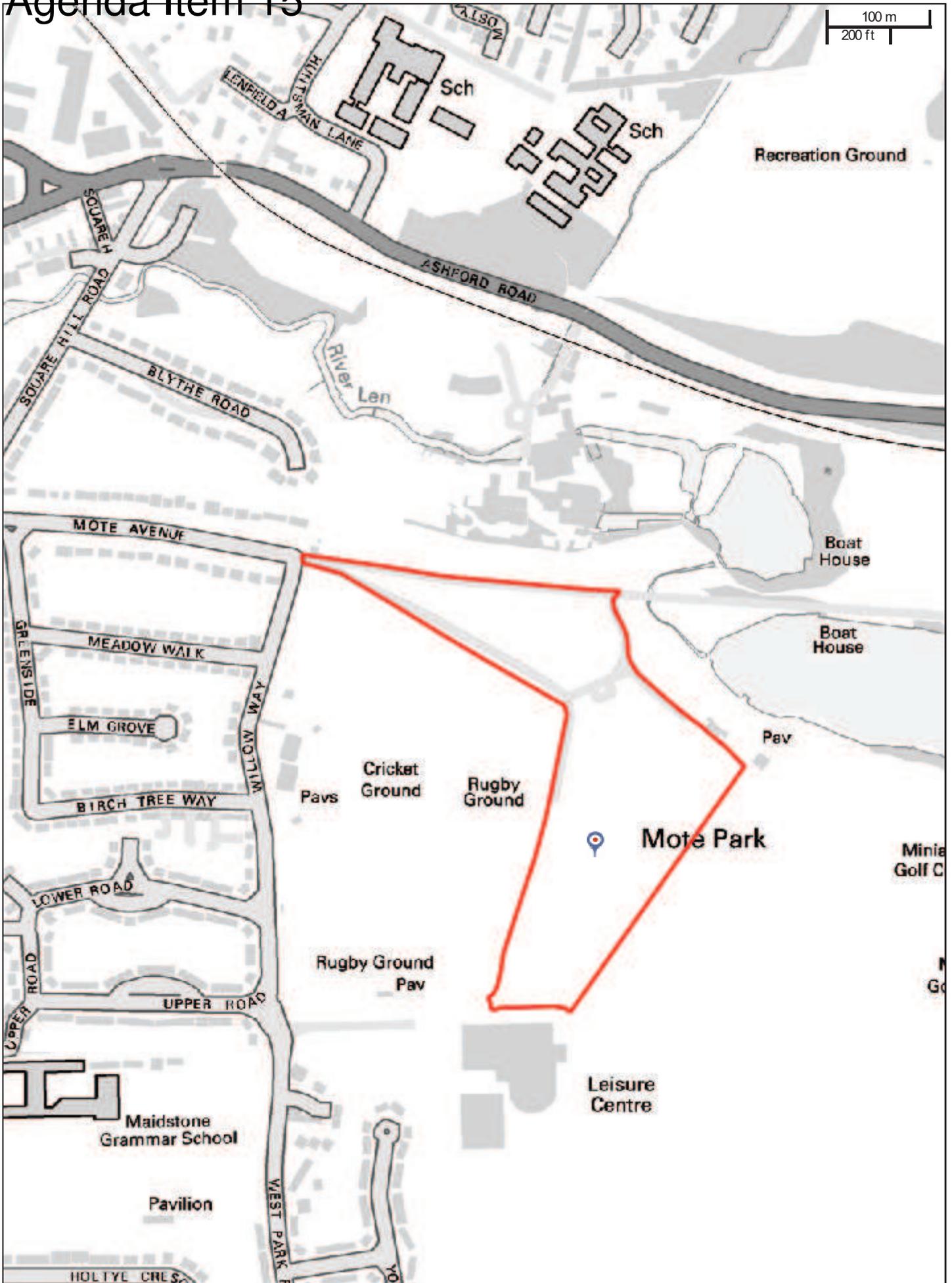


Neil Pattison
Member Jubilee Primary School



Trevor Phipps
Head Teacher, Bower Grove School

Agenda Item 15



16/506505 - Mote Park Recreation Ground

Scale: 1:5000

Printed on: 28/6/2017 at 11:13 AM by EllyH

REPORT SUMMARY

REFERENCE NO - 16/506505/FULL			
APPLICATION PROPOSAL Creation of an adventure zone to include high rope/wire climbing equipment, climbing wall, and adventure golf enclosed by 2.44m high fencing with associated ancillaries including a kiosk, footpaths, planting and overflow car parking.			
ADDRESS Mote Park Recreation Ground Mote Park Maidstone Kent ME15 8NQ			
RECOMMENDATION : GRANT PERMISSION subject to the planning conditions set out			
SUMMARY OF REASONS FOR RECOMMENDATION : -The proposals would support the Councils corporate policies and strategic plan which seeks to ensure there are good leisure and cultural attractions and protect the character and heritage of our Borough -The development would represent sustainable development which would support the economic, social and environmental strands -The proposals would not harm the significance of the historic park nor adversely affect the setting of Grade II and Grade II* Listed Buildings -The application satisfactorily addresses arboricultural and ecology matters and would allow for appropriate protection and mitigation -All other material planning considerations are considered acceptable and appropriate conditions could address matters relating to flooding, archaeology, highways, contamination and neighbouring amenity.			
REASON FOR REFERRAL TO COMMITTEE Maidstone Borough Council is the applicant.			
WARD Shepway North	PARISH/TOWN COUNCIL N/A	APPLICANT Maidstone Borough Council AGENT Allen Scott Ltd	
DECISION DUE DATE 15/12/16	PUBLICITY EXPIRY DATE 06/12/16	OFFICER SITE VISIT DATE Visited on various occasions	
RELEVANT PLANNING HISTORY (inc appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
Mote Park as a whole has an extensive planning history, outlined below are most relevant.			
10/1271	Various works including footpaths, bridge, car park, viewing point, and maintenance yard.	Permitted	23/9/10
MA/97/0893	Erection of a replacement cafeteria. .	Permitted	30/10/97
MA/93/1544	Demolition of part and associated reinstatement (alteration work and relocation of golf kiosk and office). .	Permitted	19/1/94

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 Mote Park is an extensive Council owned and managed public park covering 200ha within the defined urban area of Maidstone. It is located to the east of Maidstone Town Centre and bounded by the A20 Ashford Road to the north, Willington Street to the east, Park Road/Plains Avenue/Claygate/School Lane to the south and Willow Way/West Park Road/York Road to the west.
- 1.02 Mote Park is listed Grade II on the English Heritage - Register of Gardens of Historic Interest and part of Mote Park and the River Len are designated as a Local Wildlife Site. There are a number of buildings within the park, some of which are also listed buildings. The listed buildings are Mote House (Grade II*) and The Coach House, Garden Cottage, The Old Bothy, Garden Lodge, Raigerfeld, the Stone Pavillion and Mote Cottage (all Grade II). Maidstone Leisure Centre is located within a section of the park and accessed from Willow Way. The Mote Cricket Ground and Maidstone Rugby Club abut the park to the east of Willow Way.
- 1.03 The park comprises extensive open access areas and also wooded areas with formal sports pitch provision, a 'pitch and putt' course and a model railway and also equipped children's play areas. There is also a café building and car parking areas. The centrepiece of the park is Mote Park Lake. The River Len enters the eastern end of the park at its boundary with Willington Street, feeds the lake and exits the park into the Turkey Mill complex located adjacent to the northwest corner of the park.
- 1.04 The area around Mote House to the east of the wider site falls within a site of 'Potential Archaeological Importance' and trees to the west of Mote Park along the adjoining boundary with Maidstone Rugby Club and individual trees along the northern boundary with Maidstone Cricket Club are protected by a Tree Preservation Order (TPO). Land adjacent to the lake is within Flood Zone 3 as defined by the Environment Agency.

2.0 PROPOSAL

- 2.01 The proposal is for the creation of an adventure zone; this would include high rope/wire climbing equipment, climbing wall, and adventure golf which would be enclosed by a 2.44m high weld mesh metal fence with a kiosk, footpaths, planting and overflow car parking. The details of which are summarised below:

High rope/wire climbing equipment

- 2.02 This is shown to be pentagon shaped in footprint with maximum dimensions of 28 metres by 17 metres. It would have a height of 9.8 -11.4metres. Details of the finalised appearance are not currently for consideration and are requested to be reserved by conditions. It is anticipated that the structure would be a mix of platforms, stairs, interlinking equipment such as rope bridges, stepping stones, balance beams and wooden bridges.

Kiosk

- 2.03 The proposed kiosk would provide storage and a kiosk function (for payment and ancillary functions to the operations of the proposed adventure zone). The kiosk is made up of three storage containers, which would be timber clad and with a green (living) roof. Each container would measure 6m by 2.4m and would be arranged in a pattern with two containers adjoining, an area left open for access (which would be

secured by a lockable gate) and a third container. The overall structure would have a height of 2.6m.

Climbing Wall

- 2.04 The proposed climbing wall would be sited to the west of the high rope equipment and would measure a maximum height of 10m and a maximum width of 2.8m. The exact design and appearance is requested to be dealt with by planning condition. Indicative plans and the footprint proposed suggest that the climbing wall would be a 'tower like' structure.

Adventure golf

- 2.05 A nine-hole adventure golf course is proposed. This would consist of 9 separate holes with various 'adventure' activities, the details of which are not finalised at this stage and are requested to be dealt with by planning conditions. This would be sited beneath the proposed high rope adventure equipment.

Footpaths

- 2.06 A new ancillary surfaced footpath would be provided to the north of the adventure zone and would link the existing footpath to the east with the footpath leading from the existing car parking. This would extend beyond the new adventure zone and following the northern boundary of the existing play area. The pedestrian link paths would be surfaced in tar, chip and spray (to match existing surfacing along the footpath adjacent to the lake)

Planting/landscaping

- 2.07 Landscaping would be through a combination of the retention of existing planting and new planting.

Overflow car park

- 2.08 It is proposed to provide a total of 271 additional parking spaces. With 194 spaces in a semi-formalised overflow parking area in a triangular area of land to the north-west of the site, adjoined by the in and out access roads. (Car Park A)

- 2.09 The area would be surfaced as follows:

- The access entrance for approximately the first 17m into the car area would be surfaced with rigid reinforcement filled with loose stone.
- The car park circulation spaces would be surfaced in self-binding gravel
- The parking spaces would be retained as grass

- 2.10 100 spaces would be provided to the south of the existing car park, both formalising and extended existing overflow parking provision (23no are existing overflow and 77no new spaces).

- 2.11 The area would be surfaced with rigid reinforcement filled with loose stones in the central circulation space and filled with grass within the parking spaces.

Fencing

- 2.12 It is proposed that the adventure zone would be enclosed by security fencing at a height of 2.44m. This would be anti-climb security fencing, which would be powder coated welded mesh typically green in colour.

3.0 POLICY AND OTHER CONSIDERATIONS

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

Maidstone Borough Wide Local Plan 2000: ENV6; ENV22 and T13.

Maidstone Borough Local Plan Publication May 2016 (submitted version) SP1; DM1; DM3; DM7; DM22; DM27

Maidstone Borough Local Plan Proposed Modifications April 2017 SP1; SP18; DM1; DM3; DM4; DM8; DM19; DM23

Other documents: Maidstone Borough Council Blue and Green Infrastructure Plan
The Spatial Framework: A sustainable future for Mote Park; Kent Design Guide
Review: Interim Guidance Note 3: Residential Parking

4.0 LOCAL REPRESENTATIONS

Adjoining neighbours were notified of the application. A site notice was also put up at the site. 4 letters of objections have been received (3 following the original consultation and 1 additional letter from an earlier contributor following re-consultation) and 2 letters of support in response to the consultation which are summarised as follows:

Objections

- Maidstone does not need to attract greater number of visitors
- Noise
- Parking
- Upset natural beauty and tranquillity
- Application is ill-conceived and poorly planned
- Highways implications
- No operational plan, the scheme would cost money and would be a white elephant
- Consultation wasn't carried out on proposed plans
- Visual intrusion
- Undemocratic that won't consult park users until after consent has been granted
- No details of opening hours
- MBC have been a poor custodian to the park
- Impact on biodiversity
- Mote Park is not a development site that can be exploited, nor is it a giant car park (other local car parks exist)
- Too many amendments and notifications
- Would not preserve the site for future generations

Support

- Would be a great asset to Mote Park
- Can a water park be considered

5.0 CONSULTATIONS

- 5.01 **Historic England** (20/9/16 and 2/5/17) : The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 5.02 **Natural England** (27/9/16 and 18/5/17) : No comment
- 5.03 **KCC Drainage** (3/10/16 and 16/5/17) : No objections to this application.

- 5.04 **Environmental Health Officer** (4/10/16 and 23/5/17) : No objection subject to conditions.
- 5.05 **Southern Water** (26/9/16 and 30/5/17) : No objection subject to conditions and informatives
- 5.06 **Environment Agency** (23/5/17) : No comments
- 5.07 **KCC Archaeological Officer** : No objection subject to condition.
- 5.08 **KCC Ecology** (24/10/16 and 30/5/17) : No objection subject to conditions
- 5.09 **Kent Wildlife Trust** (7/11/16) : Objection to a permanent car park at the Park entrance and for a part of the adventure play area. Proposals are in fundamental conflict with the 10-year vision for Mote Park, Local Plan Policy DM3 and the Council's duty, under the terms of the NERC Act (section 40).
- 5.10 **KCC Highways** (28/11/16) : No objection subject to conditions
- 5.11 **Conservation Officer** (30/9/16) : No objection given suitable landscaping, can be accommodated without causing harm to the significance of the historic parkland or to the setting of the Grade II* listed Mote House.
- 5.12 **Tree Officer** : No objection provided the scheme adheres to the recommendations given in the recently amended Arboricultural impact assessment.

6.0 APPRAISAL

Main issues

- 6.01 The key issues for consideration relate to:
- Principle of development
 - Visual impact (including setting of Listed Building, and the Historic Park and Garden and wider area)
 - Impact on trees and ecology
 - Flooding and drainage
 - Highways and parking implications
 - Residential amenity

Background information

- 6.02 Cabinet approval was given in February 2015 to create a pay-to-use facility in Mote Park. A capital budget and delegated authority was given to the Head of Commercial and Economic Development to finalise and implement the operating model of the adventure zone. The adventure zone is income generating and intended to assist with the cost of providing culture and leisure services by the Council.
- 6.03 The Spatial Framework: A sustainable future for Mote Park includes a masterplan which outlines the Council's strategic vision. This vision includes a new café/visitor centre, overflow car parking, enhanced playground and skate park and the adventure zone which is the subject of the current application). The Council's Strategic Plan includes the aspiration is for Maidstone *'to have a leisure and cultural offer which attracts visitors and meets the needs of our residents'*.

Principle of Development

- 6.04 Policy ENV22 of the adopted local plan relates to development within existing open areas within the urban areas and sets out that regard should be had to the visual contribution of development, need to conserve wildlife habitats and need to uphold and improve the appearance of the locality.
- 6.05 Policy SP1 of the emerging local plan seeks the retention of the town's green spaces and ensuring that development positively contributes to the setting, accessibility, biodiversity and amenity value. Policy DM3 states that that publicly accessible open space should be designed as part of the overall green and blue infrastructure and layout of a site, taking advantage of the potential for multiple benefits including enhanced play, tree planting and landscape provision.
- 6.06 Mote Park is an existing open space within Maidstone Urban area. The proposal seeks to improve the visitor attractions available within the park by providing an adventure zone. This seeks to support the Council's corporate priorities and provide a sustainable future for the park itself and provide revenue supporting other leisure and culture services.
- 6.07 Paragraph 14 sets out that at the heart of the NPPF is the presumption in favour of sustainable development and for decision making this means approving development proposals that accord with the development plan without delay, unless material considerations indicate otherwise. Paragraph 7 of the NPPF sets out the three dimensions to sustainable development, these being the economic, social and environmental roles.

Economic role

- 6.08 The economic role seeks to contribute to building a strong, responsive and competitive economy, sought by identifying and coordinating development and the provision of infrastructure.
- 6.09 Whilst no financial information has been submitted with the application, on the basis of the council's aspirations and the cash injection proposed it is considered that the proposal would provide an economic benefit to the upkeep of the park. The development would therefore be likely to support the economic sustainability role with income generation to support the council's wider priorities and services and provide employment during the construction phase and once the adventure zone is operational.

Social role

- 6.10 The NPPF sets out that strong, vibrant and healthy communities should be supported by creating a high quality built environment, with accessible local services that reflect the community's needs and support its social well-being. The NPPF supports access to high quality open spaces and opportunities for sport and recreation and resists building on existing open space, unless the development is for alternative sports and recreational provision and the needs for which clearly outweigh the loss.
- 6.11 The proposed adventure zone would provide facilities for which there is currently limited opportunity within the Maidstone Borough. There are no similar crazy golf provisions within the borough and only one high ropes facility at Leeds Castle (Go Ape). The proposals would therefore allow for additional recreational activities within the borough which would support the social role of sustainability.

- 6.12 The site is sited within the urban settlement boundary and is well located for visitors in terms of accessibility.

Environmental role

- 6.13 The environmental role as set out in the NPPF states that the planning system should '*contribute to protecting enhancing our natural, built and historic environment.*' Matters relating to the detailed assessment of the environmental role of the proposals are discussed in the following sections. Overall it is considered in principle the provision of new recreational facilities within an existing open space would be acceptable subject to all other material planning considerations discussed below being acceptable.

Visual impact

- 6.14 The potential impact of the proposals would be greatest to western-most part of the park. This area whilst part of the registered historic landscape already has the feel of a municipal park with a children's playground, skate park and sports pitches. It is therefore considered that this is the most suitable location within the park for the proposed facilities which will be seen in the context of these existing facilities.
- 6.15 With its height, the high rope and wire climbing installation has the most potential to have a visual impact. This will consist of a latticed timber structure up to 10 metres in height and thus likely to be visible from some distance. In views from the north and east the structure would be seen against a backdrop of substantial trees which would minimise visual impact. Long and medium distance views from the south and west will not be obtainable.
- 6.16 It is proposed that the structure would predominantly be wooden and left in its natural timber finish (which could be conditioned) would benefit its visual appearance. It is considered that the structure could be satisfactorily absorbed into the parkland landscape without harming its significance. The proposed climbing wall, of a similar height, would have much less bulk and a lesser impact on the landscape.
- 6.17 Other facilities such as the small adventure golf course would have less of a visual impact on the historic landscape. Security fencing will have the potential to impact adversely on character so it will be important that it is of a suitable appearance and suitably landscaped. It is considered that inventive measures could be taken to assimilate the fencing into the surroundings of the park, including the use of Public Art incorporated into the fencing.
- 6.18 The proposed kiosk buildings controlling the entrance will be low-key and if finished as shown in timber boarding the structure should not appear too intrusive.
- 6.19 Whilst it is accepted that the additional car parking will have a visual impact this will be reduced by the use of plastic reinforcing grids over grass or filled with gravel. Whilst in the southern parking area there would be some loss of existing trees, the proposal includes compensatory tree planting. The western parking area is already used for overflow car parking.
- 6.20 On balance, it is considered that these proposals, given suitable landscaping, can be accommodated without causing harm to the significance of the historic parkland, to the setting of the Grade II* listed Mote House or the wider visual and landscape setting.

Impact on trees, landscaping and ecology

Ecology

- 6.21 One of the principles of the National Planning Policy Framework is that '*opportunities to incorporate biodiversity in and around developments should be encouraged*'.
- 6.22 Whilst the existing overflow car park is included, the development area is mainly located outside of the Local Wildlife Site designation. The existing overflow car park is currently amenity grassland surrounded by mature trees and this will be stabilised through the installation of a gravel reinforcement system. It is considered that no habitats will be lost through this work.
- 6.23 Kent Wildlife Trust has raised objections to the proposed development, in particular the semi-formalisation of the existing overflow car park. The car park has been used as overflow parking for some time and the application includes suitable mitigation, enhancement and improvements to this area.
- 6.24 With the location of the Local Wildlife Site it is important to ensure that ecological enhancements are provided. Section 5.3 of the Phase 1 Habitat Survey Report has outlined a number of enhancements and approval and implementation of these measures can be secured as a condition.
- 6.25 The application is accompanied by a Phase 1 Habitat Survey and a Bat Roost Inspection Survey and a Bat Roost Inspection Survey and Arboriculture Report. These reports include an assessment of the trees to be removed which concluded that they have negligible potential to support bats. The proposals outline that certain trees will require pruning or crown maintenance.
- 6.26 Recommendations for precautionary mitigation for reptiles and breeding birds are suggested and it is recommended that additional provisions are provided for hedgehogs and common toads due to the suitable habitat, these can be secured through conditions. The KCC Biodiversity Officer raises no objections to the proposals and suggests conditions.

Trees and landscaping

- 6.27 An arboricultural assessment, tree survey and tree protection plans support the planning application. These detail the trees that would be protected and removed. Those to be removed are predominantly located in and around the proposed location for the adventure zone. Indicative planting is shown for replacement planting, with a recommended planning condition seeking the exact details.
- 6.28 The tree and landscape officer is satisfied that appropriate protection could be provided to existing trees and planting. A suitable landscaping scheme would mitigate any loss and seek to mitigate the visual impact of the proposed development. This includes screening of the proposed fencing and increasing the robustness of existing planting as a backdrop to the proposed adventure zone. The proposal would enable greater separation and protection of the trees around the perimeter of car park A and it is considered that the trees adjacent to car park B could be suitably protected and/or replaced as necessary.
- 6.29 Overall it is considered that the impact on ecology, trees and landscaping would be acceptable subject to suitable conditions. It is important that the mature trees are retained and protected throughout the development and a condition is recommended to ensure that this happens.

Flooding and drainage

- 6.30 The application site is outside Flood Zone 2 or 3, with land adjoining the lake and the River Len to the north/east of the site being within Flood Zone 3. The land within the flood zone is at a lower level than the application site.
- 6.31 The application is accompanied by a flood risk assessment that concludes that the site is at low risk from flooding. There may be an increase in flood risk off site but this can be mitigated and the risk remains low. The Environment Agency, KCC Drainage (as lead local flood authority) and Southern Water have been consulted and have not raised any objection. It is considered that the risk from flood risk would be low and that any harm could be mitigated.

Highways and parking implications

- 6.32 A total of 380 parking spaces are proposed. This includes 109 spaces in the main car park, formalisation of 194 spaces within the existing overflow car park and the creation of an additional 77 parking spaces. The proposed level of parking is considered sufficient, especially as many of the visitors to the adventure zone are likely to be existing visitors.
- 6.33 No changes are proposed to the existing vehicular and pedestrian access at Mote Avenue, which is the closest entrance to the adventure zone. The crash data for this location indicates 2 personal injury crashes for the 5 year period to 31 December 2015. This is considered low and neither of these accidents appear to be directly related to vehicles entering or leaving Mote Park.
- 6.34 Section 6.1 of the Transport Statement predicts an initial 10% increase in visitor numbers associated with the adventure zone. The traffic survey data indicates a 10% increase will result in an additional 28 vehicles entering and leaving the park during peak periods. It is not considered this increase will lead to a severe impact on the surrounding highway network.
- 6.35 The existing provision of 11 cycle parking spaces is located adjacent to the main car park at Mote Avenue. It is recommended that these spaces are monitored to ensure they meet demand. A condition is recommended which seeks a monitoring report after one year of the opening of the adventure zone and the provision of additional cycle parking if necessary. Coach parking will be accommodated within the associated leisure centre car park which it is noted has designated coach parking spaces.
- 6.36 There is opportunity as part of the application to increase the provision of electric vehicle charging points and promote the use of electric vehicles by installing electric vehicle charging points by park users. This could be conditioned to provide a scheme of charging points.

Residential amenity

- 6.37 Whilst the high rope equipment and climbing wall would be at a height of 10m, no undue loss of privacy or overlooking would result as the nearest residential properties are in excess of 350m from this equipment.
- 6.38 No significant additional noise and disturbance is likely as a result of the proposed adventure zone or ancillary activities. Environmental health have reviewed the complaint history for the park. Whilst there are numerous complaints about large

events there are no complaints concerning general park activities. The normal operation of the proposed equipment would be unlikely to generate noise levels in excess of the current playground and sports facilities.

- 6.39 It is important that any floodlighting or lighting is installed in such a way as to prevent nuisance from overspill light. It is not anticipated that the adventure zone itself would be operational outside daylight hours and as presented no lighting is proposed. To ensure that any future lighting is sensitively designed a condition is recommended to ensure that details of any lighting scheme is submitted to and approved in writing.

Other Matters

- 6.40 The site lies within Mote Park registered parkland; essentially an 18th and 19th century designed landscape overlying an earlier deer park. Remains associated with post medieval or earlier activity may be encountered during the groundworks and as such an archaeological condition is recommended.
- 6.41 In terms of land contamination the application is accompanied by a Phase I and Phase II geotechnical and geo-environmental assessment. The report has been reviewed by the Environmental Health Officer and the officer is satisfied with the report and the conclusions drawn. The main park area is very low risk and while one soil sample has shown a high level of lead, this will be under the parking area. The soil in this area will also be removed as part of the car park development.
- 6.42 The proposed adventure zone would be located on the site of the existing Skate Park. Whilst it does not form part of the current submission and is shown for indicative purposes only, the submitted plans show the relocation of the Skate Park to the north of the adventure zone. It is proposed to provide Segway's for use in the wider park which would be managed as part of the adventure zone.

7.0 CONCLUSION

- 7.01 The proposals would support the Councils corporate policies and strategic plan which seeks to ensure there are good leisure and cultural attractions and protect the character and heritage of our Borough. It would represent sustainable development which would support the economic, social and environmental strands
- 7.02 The proposals would not harm the significance of the historic park nor adversely affect the setting of Grade II and Grade II* Listed Buildings and the application satisfactorily addresses arboricultural and ecology matters and would allow for appropriate protection and mitigation
- 7.03 All other material planning considerations are considered acceptable and appropriate conditions could address matters relating to flooding, archaeology, highways, contamination and neighbouring amenity.

8.0 RECOMMENDATION – GRANT PLANNING PERMISSION 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: 553-01 Rev A (Site Location Plan); 553-MP-101 Rev J (General Arrangement); 553-MP-102 Rev L (General Site Arrangement); 553-H-353 (Proposed Kiosk/Storage); 553-H-301 Rev F (Car Park A Layout); 553-H-302 Rev F (Car Park B Layout); 553-H-351 Rev G (Section Elevations A-A, B-B); 553-H-354 (Section Elevation C-C, D-D); 553-H-355 (Section Elevation E-E, F-F); 3701_DR-002 rev B (1 of 7) (Tree Protection Plan 1/7); 3701_DR-002 rev B (2 of 7) (Tree Protection Plan 2/7); 3701_DR-002 rev B (2 of 7) (Tree Protection Plan 2/7); 3701_DR-002 rev B; (3 of 7) (Tree Protection Plan 3/7); 3701_DR-002 rev B (4 of 7) (Tree Protection Plan 4/7); 3701_DR-002 rev B (5 of 7) (Tree Protection Plan 5/7); 3701_DR-002 rev B (5 of 7) (Tree Protection Plan 5/7); 3701_DR_001 Rev B (Tree Survey Drawing Sheet 1 of 7); 3701_DR-003 (Tree Survey Drawing Sheet 2 of 7); 3701_DR-004 (Tree Survey Drawing Sheet 3 of 7); 3701_DR-005 (Tree Survey Drawing Sheet 4 of 7); 3701_DR-006 (Tree Survey Drawing Sheet 5 of 7); 3701_DR-007 (Tree Survey Drawing Sheet 6 of 7); 3701_DR-008 (Tree Survey Drawing Sheet 7 of 7)

Reason: To clarify which plans have been approved.

- (3) The high rope frame hereby permitted shall not exceed the external footprint dimensions shown on Drawing No. 553-MP-101 Rev J and the height shall not exceed a maximum height of 11.4m.

Reason : In the interest of visual amenity and in accordance with the details submitted

- (4) The climbing wall hereby permitted shall not exceed the footprint as shown on drawing number Drawing No. 553-MP-101 Rev J and the height shall not exceed a maximum height of 11.4m.

Reason : In the interest of visual amenity and in accordance with the details submitted

- (5) Prior to commencement of development of development details of the following shall be submitted to and approved in writing by the Local Planning Authority and the development carried out in accordance with the approved details :

- i) Details of the proposed design, layout, materials and appearance of the high ropes hereby approved. This shall include details of the location of platforms, stairs, interlinking equipment such as rope bridges, stepping stones, balance beams and wooden bridges. The material details should as far as practicable show the structure to have a natural timber finish.
- ii) Details of the proposed design, layout and appearance of the crazy golf course hereby approved. This shall include details of surfacing, levels and any proposed structures
- iii) Details of the design and appearance of the climbing wall hereby approved.
- iv) Details and samples of any hardsurfacing, including footpaths, access ways, the ground cover within the adventure zone.

- v) Details and samples of the materials to be used externally for the proposed kiosk/storage building.

Reason : In the interests of visual amenity and the submitted details are indicative. Details are required prior to commencement as these details are necessary to ensure a satisfactory completion to the proposed development.

- (6) Details of any permanent or temporary gates, walls, fences or other means of enclosure sited within the site area shall be submitted to and approved in writing by the Local Planning Authority and implemented and retained in strict accordance with the approved details. These details shall include details of the proposed fencing around the perimeter of the Adventure Zone, and details of low-level fencing to prevent parking adjacent to the trees around Car Park A.

Reason: To enable the Local Planning Authority to protect the visual amenities of the locality.

- (7) The development hereby approved shall not commence until a method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning during the excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason : To ensure the construction of development does not result in harm to highway safety and the protection of the amenity of the historic park.

- (8) The area shown on drawing numbers 553-H-301 Rev F and 302 Rev F as vehicle parking, loading, off-loading and turning space, shall be paved in accordance with details shown on the approved drawing unless otherwise agreed in writing by the Local Planning Authority and before the use of the Adventure Zone is commenced and shall be retained for the use of the visitors to and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting those Orders), shall be carried out on that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to such activities inconvenient to other road users and harmful to highway safety.

- (9) The bicycle storage facilities shown in figure 5 of the Transport Statement shall be retained for users of the park. A monitoring report of the use of the cycle storage compiled over the first year following the commencement of the use of the adventure zone shall be produced and submitted to the Local Planning Authority in the 13month following commencement of the use. This report should identify whether further cycle storage is required and if identified then provide details of the proposed siting and design of the additional storage. Any additional cycle storage should be provided in accordance with the approved details and timescale.

Reason: To ensure the provision and retention of facilities for bicycles in the interests of highway safety and sustainable forms of transport.

- (10) The use of the Adventure Zone hereby approved shall not commence until details of a scheme for providing publicly accessible electric vehicle charging point, including number, a programme for their installation, maintenance and management, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points as approved shall be installed prior to occupation of the commencement of the use hereby permitted and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

- (11) In this condition "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars. Paragraphs i) and ii) below shall have effect until the expiration of 5 years from the date of completion of the development for its permitted use.

- i) No retained tree shall be damaged, cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the Arboricultural Impact Report (Ref No. 3701_RP_001 Revision C), without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations or any revisions thereof.
- ii) If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.
- iii) The installation of tree protection barriers, the methods of working shall be undertaken in accordance with the Arboricultural Report (Ref No. 3701_RP_001 Revision C) prior to the commencement of development and retain until the completion of development.

Reason; Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- (12) No development shall commence until the developer has :

- i) Instructed an arboricultural consultant, approved in writing by the Local Planning Authority, to liaise with the developer and/or his architect or engineer to approve relevant details of construction methods, oversee the works and report to the Council throughout the period of the works in so far as the works may affect retained trees; and
- ii) Submitted to and obtained the written approval of the Local Planning Authority for an auditable system of arboricultural site monitoring, including a schedule of specific site events requiring arboricultural input or supervision where construction and development activity is to take place within or adjacent to any root protection area of any tree identified for retention.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and

locality. The details are required prior to commencement to ensure that no retained trees within the historic park are adversely impacted upon.

- (13) The development hereby approved shall not commence above slab level until a landscape scheme for the entire site, designed in accordance with the principles of The Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value. It shall include a planting specification, a programme of implementation and a long term management plan. The landscape scheme shall specifically address the need to provide landscaping to soften the security fencing proposed around the development area.

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

- (14) All planting, seeding and turfing specified in the approved landscape details shall be carried out in the planting season following occupation of the replacement dwelling hereby permitted or the season following the commencement of the use of the proposed new access whichever is the sooner. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

- (15) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable 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. The information is required prior to commencement as the matter needs to be considered before any works to the land takes place.

- (16) No development shall take place (including any ground works, site or vegetation clearance) until a method statement for ecological mitigation (including provision for bats, reptiles, nesting birds, hedgehogs, and common toads) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works:
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) Extent and location of proposed works, including the identification of a suitable receptor site, shown on appropriate scale maps and plans;

- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- f) Use of protective fences, exclusion barriers and warning signs
- g) Initial aftercare and long-term maintenance (where relevant);

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

- (17) Prior to commencement of development hereby approved, details of how the development will enhance the quality and quantity of biodiversity has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those approved details and thereafter retained.

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

- (18) 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. The scheme should be designed taking into consideration the following :

- i) This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill.
- ii) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- iii) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb the adjacent designated sites or veteran trees or prevent the above species using their territory.

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 protecting visual and residential amenity and biodiversity.

INFORMATIVES

- (1) If a formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire 8021 2SW (Tel: 03303030119) or www.southernwater.co.uk
- (2) The applicant is advised of the following working practices covered by legislation outside of the planning system:

- Your attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition: if necessary you should contact the Council's environmental health department regarding noise control requirements.
- Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Council's environmental health department.
- Plant and machinery used for demolition and construction should only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- Vehicles in connection with the construction of the development should only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work.
- Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
- It is recommended that the developer produces a Site Waste Management Plan in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.

If relevant, the applicant must consult the Environmental Health Manager regarding an Environmental Permit under the Environmental Protection Act 1990.

- (3) In relation to Condition 6 which requires details of fencing it is suggested that the applicant explores methods of introducing public art into the fencing around the Adventure Zone to improve the visual appearance of the fencing, aid in its assimilation within the wider park and to create a sense of place. The fencing around the perimeter of Car Park A should be knee rail timber fencing or similar.

Case Officer: Rachael Elliott

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



16/507848 - Greenfields

Scale: 1:1250

Printed on: 28/6/2017 at 10:07 AM by EllyH



REPORT SUMMARY

REFERENCE NO - 16/507848/FULL		
APPLICATION PROPOSAL - Construction of a detached two-storey dwelling and parking area		
ADDRESS - Greenfields, Stanley Road, Marden, Kent, TN12 9EL		
RECOMMENDATION – GRANT PLANNING PERMISSION with planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION - The proposed development complies with the policies of the Maidstone Borough-Wide Local Plan 2000, the Submission Version of the Maidstone Borough Local Plan (2011-2031), and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE - The recommendation is contrary to the view of Marden Parish Council, who have requested referral to Planning Committee.		
WARD Marden & Yalding	PARISH/TOWN COUNCIL Marden	APPLICANT Mr & Mrs Hemmant AGENT Robert Shreeve Associates Ltd
DECISION DUE DATE 17/01/2017	PUBLICITY EXPIRY DATE 05/01/2017	OFFICER SITE VISIT DATE 08/12/2016
RELEVANT PLANNING HISTORY - None		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located within the village settlement boundary of Marden and forms part of the garden of a semi-detached dwelling known as Greenfields. This property is located within a ribbon of residential development running along the northern side of Stanley Road, on the southern side of which are the playing fields of Marden Hockey Club.
- 1.02 The street-scene along Stanley Road is mixed, being made up of both semi-detached pairs and detached dwellings, including both two-storey houses and bungalows. Part of a more recent backland development, Oak Tree Close, is located to the rear of the site.
- 1.03 Greenfields is a probably mid 20th-century, semi-detached dwelling with a brick ground floor, rendered first floor and barn hipped roof. Glenton, the neighbouring property to the east, is also semi-detached with a brick ground floor and rendered first floor and is of a similar age, but different design and with a two-storey side extension.
- 1.04 The application site is the garden area between these two. It currently contains Greenfields' side conservatory and a detached timber garage. The frontage is a concrete parking area, enclosed by a low metal fence.

2.0 PROPOSAL

Planning permission is sought for the construction of a detached two-storey dwelling. This would have a gabled roof and lean-to, open-sided front porch, with a false-

pitched-roofed single-storey element at the rear. Proposed materials are red facing bricks for the ground floor, white-painted render to the first floor and clay roof tiles. Two car parking spaces would be provided on the frontage, together with some planting, and the plans also indicate that two replacement spaces would be provided on the remaining frontage of Greenfields.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, H27
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Supplementary Planning Documents: N/A
- Draft Maidstone Local Plan (2011-2031): SP5, SP9, DM1, DM10, DM12, DM27

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 2 representations received from local residents raising the following (summarised) issues:

- Insufficient parking;
- Drainage;
- Dust, dirt and disturbance from builders;
- Loss of light/overshadowing;
- Loss of privacy;
- Design out of keeping;
- An extension was refused planning permission in Stanley Road recently;
- Cricket & Hockey Club development already means more houses/traffic;
- Safety of pedestrians, prams and wheelchair-users (road & pavement narrow).

4.02 **Marden Parish Council:** Objection as design, proportions and detailing are inappropriate making it incongruous with neighbouring properties and the street-scene. The alteration to the roof line shown on the amended plans do not change this view.

5.0 CONSULTATIONS

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

5.01 **KCC Highways & Transportation:** Do not require to be consulted.

5.02 **Mid Kent Environmental Health Officer:** No objection.

6.0 APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- the design of the dwelling and the impact on the street-scene;
- the impact on the residential amenity of neighbours.

Visual Impact

- 6.02 Stanley Road has a mixture of dwelling types and designs with some variance in spacing and building heights. The design of the dwelling has been amended in response to concerns raised by officers and the parish council, such that the proportions, height and detailing are now in keeping with the general context of the surroundings, notwithstanding the variations. The roof form has also been changed from half-hipped to gabled, which similarly sits comfortably with the overall proportions of the building and better reflects the detached and individual nature of the dwelling.
- 6.03 A proposed street-scene elevation has been supplied, which illustrates that the height and proportions are in keeping with neighbouring buildings, and also that sufficient spacing would remain. There is a similar distance between Felavon and Sedalia to that between Greenfields and the proposed dwelling, whilst the gap between Sedalia and Meldreth is only approximately two-thirds of that which would remain between the proposal and Glenton.
- 6.04 In summary, the proposed new dwelling would not look out of keeping nor cause any material harm to the character or appearance of the street-scene or surrounding area.

Residential Amenity

- 6.05 Glenton: This property is to the east of the site. It has a two-storey side extension with one obscure-glazed ground floor window (appears to serve the garage) and one high-level first floor window in the flank elevation. The separation distance between that extension and the proposed dwelling would be approximately 7 m. In view of that degree of separation, I do not consider that there would be a significantly detrimental impact on light or outlook for this neighbour. Views from the proposed ground floor flank window would be obstructed by the boundary treatment, but the first floor bathroom window could allow overlooking of Glenton's garden, so should be conditioned to be obscure-glazed. The angle of view from the rear-facing openings would be too oblique to cause a harmful loss of privacy.
- 6.06 Greenfields: The applicant's dwelling is to the west of the site with wall to wall separation distance of approximately 2 m. The footprint of the proposed property and Greenfields are the same. Whilst the two storey element of the proposed building extends slightly further back past the two storey part of Greenfields this is not enough to have any significant detrimental impact on light or outlook to the existing first floor rear bedroom windows.
- 6.07 There are ground floor flank windows on the existing dwelling. One of these serves the kitchen, which is a non-habitable room with another source of light and outlook to the rear. The other serves the dining area. On balance, given that this room is understood to have another source of light and outlook via the larger bay window to the lounge on the south elevation, and as this is the applicant's own property (and any future occupiers would be able to see what they were purchasing), I do not consider this to be grounds for refusal. The proposed door and window to the kitchen of the new-build should be obscure-glazed to prevent a loss of privacy to the dining room. The first floor flank window at Greenfields serves the staircase, so no harm would arise. Again, the angle of view from the proposed rear-facing openings would be too oblique to cause a harmful loss of privacy.
- 6.08 No other dwellings are close enough to be significantly affected in terms of light or outlook. The dwellings to the rear, in Oak Tree Close, do not have any windows facing

the proposal, and the juxtaposition of buildings and boundary treatments together with the angles and distances involved would prevent overlooking of garden areas.

Other Matters

- 6.09 **Principle of the Development** – The site falls within the village settlement boundary of Marden, which is a defined rural service centre in the emerging Local Plan. New residential development in the form of infilling is considered acceptable under saved Local Plan Policy H27 and emerging Policy SP5. Although the proposal would result in the loss of an area of garden land, this is supported within rural service centres under emerging Policy DM10. Moreover, the site is located within a ribbon of existing residential development and for the reasons set out above, the proposal is not considered to cause any material harm to the character or appearance of the surroundings or the amenities of neighbouring occupiers.
- 6.10 **Highway Safety/Parking** – Two parking spaces would be provided for both the new dwelling and the existing. This is considered sufficient in this sustainable location and complies with the parking standards set out in emerging Policy DM27. Stanley Road is unclassified, and the frontage of the application site is already hard-surfaced and capable of being used as a parking area, plus the metal fencing could be removed at any time, such that the loss of on-street parking outside of the site is not considered to be reasonable grounds for objection to this application. The application does not affect the width of the pavement or road. KCC Highways have not raised any objection on the grounds of highway safety/additional traffic.
- 6.11 **Drainage** – This is a matter primarily for Building Regulations. However, the application does confirm that foul drainage would be via the main sewer and surface water via soakaway.
- 6.12 Dust, dirt and disturbance from builders is covered by separate legislation and is not a planning consideration.
- 6.13 It is an established planning principle that each case must be decided on its own merits. Moreover, an application for a domestic extension would be assessed against different policies to an application for a new dwelling.

7.0 CONCLUSION

The development is well designed to fit with the context of its surroundings, would not harm the amenities of neighbouring residential occupiers, and would be acceptable in terms of highway safety and parking. As such, the proposal complies with both adopted and emerging Development Plan Policy, and Central Government Guidance, and there are no overriding material considerations to indicate a refusal.

8.0 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:

RS16.26.SP02 received on 09/11/2016 and RS16.26.PL03C, RS16.26.PL05 and RS16.26.BR01A received on 10/03/2017;

Reason: To clarify which plans have been approved.

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

Reason: To ensure a satisfactory appearance to the development.

- 4 Before the development hereby permitted is first occupied, the proposed first floor window to the bathroom on the east elevation and the proposed door and window to the kitchen on the west elevation shall be obscure glazed and shall subsequently be maintained as such to the satisfaction of the local planning authority;

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

- 5 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 not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

- 6 The development hereby approved shall not commence above slab level until a landscape scheme using indigenous species and designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, 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;

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory 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 first occupation of the dwelling hereby permitted 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.

- 8 The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building or land and maintained thereafter;

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

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A or B to that Order shall be carried out without the permission of the local planning authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area and protect the amenities of neighbouring residential occupiers.

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

Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.

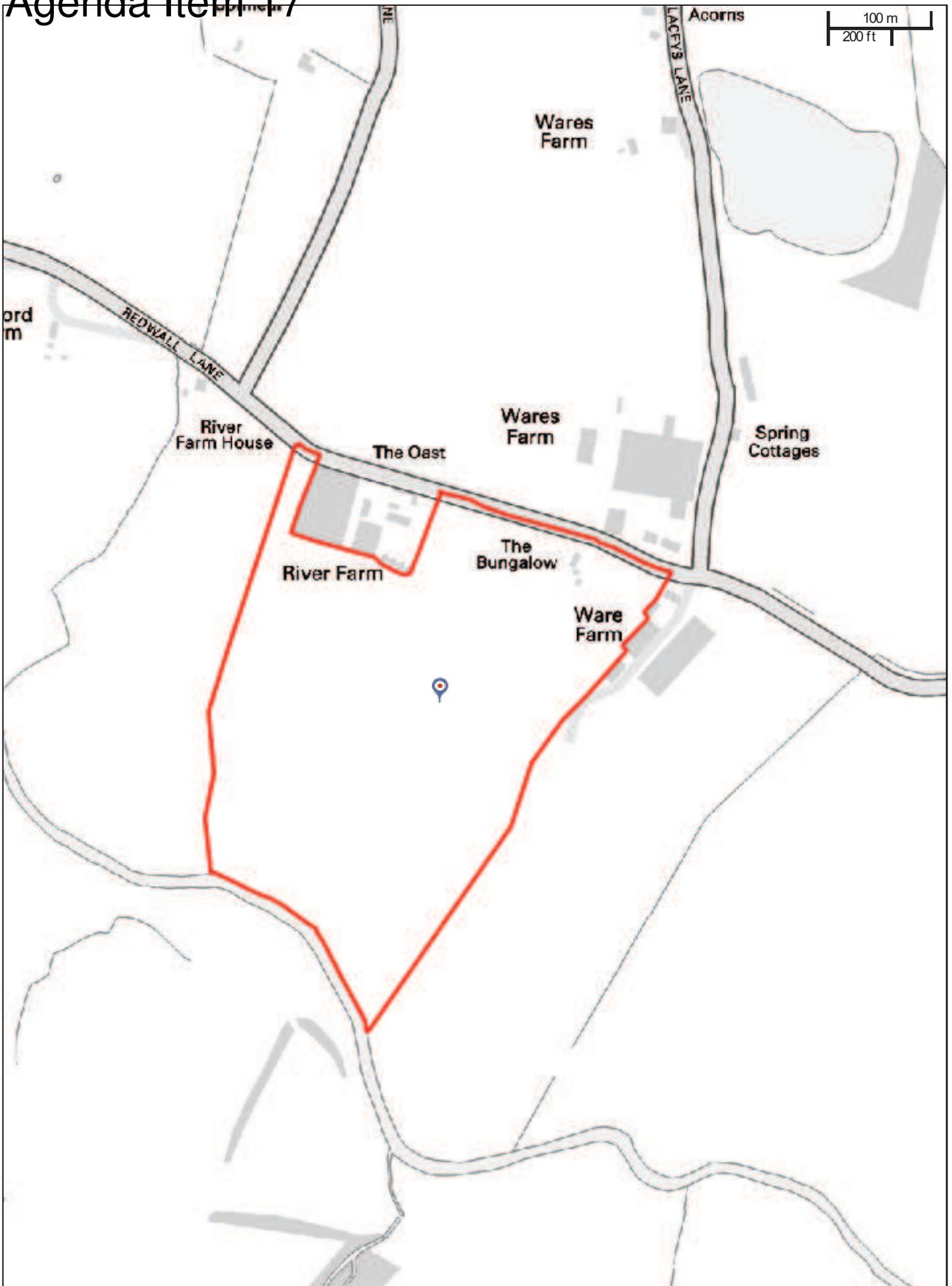
- 11 The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on the site and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

Case Officer: Angela Welsford

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

Agenda Item 17



16/508659 - Land South of Redwall Lane

Scale: 1:5000

Printed on: 28/6/2017 at 11:22 AM by EllyH

REPORT SUMMARY

REFERENCE NO - 16/508659/FULL		
APPLICATION PROPOSAL Demolition of existing dwelling and erection of B8 warehouse building (13,991sqm) with ancillary offices (4,542sqm), dock levellers, access, parking and landscaping including the creation of new woodland and attenuation pond.		
ADDRESS Land South Of Redwall Lane, Linton		
RECOMMENDATION Approval subject to imposition of planning conditions and S106		
SUMMARY OF REASONS FOR RECOMMENDATION <p>Whilst the application represents a departure from the development plan on account of the significant expansion of an existing business within an area of countryside, the development will secure a substantial number of existing jobs, generate a significant number of new employment opportunities in the future as well as a range of other economic benefits to local businesses and the rural economy. Having regard to the alternative of developing elsewhere in the Borough, including within Economic Development Areas and emerging employment allocations, no such sites are considered to be available or more suitable within the Borough to accommodate such growth. Whilst, the location is not strategically located in respect of the large import element of the business, the location close to the existing premises will have other operational benefits due to the location of the existing workforce and supply chain.</p> <p>Although the scheme will result in landscape harm to the countryside, particularly in the short term, over the medium and longer term this harm will be reduced by a comprehensive landscape mitigation strategy, which will be secured by Section 106 agreement, and which will also secure substantial biodiversity benefits. The other impacts of the development including the impact on the local highway network can be addressed through direct interventions or contributions towards highway works which can also be secured by legal agreement or planning conditions. Further matters such as design, impact on residential amenity, heritage, flood risk and drainage, air quality and ecology are considered to be acceptable subject to the imposition of the appropriate planning conditions. Therefore, applying the planning balance, whilst it is recognised there will be harm caused to the character of the countryside, the economic benefits and the lack of alternative sites within the Borough are considered to represent material considerations which combine to outweigh the policy conflict and identified harm and justify the development in planning terms.</p>		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • The development would represent a departure from the development plan • The recommendation is contrary to the views of Linton and Hunton Parish Council who object to the application 		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL Linton	APPLICANT Berry Gardens Ltd & Alan Firmin Ltd AGENT DHA Planning
DECISION DUE DATE 09/05/17	PUBLICITY EXPIRY DATE 05/05/17	OFFICER SITE VISIT DATE 31.1.2017

RELEVANT PLANNING HISTORY (none for application site but numerous in respect of existing premises to the north and most notable listed below):			
App No	Proposal	Decision	Date
04/2034	Erection of new warehouse and parking	Approved	9.5.2005
05/1172	Extension to building to provide loading bay	Approved	10.8.2005
08/0694	Erection of warehouse building to allow for relocation/expansion of existing business	Approved	23.5.2008
11/1367	Erection of extension and loading bay to pack house	Approved	11.11.2011
12/0153	Two single storey extensions to provide additional chill and office	Approved	26.3.2012
12/1380	Erection of extension to building to create staff facilities and storage and mezzanine floor	Approved	23.10.12

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site is located to the south of Redwall Lane which connects to the A229 to the east. The Wares Farm industrial estate lies to the north and contains a range of B Class uses including the existing Berry Gardens complex of approximately 9,000sqm. The site itself is currently managed grassland which extends from Redwall Lane to the northern boundary to the River Beult which runs to the southern boundary. The land slopes from around 25 AOD in the north west of the site to around 13.5 AOD where the site meets the river and its flood plain, which occupies the southern part of the site. To the north west of the site is a bungalow which is within the ownership of the applicant. An established bund delineates the eastern boundary with Wares Farm, which contains a further complex of large agricultural buildings as well as a large number of caravans which are used for accommodating seasonal workers. Polytunnels are located to the south east and open countryside opens out to the south of the site.
- 1.2 The site lies with the Low Weald, with the Greensand Ridge approximately 2km to the north. With the exception of the adjacent industrial areas, the area mainly consists of pasture and lies within a countryside location with farmsteads and sporadic residential development located along Redwall Lane which includes a residential property adjacent to the north-west boundary of the site. The site lies 4.5km southwest of the Linton Crossroads (via Redwall Lane and A229) which represents the main approach to Maidstone Town Centre.

2.0 PROPOSAL

- 2.1 The application is for the construction of a storage and packing building for occupation by Berry Gardens which will have a floorspace of 18,533sqm including a mezzanine floor for office headquarters of 4,542sqm. The company plan to relocate from their existing base, within the industrial complex to the north, and relocate their

head office from Five Oak Green to combine their entire operations within the new bespoke building. The existing premises would be unsuitable to accommodate the current and projected growth due its size and layout constraints and the new building will contain the requisite chilled storage, processing and packing areas along with a layout which will support the efficient processing operations for local and imported soft fruit.

- 2.2 The site extends to 14ha with 8.9ha to be designated as a landscape and ecological area which will seek to provide landscape mitigation for the proposed building and create biodiversity enhancements as part of an integral strategy. The building will be set within the NE part of the site and will be cut into the landscape, in order to reduce its visual impact and to create a level construction platform, with floor levels set at 20m AOD in relation to the surrounding level of 25.5 AOD to the NW and 21.5 m to the NE boundary. In order to utilise this spoil within the site, land raising will take place within the landscape mitigation area which itself will wrap around the southern and western parts of the building which will include woodland planting, meadow planting and wildlife ponds which will form part of a SUDS scheme.
- 2.3 The building will measure 144m in length with a width of 97.5m which is designed with three hipped bays forming the principal north and south elevations. The building will consist of Kingspan cladding panels coloured green and mushroom with a grey Kingspan clad roof which will measure 12.6m to the ridge. The building will be 8 bays deep with high level aluminium windows to serve the offices. The ground floor of the building is designed to allow the flow of produce through the building with a chilled intake area to the southern part of the building. The central part of the building will contain the packing facilities with the northern part of the building laid out for dispatch with 6 loading bays. Unlike the current building, whereby the internal layout has evolved in a piecemeal fashion, this design and layout of the internal part of the building is specific to the operational needs of the company which is required to support the growth of the business. The building will also contain a mezzanine floor which will contain the headquarter offices, archives, staff facilities including lockers and a canteen area.
- 2.4 The site will also include two access points to the site and an internal road layout which will create one way system for HGVs which will link to the two loading areas to the north and south of the building and also two large car parks for staff and visitors which will provide a total of 232 spaces with HGV parking. The application also proposes highway improvements to Redwall Lane and contributions to Linton Crossroad. A staff recreation facility will also be provided within the site.
- 2.5 The application is supported by an Environmental Statement (ES) which assesses the application under the Environmental Impact Assessment Regulations 2011 (which has recently been superseded by the 2017 Regulations) which includes assessments in relation to landscape, ecology, socio-economic, air quality, transport and noise impacts. The application is also supported by a Landscape and Ecology Management Plan (LEMP).

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) Sections 1, 3, 4, 7 and 11, 12
National Planning Practice Guidance (NPPG)
Development Plan: MBC Local Plan 2000
Emerging Maidstone Local Plan 2011-2031 – DM1, DM3, DM5, DM20, DM24, DM27, DM28, DM34, DM41, ID1

Landscape Character Assessment Guidelines and Maidstone Landscape Character Study

4.0 LOCAL REPRESENTATIONS

4.1 A number of site notices were placed at the site and on the junction of Redwall Lane and the A229 on the 27th January 2017. The application was subject to an initial consultation following validation of the application and a further round of consultation following the submission of amended plans and further information in respect of the application.

4.2 Linton Parish Council has responded to the application and objects on the following grounds;

- No objection to Berry Garden's growth but is no longer a rural enterprise and is a global industrial concern which cannot be sustained in its current location
- Primary industries are farming and tourism and development will cause harm to the wider landscape
- No benefits to the local Linton area and should relocate an area with better infrastructure.
- Flooding and Lighting impacts
- Contrary to the local plan and would harm a landscape of local value and features as defined by the MBC Landscape Assessment
- Development entirely inappropriate and contrary to the NPPF and Local Plan

4.3 Linton Parish Council has requested that the committee undertake a site visit with the Parish Council to understand the site and its concerns.

4.4 Hunton Parish Council has responded to the application and objects on the following grounds.

- Loss of countryside
- Significant increase in traffic across Maidstone
- Should be located nearer the motorway
- Compatibility of HGV and lanes unsuitable for HGV
- Highway safety and congestion

In response to the original application documents, there were approximately 63 responses from the general public of which raised the following issues;

- *Increase in traffic and compatibility of country lanes and HGV*
- *Harm to the countryside and local character contrary to local and national policies*
- *Noise from refrigeration units and workers*
- *Highway congestion and cumulative increase on Redwall Lane*
- *Road unsuitable for HGV, blockages and damage to road and road collapses*
- *High proportion of produce imported so should be located near to motorway*
- *Inspectors report which draw attention to A229 congestion- deleted sites*
- *Inappropriate for beautiful rural area and will impact upon walkers and cyclists*
- *Redwall Lane extremely narrow to the west of the site and road network to west unsuitable for any additional traffic*
- *Impact on highway safety*

- *Additional office workers will travel through Hunton causing chaos and congestions- lanes subject to flooding*
- *Impact of lighting*
- *Visibility is poor along Redwall Lane*
- *Loss of agricultural land.*
- *Will exacerbate the flooding issue*
- *No need to be in the countryside and better placed on an industrial site*
- *Impact on residential amenity by reason of traffic increase*
- *Devastation of local wildlife*
- *Landscape mitigation not adequate especially in winter*
- *Air Quality impacts*

4.5 In response to the applications, there has been one letter of support which is from Locate Kent which highlights what it sees as significant economic benefits of the application and the importance of Berry Gardens, both locally and nationally, including work with unemployed persons. It also highlights the difficulties of businesses within Kent finding appropriate premises and the concern that the business may chose to relocate out of the county if the application is not successful.

4.6 In response to the additional information and revised plans and the further consultation undertaken, a further 13 responses have been received from the general public which either confirmed their original objections still stand or raise the general issues which have already been outlined above.

5.0 CONSULTATIONS

CPRE Kent - Object. State that the development is contrary to development plan and policies ENV28 and considers the development to have a significant impact on the countryside and would be better suited to a site nearer the motorway network.

Environment Agency No objections on pollution or flooding grounds with recognition that the development would be subject to the Environmental Permit process and flood warning system

KCC Drainage No objections- consider the Flood Risk Assessment to be sufficient to assess the flood risk facing the site and are comfortable with the submitted detail of SUDS subject to engagement with the Environment Agency at the detailed design stage.

KCC Ecology Have reviewed the evidence and is content that the foul drainage by condition which will ensure no impact is had on the SSSI. Are content there is scope within the development site to maintain Great Crested Newt populations and that the landscape masterplan offers excellent net gains for biodiversity. Suggest conditions requires Ecological Design Strategy and Landscape and ecological management plan (LEMP)

KCC Highways

1ST Consultation

Initially submitted a holding objection on the basis of the impact of increased traffic and congestion to the Linton Road Crossroads and required further information on the TA methodology and other matters

2nd Consultation

Additional information provided by the applicant allows the removal of the holding objection subject to a suite of highway mitigation works and planning conditions, including the Linton Road Crossroads improvement scheme via a 278 agreement. If MBC are minded to approve the application without the provision of these works, KCC would seek to require a financial contribution to a future improvement scheme and safe guarding of land for future improvement of the Linton Road crossroads.

KCC Rights of Way- Note the location of footpath KM129 and offers advice on maintaining route as per legislation

Kent Wildlife Trust No objection and recognises an enrichment of the undeveloped parts of the site but highlights concerns regarding effect of range of birds and farmland animal. Advises that a condition be imposed to require a LEMP and a package of actions aimed at supporting populations of hares and farmland birds

MBC Conservation – No objection and no impact on setting of any heritage asset

MBC Economic Development

Supports application in relation to benefits put forward by the applicant, the need for the development and wider economic benefits.

MBC Environmental Health No objections subject to conditions relation to air quality, noise, lighting, foul drainage, EV charging points and contamination. Also suggest a noise mitigation plan for plant and equipment and noise management plan to mitigated any effects of the development during night time hours

MBC Landscape LVIA follows the general principles of current guidelines, and feels applicant has underplayed effects and the earthworks and mitigation that is being introduced will alter the landscape in a contrived way.

National Planning Casework Unit Acknowledge Environmental Statement and have no comments to make

Natural England No objections but raise potential to impact upon adjacent SSSI. However, they suggest a condition relating to location of storage to protect SSSI

6.0 APPRAISAL

Background

- 6.1 Berry Gardens Ltd has evolved from a number of cooperatives to expand into the current business which is sited at Wares Farm and has its head office at Five Oak Green. The business has grown significantly since its inception, this growth originating from when the company started to import fruit in 1998 to support its local fruit trade which coincided with the significant upward growth in the UK soft fruit market. This together with the signing of exclusive trading deals has led to significant growth of the business with the company supplying major supermarket chains. The company provide packaging and storage facilities for local farms including Clock House Farm at Coxheath as well as processing imported produce from further afield. In 2015, the farm produced 61 million punnets of which 10.5 million punnets were sourced locally and the remainder imported from the rest of the UK or abroad, and presents a growth of around 20% growth rate year on year. The company forecast further growth in sales of £156 (or 70 million punnets) in 2016 to around £190 million

in 2020 (or 107 million punnets). This projected growth will require a growth from the existing workforce of 509 (434 at Wares Farm) to 728 in 2020 and 938 at peak employment numbers in 2024.

6.2 The company current employ 434 staff at the Wares Farm premises with many employees residing in the South Maidstone Area including the immediate ME15 and ME17 postcodes where the highest concentration of employees live. The business is also heavily involved with local fruit farms with the current premises processing around 10.5 million punnets from this local supply chain which in turn are reliant on Berry Gardens as a local processing and chilled storage facility before the produce is sent to market. It has been advised that there is a 30 minute period from transferring fresh produce from field to chiller in order to ensure freshness and to maintain quality in the product. Therefore, whilst the dominant import element to the business, there is also a clear local link with local businesses and the fruit industry which found in the south of Maidstone. For example, it has been advised that Clockhouse Farm at Coxheath are Berry Garden's primary customer, who rely on Berry Gardens (including their cold storage facilities) and currently produce £15 million soft fruit which is growing at 10% per annum.

6.3 The current and forecasted growth is put forward as justification for the construction of a new building and its increased floorspace, bearing in mind the extent of floorspace and the layout constraints of the existing building. The rationale behind the new building is also to bring together the head office with the warehouse operations within one building which will seek to create operational and economic efficiencies for the business. The new floorspace has been designed to create the requisite floorspace for chilled storage, packing and dispatch facilities to accommodate the forecasted growth and achieve this within a logical and efficient layout. This will include an increase in the intake (chilled store) from 2500sqm to 5000sqm which would allow an increase in storage of 650 pallets to 1300 pallets. The packing area will increase from around 1500sqm to 3800sqm which will allow space for 15 packing lines and an increase in the dispatch area from 930sqm to 2500sqm which would allow an increased storage from 250 pallets to 800 pallets. Further floorspace would be increased for storage and requisites from 1115sqm to 1500sqm. Other floorspace will include staff facilities such as the canteen and locker /changing areas and other ancillary facilities. Whilst some of these areas have more than doubled in size above that of the existing premises, other areas have not increased to the same degree on the basis the new building will simply allow a more efficient way of working. Thus, the benefits of the new building do not simply rely on greater floorspace but also on the more logical layout of the floorspace to make production more efficient. The opportunity to combine their existing two sites into one building will also have economic and operational benefits to the business.

Planning Policy Context

6.4 The application would represent the construction of a substantial new building with a floorspace of over 18,000 square metres which will contain the necessary facilities to meet the applicant's current and future growth including its office headquarters that will occupy a mezzanine floor (4542sqm) within the building. The site is located within the countryside as defined by policy ENV28 of the existing local plan and Policy SP17 of the emerging Local Plan and is outside of any settlement boundary or Economic Development Area. ENV28 seeks to protect the character of the countryside whilst SP17 (in its modified form) states development will not be permitted unless they accord with other policies and will not result in harm to the character of the area. Due to the stage in the adoption process, it is considered the policies of the emerging plan can be given significant weight.

- 6.5 In line with the NPPF policy (paragraph 19) of placing significant weight on economic growth and supporting the rural economy (paragraph 28), Policy DM20 (Policy SP21 in the modifications) of the emerging plan states that the council is committed to improving the economy of the Borough and providing for the needs of business. The policy sets out a range of criteria which will be used to achieve this policy goal which will largely be achieved through the retention, intensification and regeneration of existing business estates and economic development premises along with other measures including town centre development and small scale development incentives.
- 6.6 Policy DM41 (Policy DM37 in the modifications) of the emerging plan is the relevant policy to economic development in the countryside and permits the expansion of businesses in rural areas. However, whilst the supportive aims of the policy in respect of the development are relevant, the scale, size and impacts of the development would go beyond that which is permitted by the policy which restricts new buildings to those small in scale and where the building can be integrated into the landscape. The policy then states that where adverse effects would occur, the development should look to locate in one of the Economic Development Areas (EDA), within Maidstone or one the rural service centres. Whilst, the development could be considered to represent an expansion to the existing Wares Farm complex, it would be a substantial expansion, which would represent a more than doubling in size of the existing industrial area in terms of site area and therefore the building could not reasonably be considered to be small in scale. Thus, the scheme would be contrary to policy ENV28, Policy SP17 and DM41 and the key question is whether they are any material considerations which would outweigh this policy conflict.

Alternative Sites

- 6.7 The applicant has followed the approach set out in Policy DM41 which requires the company to look to relocate to the EDAs or within Maidstone or the service centres. This alternative search is also necessary as Regulation 18(4) of the EIA Regulations 2017 requires an assessment of reasonable alternatives to the proposed scheme. Having reviewed the justification and need for the new premises, including the growth projections, it is considered the need for a new building has been justified. Having regard to the policy position outlined above, where it states businesses should look to relocate to one of the EDAs, the applicant has investigated whether there are available EDA sites or emerging allocations or whether there are other sites within the Borough which could be more suitable to deliver the needs of the company in a more appropriate manner. This review of alternative sites also needs to take into account the potential timeframes for delivery for each site. The council's planning policy and economic development teams have reviewed the applicant's approach to assessing these alternative options to accommodate this proposed growth of Berry Gardens which is set out in stand-alone document and is reviewed in the socio-economic chapter of the ES. The applicant has assessed the sites on the basis of the criteria set out by Berry Gardens which can be summarised as;

- (1) Site capable of consolidating two offices/facilities into one building
- (2) Premises should reflect upon the corporate image of farming and agriculture
- (3) Packing facility must be of suitable size to bring efficiency saving which in their view amounts to 14,000sqm and office of around 4,500sqm
- (4) Parking spaces for 200 cars

- (5) Within a 20 minute journey of Clock House farm which is a key production site
- (6) Within easy reach of Wares Farm and Five Oak Green to retain current workforce
- (7) Premises capable of 24hr operations

- 6.8 Whilst, the extent of imports is the dominant part of the business (83% of punnets in 2015), the existing location close to the supply chain and local growers at places like Clockhouse Farm and the wider supply chain is also important to the locational aspect and alternative site search having regard to that set out above. If the site were to be located away from the existing location this may have implications for the growers who currently rely on Berry Gardens for processing, chilled storage and dispatch to the market. The optimum distance from field to chiller is 30 minutes and therefore if Berry Gardens was no longer within such proximity to this supply chain, these businesses could be required to install their own packing/chiller facilities, thus placing a greater strain on these local businesses in terms of the new investment that would be required. As set out above, one of the major fruit growers in South Maidstone, Clockhouse Farm, is largely reliant on Berry Gardens for chilled storage and has little on site storage despite its annual growth in fruit production. Thus, although the locational benefit of locating nearer to the motorway network is recognised, having regard to the extent of imported fruit, there are also locational benefits for locating nearer to the application site due to this functional link with the local supply chain and this is also relevant to the alternative site search and the overall economic considerations. Focusing on the policies of the emerging plan and those of the NPPF which both seek to support economic growth, it is considered some of the above are relevant consideration with others such as point (2) whilst preferable for the company, are not planning considerations.
- 6.9 The Applicant has reviewed allocations within the 2000 Plan and that of the emerging plan set out in policy EMP1. Firstly the MBC 2000 sites, including Eclipse Park and the allocated site in Yalding, these sites either have insufficient land, have other uses which would limit the use of the site or owners have other aspirations and are also are not available. Also these sites are much further from the fruit growers. The Economic Development Areas as set out within policy DM21 of the emerging plan have also been assessed and have either been discounted by reason of size, existing occupation or other constraints which would prevent these being considered as deliverable alternative sites.
- 6.10 The applicant has also reviewed some of the emerging allocations in Policy EMP1 in more detail including land at Pattenden Lane, Marden which is governed by Policy EMP1(4), but which is inadequate due to the size of the site. The applicant has also investigated the EDA at Pattenden Lane where the planning policy team highlighted the vacation of some of the existing units in the near future. However, it is understood, this would be undeliverable on the basis of some of the units will remain occupied on the site and thus the constraints of the site would prohibit the construction of the necessary sized building and its infrastructure. It is also noted that the location of the site is more remote from the motorway network than the application site and would still have to undertake the same route along the A229 and through the town centre.
- 6.11 Woodcut Farm is perhaps the obvious alternative, being the largest allocation within the emerging plan, under Policy EMP1(5) which seeks to deliver 49,000sqm of mixed employment uses. The applicant draws attention to some of the restrictive parts of

the policy which includes a maximum of 10,000sqm per unit. Whilst, this site is strategically located adjacent to the motorway network, there is uncertainty over its delivery bearing in mind the planning refusal last year and therefore it is not available at this time. Furthermore, Berry Gardens did approach the landowner to assess availability who confirmed no bespoke solution could be provided including any mezzanine floors and there would be limitations as to where dock levellers could be located. The site would not be able to provide the parking requirements on site. The constraints outlined above and the uncertainty over delivery enables one to conclude that this cannot be considered an alternative site at this time. The other emerging employment allocations are either below the size required or are in a location which is not suitable for the business.

- 6.12 Finally, the applicant has looked at other sites outside of the policy regime or those suggested to them by the council at the pre-application stage. This includes the Lodge Road at Staplehurst which is protected for employment uses although since that time the Neighbourhood Plan has been adopted and which allocates the land for mixed use purposes with an emphasis on smaller units and residential development. Detling Aerodrome is brownfield site which has been presented as having potential for redevelopment although concerns have been raised by the council in relation to impacts on the AONB. Furthermore, any proposals are at an early stage and for the purposes of this exercise it is considered the site is not available or deliverable as an alternative site to Wares Farm. Other sites such as land at Lenham Storage, Marley Site, Lenham have been assessed but these like the EDA's are fully occupied with existing business and buildings and there is no evidence to suggest these are available.
- 6.13 The council's Economic Development and Planning Policy sections have reviewed the application and the alternative site search and have not identified any sites within the Borough which could meet their needs. It is not considered appropriate to require the applicant to review sites outside the Borough on the basis it is considered necessary to retain the existing jobs within the Borough. I am therefore satisfied that the alternative site search has been robust and based on proportionate evidence to demonstrate there are no other more appropriate alternative sites including those which would comply with the relevant policy approach.
- 6.14 In summary, it is considered the applicant has reviewed the extent of alternative sites which are available and deliverable in order to sufficiently investigate the scope and opportunity of locating elsewhere. It is also considered the ES has meet the requirements of Regulation 18 (d) of the Environmental Impact Assessment Regulations 2017, regarding the need to consider alternatives, which superseded the 2011 regulations in May 2017. Whilst the ES was prepared under the 2011 regulations, it is considered, the ES remains complaint with the 2017 regulations. On review of this exercise it is clear there is a lack of alternative sites within the Borough which could accommodate the proposed building and necessary facilities which are required to support the economic growth of Berry Gardens.

Economic considerations

- 6.15 It is considered that there are no alternative available sites within the Borough which could accommodate the projected growth of the business and thus it is necessary to consider the need and its wider benefits which would allow one to understand the implications should this building not be provided. The latter point is likely to encourage the relocation of business to an area beyond the Borough as if the company is no longer able to locate near to its local market, it could indeed relocate to any part of the country (as produce would already be chilled and thus the 30

minute threshold would no longer be vital). As such, the implications on losing existing jobs, loss of support for the local soft fruit industry and supply chain and other economic benefits could potentially be lost from the Borough. As such this application is not simply assessing the proposed economic benefits but also the retention of existing jobs and such associated existing economic benefits.

- 6.16 Paragraph 19 NPPF states significant weight should be placed on supporting economic growth and the emerging planning MBC policy DM20 (SP 21 in the modifications) also state that the council will seek to support the local economy. Of particular relevance is NPPF paragraph 28 which states planning should support economic growth in rural areas. The application documentation sets out the current and future projected growth of Berry Gardens and sets out the direct and indirect economic benefits that will accrue from the expansion of the business. This includes 504 new jobs up until 2024, the relocation of a head office within the Borough which will bring jobs from the adjacent borough of Tunbridge Wells, 353 new jobs produced through the supply chain and additional economic benefits generated from business rate revenues and investment in services and goods in the supply chain. There will also be obvious economic benefits during the construction phase whereby jobs and investment in the construction sector will occur which has been calculated by the applicant using employment multiplier calculations.
- 6.17 Of relevance to this matter, are the benefits to local growers, such as Clockhouse Farm, who currently supply Berry Gardens and utilise the close proximity in getting fresh produce to chillers within 30 minutes of picking. If Berry Gardens were to relocate, these growers, which are also important to the local rural economy, could have to invest in similar chiller facilities on each of their sites which would have potential implications on these smaller businesses.
- 6.18 Thus it is clear there is an identified need for the new building and significant economic benefits will accrue from the application in accordance with the NPPF principles and the aims of local policies.

Landscape Impact/Landscaping

- 6.19 The site lies directly south of the Wares Farm Industrial Estate in open countryside as defined by Policy ENV28 of the MBC Plan 2000 (and continued by SP17 of the emerging plan) which requires the character of the countryside to be protected and enhanced. Of relevance to the assessment of the landscape impact is the context of the site and its surroundings, which include a number of substantial buildings, including the existing Berry Gardens premises and other industrial buildings, set on a higher level, located to the north east and directly to the east of the site are a number of substantial buildings and a large bund which runs southwards along the eastern boundary with the application site to screen a large caravan site which is used for seasonal worker accommodation. To the south of the site is open countryside, interspaced by fruit growing and polytunnels. The levels drop from around 25 AOD at the NW corner of the site, to around 13 AOD to where the land meets the River Beult to the south.
- 6.20 The scheme involves the construction of a substantial building which is cut into the landscape by around 3m, with finished site levels of between 18.5 AOD to the north of the building (the building will have final floor level of 20 AOD) against the existing level of 21.5 AOD in the NE of the site. Further level changes will facilitate landscaped areas, car parks, roads and loading bays. Due to the levels of the land, the southern part of the development area will sit at around 18.5 AOD and be graded down to 16-17 AOD where the land will then continue fall to the river. The

development will also involve land level changes to the south of the building, utilising the spoil, which will include two bunded areas which will lie within the landscaping and ecological area. A substantial landscape strategy will be implemented which will include planting to the frontage and boundaries to the site as well as a substantial swath of woodland planting around the western and southern parts of the building, with meadow and hedgerow planting to lead down to the flood plain of the site.

- 6.21 The site does not lie within any protected area or special landscape area as defined within the Maidstone Local Plan 2000 or by the emerging plan. The Greensand Ridge Special Landscape Area (2000 Plan) lies to the north of the road but this designated area is not being carried forward within the emerging plan. Instead within the emerging plan, a new landscape of local value (LLV) will be designated, which will be known as Sutton Valence Greensand Ridge Landscape, but this new local landscape does not extend as far south as the existing SLA and will be approximately 1km to the north away from the application, with Barnes Lane delineating the south boundary of the LLV.
- 6.22 In terms of the Maidstone Local Landscape Character Assessment 2012 (MLCA), the site lies partly within Yalding Farmlands Character Area (northern part of the site) and Beult Valley character area forming the southern part. The site falls within the Low Weald National Landscape Character Area although it does not fall within the Low Weald LLV which is a considerable distance to the south west nearer Staplehurst and Headcorn. Yalding Farmlands is defined as being largely pastoral land and orchards with drains towards the River Beult with broadleaf woodland blocks and regular patterns of medium sized fields laid to pasture. The MBC Landscape Capacity Study (MLCS) defines the character area as having a high Landscape sensitivity and a moderate visual sensitivity making the landscape sensitive to change. The Beult Valley Character Area is defined as a low lying valley of the River Beult with rich native hedgerows and mature oaks, mixed agricultural land and sparsely scattered small woodland. The capacity study 2015 also defines a high landscape sensitivity and moderate visual sensitivity and like the Yalding is sensitive to change as a character area.
- 6.23 The application is supported by Landscape Visual Impact Assessment (LVIA) which is contained within a landscape chapter within the ES. This establishes a study area and this assessment considers a number of views from a number of vantage points including those from Redwall Lane, those from local footpaths and public vantage points to the south and those more long range views further north from the Greensand Ridge.
- 6.24 The LVIA assesses the impact from number of points along Redwall Lane, which is considered to be insignificant or neutral from the east with views from the west part of Redwall Lane moderate adverse although it concludes that with the maturity of the landscape strategy the views would either be beneficial or neutral in landscape impact suggesting the landscape strategy would be effective in mitigating the impact from these viewpoints.
- 6.25 In terms of views from public footpaths, the LVIA concludes that from the footpath directly to the south, the KM229 and KM129, will have a moderate adverse impact when looking northwards from the footpaths) and although the landscape strategy will limit views, it is likely the rooftop of the proposed building will still be visible. From the KM144 which lies to the south west of the site, the building would be visible and thus impact would be moderately adverse in the short although in time, the landscape strategy would screen the development. In terms of longer term views

such as from the Bull PH/Linton Churchyard and the Greensand Way to the north, the LVIA considers the effects to be minor adverse although it is not considered to change the character of the wider area in such long range view.

- 6.26 MBC Landscape has reviewed the methodology and assessment undertaken by the applicant regarding the impacts of the development and considers the LVIA to follow the principles of current guidelines. However, they consider the applicant has underplayed the impact of the development suggesting the level changes and platform will be contrary to the open character of the landscape. Whilst MBC Landscape recognise the level of landscaping proposed but they consider the planting of wildwood on raised levels would appear contrived in the landscape. The MBC Landscape officer also considers the development would restrict views across the floodplain and the development would interrupt this openness which currently contributes to the intrinsic character of the local landscape. I would concur with the MBC officer, in that the level of harm as concluded in the LVIA is somewhat understated and the level of harm, from certain positions is more harmful than suggested by the applicant.
- 6.27 The principal views of the site are those from Redwall Lane and from the footpath network from the south and west, whereby views will be afforded and in longer range views from the Greensand Way to the north. From Redwall Lane, the creation of the new access points and the urbanising features such as car parking, will be visible along Redwall Lane although it is acknowledged, views will diminish as one travels further east and west. Whilst the woodland planting will in time help soften the views, especially directly in front of the site, the creation of two industrial access points, through which the building will be visible, will have an adverse impact on the local character although the degree of harm is reduced on the basis such views will be within a context where there are already industrial type buildings and other built form rather than an undeveloped rural context. Notwithstanding the landscaping mitigation provided to the site frontage, it is clear there will be visual harm caused to the character of the countryside although it is likely this will be restricted to road users and local residential properties residing on Redwall Lane, as the lack of footway limits passers-by.
- 6.28 In terms of the impact of the development from the footpaths, there will be views from the south, northwards, towards the development, which currently include views of the industrial type buildings to the north and east of the application site. In the short term, there will be clear views of the building and the land raising which would cause significant harm to local character on the basis of the inclusion of this substantial built form into open countryside. However, over the medium and long term, on maturity of the landscaping area, views of the building and site will either be fully screened or be reduced and limited to that of the upper parts of the building.
- 6.29 MBC Landscape have questioned the appropriateness of wildwood planting on raised land level but it is noted that the pockets of woodland are noted as being characteristic of the Low Weald landscape and the Yalding Farmland character areas and thus it could be argued this is not inappropriate within such a context, especially as in time the level changes will be largely invisible in views. Whilst, it is considered the impact of the building will be limited to certain points along this route (on maturity of mitigation) and the affected users will be limited to those users such as ramblers, walkers and fisherman, it is considered the harm would represent a moderate adverse impact. The application is also supported by CGI images, which are used as a visual guide, which shows the views from the southern footpath, the KM229, to be largely obscured by woodland after 10 years once this has matured. Whilst, the development would be contrary to certain landscape guidelines sets out in the LCAA

due to the scale of the development, the detail of the proposed landscape strategy does draw from these guidelines and would on maturity represent a characteristic of the wider landscape area.

- 6.30 However, whilst the mitigation and landscape strategy will be effective in screening the development in mid range views from the footpaths, the development will be visible in longer distant range views, including from the Greensand Ridge, a LLV, and thus development will cause harm to the character of the countryside by reason of the scale of its built form and the urbanising effects of the development within the wider landscape. Moving onto the significance of such views, whilst these views would be possible from certain points from the north, including from the Greensand Way, the building would not be seen as an isolated feature, due to its location adjacent to industrial estate and the complex to the east and the intervening landscape features will filter and limit views from certain points. The sensitivity of the location from which views are afforded is noted and thus the significance of the harm should be increase to moderate adverse impact rather than the minor adverse concluded in the LVIA.
- 6.31 The context of the site and its surroundings reduces the sensitivity of the immediate landscape and the long term management and implementation of the landscape strategy will reduce the harm caused in medium range views from the south. However, the development will cause adverse harm to the landscape when viewed from Redwall Lane and when seen in longer range views from the north, although the aforementioned context reduces the significance of this. As a result of the above identified harm, the development would still be contrary to contrary to Policy SP17 and Policy ENV28 and paragraph 17 of the NPPF which seeks to protect the intrinsic beauty of the countryside.

Highways

- 6.32 The application is supported by a Transport Assessment (TA) and Travel Plan which seeks to analyse the transport impacts of the development and propose measures which can promote sustainable travel. This information was reviewed by KCC Highways and a number of meetings have since been held between the council, KCC Highways and the applicant's transport consultants and further documentation was prepared.
- 6.33 The site will be accessed via two access points to the NE and NW of the site in place of the existing field access which will facilitate a one way system for HGVs within the site. The car parking facilities will amount to 232 car parking spaces and 6 HGV spaces (in addition to the 12 loading bays). On the basis, of the floorspace and the nature of the business, which operates on a shift system, it is considered the parking and access arrangements are sufficient. KCC Highways have reviewed this and have no objections to the application on this basis.

Transports impacts and proposed mitigation (including trip rates)

- 6.34 The TA sets out the projected increase in traffic generation that will result from the proposed building and this is based upon surveys of the existing Wares Farm complex to understand the travel behaviour of existing staff. The calculated trip rates also include the likely trip rates that will result from the existing Berry Gardens premises which will be returned to light industrial units similar to the existing wider estate. The methodology and the resulting estimate of vehicle movements has been reviewed by KCC Highways and consider these to present a realistic picture of the additional vehicle trips on the wider local highway.

- 6.35 The TA calculates that the new building will create 762 additional one-way car trips and 92 HGV trips and 244 LGV trips within one 24hr period which can be broken down to 4 and 10 trips per hours respectively for the latter. Of this, it is expected there will be 110 car trips in the AM peak and 278 trips in the PM peak which is based on the 2020 staff levels. This has been made on the basis of the vehicle occupancy remaining at 63% which is the modal share at the current facility at Wares Farm. In terms of distribution of these, it is envisaged that HGV's will travel easterly along Redwall Lane, along the A229 and through Maidstone Town Centre to the M20. In terms of LGV, it is estimated 25% will route west along Redwall Lane, with the remainder heading East with 45% of these heading north to Linton Crossroads. With regards to car trips, 70% will head east along Redwall Lane and at the junction with the A229, two thirds of the traffic will head north towards Linton crossroads.
- 6.36 KCC Highways consider the above assumptions on trip rate and distribution provide a robust basis for testing capacity of the key junctions including the immediate junction of Redwall Lane and the A229, the Linton Crossroads and the A229 corridor further north. Firstly taking the Redwall junction, the applicants are seeking to improve the junction radii and move the 40 mph to the south of the junction. KCC have considered the junction will continue to operate satisfactorily and within capacity with the development.
- 6.37 Concerns have been raised by residents and the Parish Council regarding the appropriateness of Redwall Lane for the development and HGV traffic although it should be noted the lane is already used for HGV traffic for the existing premises and industrial units further west along Redwall Lane. The applicant is proposing improvements to the lane including some road widening and relocation of hedgerows with the aim of improving forward visibility along the road. KCC have no objection to these improvements and in terms of the route to the west of the site along Redwall Lane, KCC recommend the junction design prevents westerly travel along Redwall Lane. The applicant has provided further information on the junction radii and installation of a bollard to prevent HGV's turning west. These works can be secured via a Section 278 as the works are contained on either highway land or land under the control of the applicant. KCC advise that these physical works are further supported by a legally binding routing agreement as a means of ensuring all HGVs route to the east via the A229.
- 6.38 In addition to the general concerns regarding Redwall Lane, concerns also arise regarding westerly car travel along Redwall Lane, the TA estimates approximately 34 movements in the AM peak and 56 in the PM peak. KCC Highways remain concerned regarding this issue and consider the improvements at Linton Crossroads will influence the use of this route and the attractiveness of this to car users. With the imposition of a condition relating to junction design, HGV routings (which would be secured via the S106) vehicle tracking and the contributions towards improvements in respect of Linton Crossroad (transfer of land and bus stop), it is considered the development can satisfactorily limit HGV movements and other traffic to the west. In order to monitor and if necessary address, the use of the westerly parts of Redwall Lane, it is considered necessary to require monitoring of Redwall Lane, west of the site, and the S106 to secure contributions to allow for direct interventions, if necessary, provide a necessary sanction if a problem is identified.
- 6.39 The TA also assesses the existing capacity of the Linton Crossroads and the proposed impact of the development on the capacity of the crossroads. Table 9.1 on the following page shows the junction's operating capacity with the base traffic and committed housing developments (without mitigation) shown as at 2021. The table

then shows the impacts of the development in brackets which adds the proposed development to the base traffic and committed development which enables members to appreciate the impact of the development on this junction;

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Linton Hill (S) Base	101.3% (102%)	38 (41.6)	93.5% (124.4%)	32 (133)
A229 Linton Road (N)	105.6% (105.7%)	57 (65)	92.3% (92.4%)	24 (27.5)
B2163 Heath Road (W)	105.9% (112%)	46 (59.8)	103.3% (103.3%)	42 (42.1)
B2163 Heath Road (E)	108.6 (112.5%)	55 (67)	277.8% (277.8%)	232 (243)

Table 9.1- Base traffic date and committed development with the effects on the junction with the proposed development included shown in brackets (no mitigation)

- 6.40 As can be seen above, the junction with the base traffic and committed developments, all arms in the AM peak and two arms in the PM peak will be in excess of the theoretical capacity of the junction (100%). When the proposed development is added to this situation, the effects on the capacity of the junction will remain similar, with the exception of the Linton Hill Arm (S) in the PM peak which will increase from 93% (above design capacity) to 124% (above theoretical capacity) and will result in the mean queue lengths increasing by 101 vehicles on this arm.
- 6.41 It is considered the proposed development on Linton Crossroads, when considered cumulatively in relation to the growth base data and committed development is largely limited to its impact on the southern arm which will be affected by significant increased queue lengths in the PM peak.
- 6.42 It is relevant to this application and these effects, to acknowledge future mitigation works and whether these would alleviate the impacts of this development, as well as addressing existing congestion issues which exist at the junction. As part of the housing schemes within the Coxheath Area, developers have been required to contribute towards improvements which enable a junction improvement scheme to be implemented. These mitigation works have been subject to preliminary concept design by Mott McDonald, consultants instructed by the council, which seek to increase capacity of the junction to accommodate the future growth. The TA has assessed the potential impact of such a scheme on the junction capacity which can be seen on the next page in Table 9.2 where the increase in capacity of the junction as a result of an improvement scheme can be seen. To allow for comparison purposes, the cumulative impact of the development without mitigation is provided in brackets;

Arms	AM		PM	
	Degree of Saturation (%)	Mean Max Queue (Cars)	Degree of Saturation (%)	Mean Max Queue (Cars)
A229 Linton Hill (S) Base	81% (102%)	12 (41.6)	105.4% (124.4%)	45.8 (133)
A229 Linton Road (N)	80.2% (105.7%)	10.5(65)	76% (92.4%)	7 (27.5)
B2163 Heath Road (W)	71.9% (112%)	11 (59.8)	77.6% (103.3%)	13 (42.1)
B2163 Heath Road (E)	80% (112.5%)	14 (67)	102.1% (277.8%)	29.8 (243)

Table 9.2 Table showing capacity and queue lengths following implementation of preliminary Linton Crossroads improvement scheme with the no migration scenario showed in brackets)

- 6.43 This data, which has been reviewed by KCC, shows the junction improvement works would be effective in mitigating the effects of the committed housing developments and the proposed development and although two of the arms would remain over capacity, this is not dissimilar to the current situation where other development have been approved in such a context. Furthermore, in order to enable to provide further flexibility to the overall scheme, the applicant is offering the land to the SW of the junction, to enable a left turn lane to be incorporated into the scheme and enable the relocation of the bus stop on the W arm to be located within the lane, outside of the main carriageway.
- 6.44 Through this additional land, the applicant has also suggested improvements to the Mott McDonald scheme, and they consider that these improvements could produce a scheme that would bring all arms below design capacity (90%) as of 2021 with the exception of the eastern Heath Road arm which would be minimally above this but would result in a reduction of mean queue length on Linton Hill (S) from 133 (no mitigation) to 12. This could be achieved with this additional land involved and thus provides significant improvement to the overall mitigation scheme. Such a scheme would also require a reduction in cycle times for traffic signals. Whilst, this design is untested and further preliminary work is required, it is additional land available, the potential of which enables the inclusion of a left turn lane with the benefit of increasing capacity to the junction. KCC Highways acknowledge that the proposed improvements could have a benefit to highway safety and that it is suitable in principle. However, it does state that because its delivery is reliant on the County Council, there is a lack of certainty that the mitigation will be delivered when it is required and this certainty is essential if this is to be considered.
- 6.45 KCC Highways will remove its holding objection if the applicant were to implement the junction improvement scheme along with the other improvements or failing that, if MBC were to go against its advice, it then states that the said land should be safeguarded and a financial contribution should be secured towards the junction scheme.
- 6.46 It is clear that an improvement scheme for the Crossroads, whatever its final design, will be sufficient to adequately mitigate the committed development and that of the

proposed development. It is also considered there is sufficient certainty that the Crossroad Improvement scheme will be delivered within a timeframe to mitigate the proposed development. It is a key point, that the estimate trips from the development relates to a point time at 2021 and unlike housing development, the total trips will not originate on completion on the development but will occur as the business develops. Secondly, these trips are not necessarily new trips as some of these trips are already on the network (including existing staff) and therefore this is relevant. Thirdly, the impacts of this development on Linton Crossroad should be considered on the basis these were based on the busiest period for the business (May to December) and therefore represent a worst case scenario for the impacts.

- 6.47 However, the critical point is the likelihood of the delivery of the junction improvement scheme and it is considered there is sufficient certainty of this. The scheme is within the control of the Borough and County Council and is identified as infrastructure which is an integral part of the council's growth strategy set out in the emerging plan. The allocation of sites at Coxheath and the locality were justified in highway terms on exactly the same basis. Indeed, the council's Infrastructure Delivery Plan confirms the improvement scheme is 'critical' to the implementation of its local plan and considers the scheme deliverable within 5 -10 years. Indeed three contributions for the Local Plan sites have been secured by legal agreement with a further outstanding contribution to be secured from the draft allocation site H1(60) at Forstal Lane which is currently before the council for determination. It is understood, a contribution from one of the housing sites is shortly to be released to the County Council, with others forecast to be paid over the coming year, and therefore it is envisaged KCC Highways could commence on this infrastructure in the near future.
- 6.48 Therefore, it is clear the council and indeed the County Council have raised no objection to housing schemes within the area but on the basis contributions would be paid and the works implemented within the short/medium term through the County Council. Therefore KCC Highway's request for the applicant to undertake the entirety of the junction works prior to commencement is considered to be unreasonable and would not meet the CIL tests on the basis it is not fairly and reasonably related in scale and kind to the development. Therefore, the proposed mitigation put forward by the applicant regarding the transfer of the land to the SW of the Crossroads and a financial contribution to secure the relocation of the bus stop on the western arm is considered proportionate to the impacts of the development bearing in mind those factors set out in the preceding paragraphs. It is not also considered appropriate to seek a further financial contribution to the crossroad scheme itself, bearing in mind the value of the land (including its potential non-monetary value for improving the scheme) and the fact the contributions secured by the housing sites should secure the funds necessary to fund the crossroad improvement works.
- 6.49 In relation to the wider highway network including the A229 corridor further north, some residents have referred to the Local Plan Inspectors report whereby some sites were deleted from the Local Plan on the basis of highway impacts. However, bearing in mind, the points made above and the review by KCC in respect of this corridor, it is not considered the effects on the A229 Corridor, which would include the Wheatsheaf junction further north or through Maidstone Town Centre, could be considered severe and therefore in accordance with Paragraph 32, it is not considered this could substantially weigh against the development.
- 6.50 Therefore, in summary, the wider impacts of the development would not have a severe impact on the wider highway network and subject to the mitigation package for Linton Crossroads and conditions regarding a travel plan, highway works and

other highway matters, there are no highway matters that would justify a refusal of planning permission.

Design (including sustainable construction).

- 6.51 The building will have a warehouse appearance; steel clad with panels of green and mushroom coloured kingspan profiled cladding, with its northern elevation consisting of three bays, each with a hipped roof running N-S which will be clad in grey Kingspan panels. The north east bay will project slightly northwards and will consist of glazed panels, green living walls in order it forms the focal point of the building and the entrance to the Head Office. The remainder of the façade will primarily relate to the functional purpose of the building as a storage and distribution building. The central bay of the northern and southern elevations will each contain 6 dock levellers/loading bays with the 1st floor level containing fenestrations to serve the offices and canteen.
- 6.52 The application is supported by an energy statement and the development is proposed to exceed the BREEM Very Good standards for water efficiency and energy credits as per the requirements of Policy DM2 and will contain renewable energy within its design through approximately 650sqm of PV panels on the roof which will create a reduction of 30% in carbon emissions. The scheme will also seek to achieve BREEAM outstanding rating in relation to energy which would be in excess of the policy guidance set out in Policy DM2. Having regard to the high energy usage of the business, the opportunity to improve upon the existing premises, holds further weight in support of the application.
- 6.53 The design of the building and the site is considered to be appropriate to its function and purpose and includes a range of design features which seek to improve upon traditional warehousing development including the NE corner elevation which seeks to break up the mass of the building and provide interest within the most visible part of the building from Redwall Lane. On this basis, it is considered the scheme will meet the principles of good design and section 7 of the NPPF and policy DM1 of the emerging plan.

Ecology

- 6.54 The application is supported by an ecology chapter within the ES which is based upon the relevant protected species surveys and biodiversity records. The application is also supported by a Landscape and Ecology Management Plan (LEMP) which seeks to secure the biodiversity gains across the site.
- 6.55 The applicant undertook Great Crested Newt (GCN) survey on any nearby ponds, including that of the pond to the north of Redwall Lane and a balancing pond adjacent to the site whereby a good population of GCN was recorded. The report recognises the loss of potential habitat within the site but considers the site to be sub-optimum for the terrestrial habitat due to its use and type of vegetation. The report also concludes there will be no direct impact on bats but highlights buildings on the adjoining boundary as having a number of roosts and thus any development should protect these roosts and provide opportunity to foraging by bats within the LEMP. There is not considered to be potential for other protected species such as badgers, dormice, reptiles or water vole.
- 6.56 Due to the potential for GCN on the site, the ecology chapter outlines a range of recommendations that will be requires including trapping and relocation and habitat enhancements which will compensate the loss of any terrestrial habitat. For bats, it will need to ensure the boundary with the eastern buildings is protected and any

further lighting does not impact upon this protected species. The wider LEMP which is discussed below will provide compensatory habitat and wider biodiversity enhancement.

LEMP

6.57 As set out above, 8.9ha of the site will be set aside for ecological enhancements and landscaping will be delivered for a multitude of purposes. It will seek to implement recommendations by the ecologist including wildlife corridors, meadow grassland planting and wildwood planting. The strategy will include new hedgerows, to recreate former field boundaries, species rich grassland, newly planted woodland, wildlife ponds which will also form part of the sustainable drainage system as well as other new habitat across the site including log piles and hibernacula and bat and bird boxes. All new planting across the site will be of native origin or be a good pollinator depending upon the planting situation. It is proposed this plan is secured by S106 to require further detail on mitigation and enhancements and ensure long term management and monitoring.

6.58 KCC Ecology has reviewed the above and has no objections and acknowledges the opportunity for excellent gains in biodiversity as part of the development. They also confirm there is sufficient information presented in respect of ecology in order for a decision to be made. They acknowledge the loss of terrestrial habitat in connection with the balancing pond north of the site but consider there is scope within the proposed development to ensure there is no detrimental impact on the population. They also believe it is likely a Licence from Natural England would be granted to allow these works to proceed on the basis the scheme is likely to pass the derogation tests. Kent Wildlife Trusts have also reviewed the application and again recognise the opportunity for biodiversity enrichment and advises that a management plan should be focused upon conservation of farmland birds and hares to mitigate any loss of range of these threatened species.

The SSSI

6.59 The River Beult SSSI lies to the south of the site and enjoys statutory protection. The application has been reviewed by Natural England, KCC Ecology and the Environment Agency as to the potential impacts on the SSSI. The most notable potential impact is the fact the drainage, both foul and surface water, will discharge into the river. However, the applicant is proposing a SUDS system which will utilise filters and remove potential contaminants and the foul water will be dealt with by way of a package treatment plant which will seek to deliver a good quality outflow. In any case, the drainage will require an Environment Permit from the EA which requires the water outflow to be of sufficient environmental quality and ensure any discharge does not adversely affect the SSSI. The EA confirm that Natural England will be consulted again as part of this permit process to ensure the ecological interests of the SSSI are maintained. All three of these statutory bodies, have no objections to the scheme or to the principle of discharging into the SSSI but recommend a suite of conditions. This includes the restriction of storage within 10 metres (Natural England) and conditions relating to the LEMP (KCC Ecology) which are recommended to be imposed if permission is granted. Also to ensure no impact is caused by reason of drainage water, it would be necessary to impose conditions relating to the need to agree details of the drainage arrangements prior to the occupation of the building and the Environment Permit process should deal with the foul water process.

6.60 In summary, the application is supported by sufficient evidence in accordance with Natural England Standing Advice and will accord with Policy DM3 of the emerging plan and Paragraph 118 of the NPPF by conserving biodiversity and seeking

opportunities to achieving net gains in biodiversity. The provision of the southern landscape and ecology zone is an opportunity to secure net gains in biodiversity which can be managed over the long term through the section 106 agreement.

Other Matters

Residential Amenity/Noise

- 6.61 Concerns have been raised regarding the potential impact of noise from plant, HGV movements during the night, on-site activity and general comings and going which could result from a business which is reliant on 24 hour operations. The nearest residential receptors are River Farm and those properties at Wares Farm which are understood to be in the applicant's ownership. In such an assessment, it should be noted that the existing estate to the north does not have any restrictive hours conditions nor do the industrial units further to the west. The application is supported by a Noise Assessment which forms part of the wider ES document which assessed the potential noise impacts from both the construction and operational stages of the development. The assessment concluded that the development could have adverse impacts during construction and that mitigation would be required through the provision of acoustic fencing along the western boundary.
- 6.62 In terms of operational impacts, the assessment concluded that the daytime impact would be negligible adverse impact across all four locations and in night time hours there would be a major adverse impact at the Wares Farm and a minor adverse at River Farm with the significance of this being moderate adverse as the receptor has high sensitivity at night being a residential property. As the Wares Farm receptors are either non-residential receptors or are in the ownership of the applicant, it is considered the River Farm represents the receptor which could be most affected by the development. However, as shown in the submitted noise assessment, the main noise source at night is the HGV movement, which will operate one per hour and would have an impact on River Farm due to the access position. Therefore, appropriate mitigation would be required.
- 6.63 This information has been reviewed by the council's Environmental Health team who have agreed that with the appropriate mitigation the scheme could be carried out without any adverse impact. However, they said that further information and detail should be provided in the form of a Noise Mitigation plan for plant and equipment in order the development meets the relevant standards. They also request a Noise Management Plan to ensure no effects are caused by the 24hr operations and will require measures such as silent approach, no beepers for reversing vehicles and supervision of activities. Acoustic fencing to be provided on the western boundary of the site in the proximity of the adjacent residential properties to mitigate both construction and operational impacts. The EHO also raises the issue of number of vehicles to enter and leave the site during the period between 2300 and 0600hrs and its considered necessary to restrict the number of vehicles as proposed by the applicant, no more than 8 (1 per hour) during these hours and a condition to require the applicant to keep records of vehicle movements for review if necessary.

Air Quality

- 6.64 The application is supported by an Air Quality Assessment which seeks to assess the impacts of the development during construction and those road emissions resulting from the site once complete. The guidance defines sensitive receptors as being residential properties (in relation to both dust and vehicle emissions) and ecological receptors. The assessment defines residential properties nearest to the site as being

sensitive to dust particles with properties along Loose Road, Sutton Road and the SSSI to the south as being an ecological receptor.

- 6.65 The assessment screens out the SSSI on the basis of DMRB guidance in respect of operational effects but requires mitigation to avoid dust particles during construction. The assessment then considers the impacts on residential receptors in relation to the construction phase and advises mitigation in the same manner as the ecological impacts. In relation to the operation phase, the report concludes that the marginal increase in NO₂ is less than 1% of the Air Quality Objective and thus the impact is considered to be negligible on all receptors. MBC Environmental Health have reviewed this information and they concur that any increase in nitrogen dioxide is likely to be negligible but considers an air quality mitigation is imposed including electric parking condition is attached to encourage the use of electric/hybrid vehicles. On this basis it is not considered there are any impacts from the development on air quality grounds subject to the imposition of the relevant conditions.

Drainage and Flood Risk

- 6.66 The majority of the site lies within Flood Zone 1 with the southern part of the site where it adjoins the River Beult is located in Flood Zone 3. However, as the part of the site to be developed lies within Flood Zone 1, it would pass the sequential test and follow the NPPF principle of directing development to areas of lowest risk flooding (paragraph 103).
- 6.67 The scheme is also supported by Sustainable Urban Drainage System (SUDS) which have been reviewed by KCC Drainage who consider the strategy is acceptable subject to a condition requiring further detail. The foul sewage from the site will be provided by way of a package treatment plant and this has been reviewed by the Environment Agency, Natural England and KCC Drainage. The consistent response from these organisations is that it is acceptable in principle subject to the Environmental Permit process which is a separate regulatory regime (governed by the EA) which will ensure the water outflow is of sufficient quality to avoid any impacts. Appropriate conditions regarding SUDS and an informative regarding the Environment Permit process are recommended.

Heritage

- 6.68 The application is supported by a desk based archaeological and heritage assessment which confirms there are no heritage assets on or adjoining the site but there is a listed building at Burford Farm 600m to the west and Linton Park, a grade II* Listed Park and Garden some 1.25km to the north and the site presents low potential for all archaeological periods.
- 6.69 Due to the location and angle of views of any heritage asset in the wider landscape, it is not considered the scheme adversely affects the setting of any heritage asset. Whilst there are long distance views of the Church in the tree line along with other built form, these assets are glimpsed views at various points along the footpath where, they come into and out of view of the footpath user. Whilst the development would block these long range views at a limited particular point on the footpath, the development will not alter the manner in which any heritage asset is viewed from the footpath in that the environment is an evolving one, where natural features and the topography limits views of the assets, with other parts being more open and thus the manner in which the assets are experienced will not fundamentally change. Indeed at certain points in the southern part of the site, the views are obstructed by mature trees. The MBC Conservation officer has been consulted on this issue who has confirmed he does not consider the application to affect the setting of any heritage asset due to the distance of the views and type of views afforded to the asset, which

would make it difficult to substantiate that there would be any affect on setting. Furthermore, the remote location of the views also contributes to the conclusion that the development will not affect the setting of any heritage asset.

7.0 CONCLUSION- PLANNING BALANCE

- 7.1 It is clear the scheme would generate significant economic benefits which include retention of existing jobs for local people and creation of new employment opportunities and the relocation of a head office within the Borough. As well as these direct benefits, there will also be significant indirect benefits either through the supply chain or those through investment in local businesses. In light of NPPF policy and the economic thrust of the planning system in general, such considerations must be given significant weight in any decision. Whilst, it is recognised that the development would be contrary to the development plan on account of the scale of the expansion proposed by the applicant, the lack of available or deliverable alternative sites within the Borough to enable such economic benefits lends weight to the scheme. Indeed, the lack of such suitable alternative does present the potential for the applicant to look beyond Maidstone. This lack of alternative sites and the economic benefits, both existing and proposed, to the Borough should be given substantial weight.
- 7.2 Against these benefits, are the impacts of the development on countryside character which would be contrary to policy ENV28 and SP17. Whilst the scheme proposes a comprehensive landscaping plan, which would in part mitigate the impacts of the building in certain views, the building and its associated development will still be visible in long and medium views and from Redwall Lane. It is recognised however, that the landscaping strategy will in time, mitigate the effects of the building in certain contexts and will reduce the overall harm caused by the development. However, having regard to the policy objective whereby there is a policy context supporting the protection of countryside character, the harm to the countryside is also given significant weight.
- 7.3 In addition to the main issues, the landscape strategy will deliver a suite of biodiversity enhancements which will create a net gain in biodiversity and the landscape strategy will create variety of new habitats including woodland, meadow planting, aquatic environment and new hedgerow planting. Having regard to the policy aims of creating net gains in biodiversity, this factor can be given moderate weight. The focus on sustainable construction and use of renewable energy also lends weight in support of the application.
- 7.4 The impacts of the scheme on the wider Highway network are not considered to cause a severe impact and on balance will be acceptable with some of the mitigation proposed will indirectly provide benefits to existing road users and in the case of Linton Crossroads will assist in providing the potential for a better scheme to be delivered by the County Council.
- 7.5 The scheme is acceptable in all other regards including that relating to drainage, air quality, heritage and loss of agricultural land.
- 7.6 Therefore, on balance, it is considered the economic benefits presented by the application and the lack of alternative sites, represent material considerations and together with the ecological enhancements and other factors, will outweigh the conflict with countryside policies and the harm caused to the character of the countryside. The development is also acceptable with regard to all other matters

8.0 RECOMMENDATION - Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:

- **Transfer of land to the SW of the Linton Crossroads to the County Council to safeguard land for a future left turn lane**
- **Financial contribution to secure relocation and construction of bus stop on western arm of Heath Road (Delegation to be afforded to Head of Planning to secure the level of contribution)**
- **Securing of LEMP and long term management of ecology/landscape area including details mitigation and enhancements**
- **Monitoring and management of traffic within vicinity of site including that to the west of the site access on Redwall Lane**
- **A financial contribution towards suitable mitigation measures to combat any significant adverse traffic flow conditions as may be established by the monitoring exercise to be conducted (delegated authority to the Head of Planning to agree the financial contribution)**
- **Requirement to enter into a HGV routing agreement**
- **Travel Plan and monitoring fee**
- **Delivery and Monitoring committee- made up of ward councillors, parish council representative, developer/LPA represented and nominated planning committee representative to oversee quality of delivery and on-going management of the ecological enhancement area. This is to include a contribution of £10,000 towards the running costs of this committee.**

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below

CONDITIONS to include

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 materials to be used in the development hereby approved shall be as indicated on the approved plans DHA/11488/11B unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development

3. The development hereby approved shall not commence above slab level until, details of hard landscape works 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;

Reason: To ensure a satisfactory appearance to the development.

4. 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 not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;
5. The approved details of the access points as shown on plan 11487-H-01 shall be completed before the commencement of the use of the land or buildings hereby permitted and the sight lines maintained free of all obstruction to visibility above 1.0 metres thereafter;
6. Prior to the commencement of the development hereby approved, details of all fencing and boundary treatments, including an acoustic barrier, to be erected on the western boundary with River Farm, including details of its ongoing maintenance shall be submitted to and approved by the Local Planning Authority. Once these are approved the approved fencing and boundary treatments shall thereafter be installed and permanently retained.

Reason: to protect the amenity of adjoining occupiers and ensure a good standard of design is achieved.

7. No occupation of the development hereby permitted shall take place until the following off-site highways improvements have been completed;:
 - (a) Extension of the existing 40mph speed limit to the south of the Redwall Lane junction with the A229.
 - (b) Creation of access points to site including installation of a Bollard to prevent westerly HGV travel on Redwall Lane from the north west access point
 - (c) Improvements to Redwall Lane and Junction of Redwall Lane and A229 as set out in the Transport Assessment
8. The development hereby permitted shall be carried out strictly in accordance with the slab level shown on the approved drawing TEQ1817-04D

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

9. The development hereby approved shall not commence until details of the final site levels have been submitted to and approved in writing by the local planning authority. These details shall include the proposed final external site levels, proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development should then be carried out in relation to these details and retained thereafter

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

10. Prior to the commencement of the development a scheme for the control and monitoring of the movement of HGV shall be submitted to the Local Planning Authority. On approval of the scheme by the Local Planning Authority, this scheme should be implemented and operated at all times and shall be available for review by the Local Planning Authority. No more than 8 HGVs shall enter or leave the site during the hours or 2300hrs and 0700hrs.

Reasons: In the interests of Local amenity

11. The development hereby approved shall not commence until a method statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development and should also include mitigation measures set out in the Air Quality and Noise Assessment in order to reduce impacts from Dust and Noise during the construction phase. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.
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 preliminary strategy prepared by DHA Environment (Dec 2016) 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 on site and disposed of to the River Beult, with any offsite discharge from the approved development limited to a maximum rate of 24l/s.

No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the approved 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 ensure that the principles of sustainable drainage are incorporated into this proposal to reduce the risk of on/off site flooding and to ensure ongoing efficacy of the drainage provisions.

13. No storage of oils and fuels are to be stored on site within 10m of the river edge or any field drain, ditches (including field ditches) and other surface water system which are connected to the SSSI. Any other storage to take place within the site must be stored in a bunded tank or mobile container that complies with current regulations.

Reason: to protect the ecological interests of the River Beult SSS1

14. The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles and include a planting specification, a programme of implementation.

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

15. The approved landscaping details shall be carried out during the first planting season (October to February) following first occupation of the building. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

16. The proposed building shall achieve at least a BREEAM Very Good level. A final certificate should be issued within 6 months of first occupation of the building to confirm the Very Good BREEAM rating has been achieved:

Reason: to ensure efficiency use of natural resources and achieve sustainable energy production in line with Policy DM2 of the emerging Maidstone Local Plan.

- 15 Prior to the commencement of development beyond slab level, details of a Noise Mitigation Plan for the sound insulation of the building and any plant and Equipment shall be submitted for approval by the Local Planning Authority. This should incorporate details regarding mitigation measures such as sound insulation of the building envelope, screening, louvers, direction of orientation, location, enclosures etc. The plan shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR30 as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. In addition The equipment shall be maintained in a condition such that it does not exceed NR30 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority. The development shall be carried out and operated in accordance with the approved details.

Reason: to protect the amenity of the area

16. Prior to the commencement of development beyond slab level, a Noise Management Plan will be submitted for approval by the Local Planning Authority. This plan should describe the management of deliveries and activity on the site during both night time hours (2300-0700hrs) and day time hours (0700-2300hrs). The rating level of noise emitted shall be at least 5dB below the existing measured ambient noise level $L_{A90, T}$ during the day time and night time periods. The plan should set out any mitigation measures that are required. This plan will be prepared in consultation with the council's Environmental Protection Team. The objective should be to ensure that the plan meets the BS4142 and NR30 standards. The building shall not be used until the plan is approved and all activity on the site thereafter shall be carried out in accordance with this plan.

Reason: To protect the amenities of the surrounding area

17. Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
18. Prior to the commencement of development above 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

19. No building hereby permitted shall be occupied until details of any lighting to be placed or erected within the site have been submitted to and approved in

writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

20. Prior to the occupation of the building(s) hereby permitted, 18 parking spaces to be served by electric vehicle charging points shall be installed with dedicated off street parking, and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

21. The development hereby approved shall not commence above slab level until, details of satisfactory cycle storage facilities on the site have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building(s) or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

22. The development shall be strictly undertaken in relation to the Great Crested Newt Mitigation set out in the Environmental Chapter and its recommendations shall be fully implemented in line with its recommendations and timescales for implementation

Reason: In the interest of ecology and biodiversity enhancement.

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

DHA/11488/01 SITE LOCATION PLAN
DHA/11488/02 EXISTING SITE PLAN
DHA/11488 REV B ELEVATIONS
TEQ/917-04D SITE LAYOUT
3874DR001 H LANDSCAPE MASTERPLAN
TEQ 1817-03D INDICATIVE SECTIONS
WM/512/P/12 ROOF PLAN
WM/511/P/15 MEZZAINE FLOOR
WM/511/10 GROUND FLOOR
DHA/11488/03A SITE LAYOUT
TRANSPORT ASSESSMENT AND APPENDICES
ENVIRONMENT ASSESSMENT AND ES TECHNICAL NOTE
FLOOD RISK ASSESSMENT
LANDSCAPE AND ECOLOGY MASTERPLAN.

Reason: To clarify which plans have been approved

Planning Committee Report

INFORMATIVES

Case Officer: Ashley Wynn

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



17/500883 - Land at Stanley Farm

Scale: 1:5000

Printed on: 28/6/2017 at 10:21 AM by EllyH

REPORT SUMMARY

REFERENCE NO - 17/500883/REM		
APPLICATION PROPOSAL Approval of reserved matters following outline application: 15/508756/REM (Approval of Reserved Matters for the erection of 85 residential units, open space and allotments and access from Plain Road and Napoleon Drive (Appearance, landscaping, Layout and Scale being sought) Pursuant to Outline Permission MA/13/1585) (landscaping being sought).		
ADDRESS Land At Stanley Farm Plain Road Marden Kent TN12 9EH		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The details of the reserved matters are considered to comply with the policies of the Development Plan, where relevant, and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE The delegation to the Head of Planning and Development to determine any reserved matters application pursuant to outline permission MA/13/1585 has been withdrawn and this application for the approval of the reserved matters must be reported to Planning Committee.		
WARD Marden And Yalding	PARISH COUNCIL Marden	APPLICANT Millwood Designer Homes Ltd
DECISION DUE DATE	PUBLICITY EXPIRY DATE 06/04/17	OFFICER SITE VISIT DATE 16/03/17
RELEVANT PLANNING HISTORY:		

- MA/13/1585 - Outline application for 85 houses with access from Plain Road and Napoleon Drive. All other matters (appearance, landscaping, layout and scale) reserved for future consideration – Approved
- 15/508756/REM - Approval of reserved matters for erection of 85 residential units and access from Plain Road and Napoleon Drive (Appearance, landscaping, Layout and Scale being sought) pursuant to MA/13/1585 - Approved

1.0 Site description

- 1.01 The application site is an irregular shaped parcel of land to the south of the village of Marden, which extends some 5.4 hectares in area. The application site is bound by residential development to the north, east and south-east by residential development, with the south-western boundary of the site abutting open fields. Construction work is currently on going in relation to the approval of building 85 dwellings on the site.

2.0 Background history

- 2.01 Planning application 15/508756/REM was approved by Planning Committee on 17th March 2016. This was after MA/13/1585 was reported to Planning Committee on the 20th August 2015, where it was resolved that the Head of Planning and Development be given delegated powers to grant planning permission subject to conditions and the prior completion of a S106 legal agreement.

3.0 Proposal

- 3.01 Under 15/508756 matters of appearance, landscaping, layout and scale were sought and approved after access was approved at the outline stage. This application seeks to amended the matter of landscaping that was previously approved under 15/508756. Therefore, this application is only assessing the matter of landscaping.

- 3.02 As confirmed by the Landscape Officer, the proposed landscape scheme has been produced using the same principles as the approved landscaping and the main changes are outlined below:
- Introduction of Woodland planting mix (with no trees) within woodland along northern boundary of site;
 - Removal of lower pond in north-western corner of site;
 - No additional tree planting along where eastern boundary meets rear boundary of grade II listed Jewel/Bishop House (native hedge and grass to remain);
 - Additional Oak tree planted in central 'green';
 - Reduced additional tree planting along outer boundaries of site, although native hedging is to remain;
 - Pond to south-east of site will be replaced by soakaway;
 - Entrance of site (from Plain Road) will have naturalised bulb planting and shrubbery;
 - Reduced number of additional tree planting within streets.
- 3.03 As previously shown under 15/508756, all trees shown to be retained, will be retained under this application.
- 3.04 The reasons for the amended landscaping are to deal with the changes to the surface water drainage solution following the omission of the originally proposed soakaways and the introduction of the approved underground storage tanks and outfall to the adjoining ditches. Furthermore, in terms of the streetscene planting, any changes and omissions of proposed trees is because of the easements associated with both sewer and utility company service runs where the developer has to abide by strict exclusion zones. The previously approved landscaping was produced prior to receiving the detailed service and overhead cable diversion routes and related to the previous drainage strategy which was subsequently revised and now approved.

4.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28
- National Planning Policy Framework
 - National Planning Practice Guidance
 - Submitted version of Local Plan: SP17, DM1, DM3, DM34, H1(45)
 - Marden Village Design Statement

5.0 Consultation responses

5.01 Marden Parish Council:

"Councillors feel it is unclear how the planting on the north edge of the site relates to the existing ditch and pond between footpath KM280 and top north-west corner of the site."

5.02 **Landscape Officer:** Raises no objection.

5.03 **Public Rights of Way Officer:** Raises no objection.

5.04 **Neighbour responses:** No representations received.

6.0 Assessment

6.01 The amended scheme has not altered the layout, scale and appearance of the already approved residential development; and the amended landscaping scheme has retained the loose-knit and landscape lead approach is well suited to the site's edge of village location. Furthermore, the proposal continues to retain the large area of open space and woodland area to the north; the soft landscaped edges of the

southern and western boundaries continue to help the transition from the built form of the development into the countryside beyond; and the south-western boundary planting (opposite plots 74-78) continue to provide the same level of beneficial meadow planting, as previously negotiated.

- 6.02 The Landscape Officer raises no objection to the proposal on arboricultural/landscaping terms; and as previously accepted under the first reserved matters application, whilst the species selection is not totally in accordance with the species list for the area in the Council's landscape guidelines, on the whole appropriate native species are still proposed and a large proportion of Oaks will still be planted within the scheme. The proposed landscaping therefore continues to be acceptable.
- 6.03 As this application is amending the landscaping for the approved development, it is considered necessary to add again an appropriate condition requesting updated details of a landscape and ecological management plan (LEMP), the same as that previously added under MA/13/1585 (which was discharged under 16/506789).
- 6.04 Additional planting had previously been negotiated along where the eastern boundary meets the rear boundary of the grade II listed Jewel/Bishop House. Whilst this has been removed because of the required position of electric easement, I am satisfied that the retained boundary hedge and the separation distance of some 20m between any new building and these listed properties is acceptable. I am therefore satisfied that this proposal would not cause detrimental harm to the setting of the grade II listed property Jewel/Bishop House. The planting along the northern edge of the site remains largely unaffected by the proposed changes and the retained trees on this boundary would maintain an acceptable transition between the development and the area beyond. It is therefore considered that the amended landscaping scheme would continue to positively contribute to the character and appearance of the surrounding area and as such, no objection is raised.
- 6.05 With regards to the comments raised by Marden Parish Council, to clarify the existing pond in the north-western corner of the site is still to be retained, along with the existing surrounding trees and shrubs. The approved pond that was to go next this pond (closest to the public footpath) has been removed. The new planting will not impact upon the existing pond and planting in the north-western corner of the site.
- 6.06 All other issues, as assessed under MA/13/1585 and 15/508756/REM remain unaffected by this application.

7.0 Conclusion

- 7.01 It is considered that the proposal is acceptable with regard to the relevant provisions of the Local Plan, the NPPF, and all other material considerations such as are relevant. I therefore recommend approval of the application on this basis.

RECOMMENDATION – APPROVE:

- (1) A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the local planning authority within 1 month of the date of this permission. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.

- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Map
- h) Details of the body or organization responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981.

- (2) Pursuant to condition 1 of this permission, a walk over of the site must be carried out at the same time as the Great Crested Newt monitoring surveys to ensure that the management is being carried out as agreed; and if required the walk over survey and GCN monitoring surveys must inform updates of the site management plan;

Reason: To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981.

- (3) The matter of landscaping hereby permitted shall be carried out in accordance with the following plans: 2791_DR_004 Rev G, 005 Rev G, 006 Rev H, 007 Rev G and 008 Rev J received 02/06/17;

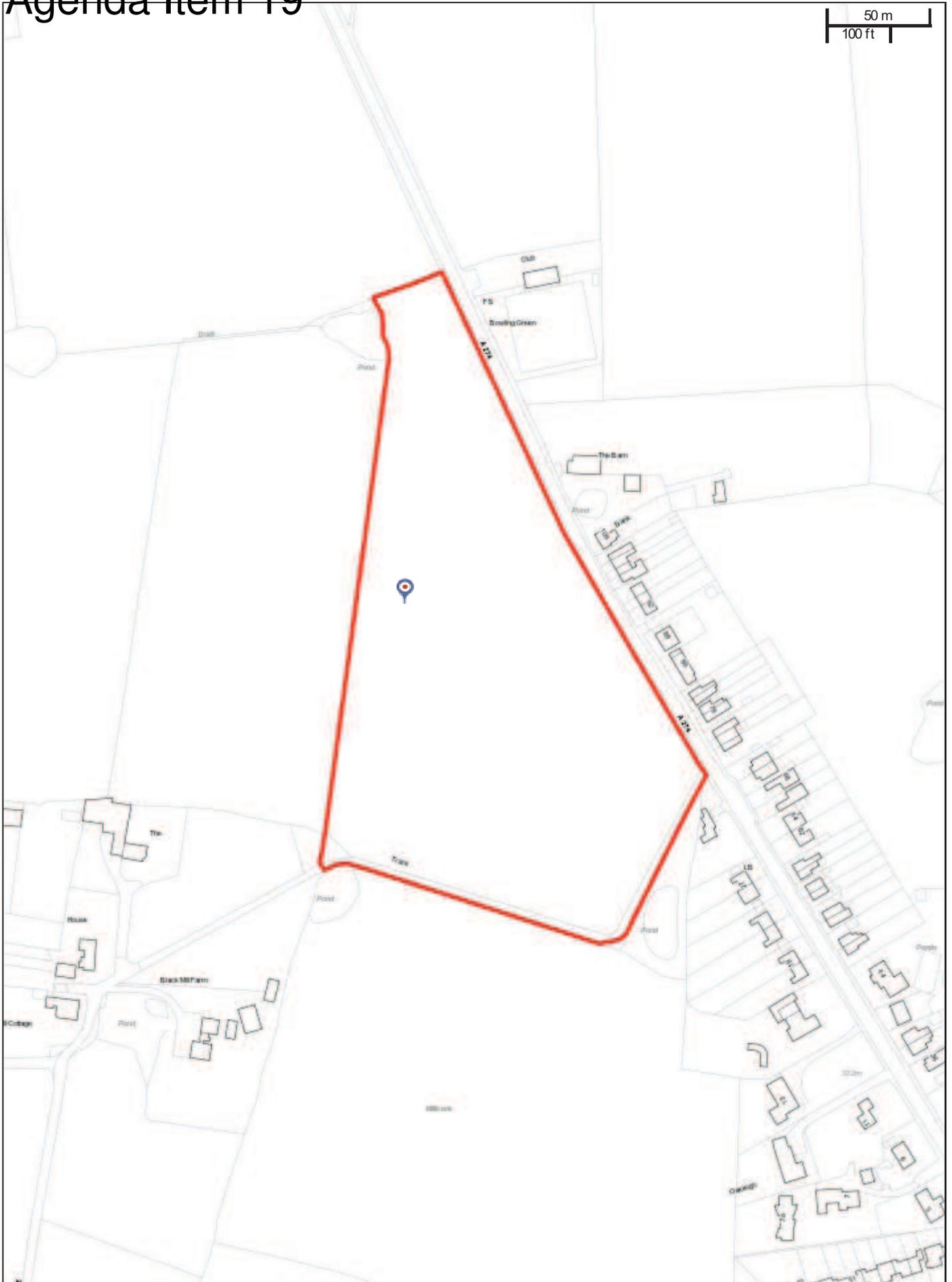
Reason: To ensure the quality of the development is maintained.

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.

Agenda Item 19

50 m
100 ft



17/501093 - Land West Of Mill Bank

Scale: 1:2500

Printed on: 28/6/2017 at 11:01 AM by EllyH



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REPORT SUMMARY

REFERENCE NO: 17/501093/REM			
APPLICATION PROPOSAL: Approval of reserved matters (appearance, landscaping, layout and scale) pursuant of 15/507424/OUT - Outline application for residential development of up to 62 dwellings (including a minimum of 40% affordable housing), planting and landscaping, informal open space, surface water attenuation, vehicular access point from Mill Bank and associated ancillary works (access approved).			
ADDRESS: Land West Of Mill Bank, Maidstone Road, Headcorn, Kent, TN27 9RJ			
RECOMMENDATION: GRANT PLANNING PERMISSION subject to the conditions and informatives set out at the end of this report.			
SUMMARY OF REASONS FOR RECOMMENDATION:			
<ul style="list-style-type: none"> • Outline approval in place for 62 dwellings with requirements on extent and height of built development and extent of open space met by this reserved matters application. • The design and appearance of the development is in keeping with the character of the surrounding area. The development is acceptable in relation to the impact on local residential amenity including loss of daylight, sunlight, outlook and privacy. • The proposal will provide a good standard of residential accommodation. • The proposal is acceptable in relation to flooding and drainage, impact of the proposal on the local highway network and impact on trees and ecology. 			
REASON FOR REFERRAL TO COMMITTEE:			
Headcorn Parish Council has requested that the application is determined by the Planning Committee.			
WARD: Headcorn	PARISH COUNCIL: Headcorn	APPLICANT: Bovis Homes AGENT: N/A	
DECISION DUE DATE: 14/06/17	PUBLICITY EXPIRY DATE: 14/04/2017	OFFICER SITE VISIT DATE: 28/03/2017	
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):			
App No:	Proposal:	Decision:	Date:
15/507424/OUT	Outline application for residential development of up to 62 dwellings (including a minimum of 40% affordable housing), planting and landscaping, informal open space, surface water attenuation, vehicular access point from Mill Bank and associated ancillary works. (Access being sought) committee 25/02/2016	Approved	24/08/2016
17/500190/SUB	Submission of Details to pursuant to Condition 8 - Habitat Management Plan and Condition 9 - Mitigation Strategy subject to 15/507424/OUT	Approved	19/05/2017

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site covers an area of 3.7 hectares on the west side of Mill Bank (A274) with Mill Bank running into Maidstone Road outside the site. The application site frontage to Mill Bank is 280 metres in length.
- 1.02 A line of existing residential properties (72 to 106 Mill Bank and The Barn) are located opposite the site frontage on the east side of Mill Bank. Headcorn Bowling Green is also on the east side of the road opposite the northern part of the application site. The properties on the east side at 72 to 100 Mill Bank and 29 Mill Bank to the south are within the Headcorn Village boundary with the application site located just outside.
- 1.03 The southern boundary of the site is shared with the detached property at 29 Mill Bank. The application site boundary includes the majority of an unmade vehicle access track immediately to the north of 29 Mill Bank. This track provides secondary access from Mill Bank to the group of residential properties to the south west of the application site (The Croft, Old House, Black Mill Cottage and Black Mill Farm) with primary access from Black Mill Lane.
- 1.04 The north and east site boundaries are marked by an established hedgerow, with a hedgerow also separating the main part of the site from the access track to the south. The west boundary of the site is currently open with no change in the landscape between the site and adjoining fields. The ground level on the site has a gradual slope down from the south to the north.
- 1.05 A public right of way (PROW KH591) runs across the site from the north east boundary (just to the north of The Barn) to the pond adjacent to the southwest corner. When travelling northwards the pavement on the east side of Mill Bank stops at the south east corner of the application site. The pedestrian footpath on the west side of the A274 runs the length of the site continuing for some distance to the north (junction of Tattlebury Lane). There are two informal vehicle parking laybys on the east side of Mill Bank that are within the application site boundary. When traveling north along Mill Bank the 30 miles per hour speed limit changes to 40 miles per hour outside the site and adjacent to The Barn and 106 Mill Bank.
- 1.06 The Barn adjacent to 106 Mill Bank and opposite the site frontage is a grade II listed building. The site is classified as Grade 3b agricultural land. There are several ponds adjacent to the boundaries of the application site. The trees surrounding the ponds to the south east and south west boundaries are covered by group Tree Preservation Orders. The site is located in the Low Weald Special Landscape Area. The application site, together with Headcorn Village is designated as a Landscape of Local Value in the emerging Local Plan.

2.0 PROPOSAL

- 2.01 At the planning committee in February 2016 members resolved to approve outline planning permission for the residential development of this site for up to 62 dwellings. The application under reference 15/507424/OUT was approved on the 24 August 2016 with a legal agreement providing 25 affordable units and financial contributions towards education, community learning, youth services, libraries and public right of way improvements.
- 2.02 The outline permission approved the vehicle access from the A274 in the southeast corner of the site, and the emergency access toward the northeast corner. The

approved internal site access consisted of a tree lined primary route running east to west through the site. All other matters (landscape, scale, appearance and layout) are being considered as part of the current reserved matters application.

- 2.03 The site for housing development to the east and south of the site with areas to the north and west provided as communal amenity green space. The proposal includes additional landscaping, tree and hedgerow planting, natural and semi-natural open space, a Local Equipped Area for Play (LEAP) and ecological mitigation. A detention basin is proposed within the open space in the northern section of the site.
- 2.04 The development provides 25 affordable units (40%) and 37 (60%) market units. Within the affordable accommodation the development provides 10 shared ownership units (SO – 40%) and 15 social rented (SR – 60%) units. This is in line with the indicative policy advice that gives a 30/70 tenure split and the s106 legal agreement attached to the outline approval.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, ENV49, T1,T13 and CF1
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)
- Maidstone Borough Council Local Plan Publication (submission version) February 2016; SP5, SP17, DM1, DM2, DM3, DM7, DM11 to DM13, DM22, DM24, DM25, DM27, DM34 and ID1
- Headcorn Neighbourhood Plan Regulation 16: HNP1 to HNP3, HNP9, HNP12 and HNP13.

- 3.01 In the Regulation 19 version of the emerging Local Plan, policies which do not have proposed main modifications will not be subject to further public consultation. The implication is that the Local Plan Inspector does not consider that changes are required in order for these policies to be considered sound. Whilst the position will not be certain until the Inspector issues his final report, a reasonable expectation is that these policies will progress unaltered into an adopted Local Plan. In these circumstances, it is considered that approaching full weight can be afforded to these policies in the determination of planning applications.
- 3.02 In relation to the weighting there are no major modifications proposed to policies SP5; DM1; DM2; DM22; DM25; DM27. Major modifications are proposed to policies SP17, DM3, DM7 DM11 - DM13, DM24, DM34; and ID1. The final inspector's report is due at the end of July with adoption of the plan anticipated in mid September 2017.
- 3.03 In accordance with legislation the examiner of the Headcorn Neighbourhood Plan recommended that the draft Regulation 16 plan should not proceed to a local referendum. Whilst a final committee decision has not been made on the examiner's report, it is considered that due to its conclusions very limited weight should be attached to the draft Headcorn Neighbourhood Plan.

4.0 LOCAL REPRESENTATIONS

- 4.01 The planning application has been advertised with individual letters sent to adjoining properties, a site notice and a press notice.

- 4.02 **Local residents:** Nine representations received from local residents objecting to the proposal on the following grounds (summarised):
- With neighbour and parish council objection, outline planning permission should not have been given;
 - Objections have all been based on factual evidence relating to inadequate infrastructure including sewage, road safety, school places and Drs Surgery;
 - Consultation is pointless as the council appear to take no notice of opinions;
 - The proposal is 'well outside' the village envelope and reminiscent of 1950s-1960's "ribbon development";
 - The site is outside the village and is greenfield land and rural character will be lost;
 - The council appears to be allowing all the land between Headcorn and Maidstone to be developed and the village is disappearing;
 - The development is not needed as the housing land needed to accommodate demand has been reduced.
 - Traffic and parking issues including cumulative impact and loss of the lane;
 - Nuisance from construction phase, car parking, noise and dust;
 - Overdevelopment
 - Loss of privacy;
 - Design uninspiring, not in keeping and not respecting the Kent Vernacular;
 - Contrary to the neighbourhood plan that says developments are a maximum of 30 houses;
 - Sewerage and drainage problems
 - Impact is unclear including boundaries on the track at the southern edge of the site, known as 'Muddy Lane';
 - Pavements and pavement widths are inadequate;
 - The proposal will worsen road safety local speed management issues;
 - Consultation by the applicant has been inadequate and inconsistent;
 - Submitted plans are unclear in terms of paths, parking for existing residents, bus stops; emergency access point.
 - The removal of the hedge would cause harm to the listed building;
 - The access is in the wrong location (NB: approved with the earlier outline permission)
- 4.03 **Local resident:** One representation has been received from a local resident in support of the proposal on the following grounds (summarised):
- Headcorn needs a decent supply of modern houses to allow new and ideally young people to move to the village and support local amenities;
 - Headcorn needs new houses to ensure affordability for the children and grandchildren of existing residents;
 - The impact on traffic congestion will be minimal when compared to the travel habits of existing residents;
 - The privatisation of infrastructure and utilities has led to a lack of investment in these areas;
 - It is more productive to work with developers to invest in infrastructure through the s106 or CIL system;
 - The development is an efficient use of land;
 - Development of this site prevents use by travellers or flytipping;
 - The development will help the local economy creating direct and indirect employment;
 - The development provides a network of paths that link with existing footways;
 - The development should contribute towards local highway improvements.

- 4.04 An informative on the decision notice for the outline approval for this site advised the applicant of a request for a development delivery group to be set up. In response to this a meeting took place on the 9 March 2017 in the council offices with a follow up site meeting on the 28 March 2017. The developer attended these meetings with invitations sent to ward Members, representatives of the Parish Council, the Planning Committee chairman and political group spokesmen.

5.0 **CONSULTATIONS**

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

- 5.01 **KCC Public Rights of Way Officer:** No objection subject to an informative advising of the need to keep the right of way accessible and the procedure for temporary closures or diversions.
- 5.02 **MBC Landscape and Trees:** No objection but highlight requirement to submit further details to discharge conditions on the outline permission including a landscape maintenance schedule and long term management plan; schedule for the proposed native woodland mix planting, arboricultural method statement and tree protection plan and indication whether trees are feathered, standard or advanced nursery stock.
- 5.03 **Crime Prevention Design Advisor:** No objection subject to an informative advising the applicant to contact the Crime Prevention Design Advisor to discuss Crime Prevention and Community Safety measures.
- 5.04 **NHS West Kent Clinical Commissioning Group:** No objection subject to a financial contribution towards healthcare and to enhance healthcare needs within the NHS services.
- 5.05 **SGN (Southern/Scotia Gas Networks):** No objection subject to an informatives relating to preventing damage to gas infrastructure.
- 5.06 **KCC Drainage:** No objection but would welcome discussion with the applicant prior to the submission of information to discharge condition 14 on the outline approval.
- 5.07 **Southern Water:** No objection subject to any new foul pumping station and compound being revised to meet adoptable standards and highlighting that connection to the public foul network can be carried out only on completion of sewerage network improvements works.
- 5.08 **Headcorn Parish Council:** Objection to the application on the basis that the plans do not reflect the following issues that were raised with the applicant: lack of white weatherboarding on the road facing properties; the layout of the affordable housing; the landscape impact from the proposed two and a half/three storey buildings.
- 5.09 **MBC Conservation Officer:** No objection to this application on heritage grounds and the maintenance of a strong hedgerow screen along the A274 boundary of the site.

6.0 **APPRAISAL**

Main Issues

- 6.01 Outline planning permission has previously been approved by the planning committee for a residential development on the application site for 62 dwellings

(15/507424/OUT – August 2016). The existing outline permission gave approval for the access arrangements to a residential development on this site.

- 6.02 The current planning application seeks approval for matters not considered at the outline stage, with this reserved matters application providing details of landscape, scale, appearance and layout. The key issues for consideration at this reserved matters stage are design and appearance including potential impact on heritage assets, potential impact on residential amenities, the standard of the proposed residential accommodation, the potential impact on the local highway network and ecology.

Design, appearance and layout

- 6.03 Policy DM 1 of the emerging plan states that proposals which would create high quality design will be permitted. Proposals should respond positively to, and where possible enhance the character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage - incorporating a high quality modern design approach.
- 6.04 The application site is adjacent to the built up area of Headcorn which is a designated rural service centre in the emerging plan. The character of the area to the north and west of the site is of open fields with sporadic residential development. The character of the area to the south and east is the built up area of Headcorn village.
- 6.05 The existing development along Mill Bank both opposite the front boundary and to the south consists of terraced and detached dwellings in a variety of building styles, shapes and sizes. These buildings include the property at 54-56 Milbank that has two storeys with a third floor in the roofspace, the properties at 98-104 Mill Bank are two storeys high with front dormer windows to a third storey. The building at 30-32 Mill Bank whilst two storeys, has large front gabled bays and a sloping roof which appears as an additional storey.
- 6.06 The majority of the proposed dwellings are 2 storeys in height, with proposed roof ridge heights of between 8.5 metres and 8.7 metres. The development also includes a larger building located in the south east part of the site providing 8 flats. This building set behind an established and retained hedgerow is partly 2 and partly 2.5 storeys in height (roof ridge height of 11.6 metres). The higher 2.5 storey section of the building is set back from the southern site boundary by a distance of 16 metres (9 metres from the hedgerow) and 70 metres from the front site boundary in Mill Bank. At the closest point a distance of 41 metres separates this new building from the closest residential property (29 Mill Bank).
- 6.07 The height and scale of the proposed development is acceptable. The height of the 2.5 storey building is acceptable in the context of nearby development that is of comparable height, the screening provided from the site boundary, and the separation distance from the closest residential property and the site frontage. The provision of buildings of 2.5 storeys is also in accordance with condition 18 attached to the outline approval for the site and policy HNP1 of the draft neighbourhood plan. Condition 18 states that no buildings shall be “over a height of 2.5 storeys (any third floor to be within the roof space)” with policy HNP1 stating that there should be “...no new development of more than two and a half storeys”.
- 6.08 Consultation responses have sought to compare the 2.5 storey building to a building completed as part of the development on land to the north of Lenham Road (14/505162). This development was visited during the site visit with residents, councillors and the developer. It is considered that there are important differences

between the two developments; these include the distance from the property boundary, the distance from adjacent development and the existing screening which is to be enhanced.

- 6.09 The proposal is laid out with built development concentrated towards the south east part of the site with new open space along the north and west site boundary. Proposed built development does not extend past the northern most point of the Headcorn Village boundary that is marked by The Barn in Mill Bank. The proposed layout includes new access roads running parallel with Mill Bank to the east, along the boundary with the new open space to the west and along part of the southern boundary. The proposed new housing is arranged as detached properties in various different styles, 4 separate small terraces and the flatted block.
- 6.10 The buildings are designed in a traditional architectural style to reflect the character of the local area, including multi stock facing brickwork, vertical tile hanging, concrete roof tiles weatherboarding and soldier course brick lintels with front single or double storey bays with roof gables, 45 degree roof pitches and chimneys. Fenestration has vertical proportions with side hung opening lights. The submitted application provides details of boundary fencing including 1.8 metre high close boarded fencing between back gardens 1.8 metre high panel fencing between back gardens and public areas.
- 6.11 In conclusion the scale, height, materials, detailing, mass, bulk, articulation, and site coverage are acceptable with the proposals responding positively to the character of the area.

Impact on heritage assets

- 6.12 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard should be had to the desirability of preserving listed buildings or their setting. The NPPF, Local Plan and the emerging local plan all seek to protect and enhance the historic environment. Where a 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 (NPPF para 134).
- 6.13 The application site is not in a conservation area and does not contain any listed buildings; a grade II listed building is located on the east side of Mill Bank (A274) opposite the northern part of the application site. This building called 'The Barn' has been converted to residential use. The building is largely screened from the eastern side of Mill Bank by vegetation and outbuildings. On the western side of Mill Bank the application site boundary is formed by a hedgerow which screens the application site from the road. This hedgerow is largely retained and enhanced as part of the proposal providing further screening between the application site and the listed building.
- 6.14 With the application site separated from the listed building by the A274 and vegetation on both sides of the road the application site plays little part in providing a setting to the listed building. In these circumstances the proposed residential development which has been suitably designed would cause negligible harm to the setting of the listed building. The site is not located within an archaeological priority zone and there is no reason to believe that any archaeological remains would be affected by the development.

Visual impact, ecology, landscaping and trees

- 6.15 The NPPF sets out the need to consider the character of different areas and to recognise '*the intrinsic character and beauty of the countryside*' (para 17). The NPPF

makes a distinction between international, national and locally designated sites with protection commensurate with their status (para 113).

- 6.16 Whilst the application site does not have nationally designated landscape protection (SSSI, AONB, National Park etc.) it is designated as the Low Weald Special Landscape Area in the adopted Maidstone Borough Wide Local Plan (2000) and as a 'Landscape of Local Value' under the emerging Local Plan (submission version 2016). In the special landscape area the scenic quality and distinctive character will be protected and enhanced (adopted policy ENV34). The distinctive landscape character of the designated landscapes of local value will be conserved and enhanced (emerging policy SP17).
- 6.17 The potential impact of developing this site on the special landscape area and landscape of local value was considered at the outline application stage and this impact was considered acceptable. The landscape and visual appraisal submitted at outline stage concluded that *"...the proposed development would not be significantly visible in the wider surroundings of the area and where visible, would be seen within the wider built context of Headcorn...There would be no overriding adverse effects that should preclude the proposed development on landscape and visual grounds"*. This outline approval set out parameters such as the maximum storey height and the extent of built development which have been followed in the current reserved matters application.
- 6.18 A detailed landscape strategy has been submitted with this application on a landscape plan. The strategy outlines the soft and hard landscaping that is proposed, and this includes the tree species, quantity and size, ecological enhancements; sustainable urban drainage features; play area specification, public open space, hard surfacing and enhancement of the existing boundary hedgerows. These details are considered acceptable and in accordance with the council's landscape guidelines. Planning conditions on the outline approval require the submission of a landscape maintenance schedule and long term management plan.
- 6.19 The reserved matters application follows the approach that was considered acceptable at the outline application stage. With the majority of trees located around the site boundaries the layout of the development has been designed to minimise any harm to trees on the site. The development will involve the loss of a single tree and the removal of a small length of hedgerow to facilitate the access points from Mill Bank. The development retains the layout that was approved at outline stage and as a result the current detailed proposals will have no greater impact on trees when compared with the earlier outline approval. Planning conditions on the outline approval require the submission of a landscape maintenance schedule and long term management plan.
- 6.20 The NPPF, Local Plan and the emerging local plan all seek to protect and enhance the natural environment. Local planning authorities should aim to conserve and enhance biodiversity when determining planning applications and take opportunities to incorporate biodiversity in and around developments (NPPF para 118). The ecological appraisal submitted at outline application stage was considered acceptable subject to conditions that required (8) submission of an Ecological Design and Management Strategy and (9) an Ecological Mitigation Strategy. Information to discharge these conditions including ecological mitigation have been submitted to and approved after consultation with KCC Ecology (see planning history).

Residential amenity and standard of accommodation,

- 6.21 Policy DM1 advises that development should respect the amenities of occupiers of neighbouring properties including in terms of overlooking and visual intrusion. Built form should not result in an unacceptable loss of privacy or light. NPPF core principles include a requirement to seek “*a good standard of amenity for all existing and future occupants of land and buildings*” (para 17).
- 6.22 Existing residential properties on the east side of Mill Bank would be separated from new houses by a distance of between 23 metres and 30 metres. This distance includes the width of the public highway, the existing hedgerow along the site boundary and existing front gardens. In the south east corner of the site a distance of 28 metres, that includes an established hedgerow within the application site, the unmade access track and trees on the site boundary separate the closest proposed residential building from the detached property at 29 Mill Bank. Distances of 110 metres and 140 metres separate buildings on Mill Farm and The Croft respectively from the closest proposed new building.
- 6.23 The proposed units and the site layout will provide a good standard of residential accommodation for future occupants in terms of privacy, internal layout, daylight and external space. Whilst it is accepted that Mill Bank (A274) is an arterial road carrying more traffic than other local roads, any noise or disturbance from road traffic would be insufficient to support the refusal of planning permission.
- 6.24 In summary it is considered that the proposed development will respect the amenities of occupiers of existing neighbouring buildings. The development is acceptable in relation to issues of privacy, overlooking, visual intrusion, daylight and sunlight. The proposed development is acceptable in relation to scale, design and internal layout with the development providing dwellings in sizable plots with large gardens with a good standard of accommodation for future residents.

Impact on the local highway network and public right of way.

- 6.25 The National Planning Policy Framework (NPPF) states that development should only be prevented, or refused on transport grounds where the residual cumulative impacts of development are ‘severe’ (para 32). With the aim of guiding development the emerging plan sets out a sustainable settlement hierarchy. The application site is located immediately adjacent to Headcorn village. Headcorn is a rural service centre in the emerging plan where these designated settlements are second only to the Maidstone Urban Area on the sustainable settlement hierarchy.
- 6.26 The proposed vehicle trips associated with 62 residential units and the vehicle access points (main access and emergency) have previously been considered by members and given approval as part of the earlier outline planning permission. The proposed servicing arrangements for the development including the size and location of the refuse storage area are considered acceptable.
- 6.27 The emerging plan states that car parking will take into account the type, size and mix of dwellings and secure an efficient and attractive layout of development whilst ensuring integration of appropriate parking provision (policy DM27). The standards recommend 1.5 off street car parking spaces for each 1 and 2 bedroom unit, 2 spaces for 3, 4 and 5 bedroom units with 0.2 visitor spaces per unit. The proposal generally accords with these standards except for some of the two bedroom units that have one parking space rather than 1.5. It is considered overall that the parking quantity, layout and design is acceptable with a mixture of parking available in attached and detached garages, car ports, allocated off-street parking spaces and if necessary on street parking.

- 6.28 Condition 19 attached to the outline approval requires detailed plans showing road and footway widths, shared surface arrangements, junction layouts and parking and turning areas to be submitted and approved in writing by the Local Planning Authority. Condition 20 requires a Section 278 agreement between the applicant and Kent County Council Highways, relating to the works identified in the Transport Statement. These works include potentially the location of new bus stops at the site frontage; the identification and provision of uncontrolled pedestrian crossing points (to connect the PROW across the A274); full details/design of the emergency access point and speed reduction signage. Discussions have started between the applicant and KCC Highways in relation to the Section 278 agreement.
- 6.29 The site layout demonstrates a good level of permeability with pedestrian links allowing access to the village centre to the south of the site. A public right of way (PROW KH591) runs across the application site from the north east boundary (just to the north of The Barn) to the pond adjacent to the southwest corner where it continues west towards The Croft. As a planning obligation attached to the outline permission the applicant will pay a contribution of £22,683 towards directional PROW signs (£603) and the remainder for the resurfacing of the PROW.

Flooding and drainage

- 6.30 The information submitted by the applicant at outline stage was acceptable subject to planning conditions and KCC drainage and Southern Water have raised no objection to this reserved matters submission.
- 6.31 The conditions attached to the outline permission require the submission and approval of a detailed sustainable surface water drainage scheme (condition 14) and details of foul water drainage with any necessary off-site network improvements (condition 15). It is considered that with these conditions the proposed development is acceptable in relation to flooding and drainage issues.

Planning obligations

- 6.32 At the planning committee in February 2016 members resolved to approve outline planning permission for the residential development of this site for up to 62 dwellings. The application under reference 15/507424/OUT was approved on the 24 August 2016 with a legal agreement providing 25 affordable units and financial contributions towards education, community learning, youth services, libraries and public right of way improvements.
- 6.33 The consultation response from the NHS on the outline approval confirmed that no s106 money was required as local surgeries had the capacity to accommodate the extra demand from the development. The NHS consultation response to the reserved matters application is now requesting a contribution of £52,228. Planning obligations were considered at the outline application stage and as the number of dwellings has not increased and the relativity short time period that has elapsed there is no reason to consider seeking this contribution at this stage.

Environmental impact assessment

- 6.34 With the proposed development including fewer than 150 dwellings and the overall area of the development fewer than 5 hectares, the proposed development falls outside the scope of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as an urban development project. There is no requirement to seek an environmental impact assessment

7.0 CONCLUSION

- 7.01 Outline planning approval is in place for 62 dwellings with requirements on extent and height of built development and extent of open space met by this reserved matters application.
- 7.02 The design and appearance of the development is in keeping with the character of the surrounding area. The development is acceptable in relation to the impact on local residential amenity including loss of daylight, sunlight, outlook and privacy. The proposal will provide a good standard of residential accommodation.
- 7.03 The proposal is acceptable in relation to flooding and drainage, impact of the proposal on the local highway network and impact on trees and ecology.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans: HCRN-000 rev A; HCRN-001; HCRN-002 rev C; HCRN-003-1 rev A; HCRN-003-2 rev A; HCRN-004 rev A; HCRN-005 rev A; HCRN-006 rev A; HCRN-DS rev A; HCRN-050/1; HCRN-050/2; HCRN-050/3; HCRN-051/1; HCRN-051/3; HCRN-090/1; HCRN-091/2; HCRN-092/1; HCRN-095/1; HCRN-096/1; HCRN-096/2; HCRN-095/2 Reason: For clarity and to ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- (2) Prior to the commencement of development details of decentralised and renewable or low-carbon sources of energy to be used as part of the approved development shall have been submitted to and approved in writing by the Local Planning Authority including details of how they will be incorporated into the development. The approved measures shall be in place before first occupation of the development hereby approved and maintained as such at all times thereafter. Reason: To secure an energy efficient and sustainable form of development in accordance with the provisions of the NPPF. This information is required prior to commencement as ground works may restrict the range of options that are available.
- (3) Prior to the commencement of development schedule for the proposed native woodland mix planting and submission of a plan indicating whether trees are feathered, standard or advanced nursery stock shall be submitted to and approved in writing by the local planning authority The approved details shall be implemented in accordance with condition 7 attached to the outline approval.

Reason: To ensure a satisfactory external appearance to the development.

Case Officer: Tony Ryan

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

Agenda Item 20



20 m
100 ft

Great Oak Farm

Hickin
College

Stuan Farm

REPORT SUMMARY

REFERENCE NO - 17/501593/FULL			
APPLICATION PROPOSAL - Erection of swimming pool structure			
ADDRESS - Great Oak Farm, Friday Street, East Sutton, Maidstone, Kent, ME17 3EA			
RECOMMENDATION - Approval			
SUMMARY OF REASONS FOR RECOMMENDATION -			
<ul style="list-style-type: none"> • The existing barn on the site has an authorised use as a residential dwelling. • The policies of the adopted and emerging Local Plan do not prohibit the extension of dwellings in the countryside or Special Landscape Area. • The proposed swimming pool structure will be of similar proportions to an existing temporary building on the site that is to be removed and is acceptable in design terms. 			
REASON FOR REFERRAL TO COMMITTEE – At the request of the Parish Council as the recommendation is contrary to their views.			
WARD Headcorn	PARISH/TOWN COUNCIL East Sutton	APPLICANT Damon Bridger AGENT	
DECISION DUE DATE 16/05/17	PUBLICITY EXPIRY DATE 14/06/17	OFFICER SITE VISIT DATE 03/05/17	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
16/507995/FULL	Erection of Alpaca field shelters	Approved	25.01.2017
16/504716/FULL	Below ground swimming pool & a re-location of house curtilage.	Approved	19.09.2016
16/500887/FULL	Installation of false chimney stacks	Approved	22.03.2016
15/507792/FULL	Relocation of log cabin to be used as holiday let	Approved	21.01.2016
15/505877/PNQCL A	Prior notification for the proposed operational development - design and external appearance impacts on the building	Prior Approval Granted	22.09.2015
15/502332/FULL	Erection of agricultural storage barn and repositioning of animal husbandry barn as approved under application MA/13/0895 Erection of agricultural storage barn and repositioning of animal husbandry barn as approved under application MA/13/0895	Approved	13.07.2015
14/505560/LAWP RO	An application for a Certificate of Lawful Development for a proposed use under the provisions of Class MB(a), Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) being the use of an existing agricultural building and land within its curtilage as a dwelling (in accordance with Condition MB.2(3) of the above Order).	Approved	20.02.2015
14/502032/PNBC M	Prior approval - Change of use of Agricultural building to a dwelling house	Planning Required	24.10.2014

13/1014	Change of use of land for the siting of a temporary dwelling for a period of three years	Refused Appeal Dismissed	06.08.2013 29.05.2014
09/0861	Erection of an agricultural barn	Refused Appeal Dismissed	14.09.09 02.09.10

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises a former agricultural barn that is presently being converted to a residential dwelling. The property is located to the western side of Friday Street and is within the open countryside in the parish of East Sutton. This site is also within a designated Special Landscape Area in the adopted Maidstone Borough-Wide Local Plan 2000.
- 1.02 The dwelling is located some 40m from Friday Street and there is mature landscaping along the boundaries with the highway. There is a vehicular access to the south of the property which is via a lengthy driveway that extends in a westerly direction into the site before turning north to reach the property. There is currently a log cabin building situated directly to the south west of the property and this has an approved use as a temporary dwelling. It is due to be removed by December 2017.
- 1.03 The application property is situated in an extensive area of land that is presently used as an alpaca farm and there are a number of structures associated with this. The approved residential curtilage of the site measures 32m x 25m. The surrounding area is characterised by open countryside together with sporadic residential development. The closest dwellings are Hecton Cottage to the north east and Stream Farm to the south east.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for the erection of a detached swimming pool structure. Permission was granted in 2016 under reference 16/504716/FULL for a below ground swimming pool together with the relocation of the house curtilage. At that time, it was proposed that the swimming pool would be heated in the summer months by an air source heat pump. Since then, work has progressed on the conversion of the barn to a dwelling and the applicant has found that the ground source heat pump that will provide heating and hot water for the house will also have sufficient capacity to heat the swimming pool on a year round basis. In order to achieve this however, it will be necessary to insulate the swimming pool and therefore an enclosure is proposed.
- 2.02 The building will be located to the south eastern corner of the curtilage of the converted barn. It will occupy an area of 16.8m x 10.1m and will have a ridge height of 5.45m and a height to eaves of 2.525m. The roof will be hipped on all sides and will be finished in Kentish clay peg tiles. The building will be comprised of an oak frame and the northern, southern and western elevations will be glazed with bi-folding doors proposed on the south western corner. The eastern elevation facing towards Friday Street will be finished in timber weatherboarding painted black.

- 2.03 The block plan that accompanies the application was amended on 30.5.2017 to identify the location of the temporary log cabin on the site and is annotated to show that it will be removed by December 2017.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2000: ENV28; ENV34; H33
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents: Residential Extensions 2009.
Draft Maidstone Local Plan (2011-2031): DM34; DM36.

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** No comments received.

5.0 CONSULTATIONS

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

- 5.01 **East Sutton Parish Council – First Response:** The Parish Council resolved that this application should be refused and are prepared to go to committee. Reasons for objection:
- Overdevelopment on a sensitive rural site;
 - Materials are not in keeping with surrounding buildings;
 - Building is intrusive.
- 5.02 **East Sutton Parish Council – Response to Amended Block Plan:** The Parish Council do not wish to change their decision and still wish to see this application refused and are prepared to go to committee.
- 5.03 **KCC Public Rights of Way:** Public Right of Way KH533 footpath runs along the southern boundary of the site and should not affect the application.

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- The principle of the proposal in this countryside location;
- The design and visual impact.

Principle of the Proposal in the Countryside:

- 6.02 The planning history of this site indicates that the established use of this former agricultural barn is now a residential dwelling. Policy ENV28 identifies specific types of development that are accepted (in principle) within the countryside as well as

those forms of development identified by other policies within the plan. Accordingly, Policy H33 permits extensions to dwellings in the countryside subject to meeting specific criteria. This policy would also relate to outbuildings and other structures within the curtilage of a dwelling. In addition, the application site is located within a Special Landscape Area as defined within Policy ENV34.

- 6.03 As a residential dwelling, it is not therefore unacceptable in principle to consider an extension to this property and in this case, the proposed addition will take the form of a detached outbuilding. The Parish Council have put forward their concerns that the swimming pool structure is an overdevelopment of the site. The dwelling itself is 2-storey with a pitched roof and occupies an area of 22.5m x 12.5m which extends to a footprint of 281.25 square metres. Previously, there have been approvals for the installation of false chimney stacks and a below ground swimming pool, the latter of which is related to this current application. The building will extend to 169.7square metres and 5.45m in height and is considered to be broadly proportionate to the main dwelling. Amenity areas will also be retained to the east and south of the property. The applicant has also put forward that there is a precedent for this type of development in the locality as Stream Farm to the east of Great Oak Farm also has a swimming pool with a detached pool house.
- 6.04 There is also a temporary dwelling on the site and initially, the drawings failed to detail its presence. In my opinion, if both this and the proposal were to be located on the site, this would be overdevelopment that in principle would not accord with Policy H33 or Policy ENV34. Consequently, the block plan has been amended and annotated to identify the removal of the temporary dwelling by December 2017. This enables the imposition of an appropriate condition to ensure that the building is removed prior to the implementation of significant works for the proposed swimming pool enclosure.
- 6.05 In view of these circumstances, I do not believe that this proposal would represent an overdevelopment of the site.

Visual Impact

- 6.06 A key principle of policies H33 and ENV34 is the protection of the visual qualities and character of the countryside and Special Landscape Areas. The appearance and specification of materials have been a cause for concern in the responses from the Parish Council. As noted previously, the dwelling that this proposal is associated with is quite substantial and the scale of the proposed outbuilding would be proportionate to the existing property. I am also mindful that the present temporary dwelling that was granted approval on appeal in 2013 is also directly adjacent to the now converted barn. This measures 14.5m x 8.6m and has a maximum height of 4.8m. The building has a tiled roof and the exterior walls are finished in black stained timber boarding.
- 6.07 The reason for imposing a temporary permission in 2013 was to enable the applicant sufficient scope to demonstrate the necessity for an agricultural workers dwelling on the site in relation to the establishment of the alpaca farm. Since that time however there have been amendments to permitted development rights that allow the conversion of agricultural buildings to residential dwellings. Consequently, the applicant has now been able to establish a permanent dwelling through the conversion of the existing barn and the issues surrounding the temporary dwelling are no longer relevant. In both the originally refused planning application and subsequent appeal, the design and impact of the building on the countryside were not identified as a cause for concern. Essentially, when the temporary dwelling is removed, the swimming pool

enclosure will introduce a structure of similar proportions and appearance, albeit more closely related to the dwelling.

- 6.08 The design is broadly reflective of a rural building and accordingly would be appropriate in the context of the existing dwelling. The use of glazing to the northern, southern and western elevations will prevent the building from appearing overly bulky and the finish of the eastern elevation (facing Friday Street) in timber weatherboarding painted black is characteristic of the existing property. The applicant has also agreed that they would be amenable to accepting a condition regarding the provision of soft landscaping around the building to provide screening. There is sufficient scope along the boundaries to achieve this and accordingly I recommend that a condition be included in the recommendation requiring the submission of a landscaping scheme.
- 6.09 In terms of the openness of the countryside, the proposal will essentially be seen against the backdrop of the existing dwelling in the same way as the present temporary dwelling on the site. The property is also situated some 40m from the highway and the boundaries are defined by mature landscaping. In this regard, I am of the opinion that by virtue of these characteristics, the proposal will not have a significant impact upon the openness of the countryside.

Other Matters

- 6.10 In view of the distances between the application site and the neighbouring residential dwellings, I am of the opinion that there are no likely impacts upon the amenities of these householders.

7.0 CONCLUSION

- 7.01 This proposal represents the addition of an outbuilding within the curtilage of a dwelling in the open countryside and Special Landscape Area. Whilst such locations are particularly sensitive to new development, the adopted and emerging Local Plan do not directly prohibit residential extensions in these areas. In view of the design of the swimming pool enclosure and the fact that it will be seen against the backdrop of the existing dwelling, I am satisfied that there will be no significant harm to the quality or character of the countryside. I have considered the comments of the Parish Council however in balancing the issues raised it would appear that the individual details of this case would not merit a recommendation of refusal. I therefore consider that subject to appropriate conditions, this application should be approved.

8.0 RECOMMENDATION

- 8.01 GRANT planning permission subject to the following conditions:

- 01 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.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: 200.01 Revision A; 200.02.

Reason: To clarify which plans have been approved.

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

Reason: To ensure a satisfactory appearance to the development.

- 04 The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide screening along the boundaries of the development hereby approved.

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

- 05 The use of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the commencement of use, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

- 06 The development hereby approved shall not commence above slab level until the temporary dwelling identified on drawing number 200.01 Revision A has been removed in its entirety from the site.

Reason: In the interests of the visual amenities of the locality.

Case Officer: Georgina Quinn

Planning Committee	6 July 2017
Is the final decision on the recommendations in this report to be made at this meeting?	Yes

S106 Contributions for Maidstone Town Centre

Final Decision-Maker	Planning Committee
Lead Head of Service	Rob Jarman
Lead Officer and Report Author	Carole Williams (S106 Monitoring Officer)
Classification	Public

This report makes the following recommendations to this Committee:

That the £100,000 from the S106 Next Store, Eclipse Park (planning app no: MA/12/2314) is spent towards the Public Realm Improvements Project Phase 3 to include the whole of Week Street and Gabriel’s Hill in order for the Council to use to mitigate the effect of the Eclipse Park Development on Maidstone town centre.

The investment of £100,000 will have a long lasting beneficial impact on the town centre helping to improve its attractiveness to shoppers, visitors, increasing footfall and dwell time and increasing the likelihood that Maidstone will remain a popular retail and leisure destination.

This report relates to the following corporate priorities:

1.1 Keeping Maidstone Borough an attractive place for all and securing a successful economy for Maidstone Borough by funding towards public realm improvement projects in the Town Centre and to fund the programme of the Maidstone Town Team.

2. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

2.1 This report seeks clarification from Members on the use of the £100,000 balance of the S106 contribution for projects to mitigate the impact of application MA/12/2314 (Next Store, Eclipse Park) on the Maidstone Town Centre in accordance with the S106 agreement definition.

3. INTRODUCTION AND BACKGROUND

3.1 At the Planning Committee dated 29 August 2013, the application for the (Next Store) Eclipse Park was agreed subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services advised to secure the following:

A contribution of £140,000 to offset the impact of the development on the Town Centre with £100,000 being used towards public realm improvement projects in the Town Centre and £40,000 to fund the programme of the

Maidstone Town Team.

- 3.2 The sum was received in 3 instalments as per the agreement, the final being received March 2016. The spend by date for each sum is as follows; £100,000 October 2018 / £20,000 March 2020 / £20,000 March 2021.
- 3.3 The £40,000 was given to The Town Team and successor organisation One Maidstone, and this has been spent on events, floral displays, marketing and a feature lighting installation on the Town Hall.

4. AVAILABLE OPTIONS

- 4.1 There are no other projects relating to the S106 obligation and definition.

5. REASONS FOR RECOMMENDATIONS

- 5.1 The S106 proposed spending is in accordance with the S106 obligations and is within the Public Realm Improvement Project linked to the priorities of Maidstone Council's Strategic Plan towards the regeneration of the Town Centre.

6. PREVIOUS COMMITTEE FEEDBACK

- 6.1 In response to questions by Members at the Planning Committee held on 6 April 2017, the Development Manager undertook to seek clarification on how the S106 sum received has been allocated to mitigate the effect of the retail Development at Eclipse Park on Maidstone town centre and in accordance with the agreement.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Once the Committee has made its decision, this will be communicated to the relevant team to be spent on the project.

8. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Helping to ensure we have a thriving and attractive town centre that values our heritage and is fit for the future	Rob Jarman, Head of Planning & Development
Risk Management	There are no implications arising from this report	Rob Jarman, Head of Planning & Development
Financial	£100,000 from the S106 Next Store, Eclipse Park is spent towards the Public Realm Improvements project Phase 3	John Foster, Regeneration & Economic Development Manager

Staffing	There are no implications arising from this report	Rob Jarman, Head of Planning & Development
Legal	The project will legally fulfil the financial obligations in accordance with the S106 Agreement	Estelle Culligan, Acting Head of Mid Kent Legal Services
Equality Impact Needs Assessment	There are no implications arising from this report	Anna Collier, Policy & Information Manager
Environmental/Sustainable Development	There are no implications arising from this report	Rob Jarman, Head of Planning & Development
Community Safety	There are no implications arising from this report	Rob Jarman, Head of Planning & Development
Human Rights Act	There are no implications arising from this report	Rob Jarman, Head of Planning & Development
Procurement	There are no implications arising from this report	Rob Jarman, Head of Planning & Development & Mark Green, Section 151 Officer
Asset Management	There are no implications arising from this report	Rob Jarman, Head of Planning & Development

Agenda Item 22

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 6th July 2017**

APPEAL DECISIONS:

1. **16/507726**

Demolition of part of the existing dwelling and erection of single storey extensions and two storey extension with the insertion of Juliet balcony, dormer windows and rooflights, creation of new parking and turning area, widening of existing pedestrian gate to form new vehicular access and erection of new gates to entrances.

APPEAL: Appeal Dismissed and award for costs refused.

St Martins On The Hill, Cranbrook Road
Staplehurst, Kent, TN12 0ES

(Delegated)

2. **16/507326/FULL**

Appeal against Condition 4 of 16/507326 (Reconstruction and conversion of existing outbuilding to provide annexe accommodation.) The single-storey detached annexe building to the main dwelling hereby permitted shall only be used for purposes ancillary to the residential use of the main dwelling at Lake Farmhouse and shall not be sub-divided, separated, let or sold off, or altered in any way so as to create a separate, independent residential unit.

APPEAL: Appeal Allowed and Condition 4 deleted

Lake Farmhouse, Green Lane, Chart Sutton
Kent

(Delegated)

3. **16/508165**

Erection of 3 no. detached houses with associated access, parking, and gardens

APPEAL: Dismissed

Land At Woodcock Lane, Boughton Malherbe
Kent, ME17 2AZ

(Delegated)

-
- 4. 16/508165** Erection of 3 no. detached houses with associated access, parking, and gardens
- APPEAL:** Dismissed
- Land At Woodcock Lane, Boughton Malherbe
Kent, ME17 2AZ
- (Delegated)
-
- 5. 16/506660** Separate dwelling into 2 dwellings, with associated parking, insertion of Velux windows and changes to fenestration.
- APPEAL:** Dismissed
- 22 Caring Lane, Bearsted, Kent, ME14 4NJ
- (Delegated)
-
- 6. 16/507776** Outline application for demolition of existing commercial structures and erection of 2 no. 3 bedroom bungalows (All Matters Reserved).
- APPEAL:** Dismissed
- Willow Farm, Tyland Lane, Sandling
Kent
- (Delegated)
-
- 7. 16/506764** Change of use of land to include parking and landscaping and to allow for the siting of a mobile home holiday let.
- APPEAL:** Dismissed
- Land At Harple Lane, Detling, Kent
- (Delegated)
-
- 8. 16/506173 &
16/506174** Demolition and replacement of the existing laundry room, outbuildings and ragstone wall with a new laundry room building.
- APPEAL:** Dismissed
- Court Lodge Park, Lower Road, West Farleigh
ME15 0PD
- (Delegated)
-