

PLANNING COMMITTEE MEETING

Date: Thursday 26 April 2018
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

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

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

<u>AGENDA</u>	<u>Page No.</u>
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 Items withdrawn from the Agenda	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 - Monday 30 April 2018	
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 5 April 2018	1 - 6
11. Presentation of Petitions (if any)	
12. Deferred Items	7 - 8
13. 16/502993 - Land To West Of 70 Church Street, Boughton Monchelsea, Kent	9 - 43

Issued on Wednesday 18 April 2018

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

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15.	17/504412 - Iden Grange, Cranbrook Road, Staplehurst, Tonbridge, Kent	61 - 74
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17.	17/506323 - Maple Leaf Garage, Ashford Road, Hollingbourne, Kent	86 - 98
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21.	18/500563 - The Stables, East Court, The Street, Detling, Maidstone, Kent	132 - 148
22.	18/500718 - 5 Tonbridge Road, Maidstone, Kent	149 - 155
23.	5003-2018-Tree Preservation Order - 5 Southways, Sutton Valence, Maidstone, Kent	156 - 162
24.	Appeal Decisions	163 - 164
25.	Chairman's Announcements	

PART II

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

			Head of Schedule 12 A and Brief Description
26.	Enforcement Tracker	2 – Identity of an Individual 6 (a) and (b) – Enforcement/Court Proceedings 7 – Prevention, Investigation or Prosecution of Crime	165 - 168

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.

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

In order to speak at this meeting, please contact Democratic Services using the contact details above, by 4 p.m. on the working day before the meeting. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 5 APRIL 2018

Present: Councillor English (Chairman) and
Councillors Boughton, Harwood, Hastie, B Mortimer,
Munford, Perry, Powell, Prendergast, Round, Spooner
and Willis

Also Present: Councillor J Sams

443. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Clark, Cox, Mrs Stockell and Vizzard.

444. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Hastie for Councillor Clark
Councillor B Mortimer for Councillor Cox
Councillor Perry for Councillor Mrs Stockell

It was also noted that Councillor Willis would be substituting for Councillor Vizzard, but would be late in arriving at the meeting.

445. NOTIFICATION OF VISITING MEMBERS

Councillor J Sams indicated her wish to speak on the reports of the Head of Planning and Development relating to applications 17/506612 and 17/506613 (Gipps Oast, Pilgrims Way, Lenham, Kent).

446. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

447. 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.

448. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Prendergast disclosed a Disclosable Pecuniary Interest in the report of the Head of Planning and Development relating to application 18/500972 (Peckham Farm, Ulcombe Road, Headcorn, Ashford, Kent). She stated that she was married to the applicant, and would leave the meeting when the application was discussed.

449. EXEMPT ITEMS

RESOLVED: That the exempt Appendix to the report of the Head of Planning and Development relating to application 17/505849 (3 Orchard Place, Chartway Street, Sutton Valence, Maidstone, Kent) be considered in public, but the information contained therein should remain private.

450. MINUTES OF THE MEETING HELD ON 15 MARCH 2018

RESOLVED: That the Minutes of the meeting held on 15 March 2018 be approved as a correct record and signed.

451. PRESENTATION OF PETITIONS

There were no petitions.

452. DEFERRED ITEMS

17/503291 – ERECTION OF 6 NO. LIGHTWEIGHT COMMERCIAL/INDUSTRIAL UNITS - THE PACKHOUSE, QUEEN STREET, PADDOCK WOOD, TONBRIDGE, KENT

The Development Manager said that he had nothing further to report in respect of this application at present.

17/503237 - OUTLINE APPLICATION (SOME MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS, AND CESSATION OF COMMERCIAL USE ON SITE; ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING 18 NO. UNITS, OF WHICH 12 X 1 BED AND 6 X 2 BED. PROVISION OF 16 PARKING SPACES/2 DISABLED SPACES AND 4 VISITOR SPACES. ACCESS, LAYOUT AND SCALE BEING SOUGHT - J B GARAGE DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT

The Development Manager said that he had nothing further to report in respect of this application at present.

17/505995 - ERECTION OF A DETACHED FIVE BEDROOM DWELLING WITH ASSOCIATED PARKING - COURT LODGE FARM, THE STREET, TESTON, MAIDSTONE, KENT

The Development Manager said that he had nothing further to report in respect of this application at present.

453. 17/506612 - ERECTION OF AN AGRICULTURAL BARN (PLOT 7) - GIPPS OAST, PILGRIMS WAY, LENHAM, KENT

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

Mr Smith, an objector, Councillor Walmsley of Lenham Parish Council, Mr Tamsett, for the applicant, 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. In making this decision, Members felt that the proposal would be harmful to the rural character and landscape of the locality by virtue of its scale and location in an area of high sensitivity within the countryside and Kent Downs Area of Outstanding Natural Beauty which should be given great weight in conserving its landscape and scenic beauty. Notwithstanding the economic benefits of the scheme, it was considered that the landscape harm outweighs those benefits. Accordingly the proposal would be unacceptable and contrary to policies SP17, DM3, DM30, DM36 of the Maidstone Borough Local Plan and section 11 of the National Planning Policy Framework.

RESOLVED: That permission be refused for the following reason:

The proposal would be harmful to the rural character and landscape of the locality by virtue of its scale and location in an area of high sensitivity within the countryside and Kent Downs Area of Outstanding Natural Beauty which should be given great weight in conserving its landscape and scenic beauty. Notwithstanding the economic benefits of the scheme, it is considered that the landscape harm outweighs those benefits. Accordingly the proposal would be unacceptable and contrary to policies SP17, DM3, DM30, DM36 of the Maidstone Borough Local Plan and section 11 of the National Planning Policy Framework.

Voting: 7 - For 4 - Against 1 - Abstention

Councillor Harwood requested that his dissent be recorded.

Note: Councillor Willis entered the meeting at 6.10 p.m., prior to the introduction of the application by the Major Projects Manager.

454. 17/506613 - ERECTION OF AN AGRICULTURAL BARN (PLOT 8) - GIPPS OAST, PILGRIMS WAY, LENHAM, KENT

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

Councillor Walmsley of Lenham Parish Council and Mr Tamsett, for the applicant, addressed the meeting. Mr Smith, an objector, and Councillor J Sams (Visiting Member) had already addressed the meeting on application

17/506612 for the erection of an agricultural barn on plot 7, and indicated that they had nothing further to add.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the proposal would be harmful to the rural character and landscape of the locality by virtue of its scale and location in an area of high sensitivity within the countryside and Kent Downs Area of Outstanding Natural Beauty which should be given great weight in conserving its landscape and scenic beauty. Notwithstanding the economic benefits of the scheme, it was considered that the landscape harm outweighs those benefits. Accordingly the proposal would be unacceptable and contrary to policies SP17, DM3, DM30, DM36 of the Maidstone Borough Local Plan and section 11 of the National Planning Policy Framework.

RESOLVED: That permission be refused for the following reason:

The proposal would be harmful to the rural character and landscape of the locality by virtue of its scale and location in an area of high sensitivity within the countryside and Kent Downs Area of Outstanding Natural Beauty which should be given great weight in conserving its landscape and scenic beauty. Notwithstanding the economic benefits of the scheme, it is considered that the landscape harm outweighs those benefits. Accordingly the proposal would be unacceptable and contrary to policies SP17, DM3, DM30, DM36 of the Maidstone Borough Local Plan and section 11 of the National Planning Policy Framework.

Voting: 7 - For 5 - Against 0 - Abstentions

Councillor Harwood requested that his dissent be recorded.

455. 17/505849 - RETENTION OF EXISTING MOBILE STRUCTURE FOR RESIDENTIAL PURPOSES - 3 ORCHARD PLACE, CHARTWAY STREET, SUTTON VALENCE, MAIDSTONE, KENT

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

The Development Manager advised the Committee that he wished to amend condition 1 to read as follows (the reason to remain the same):

No more than one mobile structure and one touring caravan (subject to the provisions of condition 4) shall be stationed on the site at any time.

RESOLVED: That permission be granted subject to the conditions set out in the report as amended by the Development Manager at the meeting.

Voting: 10 - For 1 - Against 1 - Abstention

456. 18/500972 - PRIOR NOTIFICATION FOR PROPOSED CHANGE OF USE OF AN AGRICULTURAL BUILDING TO 1 DWELLING HOUSE AND FOR

ASSOCIATED OPERATIONAL DEVELOPMENT. FOR PRIOR APPROVAL TO: -
TRANSPORT AND HIGHWAYS IMPACTS OF THE DEVELOPMENT -
CONTAMINATION RISKS ON THE SITE - FLOODING RISKS ON THE SITE -
NOISE IMPACTS OF THE DEVELOPMENT - WHETHER THE LOCATION OR
SITING OF THE BUILDING MAKES IT OTHERWISE IMPRACTICAL OR
UNDESIRABLE FOR THE USE OF THE BUILDING TO CHANGE AS
PROPOSED - DESIGN AND EXTERNAL APPEARANCE IMPACTS ON THE
BUILDING - PECKHAM FARM, ULCOMBE ROAD, HEADCORN, ASHFORD,
KENT

Having disclosed a Disclosable Pecuniary Interest, Councillor Prendergast left the meeting whilst this application was discussed.

Councillors Harwood and Round stated that they had been lobbied.

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

Mr Prendergast, the applicant, addressed the meeting.

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

Voting: 10 – For 1 – Against 0 – Abstentions

457. APPEAL DECISIONS

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

A Member expressed concern that the appeal against the decision taken by the Officers under delegated powers to refuse application 17/503397 for the erection of a detached dwelling house at 16 Kings Cottages, Maidstone Road, Nettlestead had been allowed at appeal. The Member sought assurances that in the course of negotiations during the appeal process, the Officers had tried to ensure that conditions would be attached to any permission to achieve the design quality (landscaping, renewables and biodiversity enhancements etc.) usually required by the Committee.

The Development Manager said that details of the suggested conditions could be provided. It was the usual practice for the Council to put forward a list of suggested conditions to be attached should an application be approved at appeal, but they were not always accepted by the Inspector.

RESOLVED: That the report be noted.

458. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised the Committee that issues associated with the Council's proposed developments at Brunswick Street and Union Street (for example, residents' parking arrangements and the establishment of

Enforcement Sub-Committees to oversee the delivery and implementation of the planning mitigation required for the developments) were being taken forward through other Committees of the Council.

459. DURATION OF MEETING

6.00 p.m. to 7.40 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

26 APRIL 2018

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

APPLICATION	DATE DEFERRED
<p><u>17/503291 - ERECTION OF 6 NO. LIGHTWEIGHT COMMERCIAL/INDUSTRIAL UNITS - THE PACKHOUSE, QUEEN STREET, PADDOCK WOOD, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> • Check whether the correct certificates were served; • Seek the views of Kent Highway Services on the implications of the potential use of HGVs to serve the site taking into account possible business growth; • Investigate the potential for traffic calming measures on the shared access; • Seek details of the proposed landscaping scheme including what it would comprise and where it would be planted; • Enable the Officers to draft suggested conditions to prevent the amalgamation of the units into one enterprise and to link the hours of illumination to the hours of opening of the premises; • Discuss with the applicant the possibility of limiting the hours of operation on Saturdays; and • Enable a representative of Kent Highway Services to be in attendance when the application is discussed. 	<p>19 December 2017 adjourned to 4 January 2018</p>
<p><u>17/503237 - OUTLINE APPLICATION (SOME MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS, AND CESSATION OF COMMERCIAL USE ON SITE; ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING 18 NO UNITS, OF WHICH 12 X 1 BED AND 6 X 2 BED. PROVISION OF 16 PARKING SPACES/2 DISABLED SPACES AND 4 VISITOR SPACES. ACCESS, LAYOUT AND SCALE BEING SOUGHT - J B GARAGE</u></p>	<p>1 February 2018 adjourned to 8 February 2018</p>

<p><u>DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> • Investigate the scope for improved pedestrian links from the site entrance to existing footways; • Seek the advice of Kent Highway Services on the cumulative impact of new development in the area on the highway network; • Enable a representative of Kent Highway Services to be in attendance when the application is discussed; • Review the density, design and layout of the scheme having regard to the topography, setting and history of the site and seek to secure the provision of structural landscaping; and • Discuss with the Council's Parks and Open Spaces Team whether the proposed Open Space Contribution might be spent at other sites within the immediate area subject to CIL compliance checks. 	
<p><u>17/505995 - ERECTION OF A DETACHED FIVE BEDROOM DWELLING WITH ASSOCIATED PARKING - COURT LODGE FARM, THE STREET, TESTON, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> • Amend the application to extend the site area to include the private road up to the point where it meets the public highway and to serve a Certificate B notifying all persons having an interest in the private road providing site access; • Seek details of the S106 agreement restricting further development at the site; and • Enable the Conservation Officer to be in attendance when the application is discussed. 	<p>22 February 2018</p>



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16/502993/FULL Land to wet of 70 Church Street, Boughton Monchelsea

Scale: 1:1250

Printed on: 16/4/2018 at 10:34 AM by JoannaW

REPORT SUMMARY

REFERENCE NO - 16/502993/FULL			
APPLICATION PROPOSAL Demolition of existing buildings and construction of 18 new C2 Extra Care Retirement Homes, Club House, Car Ports, Bin Stores, Landscape Scheme and Access Road. Demolition of garage to rear of 70 Church Street and erection of new oak framed car port to rear garden			
ADDRESS Land To West Of 70 Church Street, Boughton Monchelsea ME17 4HN			
RECOMMENDATION: The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement and the imposition of the conditions:			
SUMMARY OF REASONS FOR RECOMMENDATION: The resolution previously made by Members for this application on 16 th March 2017 to grant permission for the development is no longer policy compliant owing to the adoption of the Local Plan in October 2017, specifically SP20(5) which excludes fully serviced residential care homes and nursing homes from a requirement for affordable housing provision. There have been no other material changes outside of the requirement for affordable housing provision, and as such, the previous committee resolution to grant subject to a legal agreement requires an amendment to remove the requirement for affordable housing provision from the legal agreement to make the decision compliant with local planning policy.			
REASON FOR REFERRAL TO COMMITTEE: Amendment to a previous committee resolution			
WARD Boughton Monchelsea And Sutton	PARISH/TOWN Boughton Monchelsea	COUNCIL	APPLICANT Country House Homes Ltd AGENT Country House Homes Ltd
DECISION DUE DATE 04/05/18	PUBLICITY EXPIRY DATE 212/17	OFFICER SITE VISIT DATE 24/06/2016	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
TPO/09.1997	Blanket TPO order on Nutplatt		
Exemption clearance	Agent confirmed tree removal through clause 14. (1) (a) (vi) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012	n/a	19.1.16

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site was formerly a cobnut plantation which was largely cleared in February /March 2016 and which is now bare ground across over two thirds of the site with an area of cobnut trees remaining to the west of the site. The site borders the village sports field to the south by an established hedgerow which is 3-4 metres in height and the remaining part of the cobnut plantation borders the western part of the site. The site also includes part of the garden of no.70 Church Street which will facilitate the widening of the access road which currently provides access to the site from the south east corner from Church Street. The gardens of the residential properties on

Church Street back onto the eastern boundary of the site which is bounded by a hedgerow and a further hedgerow lines along the northern boundary which borders a paddock to the north of the site. The site is relatively flat in topography and due to the boundary hedgerows is relatively well contained from the wider landscape. There are a collection of prefabricated structures including a mobile home which are; it is assumed, left over from the previous plantation use.

- 1.02 The site lies to the west of Church Street and to the north of Heath Road with the remainder of the village to the north and north east. The site occupies a relatively central location within the village as it is located between the village allotments, sports ground and pitches and residential properties. The site has access to pedestrian footpaths which run along the western side of Church Street and connect the site with the local social club, sports pitches, village shop and bus stops on Heath Road which connect to Maidstone and elsewhere within the borough.

2.0 PROPOSAL

- 2.01 The proposal for the construction of 18 C2 extra care units together with a communal club house building, associated car ports, access and parking/turning areas , was considered in full by the Planning Committee on 16th March 2017. Each unit will be 2 bedrooms and has been designed to accord with lifetime home/HAPPI (Housing our Aging Population Panel for Innovation) standards in order the units are able to adapt to the occupiers needs as their care needs change. The applicant is proposing to restrict occupancy in order that the use falls within the Class C2 use class by ensuring occupiers are subject to an initial care needs assessment and the need to sign up to a minimum care package as well as being restricted to persons over 55 years of age. The on-site club house building would be the central base for the on-site management and the site would also provide 24hr care for the occupants.
- 2.02 A copy of the Officers report is appended to this report.
- 2.03 The committee resolved approval of the application subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise. The 106 legal agreement was to include the provision of 20% affordable housing on site (with option for off-site contributions if a registered provider cannot be secured) in line with DM13.
- 2.04 Subsequent to consideration of the application, the Local Plan has been adopted. During the process of adoption, it was clarified that C2 uses are not liable to affordable housing contributions. As such, the committee resolution, and legal agreement are not compliant with planning policy. This needs to be rectified prior to the signing of the legal agreement and issue of the decision.
- 2.05 With regard to this application, there have been no other material changes outside of the requirement for affordable housing provision. This report therefore seeks a resolution from committee to agree the previous committee decision but omitting the requirement for affordable housing.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan

4.01 It is of note that the previous recommendation was made on the basis of policies ENV28, ENV6, H25, H26 of the previous development plan, and policies SP11, SP12, SP17, DM1 DM3, DM12, DM13, DM15, DM22, DM27 of the emerging local plan.

4.02 These have now been superseded by the adopted Local Plan (2017). However with the exception of the matter under consideration, the policy framework remains the same with regard to the current application. The general policy emphasis has not changed, and, aside from the application of policy SP20 as will be considered in this report, there is no material planning reason for any change to the recommendation previously made.

4.0 LOCAL REPRESENTATIONS

4.01 N/a

5.0 CONSULTATIONS

5.01 N/a

6.0 APPRAISAL

6.01 In consideration of the application on 16th March 2017, members resolved the following:

'That subject to the prior completion of a S106 legal agreement in such terms as the Interim Head of Legal Partnership may advise to secure the following:

- *The provision of 20% affordable housing on site (with option for off-site contributions if a registered provider cannot be secured) in line with DM13;*
- *The restriction of the units to persons of 55 years of age and over and that occupants are subject to care need assessment and are required to commit to a minimum care package to be agreed with the Local Planning Authority; and*
- *A healthcare contribution of £15,163.20 (the Head of Planning and Development acting under delegated powers to investigate with the CCG whether the healthcare contribution can be used to deliver medical facilities in Boughton Monchelsea, and, subject to the outcome of those discussions, to finalise where it is to be spent),*

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report and the additional condition set out in the urgent update report with:

- *An additional condition regarding the cutting back of the hedge on the boundary with Church Street to maintain visibility splays, these splays to subsequently be maintained at all times (the precise wording of the additional condition to be finalised by the Head of Planning and Development acting under delegated powers); and*
- *An informative to the effect that the Ward Member should be involved in approval of details relating to landscaping (the precise wording of the informative to be*

finalised by the Head of Planning and Development acting under delegated powers).'

- 6.02 Subsequent to consideration of the application, the Local Plan has been adopted. Adopted policy SP20 states:

...5. The council has set a zero affordable housing rate for fully serviced residential care homes and nursing homes'

- 6.03 The proposal is for the construction of 18 C2 extra care units together with a communal club house building, associated car ports, access and parking/turning areas.

- 6.04 The application proposes a specialist type of housing which will be aimed towards the ageing population and those requiring care and can be considered to represent a type of accommodation known as extra care housing. The occupation restriction of the units to extra care housing would be secured through the use of an appropriate legal agreement which will restrict occupation to those over 55 years old and those who also commit to a minimum care package which will develop in line with the occupier's health needs. Therefore it is reasonable to consider the scheme separately from traditional housing schemes as the development will deliver a specialist housing type which will be intrinsically linked to the provision of care as well as that of the aging population. This was previously accepted by members in consideration of the application on 16th March 2017.

- 6.05 As a result of adoption of the local plan, including policy SP20(5), the committee resolution and legal agreement are no longer compliant with planning policy. This needs to be rectified by the removal of the section of the committee's previous resolution which states: '*The provision of 20% affordable housing on site (with option for off-site contributions if a registered provider cannot be secured) in line with DM13*';

- 6.06 All other matters would remain the same as previously considered. With regard to this application, there have been no other material changes outside of the requirement for affordable housing provision. This report therefore seeks a resolution from committee to agree the previous committee decision but omitting the requirement for affordable housing.

7.0 CONCLUSION

- 7.01 The resolution previously made by Members on 16th March 2017 is no longer policy compliant owing to the adoption of the Local Plan, specifically SP20(5) which excludes fully serviced residential care homes and nursing homes from a requirement for affordable housing provision.

- 7.02 There have been no other material changes outside of the requirement for affordable housing provision, and as such, the previous committee resolution requires an amendment to remove the requirement for affordable housing provision to make the decision compliant with local planning policy.

8.0 RECOMMENDATION

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or

amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- The restriction of the units to persons of 55 years of age and over and that occupants are subject to care need assessment and are required to commit to a minimum care package to be agreed with the local planning authority
- Contribution of £15,163.20 to be provided to support one of the three GP Practices in the area including either Mote Medical Centre, Wallis Avenue and Grove Park surgeries

and the imposition of the conditions as set out below:

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. No building works above slab level shall commence until written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaces 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 shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development.

4. Details of a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

c) Include measures to reduce light pollution and spillage.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest biodiversity protection and visual amenity.

5. Notwithstanding the junction design shown on the submitted plans, development shall not commence until details of a pedestrian priority junction between the proposed access road and the highway have been approved in writing by the Local Planning Authority. The development shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason: In the interests of highway safety.

6. The development shall not be occupied until the parking areas and car ports, shown on the plan 500/KF/003B has been provided and that area shall not thereafter be used for any purpose other than the parking of vehicles for the development hereby approved.

Reason: In the interests of highway safety

7. No development shall take place before a construction method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheelcleaning 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), unloading and loading of construction vehicles and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials. The construction works shall be carried out in accordance with the approved method statement

Reason: to maintain highway safety and amenities of adjacent properties during construction)

8. The clubhouse as approved shall only be used for the provision of care or for purposes ancillary to the use of the wider site and extra care units hereby approved

Reason: to prevent harm to the wider highway network and amenities of surrounding Occupiers

9. No development above damp proof course level shall take place until details of a scheme of landscaping based on the principles of submitted plan 500/KF/018C and 500/KF 019C, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 and a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site; The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a high quality of design

10. The occupation 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 ten 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: To ensure a satisfactory landscaped setting for the development

11. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within ten years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity.

12. The development shall not commence until a Landscape and Ecological Design and Management Plan, which is based upon the principles set out on plans 500/KF/018C and 500/KF/19C, has been submitted to and been approved in writing by the local planning authority. The Landscape and Ecological Design and Management Plan shall include the following:

- a) Purpose and conservation objectives for the proposed habitat creation and enhancements;
- b) Detailed design to achieve stated objectives;
- c) Extent and locations of proposed works on appropriate scale plans;
- d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) Description and evaluation of features to be managed;
- f) Aims and measurable objectives of management;
- g) Appropriate management prescriptions for achieving aims and objectives;
- h) Preparation of a work schedule for the duration of the plan;
- i) Ongoing habitat and species monitoring provision against measurable objectives;
- j) Procedure for the identification, agreement and implementation of contingencies and/or remedial actions where the monitoring results show that the objectives are not being met;
- k) Details of the body/ies or organisation/s responsible for implementation of the plan.
- l) Details of interpretation boards to be incorporated in to the development site to inform residents of the sites management.

The Landscape and Ecological Design and Management Plan shall also include details of the legal and funding mechanism by which the short and long-term

implementation of the management Plan will be secured by the developer with the management body responsible for its delivery. The approved Plan will be implemented in accordance with the approved details.

Reason: To ensure a high quality design, appearance and setting to the development, and to protect and enhance biodiversity.

13. The development shall not commence until (including any demolition, ground works, site clearance) a Reptile mitigation strategy has been submitted to and approved in writing by the local planning authority. The content of the strategy shall include:

- a) Details of the timings for the establishment of the receptor site and triggers for when translocation can commence
- b) Identification of ecological impacts, informed by updated ecological surveys where necessary;
- c) Purpose and ecological objectives for the proposed works;
- d) Practical measures (both physical measures and sensitive working practices) necessary to achieve stated objectives (may be provided as a set of method statements);
- e) Extent and location of proposed works, shown on appropriate scale maps and plans;
- f) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- g) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works;

The works shall be carried out in accordance with the approved details, unless varied by a European protected species mitigation licence subsequently issued by Natural England. In the interests of securing the maximum benefit for biodiversity, any variation of the agreed mitigation required by Natural England must not result in the reduction of the quality or quantity of mitigation/compensation provided.

Reason: In the interest of ecology and biodiversity enhancement

14. The development shall not commence until details of measures to enhance biodiversity have been submitted to and approved in writing by the Local Planning Authority and shall include the following:

- a) Sparrow terraces within buildings
- b) Bird and bat boxes throughout the site
- c) Wildlife friendly gullies

The approved measures shall be in place prior to first occupation of the accommodation hereby approved.

Reason: To protect and enhance biodiversity

15. The development shall not commence 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 shall incorporate details appropriate to the construction operations being undertaken and shall include, but not be limited to, a working methodology/phasing for operations with the Root Protection Area (RPA) of any retained tree; consideration of the location and installation of services and drainage; a programme of site monitoring and

arboricultural supervision if appropriate; a detailed schedule of re-commencement tree works and; a Tree Protection Plan showing the design and location of fencing and/or ground protection necessary to ensure all retained trees can be successfully integrated within the permitted scheme.

No equipment, 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. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the 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.

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

16. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a 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.

17. Development shall not commence until a detailed sustainable surface water drainage strategy 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 prepared by Country House Developments (April 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 and disposed of within the curtilage of the site.

Reason: to ensure the proper integration of sustainable urban drainage within the development

18. 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 and to ensure ongoing efficacy of the drainage provisions.

19. None of the dwellings hereby permitted shall be occupied until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water and the approved details implemented.

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2012.

20. The development hereby permitted shall be carried out in accordance with the following drawings;

Site Layout plan 500/KF/003B, Plot 1-7 floorplans 500/KF/004B, Plot 1-7 elevation 500/KF/006B, Plots 8-16 500/KF/005A and 500/KF/007A, Landscape and Enhancement Plans 500/KF/018C and 500/KF/19C, 500/KF/003B, Car ports 500/CM/011A, Clubhouse 500/KF/009C, Bin stores 500/CM/014B, Tree and Hedgerow Protection Plan 500/KF/021, Preliminary Ecological Appraisal and Bat Surveys, Flood risk Assessment, Care Provision information, Design and Access Statement

Reason: For the purposes of clarity.

Case Officer: Joanna Russell

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

Minutes of the planning committee meeting 16 March 2017:

All Members stated that they had been lobbied.

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

Mr Edmunds, an objector, Councillor Martin of Boughton Monchelsea Parish Council, and Mr Osborne (for the applicant)/Mr Unwins (in support) addressed the meeting.

RESOLVED: That subject to the prior completion of a S106 legal agreement in such terms as the Interim Head of Legal Partnership may advise to secure the following:

- The provision of 20% affordable housing on site (with option for off-site contributions if a registered provider cannot be secured) in line with DM13;
- The restriction of the units to persons of 55 years of age and over and that occupants are subject to care need assessment and are required to commit to a minimum care package to be agreed with the Local Planning Authority; and
- A healthcare contribution of £15,163.20 (the Head of Planning and Development acting under delegated powers to investigate with the CCG whether the healthcare contribution can be used to deliver medical facilities in Boughton Monchelsea, and, subject to the outcome of those discussions, to finalise where it is to be spent),

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report and the additional condition set out in the urgent update report with:

- An additional condition regarding the cutting back of the hedge on the boundary with Church Street to maintain visibility splays, these splays to subsequently be maintained at all times (the precise wording of the additional condition to be finalised by the Head of Planning and Development acting under delegated powers); and
- An informative to the effect that the Ward Member should be involved in approval of details relating to landscaping (the precise wording of the informative to be finalised by the Head of Planning and Development acting under delegated powers).

Voting: 7 – For 6 – Against 0 – Abstentions

Councillor Munford requested that his dissent be recorded.

REPORT SUMMARY

REFERENCE NO - 16/502993/FULL
APPLICATION PROPOSAL Demolition of existing buildings and construction of 18 new C2 Extra Care Retirement Homes, Club House, Car Ports, Bin Stores, Landscape Scheme and Access Road. Demolition of garage to rear of 70 Church Street and erection of new oak framed car port to rear garden
ADDRESS Land to west of 70 Church Street Boughton Monchelsea ME17 4HN
RECOMMENDATION Approval subject to conditions and S106

SUMMARY OF REASONS FOR RECOMMENDATION

The land occupies a central village location which is considered to have good access to amenities and which is relatively well contained in landscape terms. Whilst the site lies outside the development boundary for the village, the development will deliver a type of accommodation that is required over the plan period by contributing to meeting the needs of the ageing population and specialist care need in a manner which is considered to have a limited landscape impact. The development will be of a traditional design and form which will be set within a landscaped context which includes existing and proposed planting which limits any impact on the wider countryside character. Whilst, it is noted the majority of the previous Cobnut plantation was removed under an exemption to the Tree Preservation Order, there is no legal requirement to replant, and there is no evidence to suggest the previous removal of trees is linked to this application. As such, this matter is not considered sufficient to warrant refusal of the application. The development is considered acceptable in all other regards including ecology, drainage, highways and residential amenity.

REASON FOR REFERRAL TO COMMITTEE

- Represents a departure from the development plan on account of its location outside the development boundary
- Contrary to the views of Boughton Monchelsea Parish Council

WARD Boughton
Monchelsea And Chart
Sutton

PARISH/TOWN COUNCIL
Boughton Monchelsea

APPLICANT Country House
Homes Ltd
AGENT Country House Homes
Ltd

DECISION DUE DATE

28/07/16

PUBLICITY EXPIRY DATE

28/07/16

OFFICER SITE VISIT DATE

24.6.2016

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

App No	Proposal	Decision	Date
TPO/09.1997	Blanket TPO order on Nutplatt		
Exemption clearance	Agent confirmed tree removal through clause 14. (1) (a) (vi) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012	n/a	19.1.16

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.1 The site was formerly a cobnut plantation which was largely cleared in February/March 2016 and which is now bare ground across over two thirds of the site with an area of cobnut trees remaining to the west of the site. The site borders the village sports field to the south by an established hedgerow which is 3-4 metres in height and the remaining part of the cobnut plantation borders the western part of the site. The site also includes part of the garden of no.70 Church Street which will

facilitate the widening of the access road which currently provides access to the site from the south east corner from Church Street. The gardens of the residential properties on Church Street back onto the eastern boundary of the site which is bounded by a hedgerow and a further hedgerow lines along the northern boundary which borders a paddock to the north of the site. The site is relatively flat in topography and due to the boundary hedgerows is relatively well contained from the wider landscape. There are a collection of prefabricated structures including a mobile home which are, it is assumed, left over from the previous plantation use.

- 1.2 The site lies to the west of Church Street and to the north of Heath Road with the remainder of the village to the north and north east. The site occupies a relatively central location within the village as it is located between the village allotments, sports ground and pitches and residential properties. The site has access to pedestrian footpaths which run along the western side of Church Street and connect the site with the local social club, sports pitches, village shop and bus stops on Heath Road which connect to Maidstone and elsewhere within the borough.

2.0 PROPOSAL

- 2.1 The development proposals relate to the construction of 18 C2 extra care units together with a communal club house building, associated car ports, access and parking/turning areas. Each unit will be 2 bedrooms and has been designed to accord with lifetime home/HAPPI standards in order the units are able to adapt to the occupiers needs as their care needs change. The applicant is proposing to restrict occupancy in order the use falls within the Class C2 use class by ensuring occupiers are subject to an initial care needs assessment and the need to sign up to a minimum care package as well as being restricted to persons over 55 years of age. The on-site club house building would be the central base for the on-site management and the site would also provide 24hr care for the occupants.
- 2.2 The scheme has been designed to have a traditional appearance and a low physical profile whilst retaining the existing landscape structure including hedgerows with open space to the development. Further landscaping and ecological enhancements are proposed within the site and to its boundaries and parking and turning spaces will be provided within the central part of the site by way of car ports and parking spaces.
- 2.3 The applicant provided further detail on how the development would operate in relation to securing the care provision and the management of the wider site. The applicant has confirmed the development would be built out by a company who specialise in care/retirement facilities and would be managed by a registered care provider who will take on the care provision relating to the site and a management company would carry out maintenance to the wider site and buildings including rear gardens. The care provider is an experienced care provider, Xtracare Ltd, who has been undertaking a search for a new site for many years in the Maidstone area and is a local company registered with the Care Quality Commission (CQC). The eligibility of occupiers would be restricted to age and care needs and would involve a criteria selection and assessment by Xtracare to ensure the occupant/purchaser has sufficient care requirements both currently and into the future. The applicant is proposing such a use can be secured by legal agreement.
- 2.4 The application has been amended and further information has been submitted during the application process but this was either minor design alterations to the original plans or further information in respect of care provision, ecology, trees and drainage which sought to clarify points made in the original application submission.

This information was subject to consultation with the relevant authorities such as KCC Drainage and ecology and MBC Housing. However, in February 2017, the applicant submitted further landscaping plans to retain the cobnut trees to the west of the site. On the basis the cobnut plantation formed a central part of local concerns, it was considered appropriate to undertake a further round of consultation and further comments have been received on these new documents.

3.0 PLANNING CONSTRAINTS

Outside the adopted development boundary for Boughton Monchelsea TPO no.9 1997 in respect of remaining cobnut trees

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: Policy ENV28, ENV6, H25, H26
Emerging Maidstone Local Plan 2011-2031 SP11, SP12, SP17, DM1 DM3, DM12, DM13, DM15, DM22, DM27

5.0 LOCAL REPRESENTATIONS

Neighbour consultations were sent out on the 4th May 2016 and a site notice was placed at the site on the 8th June 2016

The application has attracted 61 responses from members of the public.

The comments (14) made in support of the application can be summarised as;

- Support the Borough's ageing population and meet unmet needs of communities
- Good design
- Low traffic use and suited to area
- Allow people to stay in the village in their communities
- Promote independence and reduce reliance on social care
- Provide jobs in local area through suppliers and medical services
- Low density which is suitable to area

The comments made (47) against the development can be summarised as;

- Increased traffic/congestion/lack of parking and Church Street unsuitable
- Access is unsuitable
- Drainage issues
- Outside village envelope, not in emerging plan and contrary to policy relating to C2 uses
- Loss of plantation
- Adverse impact on views and privacy of adjoining residents
- Existing sheltered housing underused
- Represents normal residential development
- Is surrounded in middle of village and therefore access is poor
- Ecology issues have not been addressed properly
- Disagrees with large village designation, lack of infrastructure, no doctors
- Backland development

Following the consultation exercise in February 2017 further comments¹⁹ have been made in respect the applications;

Those against the development (18) commented on the following matters;;

- Original comment still stand and revised plans do not overcome original objections
- Pedestrian safety and access
- Infrastructure
- Not suitable for retirement
- Should be agricultural land

Those in support of the development (1) commented on the following matters;

- Former parish resident who states it would allow elderly person to remain in the village and would free up other housing

6.0 CONSULTATIONS

Boughton Monchelsea Parish Council – Objects to the application on the following grounds;

- Not part of the emerging plans or considered suitable for C2 in SHLAA
- Site is outside village envelope. Emerging Policy DM15 states C2 uses should be contained within village envelopes
- Not a sustainable location due to lack of services or public transport
- Church Street is narrow and unsafe for new access, additional traffic
- Will be visually intrusive and affect amenity of adjoining residents
- Out of character with village and Church Street and backland development
- Effectively dwellinghouses rather than C2 use and no affordable provision

Further comments

- Original comments and objection still stands
- Poor services in village – not sustainable
- Outside village envelope
- Highway-pedestrian safety

KCC Highways – No Objections subject to conditions relating to parking, construction management plan, access plan and surface water

- Agrees with the applicant's lower trip rate outside of peak times
- Acknowledges parked cars on Church Street but points to no injury crashes in last 10 years

NHS Property Services- No objections subject to contributions

Environmental Health- No objections

KCC Flood Risk Officer- No objections subject to conditions

- Agree with recommendations of submitted surface water strategy

- Provide recommendations which should be dealt as part of information submitted for conditions

Southern Water- No Objections

KCC Archaeology- No Objections subject to conditions requiring further investigation

Upper Medway IDB- No objections

UK Power Networks- No Objections

KCC Ecology

Confirm sufficient information has been provided and suggest conditions in relation to mitigation method statement and enhancements.

Further comments

As site has no ecological constraints, there have no further comment to make

MBC Landscape/Trees

Whilst they do not support the application due to loss of the previous Nutplatt, they acknowledge that legal advice has confirmed there is no requirement to replant in this instance and there is no evidence to suggest the Nutplatt was removed for the proposed development. In terms of the detail, they suggest a condition to require details of a arboricultural method statement and a robust landscaping plan which should have a 10 year protection condition applied.

Further comments

Generally happy with the revised landscaping scheme but would like more information on long term management of cobnuts including coppicing programme and translocation of cobnuts.

7.0 BACKGROUND PAPERS AND PLANS

Application forms

Design and Access Statement

Existing site plan

Proposed site plan

1-7 Floorplans and Elevations

8-16 Floorplans and Elevations

17-18 Floorplans and Elevations

Car ports floorplans and Elevations

Bin and Garden Store Elevations

Landscape and Ecology Enhancement Plan (as amended)

Arboricultural Statement and appendices

Tree and Hedgerow Protection Plan

External Lighting Plan

Ecological Appraisal and Bat Surveys

Care Provision Info

Drainage Layout

Flood Risk Assessment and Drainage report

8.0 APPRAISAL

Background

- 8.1 The site was formerly a Nutplatt plantation that is subject to a Tree Protection Order (TPO No.9 of 1997) and was cleared under an exemption to the legislation following consultation with the council's landscape department in early 2016 with this being complete in March 2016. At this time the landowner advised the council that the clearing was permitted on account of the losses made by the cobnut business and thus they were permitted to be cleared under part (1)(a)(vi) of the Town and Country Planning (Tree Preservation)(England) Regulations 2012. On this basis and having taken legal advice, the council confirmed they could not object to the works. It is understood the clearance works was complete in early March 2016
- 8.2 At the time when the planning application was submitted on the 28th April 2016, the site was an area of cleared ground with a remaining area of cobnut trees to the west of the site. Having regard to the limited time between the clearance works and the submission of this application, further legal advice was sought in respect of this matter and whether the tree works were still lawfully permitted under the above act. However, it has been advised that there is insufficient evidence to link the removal of the trees with the intention to redevelop the site. Therefore there is no requirement or power to require any replanting of the trees in accordance with the regulations, to reinstate the plantation or that any further action can be taken in relation to the site. Thus, whilst the removal of the trees is unfortunate, there is no legal recourse to secure replanting and thus the site is for the purposes of this application is an undeveloped site within the centre of the village adjacent to the development boundary and which has to be considered on its own merits.

Principle of Development

- 8.3 The access to the site lies within the development envelope of the village but the main part of the site lies outside but abutting the development boundary for Boughton Monchelsea which is designated by the Maidstone Local Plan 2000. Whilst the context to the site includes adjoining residential development, sports pitches and allotments to its boundary and is also in central village location, the site would be designated as a countryside area in policy terms. Such an area would be subject to policy ENV28 which restricts development in such areas to specific development types which does not include the development such as the application proposals and requires development to preserve or enhance the character of the countryside. Therefore, in locational terms, the development would be as a matter of principle, contrary to ENV28.
- 8.4 The Submission version of the Maidstone Local Plan 2011-2031, hereafter known as the 'emerging plan', has been subject of a recent examination in late 2016 and the Inspectors interim findings were released in December 2016 which on the whole upheld the council's approach to its objectively assessed need and wider policy approach to the future development of the Borough. Thus the plan can be given significant weight in decision making. In respect of the emerging plan, the site also lies beyond the development boundary in the emerging plan and would also be contrary to the emerging Local Plan in respect of the countryside policy SP17 and those relating to larger villages, Policy SP11 and that relating to Boughton Monchelsea, Policy SP12. This latter policy seeks to focus development within the settlement boundaries. Of relevance to this application is that the examination Inspector considered the status of Boughton Monchelsea as a larger village to be justified in that limited growth could support local services and facilities.
- 8.5 The site (along with land to the north) was previously considered under the council's SHLAA process (HO2-172) and was considered a potentially suitable site in relation

to its location and relationship with the wider settlement although it is accepted at this time the cobnut was still in existence and the access point had not been confirmed. However, this site was eventually discounted as part of the local plan process in preference of other sites. However, it is recognised this document is not a policy document but was just an assessment of the site as to whether it was potentially suitability.

- 8.6 The council also consider it can demonstrate a five year housing supply and thus its policies can be considered to be up-to-date. Housing land supply monitoring is undertaken at a base date of 1 April each year. The Council's five-year supply position includes dwellings completed since 1 April 2011, extant planning permissions, Local Plan allocations, and a windfall allowance from small sites (1-4 units). The methodology used is PPG-compliant in that the past under-supply of dwellings against objectively assessed housing need is delivered in future years; it applies a discount rate for the non-implementation of extant sites; and a 5% buffer is applied. The position is set out in full in the Housing Topic Paper, which demonstrates the Council has **5.12 years'** worth of deliverable housing sites at 1 April 2016 against its objectively assessed need of 18,560 dwellings for the Plan period.
- 8.7 The Inspector issued a report on his 'Interim Findings from the Examination of the Maidstone Borough Local Plan' on 22 December 2016 (examination document reference ED110). In addition to confirming that it is reasonable to apply a 5% buffer to the borough's five-year housing land supply in accordance with paragraph 47 of the NPPF, the Inspector is recommending two key changes to the Council's housing land supply position.
- 8.8 First, the Inspector did not consider that the 5% market signals uplift set out in the SHMA would have the desired effect of boosting housing supply, nor that it was justified, particularly given the overall increase in past building rates that is expected as a result of the Local Plan allocations. Consequently, the borough's objectively assessed housing need is proposed to be reduced by 900 units to 17,660 dwellings for the period 2011 to 2031.
- 8.9 Second, the Inspector recommends the use of a 'Maidstone hybrid' method for the calculation of the borough's five-year housing land supply, which would deliver past under-supply over the next 10 years (as opposed to the next 5 years as set out in the Housing Topic Paper). This would result in a smoother and more realistic rate of delivery of dwellings over the Local Plan period.
- 8.10 The Inspector's interim report proposes additional modifications relating to the deletion or amendment of allocated sites, or to the phasing of allocated sites and broad locations. The report does not identify a need for further housing site allocations. In advance of public consultation on the formal modifications to the Local Plan, the interim findings have been applied to the borough's 20-year and five-year housing land supply tables which were set out in the Housing Topic Paper. The updated tables (examination document reference ED116) reveal a strengthened five-year supply position as at 1 April 2016, from 5.12 years to 6.11 years. The figures are not definitive because of the need for consultation on modifications in respect of the reduced housing need and proposed amendments to specific allocated sites, but they reaffirm a robust five-year housing land supply position and justify the assumptions being made.

- 8.11 Therefore the council's housing policies are not out-of-date and can be given full weight. Therefore due to the position of the site beyond the development boundary, this application would represent a departure from the development plan.
- 8.12 Whilst the scheme before members is not a care home development or sheltered accommodation, as it will be intrinsically linked to care provision, it is also pertinent to reflect upon the approach of the 2000 plan to meeting the needs of the elderly. Policy H25 of the 2000 plan relates to sheltered housing and whilst such housing does not incorporate care provision it is perhaps the closest to the application scheme in terms of character and type of occupants. This policy states the council will take into account the proximity of the site to public transport, shopping, community and adequate access for residents and doctors. Policy H26 of the 2000 plan refers to nursing and residential care homes and requires a development to provide amenity space, is appropriate to the character of the area and that it is well related to public transport and community facilities. The emerging plan does not contain a policy relating to sheltered or extra care housing with the only policy relating to care or elderly accommodation being policy DM15 which states the council will permit care homes within the boundaries of settlements subject to a set policy criteria.
- 8.13 As the scheme is not technically classified as sheltered housing or a nursing home, it would remain a departure from the development plan but it is useful to reflect upon the approach to similar accommodation, namely the council would use access to local facilities and public transport as key considerations in such applications. Thus the key question is whether there are any material considerations that would justify this departure from the development plan and whether there would be any harm resulting from the development.

Need

- 8.14 The application proposes a specialist type of housing which will be aimed towards to the ageing population and those requiring care and can be considered to represent a type of accommodation known as extra care housing. The occupation restriction of the units to extra care housing is proposed to be secured through the use of an appropriate legal agreement which will restrict occupation to those over 55 years old and those who also commit to a minimum care package which will develop in line with the occupier's health needs. Therefore it is reasonable to consider the scheme separate from traditional housing schemes as the development will deliver a specialist housing type which will be intrinsically linked to the provision of care as well as that of the aging population.
- 8.15 The Strategic Market Housing Assessment (SHMA) recognises a significant need for such accommodation as well as the wider range of benefits of such provision including reducing pressure on social and health services, freeing up larger homes (as the older population typically under occupy their existing homes) and allowing the opportunity for older people to retain their independence into old age. The need within Maidstone was assessed as part of the Council's Strategic Housing Market Assessment (SHMA) which examined the potential requirement for specialist housing accommodation including those for older people and those with specialist care needs over the plan period. The SHMA states there is a current requirement for specialist housing (including sheltered and extra care) of some 708 units and an additional 2912 units will be needed by 2030 with some 130 homes per annum. This need is made up of market and affordable sheltered accommodation and extra care housing units.

- 8.16 This need can be seen in the context by the projected increase in persons over 55 within the Borough by 24% by 2021 and the projected increase in illnesses among older people living with dementia (up by 105%) and an 84% increase in people with mobility issues. The SHMA then seeks to break down the above need into sheltered housing and extra care and then further into affordable and market need. The updated SHMA 2014 estimates a total need of 483 affordable extra care units over the plan period including a current need of 223 homes. The SHMA also estimates a need for 792 market extra care/sheltered housing by 2030. Therefore it is clear there is a significant unmet need within the Borough for the type of housing need proposed by this application and with the projected increase in the elderly population, the need will more than double over the plan period.
- 8.17 It is pertinent to acknowledge that the council has considered extra care housing with similar type of units at Mote Park under application 10/0748 and at Ledian Farm under 12/2046 which were approved with the requirement for occupiers to commit to a minimum care provision and that the units were age restricted. Furthermore, the extra care units which were approved at Ledian Farm at Leeds, were also located outside the development boundary for Leeds suggesting that sites beyond the development are not in principle unacceptable.
- 8.18 In terms of care provision, the emerging plan considers care provision in terms of bedspaces and in terms of current supply, the Council's Annual Monitoring Report 2016 and the Housing Topic Paper dated May 2016 states that at 1st April 2016, the council had approved 389 bed places since 2011. Of this, 73 units have been completed with 316 bed spaces remaining by way of extant planning permissions. These planning permissions can be split into the following;
- Care homes or specialist centres- 260 bed spaces
 - Extra care units- 56 bed spaces

It is a notable point that a number of these schemes have not commenced and are due to expire in the coming year and it is evident that a large number of these are specialist care units for occupiers with particular health conditions and higher dependency patients rather than those units which would deal specifically with the ageing population or the general population. It is therefore clear that there is a significant unmet existing and future need that exists for such accommodation.

- 8.19 In recognising such a level of need, it is necessary to consider how such this need is planned to be met over the coming year or the likelihood of this need being met. This is necessary in order one can determine how much weight should be afforded to this need in the planning balance of this application. However, it is noted that there is no direct policy within the local plan which proactively deals with the issue of care or the elderly population other than that relating to care and nursing homes which is covered by emerging policy DM15. However, from its wording this appears to be focused on traditional care home type development rather than specialist housing and is largely aimed towards occupiers with a high degree of dependence rather than specialist housing such as extra care or sheltered housing. Even if this policy was considered relevant to the proposals, it is noted this policy does not allocate any particular sites and is a general policy which states such facilities will be permitted within the development boundaries of settlements, including larger villages, if they come forward (subject to a policy criteria). Therefore, there is no current policy mechanism which can deliver this identified need with any certainty and thus the council is solely dependent on windfall sites coming forward within the settlement boundaries to meet the aforementioned significant need.

- 8.20 This identified need set out in the SHMA is recognised by the Council's housing team which will be generated by the significant increase in the elderly population and care requirements. When this need is set against the high degree of uncertainty in this need being met over the plan period, it is considered the contribution of the development in providing such accommodation holds significant weight in this application. This is particularly so as the development will contribute 14 market units and 4 affordable units which will contribute to meeting the existing market and affordable need identified above.

Visual Impact

- 8.21 Due to the housing supply position, ENV28 can be given full weight, which requires development to preserve or enhance the character of the countryside and this is a principle that is consistent with the core principles of the NPPF. Due to the location of the site beyond the development boundary, the site is subject to such policy aims which are also continued under policy SP17 of the emerging plan.
- 8.22 It is considered the site is a relatively well contained location having regard to its mature boundaries, adjoining land uses and relatively central location in the village. The site is adjoined by the playing fields to the south, the allotments to the west and residential properties on Church Street to the east. Whilst the site falls outside the development boundary for the village, the site can reasonably be considered to fall within the village context of Boughton Monchelsea which is defined as a larger village in the local plan. This point was recognised in the SHLAA report whereby the site was considered a potentially suitable site (as part of a larger site) and its location being considered appropriate in relation to the wider settlement pattern.
- 8.23 The site is bounded by a relatively high hedge of between 3 -4 metre in height to its southern boundary which is supplemented by a row of mature trees on the sports field edge. Such screening largely restricts views, particularly in summer, of the site from Heath Road and the playing fields themselves and to the north there is further mature hedgerow boundary to the north although this not as consistent as the southern boundary. The western part of the site is part of the former cobnut plantation that remains from the clearance works in early 2016. The applicant is seeking to provide additional landscaping to strengthen this existing landscape structure, where necessary, through further hedgerow planting and native tree planting and this can be secured by a planning condition. Thus in light of this existing and proposed planting, the site has a relatively contained landscape context which is considered to limit any landscape impact as a result.
- 8.24 In terms of the detail of the development, the built form is restricted to single storey with the use of pitched roofs, which reduces the impact of the building nearest the boundaries which will be relatively low eaves heights of around 2.3 metres. The ridge heights of the buildings range from 4 metres nearest to the southern boundary at its minimum to around 6 metres in height within the central part of the site. The site is relatively flat both internally within the site and in relation to the adjoining land. Therefore, due to the aforementioned level of existing and proposed planting and this lower profile, views of the development from the sports pitch and from Heath Road, will be limited. These public views towards the site are the principle views but due to the design and context of the site, the built form will largely be unseen with only glimpses of roof tops being visible. The development will retain the established hedgerows and supplement these with further planting and as the new planting scheme matures, it is likely the development will be largely invisible in long and short

range views from the south. From the northern paddock, the hedgerow will again be retained and strengthened through new planting which will in time largely mitigate any visual impact and the hedgerow with the rear boundaries of the properties to Church Street will also be retained and strengthened. The retention of part of the nutplatt to the western part of the site provides containment to the site and ensures the site will not be visible from the village allotments which are located to the west of the site. The site is accessed via a long access road which will be widened and landscaped to create an acceptable means of access. This is considered to only afford limited views from Church Street and bearing in mind such views will be from a built context, it is not considered to cause significant harm to the character of the countryside.

- 8.25 Concerns have been raised by local residents and others regarding the loss of the cobnut plantation and thus have argued the impact of this loss has had a significant adverse impact on the character of the area. Whilst, this may be the case and is unfortunate, these trees were removed under a specific legal exemption set out in the TPO regulations and there is no legal recourse for these trees to be replanted or evidence to suggest these were removed to facilitate this development. Further information is provided in the relevant section below. Therefore, the existing context of the site is the context in which such an assessment in relation to countryside impact needs to be made and whilst the TPO status still remains in place, the visual impact of the development must be considered against the current site appearance which is a barren field largely well contained from wider views.
- 8.26 Taking the above into account, it is considered the development will not have a significant adverse impact on the character of the countryside due to its contained location, its existing and proposed level of screening and the single storey scale of the development. Subject to a suitable long term landscaping and management plan, it is considered the development will not cause significant conflict with the aims of the development plan in terms of protecting the character of the countryside including that of ENV28 and SP17 of the emerging plan.

Accessibility/Sustainability

- 8.27 The site lies within the village context of Boughton Monchelsea which is located near to village amenities and residential properties and is within walking distance of the village shop and other amenities such as the social club, the allotments and bus stops on Heath Road. Three GP services are located within 2 km of the site. The settlement of Boughton Monchelsea is defined as a larger village within the emerging local plan which states such settlements are suitable for limited new housing development that will support village facilities and services. The village has a shop, post office, village hall and public transport connections to Maidstone which include 3 services each way between the village and Maidstone. The site is well related to the village in a geographical sense and is considered a sustainable location in access terms. It is notable that the Local Plan Inspector, in his interim report, considered the status of Boughton Monchelsea as a larger village to be justified. Bearing in mind the type of occupiers that will occupy this development, it is considered such the bus service would provide a suitable alternative to the private car.
- 8.28 There have been concerns raised by local people regarding the lack of Doctors surgeries in the village but the site has 3 doctors surgeries located within 2km which include Mote Medical Centre, Wallis Avenue and Grove Park surgeries and on account of the integral care provision provided for occupiers of these units, it is not considered this would be a factor that should count against the development. The

provision of specialist accommodation such as this would allow people to receive care in their homes thus reducing the need to travel and the club house would be used by medical professionals to administer care to the residents alongside care provision within the individual units.

- 8.29 Based on the size of the development, 18 units, it is considered this development would comply with the hierarchical approach to new development within the Borough and would have adequate access to village facilities, healthcare and the social fabric of the community. The development is also considered to accord with paragraph 34 of the NPPF which requires the relationship between travel and development to have regard to other policies within the framework, including rural areas, which refers to the role of new housing in supporting the ongoing vitality of rural communities and local facilities.

Highway/Parking

- 8.30 The development provides some 18 parking spaces for residents and 7 visitor spaces and is accessed via an existing access onto Church Street. KCC Highways have been consulted on the application and have no objections subject to conditions relating to parking, construction management and drainage which are outlined fully in the consultation response. KCC highways consider the use to be low key in term of vehicle trips which would not regularly take place during peak times and therefore it has no objections to the new use. They also recognise the access is an existing access and that there have been no injury crashes on Church Street over the last 10 years. Whilst they acknowledge the presence of parked cars on Church Street, no objection is raised to the use of the access to serve the development although KCC suggest a pedestrian priority junction rather than that shown on the plan. The parking provision meets the standards for both C2 uses as well as residential uses and therefore is also considered to be acceptable in relation to parking provision. Thus subject to the appropriate conditions, including detail of the access, there are no highway issues which fall against the scheme.

Trees/Tree Protection Order

- 8.31 The site is subject to TPO order no.9 1997 which covers the whole site on account of the nutplatt plantation that previously existed on site. However, around $\frac{3}{4}$ of the plantation was cleared under an exemption contained with clause 14. (1) (a) (vi) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. On the 18 January 2016, the landowner, via his arboricultural consultant, consulted the council and provided information that the plantation was not viable, was making a loss and therefore made the case that it was justified to be cleared under the above relevant exemption. The landowner presented such evidence and on the basis of the information provided there was no legal basis in which to object to the removal of the trees. The clearance works were undertaken in February/March 2016. This planning application was submitted towards the end of April 2016 by the applicant and therefore there is no evidence the trees were cleared to make way for the development. The council's legal department have also been consulted and they confirmed that there is no legal recourse to require the trees to be replanted. Therefore the legal status of the site and its future condition is that which exists currently, essentially a cleared site. The trees to the west of the site remain protected by the TPO.

- 8.32 In legal terms, the TPO status remains in place on the site and thus is capable of being a material consideration in this application. However, whilst this is the case, the lack of any legal requirement to replant means such status is considered to hold limited weight in the overall assessment of the application as essentially it is a TPO in name only. The western part of the site which does retain trees remains protected by the TPO. Therefore due to the exemption under the regulations having been engaged by the landowner which permitted the removal of the trees, and the fact there is no legal basis for requiring the replanting of any trees, it is not considered this TPO status would justify the refusal of the application. The council's landscape department have reviewed the application and whilst they do not support the application on the basis of the plantation which previously existed on the site, they acknowledge there is no requirement to replant and advise that a comprehensive landscaping scheme is submitted to compensate with sufficient long term management built in.
- 8.33 The applicant submitted an initial landscaping and ecology plan which involved the removal of further cobnut trees in this area to create open space but on further reflection the applicant has submitted an amended ecology and landscaping plan which seeks to retain this remaining cobnut (with footpaths) to create an area of open space to serve the development. Further planting will take place across the site including new tree and hedgerow planting and soft landscaping within the communal areas to create new habitat and landscape benefits. The applicant is content with the additional maintenance period suggested by MBC Landscape and is proposing the site is managed and maintained by a management company to ensure this proposed landscape framework is maintained into the future.
- 8.34 In terms of the detailed arboricultural information, the council's landscape team have reviewed the submitted arboricultural statement and hedgerow and tree protection plan and the aforementioned landscaping/ecological enhancement plan, including the revised landscaping scheme submitted in February 2017. They state that they are generally happy with the landscaping proposals but require further information on landscape management, they advise that a planning condition should be imposed to require an arboricultural method statement, including for translocation of trees and a management strategy. They also consider there to be sufficient evidence to suggest, with the appropriate protection and approach to construction, that the buildings and proposed development are compatible with existing trees and hedgerows and proposed planting over the course of the development. The landscape team also recommend a condition to secure a comprehensive landscaping scheme and this can be secured by the appropriate planning condition to ensure long term management including methodology and establishment.
- 8.35 Therefore, on the basis of the replacement planting scheme, the legal position in respect of the wider TPO and on the basis of the imposition of the appropriate planning conditions, the development would accord with policy ENV6 which requires important features such as hedgerows and trees to be retained as part of new development and DM3 of the emerging plan which refers to the natural environment.

Ecology

- 8.36 The application has been subject to a Phase 1 ecology survey which identified potential reptiles to the site boundaries and potential for bat foraging which has been assessed by a further bat survey which showed bat activity on the site. KCC Ecology has reviewed the information and they consider that sufficient information has been submitted to allow a decision to be made. They also recommend a condition is

placed to require a suitable mitigation plan to ensure no negative impact is caused to any protected species. KCC Ecology have also reviewed the landscape and enhancement plan and has recommended that a planning condition is imposed to secure these enhancements.

- 8.37 It is considered the site has been subject to an appropriate appraisal of the potential for protected species and there is sufficient certainty any species can be protected over the course of the development. The development proposes a suite of ecological enhancements as part of the scheme in accordance with paragraph 118 of the NPPF and policy DM3 of the emerging plan. It is recommended a planning condition is imposed to require details of the landscape and ecology plan (including long term management and implementation), requirement for sparrow terraces within buildings and wildlife friendly boundary treatments. Whilst the reference from residents are noted in respect of the clearance works earlier in the year and its effects on ecology, the implications of ecology can only be considered in respect of the application and the proposed development not what may have occurred in the past. If there was any previous breach of the relevant Wildlife Acts then that is a criminal matter to which the police should be informed but at the time of writing the council has no evidence that any such breach has occurred.

Design and Layout

- 8.38 The site will be accessed via the existing access to the south east corner which will be widened by the inclusion of a strip land currently part of the garden to no.70 Church Street. This will be landscaped along the route of this access which will run westwards into the site. A new car port will be constructed to the rear of no.70. Directly in front of the access will be two semi-detached units (plots 17-18) with the main part of the complex laid out along the northern boundary with gardens to the front and rear which will be landscaped with post and rail fencing and planting. At the western end of this complex, the building will continue southwards to the southern boundary, creating a L shape footprint. The remaining part of the cobnut plantation will act as a buffer between these units and the western boundary to the site along with further landscaping along the boundaries including tree planting of native varieties. This western part of the site will be laid out as open space with footpath route through this from the housing units. The communal building is located along the southern boundary amongst further landscaping and number of car ports and parking spaces are located through the development with the communal building (with managers office) located along the southern boundary.
- 8.39 The development incorporates traditional architecture with use of pitched clay tile roofs, weatherboarding and stock brick elevations and timber fenestrations and doors. The development is single storey throughout, with the main complex using a range of gables and roof pitches to create interest within the roofscape of the development and a variation in the building line is achieved by projected and recessed elements will serves to break up the bulk of the complex. The density of the development, whilst a variation to the linear form of Church Street is not so indifferent to the development to the east of Church Street which are laid out in cul-de-lac arrangements or higher density modern estates. The development would be around 15 dph and when it is considered that allocated sites within the emerging plan require 25 dph it can be said the development would represent an appropriate scale of development within the site in relation to its edge of village location.
- 8.40 Whilst the units will have small private gardens to sit out in, these will remain open to their boundaries and the frontage to the units will be landscaped and will create an inward facing community that will reflect and reinforce the care aspect of the

development. The development will be set out on one level and the relationship between the communal areas and the individual units will enable efficient care provision to be provided and managed. The provision of additional native planting to the boundaries, the southern boundary and to the western open space area will provide a natural context to the development in accordance with ENV6 and DM3 of the emerging plan.

- 8.41 The individual units will be designed to meet the building for life principles, Lifetime Homes and HAPPI as advocated by the MBC housing officer and would provide 18 x 2 bedroom units which represent adaptable homes which are considered to achieve the balance between independence and the future care need of the occupier including the potential to accommodate a live in carer in future years.
- 8.42 In summary it is considered the site represents a good standard of design that has taken account of its immediate environs and the wider village and thus will accord with policy DM1, ENV6 and Section 7 of the NPPF.

Residential Amenity

- 8.43 The site abuts the rear gardens of Church Street which are approximately 25 metres in length and back onto the eastern boundary of the site which currently has a hedgerow of around 1.1m and 1.2 metres with a number of trees along the boundary. As set out above, the development is set over single storey and the nearest plots to the gardens are plots 1 and 2 which have a bathroom window (obscure glazed) and French doors to a bedroom on the elevation facing Church Street but these will at ground floor level. The proposals will include new planting on this boundary and it would be possible to impose a condition to require fencing to prevent views into the adjacent gardens along with further planting to avoid overlooking or a loss of privacy occurring. The length of the adjoining gardens and the single storey nature of the development would also ensure there would be no impact of way of adverse outlook caused by the new built form.
- 8.44 In terms of the impact of the access road in terms of increased vehicular access on adjacent properties, the development involves the widening of the access road and new landscaping along the boundaries of the access. KCC Highways refers to the relatively low frequency of trips related to such use and quantum of development and it is considered this together with the increased access width, would ensure there would not be an adverse impact on the amenities of the adjoining occupiers.
- 8.45 In terms of the future occupiers, the occupiers would have a good standard of accommodation with access to garden areas (which would be maintained by a management company) and the inclusion of community facilities would enable a well connected and inclusive community.

Flood Risk/Drainage

- 8.46 The site is located within Flood Zone 1 which is at the lowest risk of flooding and thus would meet the sequential approach of the NPPF in locating development in areas at the lowest risk of flooding. As the development is located on a site larger than 1 hectare and is in excess of 10 units, the applicant submitted a Flood Risk Assessment and Surface Water Management Plan to show the scheme could incorporate SUDS into the scheme. This is proposed to be achieved through the use of soakaways or storage crates depending on the results of ground soakage testing.

This information has been reviewed by KCC Drainage and they are generally content with the approach and methodology. They suggest a planning condition to require details of the SUDS scheme which would be based on the requirement to investigate further site condition which would inform the scheme.

Affordable Housing/Infrastructure

- 8.47 As per the policy DM13 of the emerging plan, the development will be required to secure 20% affordable provision which will equate to 4 units within the development. Due to the size of the provision, the housing officer has stated the units would not likely prove attractive to a registered provider but thus advises that the equivalent financial contribution is paid to be put towards provision off-site in lieu of on-site provision. However, it is considered the appropriate approach would be that provision is provided on-site as the preferred approach but flexibility is built into the legal agreement to allow off-site contributions if a registered provider cannot be found post application and this approach would be consistent with emerging policy DM13. It is understood from the housing team that this approach has been used on other applications. The exact amount of the equivalent off-site contribution will be provided in time for the committee. This affordable provision will contribute towards the need of 483 units which are identified within the council's SHMA.
- 8.48 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.
- 8.49 However, any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -
- It is:
- (a) necessary to make the development acceptable in planning terms;*
 - (b) directly related to the development; and*
 - (c) fairly and reasonably related in scale and kind to the development.*
- *And
- A planning obligation ("obligation A") may not constitute a reason for granting planning permission to the extent that —*
- (a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and*
 - (b) five or more separate planning obligations that—*
 - (i) relate to planning permissions granted for development within the area of the charging authority; and*
 - (ii) which provide for the funding or provision of that project, or type of infrastructure have been entered into before the date that obligation A was entered into.*
- 8.50 *This section came into force on 6th April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

- 8.51 The following contributions have been sought:
- 8.52 The application has also be reviewed by the NHS who request a figure of £15,163.20 to be provided to support one of the three GP Practices in the area including either Mote Medical Centre, Wallis Avenue and Grove Park surgeries
- 8.53 A legal agreement will be required to secure the above infrastructure and also secure the use of the units to ensure they are strictly related to age and uptake of a minimum care package.

9.0 CONCLUSION

- 9.1 The site is a cleared area of land which although was part of a wider TPO cobnut plantation, has no requirement to be returned to its former land use. The site occupies a central location within the village which adjoins the sports pitch, allotments and residential development. The site also is considered to be well contained in a landscape perspective with a strong landscape structure and located well in connection with the grain of the village and its facilities.
- 9.2 The housing provided by this application is proposed on the basis that the occupation is strictly limited in relation to age and which is care related and it is considered the significant current and future need for such accommodation and the lack of provision for meeting such need, lends significant weight to this application. Furthermore, the existing and proposed landscape structure and its well contained location close to village amenities means the site will have limited impact on the wider countryside character. For these reasons, it is considered this need and the lack of landscape harm when taken together is considered to outweigh the in principle objection by reason of its location outside the development boundary.
- 9.3 Subject to the completion of a suitable worded S106 regarding the occupation of the units and other infrastructure, it is considered the departure from the development plan is justified in this instance and the matters of need and lack of other harm would represent material considerations which would justify the departure from the development plan.

10.0 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:

- The provision of 20% affordable housing on site (with option for off-site contributions if a registered provided cannot be secured) in line with DM13
- The restriction of the units to persons of 55 years of age and over and that occupants are subject to care need assessment and are required to commit to a minimum care package to be agreed with the local planning authority
- Contribution of £15,163.20 to be provided to support one of the three GP Practices in the area including either Mote Medical Centre, Wallis Avenue and Grove Park surgeries

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

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. No building works above slab level shall commence until written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaces 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 shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development.

4. Details of a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;

- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

- c) Include measures to reduce light pollution and spillage.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest biodiversity protection and visual amenity.

5. Notwithstanding the junction design shown on the submitted plans, development shall not commence until details of a pedestrian priority junction between the proposed access road and the highway have been approved in writing by the Local Planning Authority. The development shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason: In the interests of highway safety.

6. The development shall not be occupied until the parking areas and car ports, shown on the plan 500/KF/003B has been provided and that area shall not thereafter be used for any purpose other than the parking of vehicles for the development hereby approved.

Reason: In the interests of highway safety

7. No development shall take place before a construction method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheelcleaning 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), unloading and loading of construction vehicles and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials. The construction works shall be carried out in accordance with the approved method statement

Reason: to maintain highway safety and amenities of adjacent properties during construction)

8. The clubhouse as approved shall only be used for the provision of care or for purposes ancillary to the use of the wider site and extra care units hereby approved

Reason: to prevent harm to the wider highway network and amenities of surrounding occupiers

9. No development above damp proof course level shall take place until details of a scheme of landscaping based on the principles of submitted plan 500/KF/018C and 500/KF 019C, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 and a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site;

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a high quality of design

10. The occupation 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 ten 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: To ensure a satisfactory landscaped setting for the development

11. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within ten years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity.

12. The development shall not commence until a Landscape and Ecological Design and Management Plan, which is based upon the principles set out on plans 500/KF/018C and 500/KF/19C, has been submitted to and been approved in writing by the local planning authority.

The Landscape and Ecological Design and Management Plan shall include the following:

- a) Purpose and conservation objectives for the proposed habitat creation and enhancements;
- b) Detailed design to achieve stated objectives;
- c) Extent and locations of proposed works on appropriate scale plans;
- d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) Description and evaluation of features to be managed;
- f) Aims and measurable objectives of management;
- g) Appropriate management prescriptions for achieving aims and objectives;
- h) Preparation of a work schedule for the duration of the plan;
- i) Ongoing habitat and species monitoring provision against measurable objectives;
- j) Procedure for the identification, agreement and implementation of contingencies and/or remedial actions where the monitoring results show that the objectives are not being met;
- k) Details of the body/ies or organisation/s responsible for implementation of the plan.
- l) Details of interpretation boards to be incorporated in to the development site to inform residents of the sites management.

The Landscape and Ecological Design and Management Plan shall also include details of the legal and funding mechanism by which the short and long-term implementation of the Management Plan will be secured by the developer with the management body responsible for its delivery. The approved Plan will be implemented in accordance with the approved details.

Reason: To ensure a high quality design, appearance and setting to the development, and to protect and enhance biodiversity.

13. The development shall not commence until (including any demolition, ground works, site clearance) until a Reptile mitigation strategy has been submitted to and approved in writing by the local planning authority. The content of the strategy shall include:
- a) Details of the timings for the establishment of the receptor site and triggers for when translocation can commence
 - b) Identification of ecological impacts, informed by updated ecological surveys where necessary;
 - c) Purpose and ecological objectives for the proposed works;
 - d) Practical measures (both physical measures and sensitive working practices) necessary to achieve stated objectives (may be provided as a set of method statements);
 - e) Extent and location of proposed works, shown on appropriate scale maps and plans;
 - f) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - g) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works;

The works shall be carried out in accordance with the approved details, unless varied by a European protected species mitigation licence subsequently issued by Natural England. In the interests of securing the maximum benefit for biodiversity, any variation of the agreed mitigation required by Natural England must not result in the reduction of the quality or quantity of mitigation/compensation provided.

Reason: In the interest of ecology and biodiversity enhancement

14. The development shall not commence until details of measures to enhance biodiversity have been submitted to and approved in writing by the Local Planning Authority and shall include the following:
- a) Sparrow terraces within buildings
 - b) Bird and bat boxes throughout the site
 - c) Wildlife friendly gullies

Reason: To protect and enhance biodiversity

15. The development shall not commence 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 shall incorporate details appropriate to the construction operations being undertaken and shall include, but not be limited to, a working methodology/phasing for operations with the Root Protection Area (RPA) of any retained tree; consideration of the location and installation of services and drainage; a programme of site monitoring and arboricultural supervision if appropriate; a detailed schedule of pre-commencement tree works and; a Tree Protection Plan showing the design and location of fencing and/or ground protection necessary to ensure all retained trees can be successfully integrated within the permitted scheme.

No equipment, 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. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the 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.

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

16. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a 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.

17. Development shall not commence until a detailed sustainable surface water drainage strategy 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 prepared by Country House Developments (April 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 and disposed of within the curtilage of the site.

Reason: to ensure the proper integration of sustainable urban drainage within the development

18. 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 and to ensure ongoing efficacy of the drainage provisions.

19. None of the dwellings hereby permitted shall be occupied until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2012.

20. The development hereby permitted shall be carried out in accordance with the following drawings;

Site Layout plan 500/KF/003B, Plot 1-7 floorplans 500/KF/004B, Plot 1-7 elevation 500/KF/006B, Plots 8-16 500/KF/005A and 500/KF/007A, Landscape and Enhancement

Planning Committee Report
16 March 2017

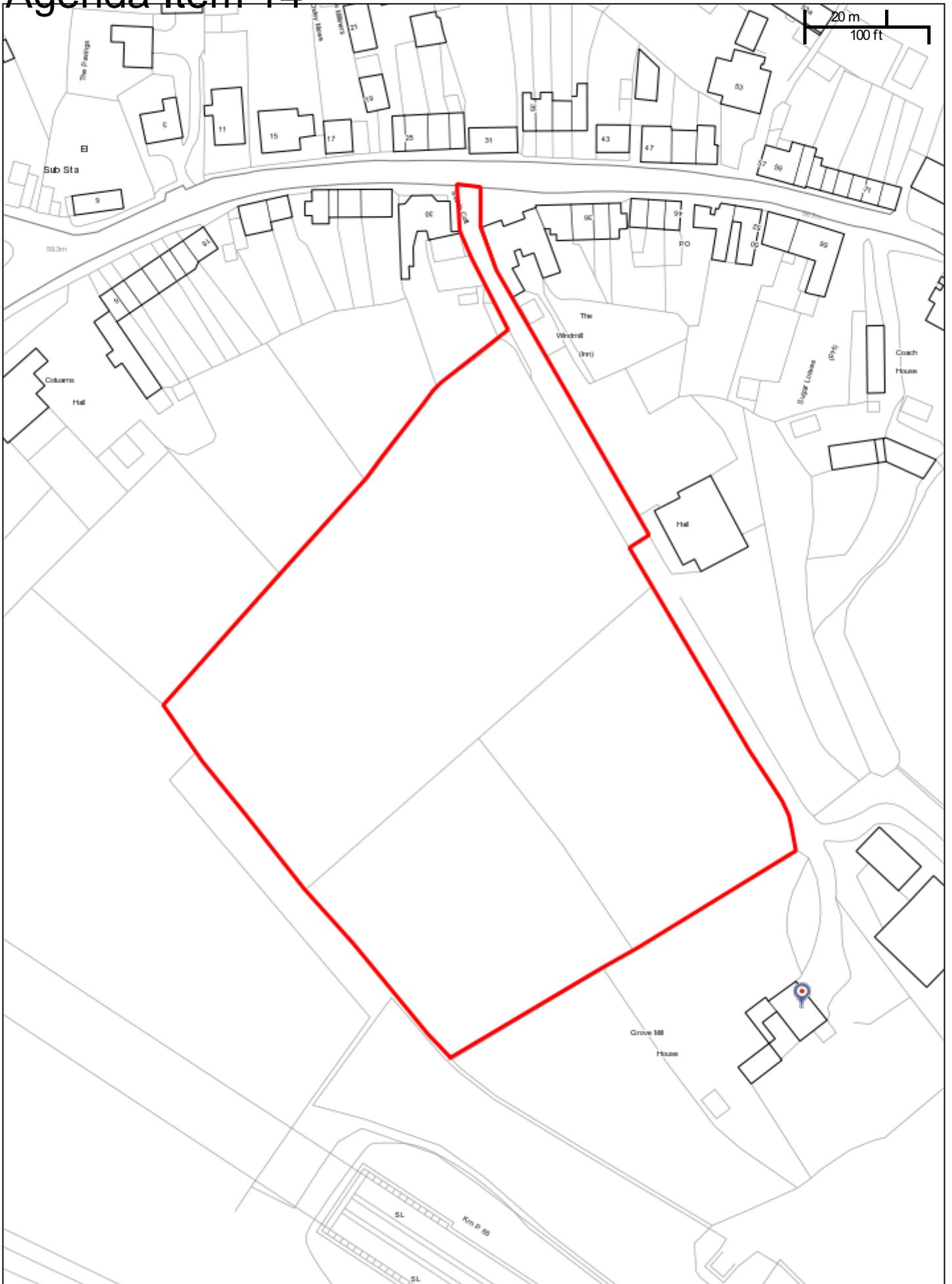
Plans 500/KF/018C and 500/KF/19C, 500/KF/003B, Car ports 500/CM/011A, Clubhouse 500/KF/009C, Bin stores 500/CM/014B, Tree and Hedgerow Protection Plan 500/KF/021, Preliminary Ecological Appraisal and Bat Surveys, Flood risk Assessment, Care Provision information, Design and Access Statement

Reason: For the purposes of clarity.
21.

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.

Agenda Item 14



17/503118/FULL Land to the west of Windmill Lane

Scale: 1:1250

Printed on: 16/4/2018 at 10:05 AM by JoannaW

REPORT SUMMARY

REFERENCE NO - 17/503118/FULL		
APPLICATION PROPOSAL - Erection of 10 dwellings and associated works including associated garaging and construction of access road		
ADDRESS - Land west of Windmill Lane, Eyhorne Street, Hollingbourne, Kent, ME17 1TR		
RECOMMENDATION - The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement		
SUMMARY OF REASONS FOR RECOMMENDATION - Site is strategic housing allocation H1(63) in Maidstone Local Plan (2017)		
REASON FOR REFERRAL TO COMMITTEE - It is contrary to views expressed by Hollingbourne Parish Council - Councillor Garten has called application to Planning Committee		
Ward: North Downs	Parish Council: Hollingbourne	Applicant: Mr M. Stevens Agent: Country House Homes
DECISION DUE DATE 01/05/18	PUBLICITY EXPIRY DATE 22/09/17	OFFICER SITE VISIT DATE 18/11/17
RELEVANT PLANNING HISTORY: - 16/508436/FULL – Erection of 12 dwellings and associated works – Withdrawn		

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.01 For the purposes of the Maidstone Local Plan (2017), the proposal site is allocated for housing under policy H1(63) for approximately 15 dwellings at an average density of 10 dwellings per hectare.
- 1.02 The application site (approx. 1.5ha in area) is located on the southern side of Eyhorne Street, set behind frontage development and accessed via Windmill Lane. Windmill Lane serves the number of properties, including the Windmill Inn public house car park, the village hall, and 'Grove Mill House'; and a public right of way (KH199) also runs along this access. The northern corner of the proposal site abuts the Hollingbourne, Eyhorne Street Conservation Area and the majority of the properties on the southern side of Eyhorne Street are listed buildings. The proposal site is currently greenfield land that is bordered by Windmill Lane to the north-east; properties fronting onto Eyhorne Street to the north-west; 'Grove Mill House' is to the south-east; and beyond other open land, the CTRL and the M20 are found to the south-west. A well-established hedge runs along the north-eastern boundary of the site; and the northern tip of the site is within an Area of Archaeological Potential. The site is also within a minerals safeguarding area.

2.0 PROPOSAL

- 2.01 The proposal is for the erection of 10 detached houses (5 4-bed & 5 5-bed) with a new access from the north-eastern boundary, sited some 85m from the junction with Windmill Lane and Eyhorne Street. There would also be the creation of a passing point located in the area of the existing field access, some 37m from the junction with Eyhorne Street.
- 2.02 The properties would be located around a single road, with a pond and meadow area at the western end; and a woodland area would be created along the south-western boundary of the site. The properties are individually designed and of a traditional appearance, and the materials palette will include: stock facing brick; white timber weatherboarding; hand-made clay tile hanging; and plain clay roof tiles. The proposed detached car ports would have a brick plinth and ebony weatherboarding and the roofs would be of natural slate. The road surfacing would be predominantly block paving and permeable retained shingle.

2.03 In terms of off street parking provision, each plot would have a minimum of 2 independent spaces (via either a driveway, carport and/or garage); a minimum of 1 visitors space (with some plots having 2/3 spaces); and there would also be the provision of 3 on-street parking spaces within the site.

2.04 The proposal will provide a contribution of £248,595 towards off-site contributions for affordable housing provision, and this will be discussed later on in the report.

3.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP11, SP14, SP18, SP19, SP20, ID1, H1, H1(63), DM1, DM2, DM3, DM4, DM6, DM8, DM19, DM20, DM21, DM23
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Minerals & Waste Local Plan (2013–2030)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 21 representations raising following main (summarised) points:

- Highway safety/inadequate access/parking provision/congestion
- Potential impact of construction traffic including property/road damage/up keep of lane
- Refuse trucks and emergency services cannot access site
- Land ownership/right of way disputes
- Noise, including from CTRL and M20
- No management plan submitted for proposed woodland
- Poor design and cramped form of development
- Inappropriate countryside development
- Impact upon setting of conservation area and AONB
- Impact upon village hall
- Construction works could impact upon HS1
- Delay in construction could damage local house prices
- Ecological impacts
- Unsustainable location
- Set a precedent
- Would no longer be able to use existing access as means of accessing and parking vehicle to rear of property on Eyhorne Street
- Overlooking/loss of privacy
- Impact upon community infrastructure

5.0 CONSULTATIONS

5.01 **Councillor Garten:** Called application to Planning Committee as it is a sensitive application being of high community interest.

5.02 **Hollingbourne Parish Council:** Wish to see application refused and reported to Planning Committee;

“There is unsustainable access connection from Eyhorne Street to Windmill Lane and development. Access is no more than 3m wide and we are strongly concerned increase in traffic would cause severe problems. PC has objected to its possible detrimental effect on village hall. Report in newspaper with regards to WI ladies being blocked in Windmill Lane by parked car, shows how easily residents of aforesaid development could also become trapped. Bus service within village is due to stop in beginning of 2018 and therefore residents of development would put extra pressure on traffic within village as they would need to use own vehicles. Parking could also be challenging for them, particularly if entertaining visitors, as car-park behind Windmill PH is privately owned by and it is not a public car-park.”

5.03 **Conservation Officer:** Raises no objection on heritage grounds.

- 5.04 **Historic England:** Do not wish to offer any comments.
- 5.05 **KCC Archaeology:** Raises no objection.
- 5.06 **Landscape Officer:** Raises no objection.
- 5.07 **Environmental Protection Team:** Raises no objection.
- 5.08 **Environment Agency:** Raises no objection.
- 5.09 **KCC Flood Risk Project Officer:** Raises no objection.
- 5.10 **Biodiversity Officer:** Raises no objection.
- 5.11 **KCC Minerals:** Unable to provide further comments until additional information regarding mineral safeguarding has been provided (see main report).
- 5.12 **KCC Public Rights of Way Officer:** Raises no objection.
- 5.13 **Southern Water:** Raises no objection.
- 5.14 **Kent Police:** Raises no objection.
- 5.15 **HS1:** Does not wish to comment.
- 5.16 **Upper Medway Internal Drainage Board:** Has made no comment.
- 5.17 **UK Power Networks:** Has made no comment
- 5.18 **Scottish Gas:** Has made no comment
- 5.19 **KCC Highways:** Raise no objection.
- 5.20 **KCC Education:** Has requested contributions (see main report).
- 5.21 **NHS West Kent CCG:** In line with their local agreed policy, they will not be seeking a contribution towards healthcare for developments of 20 or less dwellings.
- 5.22 **Parks and Open Spaces:** Has requested no contributions as set out later on in report.

6.0 APPRAISAL

Main issues

- 6.01 Policy H1(63) of the Maidstone Local Plan allocates this site for approximately 15 dwellings at an average density of 10 dwellings per hectare. In accordance with the relevant policies of the Local Plan (as stated above) and specifically policy H1(63), the main issues for consideration are the proposal's design and layout; its heritage impact; access; landscape/ecology; and flood risk and drainage. The report will then focus on other matters outside policy H1(63) such as community infrastructure contributions, affordable housing provision and highway safety implications, as well as other relevant material planning considerations.
- 6.02 Eyhorne Street is recognised as a 'Larger Village' in the Local Plan, where it is accepted that it can accommodate limited growth (including this allocated site) and so the site is considered to be sustainable in terms of its location. Hollingbourne parish does not have a Neighbourhood Plan area designation.
- 6.03 The details of this planning application will now be discussed.

Design and layout

- 6.04 The proposal shows 10 detached dwellings, set out as a cul-de-sac type development. The buildings and access are grouped together at the northern/north-western end of the site, close to the existing built form along Eyhorne Street. In this instance, the proposed layout and the lower density of housing shown allows for the southern end of the site to remain undeveloped, providing a soft transition from the village to the countryside beyond the site. This approach reflects the context of this allocation, and the retention and reinforcement of the boundary planting; the open frontages of each house and rural-type boundary treatments to be used; and the creation of a woodland area along the south-western edge of the site (that helps to maintain an acceptable buffer between the development and the adjacent wooded area in the western corner of the site), would also help to soften the scheme so that it integrates well to its edge of village location.
- 6.05 The properties are individually designed with good levels of detailing and of a traditional appearance, appropriate to this location; and the materials palette will include: stock facing brick; white timber weatherboarding; hand-made clay tile-hanging; and plain clay roof tiles. The proposed detached car ports would have a brick plinth and ebony weatherboarding and the roofs would be of natural slate; and the road surfacing would be predominantly block paving and permeable retained shingle. It is therefore considered that the proposal would be of a high standard of design and sustainability, as it would incorporate the use of vernacular materials and would take design cues from the adjacent Conservation Area and other local designated Heritage Assets.
- 6.06 The proposal would inevitably result in a visual character change from the current field, however, it is evident that given the existing containment of development surrounding the site, the proposal's impact would be mainly limited to short range views from Windmill Lane; and given the relatively modest scale of the proposal and its location and close relationship with the village of Eyhorne Street, it is considered that it would not have an adverse impact upon the setting of the AONB which is more than 500m away to the north-east of the proposal site. It is therefore considered that this proposal would not appear adversely visually harmful or dominant.

Heritage impact

- 6.07 The application has taken into account what impact it would have upon the heritage assets within the vicinity; the Conservation Officer has raised no objection to the proposal in terms of its impact upon the conservation area and near-by listed buildings; and the Archaeological Officer has raised no objections to the proposal subject to a condition securing the implementation of archaeological field evaluation works and further archaeological investigation, which shall be duly imposed.

Access

- 6.08 In accordance with Local Plan policy H1(63), the access will be taken from Eyhorne Street via the existing lane serving the village hall and Grove Mill House. Highway safety implications will be discussed further on in the report.

Landscape/ecology

- 6.09 There are no trees protected by TPOs on this site but any tree on the boundary to the north-west is protected by virtue of being located in the Hollingbourne, Eyhorne Street, Conservation Area. There also appears to be significant trees along the line of the northern and western boundaries. Whilst no detailed arboricultural information has been submitted, the layout plan states that all trees and hedgerows are to be retained

and they do not appear to form a constraint on the proposed layout. Furthermore, the Landscape Officer has raised no objection to the proposal on arboricultural grounds, subject to suitable conditions for a detailed landscaping scheme and tree protection information; and a long-term management plan of the proposed woodland/meadow area will be secured by way of condition.

- 6.10 The Biodiversity Officer has reviewed the submitted ecological information and they are satisfied that sufficient information has been provided to determine the planning application. Notwithstanding this, the following has been raised.
- 6.11 Due to the small area of reptile habitat to be directly impacted by the proposal, the Biodiversity Officer is satisfied that there is no requirement for a reptile survey to be carried out prior to determination. However, they have highlighted that reptile mitigation will have to be implemented to avoid killing/injuring reptiles during the planting of the trees and that this could be ensured by way of an appropriate condition for a detailed reptile mitigation strategy.
- 6.12 The proposal includes the creation of a woodland strip along the south-western boundary and a meadow area, and this is welcomed by the Biodiversity Officer. They also highlight that there would be a need for some management to be implemented for these areas, and recommend that this should be secured by way of an appropriate condition.

Flood risk and drainage

- 6.13 The Environment Agency (EA) has raised no objection to the proposal. Notwithstanding this, the site is located over a Principal Aquifer and within Source Protection Zone 3, and so further information relating to the protection of Controlled Waters and infiltration will be dealt with by way of appropriate condition, as recommended by the EA. KCC Flood Risk Team also raises no objection to the proposal from a flood risk perspective. Notwithstanding this, conditions have been raised requesting further details for a sustainable surface water drainage scheme and its implementation, which will be duly imposed. It has therefore been demonstrated that surface water run-off from the site will not lead to an increased risk of flooding off-site as a result of this proposal.

MATTERS FALLING OUTSIDE LP POLICY H1(63)

Community infrastructure contributions

- 6.14 A development of this nature is likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with the Local Plan (2017). However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 and 123 of the Act. This has strict criteria setting out that any obligation must meet the following requirements: -

- It is:*
- (a) Necessary to make development acceptable in planning terms;*
 - (b) Directly related to development; and*
 - (c) Fairly and reasonably related in scale and kind to development.*

NHS West Kent CCG -

- 6.15 They have confirmed that in line with their local agreed policy, they will not be seeking a contribution towards healthcare for developments of 20 or less dwellings.

KCC Education -

- 6.16 A contribution of £33,240 has been requested towards primary education. The proposal gives rise to 3 additional primary school pupils during occupation of the development; and this need, cumulatively with other new developments in the vicinity, can only be met through the conversion and adaptation of library space to classroom along with associated works to Harrietsham Primary School to meet this additional demand for places. The KCC Education department have put in place strategic plans to deal with the shortage of places for the Borough. The contribution from this development to mitigate the impact of the additional demand the development is creating, is towards that strategic provision. The additional strategic places will allow the natural redistribution of pupils, so pupils can attend their local schools. In addition, now that Hollingbourne Primary School is oversubscribed, the selection criteria will favour those pupils living in Hollingbourne.
- 6.17 No secondary education contributions have been sought on this occasion.
- 6.18 A contribution of £480.16 has been requested towards the library Bookstock to mitigate the impact from this development. The bookstock in Maidstone Borough at 1119 items per 1000 population is below the County average of 1134 and both the England and total UK figures of 1399 and 1492 respectively. To mitigate the impact of the proposal, the County Council will need to provide additional library books to meet additional demand to borrow library books which will be generated by the people residing in these dwellings.

Parks and Open Space -

- 6.19 The Parks and Open Space Department comment that based on the quantitative assessment of the area, the proposed site and the requirements of policy DM19, there would be a requirement of 0.22ha of open space within this development. The plans indicate an area in excess of this will be provided in the site including natural woodland, meadow and a pond which is publically accessible. Therefore, they have confirmed that there is no requirement for further contributions to other open spaces in the area. The Parks and Open Space Department have also made it clear that the Council will not take on the management of new open space.

Summary -

- 6.20 It is considered that all of the contributions sought meet the tests of Regulation 122 and 123 of the Act and as such should be provided by the applicant. The applicant has also agreed to the Heads of Terms as set out.

Affordable housing

- 6.21 In accordance with policy SP20, because the proposed development would have a combined floorspace of greater than 1,000m² (gross internal area), there is a requirement for the delivery of affordable housing.
- 6.22 On-site provision would equate to 4 dwellings (40%), with 3 (70%) of these dwellings being affordable rented housing and 1 (30%) being intermediate affordable housing. However, the applicant has provided evidence to demonstrate that registered providers would not take on this small number of dwellings in this location. The Council's Housing Team has therefore accepted that on-site affordable housing cannot be provided in this instance, and as such have raised no objection to a financial contribution towards off-site affordable housing. After much discussion between the applicant and the Council's Housing Team, an off-site contribution of £248,595 towards affordable housing provision has been agreed.

Highway safety implications

- 6.23 As stated, access will be taken from Eyhorne Street via Windmill Lane, and the Highways Authority considers these arrangements to be adequate for the scale and use of the proposal. It should also be noted that the crash record for the area within the immediate vicinity of the access has been reviewed by the Highways Authority and they confirm no personal injury collisions have been recorded in the last 18 years; and the proposed access is not considered a crash cluster site.
- 6.24 The limit of publicly maintainable highway is where the tarmacked footpath adjacent to the Eyhorne Street (C603) abuts the public footpath (KH199), and so KCC Highways are limited to assessing the impact upon the publicly maintainable highway and not the private lane that the public footpath runs along. However, it is pointed out that *Kent Design*, which provides guidance on the design criteria for different road hierarchies does allow for a 'lane' that can sever a maximum of 25 dwellings to be between 3m and 4.8m in width, with intervisible passing bays at intervals of less than 40m. This proposal does provide a passing bay as recommended within this guidance; and at its narrowest point, Windmill Lane is not less than 3m wide between Eyhorne Street and the proposal's new access. The KCC Public Rights of Way Officer is also satisfied that the proposal should not affect the public right of way (KH199) and has raised no objection in this respect.
- 6.25 The Highways Authority raises no objection in terms of the refuse strategy shown, what with the turning fork provided in the centre of the site to allow larger vehicles, such as refuse freighters, to manoeuvre and then exit the development in forward gear. Furthermore, the vehicle tracking/swept path analysis submitted is also considered acceptable; and the new passing bay is welcomed, as it has a level of sufficient forward visibility to allow vehicles to stop and then wait whilst another vehicle passes. As a result, the risk of larger vehicles having to reverse onto the publicly maintainable highway is low and the Highways Authority has raised no objection. After discussing the application with Building Control, it is also likely that Kent Fire and Rescue Service vehicles could access the site but in any case, the new houses could install a suitable sprinkler system to overcome any potential access issues for fire trucks (to be dealt with at Building Regs stage).
- 6.26 In terms of parking provision, the proposal would be in accordance with policy DM23 of the Local Plan and the Highways Authority has raised no objection in this respect. The level of on-site parking provision is acceptable and potential use of the public house or village hall car parks by future occupants or visitors to this site is not a material planning reason to object to this application.
- 6.27 The Highways Authority has also confirmed that the predicted traffic generation is acceptable and the cumulative impact of the traffic that will be generated as a result of the proposal could not be described as 'severe,' as per the NPPF. The Highways Authority has suggested a number of conditions relating to the construction phase of the development, but these are not considered to pass the planning tests of when conditions are reasonable and necessary.

Other considerations

- 6.28 Given the separation distances between this proposal and the properties on Eyhorne Street and 'Grove Mill House' to the south-east of the site, it is considered that this development would not result in a significant loss of privacy, light or outlook to any neighbour; it would not appear overbearing for any neighbour when enjoying their immediate garden space; and it would not result in an unacceptable level of general noise and disturbance for local residents. It is also considered that the proposal

would provide acceptable living conditions for future occupants of the development. A condition will also be imposed to ensure that any new external lighting would not adversely harm the amenity of future and existing residents in the area.

- 6.29 The site is outside the Maidstone Town Air Quality Management Area, and the Environmental Protection Team do not consider the scale of this development and/or its site position to warrant either an air quality assessment or an Air Quality Emissions Reduction condition applied to it. Details of a 'Code of Construction Practice', as recommended by the Environmental Protection Team, is not considered to be necessary or reasonable for a development of this scale; and restricting construction hours is also not considered to pass the planning tests of when conditions are reasonable and necessary. As advised by the Environmental Protection Team and in accordance with policy DM23, each unit will be required to provide an electric charging point for low-emission plug-in vehicles.
- 6.30 Southern Water has raised no objection to the proposal in terms of foul sewage disposal, and the applicant has confirmed that it is recognised that there is foul water capacity issue within Eyhorne Street, potentially subject to some upgrading of the local pipe network. It is considered that on and off-site measures and improvements can be provided, and that adequate foul drainage could be provided to mitigate the impact of the development. Clearly, a new development can only be required to mitigate its own impact and not solve existing problems; and it is therefore advised that issues relating to foul drainage are not grounds to object to the application as this is dealt with via the Water Industry Act. Furthermore, whilst Southern Water have requested details of the rain water harvesting system that will be used for toilet flushing, this is not considered reasonably necessary to make this proposal acceptable in planning terms. It should also be noted that Building Control confirms the use of soakaways here to be acceptable.
- 6.31 The above site is within a minerals safeguarding area (that being Silica Sand/Construction Sand - Sandstone: Folkestone Formation) and policies within the Kent Minerals & Waste Local Plan (2013–2030) aim to prevent the sterilisation of Kent's potentially economic mineral assets. However, under Policy DM7 of the KMWLP, an exception to when planning applications can be permitted is that a proposal "*constitutes development on a site allocated in the adopted development plan*". There is also no specific requirement for any minerals information within the allocation policy (H1[63]), as at no point did KCC identify this site in formal (duly made) representations on the Local Plan. So whilst the County Council states it is unable to provide any comments on this issue given the lack of information submitted, it is considered that in this instance it is not considered necessary to request further information on mineral safeguarding.
- 6.32 Kent Police have made suggestions in terms of achieving Secured By Design, but this is not a reason to delay this application and such matters will have to be dealt with under any application made by the applicant for SBD.
- 6.33 Hollingbourne Village Hall has been listed as a community asset, but this is a separate procedure on a different site that does not impact upon the determination of this planning application. It should also be noted that no material planning objection is raised in terms of the proposal's potential impact upon the use of the village hall.
- 6.34 The proposal would not have significant environmental effects in the context of the EIA (Environmental Impact Assessment) Regulations alone or cumulatively with other developments, it would not be of more than local importance, and any environmental implications from the development would not be so significant or wide-ranging so as to

warrant an EIA. Therefore, it is considered that an EIA is not required for this application in light of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6.35 The main concerns raised by local residents and Hollingbourne Parish Council have been addressed in the main body of this report. However, it should also be added that issues of rights of way; access arrangements to properties; use of other private parking areas; house prices; and potential property/road damage at the construction phase are not material planning considerations. Furthermore, in response to the land ownership issues raised, the applicant has demonstrated that the site-outline and the ownership certificate served is correct, and there is no reason to pursue this matter further in planning terms, or delay the determination of this application for this reason. Each application must be considered on its own merits and this proposal would not set precedent for other development. Furthermore, HS1 have not raised any objection to the proposal and any potential future impacts upon this facility/service would be dealt with under separate legislation.

7.0 CONCLUSION

7.01 The principle of residential development on this site has been established by the allocation for residential use in the Council's adopted Local Plan. In accordance with policy H1(63), the proposal would provide an acceptable design and layout for its edge of village location; no objection is raised in terms of its heritage impact; access is considered acceptable; there are no landscape/ecology issues to warrant refusal; and flood risk and drainage have been addressed. In the absence of identifying any adverse harm regarding this allocated site for residential development, a recommendation of approval subject to appropriate conditions and the finalisation of a legal agreement is therefore proposed on this basis.

8.0 RECOMMENDATION

8.01 The Head of Planning and Development **BE DELEGATED POWERS TO GRANT** planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

Heads of Terms

- *Contribution of £480.16 towards provision of additional library books*
- *Contribution of £33,240 towards the conversion and adaptation of library space to a classroom along with associated works at Harrietsham Primary School*
- *Contribution of £248,595 towards off-site affordable housing provision*

And the imposition of the conditions as set out below:

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

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

- (2) Prior to commencement of works/development above damp-proof course (DPC) level, written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hardsurfacing shall be submitted to and approved in writing by the Local Planning Authority and shall include:

- Natural slate roof tiles
- Stock facing bricks
- Painted timber weatherboarding
- Hand-made clay tile hanging
- Plain clay roof tiles
- Permeable block paving and retained shingle

The development shall be constructed using the approved materials and maintained thereafter;

Reason: To ensure a high quality appearance to the development.

- (3) The boundary treatments for the development hereby approved shall be carried out in accordance with drawings 501/MT/006/A received 07/11/17 and 505/MT/023 received 19/06/17, including native hedgerows with chestnut cleft rail fencing and native tree planting dividing plots 1-5;

Reason: To ensure a high quality appearance to the development.

- (4) In accordance with drawing 501/MT/006/A (received 07/11/17), no development above damp proof course level shall take place until details of a scheme of landscaping using indigenous species, which shall include indications of all existing trees and hedgerows on the land, details of any to be retained, tree protection details (covering trees, hedges and new areas of planting in accordance with BS:5837: 2012), and a programme for the approved scheme's implementation and long term management, have been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include:

- i) Retention of all existing hedgerows and trees within and around the site;
- ii) Reinforcement of existing hedge along the boundary with properties in Eythorne Street;
- iii) Details of plant mix for wild flower meadow;
- iv) Details of all new tree planting (including the woodland area), which shall be of native species and of Select Standard size;
- v) Details of new hedgerow planting (including planting mix and size) around each plot and the wild meadow/woodland areas;

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

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

- (5) The approved landscaping associated with individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 5 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.

Reason: In the interest of visual amenity of the area.

- (6) Before the development hereby permitted is first occupied, the first floor flank windows that serve bathroom/ensuite facilities to all properties; the first floor flank windows that serve bedrooms for plots 4 and 9; and the first floor flank window that serves the landing for plot 7, shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To safeguard amenity of future occupants.

- (7) Prior to any works starting on site (including any site clearance) a detailed reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy must provide the following information:

- a) Map demonstrating area of suitable reptile habitat (informed by up to date site walk over)
- b) Up to date reptile surveys of donor and receptor site (if required)
- c) Translocation methodology
- d) Map showing Location of receptor site
- e) Habitat assessment of receptor site
- f) Details of ecological enhancements to increase carrying capacity
- g) Timetable of the proposed works
- h) Details of 5 year monitoring plan

All works must be carried out in accordance with the approved mitigation strategy;

Reason: In the interests of biodiversity. Details are required prior to commencement of development to ensure the protection of protected species.

- (8) Prior to the first occupation of any dwelling hereby approved, an ecological and enhancement management plan (EEMP) for the woodland/meadow area shall be submitted to and be approved in writing by the local planning authority. The content of the EEMP shall include the following.

- a) Long term aim/goal of the woodland and meadow area;
- b) Methodology to establish/create the meadow and woodland;
- c) Ecological trends and constraints on site that might influence management;
- d) Aims and objectives of management plan - both establishment and long term;
- e) Appropriate management options for achieving aims and objectives;
- f) Prescriptions for management actions;
- g) Preparation of work schedule (including annual work plan capable of being rolled forward over a 5 year period);
- h) Details of the body or organization responsible for implementation of the plan;
- i) Ongoing monitoring and remedial measures.

The EEMP 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 EEMP 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 and timetable;

Reason: To ensure the long term retention and management of the woodland and meadow area.

- (9) Prior to commencement of works/development above DPC level and in accordance with the submitted Preliminary Ecological Appraisal (ref no: 2015/10/14), an ecological method statement which details what enhancements are going to be implemented and where and how, shall be submitted to and approved in writing by the local planning authority and shall include the following;

- a) Provision of hedgehog nesting boxes;
- b) Provision of 12cm square gaps under any new fencing to allow hedgehogs access onto all garden areas;
- c) Provision of integral bird bricks/boxes on northern elevation of buildings;
- d) Provision of bat roosting spaces within buildings;
- e) Installation of ready-made bird/bat boxes;
- f) Provision of log piles for invertebrates.

The development shall be built in accordance with the approved ecological mitigation strategy and all features shall be in place prior to first occupation of any dwelling and retained in that manner thereafter;

Reason: In the interests of biodiversity enhancement.

- (10) Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;

Reason: Details are required prior to commencement of development to ensure that features of archaeological interest are properly examined and recorded.

- (11) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details;

Reason: To be aware of potential risks associated with use of piling where contamination is an issue.

- (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 demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters;

Reason: Details are required prior to commencement of development to ensure development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

- (13) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a) a timetable for its implementation, and
- b) 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 any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

- (14) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details;

Reason: To protect vulnerable groundwater resources.

- (15) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved in writing by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

Reason: For the protection of Controlled Waters. Details are required prior to commencement of development as the site is located over a Principal Aquifer and within SPZ3 and no information has been provided to assess the site's potential for contamination.

- (16) Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved;

Reason: Should remediation be deemed necessary, applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

- (17) Prior to the first occupation of any house hereby approved, a detailed scheme of lighting shall be submitted to and approved in writing by the local planning authority. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme thereafter;

Reason: In the interests of residential amenity.

- (18) 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. Details are required prior to commencement of development to ensure that the widest range of options are available (i.e. ground source heat pumps).

- (19) Prior to the first occupation of any dwelling hereby approved, it shall have an operational charging point for low-emission plug-in vehicles installed and it shall thereafter be retained and maintained as such;

Reason: To promote reduction of CO2 emissions through use of low emissions vehicles.

- (20) The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved levels;

Reason: In order to secure a high quality development. Details are required prior to commencement of development to ensure the heights of the buildings are acceptable.

- (21) The vehicle parking spaces (including car ports/garages) and vehicle loading/unloading and turning facilities shown on the submitted plans shall be permanently retained for parking and turning and shall not be used for any other purpose;

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.

- (22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the properties shall be carried out without the permission of the Local Planning Authority;

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

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

501/MT/001; 009; 010; 011; 012; 016; and 018 received 13/06/17

505/MT/023 received 19/06/17

501/MT/013 received 23/06/17

501/MT/004/A; 005/A; 006/A; 007/A; 008/A; 017/A; 019/A; 021A; and 022 received 07/11/17

501/MT/014/A and 015/A received 12/10/17

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

INFORMATIVES

- (1) A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- (2) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any

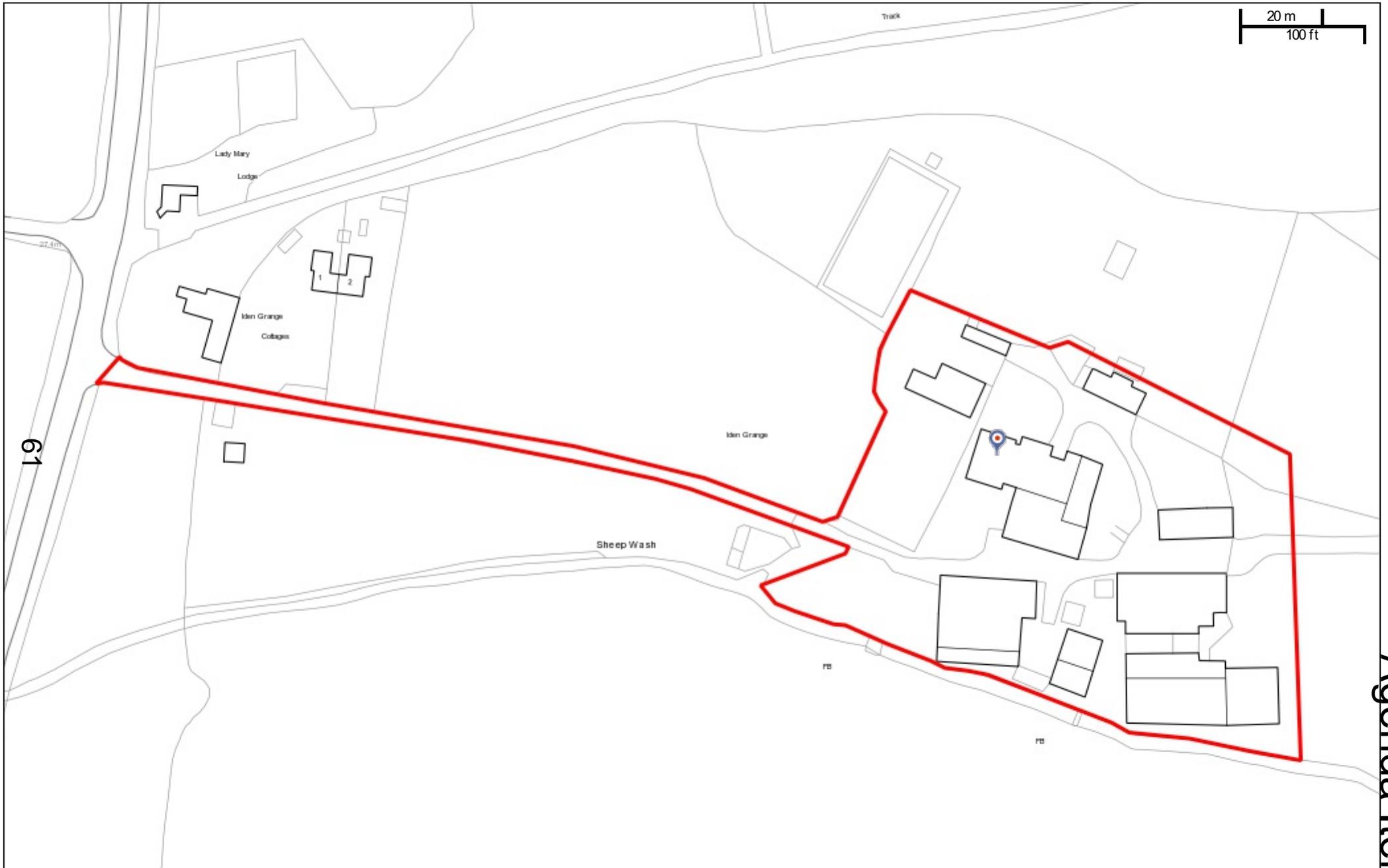
temporary closures be required to ensure public safety then this office will deal on the basis that:

- Applicant pays for the administration costs
- Duration of the closure is kept to a minimum
- Alternative routes will be provided for the duration of the closure.
- Minimum of 6 weeks' notice is required to process any applications for temporary closures.

- (3) This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent. The successful making and confirmation of an order should not be assumed.
- (4) Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk.
- (5) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at: <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: Kathryn Altieri

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



17/504412/FULL Iden Grange, Cranbrook Road, Staplehurst

Scale: 1:1250

Printed on: 16/4/2018 at 10:44 AM by JoannaW



REPORT SUMMARY

REFERENCE NO - 17/504412/FULL			
APPLICATION PROPOSAL			
Demolition of storage buildings and erection of 5 detached dwellings, 2 car ports for plots 1 and 5, and 2 two bay car ports for the existing house and the barn conversion approved under 14/505872/FULL			
ADDRESS Iden Grange Cranbrook Road Staplehurst Tonbridge Kent TN12 0ET.			
RECOMMENDATION – APPROVE			
SUMMARY OF REASONS FOR RECOMMENDATION			
<ul style="list-style-type: none"> • The proposed houses will be built on previously developed land, and will result in an environmental improvement. No objection is identified to the principle of the proposal. • No material harm is identified to the character, appearance or layout of the locality. • No material harm is identified to neighbouring amenity. Is acceptable in design and layout terms • Is acceptable in its highways and wildlife impacts. • Will make a valuable windfall contribution to the provision of housing units within the Borough • 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			
Parish Council Objection			
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mrs Susan Banfield AGENT Peter Court Associates	
DECISION DUE DATE 03/11/17	PUBLICITY EXPIRY DATE 14/12/17	OFFICER SITE VISIT DATE 6.4.2018	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/505872	Conversion of a timber framed Kentish barn to form a single dwelling house together with the demolition of associated barns and the erection of a timber framed 2-bay car garage or wood store – Granted	Permitted	27.3.15
96/0349	rebuilding of the garage and conversion of the first floor to ancillary accommodation – Granted	Permitted	24.4.96

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is approximately 1.02 hectares, and is a rural countryside location off the east side of Cranbrook Road, south of Staplehurst. The host dwelling, Iden Grange is located to the north west of the proposed development, a converted Coach House to the north of the application site, and a Kentish Barn centrally located amongst the group of existing buildings. The rest of the site is occupied by Dutch barn style and tin shed former agricultural buildings.
- 1.02 A long access drive leads off eastwards from the Cranbrook Road towards the cluster of buildings and the large existing farmhouse. The farmhouse is a 19th century half timber framed building with an arts and crafts style design with a distinctive tall chimney. A traditional timber framed Kentish barn sits within the centre of the application plot. This is a non-designated heritage asset and has planning permission to be converted to a single dwelling under ref 14/505872.

- 1.03 The buildings to be demolished are redundant commercial buildings that were formerly used for the storage of historic cars and commercial vehicles (B8 use). The buildings have remained vacant since the cars were sold at auction. The applicant has advised that no farming has been practiced since they bought the farm in 1973. The application is accompanied by Statutory declarations, pictures taken from circa 30 years ago and copies taken from a 1989 Veteran Car Club magazine listing many of the vehicles stored at Iden Grange.
- 1.04 Adjoining the site to the north west is Iden Grange Cottages (1&2), to the north is a bluebell woodland which adjoins an NHS treatment centre, and the south and west boundary of the site is bounded by agricultural land.
- 1.05 The site is approximately half a mile from the southern part of the settlement boundary of Staplehurst, and as such is within the countryside for planning purposes.
- 1.06 There is a watercourse that runs to the southern boundary of the site and a Flood Risk Assessment accompanies the application.
- 1.07 The site is roughly rectangular in shape and the ground levels are fairly flat. There are a number of mature trees on the southern boundary of the site. The site is accessed via a long drive taken from Cranbrook Road and is self enclosed with a gated entrance.

2.0 PROPOSAL

- 2.01 The application proposes the demolition of existing redundant farm buildings and the erection of five detached three storey houses with integral double garages for plot 2, 3 and 4, and detached double open car ports for plots 1 and 5. Also proposed is a 2 bay carport located to the north of plot 2 to serve the Kentish barn (given permission to convert to a dwelling under ref 14/505872/FULL) centrally located within the group of buildings. Each of the five houses has 5 bedrooms. The dwellings are shown of broadly similar design, style and appearance but with differing detail regarding their form, shape, and footprint. All houses feature forward projections, gables, steep roof slopes, hipped roofs, clay tiled roofs, brickwork, tile hanging, render with exposed timber beams, timber windows and doors, and weatherboarding.
- 2.02 The floor area of the proposed dwellings ranges from 408sq m to 440 sq.m. The maximum height of the proposal does not exceed the existing farmhouse, and the layout will follow the loop that is established by the existing buildings.
- 2.03 The existing buildings on site occupy a total floorspace of 3232 m² and a volume of 12,387 m³. The proposal would occupy a total floorspace of 3067 m², and a volume of 9363 m³. As such the proposal would result in a reduction in built form on the site.
- 2.04 The proposed access is shown as widened to 3.8m with provision of passing places. The buildings would be sited as per the current arrangement in a loop, with all the buildings facing towards the non-designated heritage asset at the centre of the development. A post and rail fence is proposed on the plot boundary, native hedges are proposed on common boundaries to separate the dwellings. Hard and soft landscaping is shown to the front of the dwellings.
- 2.05 The application is supported by a Phase 1 Habitat Survey, A Flood Risk Assessment and a Land Contamination Survey.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: Policies SS1, SP5, SP17, SP18, DM1, DM3 DM4, DM5, DM23, DM30, DM33
Supplementary Planning Documents:
Staplehurst Neighbourhood Plan: Key visions, Policy PW2 and Objective 11.
Maidstone Borough Landscape Appraisal
Staplehurst Village Design Statement

4.0 LOCAL REPRESENTATIONS

4.01 Local Residents:

Six letters of representation have been received from neighbouring properties. Comments are summarised as follows:

- The three storey houses would be out of keeping with the adjoining properties.
- Increased traffic and highways safety.
- The proposal does not enhance or preserve the special character of the conservation area.
- The site is garden land.
- The ridge heights would dominate the neighbouring properties.
- Loss of privacy, overshadowing and overlooking.
- Parking is not acceptable at the front of the houses.

Staplehurst Parish Council has recommend that the application is refused and have requested that it be referred to MBC Planning Committee. 'Although Councillors noted that the proposal would be brownfield development, they raised several concerns as follows: the development would be outside the village envelope (against Neighbourhood Plan policy PW2); access and exit would be hazardous; there was no suitable footway provision; the refusal of consent for Aydhurst Farm Oast (17/502803) which was smaller in scale but also outside the village envelope created a precedent for refusing this application.'

In response to the submission of amendments, the Parish continue to recommend that the application be REFUSED 'as the new information did not alter their concerns about development outside the village envelope (contrary to Staplehurst Neighbourhood Plan policy PW2) and the lack of footpath provision. Councillors wish the application to be referred to MBC Planning Committee.'

5.0 CONSULTATIONS

5.01 **KCC Highways:** No objection to the proposal subject to the imposition of conditions.

5.02 **KCC Archaeological Officer:** No objection. subject to the imposition of conditions.

5.03 **Kent Ecology:** No objection. subject to the imposition of conditions.

5.04 **The Environment Agency:** No objection to the proposal subject to drainage matters . They have made the following additional comments:

5.05 **Maidstone Landscape Officer** I request that a tree survey and Arboricultural Method Statement in accordance with BS5837:2012 is provided. This should cover tree protection details for demolition as well as construction and include shade arcs in relation to the trees to the south of dwellings 1 and 2.'

5.06 **The Health and Safety Executive:** No objection.

6.0 APPRAISAL

6.01 The key issues for consideration are:

- The principle of development
- Design character and appearance
- Impact on residential amenities
- Impact on non designated heritage asset
- Highways and Parking
- Ecology and landscape

- Flooding
- Renewable Energy

Principle of Development

- 6.02 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 6.03 One of the core planning principles of the NPPF is the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 6.04 Policy SP17 of the Local Plan makes it clear that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and will not result in harm to the character and appearance of the area.
- 6.05 DM5 of the Local Plan states that exceptionally, the residential redevelopment of brownfield sites in the countryside which are not residential gardens, and meet a set of criteria will be permitted provided that the redevelopment will result in a significant environmental improvement, and the site is or can be made accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village. The criteria is that the site is not of a high environmental value, and that the density of the residential development reflects the character and appearance of individual localities and is consistent with policy DM12 (which sets an indicative density of 30 dwellings per hectare on such sites).
- 6.05 Policy PW2 of the Staplehurst Neighbourhood Plan states that proposals for new development in the countryside beyond the extended village envelope will be assessed in terms of the potential impact of the development upon the visual setting and landscape features of the site and its surroundings, the potential impact upon the biodiversity of the area and other relevant planning considerations, such as the impact of traffic and noise. Proposals which fail to demonstrate these impacts can be satisfactorily addressed will not be supported.
- 6.06 Iden Grange is not located within the Staplehurst settlement boundary and as such is within the countryside as defined by the adopted Local Plan. It is not an allocated site and therefore, there is a resistance in principle to its development unless it accords with other policies within the plan and does not result in harm to the character and appearance of the area,
- 6.07 The application site is occupied by built development and extensive hardstanding with a long established B8 use, and as such is a brownfield site of low environmental quality. The proposed houses are shown as entirely contained within the area of existing built development with no spillage onto surrounding greenfield land.
- 6.08 The current buildings on site occupy a total floorspace of 3232 m² and a volume of 12,387 m³, in addition to an extensive amount of hardstanding. The proposal would occupy a lesser total floorspace of 3067 m², with a smaller overall volume of 9363 m³ and would introduce substantial greening within the site which would be visible in the wider landscape.
- 6.09 As such, in accordance with Paragraph 17 of the NPPF, the proposal would represent the effective use of previously developed land and would not result in harm to the character and appearance of the area.
- 6.10 It therefore falls for the development to be considered against DM5 of the Local Plan (development on brownfield land) as outlined above. Paragraph 6.37 of the adopted Local Plan further advises that the Council will consider residential development of brownfield sites in the countryside under exceptional circumstances, and the key considerations will be the level of harm to the character and appearance of an area, the impact of proposals on the landscape and the environment, any positive impacts on residential amenity, that sustainable travel modes are available or could reasonably be provided, what traffic the present or past

use has generated, and the number of car movements that would be generated by the new use.

- 6.11 The proposal would result in the removal of the B8 use buildings, their associated hardstanding and potential usage impact, and their replacement with 5 houses within a landscaped setting. There would be an overall reduction in built form in both area and volumetric terms, along with a restricted height of the proposed development to no greater than the maximum existing height of the adjacent farmhouse. In this respect, the proposal would result in a significant environmental and visual improvement to the site, and within its wider landscape setting.
- 6.12 In terms of the accessibility of the site, although it is outside of the Staplehurst Rural Service Centre, it is in an accessible location on a major road which is served by a regular bus service (Arriva No.5). In addition to this, if the full B8 use of the site were fully facilitated, this current B8 use would have a less sustainable vehicular impact than the current proposal.
- 6.13 The site currently houses two residential properties with permission for a third conversion. The use of the remainder of the site for residential purposes rather than for B8 use would have significantly less impact on residential amenity in terms of both operational activity and traffic movements.
- 6.14 As such, it is considered that in environmental and sustainability terms, the proposal would result in a betterment of the site and represents an exceptional circumstance as considered under policy DM5 (development on brownfield land) as a development which would result in a significant environmental improvement.
- 6.15 Given the low density of the proposal, the resultant improvement to the visual setting of the site and its potential improvement in terms of vehicular movements, the proposal would accord with policy PW2 of the Staplehurst Neighbourhood Plan.
- 6.16 Given the above considerations and the merits of the individual site and proposal, it is concluded that on balance, the principle of the development is supported by national and local policy and is therefore acceptable.

Design, Character and Appearance

- 6.17 Paragraph 56 of the NPPF requires all new development to provide high quality design, and states that good design is a key aspect of sustainable development and is indivisible from good planning, and that it should contribute positively to making places better for people.
- 6.18 Local Plan Policy DM1 seeks to achieve high quality design in all development proposals, and to achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings. The key aspects of a development proposal are its scale, height, materials, detailing, mass, bulk and site coverage. To achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings.
- 6.19 Policy DM 30 of the Local Plan requires all development proposals in the countryside to be of a high quality design. The type, siting, materials, design, mass and scale of development should maintain or, where possible, enhance local distinctiveness. This is reinforced by the adopted Staplehurst Neighbourhood Plan.
- 6.20 The buildings would be in a courtyard layout closely following the pattern of the existing farm buildings. The dwellings are shown as well proportioned and laid out in a manner that respects the former farm buildings. The design, size and scale, bulk, massing detailing, fenestration, and choice of materials is characteristic of the Kent vernacular and is sympathetic to the character of the existing farmhouse and the historic character of the non-designated heritage asset within the farm complex. There is sufficient spacing in between the proposed houses to reflect the open nature of the former farm yard and respect the spatial quality of the site. The

proposal incorporates features and characteristics of Staplehurst local vernacular and complies with guidance in the Staplehurst Village Design Statement (2005).

- 6.21 The proposed dwellings will be 2.5 storey high with the top floor located within the roof space. The height of the 2.5 storey buildings is proportionate in the context of the existing farmhouse and the Kent Barn. The proposed heights also accord with requirements of the Staplehurst Neighbourhood Plan.
- 6.22 A landscaping scheme is proposed which shows extensive greening of the site along with the use of native hedgerows, and a British native wildflower meadow towards the entrance of the site. Further details of landscaping could be required by condition.
- 6.23 Policy DM12 advises that all development proposals should be of a density that is consistent with achieving good design and does not compromise the distinctive character of the area. For all sites within and adjacent to rural service centres, new residential development will be expected to achieve a net density of 30 dwellings per hectare. Taking account of the three dwellings / conversions already on site / consented, the site density would be significantly lower than this at 7.8 dwellings per hectare. However, given the location of the site, and its appearance within the wider landscape, this lower density is considered to be appropriate and acceptable as it would ensure that the proposal would not compromise the distinctive character of the area in which it is located.
- 6.24 Overall, it is considered that the proposed scheme presents a sensitively designed development that reflects Kent Wealden Architecture. The layout and form of the development is sensitively designed to reflect the original courtyard form and layout of buildings, and the vernacular appearance and character of the existing dwellings within the farm complex. The site is not currently of high environmental or visual value, and the proposal would improve this within the site and the wider landscape. The low density of development would be assimilated well into the existing built footprint of the site without detrimental impact on the surrounding countryside. As such the development complies with Local Plan Policies DM1, DM30 and the NPPF.

Impact on residential amenities

- 6.25 The application site is rectangular in shape and is located more than 20 metres from existing dwellings (outside of the site itself). In addition, the site is generally level with no major differences in land levels.
- 6.26 The NPPF states that proposals should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.27 Policy DM1 of the local plan states that proposals should respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.28 The inter relationship of dwellings within the development is an important consideration in this case. Whilst a separation distance of approximately 3m is maintained from the common boundaries with adjoining plots the dwellings have been sensitively located such that they are staggered in siting and have been sensitively designed so that there are no windows serving habitable rooms at first and second floor side elevation of each dwelling. All the windows on the first or second floor side elevations of the dwellings serve a toilet/bathroom or landing.
- 6.29 Given the staggered layout of the dwellings, the available separation distance, the orientation of the dwellings to each other, and the detailed design of the dwellings, it is considered that future occupiers of the development will not suffer any harmful overlooking, overshadowing, overbearing impact or loss of light as a result of the development. Given the available separation distance between the Farmhouse and the converted barns, existing and future

occupiers of these buildings will not suffer any loss of residential amenity as a result of the development.

- 6.30 As also previously considered, the use of the site for residential purposes rather than for B8 use would be significantly less impacting on residential amenity in terms of both operational activity and traffic movements.
- 6.31 Turning to the standard of accommodation proposed, each habitable room of each dwelling would have a door and window for natural light and ventilation, and all rooms are of generous room size. In addition, the occupants of the dwellings would have access to reasonably sized individual private gardens. Furthermore, there is a good vehicular and pedestrian access. As such, the development would provide an acceptable standard of living for future occupants in line with policy requirements.
- 6.32 Overall, the proposal would not harm the residential amenity of future occupiers of the dwellings, and existing occupiers of Iden Grange. As such the development is considered acceptable and complies with Local Plan Policy DM1 and Paragraph 17 of the NPPF.

Impact on the non-designated heritage asset

- 6.33 Policy SP18 of the local plan states that 'the characteristics, distinctiveness, diversity and quality of heritage assets will be protected and, where possible, enhanced. This will be achieved by the council encouraging and supporting measures that secure the sensitive restoration, reuse, enjoyment, conservation and/or enhancement of heritage assets'. One of the methods by which this can be achieved is 'through the development management process, securing the sensitive management and design of development which impacts on heritage assets and their settings'.
- 6.34 Policy DM4 of the local plan states that 'applicants will be expected to ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate its setting'.
- 6.35 Paragraph 135 of the NPPF requires that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'
- 6.36 There is a non-designated heritage asset within the application site. Planning permission was given in March 2015 to convert the central Kentish barn into a dwelling under ref 14/505872/FULL.
- 6.37 The development has been carefully designed to respect the appearance and character of this building. By replacing the existing redundant buildings with carefully designed dwellings representing Kent Wealden Architecture, in a pattern to reflect the existing layout, and through enhanced landscaping, the setting of the non-designated heritage asset will be respected and enhanced. As such the development complies with the NPPF and policy DM1 and DM4 of the adopted Local Plan.

Highway Matters and Parking

- 6.38 The application site lies in a sustainable location in reasonable proximity to bus and rail services, and is well served by local facilities and amenities. The proposed development will use an existing vehicular access.
- 6.39 The KCC Highways Engineer initially raised concern regarding the width of the access and advised that the access needs to be a minimum of 3.7m in width. A revised drawing was submitted widening the access and addressing this concern. The Highways Engineer subsequently advised that there is no objection to the proposed highway arrangement subject to conditions relating to details of vehicle loading and unloading being approved, details of

parking facilities for visitors, details of measures to discharge surface water, details showing the provision of wheel washing facilities, provision and retention of parking spaces, and provision and retention of vehicle loading and unloading.

- 6.40 Adopted Local Plan Policy DM23 requires that the level of provision will take account of the type, size and mix of units whilst ensuring parking should be integrated within developments in an attractive manner. Overall, it is considered that having regard to the type of dwellings proposed, the parking provision is adequate and complies with local policy.

Ecology and Landscape

- 6.41 Policy DM1 of the local plan states that proposals should respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as a positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area.
- 6.42 Staplehurst Neighbourhood Plan objective 10 seeks to safeguard the green and rural feel of the approach to Staplehurst from the south. The approach to the village from the south is important as it helps to define and identify Staplehurst as a village set within the countryside. The close proximity of the village's built elements within the surrounding countryside gives this approach a distinctive feel.
- 6.43 As previously discussed, the proposal would result in an improvement within the natural landscape, with the removal of built form and hardstanding, the improvement of spatial quality and the introduction of more soft landscaping.
- 6.44 All existing trees are shown as being retained on site. However insufficient information has been submitted to demonstrate protection measures for them. Permission can be conditioned to require, prior to commencement of development, a tree survey and Arboricultural Method Statement in accordance with BS5837:2012. This should cover tree protection details for demolition as well as construction and include shade arcs in relation to the trees to the south of dwellings 1 and 2.
- 6.45 The NPPF, Local Plan and the Staplehurst Neighbourhood Plan all seek to protect and enhance the natural environment. Local Plan Policy DM3 advises that to enable Maidstone Borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment.
- 6.46 Paragraph 109 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible.
- 6.47 Paragraph 118, the NPPF states that local planning authorities are required to conserve and enhance biodiversity when determining planning applications and take opportunities to incorporate biodiversity in and around developments.
- 6.48 There are mature trees with suitable bat roosting features alongside the stream to the south of the development and these are to be retained. The ecological appraisal submitted with the application has been assessed by KCC Biodiversity Officers who advise that sufficient information has been submitted, and the application is acceptable subject to conditions securing the implementation of ecological enhancements.
- 6.49 In terms of ecology and landscape impact, the proposal would accord with local plan policies DM1 and DM3, the Staplehurst Neighbourhood Plan, and the NPPF.

Flooding

- 6.50 Paragraph 103 of the NPPF states that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems.
- 6.51 There is a watercourse that runs along the southern boundary of the site and a Flood Risk Assessment has been submitted to justify the development. The land closest to the stream is within flood zone 3 (high risk) whilst the majority of the application site is located on Flood Zone 1 (low risk). The proposed finished floor levels of the development is set at a minimum of 300mm above the design flood level so as to mitigate the residual flood risk to minimum levels. SUDS are also proposed to provide a permeable paving solution to provide sufficient storage to limit the flow to acceptable levels. Suitable conditions can be attached to secure the provision of acceptable SUDS mitigation if planning permission is given for the development.
- 6.52 The Environment Agency have considered the submission and the flood risk assessment information and have raised no objection to the proposal. The development will be built to modern standards of design and sustainability to accord with current building regulations. The proposed development would be resilient to climate change and flooding in accordance with the NPPF. Given this, there is no objection to the development on this ground and as such it is considered the proposal could comply with the NPPF policies.

Renewable Energy

- 6.53 The NPPF states that 'planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.' It states that 'local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.'
- 6.54 A condition should therefore secure the use of renewables as part of the proposal. In order to attenuate water run off, surface water drainage can be dealt with via a SUDS, which can also be dealt with by condition

7.0 CONCLUSION

- 7.01 The proposal would represent the effective use of previously developed land and would not result in harm to the character and appearance of the area. The proposal would result in a significant environmental improvement to the site, and within its wider setting. The proposal would be a sustainable form of development and would result in a betterment of the site. This represents an exceptional circumstance under policy DM5 as a development which would result in a significant environmental improvement. On balance, the principle of the development would accord with the NPPF and local plan policies DM5, SP17 and DM12, and the Staplehurst Neighbourhood Plan.
- 7.02 The proposed scheme is sensitively designed in terms of size, scale, bulk and layout, and is well designed, taking account of the context of the site. As such the development complies with Local Plan Policies DM1, DM30 and the NPPF.
- 7.03 The proposal will result in an improvement to the appearance of the site within the wider landscape and can be conditioned to secure appropriate landscaping and tree protection measures. In terms of ecology and landscape impact, the proposal would accord with Policies DM1 and DM3, the Staplehurst Neighbourhood Plan, and the NPPF.
- 7.04 The proposal would enhance the appearance and character of the non-designated heritage asset within the application site in accordance with the NPPF, and policy DM1 and DM4 of the adopted Local Plan.

- 7.05 The proposal would not harm the residential amenity of future occupiers of the dwellings, and would result in an improvement to the amenity of existing occupiers of the site. As such the development complies with the NPPF and Local Plan Policy DM1.
- 7.06 The highways impact and parking provision are acceptable and in accordance with policies DM1 and DM23 of the local plan.
- 7.07 The scheme is acceptable in relation to all other relevant planning matters and would comply with the development plan. On this basis, it is considered that there are no overriding material considerations to justify a refusal of planning permission, and it is recommended that planning permission is granted subject to planning conditions.

8.0 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 permitted shall be carried out in accordance with the following approved plans:

5527-PD-001
5527-PD-002
5527-PD-003A
5527-PD-004B
5527-PD-005
5527-PD-006
5527-PD-007
5527-PD-008
5527-PD-009
5527-PD-010
5527-PD-011
5527-PD-012
5527-PD-013
5527-PD-014
5527-PD-015

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

- (3) The development shall not commence above DPC level until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

The details and samples of the materials submitted shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units;

Reason: To ensure a satisfactory appearance to the development and interest of ecological enhancement.

- (4) The development shall not commence above DPC 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.

- (5) The development shall not commence above DPC level until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land and on adjoining sites, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site;

The landscaping of the site shall be carried out in accordance with the approved details over the period specified;

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

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

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

- (7) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no further development shall take place on the site without the prior written consent of the Local Planning Authority;

Reason: To ensure the appearance and the character of the building is maintained.

- (8) The development shall not commence until details of a scheme of foul and surface water drainage for the site have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure adequate drainage arrangements

- (9) No development shall take place until details of tree and hedgerow protection, for all retained on-site trees and hedgerows, and trees and hedgerows in adjoining properties in proximity to the site boundary, 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 on site must be protected by barriers and/or ground protection.

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

- (10) Prior to any part of the development hereby approved reaching damp proof course details of a decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development shall be submitted for prior approval in writing by the Local Planning Authority. The approved details will be in place before first occupation of any part the development hereby approved and maintained as such at all times thereafter.

Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.

- (11) The approved 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.

- (12) The access shall be completed to a width of 3.7 as approved before the commencement of the use of the land or buildings hereby permitted.

Reason: In the interests of road safety.

- (13) Prior to any part of the development hereby approved reaching damp proof course a scheme for the disposal surface water (which shall in the form of a SUDS scheme) shall be submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure satisfactory drainage in the interests of flood prevention

- (14) Prior to the development commencing, on site provision shall be made (a) for the parking loading/unloading and turning of all construction and site personnel vehicles and (b) wheel washing facilities. These facilities shall be retained throughout the construction phase of the development hereby permitted.

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

- (15) No surface water shall discharge onto the public highway.

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

- (16) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

- (17) Prior to the commencement of development hereby approved the applicant, or their agents or successors in title, will secure and implement the following :

(a) an archaeological field evaluation in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and;

(b) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a 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.

- (18) Native species hedging, the mix of which shall be agreed in writing before any part of the development reaches eaves level, sited as shown on drawing no: 023-11 rev A shall be planted in the first available planting season following first occupation of any of the dwellings. Any planting becoming dead diseased or dying within 5 years of planting shall be replaced by specimens of the same size, and species in the same location.

Reasons: In the interests of visual amenity.

- (19) Prior to first occupation of any of the houses hereby permitted, biodiversity enhancements including bird nesting and bat roosting boxes as shown on approved plan 5527-PD-003A shall be approved in writing by the local planning authority, and shall be installed and retained as such at all times thereafter.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

- (20) No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

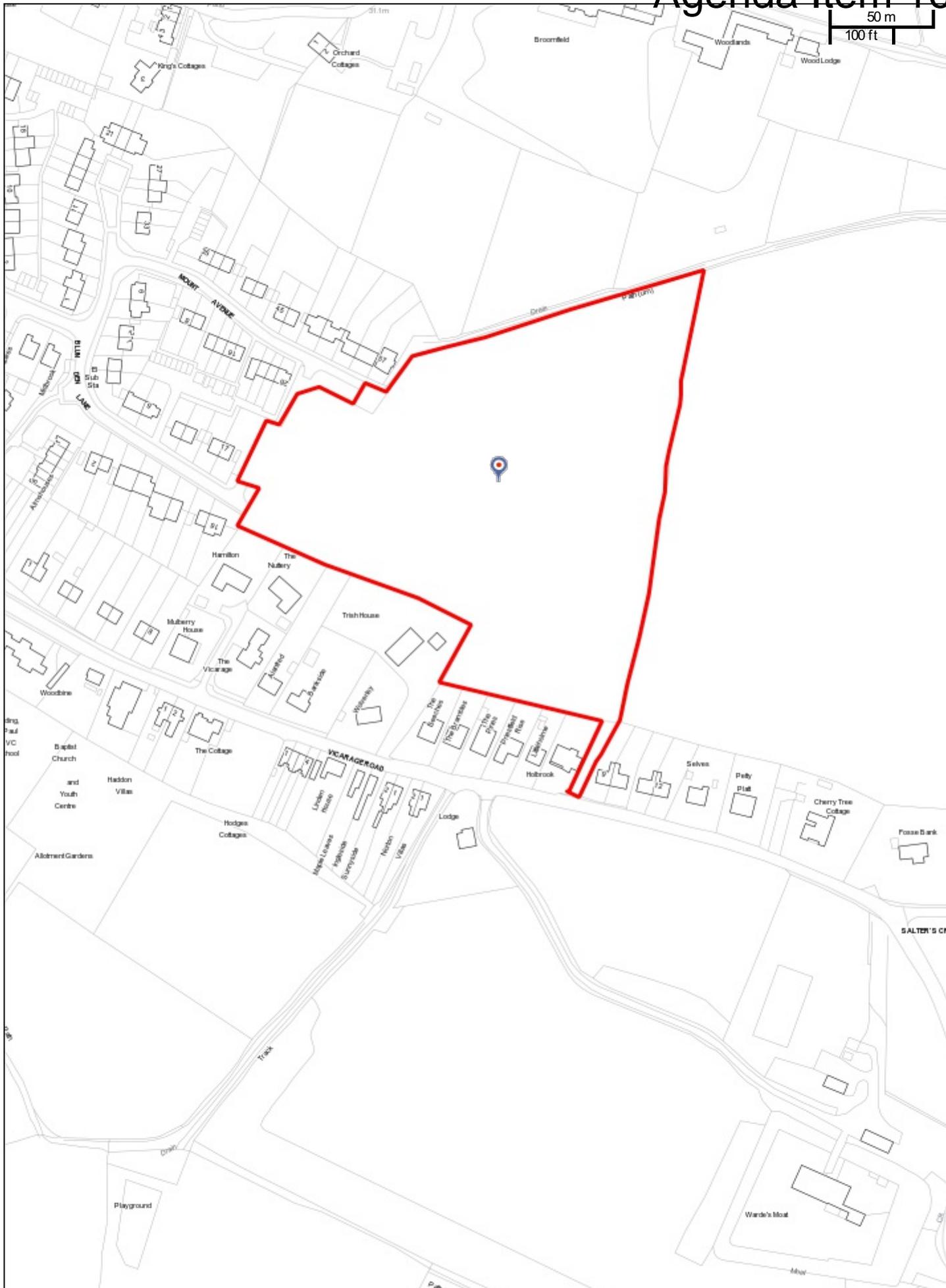
Reason: In the interests of visual amenity

INFORMATIVES

- (1) Should works be required in the highway a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
- (2) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
- (3) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Case Officer: Joanna Russell

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



50 m
100 ft

17/505877/REM Land at Mount Avenue/Blunden Lane, Yalding
Scale: 1:2500
Printed on: 16/4/2018 at 10:58 AM by JoannaW

REPORT SUMMARY

REFERENCE NO - 17/505877/REM			
APPLICATION PROPOSAL Approval of reserved matters application (Appearance, Landscaping, Layout and Scale being sought) pursuant to 15/509402/OUT for a residential development of 30 dwellings considering the access arrangements from Mount Avenue and Blunden Lane			
ADDRESS Land at Mount Avenue/Blunden Lane Yalding Kent			
RECOMMENDATION : GRANT subject to the planning conditions set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION The principle of residential development for 30 units on the site has been established by the Inspectors appeal decision relating to application 15/509402. The submitted scheme subject of the reserved matters (appearance, landscaping, layout and scale) is considered acceptable and there are no material planning reasons for refusal of the submitted scheme.			
REASON FOR REFERRAL TO COMMITTEE Referred to planning committee by Yalding Parish Council.			
WARD Marden and Yalding	PARISH/TOWN COUNCIL Yalding	APPLICANT Millwood Designer Homes Ltd AGENT	
DECISION DUE DATE 19/02/18	PUBLICITY EXPIRY DATE 04/01/18	OFFICER SITE VISIT DATE Visited on a number of occasions	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/509402/OUT	Outline application for a residential development of 30 dwellings considering the access arrangements from Mount Avenue and Blunden Lane with all other matters (appearance, landscaping, layout and scale) reserved for future consideration.	Refused	17/2/16
<i>Reasons :</i>			
(1) The proposed development, by reason of the loss of woodland, loss of habitat and biodiversity, the scale of the development, and location outside a settlement boundary would cause significant harm to the character and appearance of the area including the Special Landscape Area and the benefit of the additional housing would fail to outweigh the demonstrable harm that would be caused to the local area contrary to the National Planning Policy Framework 2012 and Policies ENV28 and ENV34 of the Maidstone Borough Wide Local Plan 2000.			
(2) In the absence of appropriate legal mechanism to secure the delivery of affordable housing, and to mitigate the additional impact on local community facilities in respect of education, libraries and healthcare provision the development would fail to contribute to meeting local need for affordable housing and would be detrimental to existing local social infrastructure and therefore would be contrary to policy CF1 of the Maidstone Borough-Wide Local Plan (2000), Affordable Housing DPD (2006), policy DM13 of the Maidstone Borough Local Plan Regulation 19 Consultation 2016 and central government planning policy as set out in the National Planning Policy Framework 2012.			
APPEAL : Allowed under Planning Inspector Reference - APP/U2235/W/16/3151289			

17/505879/SUB	Submission of details pursuant to Conditions 4: Scheme of ecological mitigation & enhancement, 5: Woodland landscape & ecological management plan, 6: Details of existing and proposed long and cross-section site levels, 9: Scheme for disposal of surface & waste water, 10: Details of tree protection, 11: Arboricultural Method Statement, & 20: Details of renewable or low carbon sources of energy (original application ref: 15/509402/OUT).	Pending consideration	
17/506562/SUB	Submission of details pursuant to Condition 7: Construction vehicle facilities, of application 15/509402/OUT (allowed on appeal).	Pending consideration	

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to an area of land to the east of Yalding village. Measuring approximately 3 hectares, the village settlement boundary adjoins the site to the west and south of the application site. The application site itself is outside the settlement boundary. The turning heads at the end of the cul-de-sacs at Mount Avenue and Blunden Lane adjoin the site to the west.
- 1.02 The site is predominantly wooded with a mix of species, sizes and condition of trees. The site is generally rectangular in shape, with a linear strip to the south-eastern corner which links with Vicarage Road to the south.
- 1.03 Open fields adjoin the site to the north and east. There is existing 'estate' development to the west of the site dating from the 1960s and to the south there is linear residential development along Vicarage Road. The properties on Vicarage Road are more visually distinctive, whereas those properties to the west represent planned development which are generally two storeys with a mix of detached, semi-detached and terraced dwellings. A public right of way (PROW) lies to the north of the site and runs along the extent of the northern boundary. This is currently accessed from the turning head on Mount Avenue.

2.0 PROPOSAL

- 2.01 This reserved matters application relates to outline planning permission 15/509402/OUT which was approved for 30 residential units by the Planning Inspectorate under appeal reference APP/U2235/W/16/3151289 (copy of the decision is appended to this report). Access was for approval under the outline application with all other matters reserved for future consideration. As such, the principle of development of the site for 30 dwellings has already been established and this application is now only assessing the layout, appearance, landscaping and scale of the development as access has already been approved at outline stage.
- 2.02 The approved vehicle access for the site is from two points to the west of the site, from the existing turning heads in Blunden Lane and Mount Avenue.

2.03 The number of units follows the approved outline scheme and is for 30 dwellings, 12 of which would be affordable (with a split of 8 units for affordable rent and 4 units for shared ownership)

2.04 The proposed layout shows two access points (as approved from Mount Avenue and Blunden Lane). These access points would be joined by a central 'arced' road to the west of the site. This road would divide the proposed dwellings at plots 1-9 and 28-30 from the wider site, with the site layout having 3 further distinct areas. These can be described as follows :

Western area (Plots 1-9 and 28-30)

Plots 1-3 and 28-30 are 2-storey terraces, consisting of 3 properties and Plots 4-9 is a 2-storey apartment block. The properties are of a vernacular design, with the use of tiled roofs, timber weatherboarding and brick.

Two distinct access points would be taken from the 'arced' road and these would provide parking within two hardsurfaced parking courts.

Southern area (adjoining the boundary with Trish House) (Plots 18, and 24-27)

Plots 18 and 27 would be 2-storey detached dwellings, with plot 18 containing an attached garage, whereas plots 24-27 would benefit from detached garages. Plots 24-26 are terraces of three 2-storey dwellings.

These dwellings would have independent accesses from the adjoining roads and benefit from individual parking areas and hardsurfacing.

Central area (Plots 13-23)

These plots of a mix of detached and semi-detached dwellings would be enclosed by a 'circular' road with individual access to the properties off this internal roadway. The properties would be orientated towards the centre of the 'circle' with the gardens interlocking internally.

North-eastern area (Plots 10-12)

Three detached properties and associated garaging would be sited to the north-east of the site, benefiting from vehicular access and turning of the north-western corner of the proposed circular roadway. These dwellings would be lower than others within the site and would be 1.5 storeys, containing accommodation within the roof.

2.05 All dwellings would be of a traditional design with the use of weatherboarding and tile hanging and differing designs through the site.

2.06 *Housing mix*

Bedroom numbers	Number
1	4
2	5
3	12
4	7
4+	2

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: Maidstone Borough Local Plan 2017 : Policies SS1, SP16, SP17,
SP19, SP20, ID1, DM1, DM3, DM8, DM12, DM19, DM23 and DM30

4.0 LOCAL REPRESENTATIONS

4.01 Yalding Parish Council (comments summarised)

- Layout significantly different to that at outline stage.
- New road layout could ease congestion on Mount Avenue, allowing larger and emergency vehicles an easier route.
- Additional provision should be made for visitor parking.
- Loss of privacy to existing dwellings.
- Concerns over the proposed access onto Vicarage Road
- Lack of infrastructure for foul drainage.
- Concerns regarding proposed ponds and natural springs.
- No comments yet from Tree Officer
- Concerns about the badger sett that is now shown not to be there, would like consultation with Kent Wildlife Trust
- S106 payments shall be made available for Yalding only.

4.02 Adjoining neighbours were notified of the application as originally submitted. Site notices were also put up at the site. 13 objections have been received in response to the consultation which are summarised as follows:

- Impact of increased cars
- Parking pressures
- Noise and disturbance
- Additional residents may not have a positive impact on the local community
- Additional risk of flooding
- Loss of privacy
- Pressure on village school, doctors, shop and bus service
- Management of SUDs scheme
- Impact on surface and foul water discharge
- Impact on wildlife
- Light pollution
- Loss of house value
- Maidstone/Yalding doesn't need more houses
- Site is not allocated within the Local Plan

5.0 CONSULTATIONS (comments summarised)

5.01 Environment Agency : No comments

5.02 NHS West Kent : Original response requested a contribution of £22 716 towards Yalding and Watringbury Surgery, based on the information in the current submission this figure has increased to £24 804.

5.03 UK Power Networks : No objection

5.04 Crime Prevention Design Advisor : Comments relating to Secured by Design and particular reference to the rear gardens that would back onto the Public right of way.

- 5.05 KCC drainage : No objection in principle to the approval of the reserved matters. The site's surface drainage scheme is being considered under an application to discharge condition 9.
- 5.06 Southern Water : No objection is raised to the reserved matters submitted. Attention is drawn to previous correspondence identifying insufficient capacity within the existing foul sewerage system to accommodate the proposed development glows. Relevant infrastructure is to be provided to service the development.
- 5.07 KCC Highways : No objection
- 5.08 Environmental health : No objection subject to conditions and informatives.
- 5.09 Landscape/Tree Officer : No objection subject to condition relating to replacement planting retention
- 5.10 KCC Landscape Officer : No objection

6.0 APPRAISAL

6.01 The key issues for consideration relate to:

- **Principle of development**
- **Impact on character and appearance of the area (including scale, layout, appearance and landscaping)**
- **Impact on residential amenity**
- **Highways matters**
- **Landscape and ecology matters**

Principle of Development

- 6.02 The site is located on the edge of the village boundary of Yalding. Despite officer objections to the proposed principle of residential development on the site, the Planning Inspector allowed an appeal for 30 dwellings and as such this establishes the principle of the site for residential development.
- 6.03 All matters except access were reserved. The outline scheme provided an indicative layout plan and as such was only for illustrative purposes to establish that the 30 units could be accommodate on site.. As noted by the Parish Council the layout now proposed departs significantly from the indicative layout, however as layout is a reserved matters this is acceptable and the application is accompanied by rationale and reasoning for the revised layout (principally to enable greater connectivity within the site, to retain those trees most worthy of retention and to allow for greater flexibility due to the badger sett now being inactive.)
- 6.04 The main considerations are the impact upon the character and appearance of the local area, the residential amenity of future and existing residents and internal highway safety/parking, landscape and ecology impacts.

Impact on character and appearance of the area (including scale, layout, appearance and landscaping)

- 6.05 The application site is covered by a woodland Tree Preservation Order (TPO) which was confirmed on the site following the submission of the outline scheme. The TPO was agreed due to the cumulative value of the woodland, rather than the merits of individual trees. This said, there are trees on the site with greater grading and amenity value, with a large number of the trees being fairly newly seeded. The site is currently unmanaged and although representations refer to the site being used for recreational purposes, this is solely on an informal basis and the applicant could have enclosed the site to prevent access. In allowing the appeal, the Inspector noted and would have observed on site that a number of trees would need to be removed to accommodate the development of 30 dwellings. Although the layout varies from the earlier indicative layout and a different combination of trees would be required to be removed. The trees to be removed has been justified as part of the accompanying documents and those trees to be retained would be those of greater quality and amenity value. The tree officer has not raised objections to the proposed layout and the trees to be removed and although the quantum of trees to be removed is substantial, it is not considered any significant objection can be raised in this respect.
- 6.06 The site area measures approximately 3.04 hectares, whereby 1.55 hectares of this space would be accessible open space and managed woodland. SUDs features of ponds and swales would be incorporated into the layout, with supplementary planting, retention of existing trees and varying grasses and species providing both structural and ornamental landscaping. The proposed scheme would be low density to accord with the transition between the built settlement of Yalding and the open countryside. The distinct blocks of housing settled amongst landscaping demonstrates the landscape led approach to the design, whereby significant buffers with the open countryside would be retained. The landscape officer is satisfied with the proposed scheme and it is considered that the proposed layout and design represents a positive approach to how best to integrate the site into the existing development and the transition between the open countryside.
- 6.07 There would be a mix of detached, semi-detached, and terraced houses and a 2 storey apartment block. Buildings would be of traditional residential form with gabled roofs, some gable projections, bay windows, porch overhangs, and chimneys on some properties. Brick detailing for lintels, soldier courses and plinths is also proposed. Materials would include hung tiles weatherboarding (which it is proposed to be conditioned to be timber), brickwork, and clay and slate roof tiles. It is considered that the traditional design of the buildings would be appropriate for this location and that buildings would have good detailing, and use varied but uniform materials to provide a quality appearance. The pallet of materials proposed would both take cues from the local vernacular.
- 6.08 It is considered that the design of the development is of a high standard. The layout works with the existing landscape features retaining hedge/tree lines. Strong streetscenes would be created with buildings addressing roads and corners, and appropriate landscaping and boundary treatments. Buildings are of good quality reflecting local vernacular and would use high quality materials, and surface materials are varied. Overall, it is considered that the proposal would not cause adverse harm to the character and appearance of the surrounding area.

Residential Amenity

- 6.09 Given the separation distance from residential properties it is considered that the proposal would not result in any unacceptable loss of neighbour residential amenity in terms of loss of light, outlook or privacy. The number of units, including the primary vehicle access point has been agreed under the outline permission and it is considered that the proposed layout would not result in any significant disturbance to neighbouring residential units.
- 6.10 Those properties most likely to be affected are 26 Mount Avenue, 17 Blunden Lane (to the west of the site), Hamilton, The Nuttery and Trish House (to the south of the site). It is considered that these dwellings are separated by sufficient distances not to cause undue harm and proposed landscaping would further mitigate and provide a buffer separating these dwellings from the application site.
- 6.11 The unit size and gardens are all considered to be acceptable and would provide a good living standard in terms of minimum room size and outdoor amenity space, such that the future occupiers would benefit from an acceptable level of amenity.

Highways matters

- 6.12 KCC has confirmed visibility at the new junctions and the swept path analyses provided for a refuse freighter would be acceptable within the site layout.
- 6.13 The proposed layout includes 7 visitor parking spaces and 60 independently accessible car parking spaces. Twelve garages are also to be provided which have not been included as part of any car parking provision against standards (these are a mix of single and double garages).
- 6.14 Parking provision is in accordance with the conditions on the outline scheme and KCC and the boroughs parking standards.
- 6.15 Objections are noted regarding the capacity for the surrounding roads to accommodate any overspill parking and concerns that the roads within Yalding are at capacity and cannot take any more traffic generation. The principle of the development of the site for 30 units has however been established by the outline consent and it is not considered that the proposed scheme would result in traffic generation that would depart from that considered at outline. The parking provisions meets the adopted standards and some visitor parking is proposed to be provided on the internal roads, together with many of the larger units having hardsurfaced areas that have the capacity to provide more 'informal' parking for visitors.
- 6.16 With everything considered no objection can be raised to the proposal on parking provision or highway safety grounds.

Other Matters

- 6.17 *Drainage and flooding*

A number of objections have been received which relate to matters concerning surface water, foul drainage and the potential for flooding. It should be noted that condition 9 of the outline approval relates to the submission of details for surface water and waste water. These details have been submitted concurrently under a separate submission of details application and are being considered separately for the reserved matters submission. It is noted that there are currently objections from KCC drainage and Southern Water, however these matters are being sought to be overcome by the applicant and any changes would not affect the matters that are

being applied for under this reserved matters submission, the matters for consideration as part of this application relate solely to those reserved by the outline consent, namely layout, scale, appearance and landscaping.

6.18 *Ecology*

Conditions 4 and 5 of the outline consent relate to ecological mitigation and enhancement and a Woodland Landscape and Ecological Management Plan (WLEMP). Again these details have been submitted concurrently to the reserved matters submission. These measures relate to habitats of greatest ecological interest (including better quality mature trees and former field boundaries), provision of a 20m exclusion zone to the retained badger sett, diversification of habitat mix, uses of SUDs ponds and swales, bat lofts, boxes and sensitive bollard lighting. These measures and their incorporation into the scheme, including whether they are acceptable does not affect the consideration of whether this reserved matters application is acceptable. It is regrettable that the natural habitat of the site as existing will be altered, however the Planning Inspector has accepted 30 dwellings can be accommodated on the site and there is not considered any reason on ecology grounds to conclude that the proposed scheme is not acceptable in terms of the impact on ecology.

6.19 *Affordable housing*

The Outline permission was granted subject to a Unilateral Undertaking (UU) relating to affordable housing. The approved UU requires forty per cent of the dwellings (rounded up to the nearest whole Dwelling) to be provided as affordable housing. The tenure mix of units is to be determined prior to commencement of development and will subsequently be transferred to a Registered Provider in accordance with the terms of the UU. This requires a plan identifying the affordable housing appropriately distributed throughout the development, details of tenure, type of dwelling and size of unit.

As part of this reserved matters application an Affordable Housing Scheme of 12 no. affordable Housing Units has been submitted. This sets out that 8 units would be affordable rented and 4 units would be shared ownership, these units are shown to be located to the west of the site, immediately adjacent to the existing development on Mount Avenue and Blunden Lane. The size of the units for each tenure has not been provided, however the mix would be 1, 2 and 3 bedroomed dwellings/apartments.

6.19 The details submitted do not provide details of the size of the units to be for each tenure (affordable rented or shared ownership). However, the details are considered acceptable for the purposes of this reserved matters application, but would not fully satisfy the terms of the UU and the applicant would be required to submit the details in full to discharge the obligation under the terms of the legal undertaking.

6.20 *Vehicle charging points and lighting*

The Environmental Health officer has requested a condition relating to vehicle charging points and lighting. These are included on the outline consent at conditions 15 and 22.

6.21 *Infrastructure contributions*

Financial contributions towards NHS, schools and libraries form part of the UU approved at outline stage, mitigating the impact of additional occupiers on local services. It is noted that the NHS contribution now requested has been slightly increased, however it is not considered that this should be further reviewed and that the contribution amount should remain as set out in the approved legal undertaking.

7.0 CONCLUSION

- 7.01 The principle of residential development for 30 units on the site has been established by the Inspectors appeal decision relating to application 15/509402. The submitted scheme subject to the reserved matters (appearance, landscaping, layout and scale) is considered acceptable and there are no material planning reasons for refusal of the submitted scheme.

8.0 RECOMMENDATION – GRANT Subject to the following condition :

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

Drawing No. 2664A-1000B (Site Layout Plan)
Drawing No. 3042-LLB-ZZ-XX-DR-ab-0001 rev P01 (Tree removal and retention plan)
Drawing No. 3042-LLB-ZZ-XX-DR-L-0002 rev P05 (Landscape Strategy)
Drawing No. 2664A-200B (Plots 1, 2 and 3)
Drawing No. 2664A-201C (Plots 4-9)
Drawing No. 2664A-202C (Plot 10)
Drawing No. 2664A-203C (Plot 11)
Drawing No. 2664A-204C (Plot 12)
Drawing No. 2664A-205B (Plot 13)
Drawing No. 2664A-206B (Plot 14)
Drawing No. 2664A-207C (Plots 15 and 16)
Drawing No. 2664A-208B (Plot 17)
Drawing No. 2664A-209B (Plot 18)
Drawing No. 2664A-210C (Plots 19 and 20)
Drawing No. 2664A-211C (Plots 21, 22 and 23)
Drawing No. 2664A-212C (Plots 24, 25 and 26)
Drawing No. 2664A-213B (Plot 27)
Drawing No. 2664A-214D (Plots 28, 29 and 30)

Reason: To clarify which plans have been approved.

- (2) The material details required to be submitted under condition 14 attached to the allowed appeal for application reference 15/509402/OUT shall include any weatherboarding to be timber finish.

Reason : In the interests of visual amenity.

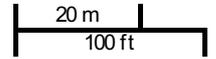
- (3) The details required to be submitted under condition 12 attached to the allowed appeal for application reference 15/509402/OUT relating to fencing, walling, railings and other boundary treatments shall include the use of high quality walling on public facing frontages.

Reason : In the interests of visual amenity.

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.

Agenda Item 17



17/506323/FULL Maple Leaf Garage, Ashford Road, Hollingbourne

Scale: 1:1250

Printed on: 16/4/2018 at 11:06 AM by JoannaW

REPORT SUMMARY26th April 2018

REFERENCE NO - 17/506323/FULL			
APPLICATION PROPOSAL – Demolition of existing stores, offices and WCs, and erection of new offices with dry store and associated parking.			
ADDRESS - Maple Leaf Garage Ashford Road Hollingbourne Kent			
RECOMMENDATION - GRANT PLANNING PERMISSION subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION - The replacement industrial building and associated landscaping would bring significant visual enhancement to the site which is at a major entry point to the urban area. It would not cause any significant visual harm to the countryside or adverse impacts to the amenity of adjoining uses. The proposal is acceptable in relation to parking and highway safety. The submitted details comply with the relevant policies of the Development Plan and the National Planning Policy Framework, and there are no material considerations that would justify the refusal of planning permission.			
REASON FOR REFERRAL TO COMMITTEE - Hollingbourne Parish Council has requested that the application be reported to the Planning Committee if Officers are minded to recommend approval. The Parish Council objects to this proposal on highways safety grounds.			
WARD North Downs	PARISH/TOWN COUNCIL Hollingbourne	APPLICANT Genco Ltd AGENT Martin Potts Associates	
DECISION DUE DATE 07/02/18	PUBLICITY EXPIRY DATE 27/02/18	OFFICER SITE VISIT DATE 06/04/2018	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
07/1308	Proposed change of use of front forecourt and associated buildings to hand car wash operation as shown on details received on 25/06/07 as shown of drawing numbers 014-831-10 and design and access statement received on 29th May 2007.	Permitted	16.08.2007
02/1193	Residential development comprising 2no. detached dwellings and 8no. terraced dwellings including access and parking	Refused	01.07.2002
00/0480	Use of site for car repairs and vehicle sales, as described in application MA/00/0480 and as amended by additional documents being two letters of occupants of employees received on 12.04.00 and further letters received on 14.06.00	Split Decision	13.07.2000
86/0112	Temporary car park and erection of security fence and validated by revised plan and completed certificate A received on	Permitted	03.04.1986

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is a roughly triangular shaped parcel of land located on the south side of Ashford Road (A20) close to junction 8 of the M20. The site which is at a major entry point to the urban area of Maidstone forms part of an area of open countryside which is designated as a Landscape of Local Value on the policies map to the Maidstone Borough Plan (2017).
- 1.02 The site is located within the Parish of Hollingbourne and currently contains two unremarkable commercial buildings. The main building located on the eastern part of the site is a two-storey unfinished structure clad in aluminium panelling which houses offices, storage and workshop for car repairs which is classed as sui generis (class of its own). To the west of the site is a small office building and associated ancillary storage which falls within use Class B1, although there is no record of permission being granted for a B1 use at the site.
- 1.03 There is fencing around the perimeters of the site and large expanse of hardstanding within its grounds which is regularly covered in parked vehicles for sale. Part of the western site boundary is defined by established hedging and access is gained from Ashford Road (A20). To the south and west of the site is Pine Lodge Touring Park, with open agricultural land to east. The A20 (Ashford Road) runs along the northern boundary with the allocated employment site at Woodcut farm under policy EMP1(4) of the adopted Maidstone Borough Local Plan (2017) further beyond.
- 1.03 Ground levels at the site are marginally elevated in relation to the A20 (Ashford Road) but levels within the site largely flat. The site has permission for a car showroom, car repairs and display of vehicles which is classed as sui generis (class of its own). Whilst there is no records of planning permission being granted for a B1 use at the site, the applicant suggest that part of the building have been used as offices which falls within Class B1 and this use may have become lawful with the passage of time. The current state of the site causes significant visual harm to the appearance of the area which is at a major entry point to the town.

2. PROPOSAL

- 2.01 The proposal involves removal of the existing commercial buildings at the site and erection of a single building for use as headquarters for a local shop fitting business Genco. The proposed new building would be considerably set back from the A20 (Ashford Road). It would have two-storeys covered in a pitched slate roof. The building would have a height of 9 metres above ground level with large overhanging eaves just under 6 metres. The building would have a total internal floor area of 662 square metres of which 144 square metres would be used as dry store. This element is located to the rear of the premises would have two roller south facing shutter doors.
- 2.02 The proposed building would cover a larger floor area than the existing buildings which are located to the eastern and western part of the site. It would be located close to the south eastern boundary of the site. The first floor would accommodate offices (Class B1) with ancillary storage at the rear part of the ground floor which would accommodate a reception area, boardroom, kitchen, kitchen store, canteen and wc.
- 2.03 The ground floor front and side elevations including the parapet on the main façade would be finished in Kent Ragstone. The central wall to the front of the building and

rear of the unit including areas between the lancet windows on the ground floor would be finished in local multi-stock brick. The first floor and majority of the side elevations would be timber framed with large section timbers subdividing the fenestration. The first floor of the building would be recessed by just over a metre and would form a planting area visible from within the street. Surfacing material is indicated to include dark coloured, bevelled, imitation slate for the roof.

- 2.04 Pre-application advice was sought which among other things recommended the relocation of the car parking provision away from the frontage of the building. The development includes provision of 32 car parking spaces largely located along the western boundary of the site behind native boundary hedging. The proposal will increase employment on the site from the current 3 staff to 30 staff. The 6 parking spaces provided for the company's vans would be located at the rear part of the building. The development would utilise the existing vehicle access onto the A20 (Ashford Road) which would be modified to improve visibility and safety.

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 Maidstone Borough Local Plan 2017: Policies SS1, SP17, SP21, DM1, DM5, DM8, DM23, DM30 DM37 and EMP1(4)
National Planning Policy Framework (NPPF) Paragraphs 28, 56, 57, 60, 61, 63, 109, 111 and 118
National Planning Practice Guidance (NPPG)

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** No representations have been received from local residents either in support or objecting to this application.

5.0 CONSULTATIONS

- 5.01 **KCC Highways and Transport:** No objections subject to conditions covering construction management plan, provision of loading/unloading and turning facilities, retention of parking spaces, maintenance of visibility splays, provision of parking facilities for site personnel and completion and maintenance of access shown on submitted plans.
- 5.02 **Environmental Health:** No objections subject to conditions covering land contamination.
- 5.03 **Hollingbourne Parish Council:** Raises objection to this proposal on highways safety grounds.

6.0 APPRAISAL

Main Issues

- 6.01 The key issues are:
- Principle of development
 - Visual Impact
 - Residential Amenity
 - Parking and Highways Impact
 - Biodiversity implications

- Landscaping

Principle of Development

- 6.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan comprises the adopted Maidstone Borough Local Plan (2017).
- 6.03 The site is lies in an open countryside location approximately 1.2 miles from the centre of the village of Hollingbourne. Policy SP17 of the adopted Local Plan states that 'Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area'.
- 6.04 The objective of Policy DM5 of the adopted Local Plan is to reduce the need for greenfield land by encouraging the re-use of land that has been previously developed. The policy supports the re-use of sites in current or previous economic use in countryside locations subject to acceptable scale and impact.
- 6.05 The proposal site is at a major entry point to the urban area of Maidstone and causes significant visual harm to the appearance of the area. Currently, the site is covered in a large expanse of hardstanding and therefore it cannot be considered as being of high environmental value. The proposed building which would replace the existing low quality buildings at the site have been designed to reflect the local vernacular. The design of the building and associated landscaping would significantly enhance the character and visual amenity of the site. It is considered to satisfy the requirements in policy DM5.
- 6.06 Policy DM37 of the adopted Maidstone Borough Local Plan (2017) supports expansion of existing businesses in rural locations subject to an acceptable scale and impact. The proposal will enable the business expand its operations which would increase employment on the site from the current 3 staff to 30 staff.
- 6.07 Paragraph 19 of the NPPF outlines the government's commitment to encourage and support sustainable economic growth through the planning system. Paragraph 28 (Supporting a Prosperous Rural Economy), emphasises the need for "planning policies to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development".
- 6.08 The site has extant permission for a use falling within sui generis and whilst the applicant indicates parts of the existing buildings at the site have been used as offices, there is no record of permission being granted for a B1 or B8 use for this site. Therefore, the proposed redevelopment of the site requires a change of use from sui generis (class of its own) to a mixed B1a (offices) with ancillary storage. Given that uses within Classes B1 would be less sensitive when compared with the existing use, no overriding planning objection would be raised to this element of the proposal. Moreover, the visual impacts of the proposed use would significantly less intrusive when compared with the previous uses which involved open storage and display of cars for sale.
- 6.09 As part of the process of adopting the Local Plan investigations were carried out into the suitability of the land to the north of the current application site at Woodcut Farm for uses falling within B1(offices, R & D and light industry), B2 (general industrial) and B8 (storage and distribution). This nearby site was found to be capable of delivering

a mix of B Class uses and it was subsequently allocated for such uses in the adopted local Plan (2017). With the proximity of the application site to this allocated site where similar uses have been found to be acceptable and the significant improvement to the visual appearance of the current application site that would result from the proposal there are no planning objections raised to the proposed uses.

- 6.10 The site is approximately 1 mile from the urban boundary and located close to junction 8 of the M20 with easy access to the rest of Maidstone, the rest of Kent and beyond. Ashford Road (A20) is well served by public transport into Maidstone Town Centre and the closest bus stop is approximately 80 metres west of the site's frontage. Hollingbourne is classed as a larger village, the second most sustainable locations in the adopted local plan where development is directed. The village has rail connections to Maidstone Town Centre, including key facilities like a village hall, local shop, post office, pubs and restaurants. A staff canteen is proposed within the building which would reduce the need for staff to travel out of the site for food at lunch time. Therefore, whilst outside the village boundary, the development is considered to be in a reasonably sustainable location and would meet the objectives of the local plan and NPPF in this respect.
- 6.11 The allocated employment site to the north of the site under EMP1(4) has been assessed as being in a sustainable location to deliver a mix B1, B2 and B8 uses. This includes delivery of a significant package of sustainable transport measures like provision of a subsidised bus route which would with time benefit this development.
- 6.12 Having regards to the above and whilst the application site is not allocated for employment purposes, it is an existing commercial site and therefore the principle of development at this location has policy support and it is considered to be acceptable as a consequence.

Visual Impact

- 6.13 Policy DM1 of the adopted local plan requires proposals to provide high quality design which responds to townscape and landscape value or uplifts an area of poor environmental quality.
- 6.14 The current appearance of the application site causes significant visual harm to the appearance of the area a key entry point to the Maidstone urban area. The proposal would replace the existing undistinguished low quality buildings at the site with modestly sized and well designed building. The building would be set back from the A20 and would not appear over dominant or visually harmful in the context of its location.
- 6.15 The design of the proposed building seeks to achieve a visual appearance akin to a modern rustic vernacular by the use of local materials including Kent Ragstone on the ground floor front and side elevations and the parapet on the main façade. The first floor would be set in by just over a metre with the area above the parapet used as a planting area to reflect the rural character of the vicinity. The majority of the first floor to the front and side elevations would be timber framed with a large section of timbers subdividing the fenestration in keeping with the local character of the area. The visual appearance that would result from these materials would complement the character of the area.
- 6.16 The proposed development would largely maintain the existing open frontage of the site with the exception of the parking area along the western boundary which would be screened by native hedge planting. Whilst the submitted plans indicate an open

western boundary with no landscaping, it is considered that landscaping is required on this boundary to screen the car parking area. A planning condition is recommended to seek this screening. The proposed landscaping is sympathetic to the sites countryside context and would help soften the appearance of the development.

- 6.17 Due to the set back of the building within the site, the development would largely maintain the current open views in the direction of the M20 and the surrounding countryside. In view of its scale, there would be short and medium range views of the development from publicly accessible areas within the vicinity of the site. However, with the current view of undistinguished poor quality commercial buildings, the views of the well designed replacement building that would result from this development would bring significant visual enhancement to this major entry point to the Maidstone urban area.
- 6.18 The company is a shop fitting business and the development involves the provision of ancillary storage and parking area for the company's vans. This would be located to the rear of the building with restricted views from the street and would not give rise to any significant visual impact concerns due to the nature of this business. The ancillary storage and parking area for the company's van can therefore be accommodated within the premises without a significant detriment to the visual amenity of the area.

Residential Amenity

- 6.19 The proposed development would not adversely impact on the existing use at the adjacent Pine Lodge Touring Park due to the established vegetation along the common boundary with this site. The closest neighbouring dwelling to the proposed commercial building would be approximately 80 metres away across the A20 to the north east of the application site. The separating distance with the buildings at this site is sufficient to prevent any unacceptable adverse impacts.
- 6.20 The application site is located close to the busy A20 and therefore it is necessary to assess the suitability of the site for the office development proposed. The proposal is accompanied by an Acoustic Assessment. On the basis that the requirements for residential use would be higher than that required for the proposed office use, the Acoustic Assessment assesses the suitability of the site for residential use. The assessment concludes that the site is suitable for residential development, subject to the proviso that suitable attention is paid to the glazing specification, ventilation strategy, and barrier/fences around any garden areas. Subject to the recommendations within the report being strictly implemented there are no overriding planning objections in this respect. The development is considered acceptable on amenity as a consequence.

Parking and Highway Safety impacts

- 6.21 The site has lawful use falling within sui generis (within its own class) and in terms of the details of the proposed use, the applicant states that most of the staff would be out on site via transit vans undertaking shop fittings, whilst a number of staff would be retained in the office working traditional office hours from 9 to 5pm. Therefore, the proposed B1 use would not significantly increase vehicle movements to and from the site considering the previous use of the site for car sales and repairs. The site is located within on the south side of the (A20) Ashford Road, with the nearest bus stop located within 80 metres of the site. There is a designated pedestrian walkway to this bus stop and whilst the A20 is a busy highway there would be no vehicle conflict.

- 6.22 The hedge proposed to the north western boundary of the car parking area would be stepped back and the rest of the site's frontage be left largely open to help improve visibility and highway safety. A 3 metre visibility splay would be maintained to improve highway safety. With the safety record of the site and the improvement proposed to the site entrance, there is no evidence to substantiate the refusal of permission on highway safety or operation issues. Paragraph 32 of the NPPF states that development should only be prevented or refused on transports grounds where the residual cumulative impacts of development are severe.
- 6.23 KCC Highways and Transportation have commented on the current application and raises no objection on grounds of highways safety. It is noted that Hollingbourne Parish Council have objected to the proposal on grounds of the extra traffic that would be generated by the development on the A20. However, KCC have raised no objections to the impact of the proposal on the A20 or the highway network; furthermore, the scale of the development proposed is unlikely to have a significant highways impact.

Biodiversity implications

- 6.24 The guidance in the NPPF encourages opportunities to incorporate biodiversity enhancements in and around new developments.
- 6.25 A bat survey report has been submitted as part of this application which concludes that the existing buildings on the site are considered unsuitable to support roosting bats. Habitats and buildings within the site are considered suitable for breeding birds, therefore the report recommends suitable measures regarding timing of construction work and method of best practice for breeding birds. The report states that the likelihood of other protected and notable species to occur within the site is considered negligible especially given the existing large areas of landscaping, and therefore no further surveys for other protected species are required.
- 6.26 In line with the guidance in the NPPF a planning condition is recommended to secure biodiversity enhancements on the site such as incorporating bat tubes in the building.

Landscaping

- 6.27 There are no protected trees within the site and no trees would be lost as a result of this proposal. The site would benefit from the removal of the vast expanse of hard standing and introduction of landscaping that will increase biodiversity and bring significant environmental enhancement to this site. The landscaping proposal indicated on the submitted plans are currently inadequate and a planning condition is recommended seeking submission of further landscaping details that is sympathetic to the sites' countryside context to help soften the appearance of the development. The submitted landscape proposals are currently inadequately detailed. The submitted details should include native trees and mixed shrub/understorey planting with meadow grass verge and bulb planting in the site frontage area(annotated as areas A and B on the submitted plans) and in accordance with the Landscape Guidelines.

7.0 CONCLUSION

- 7.01 In conclusion, whilst the site is not allocated for employment use, it is an existing commercial site and therefore the principle of a mixed B1 and B8 is acceptable. The proposed replacement building at this location would not cause any significant visual

harm to countryside interest. There would be no significant adverse impacts to the residential amenity of adjoining uses and there are no parking objections or highway safety issues to merit a refusal. The proposed replacement commercial use and building is acceptable with regards to the relevant provisions of the development Plan, the NPPF and all other material considerations such as are relevant; and there are no material considerations that would indicate a refusal of planning permission. Approval is recommended subject to the following conditions.

8.0 RECOMMENDATION

8.01 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. No activity in connection with the uses hereby permitted, other than the cleaning of the premises, shall take place outside the hours of 07:00 and 22:00 and not at any time on Sundays, Bank or Public Holidays;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

3. Notwithstanding the information on the approved plans, no development shall take place above slab level until samples of 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. The development shall be carried out in accordance with the approved details.

Reasons: in the interest of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

4. No development shall take place above slab level until details of hard landscape works which shall include the use of permeable paving upon the hardstanding parking areas indicated on the approved plans, 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 first occupation of the building or land;

Reason: To ensure satisfactory appearance to the development and in the interest of sustainable water drainage.

5. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. This information is required pre commencement as any construction work would reduce the range of drainage options available.

6. No development above slab level shall take place until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved, have been submitted to and approved in writing by the local planning authority. The 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.

7. The development hereby approved shall not commence above slab level until, details of satisfactory facilities for the storage of refuse 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 hereby approved and maintained thereafter;

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

8. The approved details of the parking/turning areas shall be completed before the commencement of the use of building 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.

9. The approved details of the access 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;

Reason: In the interests of road safety.

10. The development hereby approved shall not commence above slab level until details of a minimum of 5 publicly accessible electric vehicle charging points, including 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 building 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. 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. 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.

12. The development hereby approved shall not commence until details of wheel cleaning facilities to be provided during site demolition, excavation, preparation and construction have been submitted to, and approved in writing by, the Local Planning Authority. The approved wheel cleaning facilities shall be installed and operational before any development commences and shall be retained in working order throughout all phases of development. All vehicles leaving the site shall use the wheel cleaning facilities.

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

13. Notwithstanding the landscaping details indicated on drawing no.P850/1 Rev A, the development shall not commence above slab level until a detailed 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 and a [5] year management plan. The landscape scheme shall specifically address;

- (a) the need to extend the boundary hedge screening along the entire perimeter of the western boundary to screen the car parking area and;
- (b) include native trees and mixed shrub/understorey planting with meadow grass verge and bulb planting as appropriate in the site frontage (area A) in accordance with the Landscape Guidelines.

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

14. The approved landscape details shall be in place by the end of the first planting season (October to February) following the occupation of the building hereby approved or seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of the building die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

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

15. The approved details of the parking areas indicated on the approved plans shall be completed before first occupation of the building hereby approved and shall thereafter be kept available for such use.

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

16. The building hereby approved shall be used for B1(Light industrial and office) use and associated storage only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: The current application only considers the impact of the use currently proposed and a separate assessment would be required of other uses that could otherwise be introduced as permitted development.

17. No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land outside of the building outlined on the approved plan;

Reason: To safeguard the character and appearance of the surrounding area.

18. The recommendations and enhancement measures set out in the submitted Greenspace Ecological Solutions phase 1 Habitat Survey and Mitigation Strategy with (reference J20359) dated 23 September 2016 shall be implemented in full in accordance with the outlined mitigation strategy to the satisfaction of the local planning authority prior to first occupation of the building hereby approved.

Reason: To ensure adequate provision is made for wildlife in accordance the provisions of the NPPF.

19. Any external lighting installed at the site shall be in accordance with a lighting design strategy that has previously been submitted to and approved in writing by the LPA. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- c) Include measures to reduce light pollution and spillage.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest of biodiversity protection and visual amenity.

20. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:

- All previous uses;
- Potential contaminants associated with those uses;
- A conceptual model of the site indicating sources, pathways and receptors;
- Potentially unacceptable risks arising from contamination at the site.

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

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

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

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

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

Reason: To safeguard health of future occupants of buildings.

22. The development hereby permitted shall be carried out in accordance with the following approved plans/drawing nos recived on 23 Jan 2018.

Drawing Number P850/1 Rev A - Proposed Site Plan & Site Section

Drawing Number P850/3 Rev A – first Floor Plan

Drawing Number P850/4 Rev A – Proposed Elevations

Drawing Number P850/2 Rev A – Ground Floor Plan

Reasons: To ensure a satisfactory appearance to the development and to prevent harm to the character and appearance of the surrounding area.

Case Officer: Francis Amekor

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



18/500229/REM 5 Tonbridge Road, Maidstone

Scale: 1:1250

Printed on: 16/4/2018 at 11:14 AM by JoannaW

REPORT SUMMARY**REFERENCE NO - 18/500229/REM****APPLICATION PROPOSAL**

Reserved matters of scale, appearance and layout to application 17/504144/OUT for erection of 51 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.

ADDRESS 5 Tonbridge Road Maidstone Kent ME16 8RL**RECOMMENDATION** Approve Reserved Matters subject to conditions**SUMMARY OF REASONS FOR RECOMMENDATION**

The application shows a 7m set back from Tonbridge Road and a staggered approach to the building line (northern) boundary of the site. The scheme has high quality elevational materials used within the scheme and no render. The scheme therefore accords with the aspirations of the Planning Committee when they determined the outline planning permission and meets all other relevant policies in terms of visual impact, design, highway impact and residential amenity subject to additional conditions to safeguard privacy to some neighbouring private gardens.

REASON FOR REFERRAL TO COMMITTEE

The outline planning permission was subject to a resolution that the reserved matters application will be reported to the Planning Committee as this is a key site due to its prominent location adjacent to the railway station. In particular, to address the set back of the development from Tonbridge Road and the elevational treatments to be used in the buildings.

WARD Fant**PARISH/TOWN COUNCIL****APPLICANT** Corbens Place Ltd
AGENT**DECISION DUE DATE**

04/05/2018

PUBLICITY EXPIRY DATE

16/02/18

OFFICER SITE VISIT DATE

24/01/18

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):**5 Tonbridge Road**

15/503951/DEMREQ Prior notification of proposed demolition of a single storey building divided into 2no retail units, a separate 2 storey shop with office above, range of single storey outbuildings.

PAR- Prior Approval Required 16.06.2015

15/506273/DEMREQ Prior notification of proposed demolition: Single storey building divided into 2 retail units, 2-storey building with shop on ground floor and offices on first floor and single storey outbuildings as shown on drawing no. TRCLD-04 Issue A and to be carried out in accordance with the Proposed Method Statement for Demolition received on 5th August 2015.

PRANR - Prior Approval Not Required 01.09.2015

15/510179/OUT Outline application (All matters reserved) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.

PER - Application Permitted 22.12.2016

17/504144/OUT Removal of condition 14 (scheme of mitigation to address poor air quality shall be provided) of planning permission 15/510179 (All matters reserved) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car

and cycle parking, street and external lighting, main services, bin stores and other ancillary development.

PER - Application Permitted 18.12.2017

18/500718 /REM Reserved matters application for access (conditions 1, 2 and 4) and landscaping (conditions 1 and 3) of 17/504144/OUT (Removal of condition 14 (scheme of mitigation to address poor air quality shall be provided) of planning permission 15/510179 (All matters reserved) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.)

PCO - Pending Consideration and subject to consideration at this Planning Committee meeting

18/500262/SUB Submission of details pursuant to Condition 5 (part approval) (External materials), Condition 8 (Existing and proposed site levels), Condition 9 (Renewable/low Carbon Technology), Condition 10 (Archaeology), Condition 11 (Contamination), Condition 14 (Offsetting air pollution), Condition 16 (Travel plan), Condition 19 (Biodiversity) and Condition 20 (Phasing plan) for planning permission 17/504144/OUT

PCO - Pending Consideration

18/500722/SUB Submission of Details Pursuant to Condition 5: External Surface Details, Condition 7: Refuse Storage Arrangement Details, Condition 13: Noise & Vibration Assessment Details & Condition 18: Surface Water Drainage System & Maintenance Details under Reference 17/504144/OUT.

PCO - Pending Consideration

3 Tonbridge Road

16/501842/PNOCLA Prior notification for the change of use of a building from office use to a 9 No. apartments.

PRANR- Prior Approval Not Required 23.06.2016

16/507491/FULL Demolition of existing buildings and erection of 20 No. Apartments PER – Approved 16.06.2017

16/508704/PNOCLA Prior notification for the change of use of an office to 7 no. residential units. For it's prior approval to Transport and Highways impacts of the development. Contamination risks on the site. Flooding risks on the site. Impacts of noise from commercial premises on the intended occupiers of the development.

PGTD-Prior Approval Granted 10.02.2017

18/500160/FULL Erection of 43 No. apartments.

PCO- pending consideration

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 It was resolved to grant outline planning permission subject to a legal agreement for the re-development of the site for up to 65 dwellings at the Committee meeting of 4 August 2016 under application reference 15/510179/OUT and permission approved on the 22 December 2016. A revision to condition 14 in regard to Air Quality was agreed at the Committee meeting of 5 October 2017 under application reference 17/504144/FULL subject to a deed of variation in regard of the legal agreement and permission approved on 18 December 2017.

- 1.02 The application site relates to an area of land located to the south of Tonbridge Road. Measuring approximately 0.77ha in area, the site has two existing access points from Tonbridge Road to the north of the site. The site lies to the west of Maidstone West railway station and contains a number of existing commercial buildings. The buildings on the site vary in size and appearance, although they do not exceed 2-storeys in height. The site is irregular in shape with the site at its widest in the centre and tapers to the southern tip. The site is on various levels with a general fall in ground level from north to south and there are land level changes east to west. Existing retaining walls and building design take advantage of the site levels.
- 1.03 There are five distinct groups of buildings and a number of different commercial occupiers. Buildings fronting Tonbridge Road are currently in retail use, occupied by a fireplace shop and a golf shop. The area in the centre of the site is occupied by storage firm, FPS distribution occupied the lower section of the site and the extreme south of the site was used as a vehicle repair garage. All existing uses would need to vacate the site and all buildings would be demolished in phases (a prior notification application for the demolition has been approved).
- 1.04 The railway line adjoins the site and curves around the site to the south and east.
- 1.05 To the east of the site no. 3 Tonbridge Road is an existing 3 storey building which benefits from a prior notification application for conversion to residential. This adjoining site has planning permission for development of 20 flats and is also the subject of a current planning application for demolition of existing buildings and the construction of a residential flatted redevelopment. There is currently a large area of hardstanding to the rear of the existing building. To the west of the site sited on higher ground and fronting Tonbridge Road is a large building providing the Vines Medical Practice with residential properties to the rear in Vine Mews and Rowland Close adjoins the site to the south-western corner.
- 1.06 The properties opposite the site in Tonbridge Road are in a mix of uses, with many converted to residential use.
- 1.07 The site is outside a conservation area, with the nearest listed buildings approximately 100 metres to the east and west of the site. There are no protected trees or landscape designations on the site.

2.0 PROPOSAL

- 2.01 The proposal seeks reserved matters approval in regard of scale, appearance and layout for the whole site which is 19 flats and 32 houses. The reserved matters for access and landscaping is also in this agenda (18/500718 /REM). Two applications are pending for discharge of various planning conditions (18/500262/SUB and 18/500722/SUB as detailed above).
- 2.02 The access road remains as existing, running along the eastern boundary of the site, and then swings in to the rear of the site where it splits into 2. An acoustic fence is proposed along this boundary where there is a need to deal with noise from the railway line.
- 2.03 Essentially the layout of the scheme is for a flat roofed 4 storey block of 1 x 1-bed and 18 x 2-bed apartments fronting Tonbridge Road with 18 open parking spaces to

the rear (one with scope to be a disabled space). Beyond are a series of terraces of 28 houses with 2 pairs of semi detached houses.

- 2.04 The apartment block has 3 flats on the ground floor with a cycle store and a separate bin store with the main entrance at the side and another to the south from the car park. There are 5 flats on each of the upper floors, 3 of which on each floor have south facing balconies.
- 2.05 There is a foyer with lift and staircase access to all floors. The footprint of the flats has a staggered façade to the Tonbridge Road. Most of the frontage is set 7m from the back edge of the footpath, the western end is set 9m back.
- 2.06 The roof has a low parapet of 900mm to all sides. There is a low lift overrun (900mm high) plus a set of PV panels in 6 rows angled to face south.
- 2.07 Terrace blocks 5 and 6 are 12 houses, all 2.5 storeys and run north to south with frontages facing east onto the access road. These have a car parking space each on the frontage. They are 3 bed roomed with the main bedroom in the roof space served by a dormer window to the front and 2 rooflights to the rear.
- 2.08 Terrace block 1 (9 houses) runs east–west with a frontage facing south. It comprises 3 x 3 storey town houses of 4 bedrooms each and 6 x 2.5 storey dwellings of 3 bedrooms each. The houses have one parking space each opposite and the town houses have integral garages. The town houses have first floor living rooms with Juliette balconies to the rear.
- 2.09 Terrace block 2 runs north-south facing east and comprises 7x 2.5 storey dwellings of 3 bedrooms each with parking close to the frontages.
- 2.10 The two sets of semi-detached houses (referred to by the architect as “terraces 3 and 4”) are at the southernmost end of the site. They are both 3 storey and have 4 bedrooms each. Terrace block 4 is dual aspect, with one rear Juliette balcony and has 2 open parking spaces. Terrace block 3 has 4 parking spaces, one being in a garage.
- 2.11 There are 5 visitor spaces in the southern end of the site.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Local Plan 2017:: SP1, H1(14), DM1, DM2, DM5, DM6, DM23

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents** Adjoining neighbours were notified of the application as originally submitted. A site notice was also put up at the site. One objection has been received in response:

- *Serious concerns in regards to the safety terms of the traffic and pedestrians on the Tonbridge Road. The road is extremely fast with numerous left and right turns and "cut troughs". Large amount of lane changing takes place around the one way system or onto the London Road. The road is renowned*

for accidents (minor and major). Very recently there was a fatality. This road would not cope with the large amount of site traffic generated during construction.

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 **Environment Agency** No objection
- 5.02 **KCC Lead Local Flood Authority:** no comment
- 5.03 **Southern Water:** no comment
- 5.04 **Kent Police:** No comment
- 5.05 **UK Power Networks** No objections
- 5.06 **KCC Highways and Transportation: no objections:** The proposed parking provision is therefore considered acceptable and to be broadly in line with IGN3 standards. Sufficient cycle parking provision should be provided to meet the guidance recommended in SPG4. The additional swept path analysis for a refuse freighter, private car, pantechnicon and fire appliance provided by the applicant has been reviewed and is considered satisfactory. Therefore, the turning provision is considered adequate for both smaller and larger vehicles to turn and then exit onto the public highway in forward gear. Request conditions in regard to construction Management; surface water; vehicle parking spaces; vehicle loading/unloading and turning; pedestrian visibility splays.
- 5.07 **Parks and Open Space:** Reiterate the need for contributions (which were secured at outline stage)
- 5.08 **Waste Services** No objections subject to refuse storage provision allocated to the flats. Areas for houses to be storing and presenting bins. For the flats, the bin store must be no more than 10m from the point at which the vehicle parks. The vehicle must be able to enter and exit the site with minimal reversing manoeuvres.
- 5.09 **Environmental Protection Team:** No objections

6.0 APPRAISAL

Main Issues

- 6.01 The Planning Committee resolution for the outline planning permission is as follows: *The reserved matters application will be reported to the Planning Committee to consider the details of access, layout, scale, landscaping and appearance, as Members of the Planning Committee consider this to be a key site due to its prominent location adjacent to the railway station. In particular, Members of the Planning Committee want to address the set back of the development from Tonbridge Road and the elevational treatments to be used in the buildings. When submitting the reserved matters application, the applicant is strongly encouraged to implement a staggered approach to the building line proposed along the front (northern) boundary of the site. The applicant is advised that the Members of the*

Planning Committee wish to see high quality elevational materials used within the scheme such as panelling and tinted glass rather than render.

6.02 The key issues for consideration relate to:

- **Relationship with Tonbridge Road**
- **Visual Impact/Design**
- **Residential Amenity**
- **Highway Impact**

Relationship with Tonbridge Road

6.03 In terms of the relationship with Tonbridge Road, the scheme reflects the aspirations of the Planning Committee in terms of the 7m distance set back from Tonbridge Road, the staggered frontage to add articulation and interest and the use of materials that will weather well and complement the area. The area to the frontage is shown to have landscaping and the details of that are described in 18/500718/REM elsewhere in this agenda.

Visual Impact/Design

6.04 The block of flats is buff brick, some recessed panels of alternative texture of yellow/buff brick with feature aluminium spandrel panels of slate grey or a dark/royal accent colours. Windows (UPVC or aluminium) and doors, balconies and roof coping and rain water goods all to be slate grey. No render is shown to be used. There is a predominance of large windows to the Tonbridge Road and east frontage, windows and balustraded balconies to the south elevation are also in a contemporary style.

6.05 The houses are also modern in style with large full height windows to first floor level on the front elevation of the 2.5 storey types and to both upper floors on the town houses. The front elevations and any side elevations with a street scene impact are comprised of 2 colours of bricks or decorative brickwork with some area off artificial weatherboarding (blue-grey finish). Windows and doors, balconies and roof coping and rain water goods all to be slate grey.

6.06 There are simple canopies to the entrance doors. The dormer windows are gable fronted and relatively large but satisfactory bearing in mind the form of the dwellings. The roofs are to be slate and dormers are to be clad in metal standing seam.

Residential Amenity

6.07 The apartment block is 2m from the west boundary with The Vines Medical Centre. Windows to the west elevation of the flats are few in number to factor in that relationship.

6.08 The block is 9m from the eastern boundary with 3 Tonbridge Road which has a planning permission for redevelopment to flats and a pending application to increase the number of flats. These windows are generally serving living rooms and the staircase. These distances are considered to be satisfactory from a mutual privacy point of view in a town centre location such as this.

6.09 Terrace blocks 5 and 6 are set facing 13m from the east boundary and 12m from the west boundary which is towards dwellings in Vine Mews. This separation distance is considered to be acceptable but the land level differences (Vines Mews is set several metres above the application site) means that there could be an undesirable overlooking issue from the bedroom windows of part of the terrace so a condition is needed for further details of the level difference and window design to ensure

privacy remains at an acceptable. For the same reason, there is also a suggested condition for partial removal of permitted development rights in regard of 2/3 storey rear extensions for certain plots.

- 6.10 The 2.5 storey element of Terrace block 1 is set 19m from the northern boundary which is towards Vine Mews, which is considered to be an acceptable distance in terms of residential amenity. There are obscured glazed windows to the end flank. The 3 storey townhouses in the terrace are not abutting any gardens in Vine Mews.
- 6.11 Terrace 2 is set 21m from the western boundary to dwellings at 10-12 Rowlands Close. This is an acceptable. However, the distance to the garden of 16 Rowland Close is only 13m so overlooking could be an issue. Hence a condition is needed for further details of the level differences and window design to ensure privacy remains acceptable. For the same reason, there is also a suggested condition for partial removal of permitted development rights in regard of 2/3 storey rear extensions for certain plots.

Highway impact

- 6.12 There are no objections to the parking layout or onsite turning, as these arrangements meet the appropriate standards. Kent Highways raise no objection to the scheme.
- 6.13 Concerns raised to the increase in traffic movements have already been assessed in the granting of the covered by the outline planning permission

7.0 CONCLUSION

- 7.01 It is considered that the scheme accords with the aspirations of the Planning Committee when they determined the outline planning permission and meets all other relevant policies subject to additional conditions to safeguard privacy.

8.0 RECOMMENDATION

APPROVE reserved matters subject to the following conditions:

- 1 No development above slab level of Terrace 2 or Terrace 5 shall take place until details of their relationship in terms of overlooking from first floor rear windows to neighbouring private garden areas in Rowland Close and Vine Mews respectively have been submitted to and approved by the Local Planning Authority. The details shall include proposed mitigation measures which shall be implemented as approved and retained thereafter.

Reason: To safeguard neighbouring residential amenity.

- 2 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 A (h) (enlargement beyond the rear wall more than single storey) shall be carried out to the plots 13, 14, 15, 16, 21, 22 without the permission of the local planning authority;

Reason: To safeguard neighbouring residential amenity.

3 The development hereby permitted shall be carried out in accordance with the following approved plans/drawings;

12 Jan 2018	4213 PL 0001 B	Existing Site Plan
12 Jan 2018	4213 PL 1000 G	Proposed Site Plan
12 Jan 2018	4213 PL 203-1 C	Terrace 3 Plans
12 Jan 2018	4213 PL 204-1 C	Terrace 4 Plans
12 Jan 2018	4213 PL 253-1 D	Terrace 3 Elevations
12 Jan 2018	4213 PL 254-1 E	Terrace 4 Elevations
12 Jan 2018	4213 PL 261 D	Typical House Sections Type D-G
12 Jan 2018	4213 PL 262 D	Typical House Sections Type F
12 Jan 2018	4213 PL 600 G	Apartments Ground Floor Plan
12 Jan 2018	4213 PL 601 E	Apartments First Floor Plan
12 Jan 2018	4213 PL 602 E	Apartments Second Floor Plan
12 Jan 2018	4213 PL 603 E	Apartments Third Floor Plan
12 Jan 2018	4213 PL 604 C	Apartments Roof Plan
12 Jan 2018	4213 PL 651 F	Apartments North Elevation
12 Jan 2018	4213 PL 652 G	Apartments East Elevation
12 Jan 2018	4213 PL 653 G	Apartments South Elevation
12 Jan 2018	4213 PL 654 E	Apartments West Elevation
12 Jan 2018	4213 PL 670 E	Apartments Typical Sections
15 Feb 2018	4213 PL 201-1 Rev D	Proposed Terrace 1 Plans Sht 1
15 Feb 2018	4213 PL 201-2 Rev D	Proposed Terrace 1 Plans Sht 2
15 Feb 2018	4213 PL 202-1 Rev D	Proposed Terrace 2 Plans Sht 1
15 Feb 2018	4213 PL 202-2 Rev D	Proposed Terrace 2 Plans Sht 2
15 Feb 2018	4213 PL 205-1 Rev F	Proposed Terrace 5 Plans Sht 1
15 Feb 2018	4213 PL 205-2 Rev F	Proposed Terrace 5 Plans Sht 2
15 Feb 2018	4213 PL 206-1 Rev B	Proposed Terrace 6 Plans Sht 1
15 Feb 2018	4213 PL 206-2 Rev B	Proposed Terrace 6 Plans Sht 2
15 Feb 2018	4213 PL 251-1 Rev E	Proposed Terrace 1 Elevations Sht 1
15 Feb 2018	4213 PL 251-2 Rev E	Proposed Terrace 1 Elevations Sht 2
15 Feb 2018	4213 PL 252-1 Rev E	Proposed Terrace 2 Elevations Sht 1
15 Feb 2018	4213 PL 252-2 Rev E	Proposed Terrace 2 Elevations Sht 2
15 Feb 2018	4213 PL 255-1 Rev H	Proposed Terrace 5 Elevations Sht 1
15 Feb 2018	4213 PL 255-2 Rev H	Proposed Terrace 5 Elevations Sht 2
15 Feb 2018	4213 PL 256-1 Rev D	Proposed Terrace 6 Elevations Sht 1
15 Feb 2018	4213 PL 256-2 Rev D	Proposed Terrace 6 Elevations Sht 2
15 Feb 2018	4213 PL 660 Rev J	Proposed Apartments North & East Elevations
15 Feb 2018	4213 PL 661 Rev J	Proposed Apartments South & West Elevations
23 Feb 2018	4213 PL 700	Refuse Bin Storage
23 Feb 2018	4213 PL 701 Rev A1	Apartment Bin Store Location
23 Feb 2018	701 Rev B	Vehicle Swept Path Refuse Lorry Sheet 1
23 Feb 2018	702 Rev B	Vehicle Swept Path Refuse Lorry Sheet 2
23 Feb 2018	703 Rev B	Vehicle Swept Path Family Car Sheet 3
23 Feb 2018	704 Rev B	Vehicle Swept Path Pantechnican Sheet 4
23 Feb 2018	705 Rev B	Vehicle Swept Path Pantechnican Sheet 5
23 Feb 2018	706 Rev B	Vehicle Swept Path Fire Tender Sheet 6
23 Feb 2018	707 Rev B	Vehicle Swept Path Fire Tender Sheet 7
06 Mar 2018	4213 PL 701 Rev A1	Apartment Bin Store Location
07 Mar 2018	4213 PL 40 Rev 2A	Corbens Place Elevational Treatment
13 Apr 2018	e-mail	Material References
13 April 2018	4213 PL 1010	Plot numbers

Reason: To accord with the terms of the application.



18/500353/FULL Church Farm, Ulcombe Hill, Ulcombe

Scale: 1:2500

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REPORT SUMMARY

REFERENCE NO - 18/500353/FULL		
APPLICATION PROPOSAL Variation of Condition 6 of planning permission MA/13/1645 (erection of polytunnels) to allow polytunnels to be covered with polythene between the 14 th February and 15 th November.		
ADDRESS Church Farm Ulcombe Hill Ulcombe Kent ME17 1DN		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION Polytunnels of this type and scale in this location have already been permitted and this application only seeks to increase the coverage of the frames by 2 weeks either side of the time currently allowed in planning terms. It is accepted that there is an agricultural need for this extension of time; and the additional time the polytunnels would be covered for remains acceptable in visual impact terms.		
REASON FOR REFERRAL TO COMMITTEE - Ulcombe Parish Council wish to see the application refused and reported to Planning Committee		
WARD Headcorn	PARISH COUNCIL Ulcombe	APPLICANT G Charlton And Sons AGENT DHA Planning
DECISION DUE DATE 30/04/18	PUBLICITY EXPIRY DATE 23/02/18	OFFICER SITE VISIT DATE 26/01/18
RELEVANT PLANNING HISTORY:		

18/501451/SUB - details pursuant to condition 3 (sustainable drainage) of MA/13/1645 - Under consideration

MA/14/0431 - Details of conditions 2 (landscaping), 3 (sustainable drainage), and 7 (wildlife Habitat creation, enhancement and management programme) pursuant to MA/13/1645 - Split decision (condition 3 refused)

MA/13/1645 - Erection of 10ha of polytunnels - Approved

MAIN REPORT

- The previous case officer's delegated report for MA/13/1645 is attached for reference (Appendix 1).

1.0 SITE DESCRIPTION

1.01 The application site is located on land at the southern end of Church Farm, at the foot of the Greensand Ridge Landscape of Local Value (previously a Special Landscape Area), approximately 300m to the west of Ulcombe village. The farm boundaries are made up of hedgerows and trees which extend along the boundaries with Ulcombe Hill and the western boundary of the village; and the area is generally characterised by a patchwork of enclosed arable fields and orchards. Part of the farm is visible from the residential properties located on the west side of The Street, and from the public footpath KH320 which passes through the farm in an east/west direction.

2.0 PROPOSAL

2.01 Under MA/13/1645, the erection of 10ha of polytunnels for strawberry and raspberry production was approved on the applicant's rented 51ha fruit holding.

2.02 This proposal is to vary condition 6 of MA/13/1645 which states:

The polytunnels hereby permitted shall only be covered with polythene between the 1st March and the 31st October.

Reason: In the interests of visual amenity.

- 2.03 The applicant now seeks to extend this timeframe by around 2 weeks either side of the imposed dates, so that the polytunnels will be covered between 14th February and 15th November each year.
- 2.04 To inform Members, MA/13/1645 was permitted for 10ha of polytunnels to provide for strawberry/raspberry production. The polytunnels are some 8m wide and some 3.75m in height; and are set out in a general north/south alignment.

3.0 POLICY/ OTHER CONSIDERATIONS

- Maidstone Local Plan (2017): SS1, SP17, DM1, DM3, DM30, DM36
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** 3 representations received raised following main (summarised) points:

Visual impact; increased traffic generation; increased noise; flood risk/drainage; farm vehicles churn up footpaths; polytunnel materials coming loose and littering countryside and/or being burned, causing pollution; and alleged breach of current planning conditions.

5.0 CONSULTATIONS

- 5.01 **Ulcombe Parish Council:** Wish to see application refused and reported to Planning Committee (comments summarised below);

"Wish to see this application refused "in the interests of visual amenity" and harm to the area for an additional four weeks."

- 5.02 Please note that Ulcombe Parish Council previously wished to see the original application for the polytunnels themselves (MA/13/1645) approved.

- 5.03 **Agricultural Advisor:** Raises no objection.

- 5.04 **Environment Agency:** Raises no objection.

6.0 APPRAISAL

Main issues

- 6.01 Under MA/13/1645, permission has been permitted (and implemented) for 10ha of polytunnels on this site. This application is therefore only concerned with the merits of increasing the coverage of the frames by 2 weeks either side of the time currently permitted (a total of 4 weeks).
- 6.02 MA/13/1645 was considered under the Maidstone Borough-Wide Local Plan 2000, and this document has since been superseded by the 2017 Local Plan. Now, development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area. Policy DM36 of the Local Plan provides policy support for polytunnels provided certain issues are addressed, including:

- How surface water run-off will be dealt with and controlled;*
- Inclusion of rotation programme for covering/uncovering of structures/frames, which explores possibility of following seasons; and*
- Inclusion of programme for maintenance and enhancement of existing field margins in interests of encouraging biodiversity.*

6.03 In accordance with the relevant policies of the Maidstone Local Plan (as stated above) the main issues to be considered here are: is there reasonable justification for the time extension of coverage; does this result in unacceptable visual harm when compared to current situation; and does this accord with policy DM36 of the Local Plan.

6.04 In accordance with Local Plan policy and the NPPF, I will now go on to consider the details of this planning application.

Justification for extending time polytunnels are covered

6.05 The rationale for this proposal is to extend the growing season to meet supermarket customers' demand, and enable G. Charlton & Sons to remain competitive against other growers, and maintain market share against foreign imports. The Agricultural Advisor is satisfied that there is a strong and rational case for this, and considers the proposal to be necessary for agriculture, having regard to Local Plan policy DM36, in that it is designed to assist the sustainability of the applicant's significant local farm business and support the provision of UK produce.

Visual impact

6.06 As set out under the original approval for these polytunnels, whilst there is a public footpath that runs through the site, Church Farm is enclosed by hedgerows and trees and it is not generally visible from views outside of the site from Ulcombe Hill, or The Street, or from views from the Low Weald to the south. It was accepted that notwithstanding the scale of the proposed site coverage, the low height and profile of the polytunnels; the undulating nature of the site; the retention of the existing hedgerows and additional landscaping (since approved under MA/14/0431); and the retention of an 8m wide separation zone around the site, the impact upon the character and appearance of the countryside/Special Landscape Area (now a Landscape of Local Value) was acceptable.

6.07 Another part of this justification for approving the polytunnels was that they would be uncovered for 4 months of each year. This proposal would now see the polytunnels uncovered for 3 months of the year. As set out above, the proposal is necessary for the purposes of agriculture and the principle of polytunnels here has been accepted. Given what is a short 2 week extension of coverage either side of what is already allowed, it is difficult to argue that the proposal would now result in unacceptable visual harm and any harm that is caused needs to be balanced against the benefits that have been outlined. For that reason, there is no objection to the proposal on the grounds of visual amenity.

Other considerations

6.08 In terms of policy DM36 of the Local Plan, details of sustainable drainage are being considered separately under 18/18/501451/SUB and this does not impact upon the determination of this application. Furthermore, Church Farm is not located within an area liable to flooding and there are no residential or other buildings located in close proximity to the site. As such, no objection continues to be raised in terms of surface water drainage and flood risk.

6.09 The landscaping and ecological enhancement schemes approved under MA/14/0431 (related to conditions 2 and 7 of MA/13/1645) remain adequate and have been implemented; and given that the polytunnels are existing, it is not now considered justified to insist on a rotation programme for covering/uncovering of structures/frames. Given the nature of the proposed amendments, no objection is still raised in terms of highway safety/traffic generation, or residential amenity (including noise).

6.10 The main concerns raised by local residents and Ulcombe Parish Council have been addressed in the main body of this report. However, it should be added that the alleged churning up of footpaths by farm vehicles, littering and burning of polythene, are not material planning considerations that can be considered in the determination of this application. Any alleged breach of planning conditions should also be reported to the Planning Enforcement Team, with any claim then being investigated through the appropriate channels.

7.0 CONCLUSION

7.01 It is important to reiterate that polytunnels of this type/scale in this location have already been permitted, and this application cannot consider the principle and can only assess the increase in the coverage of the frames by 2 weeks either side of the time currently allowed in planning terms.

7.02 It is accepted that there is an agricultural need for this modest extension of time, in order for the applicant to remain competitive; and the additional time the polytunnels would be covered for remains acceptable in visual impact terms. It is therefore considered that the balance of issues fall in favour of the proposal and planning permission should therefore be granted.

8.0 RECOMMENDATION

8.01 GRANT planning permission subject to the following conditions:

(1) The development hereby approved shall be carried out in accordance with the landscaping scheme (including provision for its long term maintenance), as approved under MA/14/0431. Any part of the hedgerows or trees becoming dead, dying or diseased shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority and shall be retained at all times in accordance with the terms of this condition;

Reason: In the interests of visual amenity.

(2) Within 1 month of the date of the permission hereby granted, details of a sustainable drainage system shall be submitted for approval in writing to the Local Planning Authority and shall include a programme of long term management and maintenance. The approved scheme shall be subsequently implemented within 1 month of the Local Planning Authority approving the details and maintained as such thereafter;

Reason: To ensure that surface water runoff is appropriately attenuated in order to minimise the risk of flooding.

(3) The development hereby permitted shall be carried out in accordance with the following approved plan: DHA/9800/10 (as submitted under MA/13/1645);

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

(4) The polytunnels, including all structures and polythene hereby permitted, shall be removed and the land upon which they are sited, restored to its former condition, if the land is not used for soft fruit production for more than two years in a row;

Reason: Permission has been granted to meet the needs of agriculture and to avoid undue proliferation of built mass within the countryside.

- (5) The polytunnels hereby permitted shall only be covered with polythene between the 14th February and 15th November each year;

Reason: In the interests of visual amenity.

- (6) The development hereby approved shall be implemented and maintained in accordance with the measures for wildlife habitat creation and enhancement (including a long term management programme), as approved under MA/14/0431;

Reason: To conserve and enhance biodiversity.

- (7) The polytunnels hereby approved shall not exceed 3.75 metres in height above ground level;

Reason: In the interests of visual amenity.

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.

File ref: 13/1645

Case Officer: Graham Parkinson

Date: 18-Nov-2013

Delegated Report

CHURCH FARM, ULCOMBE HILL, ULCOMBE, MAIDSTONE, KENT, ME17 1DN

Erection of 10 ha (25 acres of polytunnels) each polytunnel being approximately 3.75 metres in height and having a width of approximately 8 metres as shown on drawing no: DHA/9800/10.

Publicity Expiry Date: 04-Nov-2013

Has statutory consultation and neighbour notification been properly carried out? YES

Has the application been properly advertised? YES				
No	the decision would not conform to the provisions of the Development Plan is a major development	No	was accompanied by an EIA	No
No	would affect a public right of way affects a conservation area	No	is of wide public interest	No
No	affects a listed building	No	affects a listed building	No
Is it necessary to consult the Sec. of State (GOSE) before determining this application? No				
No	T&CP (Shopping Development) (England a& Wales) (No 2) Direction 1993	specified retail developments over 2,500m ²		
No	Circular 14/97 'Planning & Historic Environment' Appendix A applications	specified listed building consent		
<input type="checkbox"/>	T&CP (Development Plans & Consultation) (Departures) Direction 1999	specified major departures from Development Plan		
<input type="checkbox"/>	Circular 9/98 T&CP (Playing Fields) (England) Direction 1998	loss of specified playing fields		
<input type="checkbox"/>	Circular 8/00 T&CP (Residential Development on Greenfield Land) (Eng) Direction 2000	more than 150 dwellings or 5 hectares of housing		
Do the matters considered in this report raise any unique Human Rights issues? No				

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV34, ENV28

Government Policy: NPPF

RELEVANT HISTORY :

13/1066: Application for prior notification of agricultural permitted development being the construction of a reservoir- PRIOR APPROVAL GRANTED - 09-Aug-2013

At Rumwood Green Farm, Sutton Road Langley, also in the ownership of the applicant, under ref:MA/13/0541 retrospective planning permission was granted for amongst other things, the retention of polytunnels and a proposed change of use of land for the storage of 17 additional seasonal and general workers caravans with limited occupation during winter period . This was approved on the : 31 May 2013

The above polytunnels were to be in a total of 42 rows covering a total of 2.97 ha.

CONSULTATIONS

Newspaper Advertisement Expiry Date: N/A

Parish Council: Wish to see planning permission granted. In addition The Parish Council requested, and the applicant agreed, that the hedge line running north to south towards Lodge Close, separating the polytunnel field from the orchard, would be extended along

the field boundary to provide additional screening and reduce visibility from The Street. Suitable trees would be chosen for the wet ground.

Rural Advisor:

The applicants operate a well-established, relatively large and developing local top fruit and soft fruit farming enterprise, which has been expanded over recent years by the purchase and long-term leasing of additional land. The overall farmed acreage now comprises the following:

Owned:

Rumwood Green Farm, Langley, 42 acres (17 ha) top and soft fruit
Arnold Farm, Leeds, 85 acres (34 ha) soft fruit
Ivy House Farm, Liverton, 60 acres (24 ha) top fruit

Rented on up to 18 year leases:

Parkwood Farm, Boughton Monchelsea, 90 acres (36 ha) stone fruit and soft fruit
Rockwell Farm, East Farleigh, 29 acres (12 ha) top fruit
Ladds Court Farm, Chart Sutton, 135 acres (55 ha) stone fruit and top fruit
Fairview Farm, Loose, 46 acres (19 ha) top fruit
Homesby Court Farm, Ulcombe, 65 acres (26 ha) top fruit
Church Farm, Ulcombe, 126 acres (51 ha) – see below

The overall cropping currently includes some 276 acres (112 ha) apples and pears, with a further 65 acres (26.3 ha) due to be planted this year or next; 20 acres (8 ha) cherries; and 115 acres (46.5 ha) table top strawberry production under tunnels.

The Church Farm area referred to above includes 25 acres (10 ha) existing orchards and 100 acres (41 ha) of arable land that has been taken on just recently, which is going to be planted with 67 acres (27 ha) of orchards, as well as the 25 acres (10 ha) of polytunnels for strawberry and raspberry production which is the subject of this application.

The applicants have recently constructed a 5,400,000 gallon winter storage reservoir at Church Farm for irrigation of the fruit, approved under MA/13/1066.

Polytunnels have been approved elsewhere on the applicants' farms (e.g. MA/13/0541) and further afield in the Borough. They are now a common feature of fruit production across Kent and elsewhere in the UK.

The tunnels effectively comprise units of production in themselves, and may be considered inherently required and appropriate for the purpose of modern UK strawberry and cane fruit production.

The system has a number of advantages over conventional unprotected growing including the ability to protect the crop from the wind and rain, reduce pesticide/ fungicide use, extend the growing season, provide better yields and continuity of supply, and greater ease of managing the plants and picking the fruits. The use of tunnels assists UK growers to meet customer demand as opposed to what might be regarded as the less sustainable alternative of foreign imports.

I consider, therefore, that the proposed polytunnels here to be necessary to the developing

agricultural production on this holding.

MBC landscape Advisor:

There are no protected trees on this site although there are likely to be 'important' hedgerows under the Hedgerow Regulations. However, the proposed erection of polytunnels and the planting of orchards does not appear to necessitate the removal of any existing woodland, individual trees or hedgerows so I raise no objection on arboricultural grounds.

In a wider landscape context the site falls within the Maidstone Landscape Character Assessment area 42, Ulcombe Mixed Farmlands. The generic guidelines for the Low Weald and the summary of actions for this area include the following:

- Consider views towards any proposals across the Low Weald from the elevated Greensand Ridge which rises to the north and the High Weald which rises to the south west
- Conserve the extensive tree cover provided by frequent woodland blocks, orchards and oak trees
- Conserve the pastoral land use and resist conversion to arable land
- Conserve and enhance the small scale, mosaic like field pattern
- Avoid further field segregation using post and wire fencing and encourage the reinstatement of native hedgerow boundaries where these have been removed
- Conserve the distinctive amount of oak trees within the landscape, and plant new isolated specimens and hedgerow standards to replace ageing specimens

It should be noted though, that the applicant has not submitted a landscape appraisal enabling the visual and landscape impacts of the erection of polytunnels to be fully considered.

KCC Biodiversity: Generally have little comments to make on polytunnels particularly when they are located on arable fields.

However it is noted that there is an intention to create wildlife buffers. These should comprise wild flowers found within arable fields to ensure that they will establish on the nutrient rich soil due to the heavy use of fertiliser on already farmed areas.

Upper Medway Internal Drainage Board: The site of the above planning application, whilst being outside of the Upper Medway IDB's district drains to it via ordinary watercourses. This proposal, due to its scale, has the potential to significantly affect local drainage and flood risk. Note the intention to dispose of surface water by means of a sustainable drainage system but no details appear to have been provided details.

Neighbours: 19 properties were consulted in Ulcombe approximately 300 metres to the east of the application site. No representations received.

Disabled Considerations: None

Environmental Health Considerations: None

Highways Considerations: None

Public Safety Considerations: None

CONSIDERATIONS

Site Visited: 11th October 2013

SITE DESCRIPTION:

The application site is located on land at the southern end of Church Farm at the foot of the Greensand ridge on gently sloping land approximately 300 metres to the west of Ulcombe village.

The farm boundaries of the farm are made up of hedgerows and trees which extend along the boundaries with Ulcombe Hill and the western boundary of the village.

The area is generally characterised by a patchwork of enclosed arable fields and orchards.

Part of the farm, is visible from the residential properties located on the west side of The Street and from the public footpath KH320 which passes through the farm in an east/west direction.

In addition to the proposed polytunnels, 27 ha (67 acres) of new apple orchards (Gala variety) (approximately 80,000 trees) will be planted in the winter planting season 2014/2015.

DESCRIPTION OF PROPOSAL:

Planning permission is sought for the erection of 10 ha (25 acres) of polytunnels to provide for strawberry/raspberry production on land located at the southern end of the farm.

Each polytunnel will be constructed from a hooped tubular steel framework. The polytunnels will be approximately 8.0 metres in width and 3.75 metres high and be covered in polythene sheeting. They will be set out on a north south alignment and follow the contours of the land which falls from north to south.

The polytunnels will be set back from the existing field and hedgerow boundaries by 8 metres to allow for maintenance and to provide for ecology enhancements.

The polytunnels will be covered for an 8 month period from March to the end of October. For the remaining period of the year the tunnels will be uncovered and the covering will be rolled-back and strapped to the sides of the frames which will remain permanently in situ. The metal frameworks will be subject to annual inspection and maintenance and replaced as necessary.

The polytunnels are required as a result of the need to meet customer and market demand for strawberry/raspberry production. It is anticipated that in 2015 following the erection of the polytunnels 200 tonnes of raspberries or 400 tonnes of strawberries will be produced at the farm.

In addition to the proposed polytunnels, 27 ha (67 acres) of new apple orchards (Gala variety) (approximately 80,000 trees) will be planted in the winter planting season 2014/2015 on the currently open area between the application site and the edge of Ulcombe to the east.

DISCUSSION:

The key issues in relation to this application are considered to be (a) principle (b) justification (c) impact on the rural and Special Landscape character of the area (d) impact

on general amenity (e) wildlife and habitats (f) flooding and (g) highway and parking considerations.

Principle:

Policy ENV34 of the adopted local plan seeks to resist development in Special Landscape Areas (SLA) where landscape protection and conservation will be given priority over other landscape considerations.

One of the 12 core planning principles set out in paragraph 17 of the NPPF states that LPA's should :

- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

In addition the NPPF also seeks to promote a prosperous rural economy and at paragraph 28 amongst other things states that:

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development by:

- promoting the development and diversification of agricultural and other land-based rural businesses.

The site falls within an SLA, and the NPPF makes clear at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in, amongst other things, AONB's. No specific countryside protection is afforded to areas outside AONB's on landscape quality grounds apart from recognition of the intrinsic character and beauty of the countryside.

Given that polytunnels are now (a) an accepted part of agricultural infrastructure in many rural areas providing benefits both in operational terms while meeting acknowledged consumer demand for produce and (b) taking into account the requirements of the NPPF to support the rural economy, it is therefore considered that unless there are compelling landscape concerns incapable of being addressed, the development is acceptable in principle and matters turn on detailed considerations.

Justification:

Given the recognition of the intrinsic character and beauty of the countryside set out in the NPPF, the Council first needs to be satisfied that the proposal is justified and proportionate to the scale of need that has been identified.

In this context the rural advisor considers that the proposed polytunnels, which are now a recognised part of agricultural operational development, are necessary to the developing agricultural production of this holding. In these circumstances and taking into account the weight given in the NPPF to supporting agricultural enterprises such as this, it is considered there is sufficient economic and operational justification to support the proposed development.

Impact on the rural and Special Landscape character of the area:

Though the proposed polytunnels will have a low height and profile and for part of the year will not be covered, with only the hoops left in situ, when in use they will have a significant cumulative visual impact. As such they have the potential to have an adverse impact on the wider landscape unless the site levels and existing and proposed landscaping all combine to provide sufficient visual mitigation.

Church Farm is currently enclosed by hedgerows and trees and is not generally visible from views outside of the site from Ulcombe Hill or The Street or from views from the Low Weald to the south.

The polytunnels will be located over 300 metres from the closest neighbouring properties in The Street and will be screened from those properties by existing hedgerows and trees. In addition, the new apple orchard planting, proposed to take place in the winter of 2014/2015 on the land to the east and adjacent to the rear of the properties in The Street, will further screen views of the polytunnels from properties located next to the farm on the west side The Street.

However as these trees will be planted for agricultural purposes and could be felled without consent, it is not considered that their screening contribution can be given much weight in mitigating the landscape impacts of the proposed polytunnels. However given the wide separation and generally low profile of the polytunnels and additional hedgerows to be retained, it is considered that there is sufficient mitigation without reliance being placed on screening provided by the proposed orchard.

Dealing with views from public vantage points from close range, there is a public footpath crossing the site from west to east and from which views of the polytunnels will be clearly visible notwithstanding that the footpath follows the line of an existing hedgerow on its northern side.

It would be difficult to completely screen the footpath from having any view of the polytunnels. However there is no reason why additional native screening cannot be secured by condition which will also have the additional benefit of increasing wildlife habitats.

Turning to the comments made by the MBC landscape advisor, regarding the impact on the Low Weald, the proposal will have no effect on the existing tree cover in the locality. The proposal to plant a large orchard will add substantially to existing tree cover within the locality in any event.

Regarding conservation of pastoral land use and resistance of conversion to arable land, the application site is already in use for this purpose. However as the use of land for agriculture is 'not development' it is difficult to see how this can aspiration be secured without the voluntary agreement with landowners.

Conservation and enhancement of the small scale, mosaic like field pattern is another aspiration. The proposed polytunnels will sit within existing field boundaries and as such there will be no changes to the existing field pattern but as no enhancement either. However in the absence of an adopted policy to secure such enhancements, it is not considered that this can be delivered as part of this application.

In connection with the need to avoid further field segregation by use of post and wire fencing while encouraging the reinstatement of native hedgerow boundaries where these have been removed, the proposal does not affect existing hedgerows or proposes

additional fencing. However the applicants propose an 8 metre wide margin around the respective field boundaries to allow for maintenance of the polytunnels and for biodiversity enhancements. While this is considered to go some way to meeting the aspirations set out given wider concerns relating to the visual impact of the polytunnels in general and their siting in this sensitive landscape, it is considered that a condition should be imposed requiring additional landscaping to meet the above aspirations.

There is also the need to conserve distinctive oak trees within the landscape, plant new isolated specimens and hedgerow standards to replace ageing specimens. No existing trees or hedgerows are affected by the proposal though it is not proposed to provide any additional landscaping in excess of this. Again imposition of a landscaping condition is considered appropriate in addressing this.

The concern that the application did not submit a landscape appraisal is noted. However the applicants, in their planning statement refer to the landscape impacts and measures to mitigate this which is considered sufficient in the circumstances.

It is therefore concluded that notwithstanding the sheer scale of the proposed site coverage, given the low height and profile of the polytunnels, that the undulating nature of the site will help to further to reduce their combined impact, retention of existing hedgerows along with provision of additional landscaping, retention of an 8 metres wide separation zone around the site and conditions requiring covers to be removed as specified by the applicants, it is considered that their impact on the SLA and rural character of the area is acceptable.

Impact on residential amenity:

The nearest residential properties to the proposed development are over 300 metres to the east in Ulcombe village looking across land which is mainly level. Given this separation distance and the presence of existing hedgerows (for the reasons already set out above it is not appropriate to give significant weight to the proposed orchard) no material harm is identified to the visual amenity of these properties.

Wildlife and habitat considerations:

The application has not been accompanied by an ecological appraisal. However the application site comprises species poor, regularly farmed, arable farmland. However the hedgerows and trees to be retained on the site perimeters clearly provide habitats for wildlife.

The polytunnels will be set back from the existing field and hedgerow boundaries by 8 metres allowing for maintenance and to provide for ecology enhancements. In conjunction with the additional landscaping required by condition, will, it is considered, be sufficient to meet the requirements to conserve and enhance biodiversity set out in paragraph 118 of the NPPF.

The comments of KCC Biodiversity are noted and which should be drawn to the applicant's attention by informative.

Flooding:

The applicants advise that water run-off during the spring and summer months when the tunnels are covered will drain naturally to the surrounding uncovered land. Church Farm is not located within an area liable to flooding and there are no residential or other buildings located in close proximity to the site.

Nevertheless given the comments of the UMIDB it is considered that a condition should be imposed requiring submission of details of a sustainable drainage system to attenuate surface water runoff.

Highway and parking considerations:

In traffic generating terms the use of the land for agriculture does not require planning permission. Given that the use of the land is not subject to planning control it therefore follows that the polytunnels cannot be seen as traffic generators in their own right over and above existing background traffic generated as part of the normal operational requirements of the farm.

Conclusions:

- No objection is identified to the principle of development particularly given the advice contained in NPPF promoting the development and diversification of agricultural and other land-based rural businesses.
- That the polytunnels are justified in agricultural terms.
- The visual impact on the SLA and rural character of the area and public footpath crossing the site is acceptable.
- That the proposal will enable sufficient provision to be made for wildlife in accordance with the requirements of the NPPF
- No objection is identified on highway or parking grounds.

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

RECOMMENDATION

GRANT PLANNING PERMISSION

DECISION

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. Before the development hereby approved commences a detailed landscaping scheme (including provision for its long term maintenance) shall be provided for prior approval in writing by the Local Planning Authority to address the following:

(a) Details of native species hedgerow and tree planting to amplify the existing hedgerow currently running along the northern side of the public footpath shown on drawing no: DHA/9800/10 crossing the site in an east to west direction. The proposed scheme shall amplify the existing hedgerow while making provision for a new hedgerow to enclose the whole length of the footpath along its southern length where it crosses the application site.

(b) the hedge line running north to south towards Lodge Close, separating the polytunnel field from the orchard be extended along the field boundary to provide additional screening and reduce visibility from The Street. Native tree species suitable for wet ground should be chosen.

(c) Plant new isolated specimen oak trees within the landscape in sitings to be agreed in writing with the Local Planning Authority beforehand while replacing aging specimens in existing hedgerows

The approved landscaping shall be planted in the first available planting season. Any part of the hedgerows or trees becoming dead, dying or diseased shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority and shall be retained at all times in accordance with the terms of this condition.

Reason: In the interests of visual amenity.

3. Before development commences details of a sustainable drainage system shall be submitted for prior approval in writing by the Local Planning Authority and which shall include a programme of long term management and maintenance. The approved scheme shall be subsequently implemented and maintained in accordance with the provisions of the approved management programme.

Reason: To ensure that surface water runoff is appropriately attenuated in order to minimise the risk of flooding.

4. The development hereby permitted shall be carried out in accordance with the following approved plan: as shown on drawing no: DHA/9800/10.

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

5. The polytunnels, including all structures and polythene hereby permitted, shall be removed and the land upon which they are sited, restored to its former condition, if the land is not used for soft fruit production for more than two years in a row.

Reason: Permission has been granted to meet the needs of agriculture and to avoid undue proliferation of built mass within the countryside

6. The polytunnels hereby permitted shall only be covered with polythene between the 1st March and the 31st October.

Reason: In the interests of visual amenity.

7. Before the development hereby approved commences measures for wildlife habitat creation and enhancement (including a long term management programme) shall be submitted for prior approval in writing by the Local Planning Authority .

The approved scheme shall be implemented and maintained in accordance with the approved management programme.

Reason: To conserve and enhance biodiversity in accordance with paragraph 118 of the National Planning Policy Framework.

8. The polytunnels hereby approved shall not exceed 3.75 metres in height above ground level.

Reason: In the interests of visual amenity

Informative

1. The creation of wildlife buffers should include wild flowers found within arable fields to ensure that they will establish on nutrient rich soil due to the heavy use of fertiliser on already farmed areas.

Note to Applicant

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

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

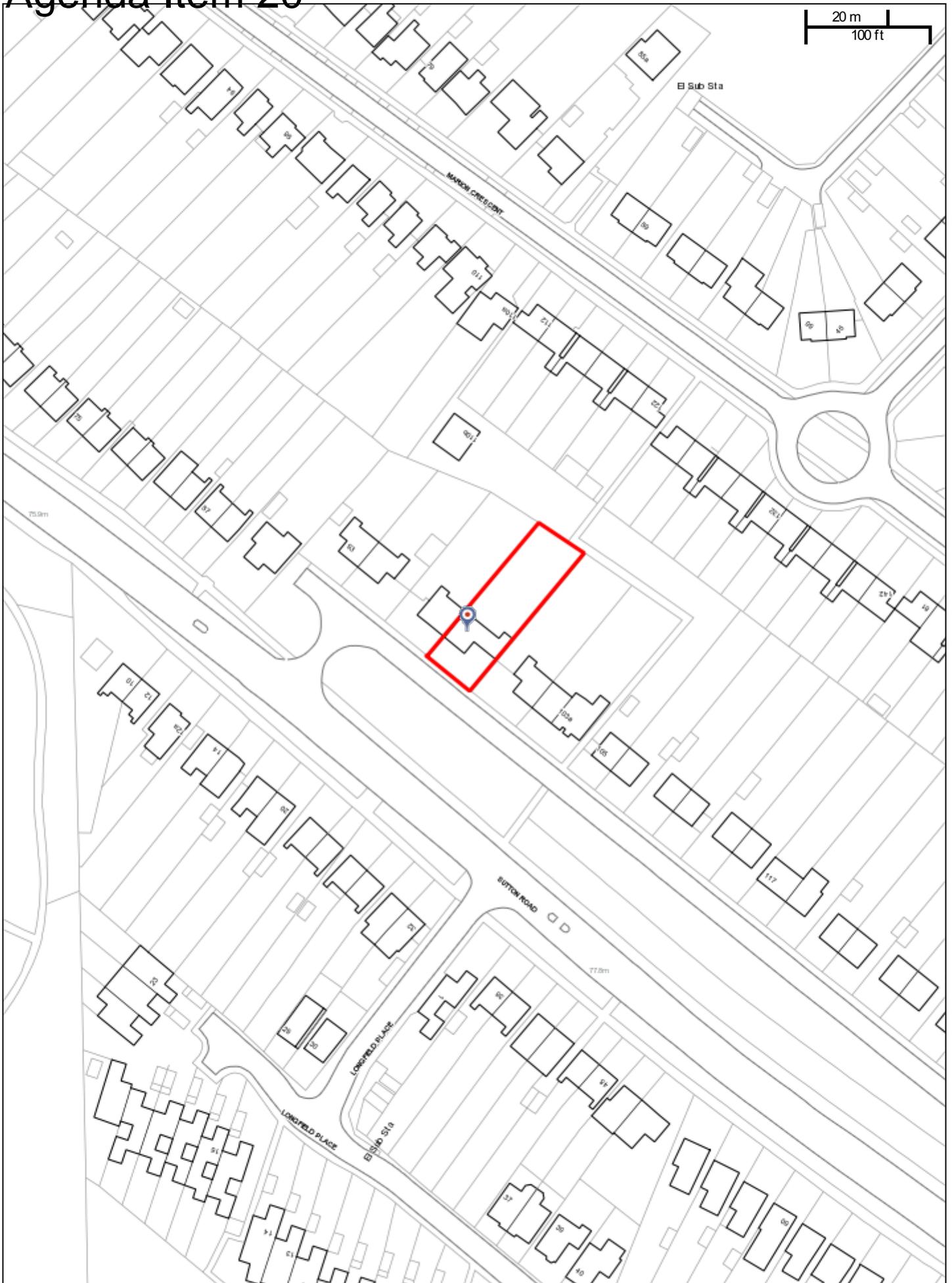
The applicant/agent was advised of minor changes required to the application and these were agreed.

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

Maidstone Borough-Wide Local Plan 2000: ENV34, ENV28

Agreed by PPO S Clarke Date 18/11/2013

Agenda Item 20



18/500469/FULL 99 Sutton Road, Maidstone, Kent

Scale: 1:1250

Printed on: 16/4/2018 at 10:49 AM by JoannaW

REPORT SUMMARY

26 April 2018

REFERENCE NO - 18/500469/FULL			
APPLICATION PROPOSAL - Demolition of an existing garage and the erection of a new three bedroom dwelling.			
ADDRESS - 99 Sutton Road Maidstone Kent ME15 9AD			
RECOMMENDATION - GRANT PLANNING PERMISSION subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION - The proposal is acceptable in terms of design and no material harm will be caused to the character, appearance or layout of the vicinity of the site. The proposal does not result in any material harm to the outlook or amenity of neighbouring occupiers or any significant highways safety concerns. It accords with relevant policies of the development plan and the NPPF and will make a valuable windfall contribution towards the provision of housing units within the Borough.			
REASON FOR REFERRAL TO COMMITTEE – The applicant's wife is an employee of Maidstone Borough Council.			
WARD Shepway North	PARISH/TOWN COUNCIL N/A	APPLICANT Mr M Cox AGENT CK Designs	
DECISION DUE DATE 03/04/18	PUBLICITY EXPIRY DATE 02/03/18	OFFICER SITE VISIT DATE 15/02/2018	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
17/503975/FULL	Demolition of an existing garage and the erection of a new three bedroom dwelling	Approved	12/10/2017

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is a broadly rectangular shaped plot of land currently occupied by a two-storey semi-detached dwelling, with a large attached single storey side garage. The site lies on the north eastern side of an access road off the main carriageway of Sutton Road. The site forms part of the settlement of Shepway which is located within the urban area of Maidstone.
- 1.02 The streetscene is defined by semi-detached dwellings mostly of similar scale, design and age which have been built to a uniform pattern. There are gaps between the properties, especially at first floor level, which vary in scale and maintain a visual break between the properties. Some of these gaps have been eroded over time with the erection of side extensions and an infill detached dwelling at no.103A Sutton Road.

2.0 PROPOSAL

- 2.01 The proposal involves demolishing of the existing garage and erection of a new three bedroom dwelling attached to the south eastern flank of the existing semi-detached property. The proposal will result in the formation of a three block terrace, and will include a separate curtilage and off street parking.

- 2.02 The new dwelling would have a width of 6.5 metres and a depth of just under 13.5 metres, incorporating a part two-storey part single storey rear element. The development would have a total roof ridge height of 8 metres above ground level with the roof eaves at a height of just under 5 metres. The rear projection would have a depth of 3.5 metres and would be set away from the newly formed common boundary with the existing dwelling at the site by 2 metres. The single storey element would have a flat roof incorporating a roof lantern. The two storey element of the rear extension would have a pitched roof set down by approximately 1.5 metres from the ridge of the main dwelling.
- 2.03 The proposed new dwelling would retain a 1 metre gap to the common boundary with the neighbouring dwelling to the south east of the site (no. 101 Sutton Road). The gap with this dwelling at first floor level would be 2.9 metres flank to flank. The application indicates a separate garden for the new dwelling, which extends from the rear of the development to the rear boundary of the site. The existing retained dwelling and the proposed new dwelling would have open frontages, with the provision of two off street car parking spaces provided for each dwelling. 2.04 A 'toy canopy' is proposed above the front door, with the proposed fenestration details similar to those on the existing dwelling.
- 2.05 The ground floor would provide a hall, lounge, kitchen, family room and a downstairs toilet. There would be three bedrooms on the first floor with a separate family bathroom and ensuite bathroom for the master bedroom. Materials proposed for the dwelling include facing brickwork and plain roof tiles which reflects those used on the main dwelling and surrounding properties.

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 The National Planning Policy Framework (NPPF): Paragraph 49, 50, 53, 56, 57 and 61
National Planning Practice Guidance (NPPG):
Maidstone Borough Local Plan 2017 SS1, DM1, DM11, DM12 and DM23

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** No representations have been received from local residents either in support or objecting to this application.

5.0 CONSULTATIONS

- 5.01 **Environmental Health:** No objections.
- 5.02 **KCC Highways and Transport:** No objections

6.0 APPRAISAL

Main Issues

- 6.01 The main issues for consideration are
- the impact of the development upon the character and appearance of the surrounding area and;

- the residential amenity of future occupants of the new dwelling and occupiers of surrounding neighbouring dwellings,
- together with the impact on highways in terms of parking.

Principle of development

- 6.02 The application site is currently amenity land located to the side and rear of the two-storey semi-detached dwelling at 99 Sutton Road. The site extends from the south eastern elevation of the existing dwelling to the common boundary with the neighbouring dwelling to the south east of the site (no. 101 Sutton Road).
- 6.03 Policy SS1 of the adopted local plan sets out the sustainability strategy for Maidstone Borough. The Maidstone urban area is the most sustainable location in the hierarchy where new development is firstly directed followed by the rural service centres and the larger villages as defined on the proposals map to the Maidstone Borough Local Plan (2017).
- 6.03 The application site is located within the urban area of Maidstone where new residential development is permissible subject to the requirements set out in policies DM1, DM11, DM12 and DM23 of the adopted Maidstone Borough Local Plan 2017. These policies seek to ensure that all new housing developments provide an acceptable residential environment and respects the amenities of neighbouring residents.
- 6.04 The current application is a resubmission of a previously approved development (reference 17/503975/FULL). The current submission was necessary as alterations have been made to the rear element and the width of the previously approved building has been reduced by 0.5 metres. It is considered that the principle of the proposed development within the urban boundary is acceptable and the development is accessed below.

Visual Impact

- 6.05 Policy DM1 of the Maidstone Borough Local Plan requires proposals to positively respond to, and where appropriate enhance the character of their surroundings. The proposed three bedroom dwelling, attached to the existing semi-detached dwelling, would result in a three property terrace. The proposed dwelling is located in the space between the original dwellings at 99 and 101 Sutton Road. The property at 101 Sutton Road has an existing two storey side extension and the application property has an existing single storey side extension.
- 6.06 As indicated above, whilst the street scene is broadly uniform with gaps between the buildings, there is no consistency in the pattern to these gaps, although the proposed development would result in the erosion of the existing gap between the application property and the neighbouring dwelling at first floor level, the 2.9 metre gap retained would be sufficient to ensure there is no significant harm to the character and appearance of the street scene.
- 6.07 The height and eaves of the proposed new dwelling would be similar to the existing property at the application site, and other dwellings within the street. The development would not appear of excessive bulk and massing and seen as a sensitive addition to the existing property. Overall, the new dwelling would not appear over dominant or visually harmful within the streetscene of Sutton Road.

Residential Amenity

- 6.08 The adopted local plan, requires the proposed development to be assessed in terms of the amenity for future occupants and the occupiers of neighbouring residential properties. The internal space within the new dwelling is consistent with national space standards and would provide acceptable living accommodation for future occupants.
- 6.09 The rear element of the proposed building would project 3.5 metres from the rear elevation of the existing dwelling and would be 2 metres from the newly formed common boundary with the main dwelling.. This rear element would not extend beyond the building line of the rear part of the two storey rear extension on the neighbouring dwelling to the south east of the application site (no.101 Sutton Road). Although, there would be a reduction in the gap between the application property and this neighbour. There would be no harm to the residential amenities of the occupiers of this property.
- 6.10 The development incorporates ground and first floor window openings on the west facing front elevation and first floor rear, north east facing window openings. These openings do not raise any significant amenity concerns. The elevation facing to the neighbouring property on the south east of the site (no.101 Sutton Road) would be blank.
- 6.11 The projection from the rear elevation of the proposed dwelling would be 3.5 metres. Whilst this is slightly above the 3 metre limit set out in the SPD for Residential Extensions document, it would not breach the 45 degree light test and is considered acceptable in relation to loss of light to the rear windows of the main dwelling and the rear gardens of the immediate neighbouring properties. There would be no impact on outlook that would represent an objection to this proposal. Overall, the proposals are appropriate in scale and design and would not have any significant detrimental impacts on the amenities of any neighbouring dwelling.

Parking and Highway Safety

- 6.12 The application proposes two off street parking spaces on the frontage of the proposed new dwelling. The existing dwelling at the site would retain two parking spaces on its frontage. The proposed new dwelling would generate a marginal increase in vehicular movement to and from the site. It is considered that the resulting increase can be adequately accommodated on the road network without detriment to highway safety or local amenity of the site.
- 6.13 With the sustainable location of the site, absence of highway safety issues, off street parking that complies with requirements of policy DM23 of the adopted Maidstone Borough Local Plan (2017), the proposal is considered acceptable in relation to parking, traffic and highway safety.

7.0 Conclusion:

- 7.01 Overall, the proposed new dwelling is acceptable in terms of design and appearance, and there are no unacceptable impacts on the character, appearance and visual amenity of the locality generally. The proposals have been found to be acceptable in relation to parking and highway safety The proposal is in line with the requirements of policy SS1, DM1, DM11, DM12 and DM23 of the adopted Maidstone Borough Local Plan (2017), I am satisfied that the proposed new dwelling is acceptable with respect to local and national planning policy and that no other material consideration

would indicate a refusal of planning permission. In the circumstances, I recommend that this application is approved subject to appropriate conditions.

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/drawing numbers;

Drawing Number 99160B Site Location Plan
Drawing Number 99159A Existing and Proposed Street Scene
Drawing Number 99160A Existing and Proposed Floor plans and Elevations
Drawing Number 99159A Previously Approved Roof and Floor Plans

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

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 buildings hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials.

The details of the material shall include sparrow boxes/bricks incorporated into the development.

Reason: To ensure a satisfactory appearance to the development and in the interest of biodiversity.

4. No windows, doors, voids or other openings shall be inserted, placed or formed at any time in the south east (side) facing elevation of the building hereby permitted;

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

5. The development shall not be occupied until the parking spaces shown on the approved plans have been provided. They shall be kept available for the parking of vehicles connected to the occupiers of the approved development at all times and permanently retained as such thereafter.

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

6. Prior to occupation of the proposed new dwelling a minimum of one electric vehicle charging point shall be installed and ready for use and in accordance with details that have previously been submitted to and approved in writing by the local planning authority with the details including a programme for installation, maintenance and

management with the points retained thereafter 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.

7. 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.

8. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no further development shall take place on the site without the prior written consent of the Local Planning Authority;

Reason: To ensure the appearance and the character of the building is maintained.

9. 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 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

10. The approved landscaping shall be in place at the end of the first planting and seeding season following completion of the dwelling. Any trees or plants, which, within a period of 5 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.

Reason: In the interest of visual amenity of the area.

INFORMATIVES

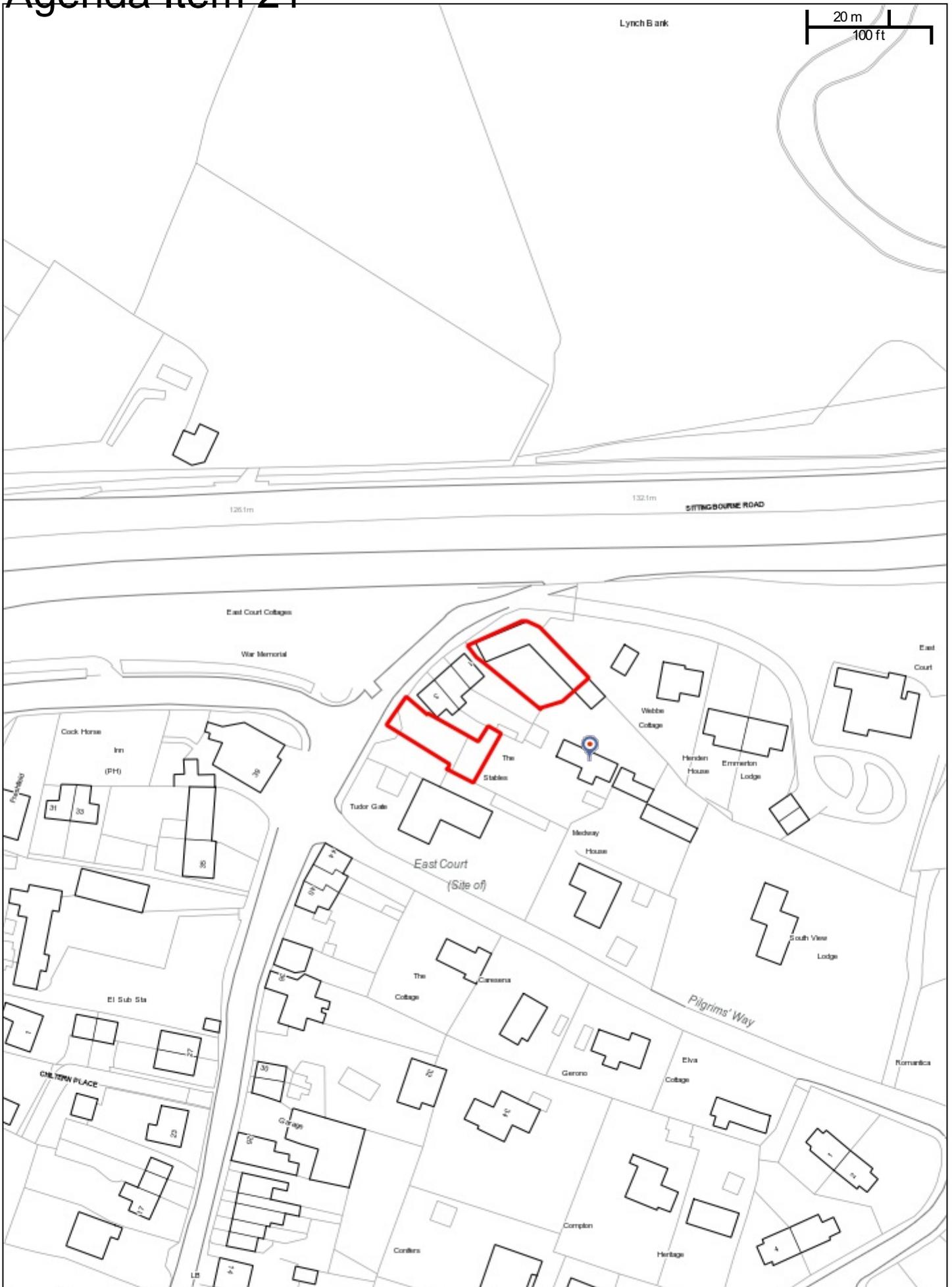
- (1) The applicant is advised that in order to avoid nuisance to neighbours thought should be given to restricting that use of plant and machinery used for demolition and construction to between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays. It is advised to restrict vehicles arriving, departing, loading or unloading 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.

- (2) The applicant is advised that in order to avoid nuisance to neighbours thought should be given to the use of adequate and suitable provision in the form of water sprays should be used to reduce dust from the site. Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.
- (3) 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 and you are advised to contact the EHM regarding noise control requirements.

Case Officer: Francis Amekor

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

Agenda Item 21



18/500563/FULL The Stables, East Court, The Street, Detling

Scale: 1:1250

Printed on: 16/4/2018 at 10:12 AM by JoannaW

REPORT SUMMARY

REFERENCE NO - 18/500563/FULL		
APPLICATION PROPOSAL Construction of a pair of semi-detached cottages on northern section of plot including rooflights and associated parking. (Demolition of existing kennel buildings and garden wall)		
ADDRESS The Stables East Court The Street Detling Maidstone Kent ME14 3JX		
RECOMMENDATION – APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is similar to an extant planning permission (15/503966) for 2 dwellings; and it is not considered to adversely harm the character and appearance of the countryside and AONB hereabouts, or result in adverse harm to the amenity of any local resident, in accordance with the Maidstone Local Plan (2017) and the objectives of the NPPF.		
REASON FOR REFERRAL TO COMMITTEE - Detling Parish Council wish to see application refused and requested application is referred to committee for determination		
WARD Detling And Thurnham	PARISH COUNCIL Detling	APPLICANT Mrs Ellis AGENT Insight Architects
DECISION DUE DATE 04/04/18	PUBLICITY EXPIRY DATE 09/03/18	OFFICER SITE VISIT DATE 16/02/18
RELEVANT PLANNING HISTORY:		

- 17/504954 - 5 houses (inc. demolition of 'The Stables' and outbuildings) - Refused
This proposal covered a larger site area and was refused on 4 grounds:
 - loss of non-designated heritage asset known as 'The Stables'
 - terrace of houses constituted over development of site
 - residential amenity impact of car park & terrace (general disturbance & overlooking)
- 15/503966 (Appendix A) - Pair of semi-detached houses - Approved
- MA/85/1614 - Erection of 15 unit cattery – Approved
- MA/85/0941 - Erection of 35 unit cattery - Refused
- MA/77/1145 - Reconstruction of stable to dwelling – Approved
- MA/76/1208 - Conversion of stable block to dwelling – Approved
- MA/75/1571 - 2 dwellings – Approved

MAIN REPORT

1.0 Site description

- 1.01 The application site is located on the northern edge of Detling village, on the southern side of The Street and with the A249 located to the north. The irregular shaped site does have a noticeable change in land levels, and the site is currently occupied by a collection of animal shelters in a general 'L' shape form around the northern corner of the site. There are a number of heritage assets within the vicinity of the application site, including the boundary wall at the front of 'Tudor Gate' which is grade II listed. The immediate surrounding area is predominantly residential.
- 1.02 For the purposes of the Maidstone Local Plan (2017), the proposal site is within the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty (AONB); and the proposal site also partly falls within Detling Conservation Area (DCA). Part of the site (northern edge) is covered by woodland Tree Preservation Order no.10 of 1975; and an Area of Archaeological Potential is found to the south of where the proposed houses would be built.

2.0 Proposal

- 2.01 The proposal is for the construction of a pair of (4-bed) semi-detached houses that includes the demolition of the existing animal shelters and garden wall. The two houses would be formed of red stock bricks with hanging peg tiles and plan clay roof tiles. The development would utilise a stepped ridge level taking account of the gradient of the land and the proposed roofs would have a barn hip with a two storey gable section at the front.
- 2.02 The proposed houses are of the same design, scale and siting as approved under extant planning permission 15/503966. The main difference is that the 4 parking spaces to the front of the houses have now been placed to the south of 1-3 East Court Cottages, either side of the driveway that serves 'The Stables'.

3.0 Policy and other considerations

- Local Plan (2017): SS1, SP17, SP18, DM1, DM2, DM3, DM4, DM23, DM30
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Detling Conservation Area Appraisal (2008)
- Detling Conservation Area Management Plan (2010)
- Air Quality Guidance SPD (2017)

4.0 Consultations

- 4.01 **Detling Parish Council:** Wishes to see application refused and reported to Planning Committee if case officer is minded to recommend approval:
- *Removal of Stables is clear dereliction of Council's principles and responsibilities to protect open and irregular nature of north end of The Street.*
 - *PC concerned proposal does not comply with Conservation Area Management Plan.*
 - *Development is out of scale, overbearing and out of character in terms of its design and appearance compared with existing development.*
 - *Cause overlooking and loss of privacy to existing properties.*
 - *Development would cause loss of existing views from neighbouring properties.*
 - *Want clarification on land ownership issues*
 - *Unacceptable parking provision - too far from houses & parked cars on-street would cause obstruction*
 - *PC objects to demolition of historical front boundary wall*
 - *PC supports local resident objections.*
- 4.02 **KCC Highways:** Raise no objection.
- 4.03 **Environmental Protection Team:** Raise no objection.
- 4.04 **Conservation Officer & Landscape Officer:** Raised no objection under 15/503966.
- ## 5.0 LOCAL REPRESENTATIONS
- 5.01 **Neighbour responses:** 6 representations received and concern is raised over;
- *Sewage disposal*
 - *Visual impact/cramped development*
 - *Residential amenity inc. position of refuse bins and parking spaces*
 - *Land ownership/loss of front boundary wall (not in ownership of applicant)*
 - *Traffic/highway safety/parking provision*
 - *Impact upon trees*
 - *Light pollution*
 - *Loss of a view*
 - *Heritage and AONB impacts*

6.0 APPRAISAL

Main Issues

- 6.01 The principal focus for residential development in the borough is the urban area, then rural service centres and then larger villages (sustainability hierarchy Local Plan policy SS1). In other locations, protection should be given to the rural character of the borough and development proposals in the countryside will not be permitted unless they accord with other policies in this Plan, they will not result in harm to the character and appearance of the area (Local Plan policy SP17), and they will respect the amenities of occupiers of neighbouring properties. Policies within the Local Plan also seek to ensure that new development affecting heritage assets (designated and non-designated) incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting.
- 6.02 The existing extant permission (15/503966) for a pair of semi-detached houses here was considered by Planning Committee under the Maidstone Borough-Wide Local Plan 2000 on 10th September 2015. Whilst the proposal is now within the countryside and not within a defined village boundary as under the 2000 Local Plan, it is still a material planning consideration that there is an extant planning permission for a similar development on this site. This earlier extant permission is the fall-back position.
- 6.03 The details of this earlier planning application and the current proposal will now be considered.

Visual impact

- 6.04 As accepted under 15/503966, the design, scale, layout and palette of material proposed for the houses are considered to be in keeping with the character of the conservation area and in accordance with the Detling Conservation Area Appraisal/Management Plan. As previously found in the context of existing development, the 2 new houses would not have an adverse impact upon the character and setting of the AONB. Furthermore, no objection continues to be raised to the demolition of the stable block, or to the removal of the front boundary wall (which is not mentioned in the Detling Conservation Area Appraisal/Plan and where the Conservation Officer has raised no objection to its removal). The proposed parking area, set behind boundary walls, would also not cause unacceptable harm to the character and setting of the surrounding area and conservation area. It is also considered that the removal of the parking areas to the front of the houses represents a visual improvement.
- 6.05 It should also be noted that whilst the Detling Conservation Area Management Plan suggests an extension to the designated CA boundary (to include 'East Court', its grounds and outbuildings), since its adoption the grounds of 'East Court' have been developed and 3 new houses have been built.
- 6.06 Whilst the Council can now demonstrate a 5 year housing land supply and the new Local Plan has been adopted since the previous approval, significant weight must still be given to the extant planning permission, and as accepted under 15/503966 the scheme would not result in any adverse harm to the character and appearance of the countryside and AONB hereabouts. The proposal is therefore in accordance with policies SP17 and DM30 of the Local Plan.

Residential Amenity

- 6.07 As accepted under extant permission 15/503966, no objection is raised on residential amenity grounds for surrounding residents and future occupants of the 2 new houses, in terms of the scale, siting, design and layout of the 2 houses.
- 6.08 The potential impact of the location of the proposed parking area must also be considered. It should be noted at this point that under 17/504954 (refused application for 5 houses), the proposal showed a parking area in a similar location to that currently proposed. One of the earlier grounds for refusal here was that the close proximity of the car park to the rear gardens of 2 and 3 The Street and the associated general noise and disturbance, would result in a poor level of amenity for the occupiers of these houses when enjoying their garden areas and properties. However, this current application is for 4 parking spaces only (serving 2 houses), as opposed to 10 spaces (serving 5 houses), where 6 of these previously proposed spaces immediately abutted up to the neighbours gardens. The resultant comings and goings of 2 households from the 4 parking spaces is not considered to be as intrusive and harmful to the amenity of the occupiers of these houses and no objection is raised in this respect. The proposed parking area, given its location and context, would not have an adverse impact upon the amenity of any other neighbouring property.

Highway safety implications

- 6.09 The parking provision shown with this proposal (4 spaces) is in accordance with Local Plan policy and the Highways Authority has raised no objection to the proposal. As such, no objection continues to be raised in terms of highway safety.

Other Matters

- 6.10 As was the case under 15/503966, no objection is raised in terms of archaeology, biodiversity, landscape and arboricultural issues; and no objection is raised in terms of refuse storage/collection. As under 15/503966, a condition is recommended requesting details of a scheme of foul drainage.
- 6.11 The Environmental Protection Team have raised no objection in terms of land contamination and light pollution, but have requested conditions relating to noise and air quality, given the close proximity of the site to the A249. In accordance with the adopted Local Plan and the SPD on air quality, these conditions shall be duly imposed. However, a condition for hours of construction work is not considered to meet the tests of reasonableness for imposing planning conditions.
- 6.12 In accordance with Local Plan policy, in the interests of sustainability and air quality, conditions will also be imposed for the provision of operational electric vehicle charging points for low-emission plug-in vehicles, and for details of decentralised and renewable or low-carbon sources of energy.
- 6.13 The issues raised by Detling Parish Council and local residents have been fully considered in the determination of this application. However, it should also be noted that a loss of a view is not a material planning reason to refuse an application. Furthermore, in response to the land ownership issues raised, the applicant has demonstrated that the site-outline and the ownership certificate served is correct, that the front boundary wall is within the applicant's title ownership, and that the verge to the front of the site is adopted highway. There is no reason to pursue this matter further in planning terms, or delay the determination of this application for this reason.

7.0 CONCLUSION

- 7.01 The proposal is acceptable with regard to the relevant provisions of the Development Plan, the Detling Conservation Area Appraisal/Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval of this application is therefore made on this basis.

8.0 RECOMMENDATION

- 8.01 **GRANT** planning permission subject to following conditions:

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

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

- (2) Prior to commencement of works/development above damp-proof course (DPC) level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be 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 and interest of ecological enhancement.

- (3) Prior to commencement of works/development above damp-proof course (DPC) level on any individual property, details of all fencing, walling and other boundary treatments (incorporating gaps for the passage of wildlife) shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details 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.

- (4) Prior to commencement of works/development above damp-proof course (DPC) level, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land and on adjoining sites, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012. The landscaping of the site shall be carried out in accordance with the approved details over the period specified;

Reason: To ensure a satisfactory appearance to the development.

- (5) The approved landscaping associated with individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 5 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.

Reason: In the interest of visual amenity of the area.

- (6) 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.

- (7) 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. Details are required prior to commencement of development to ensure that the widest range of options are available (i.e. ground source heat pumps).

- (8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to any property or outbuilding shall be carried out without the permission of the Local Planning Authority;

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

- (9) The development shall not commence until details of a scheme of foul drainage for the site have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details;

Reason: To ensure adequate drainage arrangements. Details are required prior to commencement of development to ensure appropriate ground works are carried out.

- (10) Prior to the occupation of the buildings hereby permitted, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back gardens and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be 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: To ensure the quality of living conditions for future occupants.

- (11) Prior to the occupation of the buildings hereby permitted, a report shall be undertaken by a competent person in accordance with current guidelines and best practice, and submitted to the local planning authority for approval. The report shall contain and address the following:

1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.

2) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the reduction of emissions giving rise to that poor air quality. The assessment should, where possible, quantify what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation.

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter;

Reason: To protect the health of future occupants.

- (12) Prior to the occupation of the buildings hereby permitted, a minimum of one operational electric vehicle charging point per dwelling for low-emission plug-in vehicles shall be installed and shall thereafter be retained and maintained for that purpose;

Reason: To promote reduction of CO² emissions through use of low emissions vehicles.

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

17-110 010 Rev P1 and 17-110 011 Rev P1

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

INFORMATIVES

- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>.

- (2) A formal application for the connection to the public sewerage system is required in order to service the development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW or www.southernwater.co.uk.

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.

REPORT SUMMARY

REFERENCE NO - 15/503966/FULL		
APPLICATION PROPOSAL Construction of a pair of semi-detached cottages on northern section of plot including rooflights and associated parking as shown on drawing number 15-106 003 Rev P2; dated 28.07.2015 and 15-106 001 Rev P1 and 15-106 002 Rev P1; received 11.05.2015 and 15-106 002 Rev P2; received 18.06.2015 and Design and Access Statement Revision P1; dated May 2015.		
ADDRESS The Stables East Court The Street Detling Kent ME14 3JX		
RECOMMENDATION - Approve with conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development is located within the village envelope of Detling and the principle of sustainable residential development is accepted in accordance with policy H27 of the Local Plan 2000 and the aims and objectives of the NPPF.		
REASON FOR REFERRAL TO COMMITTEE Detling Parish Council wish to see the application refused and have requested the application is referred to committee for determination.		
WARD Detling And Thurnham Ward	PARISH/TOWN COUNCIL Detling	APPLICANT Mrs J Bryan AGENT Insight Architects
DECISION DUE DATE 13/08/15	PUBLICITY EXPIRY DATE 13/08/15	OFFICER SITE VISIT DATE 08/07/15
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
App No	Proposal	Decision
85/1614	Erection of 15 unit cattery	Approved
85/0941	Erection of 35 unit cattery	Refused
77/1145	Reconstruction of stable to dwelling	Approved
76/1208	Conversion of stable block to dwelling	Approved

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located in the northern edge of Detling village on the south side of The Street with the A249 located to the north of the site. The application site is located within Detling conservation area, an Area of Outstanding Natural Beauty, Special Landscape Area, Strategic Gap and Potential Archaeological Importance. The immediate surrounding area is predominantly residential.
- 1.02 The site is roughly rectangular in shape and amounts to approximately 385 sq m. The ground levels on the site rise from east to west adjacent to The Street. The site is currently occupied by a collection of stables in an L-shape on the north and east boundary of the application site. The remaining site is laid to lawn. There are a number of trees located outside the boundary of the site to the south and southeast and trees within the neighbouring site at East Court are protected by TPO. There is

a boundary wall running along the front of the site adjacent to The Street and along the northeast and southwest boundary adjoining Webb Cottage and 1 The Street.

- 1.03 There are several listed buildings located to the south of the application site, none of which directly adjoin the application site. The boundary wall at the front of Tudor Gate is also grade II listed.
- 1.04 Three new houses have been built fairly recently in the grounds of East Court to the northeast of the application site as approved at appeal ref: 10/0943.

2.0 PROPOSAL

- 2.01 The application proposes the erection of a pair of semi-detached two storey houses with living accommodation in the roof and two off-street parking spaces located at the front / side of each house. Both houses have four bedrooms. The two houses would be formed of red stock bricks with hanging peg tiles and plan clay roof tiles. The development would utilise a stepped ridge level taking account of the gradient of the land and the proposed roofs would have a barn hip with a two storey gable section at the front.
- 2.02 Two off-street parking spaces are proposed at the front / side of each house with vehicle access afforded from The Street. Amended drawing No. 15-106 003 Rev P2 supersedes drawing 15-106 003 Rev P1 and increases the soft landscaping at the front of the properties. Refuse storage is proposed to the side of each house. Rear gardens will mainly be laid to lawn with a small patio area directly at the rear of each house.
- 2.03 The existing brick boundary wall would be retained along the northeast and southwest boundary. New boundary treatment would consist of 1.8m high close boarded fencing at the rear of the plots and 1m high white peg boundary fence at the front.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: H27, ENV6, ENV31, ENV33, ENV34, T13
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- MBC Management Plan for Detling Conservation Area 2010
- Nationally Described Space Standards

4.0 LOCAL REPRESENTATIONS

- 4.01 Some 6 letters of representation have been received from neighbouring properties. Comments are summarised as follows:
- The three storey houses would be out of keeping with the adjoining properties.
 - Increased traffic and highways safety.
 - The proposal does not enhance or preserve the special character of the conservation area.
 - The site is garden land.
 - The ridge heights would dominate the neighbouring properties.
 - Loss of privacy, overshadowing and overlooking.
 - Parking is not acceptable at the front of the houses.

- Refuse should not be sited at the front of the houses.
- Contrary to Policy H27.
- Detrimental impact on AONB.
- Impact on neighbouring listed buildings.
- Connection to sewers.
- Noise and disturbance from construction works and use of properties.
- Proposed development is out of character with surrounding development.
- This is Phase 1 of 2 developments on this site.
- Land ownership regarding the parcel of land proposed for vehicle parking.

5.0 CONSULTATIONS

5.01 **KCC Highways:** Raise no objections on behalf of the highways authority.

5.02 **MBC Environmental Health:** Habitable rooms will be fitted with acoustic glazing and mechanical ventilation. Asbestos should be checked for during demolition. The scale of the development would not warrant an air quality assessment and the site is approx. 1km from the nearest Air Quality Hotspot. There is no indication of contamination at this site. No objections subject to informatives.

5.03 **MBC Conservation Officer:** Initial comments received from the conservation officer advised that the design, vernacular style and materials proposed are acceptable. The conservation officer raised concerns regarding the amount of hardstanding at the front of the properties which would be urban in character.

Amended plans were received and the conservation officer advised the inclusion of soft landscaping at the front was a substantial improvement to the proposal. No objections on heritage grounds.

5.04 **KCC Archaeological Officer:** No comments to make

5.05 **Southern Water:** Initial investigations indicate that there are no public sewers in the area to serve this development. Alternative means of draining surface water from this property are required. Southern Water requires a formal application for a connection to the public foul sewer. Requests an informative is attached.

5.06 **Detling Parish Council:** Objects to the proposal on the following (summarised) grounds:

- Proposal is contrary to the Detling Conservation Area Management Plan.
- The design is not in keeping with the properties in the immediate area.
- The height of the houses will dominate neighbouring development.
- Windows will overlook the gardens of East Court Cottages.
- Parking should be at the rear.
- Front gardens should have white picket fences.
- The wall along the front of the site enhances the conservation area and should not be demolished.
- Impact to trees.

'We therefore reiterate our objection to this application and wish to see this refused. Should the Borough Councils opinion differ from the Parish Councils, we would then wish to have this application determined by the Planning Committee'.

6.0 AMENDED PLANS

Drawing No. 033 Rev B was received on 31 July 2015 and supersedes drawing no 003 Rev P1. The amendments include the following:

- Relocation of refuse storage to the side of each property.
- Tandem parking at the property referred to Yeoman Cottage.
- Soft landscaping in the front gardens of both houses.
- 1m high white peg fence along section of the front boundary.

7.0 APPRAISAL

Principle of Development

- 7.01 The site is located within the defined village envelope of Detling where the principle of additional housing is acceptable in accordance with the Local Plan and NPPF. The site is identified as appropriate for minor residential development as set out in Policy H27 and normally, this would be restricted to proposals for one or two houses. There are no policies that seek to retain the current use of the premises and therefore the principle of the development is acceptable. I consider the key issues to be the impact upon the character and appearance of the conservation area and ANOB, the impact upon neighbour amenity, highways safety and parking congestion and impact on trees.

Visual Impact

- 7.02 The application site is located within the Detling Conservation Area and Detling village envelope. The site is also located within the Strategic Gap, ANOB and Special Landscape Area although given that that the site is within the village envelope the principle of additional residential development is accepted and less weight is therefore afforded to rural policies. I consider the key consideration visually is the impact on the character and appearance of the conservation area and streetscape, and the setting of neighbouring listed buildings.
- 7.03 Although largely concealed behind the existing boundary wall fronting onto The Street, the existing stable block on the site is in a dilapidated state, does not constitute a high standard of design and does not enhance or preserve the character of the conservation area. No objections are raised to the demolition of the stable block.
- 7.04 Several neighbours have objected to the demolition of the boundary wall fronting onto The Street, stating that the wall enhances the character of the conservation area and should therefore be retained. There is no mention of the wall in the Detling Conservation Area Plan and the Council conservation officer has raised no objection to the removal of a section the wall along The Street.
- 7.05 The Detling Conservation Area Management Plan finds a number of positive elements which contribute to the special character of the Conservation Area, including:
- The dominant use of a limited palette of largely local building materials.
 - A differing pattern of development on either side of The Street.
 - A predominance of steeply-pitched roofs.
 - A largely residential character.

- 7.06 The Detling Conservation Management Plan is in accordance with the NPPF and advises also that:

'The overriding consideration in dealing with any proposal for development will be whether or not it would either preserve or enhance the special character of the Conservation Area ... The Council will not insist on any particular architectural style for new building works, but the quality of the design and its execution will be paramount'.

- 7.08 The Detling Conservation Area Management Plan also suggests an extension to the designated boundary to include East Court, its grounds and outbuildings. However, since the adoption of the Detling Conservation Area Management Plan the grounds of East Court have been developed and three new houses have been built and approved under planning application 10/0943.
- 7.09 The proposed palette of materials is considered acceptable for this location and would be in accordance with the Detling Conservation Area Management Plan which advises appropriate building materials would include, inter alia, red bricks, clay plain tiles for roofs or hanging tiles, painted timber windows and ragstone boundary walls and picket fences. The conservation officer advises the materials are acceptable and a condition will be attached to ensure a high standard of building materials are used to compliment the conservation area.
- 7.10 The gradient of the application site increases from the west to east and the pair of semi-detached houses would have a stepped ridge line to account for the slope of the site. The houses would be higher than the adjacent terrace row of Nos.1-3 The Street, however the additional height (approx. 1 – 1.5m) would not be a significant increase taking into account the slope in the land, and the gap between the adjacent terrace (approx. 5m) and the barn hipped roof design, would ensure the proposal does not unacceptably dominate these adjacent properties. The pitch of the roofs would also be in accordance with the Detling Conservation Area Management Plan and the scale, height and form of the proposed development would be in keeping with other residential properties within the conservation area.
- 7.11 The off-street parking at the front of the properties is regrettable, however given the constraints of the site and double yellow lines located on The Street, directly to the front of the site this is the only feasible location for parking. The forecourt parking, in my view, would not warrant refusal of the application on its own. In addition, amended plans have been received to include picket front boundary fencing and soft landscaping at the front of the houses which would soften the impact of the development and be in keeping with neighbouring developments. Further, tandem parking is proposed at one of the properties relocating one of the parking spaces to the side of the house and the refuse has been relocated to the side of each house enabling space for landscaping at the front of each house.
- 7.12 Overall the design, scale, layout and palette of material proposed is considered to be in keeping with the character of the conservation area and in accordance with Detling Conservation Area Management Plan.

Residential Amenity

- 7.13 Residential properties directly to the south of the site include 1-3 The Street, with the closest property to the application site No.1 The Street. No.1 The Street benefits from a ground floor lean-to rear / side extension abutting the boundary of the application site. The proposal would project some 1.8m beyond the rear building

line of the ground floor extension at No.1 The Street and some 6m beyond the rear elevation of the main two storey element at No.1 The Street. Given the separation distance between the proposed development and two storey element of No.1, coupled by the orientation of the rear windows at ground level, location of the outdoor private amenity space and open aspect at the rear of No.1, I do not consider that the proposed development would result in an unreasonable loss of outlook or light to this neighbouring property. The proposed drawings also indicate that the development would be in accordance with the BRE guidelines.

- 7.14 The proposal would be located approx. 19m distance from The Stable located to the south east of the site and over 20m distance from the front elevation of Webb Cottage, located to the east of the site. Given these separation distances I do not consider the proposed development would result in an unacceptable loss of amenity to these properties.
- 7.15 Some overlooking would be afforded into the rear garden areas of neighbouring properties, however levels of overlooking would not be significantly worse than current levels of mutual overlooking between neighbouring residential properties in a built up area such as this. Importantly, the proposal would not result in any direct loss of privacy or overlooking into the private amenity areas or habitable rooms of any neighbouring properties due to the separation distances involved and orientation of windows.
- 7.16 The internal room sizes and private outdoor amenity proposed is considered to offer an acceptable standard of living accommodation for future occupants in accordance with the Nationally Described Space Standards.

Highways

- 7.16 The proposal includes two off-street parking spaces for each property in accordance with the councils parking standards. KCC Highways have not raised any objections on parking or highways safety grounds. A condition will be attached to secure cycle parking as part of the development to promote sustainable modes of travel.

Landscaping and ecology

- 7.17 The existing site currently comprises dilapidated stable block and an area land to a maintained lawn. The front of the site between the boundary wall and the road comprise a small section of grass verge. There are no trees on the site.
- 7.18 The proposal includes an element of soft landscaping at the front of the houses which is considered to enhance the character and appearance of the conservation area. A condition will be attached to ensure native species are planted at the front of the site.
- 7.19 The existing site is a managed brown field site and I do not consider that any significantly adverse impact upon biodiversity or nature conservation interests is likely to occur as a result of the development.
- 7.20 There are trees outside the site adjacent the north and northeast boundary of the application site which make a positive contribution to the conservation area. The trees are located a sufficient distance from the proposed houses and would not be significantly affected, and the proposed development would not prejudice the health of the trees. Due to the construction activity and new close boarded fencing

proposed in proximity to the trees I consider it would be appropriate to attach a condition to ensure the trees are suitably protect during any construction works.

Other Matters

- 7.21 The strip of land between the boundary wall and The Street (hatched red on location plan) is unregistered land and forms part of the application site. Ownership Certificate D on the Planning Application form has been completed and the applicant has confirmed they are in the process of applying for a possessory title for this piece of land, stating that they have maintained the land for a long period. The applicant published a notice in The Kent Messenger on 12.05.2015 in relation to Certificate D notifying owners of the land about the planning application and inviting them to make representations. This notification is in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

8.0 CONCLUSION

- 8.01 The proposed development is located within the village envelope of Detling and the principle of sustainable residential development is accepted in accordance with policy H27 of the Local Plan 2000 and the aims and objectives of the NPPF.
- 8.02 It is therefore considered that the development of the site for two dwellings is acceptable and it is recommended planning permission is granted subject to conditions.

9.0 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 permitted shall be carried out in accordance with the following approved plans:

Drawing Nos. 15-106 003 Rev P2; dated 28.07.2015 and 15-106 001 Rev P1 and 15-106 002 Rev P1; received 11.05.2015 and 15-106 002 Rev P2; received 18.06.2015 and Design and Access Statement Revision P1; dated May 2015.

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

- (3) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

The details and samples of the materials submitted shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units;

Reason: To ensure a satisfactory appearance to the development and interest of ecological enhancement.

- (4) The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

- (5) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land and on adjoining sites, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site;

The landscaping of the site shall be carried out in accordance with the approved details over the period specified;

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

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

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

- (7) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no further development shall take place on the site without the prior written consent of the Local Planning Authority;

Reason: To ensure the appearance and the character of the building is maintained.

- (8) The development shall not commence until details of a scheme of foul and surface water drainage for the site have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure adequate drainage arrangements.

- (9) The development shall not commence until, details of cycle storage on the site have been submitted to, and approved in writing by, the Local Planning Authority. The approved facilities shall be provided before the first occupation of the buildings hereby permitted and maintained thereafter.

Reason: In the interests of promoting sustainable travel.

- (10) No development shall take place until details of tree protection, for all retained on-site trees and trees in adjoining properties in proximity to the site boundary, 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 on site must be protected by barriers and/or ground protection.

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

INFORMATIVES

to Applicant: APPROVAL

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

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

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

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

Asbestos

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

Case Officer: Andrew Jolly

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

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



18/500718/REM 5 Tonbridge Road, Maidstone

Scale: 1:1250

Printed on: 16/4/2018 at 11:18 AM by JoannaW

REPORT SUMMARY

REFERENCE NO - 18/500718/REM		
APPLICATION PROPOSAL		
Reserved matters application for access (conditions 1, 2 and 4) and phase 1 landscaping (conditions 1 and 3) of 17/504144/OUT (Removal of condition 14 (scheme of mitigation to address poor air quality shall be provided) of planning permission 15/510179 (All matters reserved) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.)		
The outline application was not EIA development.		
ADDRESS 5 Tonbridge Road Maidstone Kent ME16 8RL		
RECOMMENDATION Approve Reserved Matters		
SUMMARY OF REASONS FOR RECOMMENDATION		
<p>Landscaping: The strategy shows a commitment to add as many trees hedges and shrubs as practicable in a urban environment that is being developed to appropriate densities. In terms of the relationship with Tonbridge Road, the scheme reflects the aspirations of the Planning Committee in terms of the 7m distance set back from Tonbridge Road and scope for trees to be planted to absorb dust and other pollutants.</p> <p>Access: The access has been designed to the dimensions for larger service vehicles as well as ensuring suitable visibility for vehicles on Tonbridge Road and pedestrians on the footway are acceptable.</p>		
REASON FOR REFERRAL TO COMMITTEE		
The outline planning permission was subject to a resolution that the reserved matters application will be reported to the Planning Committee as this is a key site due to its prominent location adjacent to the railway station. In particular, to address the set back of the development from Tonbridge Road		
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Corbens Place Ltd AGENT
DECISION DUE DATE 08/05/18	PUBLICITY EXPIRY DATE 23/03/18	OFFICER SITE VISIT DATE 21/02/18
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

15/503951/DEMREQ Prior notification of proposed demolition of a single storey building divided into 2no retail units, a separate 2 storey shop with office above, range of single storey outbuildings.

PAR- Prior Approval Required 16.06.2015

15/506273/DEMREQ Prior notification of proposed demolition: Single storey building divided into 2 retail units, 2-storey building with shop on ground floor and offices on first floor and single storey outbuildings as shown on drawing no. TRCLD-04 Issue A and to be carried out in accordance with the Proposed Method Statement for Demolition received on 5th August 2015.

PRANR - Prior Approval Not Required 01.09.2015

15/510179/OUT Outline application (All matters reserved) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.

PER - Application Permitted 22.12.2016

17/504144/OUT Removal of condition 14 (scheme of mitigation to address poor air quality shall be provided) of planning permission 15/510179 (All matters reserved) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.

PER - Application Permitted 18.12.2017

18/500229/REM Reserved matters of scale, appearance and layout to application 17/504144/OUT for erection of 51 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.

PCO - Pending Consideration and also being reported to this committee meeting

18/500262/SUB Submission of details pursuant to Condition 5 (part approval) (External materials), Condition 8 (Existing and proposed site levels), Condition 9 (Renewable/low Carbon Technology), Condition 10 (Archaeology), Condition 11 (Contamination), Condition 14 (Offsetting air pollution), Condition 16 (Travel plan), Condition 19 (Biodiversity) and Condition 20 (Phasing plan) for planning

permission 17/504144/OUT

PCO - Pending Consideration

18/500722/SUB Submission of Details Pursuant to Condition 5: External Surface Details, Condition 7: Refuse Storage Arrangement Details, Condition 13: Noise & Vibration Assessment Details & Condition 18: Surface Water Drainage System & Maintenance Details under Reference 17/504144/OUT.

PCO - Pending Consideration

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 It was resolved to grant outline planning permission subject to a legal agreement for the re-development of the site for up to 65 dwellings at the Committee meeting of 4 August 2016 under application reference 15/510179/OUT and permission approved on the 22 December 2016. A revision to condition 14 in regard to Air Quality was agreed at the Committee meeting of 5 October 2017 under application ref 17/504144/FULL subject to a deed of variation in regard of the legal agreement and permission approved on 18 December 2017.

1.02 The application site relates to an area of land located to the south of Tonbridge Road. Measuring approximately 0.77ha in area, the site has two existing access points from Tonbridge Road to the north of the site. The site lies to the west of Maidstone West railway station and contains a number of existing commercial buildings. The buildings on the site vary in size and appearance, although they do not exceed 2-storeys in height. The site is irregular in shape with the site at its widest in the centre and tapers to the southern tip. The site is on various levels with a general fall in ground level from north to south and there are land level changes east to west. Existing retaining walls and building design take advantage of the site levels.

- 1.03 There are five distinct groups of buildings and a number of different commercial occupiers. Buildings fronting Tonbridge Road are currently in retail use, occupied by a fireplace shop and a golf shop. The area in the centre of the site is occupied by storage firm, FPS distribution occupied the lower section of the site and the extreme south of the site was used as a vehicle repair garage. All existing uses would need to vacate the site and all buildings would be demolished in phases (a prior notification application for the demolition has been approved).
- 1.04 The railway line adjoins the site and curves around the site to the south and east.
- 1.05 To the east of the site no. 3 Tonbridge Road is an existing 3 storey building which benefits from a prior notification application for conversion to residential. This adjoining site has planning permission for development of 20 flats and is also the subject of a current planning application for demolition of existing buildings and the construction of a residential flatted redevelopment. There is currently a large area of hardstanding to the rear of the existing building. To the west of the site sited on higher ground and fronting Tonbridge Road is a large building providing the Vines Medical Practice with residential properties to the rear in Vine Mews and Rowland Close adjoins the site to the south-western corner.
- 1.06 The properties opposite the site in Tonbridge Road are in a mix of uses, with many converted to residential use.
- 1.07 The site is outside a conservation area, with the nearest listed buildings approximately 100 metres to the east and west of the site. There are no protected trees or landscape designations on the site.

2.0 PROPOSAL

- 2.01 This proposal seeks detailed reserved matters approval in regard of access for the whole site of 51 dwellings and whilst there is a landscaping strategy for the whole site, information as to the detail of species to be planted are submitted in respect of phase 1 only (ie the access road). Details of the planting for the rest of the site are to be submitted subsequently.
- 2.02 There is a separate reserved matters application 18/500229 relating to the scale, appearance and layout, which is also subject to consideration at this planning committee. Two other current applications are pending (18/500262/SUB and 18/500722/SUB) relating to the discharge of several conditions and there are other conditions from the outline planning permission that remain to be discharged.
- 2.03 Essentially the access point is the same as indicated in the outline planning permissions. It remains as existing, running along the eastern boundary of the site, and then swings into the rear of the site where it splits into 2. It is to be a 5.5m wide tarmac road with a 1.8m wide block paved footway to one side. The visibility splay at Tonbridge Road is shown as 2.4m by 36m to the east (over an existing 0.57m low wall on the neighbouring site of 3 Tonbridge Road). Pedestrian vision splays both east and west are shown.
- 2.04 The application includes tracking drawings which show that large vehicles such as fire tenders and refuse freighters can enter and leave the site at the junction satisfactorily.

- 2.05 There are a total of 57 open parking spaces to be block paved and 4 garaging spaces, ie a ratio of 1.2 spaces per new residential unit.
- 2.06 In terms of soft landscaping, the general landscaping for whole site is:
- 7m deep landscaping parcel of land between the Tonbridge Road and the proposed apartment block.
 - Buffer entranceway planting of trees and native shrub species set behind a low ragstone wall with deterrent hit and miss coping.
 - Hedges and shrubs in front gardens
 - Retention of existing vegetation in 3 main areas on the western boundary.
- 2.07 Specific planting for Phase 1 (the central terraces) shows Hornbeam Trees in guarded tree pits, mainly along the main entrance road (a fastigate species with an upright canopy) and hedges and shrubs inside the acoustic fence where practicable and hedges and shrubs in front gardens. The species detailed are Portuguese Laurel and green and golden Privet.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 Maidstone Local Plan 2018: SP1, H1 (14), DM1, DM6, DM23
 Air Quality Planning Guidance 2017

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents** Adjoining neighbours were notified of the application as originally submitted. A site notice was also put up at the site. No objections have been received in response.

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 and Transportation:** No objections.
- 5.02 **Landscape Officer** Tree along the main access need to be located in guarded tree pits in the pavement. Ideally trees should only be located close to footpaths between dwellings and on open space areas otherwise risk that on maturing they may cause an obstruction in terms of vehicular and pedestrian visibility/movements along the road.

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Visual Impact
 - Air Quality
 - Highway Safety

Visual Impact

- 6.02 In terms of the landscaping, the overall general strategy shows a commitment to add as many trees hedges and shrubs as practicable in an urban environment that is being developed to appropriate densities. It may be that this could lead to some conflict as identified by the landscape officer but the applicant has confirmed that the trees will be in pits with tree guards and will have an upright canopy to minimise the risk of conflict. In terms of the relationship with Tonbridge Road, the scheme reflects the aspirations of the Planning Committee in terms of the 7m distance set back from Tonbridge Road, which is to be planted. Details of the planting in that area are not included in this application. They will need to be submitted and an informative is suggested below to highlight the Council's expectations.

Air Quality

- 6.03 The general landscape strategy for the frontage indicates that there will be scope for trees to be planted to absorb dust and other pollutants as recommended by the Urban Air Quality 2012 Woodland Trust document as detailed in the Borough Council's adopted Air Quality Planning Guidance 2017. An informative is recommended to highlight that this will be expected when the details for that part of the site are submitted. This will accord with the revised condition 14 of the parent planning permission which requires "*The measures shall include the phased introduction of air pollution scrubbing trees along Tonbridge Road*".
- 6.04 Members are advised that inclusion of car charging points are dealt with by condition 15 in the outline planning permission and would be subject of an application in due course.

Highway Safety

- 6.05 The access in terms of dimensions for larger vehicles and visibility to vehicles on Tonbridge Road and for pedestrians on the footway are acceptable and no highway objections are raised.

7.0 CONCLUSION

- 7.01 It is considered that the scheme accords with the aspirations of the Planning Committee when they determined the outline planning permission and meets all other relevant policies subject to an informative in regard to expectations on the details of landscaping to the Tonbridge Road frontage for the application that is still awaited in that regard.

8.0 RECOMMENDATION

- 8.01 APPROVE reserved matters

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans/drawings;

06 Feb 2018	12583-H-01 P1	Outline Access Layout
06 Feb 2018	144.CB.SK.03	Hard Surfaces
06 Feb 2018	4213 PL 0001 B	Existing Site Plan

06 Feb 2018	4213 PL 0700	Refuse Bin Storage
06 Feb 2018	4213 PL 0701 Rev A1	Apartment Bin Store Location
06 Feb 2018	4213 PL 0750	Proposed Parking
07 Feb 2018	144.CB.SK.02.F	Landscape Masterplan
29 Mar 2018	144.CB.PL.201	Public Realm Detailed Planting Plan
29 Mar 2018	144.CB.PL.202	Public Realm Tree Pit Details

Reason: To accord with the terms of the application.

Informative

1 The applicant is reminded that the detailed submission awaited for landscaping of the frontage to Tonbridge Road will be expected to comprise green infrastructure in the form of trees to absorb dust and other pollutants as recommended by the Urban Air Quality 2012 Woodland Trust document and to accord with condition 14 of the outline planning permission.

Agenda Item 23



THE MAIDSTONE BOROUGH COUNCIL

Tree Preservation Order No. 5003/2018/TPO
5 Southways, Sutton Valence, Maidstone, Kent ME17 3HT



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**Maidstone Borough Council
PLANNING COMMITTEE
26 April 2018**

REPORT BY THE HEAD OF PLANNING SERVICES

**The Maidstone Borough Council
TREE PRESERVATION ORDER NO 5003/2018/TPO**

5 Southways, Sutton Valence, Maidstone, Kent

EXECUTIVE SUMMARY

This report seeks the permission of the Planning Committee to Confirm without modification Tree Preservation Order No 5003/2018/TPO for which objections have been received.

FOR DECISION

RELEVANT PLANNING HISTORY

MA/87/0692E Land adjacent Southways, North Street, Sutton Valence. Erection of one no. four-bedroom and five no. five- bedroom detached houses as amended by drawing nos. K091/09 K091/10 K091/11 received on 13th July 1987 and further amended and validated by drawing no. K091/01 Rev D received 21st August 1987. Permission granted subject to conditions 14 April 1987.

SUMMARY TPO INFORMATION

TPO Served (Date): 18 January 2018	TPO Expiry Date 18 July 2018
Served on: The owner/occupier, 5 Southways, Sutton Valence, Maidstone, Kent Property owners identified on Land Registry search Kent County Council as adjoining landowner	
Copied to: Kent Highway Services Mid Kent Division GIS Team MKIP Parish/Town Council Land Charges Team Planning Applications Unit	

PRE-APPLICATION ADVICE

The owners of 5 Southways submitted a request for pre-application advice in respect of the potential removal of four very large Wellingtonia trees to the front of 5 Southways, as they were perceived to be discouraging interest in the sale of the property and causing damage to surrounding structures. The removal of the trees was understood to be controlled by to conditions (iv) and (vii) of planning permission MA/87/0692E, reproduced below:

(iv) All trees (other than fruit trees) shown for retention on Drawing No.K091/01/D received on 21st August, 1987 shall be retained;

Reason: to protect the general character and appearance of the site and preserve the many fine mature trees in the interests of amenity

(vii) No trees on the site, the subject of this permission, shall be felled, topped, lopped or destroyed without the consent in writing of the District Planning Authority:-

- a) Levels shall not be raised or lowered in relation to the existing ground level within the spread of the branches of the tree;
- b) No roots shall be cut, trenches dug or soil removed within the spread of the branches of the tree;
- c) No buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the tree;
- d) No fires shall be lit within the spread of the branches of the tree;
- e) No vehicles shall be driven over the area below the spread of the branches of the tree;
- f) No materials or equipment to be stored within the spread of the branches of the tree;

Reason: to preserve trees on the site in the interests of visual amenity and environment

A pre-application site meeting took place at the property, where the Landscape officer met with the owner of the property and inspected the trees that they intend to fell.

The trees are four Wellingtonia, planted in a row. They are very large, reaching an estimated height in excess of 20m and with stem diameters of between 1.1m and 1.7m.

Historic damage was noted on one of the buttress roots of the northernmost tree and was found to have an associated cavity up to 28cm deep. However, the trees have a bark thickness of around 10cm, so the depth of the cavity is about 18cm in structural wood. Given the size of the tree, this is not considered to be structurally significant. An area of delaminating bark is present on the north side of the tree that might indicate that some associated decay is present, but no significant decay was found during inspection. No evidence of damage or decay was found in the other three trees.

No damage to the buildings was reported or observed, but there is significant disruption and damage to the garden paths likely to be attributable to the growth of the roots of the trees.

During the site visit, the public visibility of the trees was assessed from public viewpoints, principally from North Street, from which the trees are set back about 80 metres and partially obscured from view by the doctors surgery close to North Street and by 5 Southways itself. Despite this, the tops of the trees area clearly visible from North Street over the top of these two buildings and are skyline trees. It should also be noted that the road into Southways is a publicly maintainable highway in KCC ownership and is also therefore considered a public viewpoint, albeit that it is probably used only by the residents of Southways and their visitors.

The pre-application advice response is set out below:

'When we met to discuss the trees, we were aware of the planning conditions from 1987 that specifically stated that all trees (other than fruit trees) shall be retained and shall not be 'felled, topped, lopped or destroyed without the consent in writing of the Local Planning Authority'. I originally advised you that I thought that you could seek that consent through the submission of an application to vary or remove the condition, which would attract a fee. The alternative would be for us to make the trees the subject of a Tree Preservation Order (TPO) and for you to make an application under that Order, which would not attract a fee. You indicated when we met that the former would be your preferred approach.

However, having discussed your situation further with Planning Enforcement Officers, I am now advised that the planning conditions would be considered by them to have expired and that an application to vary or remove them would therefore not be appropriate/possible. It also means that there are no longer any controls in force that require you to seek the consent of the Local Planning Authority before felling the trees.

This left me with a difficult decision, as I am aware of your reasons for wanting to fell, but also required to consider the contribution that the trees make to local landscape character and visual amenity. After we met, I viewed the trees from various public viewpoints and found them to be quite prominent. As such, and having discussed the situation with colleagues, we have decided that we have no option other than to make the trees the subject of a Tree Preservation Order. This has been made today, and I attach an electronic copy.

I know that this is not the outcome that you were hoping for, but the trees make a significant contribution to the area and the Council has a duty to protect such trees. You can still make an application to fell them (I attach a form and guidance notes) with a right to appeal a refusal and additionally you have 28 days to submit an objection to the making of the TPO, which the Council will consider before deciding whether the TPO should be made permanent. The details of how to do this will be in the formal letter accompanying the paper copy of the TPO which is sent by post.'

The tree preservation Order was therefore made and served on 18 January 2018, protecting the four Wellingtonia trees as individual trees, numbered T1 –T4.

OBJECTIONS

Objections to the TPO were received on behalf of the owners of 5 Southways from Alex Chapman, Bradford and Company Solicitors and Ben Larkham Associates (Arboricultural consultant) in the form of a detailed tree report.

A representation in support of the objections was also received from Kent County Councillor Eric Hotson.

Alex Chapman co-ordinated the objection material and summarises the grounds for objection as follows:

- there are only broken views of the trees from North Street;
- the trees negatively impact on local amenity given the overbearing relationship to the property and adverse impact on the open appearance of Southways;
- the trees are causing a loss of sunlight to the property, damage to existing lightly loaded structures, maintenance issues related to the management of gutters and roof surface; and
- there is potential for future structural influence

Bradford and Company “outlines liabilities that Maidstone Borough Council should be responsible for should the TPO be confirmed and the owner is unable to carry out works to the trees immediately, including felling, unimpeded. These liabilities include any future damage to the property and structures within its curtilage, including, but not limited, to the driveway and footpaths; any future damage to neighbouring properties and their curtilages; any harm to humans; and costs associated with applications to do works to the trees.”

The Ben Larkham Associates report is referred to, highlighting existing damage to paths and the driveway and considers that “Whilst the contribution of the roots to any potential subsidence at the property are unknown at this time, it is beyond reasonable doubt, especially given the nature and age of the trees, that there is an extensive root zone that could contribute to subsidence in the future”. It is stated that the “owner is keen to ensure that there is no further damage to the property or risk to human safety and requests the ability to fell the trees immediately. The owner can also confirm that the felling of the trees will also assist in the sale of the property as prospective purchasers have raised the very concerns highlighted here.”

The trees’ contribution to amenity is challenged and considers that the TPO ignores the damage that the trees have already caused and are likely to cause in the future, that the TPO was made in the knowledge of the owner’s desire to fell the trees and in the full knowledge that there were grounds for the trees to be felled and considers that there is a gross failing in procedure, that Maidstone Borough Council has acted entirely unreasonably and should assume liability in the areas outlined should the TPO not be withdrawn, and requests a review of procedures for issuing a provisional TPO.

The reference to the sale of the property is supported by a letter from Savills estate agents, which states:

“As we have discussed, the trees have been the consistent negative in respect of feedback. Many parties not only expressing concerns over the proximity of the large Sequoias and the implication these have on the structural integrity of the building but also their impact in respect of

shade/maintenance – two couples mentioning in particular the consequence of ‘damp’ environment (lichen build up), the house ‘feeling’ dark and the mess caused from falling needles (blocked gutters etc.).

Whilst we continue to extol the many virtues of the property, it is fair to say in a more challenging and sensitive market place, the extent of the trees at 5 Southways are a concern to buyers. In our view some kind of professional reduction/removal will have a positive effect on saleability.”

Eric Hotson states:

“Having read the correspondence and detailed objection by Ben Larkham Associates Ltd, I wish to record my support of the objection.

I recall the original planning application for development at Southways and was concerned at the time of the close proximity of substantial trees to the new house (No 5).

The consultant’s objection very clearly details the existing and highly likely future problems the trees will cause to the property.

I consider that the felling of the described trees will not have an adverse effect or impact on the landscape character or visual amenity for there will still be substantial trees, hedges and bush growth within the development.

For the above reasons, I support the objection and trust my concerns will be disclosed at the appropriate planning committee.”

APPRAISAL

The trees are large, mature and have no significant defects to suggest that their structural stability is threatened at this time.

There is no evidence of damage to structures other than garden paths at this time.

Their public visibility is challenged and whilst they are visible from Southways, which itself is a public highway, relatively few people are likely to view the trees from this viewpoint. Views of the trees from North Street are partially obscured by buildings and other trees, and at a distance of 80 metres. From some viewpoints the tops of the trees are visible as skyline trees.

There was a clear intention to retain these trees when planning permission was granted to build the property. The conditions that were put in place to ensure their retention at the time are now considered to have no effect, so without the protection of a TPO, the owners would be able to fell or prune the trees without restriction. It is true that the construction of a property at this distance from the trees is unlikely to be considered appropriate under current guidance.

It is not considered that there is currently insufficient information to be able to determine that there is a subsidence risk to the property. More detailed soil investigation and testing would be needed to demonstrate this.

A TPO does not pass liability to Maidstone Borough Council. In the event that MBC refuses an application for works, the applicant may be able to make a compensation claim in certain

circumstances, but generally only in the event that works are refused in the face of evidence that the refusal will result in loss or damage.

At this time, it is not considered that there is any clear evidence to justify the felling of the trees. It is therefore recommended that the TPO is confirmed to ensure their retention until such evidence is available, and can be considered under the application process.

RECOMMENDED

That Tree Preservation Order No.5003/2018/TPO be confirmed without modification.

Contact Officer: Nick Gallavin

Head of Planning Services

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 26th April 2018**

APPEAL DECISIONS:

17/505252/FULL

Single storey side and rear extension.

APPEAL: DISMISSED

10 Creve Coeur Close
Thurnham
Maidstone
Kent
ME14 4PR

(Delegated)

2. 17/502657/FULL

Variation of Condition (02) of planning permission MA/13/1348 - Demolition of redundant cattle shed and other structures and conversion of traditional courtyard buildings to provide 2 no. dwellings with access, parking and landscaping (to allow the use of hand made clay tiles in place of Kent peg tiles)

APPEAL: ALLOWED

Street Farm
The Street
Boxley
Kent
ME14 3DR

(Delegated)

3. 17/504832/FULL

Conversion of garage into habitable space

APPEAL: DISMISSED

7 Angelica Square
Maidstone
Kent
ME16 0FT

(Delegated)

4. 16/508522/HYBRID

Hybrid application for outline application for 14 self/custom build detached dwellings (Access

being sought) and full detailed application for associated road infrastructure, access and landscaping.

APPEAL: DISMISSED

Land Adjacent To Westholme
Maidstone Road
Sutton Valence
Kent
ME17 3LR

(Delegated)

By virtue of paragraph(s) 2, 6a, 6b, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

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