

PLANNING COMMITTEE MEETING

Date: Thursday 1 February 2018
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

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

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1. Apologies for Absence	
2. Notification of Substitute Members	
3. Notification of Visiting Members	
4. Items withdrawn from the Agenda	
5. Date of Adjourned Meeting - 8 February 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.	
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Issued on 24 January 2018

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

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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.

ALTERNATIVE FORMATS

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 11 JANUARY 2018

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

356. APOLOGIES FOR ABSENCE

There were no apologies for absence.

357. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

358. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

359. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

360. 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. In addition, the report of the Head of Planning and Development relating to the wording of condition 5 (Landscaping) to be attached to planning permission 17/503284 (Church Farm, Ulcombe Hill, Ulcombe, Maidstone, Kent) should be taken as an urgent item as an Extension of Time agreement for determining the application would expire on 12 January 2018.

361. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Powell said that, with regard to the report of the Head of Planning and Development relating to application 16/503157 (Land Rear of Forge House, Ashford Road, Broomfield, Kent), he lived 100 metres from the site. However, he had not formed an opinion on the application, and would make up his mind on the basis of all of the evidence put before the Committee.

362. EXEMPT ITEMS

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

363. MINUTES OF THE MEETING HELD ON 19 DECEMBER 2017 ADJOURNED TO 4 JANUARY 2018

RESOLVED: That the Minutes of the meeting held on 19 December 2017 adjourned to 4 January 2018 be approved as a correct record and signed.

364. PRESENTATION OF PETITIONS

There were no petitions.

365. DEFERRED ITEMS

16/506349 - VARIATION OF CONDITION APPLICATION IN RELATION TO INSTALLATION OF 6 NO. FLOODLIGHTING COLUMNS REF. MA/09/1616 (ALLOWED ON APPEAL) WITH AMENDMENT TO CONDITION 3) THE FLOODLIGHTING SHALL NOT BE USED BETWEEN 1ST MAY AND 31ST AUGUST IN ANY CALENDAR YEAR; AND CONDITION 4) THE FLOODLIGHTING SHALL NOT BE USED OUTSIDE THE HOURS OF 15:00-22:30 ON TUESDAYS, WEDNESDAYS AND THURSDAYS, 15:00-21:30 ON SATURDAYS AND NOT AT ALL ON ANY OTHER DAY OF THE WEEK - BEARSTED FOOTBALL CLUB, HONEY LANE, OTHAM, KENT

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 these applications at present.

366. 16/505401 - ERECTION OF 13 DWELLINGS AND GARAGES WITH ASSOCIATED ACCESS AND LANDSCAPING - VICARAGE FIELD AT WARES FARM, LINTON HILL, LINTON, KENT

The Chairman and Councillors Clark, Cox, Harwood, B Mortimer, Munford, Powell, Round and Vizzard stated that they had been lobbied.

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

Councillor Whitmarsh of Linton Parish Council and Ms Foad, for the applicant, addressed the meeting.

RESOLVED: That subject to:

- (A) The prior completion of a legal agreement to provide for the Heads of Terms set out in the report with the proviso that delegated powers be given to the Head of Planning and Development to:

- (a) Discuss with NHS West Kent CCG if the Heads of Terms can be amended to refer to the new surgery in Heath Road, Coxheath; and
- (b) Discuss with the Council's Parks and Open Spaces Team if there is a need for the play area at the rear of the application site to be upgraded, and, if there is a need, to seek an appropriate contribution for inclusion in the Heads of Terms subject to CIL compliance checks; AND

(B) The conditions and informatives set out in the report;

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle or amend any necessary Heads of Terms and conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 9 – For 0 – Against 4 – Abstentions

367. 16/503157 - ENGINEERING WORKS USING IMPORTED INERT FILL TO REGRADE GROUND LEVELS TO CREATE A GRASS ROADWAY TO THE MOTOCROSS TRACK (RETROSPECTIVE) - LAND REAR OF FORGE HOUSE, ASHFORD ROAD, BROOMFIELD, KENT

The Chairman and Councillors Clark, Cox, Harwood, Round, Spooner and Mrs Stockell stated that they had been lobbied.

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

Sir David Steel, Chief Executive of the Leeds Castle Foundation, an objector, addressed the meeting.

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

Within 3 months of the date of this retrospective permission, details of a scheme of native shrub planting along the boundary fence line of the field fronting Chegworth Road and the A20, including a programme for the approved scheme's implementation and long term management, shall be submitted to the Local Planning Authority for approval. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The scheme shall be carried out in accordance with the approved details.

Reason: In order to safeguard and enhance the biodiversity interests of the site and in the interests of the visual amenities of the area.

Voting: 6 – For 3 – Against 4 – Abstentions

FURTHER RESOLVED: That the Community Protection Team be asked to inspect the site to ascertain whether there have been any breaches.

Voting: 10 – For 1 – Against 2 – Abstentions

368. 16/501954 - DEMOLITION OF ATTACHED OUTBUILDINGS - CONVERSION AND EXTENSION OF BARN TO PROVIDE DWELLING - BLETCHENDEN FARM, BLETCHENDEN ROAD, HEADCORN, KENT

The Chairman and Councillors Prendergast 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.

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

Voting: 12 – For 0 – Against 1 – Abstention

369. 16/501955/LBC - INTERNAL AND EXTERNAL ALTERATIONS AND EXTENSION OF BARN IN CONNECTION WITH CONVERSION TO DWELLING - BLETCHENDEN FARM, BLETCHENDEN ROAD, HEADCORN, KENT

The Chairman and Councillors Prendergast 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.

The Development Manager advised the Committee that he wished to amend the wording of recommended conditions 2 and 4 as follows:

Condition 2 (amended)

Prior to the works hereby approved commencing joinery details of the proposed windows, doors, internal joinery and internal partitions shall be submitted to and approved in writing by the Local Planning Authority. The details shall specify materials and finishes and include large scale plans at a scale of 1:20 showing long and cross profiles of the mullions, transoms, cills and internal partitions. Work shall only be carried out in accordance with the approved details and retained as such at all times thereafter.

Reason: To safeguard the character and fabric of the heritage asset.

Condition 4 (amended)

Prior to the works hereby approved commencing a schedule of works shall be submitted for prior approval in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and fabric of the heritage asset.

RESOLVED: That listed building consent be granted subject to the conditions set out in the report as amended by the urgent update report and by the Development Manager at the meeting.

Voting: 11 – For 0 – Against 2 – Abstentions

370. 17/503284 - ERECTION OF CRAVO GREENHOUSES, GENERAL PURPOSE AGRICULTURAL STORAGE BUILDING, WATER STORAGE TANKS, DRAINAGE WORKS, CONSTRUCTION OF A RESERVOIR AND LANDSCAPING - CHURCH FARM, ULCOMBE HILL, ULCOMBE, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development regarding the wording of condition 5 (Landscaping) to be attached to planning permission 17/503284 as there was a difference in opinion between the Members consulted as to whether the recently planted conifers should be removed or retained as part of the landscaping scheme.

RESOLVED: That the wording of condition 5 (Landscaping) to be attached to planning permission 17/503284 should be as per option 2 set out in the report of the Head of Planning and Development providing for the retention of the recently planted conifers with an amendment to require a ten year management plan as follows:

The development hereby approved shall not commence until a landscape scheme designed in accordance with the principles of the Maidstone Landscape Character Assessment Supplement 2012 has been submitted to and approved in writing by the Head of Planning and Development in consultation with the Political Group Spokespersons of the Planning Committee and Ward Members. The scheme shall show all existing trees, hedges and blocks of landscaping on and immediately adjacent to the site, and indicate whether they are to be retained or removed, and include a planting specification, a programme of implementation and maintenance and a 10 year management plan. The landscape scheme shall reflect the locations of the lines of hedges shown on the Planting Proposals Plan (LVA, Figure 3) and include the supplementing of the recently planted conifer hedgerow with appropriate native hedgerows and trees. The hedgerow species mix shall include a proportion of evergreen shrubs (Holly or Yew) and species which retain their leaves for a large proportion of the year (Hornbeam or Beech) to maximise the screening effect without compromising existing landscape character. The scheme shall also include a minimum 15m wide buffer area to the adjacent woodland areas, defined with post and rail fencing and planted with a mix of 55% *Corylus avellana* (Hazel), 10% *Ligustrum vulgare* (Privet), 10% *Prunus spinosa* (Blackthorn), 15% *Rhamnus cathartica* (Purging Buckthorn) and 10% Field Maple (*Acer campestre*), planted at 1.5m centres and at a minimum height of 45-60cm.

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

Voting: 9 – For 4 – Against 0 – Abstentions

371. GYPSY AND TRAVELLER SITES - NEED AND SUPPLY

Arising from consideration of an item earlier on the agenda, the Committee:

RESOLVED: That the Strategic Planning, Sustainability and Transportation Committee be requested to address the issue of unmet demand for affordable Gypsy and Traveller sites in the Borough.

Voting: 13 – For 0 – Against 0 – Abstentions

372. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

373. DURATION OF MEETING

6.00 p.m. to 7.15 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

1 FEBRUARY 2018

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEM

The following application stands deferred from a previous meeting of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

APPLICATION	DATE DEFERRED
<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>

Agenda Item 13



16/506349 - Bearsted Football Club

Scale: 1:2500

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REPORT SUMMARY

REFERENCE NO: 16/506349/FULL			
APPLICATION PROPOSAL: Variation of condition application in relation to installation of 6no. floodlighting columns ref. MA/09/1616 (allowed on appeal) with amendment to condition 3) The floodlighting shall not be used between 1st May and 31st August in any calendar year; and condition 4) The floodlighting shall not be used outside the hours of 15:00-22:30 on Tuesdays, Wednesdays and Thursdays, 15:00-21:30 on Saturdays and not at all on any other day of the week.			
ADDRESS: Bearsted Football Club Honey Lane Otham Kent			
RECOMMENDATION: GRANT PLANNING PERMISSION for the development to proceed with the amended conditions at the end of this report.			
SUMMARY OF REASONS FOR RECOMMENDATION: The extended times of floodlighting the main pitch would not have a significant impact on countryside character or residential amenity, above and beyond that which currently occurs. Environmental impact should be balanced with the benefits of promoting sport and leisure and the variations applied for would enable the club to fulfil its league obligations.			
REASON FOR REFERRAL TO COMMITTEE: At the request of Councillor Gordon Newton			
WARD Downswood And Otham	PARISH/TOWN COUNCIL Otham	APPLICANT Trustees Of Bearsted Football Club AGENT Watson Day Chartered Surveyors	
DECISION DUE DATE 28/09/16	PUBLICITY EXPIRY DATE 02/09/16	OFFICER SITE VISIT DATE <u>State date</u>	
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites): There is a lengthy planning history here concerned with the development of the playing fields and associated development. The most relevant history for this application is as follows:			
App No:	Proposal:	Decision:	Date:
16/508636/FULL	Installation and siting of covered standing spectator accommodation	Granted	16.08.2017
15/508999/FULL	Retention of concrete hardstanding surrounding main pitch, concrete hardstanding adjacent to changing rooms and provision of turnstile within palisade security fencing	Granted	27.04.2016
09/1616	Planning permission for installation of 6no. floodlighting columns	Refused but appeal allowed	15.03.2011

09/1615	Planning application for installation of 2no. portable covered seating stands (57 seats each) and associated works including laying of paved area	Refused but allowed on appeal	15.03.2011
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MAIN REPORT

1.0 This application was deferred at the meeting of the Planning Committee on the 14 September 2017 (Adjourned from the 7th September 2017 (Committee Report and updates for this meeting are attached as Appendix 1 to this report).

1.01 Members resolved to defer consideration of the application 'so as for officers to investigate the impact of the additional hours and month on ecology, specifically in relation to bats'.

1.02 In response to the above, the applicant has submitted an Update Bat Tree Assessment Report which in summary advises that:-

- The core bat breeding period is between May and August and the use of the lights from the very end of August (31st) is not considered likely to have any impact on breeding bats in the local area.
- None of the trees within the site are considered suitable to support a bat maternity roost.
- The floodlighting is directional and illuminates the pitch without excessive spillage into the landscape.
- The highest level of lighting only affects the northern edges of trees T9, T10 and T11 which have 'low' and 'negligible' potential to support a bat roost.
- The use of lighting for an additional hour (until 22:30hrs on Tuesdays, Wednesdays and Thursdays) may reduce the foraging time available for bats by one hour per night on the northern edge of the treeline and along the lime trees to the west. However the area to be affected is small and consists of hardstanding car park with mature trees. There is no ground flora or shrub layer, and as such there is no quality foraging available for bats.
- The majority of the trees to the south remain unaffected by the lighting and there are multiple opportunities within the woods to the south, south-west and north-west.
- It is considered that using the lighting during this time would have minimal impact on the local bat population's ability to forage and commute.

2.0 LOCAL REPRESENTATIONS:

2.01 No representations received in connection with the additional information submitted.

3.0 CONSULTATIONS

3.01 KCC Biodiversity Officer advises that they have reviewed the bat tree assessment which has assessed the impacts of the increased use of floodlighting upon roosting and foraging bats. They are satisfied with the submitted information and consider that the increase in floodlighting operating hours (as specified within the application) will have minimal impacts upon roosting/foraging bats.

4.0 APPRAISAL

4.01 Since members first considered this application the Local Plan has been adopted. The key relevant policies SP17, DM1, DM3, DM7 and DM8 therefore carry full weight.

4.02 It remains the case that proposals for external lighting should be carefully designed and appropriate specifications used such that glare and spillage would not have a

detrimental impact on areas of nature conservation importance. The Maidstone Local Plan advises that protected species such as bats tend to avoid well-lit areas, and lighting schemes should ensure that ecological issues are carefully considered in their design.

4.03 This assessment has already been undertaken in the original Committee Report attached as APPENDIX1. The original committee report concludes that the impacts of the increased use of floodlighting upon roosting and foraging bats was acceptable.

4.04 Planning Permission was allowed at appeal in March 2011 under ref MA/09/1616 (Inspector's decision letter is included here as APPENDIX1) for the installation of 6no. floodlighting columns.

4.05 The Inspector imposed the following conditions:-

Condition no.3) The floodlighting hereby approved shall not be used between 1st of May and 30 September (inclusive) in any calendar year' and Condition no.4) The floodlighting hereby approved shall not be used outside the hours of 15.00 to 21.30 on Tuesday s, Wednesdays Thursdays and Saturdays and not at all on any other day of the week.'

4.06 This application proposes to amend the above conditions (condition 3 and 4) to allow an extension to the times of use of the floodlighting around the main pitch.

4.07 The current condition 3 states that the use of the floodlighting is not permitted in the months of May, June, July August and September and the current amendment requests that this restriction is amended to allow use of the floodlighting in September. Condition 3 is proposed to read as follows:-

Condition 3) The floodlighting hereby approved shall not be used between 1st of may and 31st of August (inclusive) in any calendar year.'

4.08 The current condition 4 restricts the use of floodlighting so they can only be used between the hours of 3pm and 9.30pm on Tuesdays, Wednesdays, Thursdays and the condition requests greater use of the floodlighting to allow an extra hour of use on Tuesdays, Wednesdays, and Thursdays with use until 10.30pm to account for mid-week fixtures.

4.09 Condition 4 is proposed to read as follows:-

Condition no.4) The floodlighting hereby approved shall not be used outside the hours of 15.00 to 22.30 on Tuesdays, Wednesdays Thursdays; 15:00 to 21:30 on Saturdays; and not at all on any other day of the week.'

4.10 The submitted updated bat assessment concludes that the increase in floodlighting as detailed above will have minimal impacts upon roosting/foraging bats.

5.0 CONCLUSION

5.01 Members resolved to defer consideration of the application 'so as for officers to investigate the impact of the additional hours and month on ecology, specifically in relation to bats'. Following this, an 'Update Bat Tree Assessment Report' was submitted to further justify the development. The submitted survey concludes that the core bat breeding season is between May and August and none of the trees within the site have potential to support a maternity roost of bats. As such, it is not considered that extending the use of lighting so that it can be switched on from 31st

August (rather than 30th of September) will have a significant impact on breeding bats.

- 5.02 In regards to the proposed increase in hours of use to allow an extra hour on Tuesdays, Wednesdays and Thursdays (up to 22:30 hrs), it is considered that this may affect a small (0.33hac) area which consists of hardstanding car park with mature trees. There are multiple foraging opportunities around the trees in the unlit section of the car park to the south in the nearby woodlands, and as such loss of the small area will not cause a significant impact on foraging bats. In addition, the small area that would be affected is of poor quality foraging habitat for bats as it does not have ground flora or shrub layer which would provide a high quality foraging habitat for bats. Furthermore, it is considered that the eastern side of the row of lime trees to the west of the pitch would still be a suitable commuting corridor even when the lights are switched on as the tree line is illuminated by c.5 lux. Given this, it is considered that using the lighting for an addition hour on Tuesdays, Wednesdays and Thursdays (up to 22.30) would have a minimal impact on the local bat populations' ability to forage and commute.
- 5.03 The minimal impact of the extended times of floodlighting the main pitch on the bat populations' ability to forage and commute (as discussed herein) should be balanced against the benefits of promoting sport and leisure. Overall, it is considered that the benefits of the development significantly outweigh the minimal impact detailed herein, and as such it is recommended that planning permission be GRANTED for the development.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans: DHA/7126/02, DHA/7126/10, DHA/7126/11, DHA/7126/12 and the specifications set out by Highlights Floodlighting Ltd dated 17 October 2008. Reason: In the interests of proper planning.
- (2) The floodlighting hereby approved shall not be used between 1st May and 31st August (inclusive) in any calendar year; Reason: In order to protect the character of the countryside.
- (3) The floodlighting hereby approved shall not be used outside the hours of 15.00 to 22.30 on Tuesdays, Wednesdays, Thursdays; 15:00 to 21:30 on Saturdays; and not at all on any other day of the week; Reason: In order to protect the character of the countryside.

Case Officer: Thandi Zulu

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

Planning Committee Report
7 September 2017

REPORT SUMMARY

REFERENCE NO: 16/506349/FULL			
APPLICATION PROPOSAL: Variation of condition application in relation to installation of 6no. floodlighting columns ref. MA/09/1616 (allowed on appeal) with amendment to condition 3) The floodlighting shall not be used between 1st May and 31st August in any calendar year; and condition 4) The floodlighting shall not be used outside the hours of 15:00-22:30 on Tuesdays, Wednesdays and Thursdays, 15:00-21:30 on Saturdays and not at all on any other day of the week.			
ADDRESS: Bearsted Football Club Honey Lane Otham Kent			
RECOMMENDATION: GRANT PLANNING PERMISSION for the development to proceed with following amended conditions.			
SUMMARY OF REASONS FOR RECOMMENDATION: The extended times of floodlighting the main pitch would not have a significant impact on countryside character or residential amenity, above and beyond that which currently occurs. Environmental impact should be balanced with the benefits of promoting sport and leisure and the variations applied for would enable the club to fulfil its league obligations.			
REASON FOR REFERRAL TO COMMITTEE: At the request of Councillor Gordon Newton			
WARD Downswood And Otham	PARISH/TOWN COUNCIL Otham	APPLICANT Trustees Of Bearsted Football Club AGENT Watson Day Chartered Surveyors	
DECISION DUE DATE 28/09/16	PUBLICITY EXPIRY DATE 02/09/16	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites): There is a lengthy planning history here concerned with the development of the playing fields and associated development. The most relevant history for this application is as follows:			
App No:	Proposal:	Decision:	Date:
16/508636/FULL	Installation and siting of covered standing spectator accommodation	Granted	pending
15/508999/FULL	Retention of concrete hardstanding surrounding main pitch, concrete hardstanding adjacent to changing rooms and provision of turnstile within palisade security fencing	Granted	27.04.2016
09/1616	Planning permission for installation of 6no. floodlighting columns	Refused but allowed on appeal	15.03.2011
09/1615	Planning application for installation of 2no. portable covered seating stands (57 seats each) and associated works including laying of paved area	Refused but allowed on appeal	15.03.2011

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.01 The application site is located off the south side of Honey lane. This is land in the countryside beyond the defined limits of any recognised settlement. An access track (which shares the line of a public footpath) leads south from Honey Lane with the football pitches to the east. The track serves these pitches and the car park and changing facilities/clubhouse located amidst the protected woodland of Belts Wood to the south of the pitches.
- 1.02 A line of floodlighting pylons serves a training area to the north west of the changing rooms, with the main pitch to the north and north east of the building lit by six floodlighting columns. There are small spectator stands on the southern edge of the main pitch. There is a line of residential properties to the north of the overall playing fields area, fronting Honey Lane and White Horse Lane.
- 1.03 The existing use is long established, but with some restrictions on the intensity of its use. On Sundays the two pitches nearest to housing in Honey Lane may only be used between 10.00 and 14.00 hours. There is a clubhouse providing changing, hospitality and welfare facilities. Its use is limited by condition to the hours between 08.00 and 21.30. There is a training area which is floodlit. There is no restriction on the use of the training area but its floodlights may only be used on Tuesdays, Wednesdays and Thursdays between 16.30 and 21.30.
- 1.04 As to the main pitch, the floodlighting there is the subject of this current application and was allowed on appeal under ref. MA/09/1616 (Inspector's decision letter is included here as an Appendix). The Inspector imposed the following conditions:

"3) The floodlighting hereby approved shall not be used between 1st May and 30 September (inclusive) in any calendar year". and

"4) The floodlighting hereby approved shall not be used outside the hours of 15.00 to 21.30 on Tuesdays, Wednesdays, Thursdays and Saturdays and not at all on and other day of the week".

2.0 PROPOSAL

- 2.01 This application proposes that the above conditions be amended to allow an extension to the times of use of the floodlighting around the main pitch to the following:

Condition 3 "The floodlighting hereby approved shall not be used between 1st May and 31st August (inclusive) in any calendar year". and

Condition 4 "The floodlighting hereby approved shall not be used outside the hours of 15.00 to 22.30 on Tuesdays, Wednesdays, Thursdays; 15:00 to 21:30 on Saturdays; and not at all on any other day of the week".

- 2.02 The current condition 3 states that the use of the floodlighting is not permitted in the months of May, June, July, August and September and the current amendment requests that this restriction is amended to allow use of the floodlighting in September.
- 2.03 The current condition 4 restricts the use of the floodlighting so they can only be used between the hours of 3pm and 9.30pm on Tuesdays, Wednesdays, Thursdays and the condition requests greater use of the floodlighting to allow an extra hour of use on

Tuesdays, Wednesdays, Thursdays with use until 10.30pm to account for mid-week fixtures.

- 2.04 In support of the proposal the applicant states that, since the appeal decision, the club has risen to Step 5 in the FA Pyramid: such progression brings with it a requirement to play league fixtures midweek with a 19.45 kick-off. In addition to which there are likely to be midweek FA and other cup competition matches, and rescheduled league games. Matches commencing at 19.45 would not finish until at least 21.30 and there may be a need for extra time in addition to that. On that basis the club cannot fulfil its league/cup obligations with the current restrictions in place.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV49
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough Council Local Plan Publication (submission version) February 2016, SP17, DM1, DM3, DM7, DM22, DM34

- 3.01 Paragraph 216 of the NPPF sets out the factors which influence the weight to be given to emerging LP policies – preparation stage, extent of unresolved objections & consistency with the NPPF.

- 3.02 Maidstone Borough Local Plan (2016) was submitted to the Secretary of State for examination on 20th May 2016. The Local Plan Inspector issued his Report on the Examination of the Maidstone Borough Local Plan on 27th July 2017. The Report is accompanied by an appendix containing the Main Modifications. The Inspector concludes that, with the incorporation of the Main Modifications, the submission Maidstone Borough Local Plan is sound. The adoption of the Local Plan will be considered at the next meeting of the Council on 27th September 2017.

- 3.03 In these circumstances, it is considered that approaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the Main Modifications in the determination of planning applications.

4.0 LOCAL REPRESENTATIONS

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

- 4.02 One local resident states that a 22.30 end-time is too late and would cause disturbing light pollution to local residents.

- 4.03 Otham Parish Council states: *"I will be grateful if you would bear in mind the objections from Otham Parish Council when deciding the above application. The proposed extension to the hours and dates of floodlight use will cause disturbance to the residents who live in the immediate vicinity of the club ground. The argument presented by Bearsted Football Club that there is a change from a village/semi-rural setting to an urban setting is not legitimate."*

- 4.04 *The lighting at the football ground and extended playing time will still impact on the current residents regardless of other levels of lighting in the vicinity. Furthermore the extended playing time and lighting will impact on residents of the new houses as well. The residents of an urban area have as much right to low levels of light and noise pollution and disturbance as those living in a village setting".*

- 4.05 Councillor Gordon Newton states: *“I would suggest that the time of the start of the game referred to in the application is moved from 19.45 to 18.30hrs. On that basis the use of the lights will fall within the time allocated for floodlighting and there would be no need for a variation. This would also assist in reducing late night noise for local residents. If you are minded to approve this application, I would like it called in for Determination by the Planning Committee”.*

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 objection
- 5.02 **KCC Public Rights of Way Officer:** No objection
- 5.03 **KCC Archaeological Officer:** No objection.
- 5.04 **MBC Environmental Health:** The lighting scheme appears well designed, and to comply with relevant guidance from the Institution of Lighting Professionals. On balance the potential for nuisance from increasing use of the floodlighting by one hour per day, and by one month in the year, is minimal.

6.0 **APPRAISAL**

Main Issues

- 6.01 The key issues for consideration relate to:
- Potential impact of the extended floodlighting use on the character of the area;
 - Potential impact of the extended floodlighting use on residential amenity;
 - Potential impact of the extended floodlighting use on ecology.

Background

- 6.02 In defending the decisions to refuse permission for the earlier applications for floodlighting (MA/09/1616) and the two spectator stands (MA/09/1615) the council made the argument to the appeal Inspector that the facilities would be likely to lead to a general increase in the intensity of use of this site. This pressure would be greater if the club were successful and as a result required improved facilities that would change character from essentially from a playing field to a small ‘non-league’ football stadium and the associated further development.
- 6.03 The Inspector did not share the Council’s concerns and granted planning permission. Since the appeal decision, planning permission has been sought and granted for a further spectator stand (16/508636/FULL). The current application to vary floodlighting times is a consequence of the club success and a rise up the FA’s ‘pyramid’ league structure. The Inspector’s attitude to the previous proposals has, in many ways, lead to pressure for further development which, unless significant harm can be identified, may be difficult to resist.

Impact of the extended floodlighting use on the character of the area

- 6.04 On the countryside character issue, there is no additional built development here and, in my judgement, the lighting of the pitch for occasional midweek matches for an additional month; and an additional hour on the occasions of those matches is unlikely to have any significant impact on the character of the countryside.

- 6.05 It must also be borne in mind that the wider area is experiencing significant housing growth and that has inevitably had a somewhat urbanising impact on the area to the west of the application site.

Impact of the extended floodlighting use on residential amenity.

- 6.06 With regard to the residential amenity issue, the floodlit pitch is approx. 100 to 150 metres away from the housing on Honey Lane. I do not consider that the extended times represent a significant threat, in terms of light intrusion, to their amenities above and beyond the lightpool that already exists.
- 6.07 The proposed change to the floodlighting times would facilitate an extension the general use of the main pitch facility later into the night. This is considered acceptable as the main pitch is well away from housing. Whilst I appreciate there would be vehicle movements down the access track, I am not convinced that the proposed changes would lead to a significant loss of amenity.
- 6.08 The proposal has been considered by the council's Environmental Health Officer who have commented who has noted that the floodlighting appears to comply with the relevant guidance from the Institution of Lighting Professionals. The Environmental Health Officer has raised no objection to the proposal.

Potential impact of the extended floodlighting use on ecology.

- 6.09 The ecology report submitted with the original application for the floodlighting raised the potential for a bat roost in the trees to the south of the lit area. That report recommended that the proposed lighting should not be switched on between 1st May and 30th September: as the key bat activity period.
- 6.10 This proposal would mean that the lighting would operate in September but only for very limited periods. Environmental concerns need to be balanced with the benefits of promoting sport and leisure and I am satisfied that the time extensions proposed here would not have a significant adverse impact on the ecology of the area.

7.0 CONCLUSION

- 7.01 In conclusion, the change from a playing field to a small 'non-league' football stadium was permitted by the appeal decisions on the spectator stands and erection of floodlighting columns. The impact from the facility as it now operates was considered acceptable by the appeal Inspector.
- 7.02 In relation to the current application I am satisfied that the extended times of floodlighting the main pitch would not have a significant impact on countryside character or residential amenity, above and beyond that which currently occurs. Environmental impact should be balanced with the benefits of promoting sport and leisure and the variations applied for would enable the club to fulfil its league obligations. I recommend approval.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION for the development to proceed with following amended conditions.

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans: DHA/7126/02, DHA/7126/10, DHA/7126/11, DHA/7126/12 and the specifications set out by Highlights Floodlighting Ltd dated 17 October 2008. Reason: In the interests of proper planning.

- (2) The floodlighting hereby approved shall not be used between 1st May and 31st August (inclusive) in any calendar year; Reason: In order to protect the character of the countryside.
- (3) The floodlighting hereby approved shall not be used outside the hours of 15.00 to 22.30 on Tuesdays, Wednesdays, Thursdays; 15:00 to 21:30 on Saturdays; and not at all on any other day of the week; Reason: In order to protect the character of the countryside.

Case Officer: Geoff Brown

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

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Bearsted FC, Otham

Ref: 16/506349/FULL

Officer comment: with apologies, I note that the appendix referred to in the report was not included. I therefore enclose a copy here.

MY RECOMMENDATION REMAINS UNCHANGED



Appeal Decisions

Hearing held on 2 February 2011
Site visit made on 2 February 2011

by P W Clark MA MRTPI MCMi

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 March 2011

Appeal A Ref: APP/U2235/A/10/2137747

Bearsted Football Club, Honey Lane, Otham, Maidstone, Kent ME15 8RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bearsted Football Club against the decision of Maidstone Borough Council.
 - The application Ref MA/09/1615, dated 8 September 2009, was refused by notice dated 16 June 2010.
 - The development proposed is the installation and siting of 2N^o portable covered seating stands.
-

Appeal Ref: APP/U2235/A/10/2137744

Bearsted Football Club, Honey Lane, Otham, Maidstone, Kent ME15 8RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bearsted Football Club against the decision of Maidstone Borough Council.
 - The application Ref MA/09/1616, dated 8 September 2009, was refused by notice dated 14 June 2010.
 - The development proposed is the installation of 6N^o floodlighting columns.
-

Decision

1. I allow appeal A, and grant planning permission for the installation and siting of 2N^o portable covered seating stands at Bearsted Football Club, Honey Lane, Otham, Maidstone, Kent ME15 8RG in accordance with the terms of the application, Ref MA/09/1615, dated 8 September 2009, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DHA/7126/01 revision A, DHA/7126/02, DHA/7126/03 revision A, J40.77/01 and J40.77/02 and with the tree protection measures specified in sections 9 and 10 and appendices 3 and 4 of the arboricultural implications assessment dated 15th December 2009 by Tim Laddiman of Broad Oak Tree Consultants Ltd and with the Technical Data Sheet by Audience Systems Ltd dated March 09 for a large module Premier Grandstand in Twickenham Green seating colour.

2. I allow appeal B, and grant planning permission for the installation of 6N^o floodlighting columns at Bearsted Football Club, Honey Lane, Otham, Maidstone, Kent ME15 8RG in accordance with the terms of the application, Ref MA/09/1616, dated 8 September 2009, subject to the following conditions:
- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DHA/7126/02, DHA/7126/10, DHA/7126/11, DHA/7126/12 and the specifications set out by Highlights Floodlighting Ltd dated 17 October 2008.
 - 3) The floodlighting hereby approved shall not be used between 1st May and 30 September (inclusive) in any calendar year.
 - 4) The floodlighting hereby approved shall not be used outside the hours of 15.00 to 21.30 on Tuesdays, Wednesdays, Thursdays and Saturdays and not at all on any other day of the week.

Main Issues

3. There are two main issues common to both appeals; one is in two parts. The first main issue is the effect of the proposals on the intensity of use of the site and whether the site is a sustainable location for any intensification which might result. The second main issue is the effect of the proposals on the character and appearance of the area.

Reasons

Intensity of use

4. The existing use is long established, with few restrictions on the intensity of its use other than the intrinsic limitations of the facilities provided. There are three pitches, none presently floodlit. Dugouts are provided for officials but there are no specific pitch-side facilities for spectators. The only restriction on their use is that on Sundays the two pitches nearest to housing in Honey Lane and not the subject of the current proposals may only be used between 10.00 and 14.00 hours.
5. There is a clubhouse providing changing, hospitality and welfare facilities. Its use is limited by condition to the hours between 08.00 and 21.30. There is a training area which is floodlit. There is no restriction on the use of the training area but its floodlights may only be used on Tuesdays, Wednesdays and Thursdays between 16.30 and 21.30. There is a car park. Individual bays are not marked out but, if laid out efficiently, I estimate that its area would be capable of accommodating in the order of up to 85 cars.
6. Information about the level of use which these facilities generate is limited. Both parties gave figures for attendances on one date in October 2010 when only one pitch was in use for a first team match. The council additionally observed a second date. Players and officials count for 40 people. Spectators are recorded as 38 and 25 on each occasion. There appears also to have been some car occupants recorded in the appellant's figures who may only have been delivering participants or spectators and not themselves remaining on site. These figures are consistent with a level of activity in the order of 40-50 vehicles or 80-100 persons for a first team match.

7. However, the club runs 5 senior men's teams, two girls' teams, 20 competitive youth teams, youth holiday courses and a development centre for 4-7 year olds. Not all the club's activity is on this site but equally, not all the activity on the Honey Lane site is limited to the club; I was informed that pitches are sublet to other clubs. The site is not owned by the club; I was informed that the landowner has proposals from other clubs to use pitches if not required by Bearsted Football Club.
8. The appellant points out that activities such as the youth holiday courses generate a greater intensity of use and attendance than do senior matches. For these reasons, the observations made on one or two first team match dates in October 2010 cannot provide reliable information about the existing intensity of use; the existing potential, without taking into account any effects from the proposals, is clearly much greater.
9. The stands would provide better facilities for spectators and so might encourage greater numbers to attend but only to one of the three pitches on site. Spectator attendance represents only a small element of the existing potential level of use of the site. Furthermore, I am not convinced that the additional level of comfort provided by the proposed stands would lead to greater spectator attendance independent of the level of play, fan base and membership of the club.
10. The club has aspirations to increase all three of these. The level of play is limited, in part, by the facilities which the ground offers. The club's ambitions have already been frustrated by the limited facilities at the ground. The footballing authorities' requirements for grounds change from time to time. Evidence was produced to show that the facilities proposed would be required within four years if the club is to continue to play at its existing level. Whether the proposals would fully satisfy the requirements for the club to play at a higher level is not clear but it certainly has aspirations to do so. It believes the current proposals would facilitate that ambition.
11. Even if the club were to succeed in that ambition, there is no suggestion that a greater number of games would have to be played. No increase is proposed in the number of pitches or the size of the changing rooms, so there could be no greater intensity of use by players at any one time as a result of the proposals.
12. The floodlights would lead to a greater frequency of use of one of the three pitches, by allowing play at times not presently possible, such as mid-week evenings. Even that would remain limited by the condition of the playing surface and its ability to sustain more frequent use.
13. On the evidence of attendances at the higher level which the club aspires to, average spectator numbers might double but only for those fixtures played at that higher level. Since spectator numbers at those games represent only a proportion of the total level of activity at the site, I conclude that the proposals would not lead to a significant intensification of use but could lead to extended frequency of use of one of the three pitches.

Sustainability

14. A bus service stops outside the site, at infrequent intervals. It is about ten minutes walk, largely by a segregated (though mostly unlit) footpath, from a high-frequency bus service. The distance involved means that the site does not have good access to public transport as defined by policy T21 of the

- Maidstone Borough-Wide Local Plan. This policy would not allow new development in such circumstances. As noted above, the proposals are not for a new use but would be likely to result in extended use of an existing facility, so the balance of advantage is not so clear cut.
15. The site lies outside the built up area, separated by one field width from the Maidstone urban boundary. Nevertheless it would be within a ten-fifteen minute walk of the urban area and so would offer sustainable access within the accessibility requirements of the Council's Green Spaces for Maidstone Strategy for a sports facility to serve that part of the urban area and the allocated housing site 300m away to the south of Bicknor Wood.
 16. Despite that, most of the membership of and support for the club comes from, and is likely to continue to originate from, Bearsted, about 3km to the north. As this is not directly connected by public transport and the club has no travel plan or arrangements for communal travel, it is likely that the majority of travel would be by private car. A variety of routes are available. Although that through Otham village is largely a single track road with passing places and so has limited capacity, the route using White Horse Lane and Church Road is wide enough to allow cars to pass in comfort. The bus route passing the site demonstrates that the site is accessible to minibuses of the size likely to be used for the club's existing level of activity.
 17. I have concluded that there is likely to be more extended but not much intensified use of the site as a result of the proposals, so I take the view that the highway network can continue to sustain the traffic demands of the site. As I result I concur with the view of the Kent Highway Authority which has no objection to the proposals.
 18. Local residents point out that sustainable development is not just concerned with minimising the resource costs of transport but is also concerned with promoting personal wellbeing, social cohesion and inclusion. These points reflect the aims of the government's Noise Policy Statement for England issued by DEFRA in March 2010.
 19. Of its nature, a sports facility promotes the personal wellbeing of those who participate. In so far as the proposals would facilitate extended participation in sport, they would be consistent with the principles of sustainable development. Local residents report that activity at the existing site creates noise which they find unacceptable to their personal well-being. I have no data to confirm their experience but I can understand that the two pitches adjacent to the housing in Honey Lane, not the subject of the present proposal, might well cause annoyance from time to time.
 20. The proposals which I am dealing with concern the pitch furthest away from the housing. The stands would be about 190 m away from the nearest residential property. They would have no effect on the noise emanating from the players on any pitch. In so far as they might result in an increased number of spectators, there could be some increase in the volume of shouting but the numbers would still be so limited that it would not amount to the roar of a football stadium. Neither party provided any scientific data but the distances involved, and the attenuation of noise over grass, suggest that any noise from the stands, although audible, would not be unacceptable.
 21. I conclude that; although the site is not ideally located in terms of sustainable transport, it is an existing use which is not likely to be significantly intensified

as a result of the proposals. The existing intensity of use is likely to be extended to additional times but, in so far as the existing level of use is sustainable, then I conclude that the extended times of use would also be sustainable.

22. The proposals would comply with South East Plan policy S5 which is a part of the statutory development plan. This encourages participation in sport and recreation, locating facilities where they can be accessed by a range of modes of transport. Policy CC1 which seeks the achievement or maintenance of sustainable development and policy CC6 which calls for development with a sense of place including considerations of accessibility would also be met. The government's intention to abolish the South East Plan along with other Regional Spatial Strategies would not give rise to any reason to reach a different conclusion about the sustainability of the proposal.

Character and appearance

23. As noted in a previous appeal (T/APP/U2235/A/98/290135/P4), this particular tract of countryside is not devoid of urban influences. Although there is an agricultural field to the west of the sports ground and woodland to its south, the north of the sports ground is bordered by a group of about 50 or so houses which are suburban in style even if located outside a defined settlement. To its east are riding stables and paddocks. To its south east is another sports ground with a pavilion. In a report on a previous application on site, the council's officers describe it as "open countryside in what may be termed the 'urban fringe' of Maidstone. This locality is not designated as being of significant landscape value." I concur.
24. Residents refer to the CPRE's map of areas of tranquillity in the countryside. This shows the site to be located in an area towards the "least tranquil" end of that map's spectrum. They also refer to the dark nature of the village of Otham, lacking any street lights. Despite that, the training area of this sports ground is already permitted to be floodlit up to three nights a week.
25. Three of the proposed lighting columns would be placed close to trees and so would not stand out against that background. As specified (which can be secured by condition 2 in appeal B) all six would be slender and so not unduly prominent in any event. They would be consistent with the existing character of the site as a sports ground. If restricted by condition 4 of appeal B to similar hours and nights, adding only Saturday match days, the pool of light which they would create would not be an innovation but would mainly enlarge or supplant the immediately adjacent pool of light for the training ground. Condition 3 of appeal B would also preclude their use during the months when bats are most active.
26. The stands for spectators would be utilitarian. So too are the stables on the adjoining site to the east and the farm buildings on land to the south-west. Such is the character of buildings in rural areas unless intended for residence. Condition 2 of appeal A would be needed to specify the particular size of stand and colour of seating to be used.
27. With this and a provision, also in condition 2 of appeal A, to protect trees during construction in place, I conclude that the proposals would be consistent with the existing character and appearance of the sports ground. They would be consistent with Local Plan policy ENV28 which permits ancillary development for open air recreation in the countryside and with SEPLAN policies CC1, CC6

and C4 which seek to conserve the physical and natural environment, show respect for local character and the distinctiveness of landscapes and protect the diversity and distinctiveness of landscapes.

Conclusions

28. I have taken into account all other matters raised but they do not lead me to reach any conclusions other than those already stated, namely that these two proposals, either separately or cumulatively, would not lead to an unacceptable intensification of the use or to any change in its sustainability. With the conditions specified for each proposal, the effects on the character of the area, both separately and cumulatively, would be acceptable.

P. W. Clark

Inspector

APPEARANCES

FOR THE APPELLANT:

Matthew Blythin BSc (Hons) MA MRTPI	DHA Planning
Jason Lewis MSc CILT MIHT	DHA Transport
Duncan Andrews	Chairman, Bearsted Football Club
Roy Benton	Bearsted Football Club
Julian Scannell FRICS MCI Arb	Bearsted Football Club

FOR THE LOCAL PLANNING AUTHORITY:

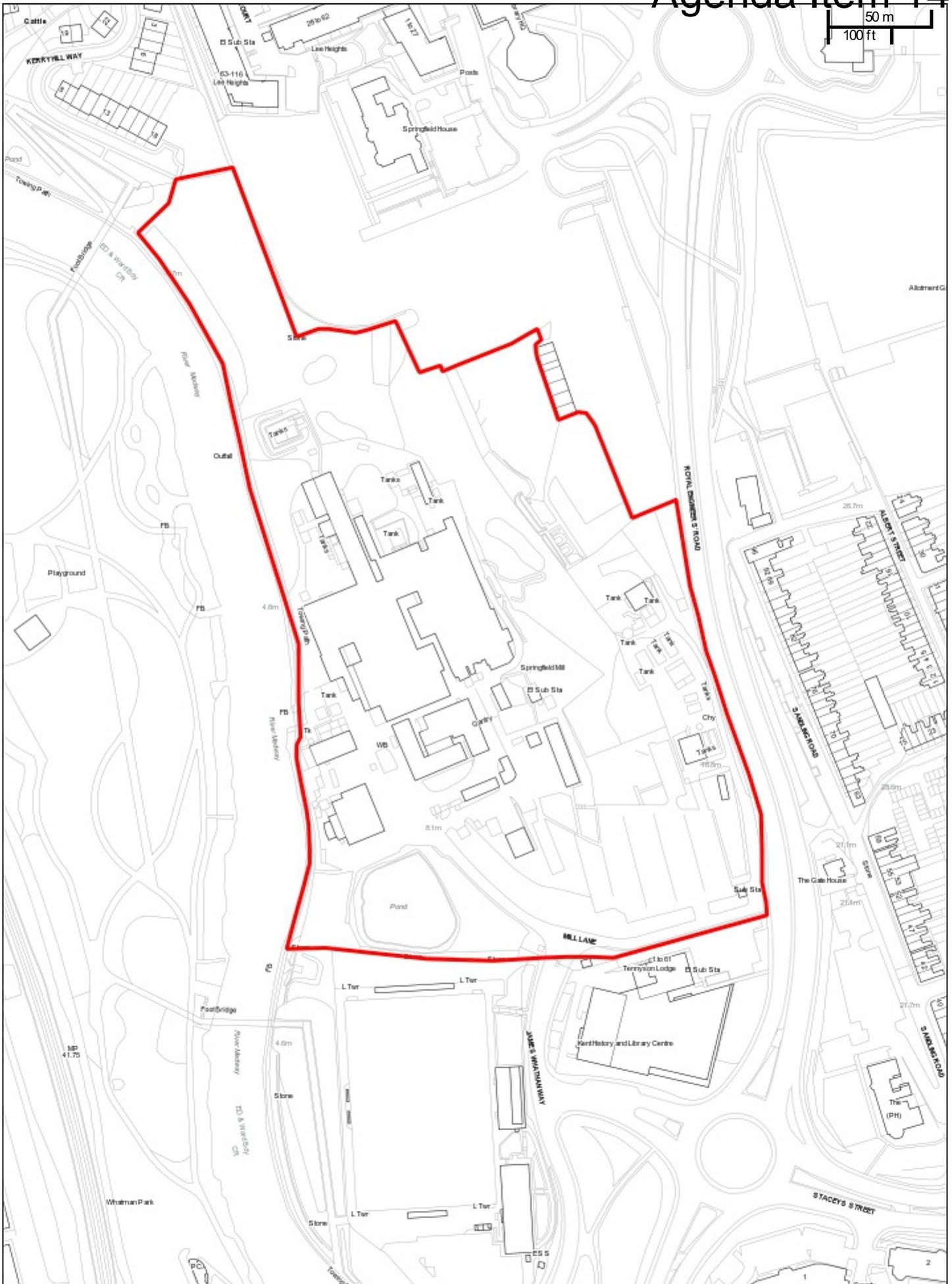
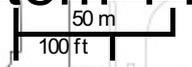
Geoffrey John Brown MPhil MRTPI	Planning Officer, Maidstone Borough Council
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INTERESTED PERSONS:

Councillor David Marchant	Local resident and Ward Councillor
Richard Knox-Johnston	CPRE
Brian Page	Otham Parish Councillor
John Leeds	Local resident
John Dyer	Local resident
Anthea Gwinnett	Local resident

ADDITIONAL DOCUMENTS SUBMITTED AT HEARING

- 1 Letter notifying date time and place of Hearing
- 2 Summary of council's statement
- 3 SEPLAN policy T1
- 4 Extract from Maidstone Borough-Wide Local Plan proposals map
- 5 Maidstone Borough-Wide Local Plan policies ENV24 and T21
- 6 Extracts from Maidstone Borough Council Green Spaces for Maidstone Strategy
- 7 Extracts from Maidstone Landscape Character Area Assessment
- 8 Maidstone LDF Core Strategy DPD Preferred Options January 2007
- 9 Maidstone LDF Core Strategy Background document BD2
- 10 Kent County Council Planning Floodlighting Guidance Note
- 11 Statement of status of Core Strategy



REPORT SUMMARY

REFERENCE NO - 17/502432/FULL			
APPLICATION PROPOSAL Full planning application for demolition of existing buildings, and development of 295 residential units, including 218 x 1-2 bed apartments and 77 x 2-4 bed houses, associated car parking, public realm and landscaping works, Grade II Listed Rag Room to be preserved and re-used for community (D1), office (B1) or residential (C3) use			
ADDRESS Springfield Mill, Sandling Road, Maidstone, Kent, ME14 2LD.			
SUMMARY OF REASONS FOR RECOMMENDATION (See Report for detail)			
<ul style="list-style-type: none"> • The proposals comply with site allocation policy H1(11) and other relevant policies within the Local Plan. • The design, layout and appearance of the development are considered to be of high quality, particularly the proposed finishes of the buildings which will be secured by condition. • The loss of 6 non-listed buildings (mainly from the steam powered era of the Mill) would result in 'less than substantial' harm to the significance of the 3 listed buildings on site (predominantly the Rag Room). However, their removal is considered reasonable and the public benefits of the development are considered to outweigh the 'less than substantial' harm in accordance with policy DM4 and the NPPF. • Suitable heritage mitigation will be secured by a section 106 legal agreement and conditions. • Subject to mitigation secured by conditions, there would be no detrimental impacts in terms of highways, ecology, air quality, flood risk, or on local amenity. • A section 106 agreement will ensure any impact upon local infrastructure will be mitigated. • A lower level of shared ownership properties than targeted by policy SP20 and lower provision of public open space are not considered grounds to refuse the application. 			
REASON FOR REFERRAL TO COMMITTEE – The Head of Planning has referred the application to Committee on the basis that it raises a number of complex issues.			
WARD North	PARISH/TOWN COUNCIL N/A	APPLICANT Redrow Homes LTD AGENT G L Hearn	
DECISION DUE DATE 22/01/18		PUBLICITY EXPIRY DATE 10/11/17	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
17/502434/LBC	Listed Building Consent for the demolition of existing buildings, except the Listed Rag Room, and development of 295 residential units (Use Class C3), including 218 x 1-2 bed apartments and 77 x 2-4 bed houses including associated car parking, public realm and landscaping works. Grade II Listed Building (Rag Room) to be preserved and re-used for community/leisure (D2), office (B1) or residential (C3) use.	Pending	
16/507251	EIA Screening Opinion for residential-led	EIA not	21/11/16

	development for up to 450 residential units (C3) with associated access, car parking and landscaping, the change of use of Grade II listed Former Rag Room at Springfield Mill (C3, A1, A3, D1) and the demolition of remaining buildings on the Site.	required	
Various	Applications associated with previous industrial use	Approved	Most recent 2001

1.0 DESCRIPTION OF SITE

- 1.01 Springfield Mill is located on the northern edge of Maidstone town centre, along the River Medway and approximately 500m north of Maidstone East Railway Station. The site is bound by the River Medway to the west and Royal Engineers Road (A229) to the east, the southern boundary is defined by Mill Lane, a minor road, beyond which is the Kent History and Library Centre and the Gallagher Stadium. The site falls within a housing allocation in the Local Plan under policy H1(11) and covers the majority of this allocation. The allocation also covers land to the north where there is an extant permission (lawfully implemented) for offices and 192 flats (which includes 3 six storey housing blocks), and permission granted in 2017 for 310 residential units, in two buildings ranging between 8 and 18 storeys. Further north of this is the Grade II listed 'Springfield House'.
- 1.02 The site is 6.5 hectares in size and is predominantly brownfield/previously developed land as it contains buildings formerly operating as Springfield Mill (papermill). This comprises a range of predominantly 2-3 storey buildings across the central part of the site, including the Grade II listed Rag Room. There is also a listed beam from the original steam engine and a listed chimney on the eastern edge of the site, by the A229 (both Grade II). The mill was the first steam powered papermill in the world and was in continuous production for over 250 years. The industrial use of the site has evolved over this time as the demands of business and technology have altered, but many features remain, including the timber Drying Room, where the paper was dried, as well as a range of attractive Victorian and Edwardian industrial buildings typically built from rag stone. The unlisted buildings were assessed by English Heritage (as was) in 2015 and while not considered to be of listable quality, were considered to be non-designated heritage assets.
- 1.03 The northern half of the site contains woodland/scrub areas and a number of the trees across the site are protected by individual and group Tree Preservation Orders (TPOs). There is also a large pond in the southwest corner of the site. The site slopes east to west from the A229 to the River Medway and there is a level change of 15 metres across the site. The western section of the site which lies adjacent to the River Medway falls within Flood Zones 2 and 3.
- 1.04 Vehicular access to the site is provided by James Whatman Way and Mill Lane from the south. There is a tow path alongside the river Medway on the western edge of the site which is a public right of way.

2.0 PROPOSAL

- 2.01 Permission is sought for the provision of 295 dwellings (218 x 1/2 bed apartments and 77 x 2-4 bed houses), with associated car parking, public realm and landscaping works. Affordable housing would be provided at 20% of the provision (59 units) in line with the site policy. The proposals would involve demolition of all unlisted

buildings/structures at the site (apart from an unlisted extension of the listed Rag Room). The Rag Room and unlisted part would be retained and a change of use for community (D1), office (B1) or residential (C3) use is sought. The listed chimney and beam would also be retained.

2.02 The scale and massing of the development consists of 4 and 5 storey apartment blocks along the eastern and western boundaries fronting the River Medway and Royal Engineers Road with lower 2, 2.5, and 3 storey houses within the centre of the site. The eastern-most blocks are separated from the A229 by an existing retaining wall and the retained listed Chimney provides a focal point for an east-west road. Towards the Kent History and Library Centre at the south of the site, terraced blocks are proposed and within the centre of the site are mainly semi-detached houses. The existing pond in the south west corner would be retained. For the apartment blocks adjacent to the River Medway, the basement car parking for these flats is within Flood zone 3 and designed to flood. The design will be discussed in more detail in the assessment below.

2.03 The site would remain accessed by vehicles from James Whatman Way to the south. Pedestrian links are provided to the towpath on the east side of the River Medway and a link to the adjoining site to the north is proposed. Areas of open space are provided around the site including an are at the northern extreme of the site.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP18, SP19, SP20, SP23, H1, ID1, H1(11) , DM1, DM2, DM3, DM4, DM5, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)
- MBC Air Quality Planning Guidance (2018)
- MBC Public Art Guidance (2018)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 2 representations received raising the following (summarised) points:

- Impact on infrastructure.
- Traffic impact.
- Highway safety.
- Access road is not suitable.
- Mill buildings should be recorded/photographed before demolition and displayed.

4.02 **Ringlestone Community Centre Development Group** (includes representatives from the Ringlestone Community Association and St Faith's Church): Support application and propose that the listed Rag Room becomes a community centre to be managed by the above-mentioned groups to meet the local need (in summary).

4.03 **Kent Wildlife Trust: No objections**, subject to condition including detailed mitigation plan.

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 **Natural England: No objections.**

5.02 **Highways England: No objection** in terms of any impact upon any M20 motorway junctions.

5.03 **Environment Agency: No objection** subject to conditions relating to groundwater/contaminated land; detailed designs of undercroft parking; ensuring landscaping near the river is native and managed; and securing that any land raising does not result in any loss of flood storage.

5.04 **Historic England** – Raise concerns regarding the loss of non-designated heritage assets and design of the development and the consequent harm to the listed buildings on site. Consider this harm should be assessed against paragraph 134 of the NPPF (less than substantial harm) which requires that harm to be weighed against the public (including heritage) benefits of a proposal. (See report for further discussion)

5.05 **KCC Highways: No objections** subject to off-site works (secured by condition) for the following: Provision of the three pedestrian crossing upgrades (on Fairmeadow, Staceys Street and Royal Engineers Road), Provision of a pedestrian link to the north via the prospective 310 unit scheme; new section of cycle route (connecting National Cycle Network Route 17 to the Medway towpath via James Whatman Way); and raised kerbing on all bus stops on Royal Engineers Road.

Other measures (which pass the test for conditions) being securing Travel Plan and monitoring; Provision and permanent retention of the vehicle parking spaces and/or garages; Provision and permanent retention of the vehicle loading/unloading and turning facilities; Provision and permanent retention of the cycle parking facilities; Completion and maintenance of the access; and provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level.

5.06 **KCC Lead Local Flood Authority: No objection** subject to conditions.

5.07 **Kent PROW: No objections.**

5.08 **KCC Archaeology:** Share on-going concerns expressed by both Historic England and the Conservation Officer in regard to the impact of the scheme on the post medieval industrial heritage of this site and the limited nature of the mitigation for Cultural Heritage. If minded to approve, recommend conditions relating to building recording; archaeological impact assessment, field works and mitigation; historic landscape survey; fencing protection for listed buildings; and interpretation strategy.

5.09: **KCC Minerals: No objections** as site is within urban boundary it is excluded from the need to comply with minerals safeguarding requirements.

5.10 **KCC Ecology: No objections** subject to conditions covering a detailed mitigation strategy, management, and enhancements. Comment that connectivity between the woodland in the north and the park area in the south should be improved possibly with a wider area of habitat on the eastern boundary.

5.11 **KCC Contributions:** Requests the following contributions:

- Primary Education: £521,563 towards Phase 1 of the new North Maidstone Primary School.
- Secondary Education: £271,377 towards enhancement of Maplesden Noakes School to accommodate the additional pupils.
- Community Learning: £9,056.50 towards IT equipment for St Faiths Adult Education Centre, St Faiths St, Maidstone.
- Youth Service: £2,504.55 towards Infozone Youth Centre, Maidstone internal expansion and equipment.
- Libraries: £14,165.90 towards Kent History & Library Centre additional bookstock.
- Social Services: £15,894.60 towards Trinity Foyer Sensory Garden, Maidstone.

5.12 **MBC Landscape: No objections** subject to conditions requiring a detailed landscape scheme, arboricultural method statement which covers arboricultural supervision and regular reporting, and includes a tree protection plan.

5.13 **MBC Conservation Officer (03/01/18):** In summary, considers that the removal of the unlisted factory buildings is practically inevitable due to the nature of the development itself and the constraints posed by the flooding issues. Advises that the loss of the unlisted buildings would cause 'less than substantial harm' to the significance of the listed buildings as the buildings have been heavily compromised by the C20 alterations. Considers that the new development is overly domestic in design and should be replaced by more characteristically industrial blocks. Conditions should ensure digital recording of the pre-1948 mill buildings; assemblage of on site and online interpretive resources (explaining the origins of the site as a C19-C20 paper mill and why and how this came to be developed in Maidstone); and recovery of materials, especially the buff-coloured bricks in the historic buildings, which can be incorporated into the new build housing. (See discussion below)

5.14 **MBC Parks and Open Spaces:** Request a contribution of £243,375 to mitigate the additional pressure on local public open space through improvements to footpaths and accessibility on eastern side of Whatman Park connecting with Springfield Mill via footbridges, and improvements to treetop walk; improving accessibility to the natural open space including work on the towpath and pathways at Monktons Lane/Foxglove Rise; and improvements to access on the north/west side of the gardens, restoration of the historical water fountain, and improvements to the planting on the north-west and north-east edges of the gardens to improve accessibility at Brenchley Gardens.

5.15 **MBC Environmental Health: No objections** re. noise, contamination or air quality subject to conditions.

5.16 **West Kent CCG:** Request a health care contribution of £195,192 to support improvements to primary care infrastructure by way of extension, refurbishment and/or upgrade to existing buildings at Brewer Street, Albion Place, or Bower Mount practices or as a contribution towards the cost of a new primary healthcare facility serving this population.

5.17 **Southern Water:** Confirm sufficient foul drainage capacity and pipe diversion will require separate consent.

5.18 **Kent Police:** State that under croft car parking will need careful design to avoid attracting crime.

5.19 **UK Power Networks: No objections.**

6.0 APPRAISAL

6.01 As outlined above, the site is part of an allocation in the Local Plan for housing under policy H1(11) for approximately 692 dwellings, and which seeks an average density of 180 dwellings per hectare (dph). This application proposes an average density across the site of approximately 85dph. However, this part of the allocation includes listed buildings, and other constraints including protected trees, land level changes, contamination, and flood risk so it is considered that a lower density is appropriate in principle on this part of the allocation site. This would leave a requirement for approximately 400 units on the northern part, which has extant permissions for 192 and 310 units (total 502), and so the policy estimate could potentially be fulfilled.

6.02 The main considerations are as follows with the relevant site policy criterion (1-14) shown in brackets. A copy of the site policy is attached at the **Appendix**.

- Heritage (3)
- Design, Layout & Landscaping (1, 2, 3)
- Access, Highways and Transport (4, 10, 11)
- Ecology (5)
- Air Quality (6)
- Open Space (8, 9)
- Flood Risk (13)
- Infrastructure & Affordable Housing
- Any Other Matters (7, 12, 14)

Heritage

6.03 As outlined above, the site contains two listed buildings and a listed beam from the original steam engine. The other buildings associated with Mill are not listed but many of the older buildings are considered to be non-designated heritage assets (NDHA) by the Council's Conservation Officer (CO) and Historic England.

6.04 As background, Springfield Mill was home to the first steam powered paper mill and also the largest producer of hand-made paper (in the world) during the early 20th Century. The listed buildings date from the Mill's foundation in 1805 and the other buildings show the evolution of paper making processes over the 19th and 20th centuries. The mill consisted of a drying room at the northern end and the listed rag room at the other, with rooms for various other processes, and the engine and its boilers, set between them. The mill, despite the rebuilding of much of its fabric following a fire of 1862 and with later enlargements, retains the essential layout of the original mill of 1807.

6.05 When assessing the entire site in 2015 for listing purposes, Historic England decided that apart from the already listed building/structures and the chimney (which they listed), the remaining buildings did not warrant listed status. They state:

"It is clear that overall Springfield Mill has a high degree of historical interest. As the first practical application of steam power to the paper making process it is clearly of interest for its technological innovation and its association with William Balston who, along with his former master, James Whatman II, was one of the principal paper makers of the late C18 to early C19. This is reflected in the existing Grade II listing of

the former Rag Room and the beam from the 1806 Boulton and Watt beam engine. However, the other parts of the mill complex are not from the original early C19 mill but, partly as a result of rebuilding after the major fire in 1862 and partly because of later expansion in reaction to changing operational requirements, date from the 1860s to the late C20. Importantly, apart, notably, from the chimney, and possibly a pair of gable ends, nothing survives of the structures relating to the early period of steam power which provides much of the mill's interest, aside from the existing listed structures.

Some of the later buildings, such as the re-built drying room with timber louvers and the c1863 former Salle and late-C19 Finishing Room with large, close-set, windows to ensure adequate light, retain elements of their character that relate to their former function. However, the central core of the building has seen continuous alteration into the late C20, so that the original stages of the paper making process within this area are no longer legible. This is compounded by the loss of all historic machinery relating to the paper making process, making it hard to determine how the internal spaces of the central core were used in the production of paper. Other elements of the mill such as the detached former rag store and the smithy have been greatly altered by subsequent rebuilding or later accretions so that their original character has been lost. Two other paper mills in Maidstone have been listed, Turkey Mill at Grade II and Hayle Mill at Grade II. Both are earlier than Springfield Mill and Hayle is generally a better preserved example.*

On balance, because of their relatively late date and degree of alteration, the currently unlisted parts of Springfield Mill do not meet the criteria for listing, despite the mill's historic interest. They do, however, have clear local interest as later elements of the first paper mill to be powered by steam."

- 6.06 HE clearly did not consider the other buildings warranted listed status, however, this does not automatically mean it is acceptable to demolish them. They obviously still form part of the Mill's history, provide context/setting for the listed buildings, and are considered to be NDHA's. Both the CO and Historic England consider that their total loss (as is proposed) would be harmful to the significance of the listed buildings as it would be difficult to understand the chain of activities which historically took place across the site, and the way in which listed buildings derive significance from this aspect of their settings. I do not disagree with this view and the applicant has explored the re-use of buildings in further detail, both assessing their historic merits and the practicalities of their re-use.
- 6.07 The applicant considers that it is the small number of buildings which continue to accurately demonstrate the 90 year period of innovative and successful steam powered paper milling at Springfield that are considered to be of 'special interest'. In pre-application discussions, officers advised that 7 buildings should be explored for retention (of which 6 originally related to the important steam powered era). This includes the listed rag room and an unlisted extension to it, which are both proposed to be retained. An individual assessment of the remaining 6 buildings has been provided by the applicant and their retention/re-use for residential or other uses has been discounted.
- 6.08 In heritage terms, five of the buildings originally date from the steam powered phase of the Mill (Drying Room, Packing & Weighing Room, Salle, PMC Plant Building, and Smithy). The assessment considers that these buildings are not considered of sufficient historic interest either due to extensive alterations that have occurred so the buildings are no longer representative of their origins, or due to unsympathetic changes. For the other building (Warehouse), this is of 20th century construction and

not considered to have any historical significance or interest. On balance, I consider these conclusions are reasonable and therefore retention of the buildings solely on their heritage merits is not a strong argument.

- 6.09 In terms of practicality, for 5 buildings (excluding Smithy), due to their age they are not considered to be equipped (e.g. with resilience or resistance mitigation measures) to withstand the present and future flood risk; requirements to raise floor levels would not be practicable due to limited floor to ceiling height; and there would be risk to occupants from flood waters outside buildings. It is also considered that their conversion would utilise large areas and sterilise site, meaning higher density development would not be achievable. Again, on balance I do not consider these constraints to be unreasonable grounds for discounting re-use of the buildings.
- 6.10 In view of the loss of these buildings, the applicant's assessment recommends mitigation in the form of Historic England Level 3 Building Recording (analytical record) including 3D surveys, website and/or book, heritage boards including a 'heritage trail' around the site highlighting the site's valuable industrial history including the use of salvaged features from the site's industrial past, arranged in the open space areas, and art installations through the provision of public art, which can all be secured by condition.
- 6.11 Therefore in conclusion, whilst it may be desirable to retain some buildings, I do not it is reasonable for the reasons outlined above. Nonetheless, the loss of the buildings would still cause some harm to the significance of the listed buildings at the site (predominantly the rag room) as it would be difficult to understand the chain of activities which historically took place across the site, and the way in which listed buildings derive significance from this aspect of their settings. This harm is considered to be 'less than substantial' by Historic England and the CO, and I agree. In terms of the Local Plan, policy DM4 (Development Affecting Designated & Non-designated Assets) requires new development to conserve the significance of a heritage asset. Harm to significance, however low, does not strictly conserve significance but criterion 4 covers situations where some harm is caused, requiring the relevant test within the NPPF to be applied. As such, Local Plan policy DM4 and the NPPF requires that this harm is weighed against the public benefits of the proposal.
- 6.12 The public benefits are considered to be as follows:
- Economic and social benefits of providing 295 dwellings including affordable housing through:
 - Job creation including 194 temporary jobs (direct employment), indirect and induced employment and additional employment supported in local shops and services: 20 jobs.
 - Increased local spending including total new household expenditure of £9.7M per annum and additional local resident spending of £1.8M per annum (anticipated spending captured in local shops and services).
 - Securing planning permission for potential uses of the Grade II listed Rag Room with commitment to submitting a listed building consent application for any works to facilitate one of the uses. In the event that none of the uses are progressed, preservation and protection through on-going maintenance which would be included in the management company's responsibilities (see further detail below).

- Preservation and protection of the 2 other listed buildings on site (Chimney and Beam) through on-going maintenance which would be included in the management company's responsibilities.
- Opening up the listed buildings to public view.
- History of the site to be recorded (Historic England Level 3 Building Recording).

6.13 It is considered that these benefits, particularly the social and economic benefits of providing 295 dwellings (including affordable housing), do outweigh the less than substantial harm to the listed buildings at the site. In reaching this view, I have given special regard to the desirability of preserving the listed buildings and their settings in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Design & Landscaping

6.14 The layout has buildings and roads generally sited along north/south and east/west lines parallel with, or at right angles to the River Medway and the slope of the land. It is therefore a fairly regimented layout but this is understandable due in part to the slope of land and so is considered to be an appropriate approach here. Five storey apartment blocks are proposed alongside the river with the bottom floor being undercroft parking which is able to flood due to them being located in flood zone 3. There would be four storeys blocks along the A229. The heights of these blocks is considered appropriate when set against the wide span of both the river and the road corridors, and in the context of the apartments to the south (around 9 storeys), and tall buildings (8-18 storeys) granted permission to the north.

6.15 At the entrance, the tall protected pine trees would be retained with terrace houses set behind which is appropriate. From here, the existing entrance road would be used which leads down to the listed Rag Room. With buildings cleared around it (notably the more modern buildings of no great merit) and open space provided, the listed building would become more prominent and create a positive focus building at this part of the site. A new apartment block to the west would also provide an end stop to this area, being in the position of some existing buildings and framing the listed building. The proposed new setting for the listed building is therefore considered to be acceptable.

6.16 Areas of open space accessible to the public would be provided leading down to the river and alongside it. A 'square' feature would link this area to the northern part of the site and there would be a landscape space running from north to south with pedestrian links to the river, which would provide a 'green' link from the wooded area in the northeast corner to the riverside. This area would have apartments alongside the river and at the northern end, 3 storey terraces and 2 storey semi-detached houses on the east side. Block 4 would provide an appropriate end stop to the road here with 4 storey gables providing interest on the elevations. Landscaped open spaces with tree planting to the front of buildings would be provided within this area provide attractive frontages. A large area of public open space would be provided further north also providing links to the river.

6.17 The central/eastern section has a rectangular layout with 2 storey semi-detached houses and 4 storey apartments fronting roads, and there would be a tree-lined road through the middle with terrace blocks either side. Buildings appropriately address roads and landscaped areas would be provided to the front. The parking areas for the apartments would be hidden behind buildings at the east end here. Between this section and the south east part of the site would be a straight road which leads directly to the listed chimney providing a long clear vista when approaching. The chimney

would be set within a 'pocket park' area of public open space and be framed by matching apartment blocks either side. These would be set back 8m from the chimney and importantly would not obscure views of the chimney from the A229 from where it is a key local feature.

- 6.18 The south east section would feature 3 storey terrace blocks fronting the entrance and set back from the tall pine trees. Parking would fill the frontages but there would be landscaped blocks between with space for tree planting to provide relief. Apartment blocks would provide a presence to the A229 and their parking areas would be hidden behind.
- 6.19 In terms of appearance, houses and the apartment blocks fronting the A229 are traditional in form and the applicant's typical house types have been modified to reflect the character of the site. This is through picking up on features such as sash windows with pre-cast cills and brick detailing with quoins and splayed lintels, quoin detailing on corners of buildings, slate roofs, stock bricks to match those currently on site, and green coloured doors. Almost half of the houses would also feature ragstone plinths and dark brickwork projecting bands to match existing buildings on site. The apartments alongside the river would be of different design but still largely traditional in form with strong gables. They would be slightly more contemporary having modern windows and balconies but still include ragstone to parts of the lower floors, brick detailing on windows, brick on edge coping on the gables, stock bricks to match those currently on site. These apartments are tall but their mass and scale is suitably broken up by the strong gables, windows and balconies. Surface materials are block paving for all roads apart from the main entrance and for all parking spaces.
- 6.20 The landscape proposals reflect different character areas within the site. The northern open space would be a semi-natural area with wildflower and native tree planting; the riverside area would be more parkland in character with clearance of lower quality existing trees and overgrown vegetation with planting of new specimen trees; the woodland in the northeast corner would be retained and managed with no public access; the pond and entrance would be enhanced with further tree planting; and the chimney pocket park would be a formal area with raised lawn and ornamental planting. Otherwise tree and shrub planting would be provided throughout the development to a suitable level to ensure an attractive environment. The details of plant/tree species have been provided but should include more native/near native species, including only native species within 8m of the river (as per the request of the Environment Agency), and this can be dealt with by condition.
- 6.21 Protected trees will need to be removed to facilitate the development as they would effectively sterilise a large proportion of the site and so a balance must be struck. In total, 51 individual trees and 7 groups of trees would be removed to facilitate the proposed development. Of the removals, 6 are considered to be of high arboricultural quality (category A), and 11 are considered to warrant category B (moderate quality) on their individual merit. All remaining removals are considered to be of low arboricultural quality. The loss of trees is inevitable to achieve the housing numbers which is also due to the other constraints on site. Trees are generally retained on the outside boundaries of the site where possible, including the woodland area in the NE corner, and I consider this is an acceptable approach and in accordance with the site policy.
- 6.22 Overall, the layout, design, appearance and landscaping is considered to be of a high quality, particularly the proposed materials and detailing which is of a high standard and this can be specifically conditioned. The proposals are considered to be in accordance with site policy H1(11) and policy DM1 of the Local Plan. I note the CO's

view that the proposals are too domestic and a more industrial aesthetic would be preferable but I consider the proposals are acceptable.

- 6.23 In terms of densities, the provision of apartments alongside the river means that it is quite high here, however, this is mainly because they are made up of smaller 1/2 bed units (rather than the 2/3/4 bed houses elsewhere). As the blocks are set within large open areas with good space between the buildings and the river, and to the north and south ends of the site, the density is acceptable. The highest density is otherwise towards the south east corner in line with criterion 1 of the site policy.

Access, Highways and Transport

- 6.24 No objections are raised by KCC Highways with regard to the access, and the impact of traffic upon the local highway network is not considered to be severe (the threshold test under the NPPF). Upgrades to the existing crossings on the White Rabbit roundabout would be secured in line with policy H1(11) criterion 10 to improve connections to the local area and town centre, as would a new section of cycle route (connecting National Cycle Network Route 17 to the Medway towpath via James Whatman Way) which would run through the site. The proposal shows a link to the site to the north to provide good connectivity/permeability and the site connects with the river towpath in a number of places. Upgrades to all bus stops on Royal Engineers Road would also be secured through raised kerbing. It is considered that these measures would suitably promote walking and cycling for future occupants.
- 6.25 Criterion 11 of the site policy requires improvements to the eastern bank of the river towpath for pedestrian and cycle use but these upgrade works have already taken place as this has been recently been upgraded with a tarmac surface.
- 6.26 In terms of parking, a maximum of 385 parking spaces (including up to 59 visitor spaces) are required to accord with parking standards (which are based on number of bedrooms). In total, 348 private car parking spaces, plus 24 detached garages and 30 visitor spaces are provided across the site (total 402). Whilst this exceeds the total maximum by 17 spaces, the applicant has stated that the garages do not meet space standards for parking. Internally, the garages measure 2.4m x 5.5m which is below the preferred standards (3.6m x 5.5m). Whilst smaller cars could potentially use them, I consider it is reasonable not to include them. For all properties with garages, there is still sufficient space on the driveways to provide two parking spaces. Parking spaces (16) for the listed Rag Room are also proposed to its north to cover the potential uses. I consider a condition is necessary for this to be finalised dependant on the final use. I also consider the impact upon the setting of the building would be acceptable balancing the need for parking against the impact.
- 6.27 The applicant proposes a residential Travel Plan to promote the reduction of car dependency and to promote and support the use of non-car modes where and when possible. This is considered appropriate to promote sustainable transport for this scale of development, and can be secured by condition.

Ecology

- 6.28 Appropriate surveys have been carried out at the site in relation to protected species. With regard to bats, two buildings were recorded to support roosting activity which would be demolished; a number of trees to be removed have potential to support roosting but no evidence was recorded during survey work; and low levels of foraging occur within the site with most occurring along the river corridor. The buildings support a small number of Common Pipistrelle roosts, and for the reasons outlined above it is

considered that retention of the buildings would not be reasonable, and it is also advised by the applicant's ecologist that re-use would be likely to result in loss of the existing bat roosts in any case. Safeguarding measures during building demolition and tree removal would be carried out, and mitigation is proposed in the form of bat boxes and roosting units on new buildings and retained trees, which would be secured by condition.

- 6.29 With regard to reptiles, surveys reveal a 'good' population of Slow Worm and 'low' population of Grass Snake. Under the proposals a large proportion of the existing green space is to be retained, with new buildings largely concentrated within the existing built footprint. However, some areas of reptile habitat will be lost to development or temporarily affected (around the pond and river) totalling approximately 1.3ha. In order to safeguard the population of reptiles, translocation to the area at the north end of the site is proposed. This area is currently overgrown scrubland and will be improved to create suitable reptile habitat as mitigation (0.6ha). The area temporarily affected (0.75ha) would in the long term re-establish and be maintained as open space, which will provide habitat of use to reptiles. A proportion of this will be amenity in character, forming areas of short mown grass, however areas of longer sward grass and herb vegetation would be retained along the river margin and the surrounds of the pond, providing reptile habitat, and these measures would be secured by condition.
- 6.30 With regard to water vole and otter, despite an extensive search, no evidence of either species was recorded. In any event, no direct works are proposed to the river bank, with the footpath along the river forming separation between the site and the river banks.
- 6.31 With regard to Great Crested Newts (GCN), for the ponds subject to survey the results were negative, confirming the absence of GCN. One pond was not surveyed due to health and safety restrictions, however, it is advised that based on the likely pollution of the pond, the rapidly drying nature of the pond, the recorded waterfowl population, and its heavily shaded character, the likelihood of GCN presence is low.
- 6.32 KCC Ecology has reviewed the information and considers suitable assessment has been carried out and that the mitigation is acceptable. They have commented that there should be better connectivity between the woodland in the north east corner and the park area in the south east corner and that there should be a wider area of habitat along the east boundary to ensure that connectivity is retained and maintained. I note this view, however, I consider that sufficient connectivity is provided around the north and west sides of the site.
- 6.33 Overall, any impact upon ecology would be low and can be mitigated and secured by condition. Enhancements would also be secured through the mitigation and I consider swift and bat measures integral to buildings, and cordwood retained on site should be provided.

Air Quality

- 6.34 An air quality assessment has been carried out in line with the Council's guidance. This shows that whilst the A229 is within an Air Quality Management Area, monitoring opposite the site reveals that concentrations are well below the relevant objectives and therefore future occupants (who would be set back from the A229) would not be exposed to unacceptable levels of air quality. The report then outlines that the impact up air quality for vehicles associated with the new dwellings would be negligible, with the greatest impact being an increase of 0.1µg/m³, and predictions for 2031 all below

the required objectives. Due to the negligible impact from the dwellings, the report considers mitigation is not required. The Environmental Health section consider the assessment is robust and conservative in its approach and raise no objections. They do recommend the standard air quality off-setting mitigation condition, which I do consider is reasonable due to the scale of the development. In addition, measures such as electric charging points and landscaping would provide some mitigation which is proportionate in this case. Mitigation to limit any impact from dust during construction through management can be secured. This is in accordance with the site policy and policy DM6 of the Local Plan.

Open Space

- 6.35 The site policy requires approximately 4.8ha of open space within the wider H1(11) site (application site and sites to the north). The application would provide around 2.9ha of open space (natural and semi-natural area, parkland, and pocket park) and around 0.8ha would be provided on the approved permissions to the north. This would fall short of the policy requirement by 1.1ha. However, a balance must be struck between achieving a high density development and providing public open space. I consider that a provision of 3.7ha across the site is an acceptable amount and there would also be an off-site contribution of £243,375 to mitigate the additional pressure on local public open space, which will be discussed below. This conflict with the site policy criterion is not considered grounds to refuse the application.

Flood Risk & Drainage

- 6.36 The western edge of the site falls within Flood Zones (FZ) 2 and 3a/b and a Flood Risk Assessment (FRA) has been carried out. No development is proposed in FZ3b (functional flood plain) as required by the NPPF. Most of the apartment blocks along the west edge are proposed within FZ3a and the Environment Agency comment that they discourage development in FZ3, but as buildings already exist here, it is acceptable for new development to replace existing, if floodplain volume and conveyance is improved as a result. The apartments are classed as a 'More vulnerable' uses and need to pass the Sequential Test (which seeks to steer development to lower risk areas) and the Exception test under the NPPF. The site is obviously allocated for housing in the Local Plan and high density development is sought by the policy. As such it is considered reasonable to provide some development in FZ3a and so the Sequential Test is considered to be passed.
- 6.37 The Exception test requires demonstration that the development provides wider sustainability benefits to the community which outweigh flood risk and that the FRA demonstrates that the development will be safe without increasing flood risk elsewhere, and where possible reducing flood risk overall. To my mind, the wider economic and social benefits of providing 295 dwellings on an allocated housing site provide sufficient benefits that outweigh flood risk. Notwithstanding this, the finished floor Levels (FFL's) for all habitable accommodation have been set sufficiently above the 1 in 100 year (plus Climate Change) flood level and to achieve this the apartments within FZ3 would be constructed with undercroft car parking on the ground floor and allow for conveyance of flood water. There will be flood resilient construction provided to the lower car parking areas. By using the car parking areas under the residential blocks for flood storage, this actually creates lower levels and so the flood plain volume has been increased. In this respect a floodplain volume balancing exercise has been undertaken, which shows a gain in each of the 200mm depth bands and a total increase of 2,239m³ to the floodplain to allow storage of water. Safe access to dry land would be achieved with occupants able to make their way to the main roads as all entry to the units will be well above the peak flood level.

- 6.38 The Environment Agency have raised no objections provided the design is demonstrated to increase conveyance, and users have safe access and egress from the car park via internal staircases to the upper ground floor. They also state that there must be no land raising in FZ3b, and this is not proposed. For any land raising in FZ3a, (which is proposed), they advise that a condition securing ensuring there is no loss of storage or conveyance as a result. As outlined above, flood storage would actually be increased and the recommended condition can be attached to ensure this. Therefore in terms of flood risk, the proposals are in accordance with the site policy and DM1 of the Local Plan, and the NPPF.
- 6.39 In terms of surface water drainage, porous surfaces would be used and a small swale. It has been agreed with KCC that discharge direct to the river would be acceptable and this would result in a more efficient system than at present. KCC have raised no objections subject to conditions to finalise the specific detail and management.

Infrastructure, Affordable Housing & Other Heads of Terms

- 6.40 In line with policy DM20, major residential development will put pressure on existing services and requests for monies to mitigate the impact of the development towards health (local practices), primary (new North Maidstone Primary School) and secondary education (Maplesden Noakes School), public open space (Whatman Park, Monktons Lane/Foxglove Rise, Brenchley Gardens), social services (Trinity Foyer Sensory Garden), Community Learning (St Faiths Adult Education Centre), youth services (Infozone Youth Centre), and libraries (Kent History & Library Centre), have been requested (see consultation section above). I have assessed these requests and consider them to be reasonable, related to the development, and necessary to mitigate the impact of the development due to the additional pressure future occupants would place upon these services, and consider them to pass the legal tests for securing financial contributions.
- 6.41 The residential Travel Plan will require monitoring by the County Council and a monitoring fee is therefore required which is a standard £1,000 per year. Monitoring would be expected for a 5 year period and so £5,000 is considered necessary and reasonable.

Affordable Housing

- 6.42 Affordable housing would be provided at 20% (59 units) which is in line with site allocation policy. The unit sizes are considered acceptable, however, the tenure split is 58% shared ownership and 42% affordable rent whereas policy targets a 70/30 split in favour of rent. (The original proposal was for 100% shared ownership). The justification provided by the applicant are concerns raised by three affordable housing Registered Providers (RPs) as to the high management and subsequent service charge costs (House £409 per annum & Flats £1,362 per annum) applicable to this development (from matters such as upkeep of private roads and lighting, public open space, the woodland block, the pond, and listed chimney). This potentially affects the viability for the RPs as well as the affordability of the units. Other comments from the RPs are that the mix and type of units as well as the location are more suited to shared ownership and would be attractive to first time buyers. The Council's housing officer considers that this may be the case to some degree but the greatest need is for affordable rent and this is a prime location which would be more suitable for this form of tenure. He has also suggested that a change from smaller shared ownership units to larger units could potentially create greater subsidy to support a greater proportion

of affordable rent. This change of unit sizes has been put this to the applicant to investigate but they do not wish to re-visit this matter.

- 6.43 On balance the housing officer does not have a major objection. Policy SP20 (affordable housing) sets a target of a 70/30 split and allows for negotiation for an appropriate tenure split. Some relatively sound evidence has been provided to justify the tenure split from RPs but the change to the unit sizes has not been explored. However, on balance I do not consider this is grounds to object to the application.

Community Facilities/Centre

- 6.44 The description of the proposal includes three uses for the listed Rag Room including D1 use (day centres, public halls, galleries etc.), office (B1), or residential (C3) which would all be acceptable in the context of the proposed houses/apartments. Members may be aware of a feasibility study commissioned by the Council on the need for Community Facilities in North Ward (May 2017), and which identifies a need for a community facility/centre. Reference is made to the Rag Room but that it is potentially seen as lacking the flexibility of space required that could be provided by a purpose-built centre and may be complex to convert so as to provide for the needs. The report recommends the preferred option as a “*dual site approach, requiring two community centres on either side of Royal Engineers Road A229 using a combination of MBC/KCC owned sites*”, although it does not specifically identify a site(s). However, in the short to medium term it recommends securing a community facility on the Springfield Mill site (new build or Ragroom conversion if suitable) to meet the immediate demands of the growing community as a result of the current developments.
- 6.45 This feasibility study identifies a need for a community centre, and policy DM20 states that residential development which would generate a need for new community facilities or for which spare capacity does not exist, will not be permitted unless new, extended or improved facilities (or a contribution towards such provision) is secured. This development can therefore provide for a community centre to help towards mitigating the need for such community facilities. I therefore consider it is necessary to secure such use in full or part of the rag room through the legal agreement to comply with policy DM20, and in the event that this was not forthcoming (noting the study suggest it is not ideal), a financial contribution is provided towards community facilities in the locality. I consider a payback period of 15 years (should the monies not be used) is appropriate to allow sufficient time to search/find a suitable facility. The permission to the north of the site which is being implemented (05/235) secures approximately £400,000 and officers are in the course of negotiating an amount, and seek delegated authority to finalise this.

Historic Benefits

- 6.46 In terms of securing use and maintenance of the listed rag room (heritage benefits identified above), approval would secure planning permission for a use as outlined above. The legal agreement would then secure submission of a listed building consent application for any changes required for the community or other uses. Should none of the uses come forward, the legal agreement would secure management and maintenance of the Rag Room in perpetuity. For the other two listed buildings, (Chimney and Beam), these would be maintained by a management company and this can also be secured under the legal agreement. I consider this is reasonable, related to the development, and necessary to help towards securing the public benefits of maintaining the listed buildings.

Any Other Matters

- 6.47 The separation distances to dwellings opposite on Sandling Road, flats to the south, and dwellings to the northwest are such that there would be no harmful impact in terms of privacy, light, or outlook. The new dwellings would be sufficiently spaced to ensure appropriate privacy and outlook, and have sufficient gardens spaces. The apartments would have good access to open space at the site and in the vicinity.
- 6.48 In terms of noise, an acoustic report has been submitted which identifies that some of the residential units will require uprated glazing and alternative ventilation provision, which is acceptable and can be dealt with by condition. In terms of land contamination Environmental Health recommend a condition.
- 6.49 With regard to minerals, KCC advise that as the site is within the urban boundary it is excluded from the need to comply with minerals safeguarding requirements, which is in line with the Kent Minerals and Waste Local Plan. Site policy criterion 12 requires the development to connect to the nearest point of adequate capacity. Southern Water have confirmed sufficient capacity in the local network, and this would be agreed/carried out under the Water Industry Act.

7.0 CONCLUSION

- 7.01 As outlined above, the loss of 6 non-listed buildings (mainly from the steam powered era of the Mill) would result in 'less than substantial' harm to the significance of the listed buildings (predominantly the rag room). This is because it would remove the context/setting for the listed buildings and it would be difficult to understand the chain of activities which historically took place across the site and the way in which listed buildings derive significance from this aspect of their settings. However, the retention of these buildings is not considered reasonable because the buildings are not considered of sufficient historic interest either due to extensive alterations that have occurred so the buildings are no longer representative of their origins, due to unsympathetic changes, or lacking quality in their own right. In addition, for most buildings it is not practical due to the problems in securing safety during flood events. With this in mind, their demolition is considered reasonable, and as outlined above, the public benefits of the development are considered to outweigh the 'less than substantial' harm in accordance with policy DM4 and the NPPF. Heritage mitigation will also be secured by condition.
- 7.02 The design, layout and appearance of the development are considered to be of high quality, particularly the proposed finishes of the buildings which will be secured by condition. The lower level of shared ownership properties and open space are not considered grounds to refuse the application and otherwise the proposals comply with site policy H1(11) and other relevant policies within the Local Plan. For these reasons, permission is recommended subject to the Heads of Terms and conditions set out below.

8.0 RECOMMENDATION:

- 8.01 Subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT** to grant planning permission, and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Heads of Terms

1. £521,563 towards Phase 1 of the new North Maidstone Primary School.
2. £271,377 towards enhancement of Maplesden Noakes School.
3. £9,056.50 towards IT equipment for St Faiths Adult Education Centre, St Faiths St, Maidstone.
4. £2,504.55 towards Infozone Youth Centre, Maidstone internal expansion and equipment.
5. £14,165.90 towards Kent History & Library Centre additional bookstock.
6. £15,894.60 towards improvements to the Trinity Foyer Sensory Garden, Maidstone.
7. £243,375 towards improvements to Whatman Park to mitigate the additional pressure on local public open space through improvements to footpaths and accessibility on eastern side of Whatman Park connecting with Springfield Mill via footbridges, and improvements to treetop walk; improving accessibility to the natural open space including work on the towpath and pathways at Monktons Lane/Foxglove Rise; and improvements to access on the north/west side of the gardens, restoration of the historical water fountain, and improvements to the planting on the north-west and north-east edges of the gardens to improve accessibility at Brenchley Gardens.
8. £195,192 to support improvements to primary care infrastructure by way of extension, refurbishment and/or upgrade to existing buildings at Brewer Street, Albion Place, or Bower Mount practices or as a contribution towards the cost of a new primary healthcare facility serving this population.
9. 20% affordable Housing (58% shared ownership and 42% affordable rent).
10. Implementing use of the Rag Room in full or in part to provide community floorspace ready for use for community facilities prior to 75% occupation of the development.
11. In the event that the Rag Room is not used in full or in part for community facilities prior to 75% occupation of the development, a financial contribution towards community facilities in the locality will be secured (amount to be finalised by officers). Payback of such monies if not used being 15 years.
12. Requirement for a Listed Building Consent application for any works to the Rag Room (Grade II Listed Building), to facilitate one or a combination of the approved uses, to be submitted to the Local Planning Authority prior to 75% occupation of the development.
13. In the event that the Rag Room is not in use for one or a combination of the approved uses before 75% occupation of the development, securing management and maintenance of the Rag Room in perpetuity.
14. Securing management and maintenance of the listed Chimney and Beam in perpetuity.
15. £5,000 Travel Plan monitoring fee.

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. Excluding the 'Landscape Drawings', the development hereby permitted shall be carried out in accordance with the approved plans as listed on the 'Updated Document Schedule' dated 16/01/18.

Reason: In the interest of visual and residential amenity and to clarify which plans have been approved.

3. No demolition shall take place until the applicant, or their agents or successors in title, have secured and implemented a programme of building recording of the pre-1948 mill buildings in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The building recording shall be to Level 3 as defined by the Historic England 'Understanding Historic Buildings - A Guide to Good Recording Practice' (2016) guidance document.

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

4. No demolition or development shall take place until the applicant, or their agents or successors in title, have secured and implemented an archaeological impact assessment in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological mitigation is suitably informed.

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

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

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

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

7. No development shall take place until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site

prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

8. No development shall take place until details of the proposed slab levels of the building(s) and the existing site levels have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;

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

9. No development shall take place until the developer has developed a scheme detailing and where possible quantifying 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. The report should be submitted to and approved by the Local Planning Authority, prior to development. [The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy -using the planning system to reduce transport emissions January 2010.]

Reason: In the interests of protecting health.

10. No development shall take place until a Construction Management Plan and Code of Construction Practice has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

Reason: In view of the scale of the development and in the interests of highway safety, and air quality/local amenity.

11. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

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

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

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

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

Reason: In the interests of protecting the health of future occupants and the prevention of pollution.

12. No development shall take place until a long-term monitoring and maintenance plan in respect of groundwater contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term monitoring requirements and targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: For the protection of Controlled Waters.

13. No development shall take place until detailed designs of the undercroft car parking, demonstrating the effective use of floodable grills, have been submitted and approved by the Local Planning Authority. Detailed designs should include safe means of escape for all users in a flood event and all utilities must be located above the design flood level. The development shall be carried out in accordance with the approved details and maintained thereafter,

Reason: To minimise risk of internal flooding and to maintain or increase flood plain volumes.

14. No development shall take place until the applicant has demonstrated that the final land levels within Flood Zone 3a will not result in any loss of flood water storage or conveyance, and that flood risk is not increased to the surrounding area. It must be demonstrated that final land levels increase the overall flood storage capacity for the site as outlined in the Flood Risk Assessment (August 2017). The development shall be carried out in accordance with the approved details.

Reason: To minimise risk of flooding and to maintain or increase flood plain volumes.

15. 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 100yr storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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.

16. No development shall take place (including any ground works, site or vegetation clearance) until a detailed ecological mitigation strategy has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Updated ecological surveys (if older than 2 years from the date of the surveys)
- b) Purpose and objectives for the proposed works;
- c) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- d) Extent and location of proposed works, including the identification of a suitable receptor site, shown on appropriate scale maps and plans;
- e) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- f) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- g) Use of protective fences, exclusion barriers and warning signs;
- h) Initial aftercare and long-term maintenance (where relevant);
- i) Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In the interest of biodiversity protection.

17. No development shall take place until A Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions,
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Details of annual habitat and species monitoring.
- i) Details of how the monitoring will inform updates of the management plan.
- j) Enhancements including bird and bat boxes, and swift bricks.

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

Reason: In the interest of biodiversity protection.

18. No development above slab level shall take place until details and timetables for the implementation of the historic mitigation measures as outlined within the mitigation section of the Cultural Heritage Impact Assessment (November 2017), and details of the heritage trail including the use of salvaged features from the site's industrial past, arranged in the open space areas, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out in accordance with the approved timetable and maintained thereafter.

Reason: To ensure that history of the site is recorded.

19. No development above slab level shall take place until a written statement of public art to be provided on site (which relates to the history of the Springfield Mill site) in the form of a Public Art Delivery Plan has been submitted to and approved in writing by the local planning authority. This shall include the selection and commissioning process, the artist's brief, the budget, possible form, materials and locations of public art, the timetable for provision, maintenance agreement and community engagement. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the history of the site and place making/shaping in accordance with the provisions of the Maidstone Borough Council Public Art Guidance.

20. Notwithstanding the submitted plans, no development above slab level shall take place until a landscape scheme using indigenous species and designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The 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. The landscaping scheme shall specifically include the following:

- A strong emphasis on native tree, hedge and shrub species.
- The provision of mixed native hedges.
- The planting of only native species within the riparian buffer zone.
- Details of retained cordwood on site.
- Measures to soften any retaining walls/structures.

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

21. No development above slab level shall take place until a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings has been submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of amenity.

22. No development above slab level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials. Materials shall include the following:

- The use of reclaimed ragstone on the plots as shown on the materials drawing no. 021 RevA.
- Multi stock bricks including those which are similar in appearance to those used on the listed Rag Room.
- Dark brick banding on the plots as shown on the materials drawing no. 021 RevA.
- Timber windows on plots 187-192.
- Slate roof tiles.
- Pre-cast cills and brick detailing with quoins and splayed lintels on windows
- Quoin detailing on corners of buildings.

Reason: To ensure a satisfactory appearance to the development.

23. No development above slab level shall take place until a sample panel of the ragstone for the buildings and walling has been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

Reason: To ensure a good quality design.

24. No development above slab level shall take place until, written details and samples of the surface materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials. The details shall follow the principles of materials drawing no. 021 RevA including all roads block paved (with the exception of the entrance section) and all parking spaces block paved.

Reason: To ensure a satisfactory appearance to the development.

25. No development above slab level shall take place until, details of all fencing, walling and other boundary treatments, including any retaining walling/structures, 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. The details shall follow the principles of enclosures drawing no. 020 RevB including ragstone walling, and ragstone facings shall be used for prominent retaining walls/structures.

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

26. No development above slab level shall take place until details of any external meter cupboards for all dwellings and any external meter cupboards, vents, pipes, flues, and guttering for the apartment blocks 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. Such features shall be installed to limit their visibility from public view points.

Reason: To secure a high standard of design.

27. No development above slab level shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution, illuminance contour plots covering sensitive neighbouring receptors, and lighting of the car park area. The details shall also be designed in order to minimise any impact upon bats. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity and safety.

28. 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 have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To ensure an energy efficient form of development.

29. No development above slab level shall take place until details of plots where electric vehicle charging points can be installed have been submitted to and approved in writing by the Local Planning Authority. The approved plots shall not be occupied until a minimum of one electric vehicle charging point has been installed on each property, and shall thereafter be retained for that purpose.

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

30. No development above slab level shall take place until a Residential Travel Plan in accordance with the Planning Practice Guidance has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be thereafter implemented and maintained.

Reason: In the interest of sustainable transport.

31. No development above slab level shall take place until details of any slopes, ramps and retaining structures necessary to connect the new cycle route to the river towpath 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 prior to the occupation of the development.

Reason: In the interest of sustainable transport.

32. The access as shown on drawing no 03 RevB shall be completed before the commencement of the use of the land or buildings hereby permitted and include the provision and maintenance of 2m x 2m pedestrian visibility splays behind the footway on both sides of the accesses with no obstructions over 0.6m above footway level.

Reason: In the interests of road safety.

33. No building hereby permitted shall be occupied until the following off-site highways works have been fully implemented:

- (i) Three pedestrian crossing upgrades at the White Rabbit roundabout (on Fairmeadow, Staceys Street, and Royal Engineers Road).

- (ii) A new section of cycle route (connecting National Cycle Network Route 17 to the Medway towpath via James Whatman Way) with any necessary signposting through the application site.
- (iii) Kerbing for low floor bus access at the nearby bus stops (on Royal Engineers Road).

Reason: In the interests of highway safety and sustainable transport use.

34. No building hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

35. 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).

36. The approved details of the vehicle parking/turning and cycle parking areas shall be completed before the commencement of the use of the land or buildings to which they relate 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 and sustainability.

37. Notwithstanding the parking provision shown on drawing no. 067, the use of the Rag Room shall not commence until details of parking provision relating to the specific use have been submitted to and approved in writing by the Local Planning Authority. The approved details of the vehicle parking/turning and cycle parking areas shall be

completed before the commencement of the use of Rag Room 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: To ensure appropriate parking for the use.

38. 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 information is submitted to demonstrate 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 groundwater resources.

39. 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 protect groundwater resources.

40. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: Reason: In the interests of protecting the health of future occupants and the prevention of pollution.

41. 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 extension of any residential properties or enlargement of any roofs 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.

Case Officer: Richard Timms

Policy H1(11) Springfield, Royal Engineers Road and Mill Lane, Maidstone**Policy H1 (11)****Springfield, Royal Engineers Road and Mill Lane, Maidstone**

Springfield, as shown on the policies map, is allocated for development of approximately 692 dwellings at an average density of approximately 180 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.

Design and layout

1. A high density scheme will be developed reflecting that the site is in an edge of town centre location. The highest density development should be situated on the north eastern and south eastern parts of the site.
2. The landscaping scheme for the development will reflect the parkland character of the locality.
3. The historic nature of the site should be respected and listed buildings retained dependant on advice given by the Borough Council.

Access

4. Access will be taken from the A229 Springfield and A229 Royal Engineers roundabouts only.

Ecology

5. Subject to further evaluation of their value, retain trees subject to a (woodland) tree preservation order as per advice from the Borough Council.

Air quality

6. Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.

Land contamination

7. Development will be subject to the results and recommendations of a land contamination survey.

Open space

8. Provision of approximately 4.8ha of open space within the site, together with additional on/off-site provision and/or contributions towards off-site provision/improvements as required in accordance with policy DM19.
9. Provision of publicly accessible open space to include the provision of a pocket park to the rear (west) of the existing Springfield Mansion on the former tennis court/car park area in addition to the existing area of public open space shown on the policies map which shall be retained as part of the development and/or contributions.

Highways and transportation

10. Improvements to and provision of pedestrian and cycle links, to facilitate connections from the site to and through Maidstone town centre.
11. Complementary improvements to the eastern bank of the river towpath for pedestrian and cycle use.

Utility infrastructure

12. A connection is provided to the local sewerage system at the nearest point of adequate capacity, in collaboration with the service provider.

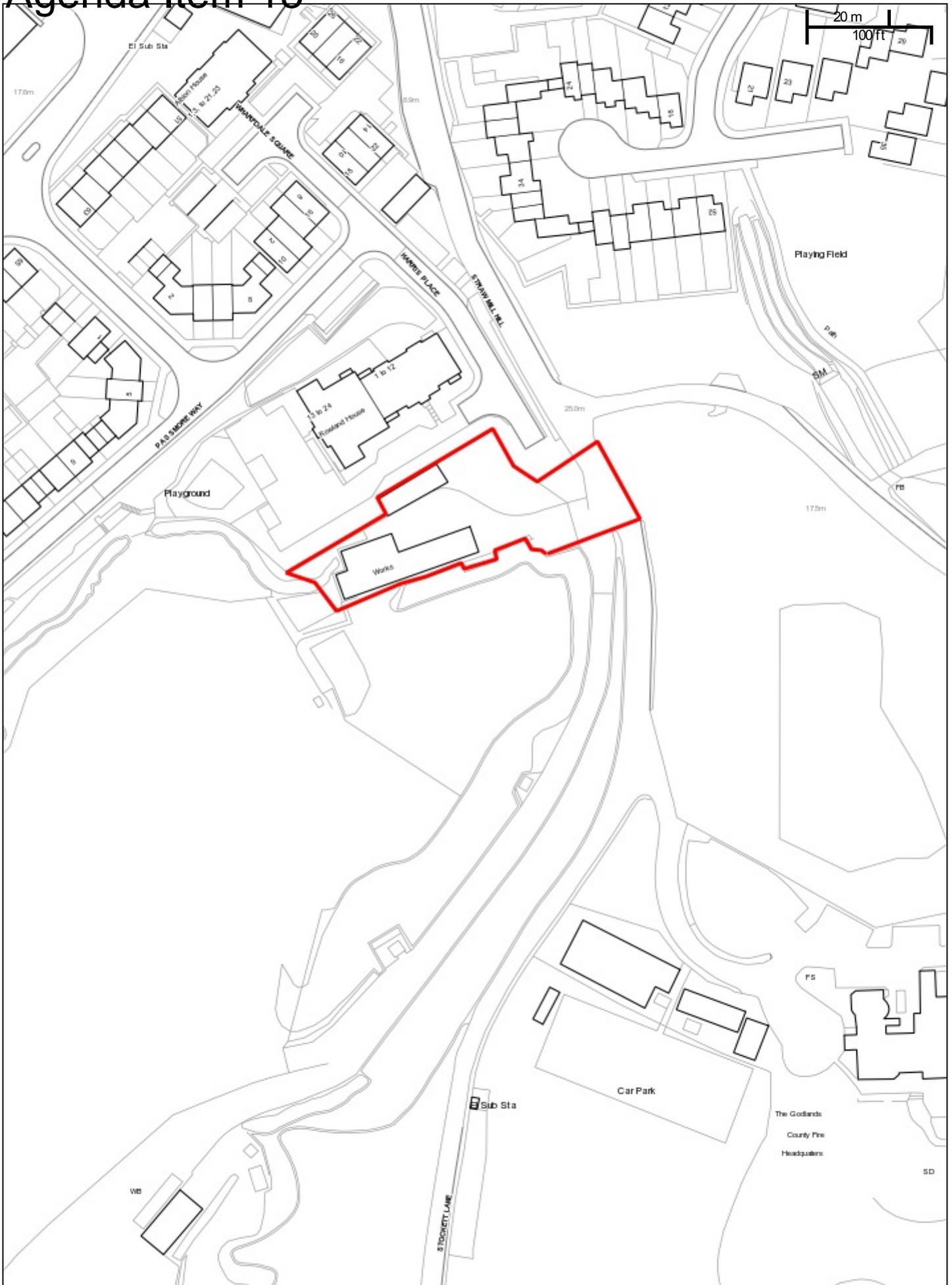
Flood risk

13. Residential development should only occur outside flood zone 3 unless appropriate mitigation can be provided

Minerals safeguarding

14. This site falls within the Minerals Safeguarding Areas as shown on the policies map and therefore development proposals will be required to undertake a minerals assessment to assess the viability and practicability of prior extraction of the minerals resource. The minerals assessment will comply with Policy DM7 of the Kent Minerals and Waste Local Plan (2013-2030) and any supplementary planning guidance produced by the Minerals Planning Authority in respect of minerals safeguarding.

Agenda Item 15



17/503237 Straw Mill Hill

Scale: 1:1250

Printed on: 24/1/2018 at 14:42 PM by JulieM

REPORT SUMMARY

REFERENCE NO - 17/503237/OUT

APPLICATION PROPOSAL

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.

ADDRESS J B Garage Doors Straw Mill Hill, Tovil, Maidstone, Kent ME15 6FL.

RECOMMENDATION Grant outline planning permission with conditions and subject to a Section 106 and conditions as detailed in Paragraph 11 of the report.

SUMMARY OF REASONS FOR RECOMMENDATION

- The site lies within the urban area of Maidstone whereby the principle of the scheme is considered to be acceptable subject to other policies.
- The scheme will utilise a brownfield site for a mix of market and affordable homes including those available for market rent.
- The buildings are considered to be of acceptable layout and scale, well-designed, appropriate to their context and subject to conditions will assimilate within the area without harm to nearby properties.
- The scheme will provide a mix of 1 and 2 bedrooms flats which will provide a good standard of accommodation.
- The proposed access and indicative parking layout complies with policies and the parking SPD.
- The scheme is considered acceptable in relation to all other relevant planning matters and will comply with the development plan. On this basis, it is considered that there are no overriding material considerations to indicate a refusal of planning permission, and it is recommended that planning permission is granted subject to planning conditions and legal agreement.

REASON FOR REFERRAL TO COMMITTEE

Councillor Derek Mortimer has said that should officers be minded to recommend approval the application is 'called in' to committee for the following summarised reasons

- Although the application is outline only, more detail needs to be provided at this stage in terms of vehicle access use and footpath proposals. The proposed parking within the site is totally inadequate, 18 flats with a (questionable) 18 spaces. The local bus service is poor and getting worse and many residents are reluctant to use it because they cannot guarantee getting to their destination at the required time.
- There is a need and demand for one and two bed units but I have serious concerns that some of these units will essentially be bed-sits and not flats.
- Poor internal layout appears to be confined would be detrimental to any future enjoyment by residents.
- I support residential development on this site but would like to see a reduction in the amount of units, better design and perhaps omitting the smaller units with the view to providing more parking on the lower level.
Surface water run off from anywhere in this area is a major concern. Local flooding regularly occurs at the junction of Straw Mill Hill and Tovil Hill and although regular cleansing takes place the capacity must be increased to cope with any further development in this proximity.

WARD South	PARISH/TOWN COUNCIL Tovil	APPLICANT Baker Byrne LLP AGENT SJM Planning And Construction Ltd	
DECISION DUE DATE 28/09/17	PUBLICITY EXPIRY DATE 24/10/17	OFFICER SITE VISIT DATE 21/12/2017	
RELEVANT PLANNING HISTORY (inc appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/506547/PAMEET	Pre application Meeting - Demolition of existing buildings and storage areas. Erection of residential flat development.	CLOSED	27.09.2016
05/0523	Change of use and erection of 10 No. town houses with associated car parking as shown on site layout, block plans and elevational drawings received on 22 February 2005, 9 March & 16 March 2005 and as amended by plans JBGA – 103, 3210 letter dated 26 May 2005 received on 27 May 2005.	PER	19.07.2005
90/0737	Proposed alterations to existing building as validated by agent's plan No. 90-20-03A received 17 October 1990.	PER	16.11.1990
89/0429	Two storey office accommodation.	PER	06.10.1989

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located to the west side of Straw Mill Hill and adjoining the site to the north is a three storey development of flats accessed via Harris Place. To the south and west of the site is a site known as land off Farleigh Hill which has outline planning permission for up to 272 houses or flats as approved under MA/10/0256. Development at the adjoining site has not yet started and the reserved matters have not been approved. There is a further outline planning permission under ref 15/505441/OUT furthest to the south west at the Tovil Quarry for the erection of up to 108 dwellings.
- 1.02 The surrounding built up area in Tovil is predominantly residential. The application site is currently used for commercial purposes as a garage door company. The site has changes in land levels that rise from north to south.
- 1.03 There is a belt of protected trees (TPO No.11 of 1984) on the steep bank to the southern boundary of the application site.
- 1.04 The site is within the urban area of Maidstone and within an area covered by the Council's residents parking scheme that restricts on-street parking to permit holders.

2.0 PROPOSAL

- 2.01 The application proposes the demolition of existing buildings and their replacement with a three storey detached building accommodating a total of 18 flats consisting of 12x one bedroom units and 6 two bedroom units. The application provides 16 car parking spaces and an additional 2 disabled spaces plus 4 visitor parking spaces.

- 2.02 The current application is submitted in outline form, with access, layout and scale being sought at this stage, whilst appearance and landscaping of the site reserved for future consideration.
- 2.03 The indicative detail shows that access will be taken from Straw Mill Hill, and given the rectangular shape of the plot, the building will sit parallel to the plot boundary with the side elevations of the building running parallel to the north and south plot boundary. The frontage of the building would face east.
- 2.04 In terms of scale the submitted indicative drawings show a three storey building with a maximum height of approximately 11 m. Given the differences in land levels the building will be cut into the slope and would have a stepped entrance to the east elevation, and a ramped access to the north elevation of the building.
- 2.04 The submitted indicative drawings show a detached rectangular building designed as two rectangular blocks linked by a stair and circulation area. The flats would be located on either end of the building with a walkway in-between the units. The indicative drawing shows a total of 6 flats on each floor of the building comprising of 2no. two bed flats located to the northern end of the building and 4 one bed flats located to the southern end of the building. This layout is repeated on all three floors of the building.
- 2.05 The external appearance of the building is reserved for future consideration, however, the submitted detail indicates use of a forward projection to mark the front entrance, Juliette balconies, pitched roofs, brick detailing etc. Such matters will be fully assessed at reserved matters stage.
- 2.05 A total of 18 car parking spaces are proposed for residents with an additional 2 spaces provided as disabled parking. There are an additional of 4 spaces provided for visitors. A grassed area is proposed to the north, east and west of the development.
- 2.07 The site area measures approximately 0.16 hectares and the provision of 18 dwellings would result in a density of approximately 113 dwellings per hectare.
- 2.08 An amended layout drawing, and parking layout, together with additional information to demonstrate the accessibility of the proposed vehicular access, and, HGV and refuse collection turning areas were submitted to address concerns raised by the Parish Council and consultees.
- 2.09 The application is supported by a Design and Access statement and the application seeks to integrate the recommendations of this report within the scheme.

3.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF): section 1, 2, 4, 6, 7, 8 and 10
- National Planning Practice Guidance (NPPG)
- Adopted Maidstone Local Plan 2017: DM1, DM2, DM3, DM5, DM11; DM12; DM19; DM20; DM21; DM23; DM24; SP19; and SP20
- Supplementary Planning Documents: SPG4 - Vehicle parking standards (July 2006)

4.0 LOCAL REPRESENTATIONS

No comments received from neighbours.

One objection received from Councillor Derek Mortimer. Concerns raised are summarised as follows:-

- More detail is needed on vehicle use and details of footpath as Star Hill Mill is a narrow road
- Straw Hill Mill is a single track and applicant should demonstrate that the site access is safe
- There will be a conflict between vehicles and pedestrians
- Parking is inadequate and will overspill onto Straw Hill Mill
- Some of the units will be bedsits and not flats
- The proposed internal layout is confined and restricted
- Surface water runoff is a problem in this area.

Tovil Parish Council raised concern regarding the application and recommended refusal for the following reasons:

- Traffic access into Straw Mill Hill is not sufficiently detailed
- The development will lead to loss of the existing commercial use and loss of employment in the area
- Whilst TPC acknowledges that the parking requirement is met by the proposed development, they recommend that the parking allocation must be increased to a realistic number to take into account that additional street parking will not be possible
- A more detailed plan and proposal will highlight these concerns

5.0 CONSULTATIONS

5.01 **Natural England** has no objection to the application

5.02 **UK Power** advise that they have no objection to the proposed works

5.03 **Southern Water** has no objection to the development and advise that if planning permission is given for the development an informative should be attached, requiring an application to be made to Southern Water to make a connection to the public sewerage system.

5.04 **Crime Prevention Design Advisor** advises that the applicant's attention should be drawn to the Kent Design Initiative which will also assist them with Crime Prevention and Community Safety. The following will need to be considered and conditioned if planning permission is given for the development: full audio visual access control system for the main entrance and disabled entrance, access control for other entrances or exits, post delivery, storage of cycles and bins, boundary treatments, use of certified door sets, protection of ground floor windows from a privacy and security aspect.

5.05 **KCC Developer Contributions** advise that the development will have additional impact on the delivery of services which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

They require the provision of high speed fibre broadband connection, and that the developer should make a contribution of £48.02 per dwelling for library book stock, which is a total of £864.28 for 18 units.

5.06 **KCC Flood and Water Management** advise that whilst no drainage strategy has been provided it is recognised that the site is largely impermeable and has some existing drainage infrastructure in place. Therefore there is no objection to the development subject to drainage conditions as recommended.

- 5.07 **KCC Highways & Transportation** initially raised concern regarding the development and requested amended and additional information on the proposed highway arrangement.

Several revised schemes and additional information was received from the agent. The revised scheme and additional detail submitted reviewed the injury crash record, demonstrated how refuse collection vehicles will access the site, and provided full details of the proposed access and after further negotiation KCC advise that they have no objection to the proposed development, that the proposed access is acceptable and that they have no objection to the proposed parking scheme.

- 5.08 **KCC Minerals & Waste** have no objection to the development

- 5.09 **KCC Archaeology** advises that the application site is on land with archaeological potential and as such recommend a condition to be attached (if planning permission is given for the development) requiring securing the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

- 5.10 **Environmental Health** advise that the site has the potential to be contaminated and as such a condition is recommended requiring the submission of a Phase 1 Contaminated Land Study (including potential landfill gas aspect).

- 5.11 **Tree Officer** initially objected to the development on grounds of impact on nearby mature tree belt with a group protection (TPO No.11 of 1984). The scheme was then revised and officers have no objection to the revised siting subject to conditions protecting the existing trees, and conditions requiring submission of a landscaping scheme.

- 5.12 **MBC Parks and Open Spaces Team** advise that there is a requirement to contribute 0.366 ha of open space within this development and given that there is no scope for this to be included within the site there is a request for a contribution of £1575 per property for site improvements to the existing open space. Based on 18 units this would be a total of £28,350. The contribution will be spent on improvements at the Woodbridge Drive Play Area (introduction of imaginative play, upgrading the surface, and improvements to the drainage of the site to improve accessibility).

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration are:-

- The principle of development
- Visual impact
- Residential amenity
- Highways
- Landscaping
- Renewable energy
- Contamination
- Developer contributions

Principle of Development

- 6.02 The site is located within the Maidstone urban area which is considered to be the most sustainable location in the Borough as set out in policy SS1. It is located in

reasonable proximity to bus and rail services and would be well served by local facilities and amenities.

- 6.03 Paragraph 17 of the NPPF lists its core principles and one of them is the need for the effective use of land by re-using land that has been previously developed, provided it is not of high environmental value. Policy DM5 of the Local Plan stresses the necessity of utilising vacant plots to their full potential providing the site is not of high environmental value, and provided the proposed density of housing reflects the character and appearance of individual localities, and is consistent with Policy DM12, unless there is acceptable justification for a change in density.
- 6.04 The application site represents a brownfield site in a sustainable location which fully accords with the strategic objectives of the Local Plan and its policies, policy DM5 in particular. The site is currently used as a car garage/ workshop and as such falls within the definition of previously developed land. There are no policies that restrict loss of the existing commercial uses in this location.
- 6.05 The site is not of high environmental value and the development will reflect the density parameters set out in DM12, and will respect the character of its surroundings, in particular the flattened development to the North on Harris Place. On this basis it is not considered the loss of the existing uses would represent matters on their own which would justify the refusal of the application or would be directly contrary to any policy of the Local Plan. The scheme would accord with Policy DM5 in supporting the reuse of brownfield land.
- 6.06 In addition, NPPF paragraph 50 and Policy SP19 of the Maidstone Local Plan require housing development to deliver a wide choice of high quality homes by having an acceptable housing mix so as to promote sustainable development. The proposed development is for 12 x 1 bedroom and 6 x 2 bedroom flats and as such will make a positive contribution in meeting this target.
- 6.07 For the above reasons it is considered that the proposed quantum of development proposed is considered acceptable, that development would be appropriate in terms of Local Plan Policies, and as such the principle of redeveloping the site to a flattened development of 18 units as proposed is considered to be acceptable.

Visual Impact

- 6.08 Paragraph 56 of the NPPF requires all new development to provide high quality design and 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. 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.
- 6.09 The current scheme follows officers' recommendation made to the applicant at pre-application stage. The layout, and scale have been revised to reflect officer's advice.
- 6.10 The proposed building would measure approximately 34m deep and 11 m wide and would be three storeys in height with a maximum height of 12.5m. The scale and layout of the development are to be assessed at this stage, whilst appearance and landscaping are reserved for future consideration.

- 6.11 Following concerns raised by officers regarding the design of the development, the applicant amended the scheme so that the appearance of the development is reserved for future consideration. Given that appearance is a reserved matter, the submitted elevation detail is for illustration purposes only.
- 6.12 The indicative drawings show a three storey building block sited in a longitudinal form with the front elevation facing to the east of the site on Straw Mill Hill. The siting of the block appears appropriate and that it would make efficient use of the site. The north and south elevations would be key to the success of the scheme and its integration into existing development. These elevations would be the principal elevations of the building and it is expected that, being three storey and easily visible from public vantage points, they should be of high level design with variation and careful choice of materials.
- 6.13 There are residential flats immediately to the north of the site and these are of good standard of design with simple pitched roofs and quality materials, balconies, projecting bays and recesses, pitched roof and projecting balconies. At reserved matters stage, the proposed development would be expected to take cues from the adjoining flatted development to the north of the site, and this can be negotiated and secured by conditions. In addition, the east elevation would be expected to be actively designed so as to provide an attractive and active front elevation addressing Straw Mill Hill.
- 6.14 In terms of density, the scheme would represent 113 dwellings per hectare which would accord with the parameters set out in Policy DM12 of the local plan which considered a range between 45 and 170 dph to be acceptable at this type of location. The scale, layout and approach to the overall design is considered to have taken account of the site context, site levels and the character and scale of the surrounding built form.
- 6.15 Therefore, it is considered the outline scheme can provide good quality design which takes account of its context and would accord with policies DM1 and DM12 of the Local Plan and Section 7 of the NPPF.

Residential Amenity

- 6.16 The application site is a long and narrow fronted plot addressing Straw Mill Hill. In addition, the site has differences in land levels. With neighbours to the north and south on adjoining sites careful consideration needs to be given to creating an appropriate balance between the street scene and context to the development and protecting neighbour amenity.

Paragraph 17 of the NPPF sets out the core planning principles which includes:

'Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'

- 6.17 Policy DM1 of the emerging local plan sets out at para (iv) that proposals shall:

'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 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.'

- 6.18 The application is submitted in outline with some matters reserved for future consideration; this said the indicative plan provides an indication of how layout, access and scale could be achieved to provide a detached building accommodating a total of 18 flats on the site.
- 6.19 The relationship of the development to adjoining land is an important consideration in this case as the site adjoins sites that are occupied or have planning permission for residential development as detailed earlier in this report. The submitted layout of the development suggests that there would be a separation distance of approximately 15-20m between the proposed development and the adjoining residential uses and as such any impact on the residential amenities of neighbours will be minimised, and not cause harm to the living conditions of neighbouring properties.
- 6.20 To the north and west of the site, it is considered that a suitable level of separation exists that no significant harm to neighbouring amenity of existing occupiers would result. To the southern elevation the existing belt of trees coupled with the changes in land levels will minimise any impact to neighbouring occupiers to acceptable levels.
- 6.21 Given the differences in land levels between this site and adjoining neighbours a dominant three storey development as proposed could have a harmful impact on the outlook currently enjoyed from the neighbouring flats at Harris Place. However, it is considered that given the separation distance, and the orientation of the new development to the existing Harris Place flatted development, it is considered that such separation will minimise any overshadowing, overbearing and loss of light to acceptable level.
- 6.22 In terms of the standard of accommodation proposed, all flats have rooms that have windows for natural light and ventilation and all of the flats are of good size, and as such will afford all future occupiers a good standard of living.
- 6.23 It is therefore considered that a development of a detached building accommodating a total of 18 flats would not harm the residential amenity of neighbouring dwellings and as such proposed quantum of development proposed is considered acceptable and complies with Policy DM1 and Paragraph 17 of the NPPF.

Highways

- 6.24 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. Access is to be resolved at this stage and the applicant proposes to use an existing access from Straw Mill Hill. The KCC Highways Engineer advise that the proposal to use an existing access point from Straw Mill Hill is acceptable. They further advise that whilst the revised designated area for refuse storage is a short distance greater than that recommended from the roadside for roadside collection to be undertaken, it is considered that this is not onerous and that refuse collection can efficiently be undertaken via a nearby street.
- 6.25 Indicative parking is shown on the proposed plans; this would predominantly be parallel parking. 16 no, spaces are proposed for residents, an additional 2 is proposed for disabled users and 4 spaces are proposed for visitors.
- 6.26 I note the concerns raised regarding the adequacy of the proposed parking scheme. However, it is considered that this level of parking provision would accord with the Council's parking standards where there is a maximum suggested parking level of 1 space per unit with the advice stating reduced provision is encouraged in support of the efficient use of land and where the site is in a sustainable location. The proximity

of the site to public transport and to the town centre is a positive and justifies the proposed level of parking.

- 6.27 DM23 states 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. It is considered when having regard to the type of units, the sustainable location and the balance between the constraints of the site and making efficient use of land, it is considered the parking provision is adequate.
- 6.28 Due to the outline nature of the application and the plan being indicative the parking arrangement could be secured by condition. KCC Highways have reviewed the parking provision and have no objections to this. The scheme will also include cycle parking as per the Council's standards and it is recommended planning conditions are imposed to secure both vehicular and cycle parking post development.
- 6.29 Overall it has been demonstrated that a suitable access could be provided and the addition of 18 flats on this plot would not give rise to significant highways implications that would result in the ability to sustain a reason for refusal on highways grounds.

Landscaping and Ecology

- 6.30 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 should ensure that new development protects and enhances the natural environment by incorporating measures where appropriate to protect trees with significant amenity value as is the case here where the site adjoins trees with a group preservation order (TPO No.11 of 1984).
- 6.31 The retention of boundary planting (mature protected trees TPO No.11 of 1984) at the southern boundary of the site is important to retaining the character of the site. Point (v) of DM1 sets out that development 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 positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area;'*
- 6.32 Landscaping of the site is reserved for future consideration, and this being the case it means that the submitted landscaping details are for illustration purposes only. The application site is limited in size and there is limited opportunity for soft landscaping, green areas and a communal amenity area for future residents. However, it is recommended that the proposed development should provide a landscaping scheme to soften the appearance and character of the development, and that the scheme should have balconies to provide private amenity space to all future occupiers.
- 6.33 If outline planning permission is given for the development, a landscaping condition should be attached in order to ensure that the development is completed satisfactorily and that would enhance the character of the locality. This should be carefully considered at reserved matters stage.
- 6.34 In regards to ecological matters, the application site has little opportunity for bio diversity enhancements. However, given that the belt of mature trees on southern

boundary will be retained, it is considered that the proposal can be considered acceptable on ecological grounds, subject to appropriate conditions relating to provision of biodiversity enhancements.

- 6.35 As such it is considered the proposed development is capable of securing the necessary mitigation through a robust landscaping scheme, and biodiversity enhancements, and that the future pressure on any retained existing protected trees would not be significant such that the proposed quantum of development proposed is considered acceptable.

Renewable Energy

- 6.36 In accordance with the NPPF development proposals are required to incorporate sources of renewable energy, including solar power where possible. Policy DM2 of the Maidstone Local Plan requires all new homes to meet the Building Regulations optional requirement for tighter water efficiency. In order to maximise carbon efficiency all homes are required to meet the strengthened on-site energy performance standards of Building Regulations. If planning permission is given for the development, a renewable energy condition should be attached in order to ensure that appropriate mitigation measures are incorporated into the development.

Contamination

- 6.37 Given the previous use of the site there is potential for the site to be contaminated. The Environmental Health Officer advises that if planning permission is granted for the development a contamination report should be submitted for consideration and this should be secured by condition.

Other matters

S106 Developer Contributions

Affordable Housing

- 6.38 The Maidstone Strategic Housing Market Assessment supports the seeking of a proportionate of dwellings to be provided on-site for affordable housing needs. Policy SP20 of the Maidstone Local Plan requires a 30% contribution for sites within Maidstone urban Area and that the tenure should be 70% affordable rented housing, social rented housing or a mixture of the two and 30% intermediate affordable housing (shared ownership and or intermediate rent). In addition, all affordable housing should be appropriately integrated within the site. In this case, a total of 6 flats should be affordable units: 4 of these flats being affordable rent and 2 flats being intermediate affordable housing (shared ownership or intermediate rent).

- 6.39 In addition, a development of 18 units will trigger a requirement for financial contributions in order to mitigate the impact of the development and help to deliver necessary infrastructure to accommodate the new development.

Financial contributions

- 6.40 Policy ID1 of the Local Plan sets out that :

'Where development creates a requirement for new or improved infrastructure beyond existing provision, developers will be expected to provide or contribute towards the additional requirement being provided to an agreed delivery programme. In certain circumstances where proven necessary, the council may require that infrastructure is delivered ahead of the development being occupied.'

- 6.41 These contributions can include Affordable housing, Transport, Open space, Public realm, Health, Education, Social services, Utilities, Libraries, Emergency Services and Flood defences.
- 6.42 Policy DM20 re-iterates these points and sets out that where a need for new community facilities is generated these would be secured through appropriate means.
- 6.43 The NPPG sets out that :
'contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)'.
- 6.44 A request for contributions has been received from Maidstone Borough Council Parks and Open Space, and from Kent County Council (KCC) Library Bookstock and they are detailed as follows:-
- Parks and Open Spaces – There is a requirement of 0.366 ha of open space within this development. However, given that there is no scope for this to be included onsite it is requested that a contribution of £1575 per property is made for offsite improvements to existing open space. Based on 18 units this would be a total of £28,350. This request would be used for improvements at the Woodbridge Drive Play Area to provide an imaginative play area, upgrading of the surfacing and improvements to the drainage of the site to improve accessibility.
 - Library Bookstock - There is a requirement for the developer to contribute £48.02 per dwelling and as such a total of £864.28 is required for a development of 18 units.
 - Primary Education - Although there is a need for a Primary School, due to the current Government's 5 obligation restriction KCC are unable to pursue the request
 - Secondary Education - Although there is a need for a Secondary School, due to the current Government's 5 obligation restriction KCC are unable to pursue the request

7.0 CONCLUSION

- 7.01 The application relates to an outline application for residential development with access, scale and layout assessed at this stage whilst appearance and landscaping reserved for future consideration. Given this, the subject matter of this application is whether the site is suitable for residential development, whether it could satisfactorily accommodate the proposed quantum of dwellings, whether the means of access is acceptable, and whether the scale of the development is suitable.
- 7.02 On all those points, the application is considered acceptable as detailed herein. Furthermore, the site specific impacts have been assessed and reviewed by the various stakeholders and departments and there are no issues that would suggest the site is not suitable for development or that the site cannot accommodate the proposed quantum of development.
- 7.03 Concerns raised by the Parish Council and neighbours are noted, however, it is considered that the proposal would not result in any unacceptable highway safety issues to warrant refusal of the application on this ground. KCC Highways & Transportation raise no objection to the proposed access and amended parking arrangement as detailed herein.
- 7.04 It is considered that the site accords with the development plan and other material considerations weigh in favour of the development. Therefore it is recommended that

outline permission is granted subject to the imposition of the appropriate planning conditions and Section 106 agreement as detailed herein.

11.0 RECOMMENDATION

Subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and Development BE DELEGATED POWERS TO GRANT to grant planning permission, and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Heads of Terms

1. The provision of 30% affordable residential units within the application site (to be a total of 6 affordable units)
2. Library contribution of £48.02 per dwelling (a total of £864.28 for 18 units) is sought towards libraries to address the demand from the development towards additional book stock.
3. Open Space Contribution of £1575 per property totalling £28,350 for 18 units. This based on off-site provision that cannot be provided onsite to be used towards improvements at the Woodbridge Drive Play Area.

Conditions:-

1. The development hereby approved shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:

a) appearance (b) landscaping

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

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

2. The reserved matters application relating to landscaping and in pursuant of condition 1 should including a full landscaping plan and specification which is based upon the opportunities and mitigation measures set out in the Maidstone Landscape Character Guidelines and should include native species and species which are good pollinators for local wildlife.

Reason: to give clarity on the appropriate type of landscaping which is suitable to the local area.

3. Landscaping details submitted pursuant to conditions 1 and 2 shall be implemented in the first available planting season following first occupation of the development hereby approved. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority. The details relating to landscaping shall include the retention of the hedge along the western boundary or its meaningful replacement and a landscape scheme designed in accordance with the principles of the Council's landscape character guidance. 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 and include a planting specification, a programme of implementation and a [5] year management plan.

Reason: In the interests of visual amenity.

4. The details submitted in pursuance of Condition 1 shall include details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.
Reason: To ensure an energy efficient form of development.

5. The development hereby permitted shall be carried out in accordance with the following approved plans:- 2016-024v9-PropEast; 016-024v9-PropFirst; 2016-024v9-PropGround; 2016-024v9-PropNorth; 2016-024v9-PropSecond ; 2016-024v9-PropSouth; 2016-024v9-PropWest; 2016-024v9-BlgPos ; 2016-024v9-LargeVehicle and 2016-0249v9-Parking

Reason: For the purposes of clarity and to ensure the quality of the development is maintained.

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

Reason: In the interests of visual amenity.

7. The development hereby approved shall not commence above slab level until details of 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 approved scheme shall take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings by means such as swift bricks, bat tube or bricks and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals prior to occupation and shall be maintained in perpetuity.

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

8. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation. The scheme shall be in accordance with the requirements outlined in the Bat Conservation Trust and Institution of Lighting Engineers documents Bats and Lighting in the UK.

Reason: To protect the appearance of the area, the environment and wildlife from light pollution.

9. Prior to development commencing full details of tree protection shall have been submitted to and approved in writing by the Local Planning Authority. Any trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

10. Prior to development commencing the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded. This information is required prior to commencement as any site works have the potential to harm items of archaeological interest

11. Prior the commencement of development above damp proof course, details of EV rapid charge points (of 22kW or faster) should be submitted for approval by the Local Planning Authority. This should be on the basis of one space per 10 residential dwellings (where no dedicated off-street parking is provided) and where dwellings with dedicated off-street parking should be provided with their own charge points for low-emission plug-in vehicles. Once approved, the details shall be implemented prior occupation of the dwellings and retained thereafter.

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

12. Before any unit is occupied, details for the storage and screening of refuse shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

13. No development shall take place until details of bicycle storage facilities showing a covered and secure space have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to occupation of the development and shall thereafter be retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

14. Development shall not begin until a detailed sustainable surface water drainage design for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage design shall demonstrate that:-

- i. 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 onsite before being discharged at an agreed rate to the receiving watercourse.
- ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.
- iii. Appropriate allowances for climate change have been incorporated into design.

Reason: In the interests of sustainable drainage.

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

Reason: In the interests of sustainability.

16. The development hereby permitted shall be no more than three storeys in height including any roof space which is used as habitable rooms and the ridge height shall not exceed 12.5m from normal ground level.

Reason: To ensure conformity with the existing form and character of development in the surrounding area.

17. The development hereby approved shall not commence above slab level until, details of hard landscape works have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building or land.

Reason: To ensure a satisfactory appearance to the development.

18. 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:-

a) 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.

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

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

longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

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

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

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

20. Prior to the first occupation of the development, a scheme to demonstrate that the internal noise levels within the residential units 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 dwellings and be retained thereafter.

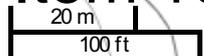
Reason: To protect the amenity of future residential occupiers.

INFORMATIVE

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Case Officer: Thandi Zulu

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



17/503919 The Bow Window

Scale: 1:1250

Printed on: 23/1/2018 at 16:41 PM by JulieM

REPORT SUMMARY

REFERENCE NO - 17/503919/FULL			
APPLICATION PROPOSAL - Retrospective change of use from A1 to A3 use, replace two waste storage sheds with new cottage style storage shed.			
ADDRESS - The Bow Window Hair Designers (The Bow Window Coffee Shop and Café), The Square Lenham Maidstone Kent ME17 2PG			
RECOMMENDATION - GRANT PLANNING PERMISSION subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION - The change of use from A1 to A3 is permitted change within the Use Classes Order and the permanent rather than temporary change to a use within Class A3 proposed complies with provisions of the development plan. The proposed replacement shed is acceptable with regards to the relevant provisions of the adopted Local Plan, the NPPF and all other material considerations such as are relevant. Therefore, planning permission is recommended subject to conditions.			
REASON FOR REFERRAL TO COMMITTEE - Cllr Janetta Sams have requested the application be determined by the planning committee if the case officer was minded to recommend approval on grounds that the proposed change would result in noise nuisance.			
WARD Harrietsham And Lenham	PARISH/TOWN COUNCIL Lenham	APPLICANT Mrs Sarah Danaher	
DECISION DUE DATE 27/11/17	PUBLICITY EXPIRY DATE 03/11/17	OFFICER SITE VISIT DATE 5/10/2017	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
MA/05/1785	Erection of single storey rear extension as shown on drawing numbers BW0514.02, BWO514.03 and BW0514.05 received on 31/08/05	PERMITTED	04/11/2005
MA/05/1784	An application for listed building consent for the erection of single storey rear extension as shown on drawing numbers BW0514.02, BWO514.03 and BW0514.05 received on 31/08/05	PERMITTED	04/11/2005

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application property is a grade II listed mid-terraced building located on the north west side of 'The Square' in centre of Lenham Village. The building is of 16th century origin and is considered to make an essential contribution to the character of the Lenham Conservation Area.
- 1.02 The ground floor of the building has a history of uses within Class A1 and is believed to have previously been used as hairdressing saloon which falls within that Class. The building has residential accommodation at first floor and the adjacent property 'Lurcocks' is a shop with residential accommodation to the rear. There is a pedestrian access between these two properties which passes underneath the building adjacent

to which is a wooden fence which runs along the shared boundary to the rear of the buildings.

- 1.03 Neighbouring uses within the vicinity of the site are mixed and comprise mainly of Class A and Class D uses to the west, south and east of the site, interspersed with residential accommodation which is mainly at first floor level. There are a number of hotel premises close to the site.

2.0 PROPOSAL

- 2.01 The application seeks retrospective planning consent for the change of use of the ground floor of the building from A1 (Shop) to A3 (Food and Drink) for the establishment of a coffee shop/restaurant, together with replacement of the existing waste storage sheds with a larger cottage style storage shed.

- 2.02 The proposed shed is positioned close to the panel fencing running along the south eastern boundary to the rear of the site, approximately 3.3 metres from the rear elevation of the single storey rear extension approved under MA/05/1784. It has a width of approximately 2.5 metres and depth of 4.3 metres. The height is approximately 2.4 metres from the ground level to the highest part of the pitched roof. It is of timber construction with window openings on the north and east facing elevations.

- 2.03 The Town and Country Planning (Use Classes) Order allows for a change use from Class A1 (Shop) to A3 (Food and Drink) on a temporary basis for a period of two years, and a permanent change subject to prior approval. Therefore, the element for determination in this submission is the proposed permanent change of use, rather than a temporary change for a 2 year period. Also for determination is the proposed replacement cottage style waste storage shed which is significantly larger than the one replaced.

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 Maidstone Borough Local Plan (2017) policies SP8, DM1, DM4, DM9 and DM17. National Planning Policy Framework (NPPF) Paragraph 23, 58 and 59.

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** 3 representations received from local residents raising the following (summarised) issues

- Noise nuisance
- Food smells

- 4.02 4 further comments received expressing support for the proposals on the following (Summarised) grounds:

- Proposal contributes to the vitality of district centre
- Employment generation

5.0 CONSULTATIONS

- 5.01 **Lenham Parish Council:** Comments that it wants to see this application approved.

- 5.02 **Environmental Health Officer:** No objection subject to conditions on noise mitigation and extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises.

6.0 APPRAISAL

Main Issues

6.01 The key issues for consideration are:

- Principle of development
Visual impact
- Residential amenity
- Highways impact

Principle of Development

6.02 The application site is located within a designated district centre, where the Council's objectives set out in policy DM17 of the adopted local plan it to maintain and enhance the existing retail function and support community uses in the interest of securing a sustainable and well functioning communities.

6.03 Policy SP8 outlines the Council's aspiration to sustain thriving village centres and local businesses in general. Policies DM1 and DM4 provides clear guidelines about the need for development to be planned and designed in a manner which appropriately responds to the historic context, whilst positively enhancing the historic character of the locality. The National Planning Policy Framework NPPF identifies good design as a key objective in planning, setting out the need for development proposals to be of high quality and requiring development to respond to local character (paragraphs 58 and 59).

6.04 The application is for the change of use of the ground floor of the building from A1 (Shop) to A3 (Food and Drink) for the establishment of a coffee shop/restaurant, together with replacement of the waste storage shed within the rear garden of the site. The element of the proposal involving the change of use from A1 to A3 is permitted on temporary basis within the Town and Country Planning (Use Classes) Order. Therefore, councillors need to be determined whether the permanent rather than temporary change to a use falling within A3 (Food and Drink), together with the replacement waste storage shed proposed is acceptable.

6.05 Having regard to the development plan policies outlined above, the NPPF and the Town and Country Planning Use Classes Order, it is considered that the principle of the use proposed within the district centre has strong policy support and is acceptable as a consequence.

Visual Impact:

6.06 The application property is a grade II listed mid-terraced building and the replacement waste storage shed is proposed within the rear garden of the building close to the panel fencing running along the south eastern boundary to the rear of the site. It is located approximately 3.3 metres from the rear elevation of the single storey rear extension approved under MA/05/1784.

6.07 Whilst significantly larger than the waste storage sheds replaced, it is of appropriate scale and design and would not appear prominent when viewed in the context of the site. The separating distance and choice of materials would ensure that it does not have a significant adverse impact on the historic architectural integrity of the Grade II listed building, its significance and its features of special interest.

Residential amenity:

- 6.08 In terms of neighbour amenity, the application building is located within a relatively busy district centre surrounded by uses generally falling within classes A and D. In considering the amenity impacts of the proposed use, councillors are reminded of the expectations of district centres to help secure sustainable and well-functioning communities in policy DM17 of the adopted Local Plan.
- 6.09 The uses within Classes A and D are favoured within district centres given their essential role in meeting the day to needs of the local communities and their general negligible impact on the amenities of neighbouring commercial uses and nearby residential dwellings.
- 6.10 The first floor of the application building and some neighbouring buildings are understood to be in use as almshouses and whilst objections have been raised on grounds of noise nuisance and food smells, these are matters than can be effectively controlled by environmental health legislation.
- 6.11 The A3 use proposed in this case falls within the type of uses considered as essential in securing the viability of district centres and sustainability of communities within designated Rural Service Centres. As a consequence, an objection to this proposal on amenity impact grounds would undermine the viability and vitality of district centres and the Council's objectives set out in policy DM17 of the new local plan.
- 6.12 In this case, whilst it is understood that due to the age of the building and its designation, there is limited scope for achieving satisfactory internal acoustic attenuation for the premises and flats above. The Environmental Health Officer does not raise any overriding objection to this proposal subject to conditions on noise mitigation and extraction and treatment of fumes and odours generated from cooking and other activity undertaken on the premises. The recommended conditions would ensure that any adverse impacts on the amenities of surrounding occupiers are adequately mitigated.

7.0 CONCLUSION

- 7.01 The proposal seeking retrospective planning consent for the change of use of the premises from Class A1 to Class A3 for the establishment of a coffee shop/restaurant, together with replacement of the existing waste storage sheds accords with provisions of the development plan and relevant material considerations within the NPPF. There are no overriding material considerations to indicate a refusal of planning permission. I therefore recommend approval with condition set out below.

8.0 RECOMMENDATION

GRANT planning permission subject to the following conditions:

1. Within three months of the date of this permission, a noise insulation scheme for the the party wall, ceiling and floor that separate the residential and commercial unit and a timetable of implementation shall be submitted to and approved in writing by the Local Planning Authority. The noise insulation shall be installed in line with the agreed timetable, in accordance with the approved details and maintained as such thereafter.

Reason: In the interest of residential amenity and to ensure adequate protection against noise.

2. Within three months of the date of this decision, noise insulation for all plant and equipment and a timetable of implementation shall be submitted to and approved in writing by the Local Planning Authority. The noise insulation shall be installed in line with the agreed timetable, in accordance with the approved details and maintained as such thereafter.

Reason: In the interest of the amenities of surrounding uses and neighbouring residential occupiers.

3. Within three months of the date of this decision, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises and a timetable of implementation shall be submitted to and approved in writing by the Local Planning Authority. The use shall operate in accordance with the approved details and maintained as such thereafter.

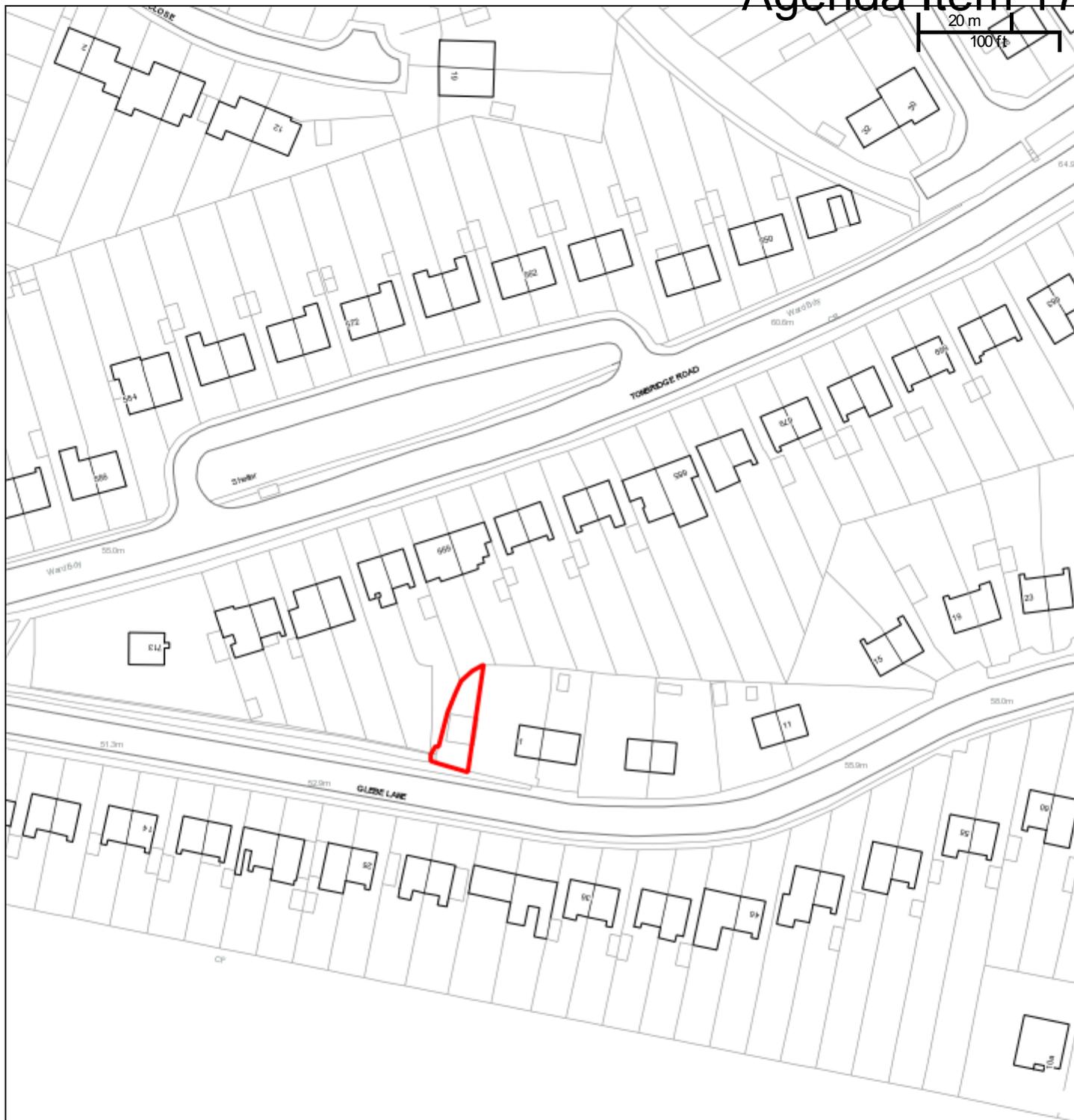
Reason: In the interest of the amenities of surrounding uses and neighbouring residential occupiers.

Informatives

1. The applicant is advised that the information submitted in accordance with condition 1 shall have regard to the DEFRA publication Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems January 2005.
2. The applicant is advised that the information submitted in accordance with condition 2 should seek to resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels. The weighted standardized difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 10140; 2011 Acoustics- Measurement of sound insulation in buildings and of building elements- Part 4: Field measurements of airborne sound insulation between rooms.
3. The applicant is advised in accordance with condition 3 that the rating level of noise emitted from the plant and equipment installed on the site (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be possible. In general this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5 the applicant's consultant should contact the Environmental Protection Team to agree a site specific target level.

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.



20 m
100 ft

REPORT SUMMARY

REFERENCE NO - 17/504279/FULL		
APPLICATION PROPOSAL Demolition of existing garage and construction of two storey dwelling with parking.		
ADDRESS Land Adjacent to 1 Glebe Lane Maidstone Kent ME16 9BB		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The details are considered to comply with the Maidstone Local Plan (2017) where relevant and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE Councillor Boughton and Councillor Adkinson wish to see application reported to Planning Committee		
WARD Fant	PARISH COUNCIL N/A	APPLICANT Clarendon Homes
DECISION DUE DATE 02.02.18	PUBLICITY EXPIRY DATE 18.12.17	OFFICER SITE VISIT DATE 30.08.17
RELEVANT PLANNING HISTORY :		

- 73/0739/MK1 – Erection of garages – Approved

MAIN REPORT

1.0 SITE DESCRIPTION

1.01 The proposal site is a plot of land adjacent to 1 Glebe Lane, on the northern side of the road. The site is surrounded by the gardens of other properties and currently on site is a split level double garage that would be removed as part of this proposal. The garages are not in the ownership of, or used by any property in Glebe Lane. For the purposes of the Maidstone Local Plan, the proposal site is within the defined urban area.

2.0 PROPOSAL

2.01 The proposal is for the erection of a detached (2-bed) house with 2 off-road parking spaces to the front. The property would be of facing brick at ground floor level; render at first floor level; and with concrete plain roof tiles. A 2-storey bay window feature would be found to the front elevation.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Local Plan (2017): SS1, SP1, DM1, DM2, DM6, DM11, DM23
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 19 representations received raising the following concerns:

Impact upon existing trees/planting; loss of light/overshadowing; loss of privacy and outlook; loss of a view; property value; ecology; private covenants; cramped form of development; its design and impact upon character and appearance of area; parking provision/highway safety; poor design; impact upon sewage system/drainage; subsidence; not compliant with building regulations; garden size unacceptable; building not 1m away from boundary; right of way/land ownership.

5.0 CONSULTATIONS

- 5.01 **Councillor Boughton:** Wishes for application to be reported to Planning Committee if recommendation is for approval;

"I have received concerns about the following issues which I would like Committee to come to the final say on. These are:

- *Loss of privacy from rear of properties on Tonbridge Rd;*
- *Impact on wildlife & ecology, particularly slow worms which are present in adjacent gardens;*
- *Impact of development on local vegetable gardens & fruit trees which could affect yield;*
- *Glebe Lane and this part of Tonbridge Road were built in 30's & 50's and there is a regular pattern in street scene. Residents are concerned dwelling will not be in keeping;*
- *I would be grateful if Southern Water could be consulted;*
- *I am aware of issues regarding site plans submitted, particularly in relation to 699 and 701 Tonbridge Road and boundaries of these properties. I'd be grateful if these areas were explored too."*

- 5.02 **Councillor Adkinson:** Wishes for application to be reported to Planning Committee if recommendation is for approval;

"I went to inspect this site. I am concerned that proposal is overdevelopment of a cramped site and will cause loss of privacy to neighbouring properties."

- 5.03 **KCC Highways:** Raises no objection.

- 5.04 **Environmental Protection Team:** Raises no objection.

- 5.05 **Southern Water:** Raises no objection.

6.0 **APPRAISAL**

Main issues

- 6.01 The site is within the defined urban area and considered to be in the most sustainable location to accommodate growth; and within the defined urban area, development of domestic garden land to create new buildings is acceptable in principle provided certain criteria is met (policy DM11).
- 6.02 In accordance with the relevant policies of the Local Plan (as stated above), the main issues for consideration are the proposal's visual impact and what impact it will have upon the residential amenity of surrounding neighbours. Other material planning considerations will also be addressed, including highway safety, foul and surface water disposal; environmental protection issues; ecology and the use of renewable energies. I will now go on to consider the details of this planning application, as set out above.

Visual Impact

- 6.03 Whilst the plot is narrower than its immediate neighbour it is of a similar width to many other plots in Glebe Lane, particularly on the southern side of the road; and given the open space either side of the new house, it is considered that the proposal would retain a sense of openness within the streetscene and would not appear unacceptably cramped or visually incongruous. There would also be no loss of any important views through the site. Parking/areas of hardstanding to the front of houses here is also not unusual; and given the existing development in the street and the well established planting along the road frontage to the immediate west of the proposal site, the most prominent public views of the house would be short distance, largely when stood in front of the site.
- 6.04 The proposal would also respect the existing building line with the houses to the east, and the new house's width and design is not dissimilar to the properties in Glebe Lane. For instance, its gable-end design reflects its immediate neighbours; the

pitched roof feature and double-height bay-windows to the front elevation are not uncommon; and the suggested materials are considered acceptable, and an appropriate condition will ensure the quality of the appearance of the site. In addition, the finished floor levels demonstrate that the proposal will sit well within the street, and its overall detail and proportions are considered to be acceptable. No objection is also raised in regards to the bin store. It is therefore considered that the proposal would be in keeping with the area; its design and siting would not represent poor quality design; and it would not have a disjointed relationship with the rest of the street, or detract from the appearance and character of the area hereabouts. The proposal would not appear visually dominant, harmful, or incongruous from any public vantage point.

Residential amenity

- 6.05 The new house would be more than 10m from the western flank of 1 Glebe Lane; no first floor openings would directly look onto this neighbouring property; and there would be 1.8m high close boarded fencing (as shown) along the shared boundary. With this considered, the proposal would not result in a significant loss of privacy, outlook or light to this property or its garden area, and would not appear overbearing enough to justify grounds for refusal.
- 6.06 The proposed dwelling itself would be more than 22m from the rear of any neighbouring house on Tonbridge Road, and the gardens to these properties are relatively large in size. Given this and the existing land levels (Tonbridge Rd is set higher than Glebe Lane), it is considered that the proposal would not result in a significant loss of privacy, light and outlook to any of these houses; and would not cause unacceptable harm to the enjoyment of these garden areas, enough to justify refusal of this application.
- 6.07 The living conditions of the occupants of any other residential property would not be adversely impacted upon as a result of this proposal.
- 6.08 There are no adopted guidelines to what size a garden area should be for a 2-bed property, and it is considered that in this instance the proposal would provide adequate outdoor private amenity space for future occupants. The proposal would also provide adequate internal living space for future occupants.

Other Matters

- 6.09 At the site there is an existing double width crossover, the proposal benefits from 2 off-street parking spaces and the parking arrangements are not too dissimilar to a number of existing houses along Glebe Lane. The Highways Authority also raises no objection to the proposal and so there are no reasonable grounds to refuse this application on highway safety grounds.
- 6.10 The proposal will be connected to the mains sewer and would make use of soakaway. The proposal would also involve the diversion of a public sewer and Southern Water raises no objection to this. Southern Water has suggested a condition for details of measures which will be undertaken to divert the public sewers. However, as they have raised no objection to the proposal and given the modest scale of the development, it is not considered necessary to impose such a condition and such issues relating to foul drainage can be dealt with under the Water Industry Act.
- 6.11 As such, no objection is raised in terms of foul and surface water disposal, and it is not considered necessary to pursue these matters further given the modest scale of the development.

- 6.12 The Environmental Protection Team has raised no objection in terms of noise and air quality. However, as the site has been used for a domestic garage and is close to a site to the south which is on the Councils Potentially Contaminated Land register, it is considered reasonable to impose a contaminated land condition. A condition restricting construction works is not considered to meet the tests for imposing planning conditions.
- 6.13 Given the size, condition and location of the proposal site, it is considered that no further ecological information is required prior to the determination of this application. Notwithstanding this, one of the principles of the NPPF is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". It is therefore considered reasonable to request details of ecological enhancements by way of condition.
- 6.14 In the interests of sustainable development a suitable condition will be imposed for details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development.
- 6.15 The representations made by Councillor Boughton, Councillor Adkinson, and local residents have been considered in putting forward this recommendation. However, it should be noted that any loss to property value; loss of a view; private covenants; building regulations compliancy; and rights of way are not material planning considerations in the determination of this planning application. There are also no planning restrictions on how far away new buildings should be from site boundaries, with each application considered on its own merits; and it is not considered necessary in this instance to request any further information in terms of land stability as the land changes are not so significant to warrant this approach.
- 6.16 In terms of land ownership, the agent has confirmed that the site outline is accurate and that the correct ownership certificate has been completed. It is considered that for planning purposes, this matter has been taken as far as it can be reasonably expected, and any future land ownership disputes would be a civil matter between the relevant parties. In terms of inaccurate plans, the agent has confirmed that the proposed plans are correct and there is no justified reason to question this further.

7.0 CONCLUSION

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

8.0 RECOMMENDATION - 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) The development 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 house, bin store and the hard surfaces, hereby permitted have been submitted to and

approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

- (3) The approved details of the parking areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 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 is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- (4) Prior to the occupation of the development hereby approved the boundary treatments (as shown on drawing 1054 002 Rev C), shall be erected and maintained thereafter unless otherwise agreed in writing by the local planning authority;

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

- (5) Prior to commencement of works/development above DPC level, written details of the provision of swift and/or bat/bird bricks/boxes within the building shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the first occupation of the property and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: In the interests of biodiversity enhancement.

- (6) The development shall not commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved, have been submitted to and approved in writing by the local planning authority. The 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 commencement as construction works could reduce the renewable energy options that are available.

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

1) A preliminary risk assessment which has identified:

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

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

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

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

Reason: To ensure the health of future occupants.

- (8) Prior to the first occupation of the development hereby approved, a Closure Report shall be submitted to and approved in writing by the local planning authority. The closure report shall include full verification details as set out in condition 7, and 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 changes to these components require the express consent of the local planning authority and the scheme shall thereafter be implemented as approved;

Reason: To ensure the health of future occupants.

- (9) The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawings (as listed in condition 12);

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

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

Reason: To safeguard the character and appearance of the surrounding area and in the interests of residential amenity.

- (11) The development hereby approved shall not commence above slab level until details of a minimum of one publicly accessible electric vehicle charging point, including a programme for its 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.

- (12) The development hereby permitted shall be carried out in accordance with the following approved plans: 1054 EX01; 002 Rev C; and 004 Rev H received 10/01/18;

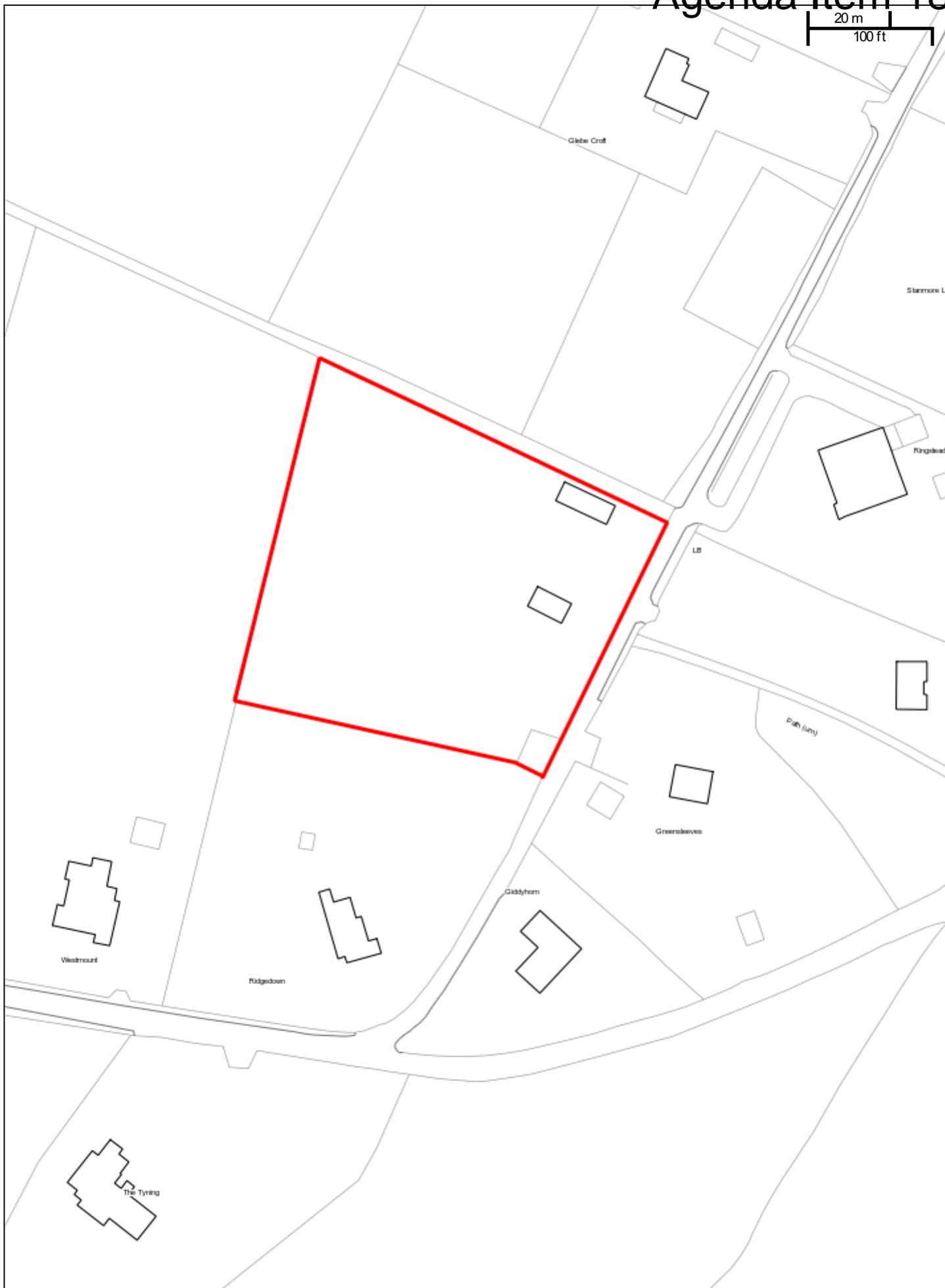
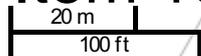
Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

INFORMATIVES

- (1) A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. The applicant is also advised to seek advice from Southern Water in terms of diverting a public sewer and sewer ownership.
- (2) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

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.



17/504435 The Mellows

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Printed on: 23/1/2018 at 16:49 PM by JulieM



REPORT SUMMARY

REFERENCE NO - 17/504435/FULL		
APPLICATION PROPOSAL Erection of a dayroom.		
ADDRESS The Mellows Marley Road Harrietsham Maidstone Kent ME17 1BS		
RECOMMENDATION: Grant permanent planning permission subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed development is considered to comply with the policies of the Maidstone Borough Local Plan 2017 and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE: Harrietsham Parish Council and Councillor Sams wish to see the application refused		
WARD Harrietsham And Lenham	PARISH/TOWN Harrietsham	COUNCIL
		APPLICANT Mrs Bridget Cash AGENT Mr Spencer Copping
DECISION DUE DATE 04/12/17	PUBLICITY EXPIRY DATE 13/11/17	OFFICER SITE VISIT DATE 23/11/17
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):		
14/504218/FULL – Additional mobile home and day room and demolition of former piggeries – Application Permitted		
MA/12/1518- Application for the removal of conditions 1 and 2 of permission		
MA/09/1510 (Retrospective planning permission for change of use of land for residence by a gypsy family including stationing of one mobile home, one touring caravan, use of former stable building as ancillary to mobile home and associated works including fencing and hardstanding) – APPROVED		
MA/09/0581 – Retrospective application for change of use of land for residence by a gypsy family - WITHDRAWN		
MA/06/1508 – Retrospective application for the stationing of two mobile homes for occupation by two traveller families, erection of polytunnels, retention of stable building and access road – submission of details pursuant to condition 6,–REFUSED Appeal Allowed for 5 year temporary personal permission 19/12/07		
MA/06/0471 – Use of land for the stationing of 2 no. chalet mobile homes; nursery; erection of stable block for agricultural use. Applicants claiming Gypsy status – REFUSED		
MA/93/0814 – Erection of a bungalow – REFUSED		
MA/88/1428 – Construction of two detached houses – REFUSED – APPEAL DISMISSED		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site lies in the open countryside within the Kent Downs Area of Outstanding Natural Beauty. The site is on the western side of Marley Road approximately 80m north of the junction where Marley Road and Dickley Lane meet; and approximately 400m south of where Marley Road and Pilgrims Way meet.
- 1.02 To the north of the site is a Public Bridleway KH291; to the east is a small group of residential dwellings facing on to Marley Road; to the south and south-west are further detached dwellings. The properties in the vicinity of the site are characterised by planted frontages, substantial plots and a mix of close board and post and rail fencing. Public footpath KH292 is located to the east of the site.
- 1.03 The site is enclosed by tall hedges and fencing on all sides. The access is located in the south east corner and comprises close board fencing, brick piers, walls, and a timber railing. To separate the sites there is a small close boarded fence with conifers now planted along the boundary which are approximately 1m high.

2.0 PROPOSAL

- 2.01 The proposal is for the erection of a new day room, which is to be sited adjacent to the existing mobile home, approximately in the centre of the site. The day room is proposed to be used for a disabled family member and the application is supported by a letter from Kent County Council Social Care on the need for the day room to care for the needs of this member of the family.
- 2.02 The building would measure 124sqm (external footprint). The building would measure some 2.4m to the eaves; and its ridge height some 3.4m. The building would be constructed from facing bricks, would have a sliding door and window on both the front and rear elevation and a tiled roof.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework 2012 (NPPF)
Planning Policy for Gypsy sites 2012 (PPGS)
Planning Policy for Traveller Sites (PPTS)
Maidstone Borough Local Plan: Policies SP17, GT1, DM15 and DM30

4.0 LOCAL REPRESENTATIONS

- 4.01 Councillor Sams: Application should be refused due to overdevelopment of the site and visual impact in the AONB.
- 4.02 3 Neighbour objections on the following summarised grounds:
- The proposal can be seen from public footpath KH292, from Pilgrims Way and from land north of Pilgrims Way and would cause harm to the AONB;
 - The plans are simplistic and do not have height measurements or roof material detail;
 - The dayroom would be too large and bigger than the static caravan and would not appear as a modest outbuilding and would be capable of being occupied independently;
 - Traffic movements on the site exceed 30 trips per day and any further development would increase the amount of traffic;

- No need for the dayroom as the previous dayroom was granted for the purposes of assisting the disabled family member;
- Breaches of previous planning conditions in regards to the location of the mobile unit and day room;
- Block Plan is inaccurate and does not include the entrance gate, hard standings and internal closed board fencing;
- MBC planning portal includes applications MA/12/1900 and MA/13/1929 for conversion of outbuildings at Ringstead which is located a few metres north of the Mellows and were refused as they were capable of being occupied independent and would cause visual harm to the countryside;
- Overdevelopment of the site;
- All buildings should be located away from the boundaries of existing properties to avoid loss of privacy on adjacent properties; and
- Previous day room has not been constructed.

5.0 CONSULTATIONS

5.01 Harrietsham Parish Council: Wish to see application refused.

“From information received from residents, there appears to be abuse of previously approved planning application in respect of non-compliance. Recognising that the location of this property is located within the AONB, we do not wish to have a large structure constructed which will be in full view of the Pilgrims Way and footpath north of The Mellows.

If the Planning Officers view differs, the Parish Council would request that the application is reported to the Planning Committee.”

6.0 APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of Development;
- Visual Impact
- Residential Amenity

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 other material considerations indicate otherwise.

6.03 The proposal site is subject to the normal constraints of development in the countryside. Policy SP17 seeks to protect the landscape character of the countryside. Policy DM15 accepts Gypsy Traveller development in the countryside subject to the detail of any proposal.

6.04 Therefore, this type of development in the countryside is considered to be acceptable subject to the details which will now be discussed. The key issue is considered to be the visual impact on the character of the countryside hereabouts.

Visual Impact

- 6.05 Whilst guidance in the PPTS (Planning Policy for Traveller Sites) gives no specific reference to landscape impact, this is addressed in the NPPF; local plan policies SP17, DM15 and DM30.
- 6.06 Views of the day room would be limited from Marley Road and the wider area given the proposed location within the site, set back from the road and established hedge and fence boundary along Marley Road and to the north of the site along public footpath KH291 and the further landscape (conifer) screening that has been planted within the site.
- 6.07 The proposed dayroom would be located some 45m west from the road; it would be located adjacent to an existing mobile home and to the south of the daughter's mobile home with its utility room/stable. The proposal is not extending built development into the countryside. Given the location of the proposed dayroom and the existing hedging and fencing around the boundary of the site, it is not considered that the proposal would appear visually harmful to the countryside, the AONB or from any public vantage point.
- 6.08 As can be seen from the history there is a mobile home on the site and a mobile home and utility building for the daughter on the northern section of the site. The site is a relatively large site and it is not considered that the addition of the day room would result in overdevelopment of the site.
- 6.09 In summary it is considered that this proposal would not appear visually incongruous, when read in the wider context of the site and immediate surrounding area.

Residential Amenity

- 6.10 The proposed development, given its scale, design and location, will not have a detrimental impact on the residential amenity of any neighbouring property and so no objection is raised in this respect.

Highways

- 6.11 This proposal is for a day building only; the existing access will be unaffected; and the site will continue to have ample on-site parking/turning facilities. Therefore, no objection is raised on highway safety grounds

Other Matters

- 6.12 As regard to the floor area proposed and use of the day room, the building is proposed to be used by the disabled family member to allow easy movement with wide access doors on a level surface. The proposed size of the dayroom is therefore not considered entirely unreasonable for the needs for which it is required.
- 6.13 It should be noted that under application reference 14/504218/FULL planning permission was granted for an additional mobile home for a separate family member and a day room for the disabled family member. The committee report for this application advises that the personal circumstances of the disabled family member "...carries significant weight in the determination of this application". Since the granting of planning permission the additional mobile home is now on site, however a number of consultees have commented that the day room has not yet been built and this day room could be used for the disabled family member. However, the agent

states that there is a need for two day rooms, one for each family unit. In addition, the agent also states that the previously permitted day room no longer meets the needs of the disabled family member. It is considered not uncommon on Gypsy/Traveller sites for each mobile unit to have an additional dayroom per unit and the application is reasonable.

- 6.14 Concern has been raised in regards to enforcement issues on site. However, it is not possible to address outstanding planning enforcement issues under this application; the planning history of the site and the surrounding area has been considered; each application must be considered on its own planning merits and the submitted plans are considered adequate to assess and determine this application
- 6.15 No designated heritage assets are within the vicinity of the proposal site and so no objection is raised on heritage grounds.

7.0 CONCLUSION

- 7.01 The proposal would not have a visually harmful impact upon the character and appearance of the countryside hereabouts; there would be no harm to the amenity of any surrounding property; and there is no highway safety objection.
- 7.02 I therefore consider that this proposal is acceptable with regard to the relevant provisions of the Maidstone Borough Local Plan, the NPPF and all other material considerations such as are relevant and recommend conditional approval of the application on this basis.

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 day building hereby approved shall be constructed in the external materials specified on the application form. It shall thereafter only be used in connection with the use of the site as a gypsy and traveller site, not for any trade or business purpose and at no time shall it be used as additional sleeping accommodation;

Reason: To ensure a satisfactory appearance to the development.

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

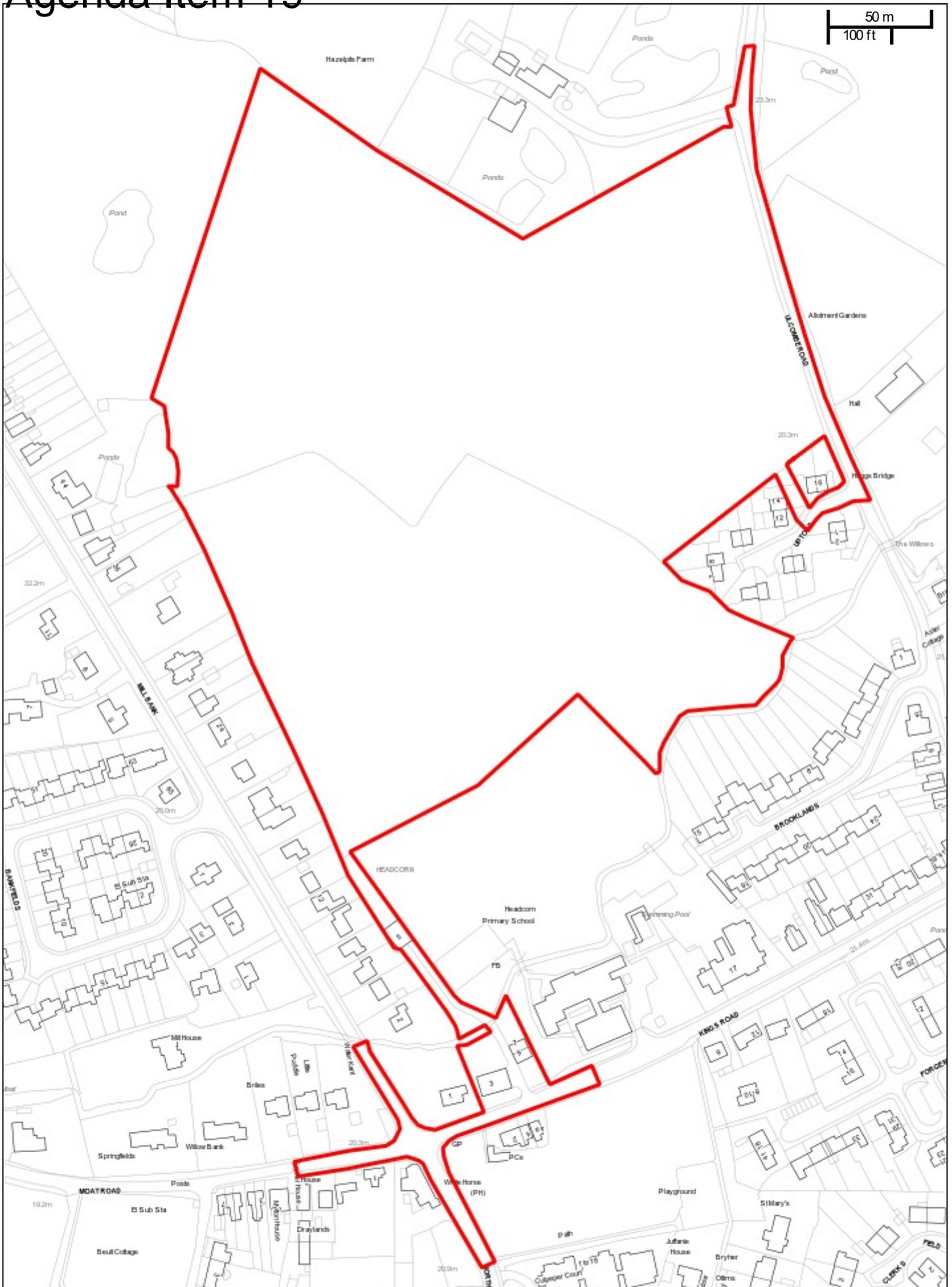
Block Plan – Received on 09/10/2017; and
Proposed Plans & Elevations – Received on 09/10/2017

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

Case Officer: Adam Reynolds

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

Agenda Item 19



50 m
100 ft

17/505499 Land between Mill Bank
Scale: 1:2500
Printed on: 23/1/2018 at 17:16 PM by JulieM

REFERENCE NO - 17/505499/REM			
APPLICATION PROPOSAL			
Approval of Reserved Matters for 15/503325/HYBRID (Outline application for development of up to 220 houses together with areas of open space, a nature conservation area, landscaping, new access onto Ulcombe Road and improved access to Kings Road plus change of use of land to school playing field) - Details of Appearance, Landscaping, Layout and Scale being sought.			
ADDRESS Land Between Mill Bank, Ulcombe Road & Kings Road, Headcorn, TN27 9LD			
SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS)			
<ul style="list-style-type: none"> • The principle of 220 houses with two accesses off Ulcombe Road has been approved under the outline consent. • The submitted details of the appearance, landscaping, layout and scale of the development are considered to be acceptable and provide a high quality development in accordance with the outline permission, site allocation policy H1(36), and other relevant policies within the Local Plan. • Permission is therefore recommended. 			
REASON FOR REFERRAL TO COMMITTEE			
Headcorn Parish Council recommends approval but has requested the application is reported to Planning Committee due to the level of local interest.			
WARD Headcorn	PARISH COUNCIL Headcorn	APPLICANT Crabtree & Crabtree Ltd & Shoregrove Ltd AGENT DHA Planning	
DECISION DUE DATE 13/02/17		PUBLICITY EXPIRY DATE 24/01/18	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
15/503325	Outline application for development of up to 220 houses together with areas of open space, a nature conservation area, landscaping, new access onto Ulcombe Road and improved access to Kings Road (access being sought) plus change of use of land to school playing field - hybrid application (Resubmission of application 14/505284/OUT)	APPROVED	13/11/15
14/505284	Outline application for development of up to 220 houses together with areas of open space, a nature conservation area, landscaping, new access onto Ulcombe Road and improved access to Kings Road plus change of use of land to school playing field, with access to be considered at this stage and all other matters reserved for future consideration.	APPEAL AGAINST NON-DETERMINATION WITHDRAWN (MBC WOULD HAVE APPROVED DEVELOPMENT)	21/04/15

14/501105	EIA Screening Opinion for residential development with access and open space.	ENVIRONMENTAL STATEMENT NOT REQUIRED	10/09/14
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1.0 DESCRIPTION OF SITE

- 1.01 The site is agricultural (arable) land of some 8.6ha in area and is immediately north of Headcorn village between Ulcombe Road to the east and houses fronting the A274 (Mill Bank) to west. There is housing development to the west, south, and southeast, with open farmland to the north and allotments/recreation ground to the east. Headcorn Primary School is located immediately south of the site. The land is agricultural and has its highest point within its centre on the west side. From here land slopes down to the south and north. There is a stream along part of the south boundary and ponds nearby.
- 1.02 The site is allocated in the Local Plan for approximately 220 dwellings under policy H1(36) and falls within the Low Weald Landscape of Local Value. The River Beult SSSI is around 470m to the southwest and the stream along part of the south boundary feeds into it. The southernmost part of the site falls within Flood Zones 2 and 3. 'Hazelpits Farmhouse' is a Grade II listed building, which is immediately north of the site.

2.0 BACKGROUND

- 2.01 Outline permission was granted under application 15/503325 for up to 220 houses together with areas of open space, a nature conservation area, landscaping, new access onto Ulcombe Road and improved access to Kings Road. This permission also approved a change of use of land to school playing field to the rear of the primary school. Apart from the specific details of access, all other detailed matters were reserved for future consideration, and this application now seeks permission for these other matters.

3.0 PROPOSAL

- 3.01 The application seeks permission for the remaining reserved matters of appearance, landscaping, layout and scale for 220 dwellings with areas of open space and a nature conservation area. The proposals largely follow the illustrative plans provided under the previous outline permission and will be discussed in more detail in the assessment below. Pre-application discussions have been held with officers and Members.
- 3.02 It is important to note that under the outline application, the principle of up to 220 houses has been accepted by the Council and it is only the specific detail in terms of the layout of the development, its design, scale and landscaping that is now being considered. The wider impacts of 220 houses on matters such as the local highway network, flood risk, ecology, foul drainage, and impact upon infrastructure have been considered and conditions attached to the outline permission would mitigate such impacts. The outline consent did set a number of parameters on the design which would need to be adhered to. *(The outline permission is attached as an **Appendix for information**)*

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP7, SP18, SP19, SP20, SP23, H1, ID1, H1(36), DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)
- MBC Air Quality Planning Guidance (2018)
- MBC Public Art Guidance (2018)

5.0 LOCAL REPRESENTATIONS

5.01 **Local Residents:** 44 representations received raising the following (summarised) points:

(Please note a 14 day re-consultation was recently carried out on some relatively minor design changes to the scheme which expires on 29th January. Any further responses will be considered and reported as an Urgent Update Report)

- Impact on infrastructure.
- Traffic impact.
- Highway safety.
- Parking.
- Three storey buildings are not appropriate.
- Buildings too high.
- Design is not appropriate for village.
- Loss of privacy.
- Impact on wildlife.
- Flood risk.
- Pollution and noise.
- Impact of construction.
- Loss of agricultural land.
- Contrary to neighbourhood plan.
- Harm to the landscape.
- More robust landscaping is needed.
- Loss of trees and hedges.
- Impact on trees.
- Far to travel to work.
- Question whether rear access onto the site from Millbank will be maintained.
- Foul drainage system is not sufficient.
- Conditions should cover tree protection, and only low level lighting along pedestrian/cycle access.
- Harm to listed building.
- Affordable housing should be more scattered.
- Tree report is out of date.
- Development should be phased.

6.0 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)

6.01 **Headcorn Parish Council:** The Parish Council wish to see the reserved matters approved but request committee consideration due to the level of local interest. They make the following (summarised) comments/points:

- *Encouraged by the changes that the developer had proposed regarding the building heights and roof lines and were reassured that the 2.5 storey houses were just that and we would not be faced with the issues that we have on the Countryside Development on Lenham Road.*
- *HPC need clarity around the use of the emergency access and confirmation that when it is not in use for that purpose that the access be restricted to foot or cycle way. Further clarity is required on how access to this route will be governed e.g. bollards/gates*
- *HPC need clarity with regards to the loss of the four parking spaces at the Kings Rd/A274 junction. The detail suggests that these will be linked to the emergency access and this is not appropriate nor acceptable to HPC*
- *HPC need clarity with regards to the boundary line as it appears to include the public highway, a proportion of the estate known as Uptons, and Parish Council land.*
- *There are grave concerns over the possible loss of trees and hedgerows (Countryside Properties & Bovis homes – we do not want strike 3) and we would like the detailed view of the conservation officer for the proposed works.*
- *Access to ANGSt land - There have been no comments concerning the request from HPC for access to the open space, which has been gifted to the Parish Council, adjacent to the development site. Nor have there been any changes to layout in this regard. Despite requests for a meeting with the developer to discuss this has not happened and we would seek the support of the officers/MBC and committee given the emphasis in the local plan on maintaining adequate green space for the community and ease and safety of access by pedestrian path to local amenities.*

6.02 **Natural England: No objections** in relation to the River Beult SSSI.

6.03 **Environment Agency: No objection** subject to condition requiring compliance with the Flood Risk Assessment. *(Condition was applied to outline consent)*

6.04 **KCC Highways: No objections** subject to conditions requiring the following (which pass the test for conditions) – Provision and permanent retention of the vehicle parking spaces and/or garages; turning facilities; and provision and permanent retention of the cycle parking facilities.

6.05 **KCC Lead Local Flood Authority: No objection.** Advise that the original proposals for dealing with surface water as part of the 2015 application have been demonstrated as still being achievable. *(Condition was applied to outline consent)*

6.06 **KCC Archaeology: No objections** subject to condition. *(Condition was applied to outline consent)*

6.07 **KCC Ecology: No objections.** Advise that information has been submitted relating to conditions 4 and 5 (which relate to ecology mitigation) of the outline consent under a separate application, which is acceptable. The proposed mitigation and enhancement measures have been included in the submitted landscape masterplan.

6.08 **MBC Landscape:** No objections subject to an up to date tree protection plan being provided.

- 6.09 **MBC Conservation officer:** No objections in terms of the setting of the listed building. Any harm could be offset in terms of public benefits of the housing and through the use of high quality materials.
- 6.10 **MBC Environmental Health: No objections subject to conditions requiring an Air Quality Emissions Reduction;** installation of Electric Vehicle charging points; travel plan; contaminated land; and construction management. *(Condition was applied to outline consent relating to contaminated land)*
- 6.11 **Southern Water: Comments under original outline application apply:** Advised that there is inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. *(Condition was applied to outline consent)*
- 6.12 **Kent Police: No objections.**

7.0 APPRAISAL

- 7.01 The principle of residential development of up to 220 houses with two access points off Ulcombe Road and an emergency/pedestrian access off Kings Road has been accepted under the original outline permission at the site. This reserved matters application is concerned with the detail of the development being its appearance, landscaping, layout and scale, which is assessed below. Since the outline permission, the new Local Plan has been adopted and so these matters will be assessed against the site allocation policy and any other relevant policies in the Local Plan. There are also a number of parameters set by condition under the outline consent which need to be adhered to.

Layout

- 7.02 Considering the site policy requirements first, the layout provides an undeveloped section of land along the southern part of the site excluding any development from the identified flood zones, and retains existing hedges and trees along the northern boundary of the site with enhancement through new tree/hedge and shrub planting. This is in accordance with the design and layout criterion for the site policy H1(36).
- 7.03 In relation to the relevant outline parameters (condition 3) and site policy H1(36), the layout provides space for the retention and enhancement of boundary vegetation; space for structural landscaping within the site; the provision of a landscape belt along the eastern boundary with Ulcombe Road; provision of a 5-10m wide buffer zone along the western boundary; space for landscaping along the north, northwest, and primary school boundaries; and creation of an ecological corridor across the site, following the line of the existing hedgerow and field boundary to include a nature reserve area, swales, ponds, tree planting and amenity open space. The layout also provides for approximately 2ha of on-site natural and semi-natural public open space which exceeds both the requirements of condition 13 and criterion 6 of policy H1(36) for 1.5ha, and is easily accessible for future and existing residents in line with the site policy. The legal agreement secures long-term management of the main areas of this space. So the layout achieves the policy and parameter requirements, and I will now discuss the layout generally in more detail.

- 7.04 The two access points onto Ulcombe Road have been approved and the layout sees a main circular road linking to both access points, with small cul-de-sacs as off shoots. Whilst the use of cul-de-sacs can mean a lack of connectivity across a development, in this case they are small and so there is a short distance from the main route which provides ensures good connectivity around the site. Connectivity to the village is provided through the pedestrian/cycle link on the southwest corner in line with the site policy.
- 7.05 The development includes detached, semi-detached, terrace houses, bungalows, and 7 apartment blocks. The layout has buildings appropriately addressing the site entrances, roads, and provides for strong street scenes, with buildings on corners addressing both roads with fenestration and detailing. Buildings are positioned at the end of vistas to provide focal points such as plots 148/149. In many streets, spaces at first floor level are provided between buildings above garages/car barns which create a more open feel. Buildings are set back with varying sizes of front garden, with most houses having parking to the sides. Where some terrace properties have parking areas to the front these are broken by landscaped areas. Houses and gardens would be laid out to ensure sufficient privacy and outlook and the proposals would not result in any harmful impact upon the outlook or privacy of any neighbouring properties due to separation distances.
- 7.06 There would be a large area of natural/semi-natural open space through the centre of the development, most of which would be a nature conservation area but it would be more open and useable for recreation towards the southern end. Within the open space would be significant new planting allowing for structural landscaping coming into the development area and swales/wet areas. This substantial area of open space creates a unique identity to the site and is incorporated into the heart of the scheme with buildings appropriately addressing the space where they would be more visible. The road across this area is narrower than the other roads and provides parking spaces for visitors. As outlined above, appropriate landscape buffers would be achieved on the boundaries of the site in order to limit the wider impact of the development.
- 7.07 In terms of parking, KCC Highways comment that there is a significant reliance on tandem parking, most commonly configured by one open space in tandem with one car barn. However, they consider the overall provision at 469 spaces to a standard of 417.5 spaces is considered sufficient, and I agree. Tandem parking allows more space for landscaping and I consider the approach here strikes the right balance between adequate provision and securing an attractive layout as per policy DM23. Five parking spaces would be provided off Kings Road in line with condition 16 of the outline consent to replace on-street parking displaced by the signalisation of the Kings Road/A249 junction, which would be acceptable.
- 7.08 Overall, the layout is considered to create a high quality and attractive layout providing active frontages, focal buildings, quality open spaces, and complying with the requirements of policy H1(36), policy DM1 of the Local Plan, and the outline permission requirements.

Appearance & Scale

- 7.09 The site policy has no specific requirements for appearance and scale but policy DM1 seeks high quality design and positive responses to local character. The houses are of traditional appearance with a range of heights from terrace/semi-detached bungalows, 2 storey, and 2.5 storeys with rooms in the roof space (dormer windows) in line with

condition 14 of the outline consent. The Parish Council initially raised concerns regarding the height of buildings, particularly the apartment blocks (2.5 storeys). The applicant has considered these comments and lowered the height of one of the blocks (so they are both set at a 9.5m ridge height) and providing barn hips on both blocks. The street scene plans demonstrate that the apartment blocks ridge heights are no higher than some of the two storey buildings, and some variation in height is needed to provide interesting street scenes/roof scapes. Where such apartment blocks can look slightly out of scale in my view is on the side walls/gables where the eaves are higher. However, for both apartment blocks, on the side walls the roof is either part hipped or they have two storey height bay windows which break up the mass. Overall, I consider the heights are acceptable and I note the Parish Council welcome the amendments.

- 7.10 The buildings feature a mixture of gabled and fully hipped roofs and detailing is provided on houses including decorative string courses, brick arch detailing above door and window openings, dormer windows, chimneys, lean-to porches, and bay windows. Materials suggested include red and brown bricks, ragstone plinths and garden walls, timber weatherboarding, clay hanging and roof tiles, slate roof tiles, and white painted timber joinery, some of which are requirements of condition 8 of the outline permission and would be discharged separately. Overall, I consider the appearance and scale of the buildings to be to a high standard in accordance with the outline consent and policy DM1 of the Local Plan.

Surfacing & Boundary Treatments

- 7.11 Details of both surfacing and boundary treatments are required to be discharged under conditions but the applicant has indicated that surfacing includes tarmac for most of the main spine road but block paved across the open space area, and block paving for the majority of cul-de-sacs/off-shots and parking areas. The path to Kings Road would be bonded gravel. Boundary treatments would include ragstone walling at key locations and within gardens fencing to provide privacy but this would be finalised under the relevant condition. Overall, I consider these details would provide an acceptable appearance to the development and would be discharged under the relevant conditions.

Landscaping

- 7.12 A landscape masterplan has been submitted which provides for the key landscaping parameters required under condition 3 and the criterion of H1(36), as outlined at paragraph 7.03, and shows suitable retention of the vast majority of existing trees on site. Whilst the tree report relates to the illustrative proposals under the outline application (which were slightly different), where there is a potential pressure on trees, this has been discussed with the landscape officer and no objections have been raised. The scheme includes retention and enhancement of boundary vegetation and significant new trees within the open space areas to provide structural landscaping. Numerous new trees are also shown within the built up parts of the development. New hedges are shown outside houses and to soften boundary treatments. The principles are considered acceptable and condition 3 of the outline permission requires the specific details of species, plant nos. etc. KCC Ecology has also confirmed that the necessary ecology mitigation/enhancement is provided for in the landscape masterplan, and which would be secured under condition 5.

Other Matters

- 7.13 With regard to the grade II listed building to the north (Hazelpits Farmhouse), the benefits of the development were considered to outweigh the limited harm to its setting

under the outline permission. In terms of the detail now proposed, the Conservation Officer has stated given that the listed building and ancillary structures largely sit within the centre of its curtilage of land, that the land in question is well treed, and the historic buildings fairly well screened from the development site, any harm will be minimal. He considers that the impact is reduced through the use of 2/2.5 storeys, the use of some local vernacular details and materials in the surfaces of the new buildings. Overall therefore, he raises no objections, and I consider the development would have a low impact upon the listed building and that the benefits of the development continue to outweigh the limited harm in line with policies SP18 and DM4 of the Local Plan and the NPPF.

- 7.14 Environmental Health has requested an Air Quality Emissions Reduction condition. National Planning Guidance is clear on attaching conditions to reserved matters applications and states that, *“conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted. The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters.”* Basically this means that you can only impose conditions that relate to specific issues being considered at outline stage and not (in this case) to address the principle impact of 220 houses. When permission was granted in 2015, the new Local Plan and its air quality policies was not in place and NPPF simply required that *“Planning decisions should ensure that any new development in Air Quality Management Areas (AQMA) is consistent with the local air quality action plan”*. The site is not in an AQMA, and as such, air quality was not a determining issue and such an off-setting condition was not required or requested. As this relates to a principle matter and not the specific details of layout, appearance, scale or landscaping, it is not possible to attach such a condition, and is a case of timing/policy at that time. I have sought legal advice on this point, which backs up this stance. However, I do consider it is possible to attach a condition requiring charging points as this is a matter that relates to the design of the houses. I also consider details of renewables can be requested, this being a design/appearance matter.
- 7.15 With regard to affordable housing, 40% would be provided and the house sizes are generally in accordance with the current need. The specific tenure split would be submitted via the section 106 agreement. The houses would be integrated across the development in seven areas which is acceptable.
- 7.16 The outline permission secures the other site policy requirements being extension of the 30mph limit and road markings on Ulcombe Road; signalisation of the Kings Road/Millbank junction; and land to allow the expansion of the primary school; in addition to financial contributions towards health, public open space, community learning, libraries, primary and secondary education, youth services, and the affordable housing. Conditions on the outline permission cover ecological mitigation/management and enhancement, tree protection, contaminated land, SUDs, and foul drainage.
- 7.17 The Parish Council has raised a number of issues. In terms of the emergency access, this is only for pedestrian/cycle use and the applicant indicates bollards would be used. Whilst the PC do not consider the replacement parking off Kings Road would be acceptable this was approved under the outline permission. The red outline and ownership issues were considered at the outline permission stage, and cannot be considered at the reserved matters stage. Reference is made to ‘access to ANGSt land’, which relates to a parcel of land to the northwest of the site which has been gifted to the Parish Council. This is not a requirement of, or material consideration for

this reserved matters application, and any access would be a private matter between interested parties.

- 7.18 Many local residents have raised issues relating to principle matters which were fully considered and decided upon at the outline stage. The impact on trees and method of construction of development near to trees would be addressed through the Arboricultural Method Statement required under condition 7 of the outline permission. Lighting details would be considered under condition 17 in relation to both wildlife and local amenity. The issue of current rear garden access of some properties onto the site has been raised but this is a private matter.
- 7.19 The plans show a potential pumping station to the south edge of the site, and a condition can require specific details of this building, which would be no more than single storey in height.
- 7.20 The outline application was screened by both the Council and Secretary of State and judged not to require an Environmental Impact Assessment (EIA). The proposal remains for 220 houses and the only notable change in cumulative development in the locality is the permission for 62 dwellings at 'Land west of Millbank' in 2016. In assessing the reserved matters details, it is still considered to be the case that the development would not have significant environmental effects alone or cumulatively with other existing development and/or approved development, would not be of more than local importance, would not have significant implications for the SSSI, and would not involve unusually complex and potentially hazardous environmental effects to warrant an EIA in light of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This is consistent with the conclusions reached on other developments in the locality.
- 7.21 With regard to the Headcorn Neighbourhood Plan, whilst a material consideration, due to the significant matters raised in the Examiner's Report, it is not considered to hold sufficient weight to effect the assessment above.

8.0 CONCLUSION

- 8.01 I have considered all representations received on the application and for the above reasons the reserved matters details are considered to be acceptable and provide a high quality development in accordance with site policy H1(36), other relevant policies within the Local Plan, and the outline permission, Permission is therefore recommended for the reserved matters subject to the following conditions.

9.0 RECOMMENDATION:

9.01 Grant approval of the Reserved Matters details subject to the following conditions:

1. No development above slab level shall take place until a sample panel of the ragstone for the buildings and walling has been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

Reason: To ensure a high quality design.

2. 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 have been submitted to and approved in writing by the local planning authority. The

development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To ensure an energy efficient form of development.

3. No development above slab level shall take place until details of plots where electric vehicle charging points can be installed have been submitted to and approved in writing by the Local Planning Authority. The approved plots shall not be occupied until a minimum of one electric vehicle charging point has been installed on each property, and shall thereafter be retained for that purpose.

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

4. No development in relation to the pumping station shall take place until specific plans, elevations, and details of materials for any building 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.

Reason: In the interest of visual amenity.

5. The development hereby permitted shall be carried out in accordance with the approved plans as listed on the Drawing Schedule (DHA Planning Transmittal) received on 22/01/18.

Reason: In the interest of visual and residential amenity and to clarify which plans have been approved.

Case Officer: Richard Timms



Mr & Mrs Hawkes, Crabtree & Crabtree
(Headcorn) Ltd
C/O DHA Planning
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
Kent
ME14 3EN

13 November 2015

PLANNING DECISION NOTICE

APPLICANT:	Mr & Mrs Hawkes, Crabtree & Crabtree (Headcorn) Ltd
DEVELOPMENT TYPE:	Large Maj Dwellings
APPLICATION REFERENCE:	15/503325/HYBRID
PROPOSAL:	Outline application for development of up to 220 houses together with areas of open space, a nature conservation area, landscaping, new access onto Ulcombe Road and improved access to Kings Road (access being sought) plus change of use of land to school playing field - hybrid application (Resubmission of application 14/505284/OUT)
ADDRESS:	Land Between Mill Bank, Ulcombe Road & Kings Road Headcorn Kent TN27 9LD

The Council hereby **GRANTS** planning permission subject to the following Condition(s):

- (1) The outline element of the development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - a. Layout
 - b. Scale
 - c. Appearance
 - c. Landscaping

MKPS – Working in Partnership with: Maidstone Borough Council

Please Note: All planning related correspondence for MBC should be sent to:

Mid Kent Planning Support, Maidstone House, King Street, Maidstone ME15 6JQ

Tel: 01622 602736 email: planningsupport@midkent.gov.uk

Access planning services online at: www.maidstone.gov.uk; or submit an application via www.planningportal.gov.uk

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

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

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

- (2) The development being the detailed element of this application (change of use of land to school playing field) hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: 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.

- (3) The development shall not commence (including any demolition, ground works, site clearance) until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall follow the principles of the landscape strategy plan (Drawing no. 1380/001RevE) and provide for the following:

a) High quality detailed and structural landscaping within the site and on its boundaries to soften long and medium distance views of the development.

b) Retention and enhancement of boundary vegetation (excluding the openings required for access points).

c) The provision of a landscape belt adjacent to the existing hedge along the eastern boundary with Ulcombe Road.

d) The provision of a 5-10m wide protective buffer zone adjacent to the existing boundary vegetation along the western boundary.

e) Proposed native planting along the north and northwest boundaries to connect to the existing vegetation and along the proposed and existing boundaries with the existing primary school.

f) Creation of an ecological corridor across the site, following the line of the existing hedgerow and field boundary to include a nature reserve area, planned swales, ponds, tree planting and amenity open space and to break up the massing of the development.

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

- (4) The development shall not commence until (including any demolition, ground works, site clearance) until a method statement for the mitigation of ecological impacts (including reptiles, great crested newts, nesting birds and retained habitats including the stream and hedgerows) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) Purpose and objectives for the proposed works, including risk assessment of potentially damaging construction activities;
 - b) Practical measures (both physical measures and sensitive working practices) to avoid, reduce and/or mitigate impacts and achieve stated objectives;
 - c) Extent and location of proposed measures, including identification of 'biodiversity protection zones' shown on appropriate scale maps and plans;
 - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) Times when specialist ecologists need to be present on site to oversee works;
 - f) Persons responsible for implementing the works, including role and responsibilities on site of an ecological clerk of works or similarly competent person.

The works shall be carried out strictly in accordance with the approved details

Reason: To protect and enhance biodiversity.

- (5) The development shall not commence until an ecological design strategy (EDS) addressing habitat creation and enhancement, incorporating the recommendations within the Extended Phase 1 and Protected Species Report (Corylus Ecology, October 2014) and Ecological Survey of a Stream to the North of Headcorn (Aseda, February 2015), has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives, including the creation of an appropriately sized nature conservation area, a buffer zone to the stream and green corridors across and around the site.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long term maintenance.
 - i) Details for monitoring and remedial measures.
 - j) Swift bricks and bat boxes integral to buildings, wildlife friendly gullies, and retention of cordwood on site.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity.

- (6) The development shall not commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Aims and objectives of management.
 - c) Management prescriptions for achieving aims and objectives.
 - d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - e) Details of the body or organisation responsible for implementation of the plan.
 - f) Details of on-going species and habitat monitoring; and
 - g) Provision for remedial measures.

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

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

- (7) The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- (8) 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. Materials shall follow the principles within the Design and Access Statement including vernacular materials and the use of timber weatherboarding, clay hanging and roof tiles, slate roof tiles and ragstone;

Reason: To ensure a satisfactory appearance to the development.

- (9) The development shall not commence until, details of all fencing, walling and other boundary treatments (which shall include measures to allow the movement of hedgehogs throughout the site) 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.

- (10) The development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

- (11) 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.

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

1) A preliminary risk assessment which has identified:

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

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

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

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

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

Reason: In the interests of public safety and pollution prevention.

- (13) The details submitted pursuant to condition 1 shall provide for at least 1.5ha of on-site natural and semi-natural public open space.

Reason: To ensure open space to meet the recreational needs of prospective occupiers and taking into account the reduced off-site financial contribution towards public open space in the local area.

- (14) The details submitted pursuant to condition 1 shall show no buildings over a height of 2.5 storeys (any third floor to be within the roof space).

Reason: To ensure a satisfactory appearance to the development in its context.

- (15) The details submitted pursuant to condition 1 will be carried out in accordance with the principles outlined in the submitted Flood Risk Assessment (FRA) (RMB Consultants Ltd, October 2014) and the Surface Water Management Strategy (RMB Consultants Ltd October 2014). No development shall take place until a sustainable surface water drainage scheme based on details provided within the Surface Water Management Strategy prepared by RMB Consultants (Civil Engineering) Ltd dated October 2014, has been submitted to and approved in writing by the local planning authority. The surface water strategy should also be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015), and should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, so as not to increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

- (16) The details pursuant to condition 1 shall show new parking provision on site adjacent to Kings Road to replace that lost to the junction improvements shown on drawing no. 10276-H-12 RevP1 of the Transport Assessment.

Reasons: In the interests of highway safety.

- (17) 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.

- (18) The development shall not commence until details of foul water drainage, which shall include details of on-site drainage and off-site improvements to the local network have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The details shall include phasing of the occupation of the development commensurate with the timescales for the improvement works to be carried out. The development shall be occupied in accordance with the approved phasing details.

Reason: In the interest of pollution and flood prevention.

- (19) No occupation of the development hereby permitted shall take place until the following off-site highways improvements have been made in full. Full details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority:

(a) The extension of the 30 mph signs/zone beyond the northern access onto Ulcombe Road to include gateway road signage or markings.

(b) Upgrading of the road markings at the pinch point on Ulcombe Road outside 'Uptons'.

Reason: In the interests of highway safety.

- (20) No occupation of the development hereby permitted shall take place until the signalised junction improvements as shown on drawing no. 10276-H-12 RevP1 of the Transport Assessment (subject to any amendments deemed necessary by the Highways Authority) have been completed.

Reason: In the interests of highway safety.

- (21) The two access points onto Ulcombe Road shall be carried out in accordance with drawing no. 10276-H-09 RevP1 within the Transport Assessment prior to the occupation of the development. Visibility splays shall be maintained in accordance with the approved drawing and kept free of obstruction above 0.9m thereafter.

Reason: In the interests of highway safety.

- (22) 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.

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

Drawing no. 10276-H-09 RevP1 within the Transport Assessment

Reason: In the interests of highway safety.

Informative(s):

- (1) The details of appearance should include the use of ragstone upon buildings and walls within the site and buildings shall include the use of exposed rafter feet. Details of roof overhangs and eaves, details of windows and doors and recesses/reveals (which shall be a minimum of 70mm) should also be provided.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

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

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

R. L. Jarman

Rob Jarman
Head of Planning Services
Maidstone Borough Council

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF PERMISSION OR GRANT OF PERMISSION SUBJECT TO CONDITIONS

This decision does not give approval or consent that may be required under any act, bylaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under Section 78 of the Town and Country Planning Act 1990.

Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant.

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of service of the enforcement notice, or within **6 months [12 weeks** in the case of a **householder** or **minor commercial** application decision] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a **Householder** application or a **Minor Commercial** application and you want to appeal the LPA's decision, or any of the conditions imposed, then you must do so within **12 weeks** of the date of this notice.
- In all other cases, you will need to submit your appeal against the LPA's decision, or any of the conditions imposed, within **6 months** of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.

The SoS can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The SoS need not consider an appeal if it seems to the SoS that the LPA could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Agenda Item 20



17/505937 Land South of The Gables

Scale: 1:2500

Printed on: 23/1/2018 at 17:30 PM by JulieM

REPORT SUMMARY

REFERENCE NO - 17/505937/FULL			
APPLICATION PROPOSAL Demolition of existing buildings and erection of two detached dwellings and replacement storage building.			
ADDRESS Land To The South Of The Gables Marden Road Staplehurst Kent TN12 0PE			
RECOMMENDATION : REFUSE for the reasons set out in Section 8.0.			
SUMMARY OF REASONS FOR REFUSAL The site is outside of any settlement as defined in the Maidstone Borough Local Plan 2017. In these locations new residential development is not readily supported and the re-development of this site as a brownfield site would not comply with the local plan policy which requires significant environmental improvement and sustainability. The design, scale and proportions of the proposed new housing and storage building (for which there is no policy justification) would result in significant harm to the character and appearance of the area, failing to promote local distinctiveness and the intrinsic character of the countryside. It is not considered that this revised application overcomes previous issues.			
REASON FOR REFERRAL TO COMMITTEE The application has been called in by Cllr Harwood on the grounds of the complex planning history on this site and efforts made by the applicant to overcome the stated concerns of local residents. If the application were for approval the application would also have been presented to the Planning Committee following a call in from Cllr Brice and Staplehurst Parish Council.			
WARD Staplehurst	PARISH/TOWN Staplehurst	COUNCIL	APPLICANT Mr P R Garrod AGENT D C Hudson & Partner
DECISION DUE DATE 18/01/18	PUBLICITY EXPIRY DATE 22/12/17	OFFICER SITE VISIT DATE 15/01/18	
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/509275/OUT	Outline application with access matters reserved for proposed residential development following demolition of existing buildings with replacement storage building.	Refused	16/6/16
Reason <i>'The proposed development would be contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policies SP5 and SP17 of the Submission Version of the Maidstone Borough Local Plan (2016) in that it would be outside of the village envelope of Staplehurst and, being located in flat open countryside in the Low Weald, would be a jarring and harmful addition to the character and appearance of the countryside (both by day and by night) by reasons of a loss of its open character and associated domestic paraphernalia; and also in that this is an unsuitable location due to the absence of a footway on Marden Road and the distance of the site from the village centre.'</i> APPEAL : Dismissed decision dated 7 December 2016 Summary of reasons : -Harm to the character and appearance of the area			

-Sustainability of the location			
-Proposal would have significant negative impacts on the environmental role of sustainability			
15/506076/PNP	Prior Notification for a change of use from a storage or distribution building (Class B8) and any land within the curtilage to a dwellinghouse (Class C3).	Granted	22.09.2015
MA/89/0828	Relocated replacement building to form joinery shop	Permitted	27/7/89

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 This site is accessed from Marden Road and is located to the rear of the existing residential property called The Gables. The main parcel of land is set back from the road by approximately 73m and is accessed by a narrow track that runs parallel to the curtilage of The Gables.
- 1.2 The site is currently occupied by a collection of pole barns and an agricultural storage building. In the centre of the site is an area of concrete hardstanding that covers the width of the site. These structures and area of hardstanding are set within mown grassland.
- 1.3 To the east of the site is a crane storage depot and to the south and west open countryside. Immediately to the south of the application site is an area of grassland under the same ownership as the application site, which appears to have been regularly mown.
- 1.4 The site is located within the open countryside, although no other designations apply. It is not located within a flood zone and there are no listed buildings in the immediate vicinity.
- 1.5 The site benefits from the grant of prior notification for the change of use from a storage distribution building to a dwellinghouse.

2.0 PROPOSAL

Access

- 2.01 Access to the site would be from an existing track from Marden Road to the north, this would be upgraded and extended to accommodate access to the new hardsurfaced and turning area in front of the two new dwellings and extended further southwards to provide access to the new storage building.

New dwellings

- 2.02 It is proposed to demolish the existing buildings on the site and replace with 2 no. 2-storey dwellings. These dwellings would be sited to the north of the site in a staggered pattern. The dwellings would be of differing designs, but both containing 5 no. bedrooms and would face onto a new parking and turning area. Garaging and off-street parking would be proposed. Both dwellings would have separate gardens to the south.

Storage building

- 2.03 A new replacement single storey storage building is proposed to the south-west of the site. This would have a pitched roof with a green corrugated clad walls and roof. Full height access doors would be proposed in two elevations.
- 2.04 The new building would be larger in footprint than the building that it replaces which is being removed to facilitate the new residential dwellings. No details of the proposed use of the building have been provided other than an indication it would be for storage.

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, DM1, DM3, DM5, DM23, DM30, DM32, DM33 and DM36
Staplehurst Neighbourhood Plan: Key visions, Policy PW2 and Objective 11.

Maidstone Borough Landscape Appraisal

4.0 LOCAL REPRESENTATIONS

4.01 Staplehurst Parish Council

Object to the application for the following summarised reasons:

- Refusal reasons of previous application 15/509275 remain valid
- Development would be contrary to policy PW2 of the Staplehurst Neighbourhood Plan
- Unallocated site and contrary to policies SP5 and SP17
- Development would harm the appearance and character of the countryside
- Distance from the village centre and absence of a footway make the location unsustainable
- Construction of Hen & Duckhurst Farm would not 'significantly alter' the access
- There had been known drainage and sewage issues in the area.

- 4.02 Adjoining neighbours were notified of the application as originally submitted. A site notice was also put up at the site. 2 objections have been received in response to the consultation which are summarised below (some of the representation duplicates a representation on the earlier application):

- New access for new storage building will pave way for further future development
- Poor amenity for future occupiers
- Nothing has changed since the earlier refusal
- Inappropriate scale of development
- Overshadowing of vegetable patch
- Unacceptable loss of privacy
- Noise along driveway as a result of additional cars
- Loss of tree that acts as a wind barrier and is home to wildlife
- Water runoff
- Concerns over sewage disposal
- Adjacent to storage depot could be a health hazard
- The adjacent site generates considerable noise on a 24/7 basis are required to attend at very short notice many emergency operations. Noises associated with this

work can be considerable, such as the use of heavy air spanners removing and refitting wheels and major components.

- Flashing lights from adjacent occupier
- Overlooking from the high level cabs of the vehicles to the depot
- Noise report underestimates the actual noise levels generated by the proposals

5.0 CONSULTATIONS

5.01 KCC Highways: the access provisions in this location would not raise any significant concerns

5.02 Southern Water: No objection, subject to establishment of sewer location, conditions and informative.

5.03 Environmental Health: No comments

6.0 APPRAISAL

Main issues

6.01 The key issues for consideration relate to:

- Principle of development
- Sustainability
- Residential amenity
- Highways Matters
- Ecology
- Other matters

Principle of Development

Policy and history background

6.02 The application site is outside the Staplehurst settlement boundary and as such can be described as being within the countryside as set out in Policy SP17 of the Local Plan *'The countryside is defined as all those parts of the plan area not within the development boundaries shown on the proposals map.'*

Policy SP17 of the Local Plan sets out 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.'

6.03 Paragraphs 17, 60 and 61 of the NPPF recognise the intrinsic character and beauty of the countryside, the reinforcement of local distinctiveness and the integration of new development into the natural and built environment.

6.04 Policy DM5 relates to brownfield sites and states (Officer's emphasis in bold) :

*'Exceptionally, the residential development of brownfield sites in the countryside which are not residential gardens, which meet the above criteria will be permitted provided the redevelopment will **also result in a significant environmental improvement and the site is, or can reasonably be made, accessible by***

sustainable modes to Maidstone urban area, a rural service centre or larger village.

- 6.05 Paragraph 17 of the NPPF sets out the Core Planning Principles, these include:
‘encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.’
- 6.06 Policy DM36 of the local plan allows for new agricultural buildings and structures, however no information is provided about the proposed new storage building to suggest that it is to be used for agricultural purposes. As such the proposal fails to meet the policy which requires the building to be reasonably necessary for the purposes of agriculture.
- 6.07 Policy DM37 allows for the expansion of existing businesses in rural areas, however again the proposals do not address whether the new storage building is required in connection with an existing business, nor satisfy the policy criteria in all other respects.
- 6.08 The Staplehurst Neighbourhood plan sets out the vision for the Parish through until 2031. These key visions include :
- *Maintaining and enhancing the rural character of Staplehurst village, its immediate setting and the wider parish*
 - *Protecting and enhancing the natural and historic environment, the quality and character of the whole built environment and the wider countryside.*
- 6.09 Policy PW2 of the neighbourhood plan sets out considerations for new development in the countryside. It states that proposals will be assessed on the visual setting and landscape features of the site and its surroundings, impact on biodiversity and other relevant planning considerations. The plan supports the protection of the wider countryside and the proximity of Staplehurst to the countryside is an important part of the identity of the village.
- 6.10 Objective 11 relates to *‘Create defined and welcoming gateways to the village when approached from the west, via the Marden Road.’* The objective acknowledges the important definition between the extent of the village and the countryside beyond. It sets out that the village should be defined separately from the surrounding countryside.
- 6.11 Prior notification was approved in 2015 for the change of the use of the existing building from B8 storage to a single residential dwelling. There is no explicit planning history which relates to the lawful use of the existing building as B8, however the application was accompanied by statutory declarations which confirmed that the building had been used for commercial storage purposes (vehicles, vehicle parts and associated cleaning equipment) since 2000. It was accepted as part of the application that the building has an established use for B8 purposes for over 10 years and as such in the absence of a formal application the likelihood is that should a certificate of lawful development be submitted this use would be accepted.
- 6.12 In the absence of any other information, this conclusion on established use solely relates to the land area identified in the Statutory Declarations which identifies a much smaller site than now forming the red line of the current application. The red line has been further increased through the current submission. As such there is some ambiguity as to the extent of the site that can be considered brownfield land.

However the Inspector does conclude in his decision on application 15/509275/OUT that the site is brownfield land.

- 6.13 In terms of the weight that can be attached to the prior notification approval, the Planning Inspector in his consideration of the appeal relating to 15/509275/OUT sets out that:

'Consequently, although the notification established the principle of residential development on the site, the physical effects of the development permitted would not be comparable with the appeal proposal.'

The prior notification is limited to the change of use of the building, a curtilage no larger than the building and does not allow for new built development.

- 6.14 Outline planning permission was applied for under application reference 15/509275/OUT. This application reserved all matters except access and did not specify the number of dwellings proposed, although indicative plans did show 4 dwellings. The outline consent also included the erection of a new storage building. Despite a positive officer recommendation the application was overturned by the planning committee and a subsequent appeal by the applicant was dismissed by the Planning Inspector, concluding harm to the character and appearance of the area and the development being unsustainable.

- 6.15 The Inspectors decision on the appeal relating to application 15/509275 is a material planning consideration and carries more weight in consideration of this current application than the positive recommendation put forward by officers.

Material changes since the appeal decision

- 6.16 Since the appeal decision the Maidstone Local Plan has been adopted and the planning policies on which the proposal is assessed now carry full weight.
- 6.17 The application is now submitted in full rather than outline, as such the details of scale, layout, appearance and landscaping are now known.
- 6.18 Two dwellings are now proposed, whereas the earlier scheme was for an undefined number. This said if otherwise considered acceptable the appeal inspector could have allowed the appeal conditioned the number of units to a maximum of two dwellings to the number currently proposed.
- 6.19 Indicative landscaping is shown to the south of the application site to separate the rear gardens of Plots 1 and 2 with the open countryside, together with a landscape buffer separating the application site with The Gables to the north and landscaping long the western boundary. Again as landscaping was a reserved matter on the earlier application, if minded to allow the appeal the Inspector could have conditioned landscape buffers around the site if it was considered that this would provide necessary mitigation.
- 6.20 The applicant refers to the development at Hen and Duckhurst to the north-east of the application site, suggesting that development of the site would improve the sustainability of the application site. At appeal stage outline planning permission had been granted for the site. A reserved matters application has now been submitted under application reference 17/506306/REM for Hen and Duckhurst, however this has yet to be determined and whether the detailed scheme would impact on the sustainability of the application site can be given limited weight at this stage. The

Inspector in his decision makes reference to the outline consent and concluded the following :

'The appellant has referred to the Hen and Duckhurst site to the north-east of the appeal site. That site has been granted outline planning permission for residential development and is allocated in the ELP. Whilst it would result in traffic calming along Marden Road within an extended 30mph zone and improve links to railway station, it would not materially improve the pedestrian rout from the appeal site to most local facilities and services.'

Overall

- 6.21 The key issues are therefore whether the proposed development would constitute sustainable development, and thus comply with the aims of the NPPF and the Local and Neighbourhood Plan Policies. Also determining whether the revised scheme overcomes the issues highlighted in the earlier appeal decision and whether the redevelopment of a brownfield site outweighs other material considerations. This is discussed in further detail below, together with other material planning considerations.

Sustainable development

- 6.22 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development, these being the economic, social and environmental roles. Paragraph 14 sets out that at the heart of the NPPF is the presumption in favour of sustainable development and for decision making this means approving development proposals that accord with the development plan without delay, unless material considerations indicate otherwise. Paragraph 55 of the NPPF sets out that *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain vitality of rural communities.'*

Economic role

- 6.23 The proposal is for a housing scheme of two dwellings. If granted the development would create jobs during the construction phase and the new dwelling could support local businesses, however the economic role that two new dwelling would play in this location would be limited.

Social role and Environmental role (including visual impact)

- 6.24 The NPPF sets out that that role should support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs.
- 6.25 The environmental role as set out in the NPPF states that the planning system should *'contribute to protecting enhancing our natural, built and historic environment.'* , overlapping somewhat with the social role.
- 6.26 The Council can demonstrate a 5 year housing land supply and as such there is no overriding need to identify additional housing sites and although windfall development would contribute to the overall supply, such development should be focussed on sites where the local plan support such proposals.

6.27 The social and environmental role requires the creation of a high quality built environment. Policy SP17 of the local plan sets out the criteria for assessing development within the countryside which includes, that proposals 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. Policy DM30 sets out that *'The type, siting, materials and design, mass and scale of development...would maintain, or where possible, enhance local distinctiveness including landscape features.'* and that *'any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area.'*

6.28 Policy DM12 of the local plan sets out :

'All new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated.'

6.29 Policy DM1 of the local plan sets out amongst other criteria :

'Respond positively to and where possible enhance, the local....character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and vernacular materials where appropriate.'

Visual impact

6.30 The earlier appeal decision highlights that harm would result to the character and appearance of the area. A copy of the decision is appended to this report and key paragraphs which relate are 5, 6, 7, 10, 11 and 12.

Paragraph 6 sets out :

'Notwithstanding that the exact number and layout of the dwellings has not been determined, new buildings on the scale shown in the indicative scheme, together with the up-graded access and domestic boundary enclosures, would have a urbanised effect compared with the existing collection of more modest, utilitarian buildings. The height, volume and spread of buildings would increase significantly and the low key, utilitarian character of the site would be replaced by a more intensive residential use.'

6.31 The scale of the new buildings has not altered since the earlier indicative scheme. The proposed dwellings remain as 5-bedroomed, 2-storey executive style housing, which would be in stark contrast to the modest utilitarian buildings currently on the site. The access road would be upgraded as per the earlier scheme and extended further into the open countryside to accommodate the new storage building. The site would be formalised to enable parking and turning, the subdivision of the site to allow for 2 dwellings. The redevelopment of the site would not be low-key and would introduce additional built development, mass and height of buildings in an area where development is concentrated along the road frontage or well screened when it encroaches into land to the south.

6.32 The key matter is therefore whether the indicative planting shown on the submitted plans would mitigate the harm identified in the committee's earlier decision and supported by the Planning Inspector. It is officers view that due to the character and appearance of the existing site which has limited impact on the landscape, the proposed scheme would not result in significant environmental improvement (as

required by Policy DM5 of the Local Plan) and would not overcome the earlier reasons for refusal and Inspectors decision. The impact on the character and appearance of the area is further exacerbated by the proposed new storage building which would encroach into open countryside to the south. There is no policy justification for this building, which would be of larger proportions than the existing building on the site.

Accessibility of the site

- 6.33 The Inspector in his earlier decision concluded that the site was not sustainable in terms of its location. Paragraph 13 of his decision sets out :

'There is no dispute that Staplehurst itself is a sustainable settlement. However its services and facilities are concentrated within the built up area at least 1.1km from the site. The nearest bus stop is some 0.9km away. The route from the appeal site along Marden Road is unlit and has no footpaths for the first 250m. The road is subject to a 40mph speed limit and is fairly busy with traffic. Whilst there are grass verges next to the carriageway, they are narrow and uneven in places. I found on the site visit that walking this part of route is uncomfortable and would not be attractive for trips during the day, much less during hours of darkness.'

- 6.34 No circumstances have changed on site, no additional mitigation is proposed to improve access (for example a footway along Marden Road) and therefore the conclusions of the Inspector remain material. The supporting statement highlights the development at Hen and Duckhurst, however as highlighted by the Inspector at Paragraph 14 of his decision, this may improve links to the station and reduce speeds along Marden Road, this would not materially improve the pedestrian route to most local facilities and services which are predominantly to the east and south-east of the application site.
- 6.35 It is therefore not considered that there is reason to depart from the Inspector's conclusion that the site would rely on private vehicle use and cannot be considered sustainably accessible.

Overall

- 6.30 As such it is not considered that the proposed development would fulfil the social or environmental role of sustainable development and meet national or local plan policies which seek to promote high quality development and maintaining/enhancing the character of the local area, promoting distinctiveness. The development would not result in significant environmental improvement nor is the site or would it be made reasonably accessible by sustainable modes to Staplehurst or any other urban area, rural service centre or larger village such that the development would not comply with policy DM5 which allows for brownfield redevelopment.

Residential amenity

- 6.31 The site is located to the south of The Gables, which is located adjacent to the road. The potential new houses would be approximately 45m from the main house and therefore I would not consider it to have a detrimental impact on the private amenity of these neighbours.
- 6.32 Additionally, whilst there would be an increase in the quantity of traffic along the access road, it is not considered this would amount to an unacceptable level of noise and disturbance.

6.33 Concerns have been raised in relation to the neighbouring use of the property by the current occupiers of this site, which is industrial in its nature. Their concerns relate to the noise levels generated from this site can be large and during unsociable hours. I have no reason to question this concern as the planning history demonstrates there is no restriction on the hours of the use. An established use certificate for “storage of materials, plant and equipment, the ancillary repair of same and for the storage of lorries necessary to transport the same” was awarded in 1989 (ref 89 1681), and aerial photos demonstrate that this has been a continuous use.

6.34 In consultation with Environmental Health on the earlier application, the following mitigation measures were agreed.

- The double glazing will be 6-12-6 glazing (improved noise insulation).
- There will be whole house ventilation to all rooms, rather than individual mechanical ventilation to each room.
- There will be no windows to habitable rooms on the elevation to the houses facing the yard, whatever the final layout.
- The fence between the proposed housing and yard will be 2.4 metres in height.

These details have not been put forward with the current submission, however should members wish to overturn the officer recommendation and approve planning permission the details could be conditioned.

6.35 With this in mind, it is considered that the proposal suitability conditioned could provide acceptable living conditions for future occupants.

Highways matters

6.36 It has been confirmed by KCC Highways that the access provisions in this location would not raise any significant concerns. For this reason, I am satisfied that the access would be acceptable.

Ecology

6.37 It is considered that there would be no reasonable likelihood of protected species being present on the site and affected by the proposals as a result of the management of the land (which has meant that the grass has been consistently mown) and the location of the site adjacent to the crane site,

6.38 The National Planning Policy Framework (the Framework) and Circular 06/2005: Biodiversity and Geological Conservation confirm that surveys should be carried out prior to planning permission being granted where there is a reasonable likelihood of a protected species being present and affected.

6.39 Should members be minded to approve the application a condition requiring ecological enhancements within the site could be sought.

Other matters

- 6.40 Concerns have been raised in relation to drainage. The proposal is to contain any surface drainage within the site using sustainable urban drainage and a condition can be attached to secure this.
- 6.41 Southern Water supports this stance and seeks, through appropriate planning conditions, to ensure that appropriate means of surface water disposal are proposed for each development.
- 6.42 Southern Water have confirmed that a formal application for a connection to the foul sewer must be made by the applicant or developer, but subject to this there is no objection relating to foul drainage.
- 6.43 With the above in mind and the drainage for this site is considered to be acceptable.

7.0 CONCLUSION

- 7.01 The site is outside of any settlement as defined in the Maidstone Borough Local Plan 2017. The application fails to meet the high threshold for new residential development in these locations in relation to sustainability and design. The re-development of this brownfield land would not comply with the local plan policy which requires significant environmental improvement and sustainability.
- 7.02 The design, scale and proportions of the new housing and storage building (for which there is no policy justification) would result in significant harm to the character and appearance of the area, failing to promote local distinctiveness and the intrinsic character of the countryside.
- 7.02 It is not considered that this revised application overcomes previous issues.

8.0 RECOMMENDATION – REFUSE for the following reason :

The proposed development would be contrary to the National Planning Policy Framework 2012, the National Planning Practice Guidance 2012, Policies SP5, SP17, DM1, DM3, DM5, DM12 and DM30 of the Maidstone Borough Local Plan October 2017 and the visions, Policy PW2 and Objective 11 of the Staplehurst Neighbourhood Plan in that it would be outside of the settlement boundary of Staplehurst and, being located in flat open countryside in the Low Weald, would be a jarring and harmful addition to the character and appearance of the countryside (both by day and by night) by reasons of a loss of its open character and associated domestic paraphernalia; and also in that this is an unsuitable location due to the absence of a footway on Marden Road and the distance of the site from the village centre.

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.

Appeal Decision

Site visit made on 29 November 2016

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 December 2016

Appeal Ref: APP/U2235/W/16/3155385

Land to the south of The Gables, Marden Road, Staplehurst TN12 0PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr P R Garrod against the decision of Maidstone Borough Council.
 - The application Ref 15/509275/OUT, dated 2 November 2015, was refused by notice dated 16 June 2016.
 - The development is proposed residential development following demolition of existing buildings with replacement storage building.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Appearance, landscaping, layout and scale were reserved for further approval. However, the application was accompanied by a drawing entitled 'Site Layout as Proposed' (drawing number 1945/06) which shows a group of four detached two storey dwellings and garages together with a storage building to the south. This plan is noted as indicative and, whilst the appellant considers that the number of dwellings and their layout could be determined at the reserved matters stage, it provides the clearest indication of the proposed development. Moreover, the outline planning stage provides the opportunity to define the nature and scale of the development and no conditions have been suggested to establish such restrictions.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the appeal site is sustainably located having regard to development plan and national policies.

Reasons

Character and Appearance

4. The appeal site is located to the side and rear of a substantial detached dwelling known as The Gables. This property forms part of one of a number of rows of buildings sporadically sited on both sides of Marden Road. The rows are separated from each other and from the built up area of Staplehurst by a

landscape of open agricultural land enclosed by boundary hedgerows. This landscape is typical of the Low Weald Landscape Character Area and it prevails over the built development to give the area a semi-rural character. The site falls outside of the settlement limits for Staplehurst as defined in the Maidstone Borough-Wide Local Plan 2000 (LP) and the emerging Maidstone Borough Local Plan 2016 (ELP).

5. Whilst there is a commercial yard to the east of the appeal site, residential development in the area is mainly linear in form with direct frontages onto Marden Road. The appeal site accommodates two low, open fronted barns and a taller storage building, together with a limited area of concrete hardstanding and loose surfacing.
6. The existing access to the west of The Gables would be formalised and widened to 4m for most of its length. The indicative plan shows the proposed dwellings grouped to the rear of The Gables with the storage building to the south of that group. Notwithstanding that the exact number and layout of the dwellings has not been determined, new buildings on the scale shown in the indicative scheme, together with the up-graded access and domestic boundary enclosures, would have a urbanising effect on the site compared with the existing collection of more modest, utilitarian buildings. The height, volume and spread of buildings would increase significantly and the low key, utilitarian character of the site would be replaced by a more intensive residential use. As a result, the proposal would be incompatible with the semi-rural character of the area.
7. The proposal would also create development in depth to the rear of The Gables. This would be at odds with the characteristic linear pattern of residential development the area.
8. The western boundary of the site is marked by a hedgerow which, in places, provides some visual screening of the site and the proposal includes a 2m wide landscaping strip along this boundary. Whilst the proposed planting would help to reinforce the hedgerow, it would be quite narrow with limited opportunity to increase its width whilst retaining the proposed access and associated service strip. I am not persuaded, therefore, that the reinforced hedgerow would screen the proposed dwellings sufficiently to mitigate the effects identified above. The commercial yard to the east of the appeal site is not conspicuous in public views and its presence does not provide adequate justification for the proposal.
9. The Council has given notice under Class P of the Town and Country Planning (General Development) (England) Order 2015 that the existing storage building at the site could change to residential use without the need for prior approval. However, the development permitted under Class P is limited to change of use of the building and a curtilage no larger than the building. It does not allow for new built development. Consequently, although the notification establishes the principle of residential development on the site, the physical effects of the development permitted would not be comparable with the appeal proposal.
10. Consequently, by virtue of its location, form and siting, I consider that the appeal proposal would have a harmful effect on the character and appearance of the area. As such, it would be contrary to LP Policy ENV28. This policy defines the countryside as those areas falling outside of settlement boundaries and presumes against development which would harm the character and

appearance of the area. It also confines development in the countryside to specified categories. There is nothing to suggest that the appeal proposal would fall within any of those categories.

11. The reason for refusal also cites ELP Policies SP5 and SP17. The ELP has been submitted for examination and, whilst the appellant advises that there are outstanding objections, in accordance with National Planning Policy Framework (the Framework) paragraph 216, it can be given some weight. Policy SP5 defines Staplehurst as a Rural Service Centre and seeks to focus new housing at allocated sites, minor development including infilling and appropriate redevelopment of previously used land within settlements. Given the location of the appeal site outside of the settlement boundary, the proposal would not accord with this policy. Policy SP17 has broadly similar aims to LP Policy ENV28. Whilst the categories of development which may be acceptable in the countryside are different, the appeal proposal would not fall within them. In addition the policy seeks to conserve and enhance the Low Weald as a landscape of local value. The proposal would not, therefore, comply with this policy.
12. Nor would the proposal accord with paragraphs 17, 60 or 61 of the Framework insofar as they recognise the intrinsic character and beauty of the countryside, the reinforcement of local distinctiveness and the integration of new development into the natural and built environment.

Whether Sustainably Located?

13. There is no dispute that Staplehurst itself is a sustainable settlement. However its services and facilities are concentrated within the built up area at least 1.1km from the site. The nearest bus stop is some 0.9km away. The route from the appeal site along Marden Road is unlit and has no footpaths for the first 250m. The road is subject to a 40mph speed limit and is fairly busy with traffic. Whilst there are grass verges next to the carriageway, they are narrow and uneven in places. I found on the site visit that walking this part of route is uncomfortable and would not be attractive for trips during the day, much less during the hours of darkness.
14. The appellant has referred to the Hen and Duckhurst site to the north-east of the appeal site. That site has been granted outline planning permission for residential development and is allocated in the ELP. Whilst it would result in traffic calming along Marden Road within an extended 30mph zone and improve links to railway station, it would not materially improve the pedestrian route from the appeal site to most local facilities and services.
15. I recognise that access by cycle to the local facilities and services would be reasonably convenient. Nevertheless, I consider it likely that the majority of trips made by future occupiers of the proposed development would be by private car. Such an outcome would run counter to Framework paragraphs 32 and 35 which seek safe and suitable access to the site for all people and prioritise pedestrian and cycle movements and access to public transport.
16. I note that the Inspector who considered an appeal for a new dwelling at The Bramleys¹, only slightly further west along Marden Road, reached a similar conclusion. The appellant has drawn my attention to two appeal decisions for

¹ Appeal reference: APP/U2235/A/14/2224793

residential development in the vicinity of Staplehurst. Although the Woodford Farm² site is further from the Staplehurst facilities than the current appeal site, in finding that the site was 'relatively sustainable', the Inspector gave weight to the availability of a convenient bus service to Staplehurst and Maidstone and noted that a farm shop, café and garden centre were located around 600m away. The current appeal site does not benefit from similar linkages. In the Iden Park Service Station³ decision, the Inspector also found that the site was on a bus route and within walking distance (the appellant puts the distance at 500m) of the local facilities. As such, that site appears to be considerably more accessibly located than the current appeal site. Therefore, I consider that neither of the decisions cited by the appellant provides a robust justification for the appeal proposal.

17. The appellant considers that the proposal draws backing from ELP Policy DM4. This policy supports the development of brownfield land including, exceptionally, on sites in the countryside. The appeal site can be regarded as brownfield land. However, the policy also requires such development to result in significant environmental enhancement and the site to be, or become, accessible by sustainable modes. Whilst the use of part of the site as garden area could add some bio-diversity value, there is no substantive evidence to demonstrate that it would be significant. Consequently, having regard to the concerns set out above, I consider that the proposal would not satisfy the requirements of Policy DM4.

Planning Balance and Conclusion

18. Framework paragraphs 7 and 8 require the three roles of sustainability to be considered together.
19. The Council and the appellant disagree over whether the Council can demonstrate a five year supply of housing land as required by Framework paragraph 47. The appellant considers that paragraphs 14 and 49 of the Framework are engaged and that relevant policies for the supply of housing, including LP Policy ENV28 and ELP Policies SP5 and SP17, should be regarded as out of date. The appellant relies on a recent appeal decision at Lenham⁴ with regard to the housing land supply position. At the time of the Lenham Inquiry the Council accepted that it did not have a five year supply, but submitted further evidence after the Inquiry which, it claimed, changed that position. Whilst the Inspector had regard to the post Inquiry evidence, he found that, even if there was a five year supply, the adverse impacts of that scheme would not outweigh the benefits (paragraph 98). Consequently, the Inspector did not examine the housing land supply position in detail. Nor has the appellant in this case sought to quantify the extent of the claimed shortfall in housing land.
20. In any event, the creation of three additional dwellings (taking into account the non-implementation of the change of use of the storage building to residential) would make a very limited contribution to the housing needs of the District as a whole. Nevertheless, in accordance with Framework paragraph 47, it merits a measure of weight in support of the proposal, irrespective of the housing land supply position. The proposal would also offer a modest, short term economic

² Appeal reference: APP/U2235/W/16/3142747

³ Appeal reference: APP/U2235/A/12/2184356

⁴ Appeal reference: APP/U225/W/15/3131945

benefit by providing employment and potential local purchasing of materials during the construction phase.

21. However, given my conclusions on the effects of the proposal on the character and appearance of the area and the sustainability of the location, I find that the proposal would have significant negative impacts on the environmental role of sustainability.
22. Therefore, even if I were to conclude there is a shortfall in the supply of housing land and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal.
23. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion
24. Consequently, I conclude that the proposal would not amount to sustainable development and so is not supported by the presumption in favour of sustainable development set out in Framework paragraphs 14 and 49.
25. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 1st February 2018**

APPEAL DECISIONS:

1. 17/501398

Construction of chalet bungalow in substitute for conversion of existing building (which will be demolished), for use by the applicants at existing gypsy caravan site

APPEAL: Dismissed

Part Norham Farm
Lenham Heath Road
Lenham Heath
Maidstone
Kent
ME17 2BT

(Delegated)

2. 17/500978

Prior Notification for proposed change of use of Agricultural Building to one Dwellinghouse. For its 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.

APPEAL: Allowed

Far Acre Farm
Goudhurst Road
Marden
Kent
TN12 9LT

(Delegated)

3. 16/508364 Construction of Chalet style 4 bedroom detached house to replace 3 no. Static caravans

APPEAL: Dismissed

Rear of 34 Maidstone Road
Lenham
ME17 2QJ

(Delegated)

4. 17/500175 Retrospective temporary security fencing

APPEAL: Allowed

Land Adjacent South Cottage
High Street
Staplehurst
Kent
TN12 0AD

(Committee)

5. 17/500585 Prior Notification for proposed change of use of agricultural building to a dwellinghouse. For its 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.

APPEAL: Dismissed

Hill Farm Barn
Lenham Road
Harrietsham
Kent

(Delegated)

6. 16/508284

Erection of two bedroom bungalow.

APPEAL: Dismissed

Land Adjacent The Mews
Buckland Lane
Maidstone
Kent

(Committee)

7. 16/506899

Erection of 7 detached dwellings including ancillary works with alterations to highway access onto Ware Street as shown on drawing numbers 2015-258 (P) 500, 2015-258 (P) 101, 2015-258 (P) 100, 2015-258 (P) 006; received on 6.10.2016 and 2015-258 (P) 004 and 2015-258 (P) 001 Rev A; received on 10.10.2016 and 2015-258 (P) 005 Rev C; received on 22.12.2016.

APPEAL: Dismissed

Apple Tree House
Ware Street
Weaving
Kent

(Delegated)



PLANNING COMMITTEE 1st FEBRUARY 2018

S.106 CONTRIBUTIONS SECURED & HELD (OCTOBER 2017) TOWARDS:

PUBLIC OPEN SPACE AND RECREATION	£ 2, 342, 704
TOWN CENTRE	£101,453
CAR PARK WORKS	£21, 199
CYCLE STORE	£35, 811
WILDLIFE	£823
COMMUNITY FACILITY	£ 101,465
*HEALTHCARE	£ 1, 311, 055

*The Healthcare Sums are collected on behalf of NHS England and held by Maidstone until the appropriate project is identified and monies requested by NHS England for release

Traffic Light Analysis	Less than 2 years to spend	3-5 years to spend	No spend by date or 6 years + to spend
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Spent

S106	PUBLIC OPEN SPACE & RECREATION	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS AS OF 31 ST OCTOBER 2017	SPEND BY DATE
St.Faith's Lane Bearsted MA/04/1608	00.00	£6663.01	Spent on improvements to public open spaces in Bearsted - Payment to BPC		Closed
Land at Ware Street Bearsted MA/01/1297	00.00	£59,275.55	Spent Play Area Improvement Scheme - towards Peveral Drive		Closed
Land at Maidstone Car Park Site, Brenchley Gardens (Waterside – Fairmeadow) High St MA/05/0211	00.00	£30,027.15	Spent on toilets at Brenchley Gardens		Closed
Land East of Ecclestone Road, Tovil South MA/05/0279	00.00	£31,064	towards multi-sport facility at South Park		Closed
Wallis Yard (All Saints) Fant MA/04/0951	00.00	£59,267	Spent on Woodbridge Drive rocky outcrop repairs; Fant Wildlife Area; Law Courts shrub beds and rebuild steps		Closed
Beaconsfield Road (Cartem Site) South MA/05/0335	00.00	£44,474.96	Spent on off site POS drainage works at Woodbridge Drive & resurfacing play area at Bridge Mill Way		Closed
Railway Hotel – Broadway Fant MA/05/1719	00.00	£9719.40	Spent towards the war memorial works		Closed
Former Ophthalmic Hospital High Street MA/06/0093	00.00	£3,647	Towards Trinity Park signage		Closed
Parkwood Tavern Parkwood MA/07/1344	00.00	£40,950	Parkwood Skate Park		Closed
Land at Oakwood Park Heath MA/07/2328	00.00	£31,500	Spent on Gatland Lane Park Play Area Improvement Scheme		Closed
Threeways Depot, Headcorn MA/06/0389	00.00	£71,515.07	Spent by Headcorn Parish Council towards Days Green Play Area/Hoggs Bridge Green		Closed
59 Wheeler Street/Sherway Close Headcorn MA/06/1940	00.00	£22,503.18	Spent towards the refurbishment upgrading and improvement at Days Green and Hoggs Bridge Recreational grounds		Closed
Former BP Garage 531 Tonbridge Road Fant MA/12/0825	00.00	£22,443.50	Spent towards Play Area Improvement Scheme At Gatland Lane		Closed
Land at Northland & Groom Way Harrietsham and Lenham MA/12/1777	00.00	£17,593.39	Spent by Lenham Parish Council towards the refurbishment and upgrade of play equipment at ham Lane playpark and Cherry Estate Park		Closed

22-27 High Street & 1-9 Pudding Lane High Street MA/06/2134	00.00	£48,029	Towards Whatman Skate Park		Closed
S106	PUBLIC OPEN SPACE & RECREATION HELD AT AUGUST 2017	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS AS OF 31 ST OCTOBER 2017	SPEND BY DATE
Sandling Place North MA/03/0886	£30,000	00.00	£5k to be used to improve Sandling Allotment infrastructure (paths, roadways, boundary fencing, etc.) £5k to be used for James Street Allotments wall repairs. Brookbank Play Area £10k for improvements to play area or open space. Penenden Heath £10k - Interpretation of site	To commence 2017/18	No date
Westree Works - Hart Street Fant MA/05/0492	£67,162.49	00.00	£50k towards Mote Park Play Area Improvements. £17k towards improvements to River Park Infrastructure including Whatman Park	To commence 2017/18	No date
Land at 390-408 Loose Road South MA/06/0273	£13,603	£1,927	Towards Fencing at South Park and £1,927 spent on CCTV and open space	Work is nearing completion	October 2019
Convent of Mercy Park Wood MA/06/1044	£6,412.51	00.00	Towards Parkwood Recreation Ground pathway works	Pathwork due to commence Feb 1 st 2018	No date
Furfield Quarry Boughton Monchelsea MA/01/1904	£34,000	00.00	Parkwood Recreation Ground pathway, access improvements and interpretation	Pathwork due to commence Feb 1 st 2018	September 2022
Fintonaugh House North MA/05/1101	£12,076	00.00	Penenden Heath Play Area improvements	Work completed Invoices to be processed with Finance	December 2023
Former Leonard Gould Factory Loose MA/04/1363	£530	00.00	Towards repairs or signage at King George playing fields	For Loose PC	June 2020
46 Sittingbourne Road East MA/08/0108	£22,050	00.00	Foley Park infrastructure improvements. £14332.50 Ashhurst Road Tree Planting and infrastructure improvements £7717.50	To commence 2018-21	June 2021
Former Trebor Basset Site Maidstone MA/02/0820	£63,707.80	£52,825	£45k already used to improve riverside access and £7825 towards high level bridge works. Remainder to be used on other riverside improvements in town centre	To commence 2018-22 Remainder to be investigated Circa £11k	No date
58-64 Sittingbourne Road East MA/09/0996	£17,325	00.00	Penenden Heath Play Area Improvements	Work completed Invoices to be processed with Finance	No date
Senacre College Site Parkwood MA/10/1413 & 0846	£300,000	00.00	Proposal to improve access and quality of Mote Park from Shepway (School Lane and York Roped and Claygate), improvements to Shepway Green. Improvements to access and safety of Senacre Wood. Projects to be agreed. Hampshire Drive Allotment Community Project, Wooley Road open space, Sommerset Road open space and other local projects	Spend on each project to be agreed To commence 2018-22	April 2022

115 Tonbridge Road Fant MA/08/2323	£13,912.81	00.00	Improvements to boundary walls at Rocky Hill Allotments.	Quotation for works obtained, neighbour issues mostly resolved. Works to be overseen by David Guest/Tom Hayes in Property Team	February 2018
S106	PUBLIC OPEN SPACE & RECREATION	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS AS OF 31ST OCTOBER 2017	SPEND BY DATE
	HELD AT AUGUST 2017				
Cedarwood, Queens Road Bridge MA/07/0415	£15,326.16	00.00	To be used to surface car park at Giddyhome lane Open Space	To commence 2018-22	November 2022
Parisfield Headcorn MA/07/0629	£5878	£13,022	Towards Staplehurst PC for the enhancement & provision of outdoor/ amenity space facilities within the parish of Staplehurst in particular Surrenden Road play area	Money released to Staplehurst PC (March 2017) towards replacement of the play area safety surfaces at Surrenden Field £5878 to go to Youth Club improvements – Invoice received and money to be transferred to PC	November 2017
Ecclestone Road, Tovil South MA/10/1478	£55,214.38	00.00	Improvements to riverside footpath and to Bridgemill Way open space including Play area and infrastructure.	Quotes obtained and in principle agreement from parish council for work to proceed	Mar2019
27 Hartnup Street Fant MA/06/0767	£17,325	00.00	For improvements to Fant Allotments, Wildlife site and Roseholm open space.	To commence 2019-22	No date
Astley Road (Kent Music School) High Street MA/10/0594	£39,554.79	00.00	£19,554 towards Mote path way. £10k for Len Valley NR Interpretation and infrastructure. £10k to improve access link between Mote Park and Town Centre via river Len Green Corridor	To commence /2018/19	December 2022
Land at Depot Site George Street High Street MA/12/0590	£37,649.75	£14,381	Towards the enhancement and repair and renewal at Collis Millenium Green	To be transferred to Collis Millenium Green Trust	February 2023
Hadlow College - Oakwood Park Heath MA/10/0485	£80,556.18	00.00	£80,556.18 To be allocated to the Public Realm improvement project at Maidstone East Railway Station.	Resolved at planning committee that the S106 contribution towards the provision of open space (£80,556.18) secured in relation to application MA/10/0485 be put towards the public realm improvement project at Maidstone East Railway Station to facilitate a greener environment of the open space.	No date
13 Tonbridge Road Fant MA/11/1078	£16,092.61	00.00	Clare Park Play Area	To be included in Play Improvement Project	July 2023
Land to rear of 125 Tonbridge Road Fant MA/12/0381	£3,349.54	00.00	Rocky Hill Allotment wall repairs	Quotation for works obtained , neighbour issues mostly resolved . Works to be overseen by David Guest/Tom Hayes in Property Team	November 2018
Former Car Sale Site – Ashford Road Harrietsham and Lenham MA/11/2154	£12,032.75	£3,717.25	Towards Glebefield Play Area	£3,717.25 Spent by Harrietsham Parish Council towards repairs of play equipment at Glebefield Play Area	September 2019
The Willows, Church Green, Marden and Yalding MA/10/0562	£16,770.60	00.00	Cockpits Play Area improvements	To Marden Parish Council to be included in Play Improvement Project	November 2020
Former Rose PH, Farleigh Hill, Tovil South MA/12/0367	£22,306.31	00.00	£ 13383.77 improvements to play equipment and access to Woodbridge Drive play area and £8922.52 required tree works along the footpath at Hudsons Quarry	To commence 2018/22	February 2024

Hayle Place (Hayle Mill Road) South MA/11/0580	£166,524.08	£525	£100,000 Towards Fencing and £67,000 on the new parking with pathway on Armstrong Road at South Park	To commence 2018/19	November 2019
Oliver Road, Staplehurst Staplehurst MA/12/2106	£40,502.03	00.00	Towards provision of allotments and outdoor sports facilities and for improving, enhancing and replacing the play area equipment at Surrenden Road play area	To Staplehurst Parish Council towards Jubilee Field and Surrenden Field	May 2025
S106	PUBLIC OPEN SPACE & RECREATION	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS AS OF 31ST OCTOBER 2017	SPEND BY DATE
	HELD AT AUGUST 2017				
Westree Court, Rowland Close Fant MA/13/0718	£41,246.87	£16,356	To be used on each site at Cornwallis Park, Clare Park, Whatman Park and Mote Park to improve infrastructure (paths, boundaries, planting, interpretation, bins, play improvements, etc.)	£16,136 spent on Whatman Skate Park £220 Buckland Hill Local Wildlife Area	May 2025
Oakapple Lane and Hermitage Lane Heath 14/500412/FULL	£108,675.00	00.00	Infrastructure improvements (paths, boundaries, planting, interpretation, bins, play improvements, etc.) at Barming Heath, St Andrews Park and Tarragon Road open spaces.	To commence 2018-22	June 2022
22-26 Tonbridge Road Bridge MA/13/0941	£60,096.09	00.00	£34,667 towards Clare Park Play Area & £20,000 towards Cornwallis Park play areas and £5429.09 towards infrastructure at Clare Park and Cornwallis Park	To commence 2018-22	November 2025
Land at Buckland Hill Bridge MA/13/1213	£102,922.11	00.00	£35,000 to set up Buckland Hill local wildlife area including fencing, interpretation, works to trees, etc., including allotments. £67,922 Improvements to Whatman and River Park in town centre infrastructure (paths, boundaries, planting, interpretation, bins, play improvements, etc.)	Project commenced 2017 – tree works, fencing quotes received. Habitat work undertaken Money to be transferred from Accounts	January 2021
Land at North Sutton Rd, Otham(Imperial Park) Park Wood MA/13/0951	£134,545.19	00.00	towards the cost of improvements refurbishment and replacement of facilities including pavilions play equipment and play areas ground works and facilities at Senacre Recreation Ground or Park Wood Recreation Ground or any other open space area owned by or in the control of the Borough Council and within a two mile radius of the Land Project imminent following greenspaces audit.	To commence 2018-20	January 2021
Land off Marigold Way (Wyatt Grove) Heath MA/12/1749	£64,449.20	00.00	Sum divided up towards Tarragon Road, St Andrews Park, Barming Heath, Oakwood Hospital closed cemetery for repairing, improving and enhancing existing	To commence 2018-22	February 2026
Land to north of Lenham Rd, Headcorn 14/505162/FULL	£30,350.77	00.00	Towards the Refurbishment of Hoggs Bridge Green Play Area	To commence 2018-22	February 2026
Russell Hotel 136 Boxley Road North 14/500997/FULL	£23,217.36	00.00	Towards Penenden Heath History Garden currently underway	Completion March 2018 Money to be transferred from Accounts	No date

MAP Depot Site, Marden Marden and Yalding MA/13/0115	£55,835	£32,165	Towards the cost of upgrading Marden Playing Fields and Cockpits in Marden	£32,165 paid To Marden Parish Council	June 2025
Bridge Nursery, London Road Allington 14/501209/FULL	£58,268.89	00.00	£27,000 Towards Midley Close Play Area Improvements Funding £30,245 to be used for Allington Open space infrastructure improvements (paths, boundaries, interpretation, planting, interpretation, bins, and play improvements.)	To commence 2018-22	August 2026
S106	PUBLIC OPEN SPACE & RECREATION HELD AT AUGUST 2017	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS AS OF 31ST OCTOBER 2017	SPEND BY DATE
Eyhome Street, Hollingbourne North Downs MA/14/0475	£138.30	£21,911.70	Open Space Provision for the maintenance, replacement and renewal of existing play equipment and outdoor sports facilities and/or installation of new facilities at Hollingbourne Recreation Ground and Cardwell Play Area	Money released to Hollingbourne Parish Council towards the Cardwell Pavillion Play Area	May 2026
The Coppice (Land adjacent to Bicknor Farm) Sutton Road Park Wood MA/13/1523	£41,102.76	00.00	Towards cost of improvements, refurbishment and replacement of facilities (inc pavilions, play equipment and play areas, ground works and facilities) at Senacre Recreation Ground or Parkwood Recreation Ground	To commence 2018-20 Project to be agreed following greenspaces audit	October 2021
43-51 Lower Stone Street (Miller House) High Street 15/510396/FULL	£18,900	00.00	Improvements, maintenance and/or enhancement of the natural and semi-natural areas and amenity green space at Archbishops Palace, Maidstone and/or improvements and/or maintenance of natural and semi-natural area at Mill Pond Maidstone or such other improvement refurbishment enhancement renewal and/or maintenance of such other green space amenity and/or play areas within a one (1) mile radius of the Development	To commence 2018-22	No date
Land at Grigg Lane (Oakley Grange) Headcorn, Ashford MA/12/1949	£21,255.58	00.00	Open Space Facilities" means the improvement of outdoor playing fields within the village of Headcorn	Received May 2017 Awaiting Project Status from POS	May 2022
The Parsonage, Land East of Goudhurst Road, Marden MA/13/0693	£106,343.36	00.00	Playing Field Contribution to be used solely towards the upgrading of Marden Playing Fields	Received June 2017 Awaiting Project Status from POS	June 2022
Land At Bell Farm (Chantry Green), Church Road, Harrietsham MA/14/0095	£23,770.22	00.00	Outdoor Sports Facilities Contribution -for the repair, renewal, replacement and improvement of outdoor sports facilities and equipped areas at Booth Field and Glebe Field	Received June 2017 Awaiting Project Status from POS	October 2026
Land North of Heath Road Coxheath 14/0836	£101,789.63	00.00	Open Space Contribution Means towards the cost of improvements refurbishment and replacement of facilities (including pavilions play equipment and play areas ground works and facilities) at Stockett Lane Recreation Ground	Received July 2017 Awaiting Project Status from POS	No Date

Land rear of Milton Street, Maidstone 14/503755	£36,208.76	00.00	Off Site Open Space Contribution to be used towards the enhancement, maintenance, improvement and renewal of equipment for children (equipped play) and outdoors sports facilities at Clare Park	Received August 2017 Awaiting Project Status from POS	No Date
Glebe Medical Centre Harrietsham	£108,124.02	00.00	Improvements refurbishment and replacement of offsite outdoor sports facilities and children's and young people's equipped play areas at Glebe Fields and 'Open Space' shall be construed accordingly	Received August 2017 Awaiting Project Status from POS	August 2022
Brandys Bay, South Lane, Sutton Valence 14/504556	£65,991.91	£00.00		Received October 2017 Awaiting Project Status from POS	October 2027
Kent Cottage & Chance Holding Grigg Lane, Headcorn 12/1949	£21,255.58	£10,003.11	Improvements of outdoor playing fields within the village of Headcorn	Received May 2017 Awaiting Project Status from POS	May 2022
Land rear of the Hardwicks and Elizabeth House Grigg Lane, Headcorn	£8,357.41	£0.00	Open Space Provision to be used towards the improvement of the open areas known as Headcorn Recreation Ground Grigg Lane Sports Ground and Hoggs Bridge Green Allotments	Received October 2017 Awaiting Project Status from POS	October 2022

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Other Sums

S106	TOWN CENTRE CONTRIBUTION HELD AT AUGUST 2017	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY TO BE SPENT ON TO DATE	PROJECT STATUS AS OF 31 ST OCTOBER 2017	SPEND BY DATE
Next Store - Eclipse Park East MA/12/2314	£101,453	£ 40,000	£140,453 To be allocated to the Council's Maidstone Town Team for projects to improve the vitality of Maidstone Town Centre.	Resolved at planning committee that the sum is to be spent towards the Public Realm Improvements Project Phase 3 to include the whole of Week Street and Gabriels Hill in order for the Council to use to mitigate the effect of the Eclipse Park Development on Maidstone town centre	December 2018

S106	CAR PARK CONTRIBUTION HELD AT AUGUST 2017	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY TO BE SPENT ON TO DATE	PROJECT STATUS AS OF 31 ST OCTOBER 2017	Spend By Date
Victoria Court: 17-21 Ashford Road Maidstone MA/94/0156	£21,199.60	00.00	Towards Lockmeadow Car Park Lighting	To be spent 2017/18	No date

S106	CYCLE STORE CONTRIBUTION HELD AT AUGUST 2017	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY TO BE SPENT ON TO DATE	PROJECT STATUS AS OF 31 ST OCTOBER 2017	SPEND BY DATE
MAP Depot Site, Marden Marden and Yalding MA/13/0115	£15,095.60	00.00	Towards provision of cycle stores at Marden rail Station, Library and Post Office	To Network Rail and Kent County Council towards cycle racks	July 2024
The Parsonage, Land East of Goudhurst Road, Marden MA/13/0693	£20,716.24	00.00	Towards the provision of bicycle parking facilities at Marden Railway Station	Received June 2017	June 2022

S106	WILDLIFE HELD AT AUGUST 2017	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY SPENT ON TO DATE	PROJECT STATUS AS OF 31 ST OCTOBER 2017	SPEND BY DATE
The Hollies, Hook Lane Harrietsham and Lenham MA/11/0592	£823.48	00.00	towards management of receptor sites identified for the translocation of any relevant wildlife from the site	Towards River Len LNR (A 2.54 hectare MBC owned reserve, where connections exist to adjacent Mote Park, Turkey Mill, local authority allotments and railway embankments. Survey work indicated absence of slow worm. Prior to translocation, scalloping of ride edges carried out and creation of numerous timber, brash, leaf and hay/straw piles). Required tree-thinning works along the southern bank of the River Len at the western sector of the reserve scheduled for autumn/winter 2017)	November 2024

S106	COMMUNITY FACILITIES HELD AT AUGUST 2017	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY SPENT ON TO DATE	PROJECT STATUS AS OF 31 ST OCTOBER 2017	SPEND BY DATE
Springfield Development, Moncktons Lane Maidstone MA/01/1356	00.00	£5,000	Springfield Park community feasibility study - £5000 towards consultant appointment with residue towards Community Facility if built	May 2017 The final report from the feasibility study concluded there is a need for a community facility for the residents of Maidstone North Ward	SPENT
Springfield Park Royal Engineers Road North 15/506426/MOD106	£101,465.20	£2,695	Part-Paid – £2,695 towards feasibility study and towards the provision of the Community Facility- a community meeting facility and crèche area to be provided within the ground floor of the retail unit of the development or such other community facility which directly serves the occupants of the development	May 2017 The final report from the feasibility study concluded there is a need for a community facility for the residents of Maidstone North Ward	September 2026

Healthcare Sums

S106	Healthcare Sums Held (AUGUST 2017)	Spend By Date
Astley Road (Kent Music School) Hastings Road (High Street) 10/0594	£21,240 improve existing healthcare facilities to the surgery sited at King Street (moved to Bower Mount Medical Practice)	Jan 2018 PROJECT STATUS AS OF 31ST OCTOBER 2017 Project identified for spend, ongoing discussions with the CCG. Awaiting business case

Rear of 48-54 Buckland Road (Bridge) 07/2477	£15,120 towards provision of primary healthcare services or facilities within a 3 mile radius of the land	March 2019
115 Tonbridge Road (Fant) 08/2323	£5,980 Towards the provision of facilities Within one mile radius	February 2018 PROJECT STATUS AS OF 31ST OCTOBER 2017 Project identified for spend, ongoing discussions with the CCG. Awaiting business case
Land adj 27 Hartnup St (Fant) 06/0767	£9,900 Towards facilities in Maidstone Borough	SPENT
The Hollies, Land at Hook Lane (Harrietsham) 11/0592	£56,099.17 Upgrade/ improve doctors surgery in Harrietsham to serve development	November 2024
13 Tonbridge Road (Fant) 11/1078 & 12/0774 DOV	£11,444.04 Towards Vine Medical Centre	July 2020
Land at James Whatman Way 09/0863	£ 81,370 Use within a 5 mile radius	August 2019
Land to rear of 125 Tonbridge Road (Fant) 12/0381	£3,177.28 within one mile radius of the site	November 2018 PROJECT STATUS AS OF 31ST OCTOBER 2017 Project identified for spend, ongoing discussions with the CCG. Awaiting business case
Former Car Sales Site, Ashford Road (Harrietsham) 11/2154	£10,080 upgrading facilities at Glebe/ Sutton Valance/ Cobtree/ New Grove Green Medical Centres/ surgery	September 2019
Land at Hillbeck Res Home, (Bearsted) 12/1012	£5,850.03 For upgrading and improving up to 3 local surgeries known as Bearstead Medical Practice, Downswood Surgery and Grove Green Surgery, all within 2 miles of the Property	No date
The MAP Depot Site, Goudhurst Road, Marden 13/0115	£27,321.58 Towards expansion works at Marden Medical Practice	June 2025
Hayle Place Hayle Mill Road 11/0580	£50,728.81 within a two mile radius of the land	November 2019
Land at Oliver Road (Staplehurst) 12/2106	£38,001.60 Towards new healthcare services and facilities within the Parishes of Staplehurst and Marden	March 2025
Former BP Garage 531 Tonbridge Road 12/0825	£12,078.67 Towards the provisio n of primary healthcare services and facilities within a five mile radius of the land	March 2020
The Old School 92A Melville Road (High Street) 11/2108	£3,544.18 Towards all or any of the medical centres; Marsham St, St Lukes, Holland Rd, Brewer St and Grove Park	June 2025
Buckland Hill, Maidstone MA/13/1213	£24,260.21 For primary healthcare services & facilities within the Borough primarily to support the delivery of investments to surgeries at St Andrews Road (Blackthorn), Allington Park and College Road Maidstone	January 2021

Land at Northland and Groom Way, Old Ashford Road, Lenham MA/12/1777	£9,139.42 Towards the cost of healthcare services	No Date
Land at Langley Park, Sutton Road 13/1149	£256,290.61 (£106,200 + £150,090.61) Towards improvements to health care provision within the locality of the development	1 st 50% - November 2025 2 nd 50% - July 2027
Land North Sutton Road, (Imperial Park) Maidstone 13/0951	£133,919.17 For extension, refurbishment and/or upgrade at the 4 doctors surgeries at Wallis Avenue, Orchard Langley, The Mote and Cobtree	January 2026
Land off Marigold Way, Maidstone MA/12/1749	£26,516.24 Towards improvements to existing and new healthcare services and facilities (including upgrading and improving the doctors surgeries which will serve the development within a two mile radius of the site) anticipated the nearby Blackthorn and College surgeries will get first attention	February 2023
S106	Healthcare Sums Held (AUGUST 2017)	Spend By Date
Mote House Retirement Village Mote Park MA/10/0748	£38,110.96 Towards Northumberland Road and Shepway Surgery	No Date
143 Former Russell Hotel 136 Boxley Road, Maidstone (North) MA/14/500997/FULL	£12,407.27 St Lukes/ Brewer Street/ Marsham Street/Grove Green Surgeries/The College Practice/ Lockmeadow Clinic/Allington Park Surgery/ Allington Clinic	No Date
Eyborne Street, Hollingbourne MA/14/0475	£20,880 Toward extension, refurbishment and/or upgrade of Orchard Surgery Langley, Glebe Surgery Harrietsham, Yeomans Lane Surgery Bearstead	May 2021
Bridge Nursery, London Road 14/501209/FULL	£113,650.80 Towards improvements (refurbishment and reconfiguration) of Aylesford Medical Practice	August 2026
Springfield Park, Royal Engineers Road, Maidstone (North) 15/506426/ MOD106	£15,507.69 (1 st Instalment) Health Trust Contribution towards provision of investment into primary health care facilities and infrastructure at Bower Mount Surgery, Allington Park Surgery, The College Practice and Albion Place Surgery	September 2026
The Coppice (Land at Bicknor Farm) Sutton Road MA/13/1523	£75,686.62 Towards improvements by way of extension, refurbishment and/or upgrade at the doctors surgeries sited at Wallis Avenue, Orchard Langley, The Mote and Cobtree surgeries	October 2021
Land at Grigg Lane (Oakley Grange) Headcorn, Ashford MA/12/1949	£21,769.96 Provision of healthcare facilities and services within Headcorn Parish	May 2022
The Parsonage, Land East of Goudhurst Road, Marden MA/13/0693	£37,733.66 Towards provision of medical facilities and improvement of services and facilities at Marden and Staplehurst Medical Centres	June 2022
Land of Heath Road, Coxheath MA/14/0836	£71,436.79 Towards enhancing healthcare at Stockett Lane Practice and Orchard Surgery, Coxheath	June 2027

Land Rear of Milton Street, Maidstone 14/503755	<p style="text-align: right;">£17,982.12</p> <p style="text-align: center;">Towards improvement of services and facilities in local doctors' surgeries at Blackthorne Surgery, College Practice, Lockmeadow Surgery, Bower Mount Surgery and The Vine Surgery</p>	August 2022
The Glebe Medical Centre, Harrietsham 14/0828	<p style="text-align: right;">£74,209.02</p> <p style="text-align: center;">Towards the provision of two clinical rooms at The Glebe Medical Centre, Harrietsham</p>	August 2022
Brandys Bay, South Lane, Sutton Valence 14/504556	<p style="text-align: right;">£12,879.30</p> <p style="text-align: center;">To support improvements within primary care by way of the extension to, refurbishment of and/or upgrade to the local surgery premises at Sutton Valence Surgery, Sutton Valence, Maidstone, Kent and/or Cobtree Medical Practice, Sutton Valence Maidstone, Kent</p>	October 2027
Land rear of the Hardwicks and Elizabeth House Grigg Lane, Headcorn	<p style="text-align: right;">£6,641.27</p> <p style="text-align: center;">To be spent only on the provision of healthcare services and facilities at Surgery Grigg Lane Headcorn (or such other services or facilities as are within NHSCB (NHS</p>	October 2022