

PLANNING COMMITTEE MEETING

Date: Thursday 14 September 2017
Time: 6.00 pm
Venue: Town Hall, High Street, Maidstone

Membership:

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

<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Notification of Substitute Members	
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5. Urgent Items	
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting	
7. Disclosures by Members and Officers	
8. Disclosures of lobbying	
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information	
10. Presentation of Petitions (if any)	
11. 17/502072 - Land South of Forstal Lane, Coxheath, Kent	1 - 21
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Issued on Monday 11 September 2017

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

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| 16. Chairman's Announcements | |

PLEASE NOTE

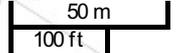
The order in which items are taken at the meeting may be subject to change.

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

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

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



17/502072 - Site H1 (60)

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REPORT SUMMARY

REFERENCE NO - 17/502072/OUT			
APPLICATION PROPOSAL - Outline Application for residential development for up to 210 dwellings together with access off Forstal Lane, 1.85 hectares of open space and associated infrastructure (Access being sought).			
ADDRESS – Land South of Forstal Lane, Coxheath,			
RECOMMENDATION – Approve subject to conditions and completion of a legal agreement			
SUMMARY OF REASONS FOR RECOMMENDATION – The application relates to a housing allocation H1-58 as modified (formerly H1-60 in the Reg 19) version) which is contained within the emerging Maidstone Local Plan which has now progressed through examination and is now awaiting formal adoption by the council. There have been no significant modifications or concerns raised in respect of the site and thus this status as a housing allocation can be given very significant weight. Whilst the current application proposes dwellings in excess of that set out in the policy H1-58 (as modified), the policy does allow flexibility and as it is an outline scheme, it is considered there is scope to secure a high quality scheme at the reserved matters stage including a substantial area of open space and the other matters relevant to the policy. Due to the stage of the emerging plan, it is considered residential development of the site is acceptable in principle and the development would accord with the relevant policy criteria. Furthermore, the submitted documents demonstrate the site is capable of accommodating the proposed quantum of development having regard to any identified constraints and also demonstrate the wider impacts of the development are acceptable or can be mitigated. Therefore it is considered the development will accord with the NPPF and the emerging strategy for the Borough and Coxheath and therefore it is recommended outline planning permission is granted for the development subject to the relevant conditions and legal agreement.			
REASON FOR REFERRAL TO COMMITTEE -			
<ul style="list-style-type: none"> • Major Development • Coxheath Parish Council object to the application and wish for the application to be heard at the committee 			
WARD Coxheath and Hunton	PARISH/TOWN COUNCIL Coxheath	APPLICANT Charterhouse Property Group AGENT Simply Town Planning	
DECISION DUE DATE 24.7.2017	PUBLICITY EXPIRY DATE 2.6.2017	OFFICER SITE VISIT DATE 15.5.2017	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
	None directly relating to the site		
14/0836	Adjoining site to the south. Construction of 130 dwellings (site-H1-59 – Reg 19)	Approved	17.9.2015

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site extends to 7.79ha and lies to the south of Forstal Lane, adjoining the existing estate of Park Way and Mill Road to the west and a Local Plan allocation H1(59 Reg 19) as modified which was approved in 2015 for 130 dwellings. The site is currently laid out as rough grassland and scrub which is enclosed by hedgerows to its boundaries, with the western part of the site being relatively level with the eastern part of the site dropping into a gentle valley which runs from the southern to northern boundary of the site. The site has an existing site access onto Forstal Lane to the northern boundary and has a public footpath, KM67 which runs north to south along the eastern boundary.
- 1.2 The established part of Coxheath village lies to the south and west, including Park Way and open countryside lies to the north and west. Forstal Lane itself is characterised by a lane with deep highway verges bordering the boundaries with the properties that front onto the lane. Coxheath village is a short walk via the existing estates to the south west via the footpath link or alternatively along Forstal Lane and through Mill Lane and through the aforementioned housing estate. The village itself has a range of facilities including shops, medical and community facilities and public transport links.

2.0 PROPOSAL

- 2.1 Outline planning permission is sought for a residential development of up to 210 dwellings together with access to Forstal Lane, 1.85ha of open space and associated works such as landscaping and parking provision. The application is submitted in outline form with only access to be considered at this stage and therefore, the matters subject of the application is the principle of the development, including an assessment that the quantum of development can be accommodated on the proposed site and whether the means of access, i.e. that the position and standard of access, are acceptable. The matters of scale, appearance, landscaping and layout are reserved for later determination.
- 2.2 As part of the scheme the applicant is also proposing improvements to Forstal Lane itself to widen the carriageway, improve the junction with Stockett Lane and to provide a footpath to Mill Lane, on the southern side of Forstal Lane from the site entrance. These are directly associated with the proposals but would be secured by Section 278 agreement with KCC Highways. The site is proposing to include 1.85ha of open space, in excess of the policy standards, which is shown in the eastern part of the site on the indicative masterplan, which will also include a SUDS attenuation area and play equipment.

3.0 POLICY AND OTHER CONSIDERATIONS

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

Draft Maidstone Local Plan (2011-2031): SS1, DM1, DM3, H1, ID1, H1-60 (H1-58 as modified), DM14 (DM13 as modified), DM22 (DM19 as modified), DM25 (DM21 as modified)

4.0 LOCAL REPRESENTATIONS

4.1 **Local Residents:** Approximately 275 representations received from local residents raising the following (summarised) issues:

- Highway congestion and increase in traffic
- Highway safety
- Severe impact causes and inadequate mitigation
- Lane inappropriate for volumes of traffic
- Impact on countryside character
- Size of development inappropriate
- Infrastructure at breaking point including doctors and community facilities
- Access along narrow country lane is inappropriate
- Inaccuracies/incorrect approach in Transport Assessment- impact of certain developments not considered
- Ecology impacts and adverse effects on local wildlife
- Air Quality issues
- Scale of development too large for a village such as Coxheath and already had too many homes built
- Character of Coxheath as a village is disappearing.
- Pedestrian and school safety especially along Forstal Lane and Stockett Lane
- Rat Running through estate and also through country lane and Well Street
- Sewage and surface water infrastructure is inadequate
- Flooding issues
- Access could be developed through new estate
- Impact on amenity of existing properties
- Conservation area
- Merging of Loose and Coxheath and contrary to anti-coalescence policies.

4.2 Coxheath Parish Council has objected to the application on the following grounds;

- Coxheath is a larger village and local plan inspector was inconsistent with regards to level of growth and has raised objections to levels of growth throughout local plan
- Development unsustainable due to level of infrastructure
- Site is unable to demonstrate it can achieve infrastructure in terms of highways, flood risk and sewerage.
- Excessive housing numbers individual and cumulatively with other applications
- Forstal Lane unsuitable and no footpath provided to Stockett Lane
- Transport Assessment is flawed
- Sewage and water supply issues
- Eradicate countryside between Coxheath and Loose
- Flood measures

4.3 Loose Parish Council (the adjoining Parish) have also objected to the application on the following grounds;

- Impact of traffic via Forstal Lane into Well Street

- Loss of countryside between Loose and Coxheath
- Density of housing
- Surface water flooding
- Inaccuracies over walking and bus times
- Infrastructure

4.4 There has also been an objection from the Ward Councillor Brian Mortimer who has submitted concerns regarding the means of access to the site along with a report produced by a local Transport Consultancy, DHA Planning, which assessed the proposed means of access and considered other access points to the site to be more appropriate, namely that through the new estate to the south.

4.5 Furthermore, at the time of writing a petition had been signed with around 600 people objecting to the application on the basis of the access point along Forstal Lane and pressures on infrastructure. The points raised are addressed later in this document.

5.0 **CONSULTATIONS**

5.1 **KCC Drainage** No objections and suggest a condition relating to SUDS and restricting infiltration

5.2 **KCC Ecology** No objections and all relevant surveys have been undertaken and subject to the proposed mitigation measure no detrimental impact will be caused and advise that a condition be placed regarding a biodiversity enhancement plan and mitigation

5.3 **KCC Archaeology** No objections subject to a condition requiring field evaluation works

5.4 **KCC Economic Development** No objections subject to contributions being secured in respect of education, social care, library, youth services and community learning.

5.5 **KCC Highways** No objections to the application subject to contributions to Linton Crossroads and planning conditions.

5.6 **KCC Rights of Way** No objections and confirm footpath KM67 should not be affected by the application require a bounded surface to be provide on the existing footpath.

5.7 **KCC Minerals and Waste-** Objects to the application on the basis of lack of information relating to minerals safeguarding

5.8 **MBC Environmental Health** No objections subject to conditions relating to contamination and air quality and electric charging point.

5.9 **MBC Landscape** No objections and considers LVIA to be in accordance with guidelines and the site has a high capacity for change having regard to the council's previous assessment. Suggests condition relating to tree and hedge protection and new planting scheme

5.10 **MBC Parks and Leisure** No objection and have acknowledged on site provision and have advised upon off-site provision

- 5.11 **Southern Water** Confirm at present there is a lack of capacity relating to foul drainage and suggests a condition and informative

6.0 **APPRAISAL**

Planning Policy Context

- 6.1 Although the site lies outside the development boundary as defined by the local plan that was adopted in 2000 and thus in principle would be contrary to policy ENV28, the site is allocated as a residential site for approximately 195 dwellings under policy H1-60 (which is now H1-58 in the modifications) within the emerging plan and therefore is a site which is an integral part of the councils future housing strategy including that for the larger village of Coxheath which is set out in policy SP13 of the plan. This emerging Local Plan is at very advanced stage having been found to be sound, subject to modifications, by the examining Inspector who confirmed this position in his report dated 27th July 2017. The examination of the plan included the Inspector assessing the suitability of the application site as an allocation including the proposed policy criteria. Apart from a minor modification which resulted in an increased density to 30dph, the Inspector found the policy relating to the site, H1-58 (as modified) to be sound. It is anticipated that the adoption of the Local Plan will now be considered at the next meeting of the Council on 27th September 2017.
- 6.2 Paragraph 216 of the NPPF sets out the factors which influence the weight to be given to the emerging Local Plan policies; the preparation stage, the extent of unresolved objections & the consistency with the NPPF. In the respect of the allocation at Forstal Lane, it has been a consistent site within all stages of the Local Plan preparation, there are no unresolved objections to the site for a housing allocation and is considered to be consistent with the NPPF. 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.
- 6.3 It is also key that the Local Plan also adapts the current development boundary (as defined by ENV28) to bring the application site within the development boundary of Coxheath and the site plays a key role in the Coxheath Strategy which is set out in Policy SP13 which seeks to deliver approximately 506 dwellings within the village through the five housing allocations within the village. Therefore the site will lie within the village rather than within the countryside over the future plan period.
- 6.4 There have been some concerns raised regarding the scale of development for the village of Coxheath and its status of being a larger village. However, in his final report, the examining inspector states the following in respect of Coxheath;

'The other Larger Villages are also appropriately identified as part of the plan's spatial strategy. The amount of development is suitably related to the existing services and facilities which they possess. Where for example Coxheath is proposed for more development than Sutton Valence, it also possesses a wider selection of services and facilities, rivalling the Rural Service Centres (apart from the lack of a railway station but benefitting from closer proximity to Maidstone with reduced travel distances).'

Thus on the basis of these factors, it is considered the site and its location are considered acceptable in principle. Whilst the impacts of the scheme would have been considered from a strategic perspective in relation to the wider effects of the development, the main issues facing the site are now discussed below;

Main Issues

Compliance with policy H1-58 (as modified) previously H1 (60) within Reg 19

- 6.5 This policy sets out the policy criteria to which the development needs to be considered against. H1-58 as modified (H1-60 in the Reg 19 plan) sets out the policy criteria for the development to meet which is based upon a development of approximately 195 dwellings at an average density of 30dph. The application proposes up to 210 units which reflect an average density of 35dph which is combined with an increased amount of open space, 1.85ha open space. This density is calculated on the basis of the modified Local Plan definition of calculating residential density. If one were to take a gross density of the site, it would be 26dpa. Whilst it has been noted that the provision is in excess of the number quoted in the policy, paragraph 6.6 of the emerging plan does confirm the proposed dwelling yield within the housing policies are an estimate and these may go up or down at the planning application stage. Furthermore, the proposals are considered to make efficient use of the site and the density would be similar to Site H1-57 as modified (H-59 Reg 19) which had a similar policy density estimate of 30dph but is instead around the 35dph level. Most importantly it is considered the indicative masterplan provides sufficient certainty that the quantum of development can be accommodated on the site in an acceptable manner including other associated infrastructure such as parking, landscaping and SUDS.

Parts 1, 2 and 3) The hedgerows along the eastern, western and southern boundary will be retained.

- 6.6 The indicative masterplan shows all hedgerows being retained (with the exception of the part necessary to create the access) including that along the western boundary and an appropriate condition is to be imposed to ensure protection of hedgerows and trees over the course of the development and that they are retained over the lifetime of the development. The landscaping to be reserved for later determination will also retain these within the scheme.

Part 4- Access will be taken only for Forstal Lane

- 6.7 The access is taken from Forstal Lane as per the policy requirements and KCC highways have reviewed this as part of the application and have no objections to the access design which it is considered can be secured by planning condition and the S278 process. This will be further discussed later in the report.

Part 5- Provision of a minimum of 1.4ha of open space together with additional off-site provision and contributions in accordance with policy DM22

- 6.8 The indicative masterplan shows a provision of 1.85h of open space and it is recommended a relevant condition secures this as a minimum provision and a LEMP is required by legal agreement to oversee its detail and management. A legal agreement will also secure the relevant contributions towards off-site open space which have been calculated as £184,800 (or £880 per dwelling) by the council's parks team in lieu of the open space that cannot be delivered on site to meet the DM 22 criteria.

Part 6 – Provision of footway between site and Mill Lane

- 6.9 The access plan shows a footpath from the site entrance to Mill Lane and KCC highways have reviewed this and have no objections to this. A planning condition will secure this and will require works to be undertaken prior to occupation through the mechanism of a S278 agreement.

Part 7- Improvements to footpath the eastern boundary

- 6.10 Improvements can be made to the footpath as part of a LEMP which is recommended to be secured by planning condition

Part 8- Contributions to the Linton Crossroads

- 6.11 This is recommended to be secured by legal agreement and is outlined in the section below

Part 9- Appropriate contributions to mitigation measures to improve the crash record at the junction of Stockett Lane and Heath Road

- 6.12 The KCC Highway states there is a low/medium risk of crash incidents at the junction and confirm that such contributions are now not required.
- 6.13 The Development will also conform to the general policy H1 in terms of supporting documentation and relevant assessments and will deliver the requisite infrastructure and open space requirements, either on-site or via a legal agreement.

Highway Impact

- 6.14. Many of the concerns raised by local residents and the Parish Council relate to the potential impact of the development in terms of local congestion and highway safety and the suitability of Forstal Lane to provide access to the site for this level of development. The application is supported by a Transport Assessment, Road Safety Audit and Travel Plan. Whilst, these local comments are noted, it is clear the Local Plan, which has recently been found sound, took account of these wider impacts, both individually and cumulatively as part of the process in allocating these sites for development. It also identified the infrastructure that would be required to mitigate the effects of congestion and safety issues which in this case would be the Linton Crossroads Contributions. These matters were also reviewed by the Local Plan Inspector who also considered the access to the site to be acceptable in policy terms.
- 6.15 In terms of trips from the development, the Transport Assessment forecasts 96 trips in the AM peak and 113 in the PM Peak and this is considered to be an adequate estimate by KCC Highways. At the Forstal/Stockett junction, the TA estimates that 36% movements will go north and the remainder will route south to Heath Road. The TA also estimates there will be movements via the estate roads of Mill Road/Wilberforce Road/Parkway. KCC Highways have reviewed the calculated trip rates and distribution and consider the Forstal Lane/Stockett Lane and Stockett Lane/Heath Road will all operate within capacity with the development.
- 6.16 Firstly, dealing with the matter of congestion, the Local Plan identifies the improvement to Linton Crossroads as being essential to the delivery of the housing sites within the locality. The application site is a key contributor to the Linton Crossroads improvement scheme as identified in the Infrastructure Delivery Plan and the funds to be secured by the application are crucial to this improvement plan coming forward. Whilst it has been recognised the capacity of the Linton Crossroads is currently over capacity and the development will add to this in the short term, the site will be required to provide contributions of £1500 per unit (£315,000 in total if 210 units are delivered) towards the Linton Crossroad improvement scheme. Once this is in place, the impacts of such development can be largely mitigated. In relation to the wider impacts, KCC consider development would not cause any severe effects which could justify a refusal on transport grounds.

- 6.17 There has also been concern raised over the suitability of Forstal Lane as an access as this matter has been raised by local people and councillors, including a local petition. An access appraisal has also been submitted in support of this local opinion which concludes an access through Site H1-57 (as modified) is most appropriate. Whilst such comments and information is acknowledged, it should be noted that the site specific policy specifically requires the development to be accessed only from Forstal Lane and the development accords with this requirement. This matter was specifically discussed at the Local Plan Examination whereby the Inspector explored this part of the Policy and found it to be sound. This can be seen from the Inspectors examination report and its appendices dated July 2017 that this part of the policy remains unmodified and is to be taken forward as part of the adopted plan.
- 6.18 Furthermore, the applicant is proposing improvements to the lane, which including widening of the road nearest to the access to 5.5m and the remainder of the lane to 4.8m in width along with a footpath of 1.8m from the site entrance to Mill Road, all within highway land. Furthermore, the junction of Forstal Lane/Stockett Lane is to be subject to improvements to improve visibility at this junction. These changes have been subject to a Road Safety Audit and have been reviewed by KCC Highways who have no objection in principle to these works and it is recommended these works are secured by a Section 278 agreement by way of planning condition.
- 6.19 As the scheme seeks approval for the access point to Forstal Lane, aside from the principle issue, this is the only detailed matter to be subject of assessment under this application. There have been comments by residents, a petition and views put across by Councillor Brian Mortimer (who draws upon the supporting Access Appraisal) regarding an alternative access point being more appropriate than that of Forstal Lane, this being an alternative access through the new estate, Willow Grange, to the south although it is noted this will require access through third party land. Whilst it is understood the applicant has investigated this matter through a meeting with the councillors and investigated this point in more detail in response to the council's concerns, it is considered the access to Forstal Lane is acceptable and the notion of requiring the applicant to look at alternative access points at this stage is unjustified and inappropriate for the reasons set out below -
- 6.20 Firstly, the most important point is that it is a specific policy requirement for the development to access via Forstal Lane and thus the scheme would be contrary to the policy if the alternative access was utilised. This policy has been scrutinised and approved by the council at many stages of the plan process and also reviewed by the government Inspector who found the access element of Policy H-58 to be sound. The policy has remained unchanged with the access to be taken only from Forstal Lane. This access scheme has been subject of a Road Safety Audit and KCC Highways have no objection to the access or the means of access along Forstal Lane. Therefore from a technical and policy standpoint, the means of access is fully justified and acceptable. Such policy support and acceptance of detail means it would very difficult to substantiate any objections on the basis of the access to Forstal or presence of an alternative access. It is considered if one were to object to the application on the point of access, such a decision could be seen to represent unreasonable behaviour which could face a potential cost award at any appeal.
- 6.21 Secondly, it is also noted that the access via the new estate is restricted by intervening third party land. Whilst it is suggested that the landowner of the third party land is happy to discuss potential resolution of this issue, it would also be inappropriate for the council to insist the applicant engages with other landowners which could then threaten the deliverability of the development especially when the scheme complies with the relevant policy in terms of access. It should also be noted that the policy also

requires retention of the southern hedgerow, which would be breached by the alternative access and there is a clear policy intention to retain this southern hedgerow in order to create a natural break between housing sites. This risk to deliverability is relevant as the site plays an important role in the council's housing trajectory and the contributions towards the Linton Crossroads improvements which are both crucial matters in the council's future strategy for the area.

- 6.22 Notwithstanding the compliance with the policy, the applicant has in any event met with councillors and has investigated this potential access further. However, it is the applicants view that the alternative access is restricted by other site specific matters such as ecology, notably the presence of badger setts along the southern and eastern boundaries and the applicant has also estimated the likely costs of this alternative access which they consider to be potentially prohibitive, for example the works required to enable an access road to be built to the appropriate gradient into Willow Grange and new roundabout on Heath Road, would be in excess of the costs to upgrade Forstal Lane. It is their view this would place financial burdens on the development when it is already providing substantial contributions to infrastructure such as affordable housing, highways, healthcare and open space. That being said, due to the policy position outlined above, there is no reasonable requirement to require applicant to undertake any further work on this matter.
- 6.23 Concerns have also been raised regarding motorists potentially turning east out of the site and using Well Street. This point has been addressed by KCC Highways who consider a suitable access design can be achieved along with suitable signage which would discourage such travel and this would be secured by planning condition and Section 278 agreement.
- 6.24 It is noted, part of the criteria of H1-58 as modified (H1-60 Reg 19) requires contributions to improve the crash record at the junction of Stockett Lane and Heath Road. The applicant has provided a highway safety risk assessment for the area and KCC Highways has reviewed this requirement and concur that there is a low to medium safety risk and there are no issues that the development would exacerbate and thus there are no grounds to require such a contribution. The applicant has also submitted a framework Travel Plan which KCC Highways request is secured by legal agreement along with a monitoring fee.
- 6.25 Therefore, on the basis of access and highway matters it is considered the scheme fully complies with policy H1-58 – as modified, Policy H1 and DM1, DM24 of the emerging plan and Section 3 of the NPPF.

Visual Impact/Landscape Considerations

- 6.26 The application is supported by a Landscape Visual Impact Assessment (LVIA) which assessed the impact of development from a range of vantage points and this has been reviewed by the MBC Landscape officer who confirms that this study has been undertaken in accordance with best practice guidelines. The site lies within the Coxheath Plateau Farmlands LCA and within the Coxheath Orchards LCA. The report identifies a number of potential receptors to the visual impacts of the development, including users of the local footpath network, users of Forstal Lane and the residential properties on the adjacent estate to the west.
- 6.27 The MBC Landscape officer has drawn attention to the site assessment of the application site that was undertaken for the local plan process where the Landscape Sensitivity was considered to be low and the overall capacity to accommodate housing was considered to be high. The assessment considered the site to be well related to

Coxheath Village and there to be an opportunity to strengthen the rural village edge with new landscaping. I would concur with such a conclusion as the development abuts the existing village to its western and southern boundaries and any views from the footpath already takes in the existing built form which in its current state, is a relatively harsh visual edge to the village. Whilst the detail of the layout, scale and landscaping of the development is to be reserved for later determination, the size of the site offers the opportunity to create a substantial landscaped area to the eastern part of the site which will create a green wedge running southwards into the Heathfield (Willow Grange) site to the south which is currently under construction. This area will be planted with trees and hedgerows and the indicative masterplan includes planting buffers to the boundaries which will provide further screening to the site and soften views from local receptors. In terms of the impact of the access, the development will require some additional hedgerow to be removed to widen the existing access but whilst this will have some urbanising effect on Forstal Lane, along with the footpath, these impacts were specifically considered to be acceptable at the Local Plan stage (as they form part of the policy criteria).

- 6.28 Whilst the development of the site will inevitably have some visual effects, the allocation as a Local Plan housing site infers a degree of acceptance of some visual impact on the landscape, and indeed the council's own assessment considers the site is suitable for new housing having regard to its landscape character and lower sensitivity. It is also key that the emerging Local Plan has defined the land as being part of the built up area of Coxheath and will not be within the countryside where policies seeks to strictly prevent harm to the character of the countryside. Instead it will form part of the village. On the basis of the information submitted it is considered the site can accommodate the proposed quantum of development in manner that can preserve the character of its surroundings and manage the transition from the existing urban area to the wider countryside. Thus the development will accord with policies DM1 and SP17 of the emerging plan.

Ecology

- 6.29 The application is supported by a Phase 1 Ecology survey, Ecological Impact Assessment and a Badger mitigation strategy, all which have been reviewed by KCC Ecology who consider there to be sufficient information submitted to enable a decision to be made and that any impacts can be compensated and mitigated for in accordance with the guidance and policy approach of Paragraph 118 of the NPPF. The ecology phase identified potential for reptiles, badgers, dormice and bats and further surveys have been carried out in respect of these species. One of the surveys identified a pair of ground nesting Skylarks and Linnets on the site and KCC Ecology are content with the extent of land remaining as open space and confirm that there is sufficient space for mitigation and enhancement of habitat for these species.
- 6.30 Of note is the number of badger setts within the site, with three active setts along the eastern boundary and three setts on the southern boundary, all of which are considered to be occupied by the same family group. Of these, there is a main breeding sett on the site near to the southern boundary which borders the existing housing estate. Whilst the reserved matters scheme could have secured a buffer around the breeding sett as per the relevant guidance, the consultant considered it more preferable to the health of the group to build a new artificial sett within the site, with work starting on this in June 2017. This is located 20m from the eastern boundary, in the area to be secured as open space which will avoid conflict between badgers and the development. The existing sett will remain although during construction it will be temporarily closed off to avoid impacts although the sett will be reopened on completion of construction to allow badgers to reuse the sett if required.

6.31 The development will secure a significant amount of open space which offers opportunities for enhancements including opportunities for significant enhancement and habitat creation across the site. Native landscaping including new tree and hedgerow planting and good pollinating species can be secured as part of the reserved matters stage of the application. It is proposed the legal agreement secures the detail and long term management and enhancement of the site in ecological and landscape terms through a Landscape and Ecology Management Plan which need to be submitted and approved.

Other matters

6.32 The scheme would deliver 40% Affordable Housing as part of the development in accordance with DM13 (DM14 Reg 19) and MBC Housing has advised that the tenure mix should be 70% affordable rent and 30% shared ownership and this will be secured by the legal agreement. The MBC Housing Officer also advised that the need is predominately for smaller units, including 2 and 3 bed dwellings. As this is an outline application, the exact location and mix of house types is to be agreed at the reserved matters stage although it is expected a mix of affordable properties can be secured to meet the local housing needs.

6.33 It is noted KCC Minerals and Waste objected to the scheme on the basis of the site lying within a safeguarding area for Ragstone and that the applicant had not submitted an assessment as to whether extraction of the mineral could be undertaken prior to the development starting. However, since that consultation response, the modifications to the local Plan have identified the sites under Policy H1 which have to undertake such an assessment (modification MM-16). The modification confirms the application site is not one of the H1 sites which are required to undertake such an assessment and therefore the development is not contrary to the relevant policies on this basis.

6.34 The site lies in Flood Zone 1 and thus is at a low risk of flooding. The applicant has also submitted details of how SUDS can be incorporated into the detailed scheme and these have been reviewed by KCC Drainage. This will be secured by an attenuation pond in the open space area which will maintain run-off rates to that of the existing greenfield situation. The reserved matters stage allows further opportunity to integrate SUDS feature within the final layout which can aid drainage and wildlife opportunities. A condition is also recommended to be imposed to require the development to provide a connection to the foul water system at the point of adequate capacity in collaboration with the local provider.

6.35 The application includes a desk top archaeological assessment which considers the site would have low potential for archaeological deposits over all periods. This has been reviewed by KCC Archaeology and they have suggested a planning condition to require some initial field evaluation works to provide further investigation and this is to be secured at this outline stage.

6.36 The Environment Health officer drew attention to the potential for air quality impacts and recommended a condition which calculated air quality impacts and requires a scheme to address any impacts identified through measures to be incorporated into the scheme. A condition in respect of renewable energy and electric charging points are also recommended in order the detailed detail stage secures the optimum sustainable benefits.

6.37 Whilst the design and layout is to be reserved for later determination, it is considered the masterplan shows any future development can maintain the amenity of adjoining

properties with substantial hedgerows and buffer planting and suitable back to back distances achieved. Whilst, there will be some additional vehicles passing properties to Forstal Lane and other roads, this is not considered to be to the extent that would justify the refusal of planning permission.

Heads of Terms

- 6.38 Any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements:
It is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 6.39 The regulations also mean that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).
- 6.40 During the application KCC have requested contributions to a range of infrastructure affected by the development and this would be secured by a legal agreement should it be resolved to grant planning permission. These include contributions to Primary Education at South Borough Primary School £3,324 per dwelling (£831 per flat) and £2,359.80 per dwelling (£589.95 per flat) towards secondary education at Maidstone Grammar School. KCC also request further contributions towards Community Learning of £30.70 per dwelling, Libraries at £48.02, Youth Services at £8.49 per dwelling. These contributions are considered to be justified having regard to the impacts of the development in creating additional demands and pressures on local infrastructure and these monies will assist in creating additional provision or enhancing existing facilities in relation to the identified sectors.
- 6.41 The development will place additional pressure on local health services and local doctors surgeries and therefore the contribution requested by the NHS of £70,761 is considered to be justified and necessary and proportionate to the likely occupation of the site. It is also considered to meet the requirements of the Inspector's main modification MM4 – helping to improve health infrastructure in the village.
- 6.42 Whilst the applicant is seeking to provide a large area of on-site open space, there will be a requirement to provide off-site contributions to meet the shortfall in the various typology types of open space as required by policy DM22. On this basis, MBC Parks and Leisure department have requested an amount of £880 per dwelling or £184,800 relating to the 210 units. These monies would be spent on the following;
- Whitebeam Drive Play Area – improvements to the surfacing of the play area and access to the site including pathways and gates.
 - Teen Facilities – infrastructure to engage teenagers with the open space at Stockett Lane to replace the existing “teen shelter”

- Access to Outdoor Sports and Amenity Green Space (Linden Road) – improvements to pathways, signage and access points to the outdoor space from Linden Road to improve accessibility for the local community
 - Car park for Outdoor Sports and Amenity Green (Linden Road) – improve access and visual appearance to encourage greater use of open space
- 6.43 The legal agreement would also secure the affordable housing and the contribution towards Linton Crossroads Improvement Scheme of £1500 per dwelling which is also considered to be justified on the additional trips the scheme will generate in relation to this existing junction.
- 6.44 KCC Highways have requested the Travel Plan be secured by legal agreement along with a £5,000 monitoring fee which is considered necessary to secure a modal shift towards sustainable modes of travel.
- 6.45 The above contributions are considered to be CIL compliant and justified in relation to the regulations.

7.0 CONCLUSION

- 7.1. The application relates to an outline application for the residential development of an emerging housing allocation H1-58 (as modified) within the Local Plan which the council can give very significant weight. Therefore, the matter subject of this application is whether the site is suitable for residential development, whether it could accommodate the proposed quantum of dwellings and whether the means of access is suitable. On all those points, the application is considered acceptable as set out above. 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. Whilst the various concerns over the point of access and congestion are noted, the access point is a specific policy requirement and the levels of local congestion were considered at the local plan stage which considered the level of growth at Coxheath was acceptable subject to the proposed mitigation and improvement works on the local highway network. Therefore, it is considered the site accords with the development plan and other material considerations weigh heavily in favour of the development. Therefore it is recommended outline permission is granted subject to the imposition of the relevant planning conditions and Section 106 agreement.

8.0 RECOMMENDATION

- 8.0 RECOMMENDATION - Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:
- The provision of 40% affordable residential units within the application site (Tenure mix to be 70 Affordable Rent, 30% Shared Ownership).
 - The securing of a LEMP for the management of the Open Space and management of other communal areas within the development.

- Financial contribution of £3324 per dwelling (£831 per flat) for Primary Education and towards permanent expansion to 2FE of South Borough Primary School
- Financial contribution of £2359.80 per dwelling (£589.95) towards Secondary Education and the cost of Phase 2 expansion at Maidstone Grammar School
- Travel Plan and monitoring fee of £5,000
- Financial contribution of £1,500 per dwelling towards the Linton Crossroads Improvements scheme
- Financial contribution of £30.79 is sought towards community learning and the cost of additional portable equipment in Maidstone
- Financial contribution of £48.02 towards libraries to address the demand from the development towards additional bookstock (supplied to Coxheath Library).
- Financial contribution of £70,761 towards Healthcare at Stockett Lane surgery and Orchard.
- Financial contribution of £8.49 per dwelling for Youth Services which will be put towards Coxheath youth workers
- Financial Contribution of £63.56 per dwelling is sought towards Social Care and Trinity Foyer Sensory beds and rockery
- Open Space Contribution of £184,800 (or £880 per unit) is based upon the off-site provision that cannot be provided on site

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

1. The development hereby approved shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:
 1. Scale
 2. Layout
 3. Appearance
 4. 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 either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;

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 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. The landscaping should also include a specification to require the length of the PROW to the east of the site to be upgraded to bounded surface made up of loose materials.

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

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. The parking of vehicles of site operatives and visitors
 - ii. Loading and unloading of plant and materials
 - iii. Wheel washing facilities
 - iv. Measures to control the emission of dust and dirt during construction
 - v. A scheme for recycling/disposing of waste resulting from demolition and construction works
 - vi. Provision of measures to prevent the discharge of surface water onto the highway.

Reason: In the interest of highways safety.

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

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

5. All existing hedges shall be retained, other than the part required to create the approved access, unless removal has been agreed in writing. Such hedgerows shall be protected over the course of the construction of the development and retained thereafter as part of the landscaping scheme to the site

Reason: in order to maintain existing landscaping and wildlife habitat

6. The development shall not commence for the relevant phase 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.

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

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

8. 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.

9. 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.

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

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

11. A minimum of 10% of the properties hereby permitted shall be provided to a Lifetime Homes standard.

Reason: In the interests of good design.

12. 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 occupation of the relevant phase of the development. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

13. Prior to the commencement of development an ecological design and management strategy (EDS) addressing mitigation, habitat creation, management and enhancement, 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
- 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 management and 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 unless otherwise agreed in writing.

Reason: To protect and enhance biodiversity.

14. The reserved matters application for layout will secure 1.85 hectares of open space which will include childrens play space as part of the final development.

Reason: to ensure compliance with Policy H1-58 (as modified and DM19 (as modified) of the emerging plan to create a good quality area of open space to serve the development

15. Due to the scale of this proposal, a calculation of pollutant emissions costs from the vehicular traffic generated by the development should be carried out, utilising the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered, to calculate the resultant damage cost.⁹

- Identifying the additional trip rates generated by the proposal (from the Transport Assessment);
- The emissions calculated for the pollutants of concern (NO_x and PM₁₀) [from the Emissions Factor Toolkit];

The air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB);The result should be totalled for a five year period to enable mitigation implementation.

The calculation is summarised below:

Road Transport Emission Increase = Summation [Estimated trip rate for 5 years X Emission rate per 10 km per vehicle type X Damage Costs] The pollution damage costs will determine the level of mitigation/compensation required to negate the impacts of the development on local air quality.

No development shall commence 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 measures shall then be carried out as part of the 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: to ensure the impact of the proposal upon air quality is mitigated.

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

1) A preliminary risk assessment which has identified:

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

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to

all receptors that may be affected, including those off site.

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

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

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

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

Reason: To ensure the future development is not at risk from pollutants or contaminants.

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

Reason: To ensure an energy efficient form of development.

18. The development shall be strictly undertaken in relation to the Bagder Mitigation Strategy and the mitigation measures set out in the Ecological Impact Assessment and its recommendations shall be fully implemented in line with its recommendations and timescales for implementation

Reason: To protect the ecological integrity of the site and protected species

19. 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.

20. The access to the site shall be constructed strictly in accordance with the detail set out on drawing number. BR-514-001-H-SK04- 1 and this shall be completed prior to first occupation the development

Reason: to ensure a safe means of access is created to the development.

21. No development shall commence on site until a signed S278 Agreement is finalised and ready for signing, covering the following;

- The alterations to Forstal Lane and Junction with Stockett Lane as set out in the Transport Assessment
- Any alteration relating to the access to the site with measures to discourage vehicles along Well Street
- Pedestrian Footpath from site to Mill Road along the southern side of Forstal Lane

The development shall not be occupied until the Section 278 is complete and highways works covered in the agreement as set out have been completed.

Reason: To ensure compliance with Policy H-58 (as modified) and to ensure highway and pedestrian safety.

22. The development shall not commence (excluding a haul road) until a drainage strategy detailing the proposed means of foul water and surface water disposal and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

The development shall be carried out in accordance with the approved schemes and timetable.

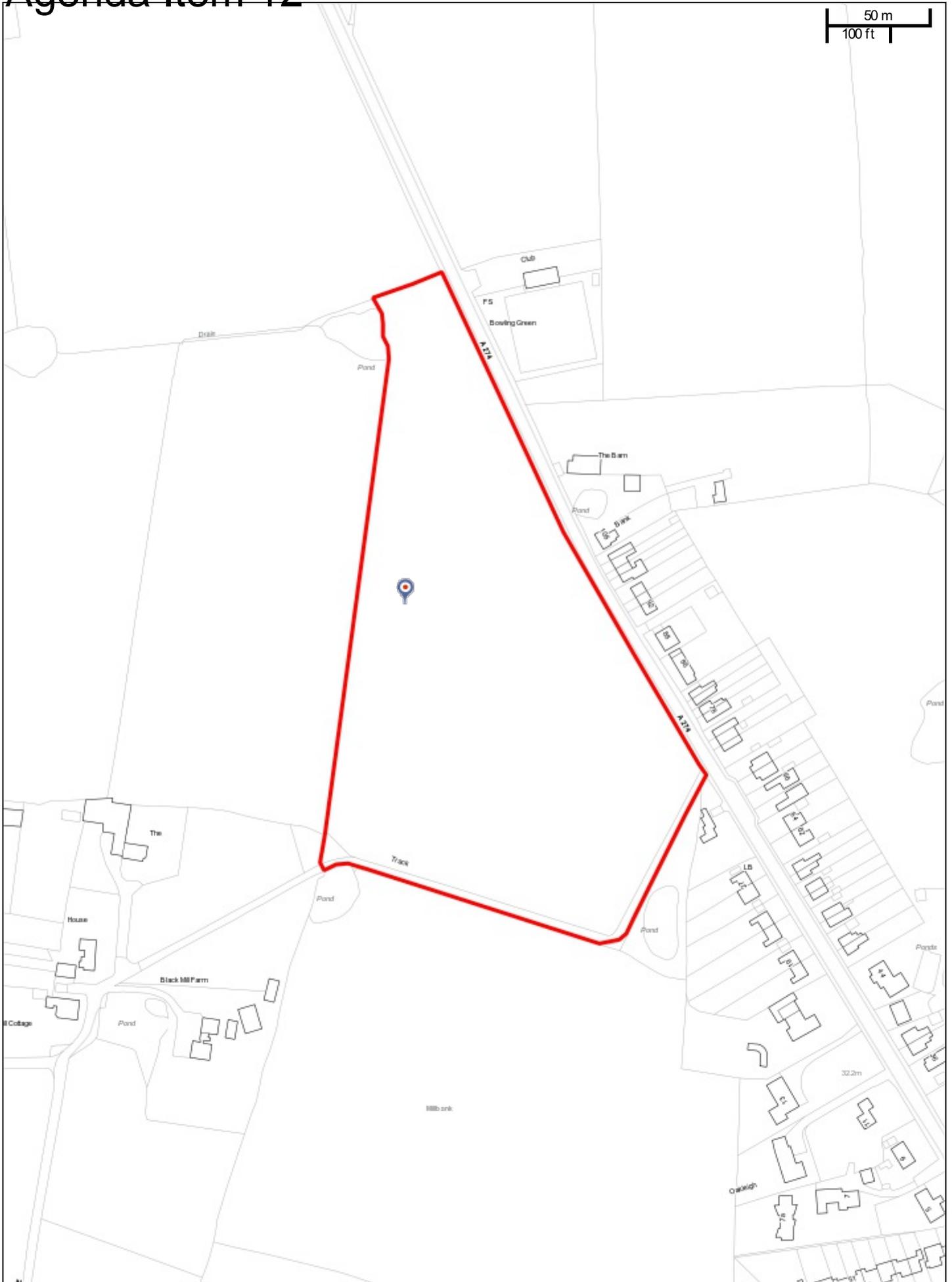
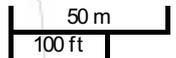
23. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, According to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained

24. The development hereby permitted shall be carried out in accordance with the following approved plans/documents: Drawing 9001 A Location Plan, Drawing 9600 A Parameters Plan Green Infrastructure 9604 A

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

Case Officer: Ashley Wynn

Agenda Item 12



17/501093 - Land West Of Mill Bank

Scale: 1:2500

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

REPORT SUMMARY

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

MAIN REPORT

1.0 BACKGROUND

- 1.01 The application was first considered at the committee meeting on the 6 July 2017 as seen on the attached appendix.
- 1.02 It was resolved by the committee that in the event of permission being granted, a planning condition should be attached specifying the external materials to be used in the proposed development, including the use of white timber weatherboarding instead of composite boarding.
- 1.03 It was further resolved that consideration of this application be deferred to enable Officers to investigate the relocation of the 2.5 storey building within the site.

2.0 PROPOSAL

- 2.01 Following the committee resolution a meeting was held on site on the 20 July. The meeting was attended by a representative of the parish council, the developer, two ward councillors and the planning case officer.
- 2.02 Following the discussion at the meeting revised plans were received from the developer on the 3 August and sent to those that attended the site meeting. Further neighbour consultation letters were sent out on the 7 August.
- 2.03 The single reason for the deferral of the application from the committee meeting on the 6 July was to investigate the relocation of the 2.5 storey building within the proposed development.
- 2.04 Following the discussion on site about various options the whole 2 and 2.5 storey building has been moved by 1.7 metres, the roof ridge level lowered (0.3 metres) and the 2 and 2.5 storey building sections swapped over in their location. The higher section of the building was previously at the rear most section of the building and this has now been moved to the front of the building.

3.0 EMERGING LOCAL PLAN

- 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 20 May 2016. The Local Plan Inspector issued his Report on the Examination of the Maidstone Borough Local Plan on 27 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 27 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 the current application.

4.0 LOCAL REPRESENTATIONS

- 4.01 The changes made to the plans were advertised with individual letters sent to adjoining properties.

- 4.02 **Local residents:** Two letters have been received as a result of the further consultation in addition to restating previously made objections to the proposal (that were considered as part of the original report) the following additional points are made (summarised):
- The height of the new houses along Millbank will impact upon light to nearby properties (increase in height to 2.5 storeys)
 - There is a concern that existing adjacent properties "...will be adversely affected by street lighting/light pollution in what is a rural setting".

6.0 **APPRAISAL**

Main Issues

- 6.01 Outline planning permission has previously been approved by the planning committee for a residential development on the application site for 62 dwellings (15/507424/OUT – August 2016).
- 6.02 The existing outline permission gave approval for the access arrangements to a residential development on this site. The current reserved matters application was considered at the committee meeting on the 6 July. It was resolved that:
- a) In the event of permission being granted, a planning condition should be attached specifying the external materials to be used in the proposed development, including the use of white timber weatherboarding instead of composite boarding.
 - b) It was further resolved that consideration of this application be deferred to enable Officers to investigate the relocation of the 2.5 storey building within the site.
- a) Planning condition specifying the external materials.
- 6.03 Condition 3 attached to the earlier outline approval required the following *"Prior to the commencement of any works above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The details and samples of the materials submitted shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units. Reason: To ensure a satisfactory appearance to the development"*.
- 6.04 An additional condition is recommended attached to a reserved matters permission stating *"Notwithstanding materials listed on the submitted plans, the details of external materials submitted to discharge condition 3 of the outline planning permission (15/507424/out) shall include the use of white timber weatherboarding instead of composite boarding"*.
- b) Investigate the relocation of the 2.5 storey building within the site.
- 6.05 The majority of the dwellings across the proposed development are 2 storeys in height, with proposed roof ridge heights of between 8.5 metres and 8.7 metres. The development also includes a larger building located in the south east part of the site providing 8 flats.
- 6.06 This larger building set behind an established and retained hedgerow is partly 2 and partly 2.5 storeys in height (roof ridge height of 11.3 metres). The higher 2.5 storey

section of the building is set back from the southern site boundary by a distance of 16 metres (9 metres from the hedgerow) and 63 metres from the front site boundary in Mill Bank. At the closest point a distance of 40 metres separates this new building from the closest residential property (29 Mill Bank).

- 6.07 Whilst there have been objections to the 2.5 storey height of this building this was not the reasons for the deferral of the application; the height is in accordance with condition 18 attached to the outline approval for the site and policy HNP1 of the draft neighbourhood plan. Condition 18 states that no buildings shall be “over a height of 2.5 storeys (any third floor to be within the roof space)” with policy HNP1 stating that there should be “...no new development of more than two and a half storeys”.
- 6.08 The reason for the deferral of the application was to investigate the relocation of the 2.5 storey building. Following the discussion on site about various options the whole 2 and 2.5 storey building has been moved by 1.7 metres and the ridge level lowered (0.3 metres) and the 2 and 2.5 storey building sections changed over in their location. The higher section of the building was previously at the rear most section of the building and this has now been moved to the front of the building.
- 6.09 As a result of the changes the higher 2.5 storey building is now bordered by two storey buildings and this is seen as a benefit as it reduces the scale and visual impact of the proposed building. The height of the 2.5 storey building is acceptable in the context of nearby development that is of comparable height, the screening provided from the site boundary, and the separation distance from the closest residential property and the site frontage.
- 6.10 Consultation responses have sought to compare the 2.5 storey building to a building completed as part of the development on land to the north of Lenham Road (14/505162). This development was visited during the site visit with residents, councillors and the developer. It is considered that there are important differences between the two developments; these include the distance from the property boundary, the distance from adjacent development, and the existing screening on the property boundaries which are to be enhanced.

Response to additional points made in further neighbour consultation,

- 6.11 A further consultation response has raised concerns about the height of the proposed development in relation to existing properties opposite the site frontage in Millbank. Policy DM1 advises that development should respect the amenities of occupiers of neighbouring properties. Built form should not result in an unacceptable loss of light. NPPF core principles include a requirement to seek “*a good standard of amenity for all existing and future occupants of land and buildings*” (para 17).
- 6.12 Existing residential properties on the east side of Mill Bank would be separated from new houses by a distance of between 23 metres and 30 metres. This distance includes the width of the public highway, the existing hedgerow along the site boundary and existing front gardens. In the south east corner of the site a distance of 28 metres, that includes an established hedgerow within the application site, the unmade access track and trees on the site boundary separate the closest proposed residential building from the detached property at 29 Mill Bank.
- 6.13 Distances of 110 metres and 140 metres separate buildings on Mill Farm and The Croft respectively from the closest proposed new building. With the separation of proposed buildings from existing neighbouring properties it is not considered that the development will impact on the amenities of existing adjacent occupiers including in relation to daylight and sunlight.

- 6.14 A concern has been expressed relating to the impact of street lighting as part of the proposed development. The section of Millbank outside the site within the 30 miles per hour maximum speed limit is currently lit with street lights. The extent of proposed development away from the existing Headcorn settlement broadly corresponds with the extent of existing street lighting in Millbank. The northern part of the application site will provide open space.
- 6.15 Whilst it is accepted that the street lighting and lighting associated with the proposed houses will introduce lighting in this area this lighting is an intrinsic part of a residential development and the principle of a residential development in this location has already been established by the outline planning permission.

7.0 CONCLUSION

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

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans:
HCRN 000A; HCRN 001A; HCRN 002 D; HCRN 003#1; HCRN 003#2 B; HCRN 004 B; HCRN 005 B; HCRN 006 B; HCRN 010#1; HCRN 011#1; HCRN 012#1; HCRN 012#2; HCRN 013#1; HCRN 013#2; HCRN 014#1; HCRN 014#2; HCRN 015#1; HCRN 015#2; HCRN 016#1; HCRN 017#1; HCRN 050#1A; HCRN 050#2A; HCRN 050#3A; HCRN 051#1A; HCRN 051#2; HCRN 051#3A; HCRN 060#1A; HCRN 060#2A; HCRN 060#3A; HCRN 060#4A; HCRN 090#1; HCRN 090#2; HCRN 091#1; HCRN 091#2; HCRN 092#1; HCRN 095#1; HCRN 095#2; HCRN 096#1; HCRN 096#2; HCRN 9001A; HCRN 900#2A; HCRN DS A. Reason: For clarity and to ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- (2) Prior to the commencement of development details of decentralised and renewable or low-carbon sources of energy to be used as part of the approved development shall have been submitted to and approved in writing by the Local Planning Authority including details of how they will be incorporated into the development. The approved measures shall be in place before first occupation of the development hereby approved and maintained as such at all times thereafter. Reason: To secure an energy efficient and sustainable form of development in accordance with the provisions of the NPPF. This information is required prior to commencement as ground works may restrict the range of options that are available.
- (3) Prior to the commencement of development schedule for the proposed native woodland mix planting and submission of a plan indicating whether trees are

feathered, standard or advanced nursery stock shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with condition 7 attached to the outline approval.

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

- (4) Notwithstanding materials listed on the submitted plans, the details of external materials submitted to discharge condition 3 of the outline planning permission (15/507424/OUT) shall include the use of white timber weatherboarding instead of composite boarding.

Case Officer: Tony Ryan

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

Planning Committee Report
6 July 2017

REPORT SUMMARY

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

MAIN REPORT

1.0 DESCRIPTION OF SITE

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

2.0 PROPOSAL

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

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

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

3.0 POLICY AND OTHER CONSIDERATIONS

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

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

4.0 LOCAL REPRESENTATIONS

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

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

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

5.0 **CONSULTATIONS**

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

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

6.0 **APPRAISAL**

Main Issues

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

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

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

Design, appearance and layout

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

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

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

Impact on heritage assets

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

Visual impact, ecology, landscaping and trees

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

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

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

Residential amenity and standard of accommodation,

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

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

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

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

Flooding and drainage

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

Planning obligations

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

Environmental impact assessment

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

7.0 CONCLUSION

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

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

Case Officer: Tony Ryan

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







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HEADCORN
Please drive carefully



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Agenda Item 13



20 m
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REPORT SUMMARY

REFERENCE NO - 17/503091/FULL		
APPLICATION PROPOSAL - Extension to existing car park to create 10 new car parking spaces.		
ADDRESS Barty House Nursing Home Roundwell Bearsted Maidstone Kent ME14 4HN		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL		
The details are considered to comply with the policies of the Development Plan, where relevant, and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE		
<ul style="list-style-type: none"> - Councillor Springett wishes to see application reported to Planning Committee if minded to recommend approval of application - Bearsted Parish Council wish to see the application refused and reported to Planning Committee 		
WARD Bearsted	PARISH COUNCIL Bearsted	APPLICANT Barty House AGENT TaDPlanning Ltd
DECISION DUE DATE	PUBLICITY EXPIRY DATE 21/07/17	OFFICER SITE VISIT DATE 21/07/17
RELEVANT PLANNING HISTORY:		

- Numerous planning applications and listed building consents to extend and refurbish Barty House Nursing Home have been approved, including MA/05/1175 (extension for 25 rooms); and MA/13/0735 (18 rooms and parking).

MAIN REPORT

1.0 SITE DESCRIPTION

1.01 Barty House Nursing Home, with access from Roundwell, is located at the eastern end of Bearsted. The original building is Grade II listed; public footpath KH131 runs along the north-western boundary of the site, and there is vehicle access also along this track to other properties and land; and a group of trees in the north-eastern corner of the site are protected under Tree Preservation Order no. 15 of 2017. For the purposes of both the 2000 Local Plan, the entire proposal site is within the countryside that falls within a Special Landscape Area; and for the purposes of both the submitted version of the Local Plan, the proposal site is within the countryside.

2.0 PROPOSAL

2.01 The proposal is for the extension of the existing car park at the nursing home, to provide an additional 10 spaces. The excavation work will take place at the north-eastern end of the site.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34
- National Planning Policy Framework
- National Planning Practice Guidance
- Submitted Local Plan (2011-2031): SP17, SP18, DM1, DM3, DM4, DM34, DM41

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** No representations received.

5.0 CONSULTATIONS

- 5.01 **Councillor Springett:** If minded to approve application, then application should be referred to planning committee for following reasons;

“The red line around the site does not follow the correct site boundary to the north east yet the site cross sections show the car park extending almost up to this red line, and therefore encroaching into open countryside. Therefore, this application should be refused as it will be an encroachment into open countryside.

Open countryside should not be built on- especially for a car park when alternative parking is available. As I understand it the urban boundary runs along the existing property boundary which means land outside of that is open countryside. Permission for a house to the east of the Barty House boundary was refused several years ago as it was in open countryside. There is no justification for the car park to extend into open countryside and the application should be refused on that basis. If approved, it would set a dangerous precedent for future expansion further into the field.”

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

“Decision was based on ownership/territorial concerns; Bearsted PC would like to query boundary line detailed on application with MBC. Additionally, concerns were voiced regarding lack of arboricultural report.”

- 5.03 **Landscape Officer:** Raises no objection subject to conditions.

- 5.04 **Conservation Officer:** Raises no objection.

6.0 APPRAISAL

Relevant policy/guidance

- 6.01 The proposal is under the normal constraints of countryside development under saved policies ENV6, ENV28 and ENV34 of the 2000 Local Plan and emerging policies SP17 (amended in Main Mods) and DM34 (amended in Main Mods and now DM30) of the submitted version of the Local Plan. Emerging policies SP18 and DM4 (both new policies in Main Mods) also seeks to protect the historic environment; emerging policy DM3 (amended in Main Mods) seeks to protect the natural environment; and emerging policy DM41 (amended in Main Mods and now DM37) allows for the expansion of existing businesses in rural areas provided there are no significant adverse impact on the rural environment. Please note that in the light of the Local Plan Inspector’s findings that the submission Maidstone Borough Local Plan is sound, it is considered that approaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the Main Modifications in the determination any planning application.

Design, siting and appearance

- 6.02 The proposal is considered to be a modest extension of an existing car park that would see an area of hardstanding extend north-eastwards by some 12m. Given the nature of the proposal and the excavation of land, this new hardsurfacing would remain set down and largely screened when viewed from the adjacent public footpath along the north-western boundary of the site; and appropriate replacement planting would provide better screening of the site from the north-eastern boundary when compared to what is currently there. Indeed, the current boundary planting here is sparse and currently allows views into the site.

- 6.03 Despite the application lacking arboricultural information, the Landscape Officer confirms that the direct tree losses necessary to accommodate the proposal are all C grade, small to medium sized trees, with the exception of a medium sized (about 9m height) B graded Lime tree. The Landscape Officer is of the view that the loss of these trees is not sufficient to warrant refusal of the application, subject to appropriate replacement planting being secured by condition (which in this case would be of a native hedge with standard native tree planting along the north-eastern boundary). However, in the absence of a plan showing the scheme in relation to the root protection areas of the trees shown to be retained, the Landscape Officer cannot comment on the likely impact of the scheme on those trees and whether they can be successfully retained as shown. Indeed, the plotted canopies suggest that the excavation and level changes for the proposed ramp will conflict with the root protection area of at least one of the retained trees. As such, whilst no objection is raised to the proposal, an Arboricultural Method Statement (giving details of ground works around the RPA of those trees to be retained) is recommended to be secured by way of condition to ensure the retention of these trees.
- 6.04 The proposal would be at the north-eastern end of the site; it would be a modest addition to an existing car park area; and it would be read in context with the more modern buildings on the site. The proposal would not therefore have an adverse impact upon the setting of the Grade II listed Bart House.
- 6.05 Subject to the conditions recommended, I am therefore satisfied that the proposal would not have an adverse impact upon the character and appearance of the surrounding countryside hereabouts, but would be a development very much read in the context of the existing development on this site.

Other considerations

- 6.06 Given the existing use of the site and the separation distance of the proposal from any neighbouring property, no objection is raised to this development in terms of residential amenity and highway safety. Given the modest scale of the proposal, I also do not consider it necessary to request any further details to justify the need 10 additional parking spaces.
- 6.07 The comments raised by Councillor Springett and Bearsted Parish Council have been considered in making this recommendation. I would also add that provided the correct ownership certificates are served, there is no material planning reason to refuse an application because the land is in different ownership; and to clarify, Barty House Nursing Home is within the countryside. Furthermore, each application must be considered on its own merits under current policy/guidance and does not set precedent.

7.0 CONCLUSION

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

8.0 RECOMMENDATION – APPROVE:

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

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

- (2) The development shall not commence until 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 include a minimum of 4m depth of new planting along the north-eastern boundary of the site that shall include;
- Mixed native species hedgerow (double staggered row at 45cm spacings with 30cm between rows and minimum 45-60cm bare root stock at planting) along the north-eastern boundary of the site, consisting of 65% Hawthorn and 35% consisting of species Field Maple, Guelder Rose, Hazel, Sallow, Spindle and Sweet Gale;
 - Replacement trees (such as Field Maple, Oak, Beech, Larch, Scots Pine) of at least Nursery Select Standard size at planting (10-12cm girth, 3-3.6m height) planted within the native hedge along the north-eastern boundary of the site;
 - Native shrub mix (double staggered row at 1.5m spacings with 1.5m between rows and minimum 45-60cm bare root stock at planting) consisting of species such as Field Maple, Guelder Rose, Hazel, Blackthorn, Dogwood, Spindle and Sweet Gale.

The landscaping scheme shall also include a mixed native species hedgerow (as above) along north-western boundary of the site, to fill in the gap between the existing planting and the new planting.

Reason: To mitigate the loss of the trees being removed and to ensure a satisfactory appearance to the development.

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

Reason: To ensure a satisfactory appearance of the development.

- (4) Prior to the commencement of any works/development on site, an Arboricultural Method Statement in accordance with BS5837:2012, which shall include details of ground works around the RPA of those trees to be retained and tree protection details, 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 unless otherwise agreed in writing by the local planning authority;

Reason: To safeguard the future of the retained trees.

- (5) The development hereby permitted shall be carried out in accordance with the following approved plans: 2527 04 F; 05 F; 06 E; and 14 C;

Reason: In the interest of visual amenity and to prevent harm to the residential amenity of neighbouring occupiers.

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.

Reference number: 17/503091/FULL

- To ensure the landscaping scheme will provide good screening of the proposed development and in the interests of biodiversity, it is recommended that Larch is replaced with small-leaved Lime and that the cordwood arising from the proposed trees works is retained on site. As such, it is recommended to amend condition 2 as follows (changes in bold):

Amend condition 2 to read:

The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include a minimum of 4m depth of new planting along the north-eastern boundary of the site that shall include;

- *Mixed native species hedgerow (double staggered row at 45cm spacings with 30cm between rows and minimum 45-60cm bare root stock at planting) along the north-eastern boundary of the site, consisting of 65% Hawthorn and 35% consisting of species Field Maple, Guelder Rose, Hazel, Sallow, Spindle and Sweet Gale;*
- *Replacement trees (such as Field Maple, Oak, Beech, **small-leaved Lime**, Scots Pine) of at least Nursery Select Standard size at planting (10-12cm girth, 3-3.6m height) planted within the native hedge along the north-eastern boundary of the site;*
- *Native shrub mix (double staggered row at 1.5m spacings with 1.5m between rows and minimum 45-60cm bare root stock at planting) consisting of species such as Field Maple, Guelder Rose, Hazel, Blackthorn, Dogwood, Spindle and Sweet Gale;*
- ***The cordwood arising from the proposed tree works retained on site.***

The landscaping scheme shall also include a mixed native species hedgerow (as above) along north-western boundary of the site, to fill in the gap between the existing planting and the new planting.

*Reason: To mitigate the loss of the trees being removed, to ensure a satisfactory appearance to the development **and in the interests of biodiversity.***

- Amended sectional drawings (A-A & B-B) have been received to correctly show the retaining wall. It is therefore recommended that condition 5 should be amended to read (changes in bold):

Amend condition 5 to read:

*The development hereby permitted shall be carried out in accordance with the following approved plans: 2527 **04 G; 05 G**; 06 E; and 14 C;*

Reason: In the interest of visual amenity and to prevent harm to the residential amenity of neighbouring occupiers.

Recommendation remains unchanged.

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Agenda Item 14



16/506349 - Bearsted Football Club

Scale: 1:2500

Printed on: 30/8/2017 at 10:56 AM by ElyH

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.

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 MCI

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:

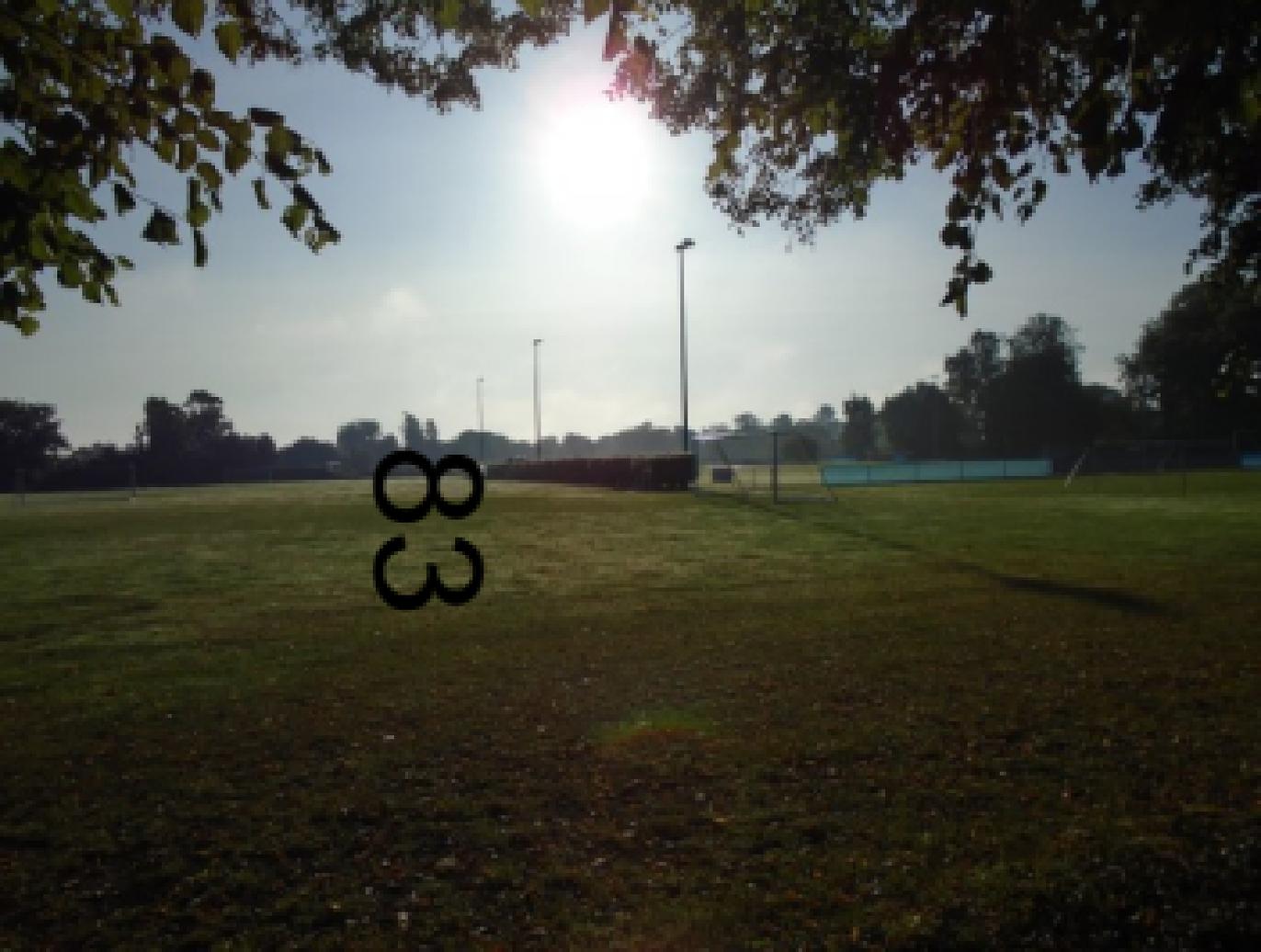
Geoffrey John Brown MPhil MRTPI	Planning Officer, Maidstone Borough Council
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INTERESTED PERSONS:

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



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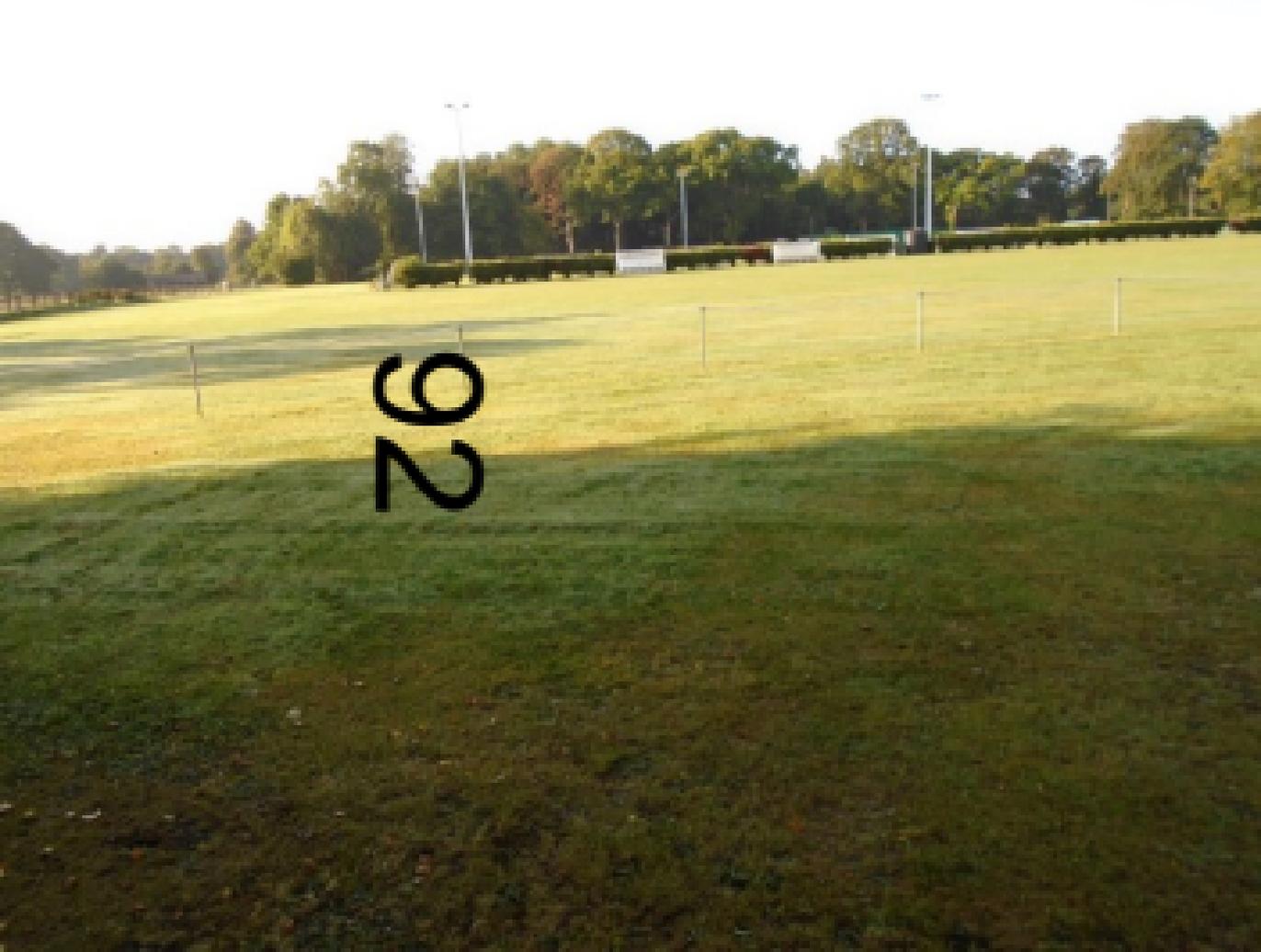
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A wide-angle photograph of a green sports field, likely a soccer or football field, under a clear blue sky. The field is mostly empty, with a blue fence and trees in the background. A large black number '06' is overlaid in the center of the image. The foreground is dark and out of focus, suggesting the camera is positioned low to the ground. The background shows a line of trees and a few tall light poles.



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THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 14/9/17**

APPEAL DECISIONS:

1. 16/504201

Outline application for residential development comprising 33 dwellings and a new building for employment use, all matters reserved except access, the widening of George Street and the layout (masterplan).

APPEAL: Dismissed

The Grange
George Street
Staplehurst
TN12 0RA

(Delegated)

2. 15/503884

1Use of the land to provide a solar farm and its enclosure by fencing; with the erection of solar panels, along with the provision of associated transformers, switch gear housing and a substation.

APPEAL: Dismissed

Land At Pullen Farm
Staplehurst Road
Frittenden
Kent

(Committee)
