

ADJOURNED PLANNING COMMITTEE MEETING

Date: Thursday 7 December 2017
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership: To be appointed at the ordinary meeting of the Council on
6 December 2017

<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Notification of Visiting Members	
4. Items withdrawn from the Agenda	
5. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting	
6. Disclosures by Members and Officers	
7. Disclosures of lobbying	
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
9. Reference from the Policy and Resources Committee - Budget Monitoring - Development Control Appeals	1
10. 17/500984 - Land Between Ringleside & Ringles Gate, Grigg Lane, Headcorn, Kent	2 - 11
11. 17/503043 - Land South Of Avery Lane And Land South Of Sutton Road, Otham, Kent	12 - 31
12. Appeal Decisions	32 - 33
13. S106 Public Realm Improvement at Maidstone East Railway Station	34 - 40
14. Chairman's Announcements	

Issued on 1 December 2017

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

PLEASE NOTE

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

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

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

ALTERNATIVE FORMATS

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

30 NOVEMBER 2017

REFERENCE FROM POLICY AND RESOURCES COMMITTEE

BUDGET MONITORING – DEVELOPMENT CONTROL APPEALS

At its meeting on 20 September 2017 the Policy and Resources Committee considered the Report of the Director of Finance and Business Improvement relating to First Quarter Budget Monitoring 2017/18. This report detailed the current budget position for the Council.

At that meeting the Committee requested that, in view of the financial constraints for this Council, the Planning Committee is requested to pay particular attention to how they can manage planning appeal costs.

RECOMMENDED:

That in view of the financial constraints for this Council, the Strategic Planning, Sustainability and Transportation Committee and the Planning Committee are requested to pay particular attention to how they can manage planning appeal costs.

Note:

The Strategic Planning, Sustainability and Transportation Committee considered the reference at the meeting held on 7 November 2017. The reference was noted and the Committee requested a further report be brought back setting out the current and projected appeal costs in detail, so that the Committee could fully understand and appreciate the underlying causes and trends including historical data for the last five years.

REPORT SUMMARY

REFERENCE NO - 17/500984/FULL		
APPLICATION PROPOSAL Erection of detached, two-storey house with parking		
ADDRESS Land between Ringleside & Ringles Gate Grigg Lane Headcorn Kent TN27 9LY		
RECOMMENDATION : REFUSE for the reasons set out in Section 8.0.		
SUMMARY OF REASONS FOR REFUSAL The site is outside of any settlement as defined in the Maidstone Borough Local Plan 2017 where new residential development is not readily supported and the development of this site with a new house of the design, scale and proportions proposed would result in significant harm to the character and appearance of the street scene and immediate context of the site, failing to promote local distinctiveness and would result in an overly prominent and visually obtrusive dwelling, infilling a currently open gap contrary to current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of Headcorn Parish Council and they have requested the application be referred to the Planning Committee		
WARD Headcorn	PARISH/TOWN COUNCIL Headcorn	APPLICANT Mr Douglas Hodson AGENT Lee Evans Planning
DECISION DUE DATE 20/04/17	PUBLICITY EXPIRY DATE 31/03/17	OFFICER SITE VISIT DATE 17/3/17
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
App No	Summary	
Ringles Gate		
14/500656	Demolition of existing property and erection of detached dwelling – Refused <i>'It has not been demonstrated that a dwelling of the size proposed is commensurate to the needs of a person employed full time in agriculture. The proposal would therefore result in a large permanent residential dwelling in open countryside for which there is no justification which would cause harm to the character and appearance of the surrounding countryside contrary to saved policy ENV28 of the Maidstone Borough Wide Local Plan 2000 and guidance as set out in the National Planning Policy Framework 2012.'</i>	
06/1808	Demolition of existing dwelling and erection of a replacement dwelling - Permitted	
65/0286/MK2	Details of a Colt prefabricated bungalow with access – Permitted	
64/0242/MK2	Outline application for the erection of a nurserymans cottage – Permitted	
Ringles Gate and Land Between		
04/2240	Demolition of existing bungalow and erection of a replacement dwelling with parking and access; and erection of a new detached dwelling with parking and access – Permitted	

Ringles Gate, Ringleside and Land Between	
02/1686	<p>Erection of 4 no. new houses to replace 3 no. existing Cottages – Refused</p> <p><i>(1) No evidence has been submitted to demonstrate that there is no longer a need for agricultural workers dwellings to serve the adjoining nursery or the area as a whole. To allow the existing dwellings the subject of agricultural occupancy conditions to be replaced by unrestricted dwellings could well lead to a proliferation of dwellings in the countryside. As such the proposed development is considered to be contrary to the Central Government advice contained within Planning Policy Guidance Note 7 entitled 'The Countryside : Environmental Quality and Economic and social Development', policies ENV1 and RS5 of the Kent Structure Plan 1996 and policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.</i></p> <p><i>(2) The design of the proposed development, by virtue of the inappropriate scale of the houses, would harm the character and appearance of the countryside which hereabouts is designated as a Special Landscape Area, contrary to policies ENV4 and RS1 of the Kent Structure Plan 1996 and policies ENV28, ENV34 and H32 of the Maidstone Borough- Wide Local Plan 2000.</i></p> <p>Appeal - Dismissed</p>
Ringles Nursery	
08/1007	<p>Certificate of lawful development for an existing use being the use as a dwelling house which began more than four years before the date of this application. – Refused</p> <p><i>(1) Insufficient evidence has been submitted with the application to demonstrate that, on the balance of probability, the use began more than 10 years before the date of the application.</i></p>
73/0098/MK2	The erection of a Colt bungalow - Permitted
71/0490/MK2	Extension to Colt bungalow – Permitted
50/0189/MK2	A dwelling - Permitted
Ringles Cottage	
61/0326/MK2	Details – Single storey dwelling for horticultural worker – Permitted
Miscellaneous	
55/0261/MK2	Proposed bungalow and access - Permitted

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site lies between the existing residential properties of Ringles Gate to the north-east and Ringleside to the south-west. These properties (together with Ringles Lodge) are Colt bungalows granted consent between the 1950s-1970s. The existing dwellings are single storey and each situated within respective curtilages. Two of the three existing dwellings are subject to agricultural occupancy conditions and various applications have been submitted to replace the respective dwellings and develop the application site.

- 1.02 The application site is understood to currently form part of the garden of Ringles Gate, although it is separated by a hedge and fencing with a gated access. The application site benefits from a separate gated access from Griggs Lane.
- 1.03 The site is enclosed by hedging and is predominantly laid to grass, with the site used for spoil storage at the time of the officer's site visit.
- 1.04 To the south of the site is Ringles Nursery which contains a number of agricultural buildings associated with the use, some of which are visible from Griggs Lane.
- 1.05 The site is outside the settlement boundary of Headcorn which lies approximately 250m to the south-west of the application site..

2.0 PROPOSAL

- 2.01 The proposal relates to the erection of a 2-storey detached dwelling.
- 2.02 The new dwelling would be double fronted with a single storey side projection and would have a maximum width of 13.2m and a maximum depth of 10.2m. It would have a pitched, hipped roof with an eaves height of 4.5m and a ridge height of approximately 7m.
- 2.03 A new area of hardstanding and turning head would be provided. An existing garage within the Ringles Nursery would be utilised, no hardsurfacing is proposed to link this garage with the access.
- 2.04 An existing access would be utilised.

3.0 POLICY AND OTHER CONSIDERATIONS

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

Maidstone Borough Local Plan October 2017 : Policies SP17, DM1, DM3, DM8,
DM12, DM23 and DM30

4.0 LOCAL REPRESENTATIONS

- 4.01 **Parish Council** : The Council wish to see this application approved

Referral to the planning committee is required if the planning officer is minded to refuse the application
- 4.02 **Local Residents** : Adjoining neighbours were notified of the application. A site notice was also put up at the site. No representation was received as a result.

5.0 CONSULTATIONS

- 5.01 Environmental Health : No objection
- 5.02 Kent Highways : No comment, does not meet criteria for comment
- 5.03 Headcorn Aerodrome : Applicants attention should be drawn to the proximity of the site to the aerodrome

6.0 APPRAISAL

6.01 The key issues for consideration relate to :

- Principle of development
- Sustainable development
- Residential amenity
- Highways and parking matters

Principle of development

Policy and history background

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

Policy SP17 of the Local Plan sets out that :

'Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.'

6.03 Policy DM5 relates to brownfield sites as states :

*'Exceptionally, the residential development of brownfield sites in the countryside **which are not residential gardens**, which meet the above criteria will be permitted provided the redevelopment will also result in a significant environmental improvement and the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.'*

6.04 As the site is likely to form part of the existing curtilage for Ringleside, the exclusion of residential garden land, means that the policy does not apply. The site is not considered to meet the description of Previously Developed Land (as set out in the NPPF) in any other respect..

6.05 Policy DM11 allows for development of domestic garden land to create new buildings within the defined boundaries of the urban area, rural service centres and larger villages. As the site falls within none of these defined areas the policy does not apply.

6.06 As such there are no policies in the local plan which readily allow for the residential development of residential garden land within the countryside.

6.07 It is however noted that the site has previously benefited from planning permission for a dwelling on the site, most recently in 2004, where consent was granted for a replacement dwelling on Ringleside together with a new dwelling on the application site. This consent no longer remains extant and was for two identical chalet bungalows. The dwelling now proposed differs significantly from this earlier approved scheme,

- 6.08 An earlier application in 2002 was refused for the replacement of the 3 existing dwellings and replacement with 4no 2-storey 4-bedroomed dwellings. Harm to the character and appearance of the countryside and the SLA were cited as part reason for refusal.
- 6.09 Planning permission more recently has been refused for a replacement dwelling on the neighbouring site, Ringlesgate for a two-storey detached dwelling of a similar design to the proposed for the application site. This application was refused on the grounds of the development would result in a large permanent residential dwelling in open countryside for which there is no justification which would cause harm to the character and appearance of the surrounding countryside. An earlier application in 2006 was granted for the replacement dwelling which would have been two storey, this consent has time expired and was not implemented.
- 6.10 It should be noted that both Ringlesgate and Ringles Cottage have agricultural occupancy conditions attached to link occupancy with the nursery. This application, although proposed to be occupied by the owner of the adjacent nursery and his family it is not proposed to have restricted occupancy.
- 6.11 The applicant in an additional supporting letter refers to a number of applications within Griggs Lane and requests that these consents be given material weight in consideration of the current application. These include the following :
- 6.12 MA/12/1949 (Kent Cottage And Chance Holding, Grigg Lane) : Outline planning application with access, layout, scale and appearance to be determined and with landscaping as a reserved matter, for the demolition of buildings at Kent Cottage and Chance Holding to enable the construction of residential development (for 25 dwellings inclusive of 10 affordable dwellings), inclusive of retained woodland as open amenity land, enhanced landscaping including new pond, electricity sub station, foul drainage pumping station with access road off Grigg Lane
- 15/505474 (Land To The Rear Of Elizabeth House) : Erection of a two storey dwelling
- 15/510473 (2 Woodside Cottages, Grigg Lane) : Demolition of existing cottage and erection of a replacement house and garage (Revision to planning permission MA/08/1589) (Part retrospective).
- 16/507035 (Gibbs Hill Farm) : Creation of 55 no. two, three, four and five bedroom houses and associated roads, car parking, landscaping, vehicle access from Grigg Lane and a new area of public open space.
- 6.13 It should be noted that application 16/507035 is pending consideration and has yet to be determined. Application 15/510473 relates to a replacement dwelling to which there are policy considerations which do not apply in the case of the current application. Applications 12/1949 and 15/505474 were granted on their own merits at the time of application and are not directly comparable in the case of this application.
- 6.14 Policy SP17 nor other policies within the adopted policy and guidance do not readily support residential development in the countryside, but at the heart of the NPPF is the presumption in favour of sustainable development and the sites contribution to windfall sites within the Borough is also a factor in favour of the development. This is discussed in further detail below, together with other material planning considerations.

Sustainable development

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

Economic role

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

Social role and Environmental role (including visual impact)

- 6.17 The NPPF sets out that that role should support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs.
- 6.18 The environmental role as set out in the NPPF states that the planning system should *'contribute to protecting enhancing our natural, built and historic environment.'*, overlapping somewhat with the social role.
- 6.19 The Council can demonstrate a 5YHLS and as such there is no overriding need to identify additional housing sites and although windfall development would contribute to the overall supply, such development should be focussed on sites where the local plan support such proposals.
- 6.20 The site, although outside the settlement boundary does have relatively good connectivity with Headcorn. There is a lack of footpath along this section of Grigg Lane, however a grass verge along the highway could potentially allow occupants to walk to local services, with facilities such a primary school, train station, local shops, doctors surgery and recreation grounds within a 1-2km walk from the site. As such it is not considered that the site can be considered as wholly unsustainable in terms of the sites accessibility.
- 6.21 The social and environmental role, however also requires the creation of a high quality built environment. Policy SP17 of the local plan sets out the criteria for assessing development within the countryside which includes, that proposals will not be permitted unless they accord with other policies in the plan and will not result in harm to the character and appearance of the area. Policy DM30 sets out that *'The type, siting, materials and design, mass and scale of development...would maintain, or where possible, enhance local distinctiveness including landscape features.'* and that *'any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area.'*
- 6.22 Policy DM12 of the local plan sets out :

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

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

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

6.24 The proposed new dwelling would infill a gap between two existing single storey dwellings. These two dwellings form part of a linear development of three dwellings which two of the three were built as agricultural dwellings for workers of the Ringles Nursery which forms the backdrop to the site. Although there is extensive history relating to the site and the neighbouring dwellings which approved replacement dwelling and/or infill development these consents are no longer extant and expired over 10 years ago.

6.25 The three existing dwellings are extremely low key, single storey buildings and although comments suggest that these dwellings are in a poor state of repair and may need replacing, this is not a matter for consideration as part of this application. The proposed new dwelling needs to be considered in the existing context of the street scene and wider area.

6.26 The proposed dwelling would be two storey, mock-georgian design with a double frontage and a single storey side element. This design and appearance would be in complete contrast to the existing bungalows which form the immediate context. These dwellings are extremely modest 'farm worker' bungalows and the new dwelling proposed to be sited between these existing dwelling would appear as out of scale and at odds with the design and appearance of these dwelling and having a much greater prominence and visual presence within the street scene compared to neighbouring dwellings.

6.27 It is noted that the nursery buildings which forms the backdrop to the site are of a much larger scale, however these buildings are consistent with that of a working horticultural business and should not be considered as the reference point in approving a large, two storey dwelling in this location. It is expected that dwellings would be of a lesser scale and the character of the existing dwellings is that they fulfil their functional need, whereas the proposed new dwelling would be a large 4-bedroomed dwelling more akin to that of an executive home, found on a new housing estate. It is noted that there are two-storey dwellings in the surrounding area, however the presence of these dwellings is not considered to justify the dwelling proposed in this location.

6.28 The agent draws attention to the delegated report for a replacement dwelling at Ringleside, considered under application 14/500656. This application sought to replace the existing dwelling with a substantial two-storey dwelling akin to that proposed on the application site. This application was refused on the ground that there was not agricultural justification for the size of the dwelling. A key point in the report however highlighted by the agent is that the reports sets out that *'The proposal would not therefore have a significantly harmful impact on the character of the locality.'* This is noted, however the proposals are not directly comparable. The 2014 application related to a replacement dwelling, whereas this application is for a new dwelling where no built form currently exists and the application was refused on the grounds that there was harm to the character and appearance of the surrounding

countryside where no justification for the size of dwelling exists. Harm is therefore identified in the reason for refusal and there is clearly no need for the proposed dwelling justified as part of this application.

- 6.29 The applicant has been requested to amend the application to that of a smaller scale. In this respect some draft plans have been submitted for comments however no formal amended plans have been submitted and following the latest discussions the applicant has taken the decision that the application be determined on the originally submitted plans.
- 6.30 As such it is not considered that the proposed development would fulfil the social or environmental role of sustainable development and meet national or local plan policies which seek to promote high quality development and maintaining/enhancing the character of the local area, promoting distinctiveness.

Residential Amenity

- 6.31 The nearest neighbouring dwellings are to the north-east and south-west of the application site. These properties are Ringlesgate and Ringleside, other neighbouring properties are considered a significant distance from the application site such that no harm would result to their residential amenity.
- 6.32 Both neighbouring properties are of a lesser scale than the proposed new dwelling and do have side windows that face towards the application site. However the new dwelling would be sited approximately 8m from each common boundaries and on balance it is not considered that the proposed new dwelling would significantly harm the amenity of neighbouring properties.

Highways

- 6.33 The application would utilise an existing access from Grigg Lane and would provide a hardsurfaced turning area and parking for at least 2 vehicles. It is considered that the application adequately demonstrates that a suitable access and parking provision can be provided.

6.34 Ecology and landscaping

The application is accompanied by a plan which indicates indicative planting which would predominantly be situated around the periphery of the site, this would incorporate existing planting and could be re-enforced. It is considered that should the application be acceptable in all other respects landscaping could be satisfactorily dealt with by condition.

- 6.35 No ecological information accompanies the submission, however it is considered that ecological matters could be suitably addressed through condition for mitigation and/or enhancement should the application be acceptable in all other respects.

7.0 CONCLUSION

- 7.01 In terms of sustainable development, this scheme to provide one new house would provide some very modest benefits to the local economy and, from the social aspect, to the housing supply to provide one windfall dwelling. However, it is considered it fails to meet the environmental dimension, given the harm identified. It is therefore not considered that the proposal can be regarded as sustainable development. Accordingly, it does not enjoy the presumption in favour of such development, as set

out in the Framework. The negative aspects of this scheme are such that they outweigh the benefits of the application when assessed against the policies of the NPPF and the local plan as a whole. It is therefore recommend that the application be refused.

8.0 RECOMMENDATION

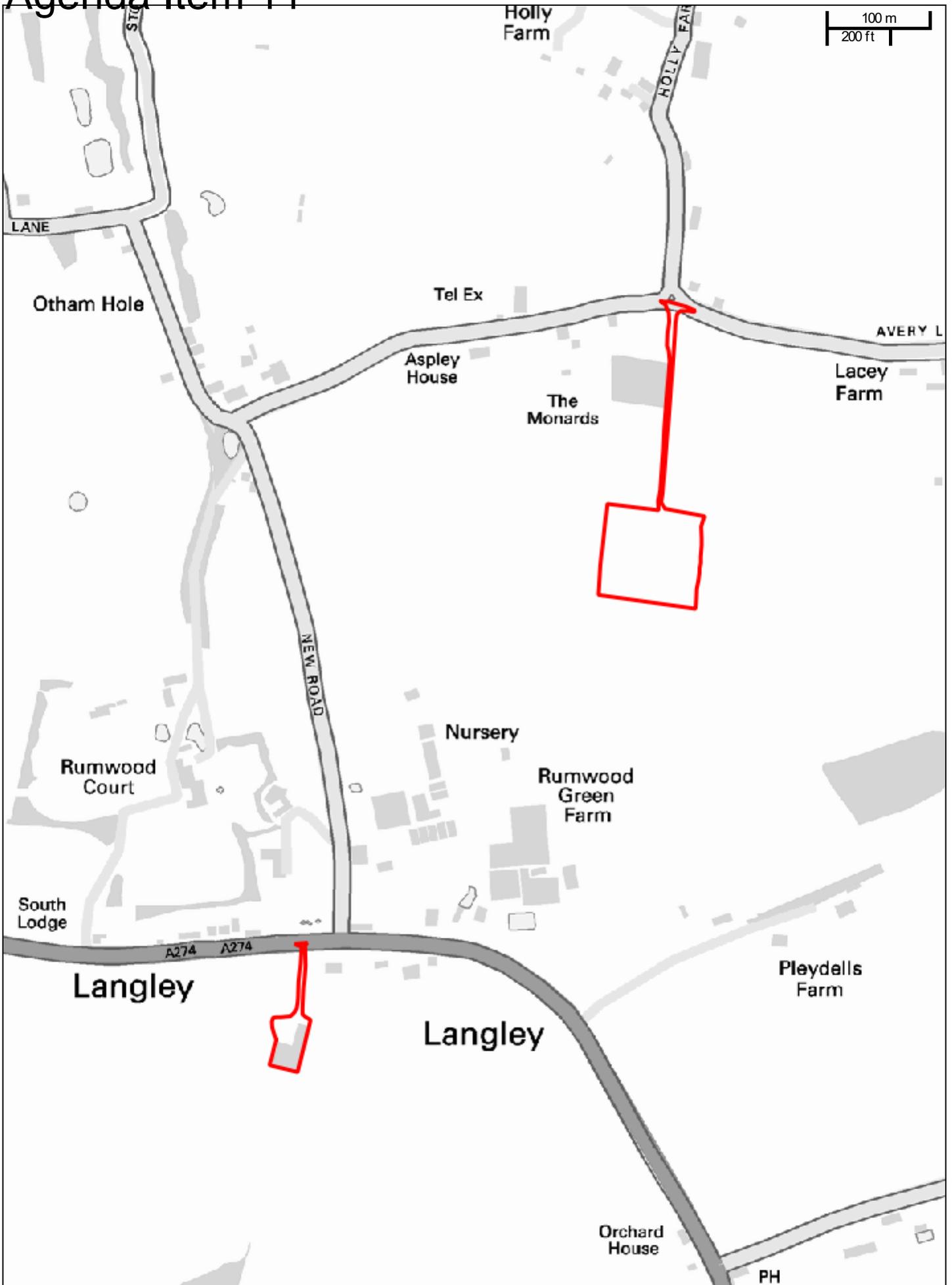
REFUSE for the following reason:

- (1) The site is outside of any settlement as defined in the Maidstone Borough Local Plan 2017 and the development of this site with a new house of the design, scale and proportions proposed would result in significant harm to the character and appearance of the street scene and immediate context of the site, failing to promote local distinctiveness and would result in an overly prominent and visually obtrusive dwelling, infilling a currently open gap in development contrary to the National Planning Policy Framework 2012, National Planning Practice Guidance 2013 and Policies SP17, DM1 and DM30 of the Maidstone Borough Local Plan 2017.

Case Officer: Rachael Elliott

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

Agenda Item 11



17/503043 Land South Avery Lane and Land South of Sutton Rd

Scale: 1:5000

Printed on: 1/11/2017 at 10:55 AM by JulieM

REPORT SUMMARY

REFERENCE NO - 17/503043/FULL			
APPLICATION PROPOSAL Demolition of existing pack house located at Sutton Road, Langley and erection of replacement agricultural/horticultural building with ancillary facilities, yard, drainage works, and alterations to existing access and landscaping at land at Avery Lane.			
ADDRESS Land South of Avery Lane and Land South of Sutton Road Otham Kent			
RECOMMENDATION - GRANT subject to the planning conditions set out in Section 5.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION There is a demonstrated agricultural need for the replacement building due to the loss of an existing building to facilitate future housing development and to allow for the sustained needs of the existing nursery and those future short-medium term future demands of the horticultural enterprise. The development would result in some landscape harm due to its greenfield location and proposed access, but this visual harm is balanced against the agricultural need and the demonstration that no other suitable sites within the applicants land ownership exist. No significant objections are raised on the grounds of highways matters, residential amenity, ecology or any other impacts that would warrant refusal of the application.			
REASON FOR REFERRAL TO COMMITTEE The application is contrary to the views of Langley and Otham Parish Councils and both have requested it be presented to the Planning Committee should the recommendation be for approval.			
WARD Sutton Valence And Langley	PARISH/TOWN Langley	COUNCIL	APPLICANT Rumwood Nurseries Rumwood Nurseries AGENT DHA Planning
DECISION DUE DATE 11/09/17	PUBLICITY EXPIRY DATE 21/7/17	OFFICER SITE VISIT DATE 28/7/17	
RELEVANT PLANNING HISTORY (inc appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
Please see Appendix containing Committee report dated 9 th November 2017			

MAIN REPORT

1.0 BACKGROUND

- 1.01 The application was presented to Members at the deferred Planning Committee meeting dated 16th November 2017. At the meeting Member's resolved to defer the application in order that highways matters regarding the use of Avery Lane could be explored further and that an Officer from KCC Highways could be present at the meeting.
- 1.02 This report should be read in conjunction with the earlier report dated 9th November 2017.

- 1.03 Concerns were raised that KCC Highways had requested a planning condition which would restrict larger vehicles accessing the site and traffic movement in accordance with those trips set out in the Planning, Design and Access Statement. Paragraph 6.24 of the original report set out that such a condition would not meet the requisite tests and would be unreasonable and unenforceable.
- 1.04 Member's requested that alternative solutions be explored to achieve this. Solutions suggested were whether there could be an alternative appropriate condition attached, whether a legal agreement requiring a Traffic Regulation Order (TRO) could be explored, whether another mechanism would be appropriate to restrict access by larger vehicles or ultimately what would KCC Highways comments being if no restrictions were in place.

2.0 ACTIONS

- 2.01 KCC Highways have been made aware of Member's comments and the options put forward from Member's have been relayed to the Highways Officer and alternative options considered. The various options have been discussed with the Highways Officer.
- 2.02 A Traffic Regulation Order (TRO) is not considered reasonable and would not meet the relevant tests. It would also place unreasonable restrictions on existing larger vehicles which use Avery Lane, for example refuse vehicles and delivery vehicles. Placing a weight limit on Avery Lane would also not be practical as exceptions to the weight limit would exist when there is a genuine need for access. Again the securing of a travel plan would not in principle have the ability to limit larger vehicles from using Avery Lane and as such would not secure traffic restrictions that local representation would ideally wish to secure. The initial option of a condition to restrict the use of larger vehicles as part of the application remains to be considered the favoured option by the Highways Officer.
- 2.02 However in the event that a condition to restrict larger vehicles would not be appropriate due to the officer view that such a condition would not meet the 6 tests as set out by paragraph 206 of the NPPF, no sustainable objection would be raised to the application in the absence of a condition and that the proposed development would not result in significant traffic generation that would warrant refusal of the application. Good crash data for the lane itself exists such that it is not considered highways safety would be compromised.
- 2.03 A KCC representative will be present at the Committee Meeting.
- 2.04 The agent has provided additional information in respect of highways movements and sets out the following :

I attach for your assistance photographs of the tractors/trailers and Land Rovers which are used by Rumwood Nurseries, these are typical of the vehicles which will be used to transport plants/trees etc from the growing fields to the Avery Lane site. As set out in section 7.10.4 of the Planning Design and Access Statement it is anticipated that the proposal will generate up to 28 vehicle trips (14 arrivals and 14 departures) across a typical working day this includes staff vehicles, tractor/trailers and vans/light goods vehicles. The existing site access to Avery Lane will be widened and improved and it should also be noted that these are not new traffic movement on the highway networks. We remain of the opinion, therefore, that the

level of use does not represent a significant or 'severe' transport impact and thus is in line with the NPPF.

We also wish to reiterate that no large articulated vehicles will access the site. Any equipment or items that requires transporting to the Avery Lane site from the main nursery site will be by tractor/trailer and vans/light goods vehicles.

- 2.05 In conclusion it is considered that the proposed development would be acceptable in terms of the highways impact.

3.0 OTHER MATTERS

- 3.01 Following the Committee Meeting the agent has provided amended plans which show further enhanced buffer planting along the eastern and southern boundaries of the proposed parking area/building. Attention has also been drawn to the retained thick hedge along the western boundary. These plans supersede those previously presented to Member's and Condition 2 as set out in the recommendation below. The exact details of the landscaping scheme are conditioned by Condition 6 as set out in the recommendation.

- 3.02 Following member's earlier discussion an additional condition has been added to the recommendation to secure the use of Renewable Energy.

4.0 CONCLUSION

- 4.01 It is not considered there is reason to depart from the conclusions set out in the earlier committee report.

5.0 RECOMMENDATION – GRANT planning permission subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Drwg DHA/11313/06 rev B (Pack house relocation, existing and proposed site plans)
Drwg DHA/11313/08 (Pack house relocation – Proposed elevations)
Drwg DHA/11313/07 (Pack house relocation – proposed floor plans)
Drwg DHA/11313/09 (Access design)
Drwg DHA/11313/01 (Pack house relocation Site location plan)
Drwg DHA/11313/10 (Landscape Plan)

Reason: To clarify which plans have been approved.

- (3) Within 3 months of the first occupation of the building hereby approved the existing building (identified at location B on Drwg DHA/11313/01 (Pack house relocation Site location plan) shall be demolished and all resulting paraphernalia and spoil from the demolition removed from the site and the site made good in accordance with details submitted to and approved by the local planning authority (which could include the

site to be redeveloped in accordance with any future approved planning application for the site).

Reason: The justification for the new building is need and as such both buildings would not be required for the function of the farm.

- (4) The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied.

Reason: In the interests of visual amenity.

- (5) No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land;

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

- (6) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and a [5] year management plan. It shall also include details of hard landscaping and details of the surfacing of the access track and yard area, this should include details that a bound surface would be used for at least the first 5metres from the edge of the highway.

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

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

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

- (8) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme could consist of the enhancement of biodiversity through integrated methods and those into surrounding land. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

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

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

Reason: In the interests of amenity of adjoining residents.

- (10) Prior to the first use of the building hereby permitted the details for improving the access with Avery Lane and the provision of visibility splays shown on Drwg DHA/11313/09 (Access design) shall be carried out in accordance with the approved details and maintained as such.

Reason: In the interests of highway safety.

- (11) No gates or barriers shall be erected across the access within 7 metres from the back of the carriageway used by vehicular traffic.

Reason: In the interests of highway safety.

- (12) The area shown on Drwg DHA/11313/06 rev A (Pack house relocation, existing and proposed site plans) as vehicle parking, loading, off-loading and turning space, shall be paved and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use is commenced or the premises occupied and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015(or any Order revoking and re-enacting those Orders), shall be carried out on that area of land or in such a position as to preclude its use.

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

- (13) The development hereby approved shall not commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, will 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. Details are required prior to development commencing to ensure the methods are integral to the design and to ensure that all options (including ground source heat pumps) are available.

Case Officer: Rachael Elliott

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

REPORT SUMMARY

REFERENCE NO - 17/503043/FULL			
APPLICATION PROPOSAL			
Demolition of existing pack house located at Sutton Road, Langley and erection of replacement agricultural/horticultural building with ancillary facilities, yard, drainage works, and alterations to existing access and landscaping at land at Avery Lane.			
ADDRESS Land South Of Avery Lane And Land South Of Sutton Road Otham Kent			
RECOMMENDATION - GRANT subject to the planning conditions set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION			
<p>There is a demonstrated agricultural need for the replacement building due to the loss of an existing building to facilitate future housing development and to allow for the sustained needs of the existing nursery and those future short-medium term future demands of the horticultural enterprise.</p> <p>The development would result in some landscape harm due to its greenfield location and proposed access, but this visual harm is balanced against the agricultural need and the demonstration that no other suitable sites within the applicants land ownership exist.</p> <p>No significant objections are raised on the grounds of highways matters, residential amenity, ecology or any other impacts that would warrant refusal of the application.</p>			
REASON FOR REFERRAL TO COMMITTEE			
The application is contrary to the views of Langley and Otham Parish Councils and both have requested it be presented to the Planning Committee should the recommendation be for approval.			
WARD Sutton Valence And Langley	PARISH/TOWN Langley	COUNCIL	APPLICANT Rumwood Nurseries AGENT DHA Planning
DECISION DUE DATE 11/09/17	PUBLICITY EXPIRY DATE 21/7/17	OFFICER SITE VISIT DATE 28/7/17	
RELEVANT PLANNING HISTORY (inc appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
No history relating to the part of the application site on Avery Lane			
Site on Sutton Road			
15/509015/OUT	Outline application for residential development, together with non-residential uses (including potentially A1 (retail), A3 (sale of food and drink on the premises e.g. restaurant), A4 (public house), D1(a) (medical use), D1(b) (creche/day centre/day nursery), or B1 (office), up to 0.4 ha of land reserved for C2 (residential care), the reservation of 2.1 ha of land for primary education (use class D1), public open space in the form of natural green space, allotments, play facilities and informal open	Pending decision	N/A

	space together with landscaping, parking, footpath and cycle links and the necessary servicing, drainage and the provision of necessary utilities infrastructure, with all matters reserved for future consideration with the exception of access (Amended proposal).		
03/1952	Erection of steel framed horticultural building	Permitted	1/12/03
Rumwood Nurseries (Fronting New Road)			
10/1408	Application for prior notification for proposed agricultural development being the erection of a replacement horticultural building	Prior approval required and given	13/8/10
02/0099	Demolition of existing shop and construction of new shop.	Permitted	18/3/02
99/1602	Erection of 2 no. shade structures	Permitted	07/2/00
98/0276	Agricultural prior notification for the extension to existing agricultural building to provide for the despatch and packing of plants.	Permitted	26/2/98
Other history relating to the 1970s/1980s for replacement and new offices and a refused agricultural dwelling.			
Land to the South/South East Rumwood Green Farm			
15/503647	Part retrospective application for the over-winter storage of an additional 76 no. seasonal agricultural and general workers caravans with limited occupation over the winter period and formation of a new access to New Road to serve the caravan site.	Permitted	5/8/15
15/501103	Erection of controlled atmosphere storage building, chiller dispatch and loading building, general purpose agricultural storage buildings, hard surface yard and above ground water storage tanks	Permitted	18/5/15
13/0541	Retrospective application for the retention of polytunnels and a proposed change of use of land for the storage of 17 additional seasonal and general workers caravans with limited occupation during winter period	Permitted	31/5/13
12/1059	Erection of a general purpose agricultural storage building	Permitted	17/9/12
12/0715	An application for a lawful development certificate for an existing operation being the erection of polytunnels on the basis that the building works were completed more than four years before the date of the application.	Permitted	20/4/12
06/0724	Erection of an agricultural cold store/storage building	Permitted	19/7/06
04/2304	Erection of an agricultural cold store building	Permitted	17/2/05

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application relates to two separate site, firstly that located off Sutton Road where an existing agricultural storage building is located and secondly land located off Avery Lane where the proposed new agricultural building would be sited.

Land off Sutton Road

- 1.02 The existing agricultural building is located to the south of Sutton Road, almost opposite the junction with New Road to the north. The site benefits from its own access which is laid to hardcore and measures approximately 80m in length, with the existing agricultural building set back a similar distance from the road frontage.
- 1.03 The existing building is single storey with a grey corrugated wall finish and a corrugated roof. The building is approximately L-shaped and was previously extending in around 2004. There is an existing hedge fronting Sutton Road with the access into the site open and forming a Public Right of Way (KH369) which runs along the eastern boundary of the site. Existing residential development along this southern section of Sutton Road is sporadic, with the access track adjacent to Montrose being the nearest residential property.
- 1.04 The site is currently outside any settlement boundary, but is part of a wider allocation for development as part of the emerging local plan. This has been given a resolution to approve by the Planning Committee and is awaiting the completion of a legal agreement.

Land off Avery Lane

- 1.05 The proposed site of the new building is to the north-east of the existing building. It would be accessed from Avery Lane and would utilise an existing farm access which would be upgraded as required. The site is set back approximately 200m from the road frontage and is indicated as a regular square site which would be sited forward of the demarking hedge boundary to the south of the site and would be located to the east of an existing PROW (KH362) which lies to the west of an existing hedgerow along the western boundary.
- 1.06 The site is located to the south of existing residential properties which front Avery Lane (namely Holcott House and The Monards) which are located approximately 200m to the north. The main nursery buildings are located to the west of the site which front New Road and to the south of and south-west of the site there are existing agricultural operations of Rumwood Green Farm, which consists of polytunnels, agricultural workers caravans and agricultural storage and packing buildings.
- 1.07 The site is outside any settlement boundary as defined in the adopted or emerging local plans, as such is within the countryside. No specific landscape designations apply to the site.

2.0 PROPOSAL

- 2.01 The proposal is for the demolition of the existing packhouse off Sutton Road and the erection of a new packhouse off Avery Lane.

Land off Sutton Road

- 2.02 The existing packhouse building to be demolished measures an approximate maximum width of 27.4 (reducing to 12m), length of approximately 49m, with a pitched roof with an eaves height of 4.2m and a ridge height of 6.4m.

Land off Avery Lane

Building

- 2.03 The proposed new packhouse building would be rectangular in shape and would measure approximately 28m in width, 50m in length, with a pitched roof of approximately 5m to eaves and 7.7m to the ridge.

The building would be of steel construction and would be built on a brick plinth with metal sheeting clad walls coloured in Juniper Green, with a cement sheeting or metal profile sheeting roof in a anthracite grey colour.

Rooflights are proposed in the east and west facing elevations, totalling 60. The northern elevation would be blank, with four small low level windows in the western elevation. The eastern elevation would contain two sets of roller shutter doors and a more formal arrangement of windows to serve proposed office space. The southern elevation would contain a number of windows and doors to serve storage space, office space, toilets, staff, kitchen and lobby area.

The building at ground floor would accommodate a workshop area and nursery storage area, with a small area of mezzanine at the southern part of the building.

Access and parking

- 2.04 Access would be from Avery Lane to the north and would involve the upgrading of the existing field access. This would measure approximately 200m in length and the existing grassed surface would be scraped back to reveal the existing hardsurfacing and improved and widened where necessary.

The existing entrance onto Avery Lane would be upgrading to provide adequate width, which would result in the existing hedge being cut back and re-aligned.

An area of hardstanding is proposed to the east of the existing building, this would measure approximately 25m by 63m and accommodate parking for 14 cars. The area would also provide turning and manoeuvring area.

Landscaping

- 2.05 Hedge planting is shown to be retained along the southern, eastern and western boundaries with some enhancement of planting around part of the perimeter of the parking area and dissecting through the field southwards.

Other elements

- 2.06 Four water storage tanks are proposed to be located to the south of the proposed building. These would measure 6m in diameter and be 3m in height. They would be constructed of steel and would be coloured in Juniper Green.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Local Plan (2017) – DM1, DM3, DM6, DM8, DM21, DM23, DM30, DM36
and DM37

Landscape Character Assessment Guidelines and Maidstone Landscape Character
Study

4.0 LOCAL REPRESENTATIONS

Langley Parish Council: Would wish to see this application refused due to concerns relating an increased movement of large vehicles accessing and using Avery Lane, this is a narrow single track road and it is felt this would be detrimental to highway safety.

Otham Parish Council : Wish to see this application refused due to our concerns relating to an increased movement of vehicles accessing and using Avery Lane and due to the size and scale of the proposed building, both of which we believe will harm this rural area and harm the visual amenity of local residents and the adjacent public footpath.

Avery Lane is a narrow, poorly maintained, single track road and it is felt that any increase in traffic would be detrimental to highway safety and will harm this rural location. An alternative access from Sutton Road or via Rumwood's garden centre would make more sense.

We feel that the design and appearance of the proposed building is unsympathetic to the local area and will harm visual amenity.

Neighbour representation

Adjoining neighbours were notified of the application and a site notice was also put up at the site. 5 objections have been received in response to the original consultation which are summarised as follows :

- Increase in traffic
- Poor quality of road and cannot cope with more traffic
- Highway safety and poor point of access
- Large building which would be visually prominent
- Impact on house prices
- Flooding of Avery Lane
- Should choose an alternative site or point of access
- Application should not have sold land if it is still needed
- Loss of privacy
- Industrialisation of the countryside

5.0 CONSULTATIONS

5.01 Kent Highways

Of particular note is section 7.10 of the Planning Design and Access Statement which indicates that this proposal will be accessed by tractors and trailers, vans and

private staff cars only. It is also noted that the sum of all these movements is not expected to exceed 28 vehicle trips (14 arrivals and 14 departures) across a typical working day. The Planning Design and Access Statement states that 'No larger vehicles will access the site'. Should this application be approved it is considered that a planning condition reflecting this use would be helpful to maintain that case.

In the context of the transport movements described above and improvements proposed to the access with Avery Lane I write to confirm on behalf of this authority that I have no objections subject to conditions

5.02 **KCC Drainage**

Having reviewed the submitted information we are satisfied with the principles proposed for dealing with surface water. We do have slight concerns with how surface water from the new access road will be dealt with (given that the topography of the site falls towards Avery Lane) but feel this can be dealt with as part of the detailed design.

5.03 **Environment Agency**

No comment

5.04 **KCC Public Right of Way Officer**

Public Rights of Way KH362 footpath runs along the western boundary of the site and should not affect the application.

5.05 **Rural Planning Officer**

Assuming the existing structures are demolished, I consider a replacement facility, of the sort envisaged, to be necessary for agriculture, in accordance with policy ENV43(1) of the Local Plan(now superseded), so as to sustain the operation of this well-established specialist horticultural enterprise.

5.06 **Southern Water**

No objection, standing advice

5.07 **Southern Gas Networks**

No objection, standing advice

6.0 **APPRAISAL**

Main Issues

6.01 The key issues for consideration relate to:

- **Principle of development**
- **Agricultural need**
- **Sustainability**

- Residential amenity
- Highways
- Landscaping, ecology and tree matters

Principle of Development

- 6.02 The site is located within the countryside beyond the defined bounds of any settlement, which means that policy SP17 of the local plan is relevant.
- 6.03 Development in the countryside is restricted by the above policy, which emphasises the importance of the visual appearance of countryside locations. Policy SP17 supports agricultural proposals which facilitate the efficient use of the borough's significant agricultural land and soil resource providing any adverse impact on the appearance of the character of the landscape can be appropriately mitigated. Policy DM36 recognises the importance of farming to the economic and environmental well-being of the countryside. It states that new agricultural buildings on agricultural land will be permitted provided that the proposals are reasonably necessary for agriculture; the buildings are located within an existing group of buildings or in a location that minimises the impact on the character and appearance of the countryside and it does not have an adverse impact on the amenity of existing residents.
- 6.05 In terms of land use in this location, it is necessary to balance the needs of agriculture against the impact of the proposals.

Agricultural need

- 6.06 When considering the need for development, Rural Planning Ltd, provided the following statement:

'The proposal relates to a long-established horticultural business which includes a retail nursery and garden centre, and open ground used for the specialist growing of roses, as well as other shrubs and trees, sold by mail order online to retail and to trade customers. Overall some 86 ha is managed locally for this business, including about 60 ha owned, with the remainder rented. Production includes up to 400,000 rose bushes a year, as well as 50,000 hedging plants, and 40,000 trees, and involves some 30 employees.

One parcel of the applicants' land, south of the A274 Sutton Road, has been allocated for residential development, subject to completion of a S106 Agreement. This land (some 32 ha) includes the applicants' existing packing/storage/office building (about 27m x 24m) with adjoining farm workshop (25m x 12m). As these structures will also be lost under the development proposals, it is proposed now to remove them and to provide replacement facilities in a somewhat larger single building (50m x 28m, and 5m to eaves), located on land about 500m to the north-east, off Avery Lane.

Despite the forthcoming loss of the 32 ha, the applicants appear confident that they will be able to maintain, and indeed ultimately increase, their horticultural production using the new facility, by renting land locally and by purchasing further land in due course.

Assuming the existing structures are demolished, I consider a replacement facility, of the sort envisaged, to be necessary for agriculture, in accordance with policy

ENV43(1) of the Local Plan, so as to sustain the operation of this well-established specialist horticultural enterprise.'

- 6.07 These comments support the need for the new building and weight is given to the future prospect of the applicants securing further land to compensate for the loss of the land off Sutton Road.
- 6.08 It is acknowledged that a new building will be required should the housing development go ahead on Sutton Road as the existing building would be demolished to facilitate the new development. However in conjunction with this the applicants would lose approximately 32 hectares of their existing land holding. This would reduce the applicant's current land holding by approximately 35% and reduce the land they own by over 50%.
- 6.09 Retained land would be located off Avery Lane, further south along Sutton Road (Playdells), land off Leeds Road (Rectory Farm) and land in Chart Sutton off Warmlake Road.
- 6.10 The proposed new building would be approximately 32% larger in footprint than the existing building (excluding the mezzanine) and would be higher by approximately 1.3m. The applicants have been asked to justify the increase in size of building required and how this correlates with the loss of a large percentage of the land holding.
- 6.11 The information provided as justification for the building has been considered. It has been demonstrated that there is a genuine need for the building and its larger size. This justification in summary is as follows:
- Growth of the existing enterprise since the earlier packhouse extended in 2003, with an approximate doubling in trees and roses planted since that time.
 - Due to crop rotation and land left fallow to recover nutrients, the retained owned and rented land has in itself the capacity to sustain the current level of production for 2/3 years.
 - Land at Sutton Road (allocated for housing) is likely to be available for continued rose production for 2/3 years.
 - Since 2004/2005 there has been an increase in commercial customers from 200/300 to 1500.
 - The applicant has shown clear intentions to rent/purchase additional land. This however would not be required initially to sustain the growth forecast
 - A larger, more modern facility is required to ensure that the produce is of suitable quality, there is sufficient space for storage and ancillary space.
 - Space is required for machinery, currently this has to be kept outside when the existing building is at capacity. There needs to be space provided for 8/9 tractors and trailers, 100 plant trollies, 2 tree lifting machines, cultivators, excavators, 8 Land Rovers, straw bales, packing material and other equipment.
- 6.12 It is therefore considered that the principle of the new building is considered acceptable and that there is an agricultural need for the new larger building.

Sustainability

Economic and Social role

- 6.13 Paragraph 28 of the NPPF supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong economy support should be given to the sustainable growth and expansion of all types of businesses and enterprises in rural areas and promotion of development and diversification of agricultural and other land-based rural businesses.
- 6.14 Rumwood Nursery is a horticultural nursery which produces approximately 40,000 trees, between 380,000 to 400,000 roses each year, together with approximately 50,000 hedging plants. The nursery supplies both trade and retail customers, which include borough councils, hotel/leisure groups, land owners, commercial developers, private estates, golf courses, schools/colleges, National Trust, Leeds Castle Estate, farmers and crematoriums.
- 6.15 Comments from the National Farmers Union (NFU) sets out in the background the horticultural industry that:

'In headline terms the ornamental horticultural industry is worth £10.4 billion per annum in terms of the amount spent on UK garden products, tourism and services, employing a total workforce of 300,000 in horticulture and landscaping. The total value of UK plant and flower production is approximately £2 billion, in comparison to the £1 billion worth of plants that are imported into the UK each year, which could be substituted by UK production. There is therefore substantial room to grow the industry and over the past decade the UK has become more self-sufficient in hardy nursery stock produce, increasing to approximately 51% self-sufficiency in 2015 up 7% from 20062.

Despite this the value of hardy nursery stock imports and exports fell year on year by 4% in 2015, mirroring long term 4% declines in general profitability over the last decade. At the same time the value of home production in retail prices has increased by 56% over 2006-15. This serves to illustrate that the market has been "heating up" over the past decade. In response to declining profitability related to increasing labour and input costs, a weaker pound and more competitive negotiations with retail and wholesale buyers; growers have had to respond by increasing their volume of production, countering lower unit profitability with higher turnover. This is essentially the key requirement for growers wishing to stay competitive and viable: they must expand production to remain competitive or risk going out of business entirely.'

- 6.16 This increase in the business is mirrored in the expansion of Rumwood Nurseries which has seen production approximately double in the past 15years, as has the number of staff employed which has increase from around 20 to 40. The client/customer base is approximately 5x larger than in 2004.
- 6.17 It is considered that the new building is necessary and supports the existing horticultural enterprise and allows for its medium term growth, supporting the economic and social sustainable roles.

Environmental (including visual impact and landscaping)

- 6.18 Policies DM1, DM30 and DM36 of the emerging local plan seek to protect visual amenity and include criteria that development should respond positively to and where

possible enhance the local character of the area. Attention should be given to scale, height, mass, bulk and site coverage. New buildings, should where practicable be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation. Where more isolated locations are essential the buildings should not impact on the character and appearance of the countryside.

- 6.19 The new building would be sited some distance from existing buildings to the south and north. It would be situated in a greenfield whereby the nearest development is agricultural workers caravans and polytunnels to the west and south-west. It would somewhat be seen in the backdrop of the existing agricultural buildings of Rumwood Green Farm to the south, albeit it is spatially separated from these buildings. Being set back from the road limits its visibility and at the time of the site visit the fields to the north were heavily planted, however due to the horticultural nature of the use of the land this is not a constant screening and there will be times where there screening is lower or the land is left fallow to allow nutrients to be regained into the ground. Views would also be possible from the PROW to the west, which although screened by a mature hedge, the height of the building would mean that the roof would be visible. The proposed access and amendments to the visibility splays would also increase the prominence of the entrance to the site.
- 6.20 The width of the access track has however been reduced and the applicant suggests that there is a historic surfacing of the track which has over time become overgrown. The proposal would be to scrape back the grass to reveal this historic surface and patch where necessary.
- 6.21 Other locations for the building have been explored, however due to the land in the applicant's ownership and the size of the building required it is not considered that any other locations are considered to cause lesser harm. For example those locations closer to Avery Road would result in new field openings in the hedgerow, a more prominent building and a location in closer proximity to neighbouring properties. There is insufficient space for the building to be accommodated on the site of the existing retail and office function fronting New Road and those locations fronting Sutton Road would be more prominent and those on other owned or rented land would be logistically separated from the main operations of the farm on New Road.
- 6.22 It is therefore acknowledged that there would be some degree of visual harm from the proposed new building which would be fairly large and would encroach into an undeveloped field, however the building is reasonably necessary for agricultural purposes and the lack of other suitable sites and the economic benefits of the building and its need to support the functions of the farm are such that the visual harm is outweighed by the need for the building.

Residential Amenity

- 6.23 The nearest residential properties are located approximately 200m to the north of the proposed building location and although the access track would be in closer proximity this would be separated from neighbouring properties by over 30m. The building itself would be a significant distance from neighbouring properties not to impact on their amenity and although the proposed access would be likely to be more heavily used than the existing track it is not considered that the noise and disturbance

generated by any traffic movements would be so significant such that it would significantly harm the amenity of neighbouring properties.

Highways

- 6.24 The application would utilise an existing access which would be upgraded to facilitate the use by increased traffic. This would allow for improved visibility at Avery Lane and would allow for vehicles to access the site along a surfaced drive. No objection is raised to the means of access and it is considered that safe access and egress could be taken from the site. Space would be available on site to accommodate turning and parking for the needs of the building. The Planning, design and access statement sets out that there is likely to be a maximum of 28 trips generated each date and that this would be predominantly be by tractors, trailers, vans and private staff cars. Kent Highways have raised no objections to these vehicle movements. It is suggested in the application that no larger vehicles would access the site and this has been suggested to be secured by condition, however this would be unreasonable and unenforceable as Avery Lane is a public road and it could not be conditioned what vehicles could use the road. This said in the absence of a condition it is still considered that the level of traffic which would be associated with the use of the building would be acceptable and would not cause significant harm to surrounding roads.

Other Matters

- 6.25 The application also includes water tanks which would allow for on-site storage of water which is considered beneficial.

7.0 CONCLUSION

- 7.01 There is a demonstrated agricultural need for the replacement building due to the loss of an existing building to facilitate future housing development and to allow for the sustained needs of the existing nursery and those future short-medium term future demands of the horticultural enterprise.
- 7.02 The development would result in some landscape harm due to its greenfield location and proposed access, but this visual harm is balanced against the agricultural need and the demonstration that no other suitable sites within the applicants land ownership exist.
- 7.03 No significant objections are raised on the grounds of highways matters, residential amenity, ecology or any other impacts that would warrant refusal of the application.

8.0 RECOMMENDATION – GRANT planning permission subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Drwg DHA/11313/06 rev A (Pack house relocation, existing and proposed site plans)
Drwg DHA/11313/08 (Pack house relocation – Proposed elevations)
Drwg DHA/11313/07 (Pack house relocation – proposed floor plans)
Drwg DHA/11313/09 (Access design)
Drwg DHA/11313/01 (Pack house relocation Site location plan)

Reason: To clarify which plans have been approved.

- (3) Within 3 months of the first occupation of the building hereby approved the existing building (identified at location B on Drwg DHA/11313/01 (Pack house relocation Site location plan) shall be demolished and all resulting paraphernalia and spoil from the demolition removed from the site and the site made good in accordance with details submitted to and approved by the local planning authority (which could include the site to be redeveloped in accordance with any future approved planning application for the site).

Reason: The justification for the new building is need and as such both buildings would not be required for the function of the farm.

- (4) The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied.

Reason: In the interests of visual amenity.

- (5) No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land;

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

- (6) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and a [5] year management plan. It shall also include details of hard landscaping and details of the surfacing of the access track and yard area, this should include details that a bound surface would be used for at least the first 5metres from the edge of the highway.

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

- (7) The use of the building hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or

adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

- (8) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme could consist of the enhancement of biodiversity through integrated methods and those into surrounding land. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

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

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

Reason: In the interests of amenity of adjoining residents.

- (10) Prior to the first use of the building hereby permitted the details for improving the access with Avery Lane and the provision of visibility splays shown on Drwg DHA/11313/09 (Access design) shall be carried out in accordance with the approved details and maintained as such.

Reason: In the interests of highway safety.

- (11) No gates or barriers shall be erected across the access within 7 metres from the back of the carriageway used by vehicular traffic.

Reason: In the interests of highway safety.

- (12) The area shown on Drwg DHA/11313/06 rev A (Pack house relocation, existing and proposed site plans) as vehicle parking, loading, off-loading and turning space, shall be paved and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use is commenced or the premises occupied and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015(or any Order revoking and re-enacting those Orders), shall be carried out on that area of land or in such a position as to preclude its use.

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

Case Officer: Rachael Elliott

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

Agenda Item 12

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 30th November 2017**

APPEAL DECISIONS:

1. 16/506385

Erection of a new dwelling utilising existing access arrangements to the site. Demolition of existing garage.

APPEAL: Dismissed

2 New Cottage
Upper Street
Hollingbourne
Kent
ME17 1UJ

(Delegated)

2. 16/506458

Construction of 3 no. bungalows.

APPEAL: Dismissed

Land North Of
Tippen Way
Marden
Kent

(Delegated)

3. 17/500668

Erection of a detached garage

APPEAL: Dismissed

390 Loose Road
Maidstone
Kent
ME15 9TX

(Delegated)

4. 17/500888

Retrospective application for construction of decking at rear and walkway leading to decking at side of property

APPEAL: Allowed with conditions

Gunwalloe
59 Tonbridge Road
Teston
Kent

ME18 5BT

(Committee)

5. 17/502506

Erection of a part single storey, part two storey side and rear extension.

APPEAL: Dismissed

1 Hartley Close
Maidstone
Kent
ME15 8SY

(Delegated)

6. 17/501866

Variation of condition 14 (amended plans and reserved matters of landscaping) of previous application: 15/509547/OUT (Outline application for erection of 3 storey building containing 8 flats) for the insertion of 2no. dormer windows and rooflights for future change of use into dwelling).

APPEAL: Allowed with Conditions

Regal House
11-13 Albion Place
Maidstone
Kent
ME14 5DY

(Delegated)

Agenda Item 13

Planning Committee

30 November 2017

S106 Public Realm Improvement at Maidstone East Railway Station

Final Decision-Maker	Planning Committee
Lead Head of Service/Lead Director	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Julie Martin, S106 Monitoring Officer
Classification	Public
Wards affected	Heath

Executive Summary

This report seeks clarification from Members on the use of the £80,000 balance of the S106 contribution from Land at Former Horticultural Unit, Oakwood Park, Maidstone (planning app no: MA/10/0485) towards the public realm improvement project at Maidstone East Railway Station.

This report makes the following recommendations to this Committee:

That the £80,556.18 from the S106 Land at Former Horticultural Unit, Oakwood Park, Maidstone (planning app no: MA/10/0485) is spent towards the Public Realm Improvements Project at Maidstone East Railway Station to facilitate a greener environment of the open space.

That delegated authority is given to the Head of Regeneration and Economic Development, in consultation with the Chair and Vice Chair of the Planning Committee and the Planning Committee Political Group Spokespersons, to agree the final designs for the public realm in the forecourt of the Station.

The investment of £80,000 will have a long lasting beneficial impact on the town centre helping to improve its attractiveness as the Station is the gateway to the town for shoppers, visitors, and commuters.

Timetable

Meeting	Date
Planning Committee	30 th November 2017

1. INTRODUCTION AND BACKGROUND

- 1.1 The Outline Planning Application dated 1st October 2010 for residential development at the Former Horticultural Unit, Hadlow College, Oakwood Park Tonbridge Road (MA/10/0485) was resolved subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services advised to secure the following:

A contribution towards the provision of open space of £1575 per dwelling (expected to be 50 dwellings) plus 'per dwelling' contributions toward Adult Social Services, Libraries and Youth and Community Services.

Subsequently, an Open Space contribution of £78,750.00 plus relevant indexation rate which brings the total to £80,556.18. This amount was paid to the council in 2013. The S106 agreement does not specifically define where the open space contribution should be spent and there is no 'spend by' date contained within the agreement.

- 1.2 The sum received as per the agreement has been held by the Council since May 2013 pending an allocation to a project. There are no other projects that have been identified relating to this S106 public open space contribution and no definition under the agreement. In light of this, and the information set out below it is considered that the Maidstone East project is an appropriate option.
- 1.3 The Development Management Manager discussed with the Regeneration and Economic Development Manager whether any unspent S106 contributions held by the Council might be used to assist in reducing the shortfall in funding that has arisen for the delivery of the public realm improvements and open space provision associated with the re-development of Maidstone East Railway Station and the demolition and re-development of the Victoria Public House.

2. AVAILABLE OPTIONS

- 2.1 Option 1: That committee agree that the full S106 amount of £80,556.18 goes towards the Maidstone East project and that Delegated authority is given to the Head of Regeneration and Economic Development, in consultation with the Chair and Vice Chair of the Planning Committee and the Planning Committee Political Group Spokespersons, to agree the final designs for the public realm in the forecourt of the Station.
- 2.2 Option 2: That Committee decides not to use the S106 funding from Former Horticultural Unit, Hadlow College, Oakwood Park Tonbridge Road (MA/10/0485) for the Maidstone East project.

3 REASONS FOR RECOMMENDATIONS

- 3.1 Option 1 is the recommended option. Kent County Council and Southeastern Railways Limited have secured government funding to refurbish the Maidstone East Ticket Office, including the demolition of the former Victoria Public House, a new ticket hall extension and public forecourt fronting Sandling Road. This would create much needed surface level access to the ticket office for the benefit of wheelchair users, the mobility impaired and those with prams and cots. The development also includes improvements to the side of the ticket office and station platform along Station Road, with better disabled parking and drop off facilities. Network Rail has agreed to deliver the development due to much of the work taking place over the railway tunnel.
- 3.2 In August 2016 an all Members briefing of the proposal highlighted Member concerns regarding the proposed forecourt. This public open space is directly next to the north end of Week Street and an important gateway into the town centre. Network Rail have agreed that the surface materials for the forecourt will match those being considered for the public realm works proposed for Week Street. Network Rail has followed a tendering process and will shortly appoint a contractor, George Osborne Limited, to deliver the works – see Appendix 1.
- 3.3 Unfortunately the budget available will only enable the areas labelled 1, 2, and 3 on the key to Appendix 1 to be built. Additional funding is required if the other areas 4,5,6, and 7 are to be built and the desired changes to the forecourt are to be considered by Network Rail. It has been proposed that landscaping in the forecourt could reflect nearby Brenchley Gardens, the designs for which were laid out to the 1871 plans of Alexander McKenzie, see attached sketch drawings in Appendix 2. A sum of £80,000 would help fund the additional design work and implementation of these forecourt improvements.
- 3.4 The proposed S106 spending is in accordance with the Open Space Contribution and is within the Public Realm Improvement Project linked to the priorities of Maidstone Council's Strategic Plan towards the regeneration of the Town Centre.
- 3.5 The proposal is supported by the Parks and Open Spaces Team as it will deliver additional open space in the Town Centre and improve the appearance of the Public Realm at the top end of the High Street. Whilst the S106 funding would be for the design and implementation, it is envisaged the open space will be retained by Network Rail and therefore future maintenance costs will not be incurred by the council.
- 3.6 During the last planning committee discussion, concerns were expressed about the age of some of the applications listed in the schedule and the delays in delivering the green infrastructure considered by Members and Officers to be required to allow developments to take place. Members were mindful that the S106 contributions held by the Council would continue to increase as housing developments came on stream, and felt that there was a need to expedite delivery of projects funded by S106 contributions/CIL going forward. It was suggested that as part of the review of the Planning

Service alternative arrangements be made to ensure that projects funded by S106 contributions/CIL are implemented, this should be followed up through the Strategic Planning, Sustainability and Transportation Committee.

4 RISK

- 4.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council’s Risk Management Framework. We are satisfied that the risks associated are within the Council’s risk appetite and will be managed as per the Policy.

5 CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 In August 2016 an all Members briefing was arranged in the Town Hall attended by Network Rail and Southeastern Railways.

6 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Once the Committee has made its decision, this will be communicated to the relevant team to be spent on the project. It is recommended that a project co-ordinator is appointed from within the Council and a small member group set up to ensure the monies that are handed over to Network Rail to deliver the public realm improvements desired by Members.

7 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Helping to ensure we have a thriving and attractive town centre that values our heritage and is fit for the future	Rob Jarman, Head of Planning & Development
Risk Management	There are no implications arising from this report	Rob Jarman, Head of Planning & Development
Financial	£80,556 funding is available from the S106 Land at Former Horticultural Unit, Oakwood Park, Maidstone is spent towards the Public Realm Improvements Project at Maidstone East Railway Station	John Foster, Regeneration & Economic Development Manager/ Paul Holland, Senior Finance Manager (Client)

Staffing	There are no implications arising from this report except those arising from paragraph 6.1 above.	Rob Jarman, Head of Planning & Development
Legal	There are no implications that arise from the allocation of funds to this scheme or clauses in the Unilateral Undertaking that would prevent this occurring.	Cheryl Parks, Lawyer (Planning) Mid Kent Legal Services
Privacy and Data Protection	There are no implications arising from this report.	Legal Team
Equalities	There are no implications arising from this report	Anna Collier, Policy & Information Manager
Crime and Disorder	There are no implications	Rob Jarman, Head of Planning & Development
Procurement	There are no implications arising from this report	Rob Jarman, Head of Planning & Development & Mark Green, Section 151 Officer

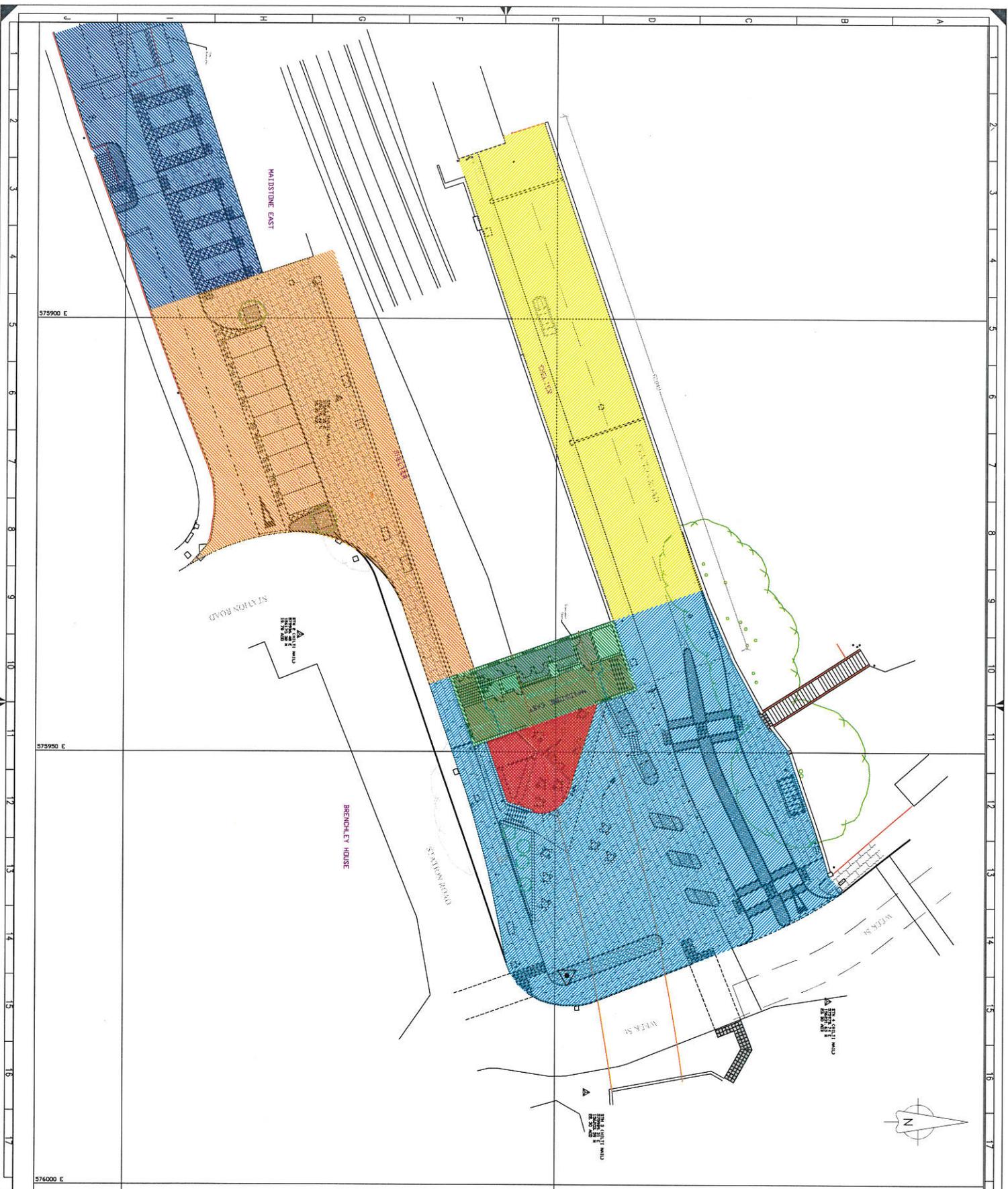
8 REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1
- Appendix 2

9 BACKGROUND PAPERS

http://pa.midkent.gov.uk/online-applications/files/29AA77265B6E3462D35D9BB778321A4A/pdf/10_0485--3041722.pdf



- Work Areas**
1. Station Refurbishment (171m²)
 2. Station Extension (32m²)
 3. Forecourt Including Traffic Layout Improvements (193m²)
 4. Car Park Stair Refurbishment (32m²)
 5. DDA Parking and Stair Crossing (50m²)
 6. 20 Minute Bay, Access Improvement & Platform 1 Covered Walkway (602m²)
 7. Platform 2 and 3 Canopy Works (614m²)

REV	DESCRIPTION	ISSUED DATE	APPROVED DATE
P4	Incorporated into option C	AS1	AS1
P3	Incorporated into option A	AS1	AS1
P2	Preliminary Issue	AS1	AS1
P1	Preliminary Issue	AS1	AS1

WSP
CONSTRUCTION CONSULTANTS

Office of Design
 Network Rail
 Network Rail
 01283300000

Network Rail
southeastern

- Design Stage - Milestones**
- Stage 01 - Strategic Outline
 - Stage 02 - Preparation and Order
 - Stage 03 - Concept Design
 - Stage 04 - Technical Design
 - Stage 05 - Construction
 - Stage 06 - Handover and Close Out
 - Stage 07 - In Use

Project No	Name
J.Booth	32001116
A.Thompson	32001116
P.Johnson	28001116

Malpas East Railway Station

Project Working Title: WSS273826/A/01
 Station: Malpas East Railway Station
 Work Area Plan

BRENCHLEY GARDEN
(Alexander MacKenzie)

ADOPTION agreement with MRC on maintenance and management of landscaping in style of the MacKenzie Brencley Garden

great arrival in the county town of Garden of England

Maidsstone County Town of Kent 'The Garden of England'



secondary no security

- Key
- Booking Hall
 - Ticket Office (inc Staff Mess)
 - Franchise
 - Accessible WC
 - ATM Room
 - Customer Cupboard
 - Professional Parking
 - Contract Parking
 - Hazard Parking
 - Paving
 - Combined Cycle Bin
 - Sutton Toilet Sign
 - Stainless Steel Balustrade
 - New CIS Screen
 - New Month Sign

REV	DESCRIPTION	DATE
P3	Preliminary Issue	14/09/18
P2	Preliminary Issue	14/09/18
P1	Preliminary Issue	14/09/18



Design Stage	Design Stage	Date
Design Stage 1	Design Stage 1	14/09/18
Design Stage 2	Design Stage 2	14/09/18
Design Stage 3	Design Stage 3	14/09/18
Design Stage 4	Design Stage 4	14/09/18
Design Stage 5	Design Stage 5	14/09/18
Design Stage 6	Design Stage 6	14/09/18
Design Stage 7	Design Stage 7	14/09/18
Design Stage 8	Design Stage 8	14/09/18
Design Stage 9	Design Stage 9	14/09/18
Design Stage 10	Design Stage 10	14/09/18

Project Title	Project Title
Maidsstone East Railway Station	Maidsstone East Railway Station

Project Title	Project Title
Maidsstone East Railway Station	Maidsstone East Railway Station

Alexander MacKenzie garden station Alexander Mackenzie arrival in the county town of Garden of England