

ADJOURNED PLANNING COMMITTEE MEETING

Date: Thursday 16 November 2017
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

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

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Issued on Friday 10 November 2017

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

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PLEASE NOTE

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

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

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

ALTERNATIVE FORMATS

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

9 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.

Agenda Item 10



16/505932 Land rear of Chart View

Scale: 1:1250

Printed on: 1/11/2017 at 10:03 AM by JulieM

REPORT SUMMARY
9 November 2017

REFERENCE NO - 16/505932/FULL		
APPLICATION PROPOSAL: Change of use of land to use as a residential caravan site for 2 Gypsy families each with 2 caravans of which no more than one would be a static mobile home, together with erection of two amenity buildings, laying of hardstanding and formation of new access.		
ADDRESS: Land Rear of Chart View, off Chart Hill Road, Chart Sutton, Kent ME17 3EX		
RECOMMENDATION: Grant permanent permission subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed change of use of the land, subject to imposition of conditions as herein recommended, is considered to comply with the policies of the Development Plan (Maidstone Borough Wide Local Plan 2000), the emerging policies within the Final Draft Maidstone Local Plan and the provisions of the NPPF and there are no overriding material planning considerations justifying a refusal of permission.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of Chart Sutton Parish Council and the Parish Council has requested that the application be determined by Committee.		
WARD Boughton Monchelsea and Chart Sutton	PARISH/TOWN COUNCIL Chart Sutton Parish Council	APPLICANT – Mr Paul Webb AGENT – Phillip Brown Associates
DECISION DUE DATE (Extended) 16.10.2017.	PUBLICITY EXPIRY DATE 22/08/2016	OFFICER SITE VISIT DATE 14/07/2017

MAIN REPORT

1.0 BACKGROUND

- 1.1 At Planning Committee on 28.09.2017 the application was deferred until the expiry of the additional publicity set out in the urgent update report. The original report and urgent update is attached to this report.
- 1.2 Members will recall that the application was amended so that the access lane running parallel to the southern boundary of the site could be included within the ‘red-line’ boundary of the application site. Certificate D was signed and the application was advertised in the local press as the applicant could not identify the owners of the site. The publicity period has now expired.
- 1.3 Members will be aware that The Local Plan 2016 was adopted on the 25th October superseding The Maidstone Borough Local Plan 2000. For the purposes of this application, the Development Plan comprises the Local Plan 2016 and reference to the Local Plan 2000 and Policies ENV6, ENV28, ENV34 as contained in the original Report to Planning Committee should therefore be set aside.

2.0 REPRESENTATIONS

- 2.1 Further representations have been received from local residents, and two planning consultants on behalf of local residents. The issues raised can be summarised as follows:
 - The status of the access lane - neighbours have claimed that it is private but are unable to establish title. They are in the process of lodging a claim for adverse possession;

- The heritage value of the hedgerow - an objector has submitted that on the basis of historic maps the hedgerow should be considered a 'heritage asset' - Planning Policies SP18 (The Historic Environment) and DM4 (Development Affecting Non-Designated and Designated Heritage Assets) are relevant;
- The potential for the hedgerow having ecological value – due to its 'age';
- There is no existing access - a gate within the hedgerow is not evidence of an access;
- There is no need for additional G&T sites as the 187 pitch allocation within The Plan is for the period until 2031, and the number of sites that have been delivered are sufficient for the current stage of The Plan.

3.0 OFFICER RESPONSE

3.1 In addition to the assessment in the main report the following responses are provided to the further consultation responses that have been received.

The status of the access lane

3.2 Whether or not the lane is private or public, is immaterial for planning purposes. The applicant has complied with the provisions of the Act by issuing Certificate 'D'. If the status is subsequently proven to be private, access would be a civil matter to be negotiated between the relevant parties.

The heritage value of the hedgerow

3.3 While it is possible for a hedgerow to contribute to the setting of a heritage asset (such as a listed building) or to the heritage significance of an area, this does not mean that hedgerows are a heritage asset in its own right. The only determining factor is whether a hedgerow is 'important' (as set down within the terms of The Hedgerow Regulations 1997) and it falls to the LPA to determine whether in the context of this separate legislation the hedgerow is 'important'.

3.4 For a hedgerow to be considered 'important' it must: mark a boundary between pre 1850 Parishes; or Mark an archaeological feature of a scheduled ancient monument or one noted on the Historic Environment Record (ie a listed building); or mark the boundary of a pre-1600 estate or manor, or field system pre dating the Enclosure Acts.

3.5 It has been maintained that because the field boundary is shown on an 1842 Tithe Map it must pre date the Enclosure acts. However no Enclosure Award evidence has been submitted. Consequently the Tithe map copy submitted by the objectors is not evidence of pre enclosure status. This can only be established by referral to the relevant enclosure award which may in turn also establish the status of the lane.

3.6 Furthermore, whether or not a hedgerow is 'important' does not preclude its removal in whole or in part. It means only that regard must be given to its 'importance'. While it is appreciated that hedgerows, like trees, can make an important contribution to the character of an area and may be historically important, there is as yet no evidence that this hedgerow has such significance. It should be remembered that there is no mechanism to prevent the lawful seasonal 'cutting back' of hedgerows whether 'important' or not.

3.7 Should it be established that the hedgerow is indeed 'important', given its context as marking no more than the boundary of a minor country lane that is of itself not historically important, the proposal to remove a section of hedgerow for access purposes is considered acceptable. Heritage Policies SP18 and DM4 are consequently considered not material in this context.

Ecology

- 3.8 Although the hedgerow has been surveyed by a third party on behalf of objectors, the plant species identified in the hedgerow are common native species and no evidence of endangered or protected flora or fauna has been found.
- 3.9 There is no legislation in place to prevent seasonal cutting back of hedges providing there is no adverse impact on nesting birds (this being subject to separate legislation). Consequently it is considered that the greater extent of replacement native species hedging that is proposed, far in excess of that to be removed, would amply compensate for the loss of existing hedgerow in terms of biodiversity provision.
- 3.10 While it is appreciated that Hedgerows, like trees, can contribute significantly to biodiversity, it is considered that in the ecological potential of the hedgerow is insufficient to warrant refusal of permission. All parties are agreed that the field in isolation holds little biodiversity interest. In instances where preservation of hedge root-balls may be desirable, this can be achieved through transplanting. Such measures are considered unnecessary in this instance. However if members are minded, this can be subject to a planning condition.

Access to the site:

- 3.11 The field is currently accessed via Chart View to the north-west. An original access to the land directly off the (Elderdon) Lane was absorbed into the adjoining Gypsy and Traveller site at Old Oak Paddocks and in deference to the objectors it must be conceded that it would be unusual for there to be two such gates so close together serving the same field enclosure. The objector's have asserted that there is no evidence of gateposts relating to the overgrown '5- bar gate' within the hedgerow. The Committee Report references this gate but does not draw any conclusions from it. Whether or not there was an access at this point must therefore remain a matter of conjecture. This does not have any impact on the overall conclusions.

Need for Sites:

- 3.12 The proposal relates to a speculative, 'windfall' site. Such sites form an intrinsic element to the delivery of unidentified Gypsy and Traveller sites in accordance with the council's GTAA.

Other Matters:

- 3.13 Although much has been written regarding the impact that the development would have on the character of the countryside, it is considered that such matters have been adequately addressed within the original report to committee.

4.0 CONCLUSION

- 4.1 Consideration has been given to all representations received pursuant to planning committee on 28.09.2017. Notwithstanding such representations, the recommendation remains to grant planning permission.
- 4.2 Although this site will have some visual impact on the character and appearance of the rural area, policy allows that subject to strict control and in order to satisfy the Borough's responsibility to satisfactorily accommodate the Gypsy and Traveller community in development commensurate with their traditional lifestyle, Gypsy sites can be acceptable in the countryside. In this instance the development would be largely screened from certain public views and landscaping would mitigate views from the PROW. As a result the impact would be acceptable.
- 4.3 A grant of planning permission would assist in meeting the Council's unmet need for Gypsy and Traveller accommodation in the Borough and would comply with the Development Plan (Maidstone Borough-Wide Local Plan 2000), with emerging policies

within the Draft Maidstone Local Plan and with National Planning Guidance. Material circumstances indicate that subject to imposition of conditions full permanent (non-personal) planning permission should be granted.

5.0 RECOMMENDATION

GRANT FULL PERMANENT PERMISSION subject to the following conditions:

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

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

2. No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be static caravans) shall be stationed on the site at any time.

Reason: To accord with the terms of the application and to safeguard the amenity, character and appearance of the area.

3. The site shall not be used as a caravan site by any persons other than gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015; permitted and an exception has been made to provide accommodation solely for Gypsies who satisfy these requirements for Gypsy and Traveller Caravan Sites.

Reason: The site is in the countryside where the stationing and occupation of caravans/mobile homes is not normally permitted other than by members of the Gypsy and Travelling community.

4. No external lighting shall be erected on the site at any time unless previously agreed in writing.

Reason: To safeguard the rural character and appearance of this part of the Area of Outstanding Natural Beauty and to prevent light pollution.

5. No commercial activities shall take place on the land, including the outdoor storage of materials;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of this part of the Area of Outstanding Natural Beauty.

6. Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the local planning authority.

Reason: To prevent overdevelopment of the site and to safeguard the rural character and appearance of this part of the Area of Outstanding Natural Beauty.

7. No development shall take place until details of the proposed method of foul sewage treatment for the development hereby approved has been submitted to and approved

in writing by the Local Planning Authority. The approved means of foul sewage disposal shall be implemented prior to occupation of the site and thereafter maintained in accordance with the approved details.

Reason: In order to ensure a satisfactory standard of development and prevent groundwater contamination.

8. The development shall not commence 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 include a planting specification, a programme of implementation and a [5] year management plan. The landscape scheme shall specifically address the need to provide:

- Retention of the existing hedge along the south boundary of the site apart from that section required to be removed for the approved access.
- A new double staggered mixed native hedge and trees along the west and north boundaries of the site on the outside of any boundary treatments.

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

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following commencement of development, 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 safeguard the character and appearance of the countryside.

10. The development shall not commence until details of all boundary treatments to include the site entrance shall be submitted to and approved by the Local Planning Authority prior to occupation of the site. The boundary treatment shall allow for establishment of landscaping and shall thereafter be maintained for all time.

Reason: To safeguard the character and appearance of the countryside.

11. The development shall not commence until details of all hard landscaping to include hard-standings shall be submitted to and approved by the Local Planning Authority prior to that stage of the development. Surfacing elements shall be permeable to enable surface water to percolate directly to the ground below and shall be retained as such thereafter.

Reason: To minimise flooding of neighbouring land and the highway and in the interests of sustainable drainage.

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

OS Location Plan 1:1250
Block (Layout) Plan 1:500
Utility Rooms Plans and Elevations 1:100

Reason: To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

Case Officer: Jeff Sadler

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

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DECISION DUE DATE (Extended) 16.10.2017.	PUBLICITY EXPIRY DATE 22/08/2016	OFFICER SITE VISIT DATE 14/07/2017

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.1 The site occupies a rectilinear shaped plot of agricultural land, and is located in the countryside approximately 2.5 kilometres south of Chart Sutton. The site lies on level ground on the north side of an unclassified single track rural cul-de-sac, known locally as Elderdon Lane, which spurs off Chart Hill Road to the west.
- 1.2 A residential garden within the curtilage of Little Rabbits Cross Farmhouse fronting Charthill Road, lies close to the western flank boundary of the site. A public right of way (footpath) traverses the field on a south west/north east alignment, runs between the site and Little Rabbits Cross and emerges near the junction of Elderdon Lane with Charthill Road. Undeveloped open grazing land within the control of the applicant lies to the north. A lawful Gypsy and Traveller enclosure, benefiting from approval for a single mobile home, touring caravan, utility block and paddock area and originally part of the same field system, adjoins to the east.
- 1.3 Although there is no current direct access to the site, there is evidence in the hedgerow of an overgrown field gate.
- 1.4 The site and its surroundings are subject to Local Plan designation ENV34 which classifies the land as a 'Special Landscape Area (SLA)'. In accordance with the emerging Plan, SLA designation no longer pertains and the land is now classified as a 'Landscape of Local Value' (LLV) where emerging policy seeks to conserve and enhance.

2.0 PROPOSAL

- 2.1 This is a speculative application seeking full planning permission for a change of use of land to use as a residential caravan site for 2 Gypsy families each with 2 caravans of which no more than one would be a static mobile home, together with erection of two amenity buildings, laying of hardstanding and formation of new access.

3.0 PLANNING HISTORY

- 3.1 The site comprises previously undeveloped agricultural grazing land.
- 3.2 Planning application 15/504891 for the development of a single Gypsy and Traveller development on this site was amended in order to provide more separation from the PROW, but was withdrawn prior to determination.
- 3.2 The adjoining site to the east 'Old Oak Paddocks' was granted permanent non-personal planning permission 11/1780 for a 'Change of use of land as a residential caravan site for one Gypsy family including stationing of caravans, erection of a day room, hardstanding and new access'.
- 3.3 The site owner has developed and resides at Chart View, a two pitch G&T site to the north, accessed from Chart Hill Road. In accordance with Policy GT1(3) of the emerging Local Plan two additional sites have been allocated adjoining Chart View.

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Planning Policy for Traveller Sites 2015 (PPTS)
- Draft Maidstone Local Plan (2011-2031): SP17, SP17, DM15
- Neighbourhood Plan: N/A

5.0 LOCAL REPRESENTATIONS

- 5.1 Chart Sutton Parish Council has raised objection and recommends refusal for the following reasons:
- Urbanising the countryside
 - Tarmac surfacing grazing land
 - Gateway access would breach an enclosure award hedgerow
 - Detrimental to wildlife
 - Over-intensification of whole site
- 5.4 Seven letters of objection have been received. The objectors comments can be summarised as follows:
- Would spoil the character and appearance of this tranquil rural environment.
 - Would be contrary to the Chart Sutton Local Plan and to Government Guidance which requires G&T sites not to dominate the nearest settled community.
 - Represents serious harm to the settled community.

- The number of sites allocated at this location seems reasonable provided they are accessed from Chart Hill Road but not additional sites as herein proposed.
- The mobile units and utility buildings have been located against the site boundaries and will result in loss of privacy to neighbouring property.
- Would be located in an area which is prone to flooding.
- Hard surfacings would affect water table and lead to site run-off into the lane.
- People will be deterred from using the public footpath adjoining the site.
- The site would be too densely developed.
- The proposed entrance is off a private road, which is single track with no right of way and would be dangerous for other road users and would obstruct access by emergency services.
- Entry should be from Chart Hill Road.
- Removal of hedging would disturb a nesting barn owl.

6.0 CONSULTATIONS

6.1 The Weald of Kent Protection Society

- The site would occupy grazing land and breach an established hedge, both valued assets.
- The applicant's have not established their Gypsy status.
- There are serious flooding problems which hardstanding will exacerbate.
- Gypsy and traveller sites in the neighbourhood of Chart Sutton are having a cumulative dominant effect which should be discouraged in the interests of the settled community.
- The site if developed would be seriously overcrowded.

6.2 KCC Highways

The Highway Authority do not raise objection.

6.3 Environmental Health

Environmental Health does not consider that the development would result in a risk to health and do not raise objection.

7.0 APPRAISAL

7.1 Policy Background

In accordance with Policy ENV34 of the Local Plan, the site and surroundings are designated as a Special Landscape Area (SLA) where there is a presumption that landscape considerations take preference over other planning issues. The area covered by the SLA is shown on the Proposals Map as falling on the east side of Charthill Road and consequently the site is just 'caught' by the SLA designation. The emerging Local Plan re-classifies the land as Landscape of Local Value (LLV), although this no longer has policy significance. As the emerging Local Plan is nearing formal adoption, Policy ENV34 no longer carries the weight that was historically applied to it.

As the site lies in open countryside it is also subject to Local Plan Policy ENV28 which states that 'Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers. Although the policy sets out permissible forms of development it excludes G&T

development as this was covered under a separate policy which was subsequently not 'saved'. At this moment in time there are no saved Local Plan policies relating directly to G&T development

However the emerging Local Plan seeks to maintain the thrust of former G & T Policies through Policy DM15. This is approaching full weight, particularly as the Inspector's Final Report does not conflict with the GTAA or with draft G&T policy.

A key consideration in the determination of this application is Government Guidance set out in 'Planning Policy for Traveller Sites (PPTS) as amended in August 2015. The guidance places emphasis on the need for increased gypsy and traveller site provision, supporting self-provision (as opposed to local authority provision) and acknowledgement that sites are more likely to be found in rural areas. This is an exception to the principle of restraint in the countryside.

It is accepted that the proposal represents development contrary to the provisions of Policy ENV28. This policy is due to be replaced upon adoption of the emerging Plan by Draft Policy SP17, which follows the broad thrust of Policy ENV28. Policy DM15 is specific to gypsy development, allowing for development subject to compliance with certain criteria, which includes sustainability, landscape character, the cumulative effect of development, highway safety, flooding and ecology. Given the very advanced status of the emerging Plan, Policies SP17 and DM15 are approaching full weight.

Issues of need are dealt with below, but in terms of broad principle Local Plan Policies and Central Government Guidance both permit G&T sites to be located in the countryside as an exception to policies which otherwise seek to restrain development.

7.2 Need for Gypsy sites

Although the emerging local plan is well advanced, there are not yet any adopted Development Plan policies relating to site provision for Gypsies and Travellers. Local Planning Authorities are required to set their own Local Plan targets for pitch provision in their area. In order to address this, Salford University were commissioned to carry out a Gypsy and Traveller and Travelling Show-people Accommodation Assessment (GTAA) which was published in 2012 to cover the period October 2011 to March 2031.

The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016 - 105 pitches
 April 2016 – March 2021 - 25 pitches
 April 2021 – March 2026 - 27 pitches
 April 2026 – March 2031 - 30 pitches
 Total: Oct 2011 – March 2031 - 187 pitches

This, is the best current evidence of need, and forms the evidence base to the Local Plan, although it should be acknowledged that the GTAA preceded the August 2015 publication of the revised PPTS which redefines amongst other things, status qualifications, and as a result the accuracy (albeit not substantially) of the GTAA figures.

The target of 187 additional pitches is included in Policy SS1 of the emerging Maidstone Borough Local Plan which itself was agreed by Full Council on 20th January 2016 and has been accepted by the DLP inspector in his interim report.

The GTAA predates publication of the revised PPTS, which sought to redefine the definition of Gypsies and Travellers. The GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the DLP. The GTAA had already asked those surveyed whether they had ceased to travel. The only recognised omission was whether those who had ceased to travel intended to resume travelling. The Inspector concluded that a new survey to address this would be unlikely to result in anything but small changes to the needs figures. The Inspector concluded that the needs evidence is adequate.

7.3 Supply of Gypsy Sites

Under the terms and conditions of The Housing Act (2004), accommodation for Gypsies and Travellers is a specific form of housing, which Councils have a duty to provide. Draft Local Plan Policy DM15 accepts that subject to certain criteria, this type of accommodation can be provided in the countryside.

Since the base date a net total of 119 permanent pitches have been provided. This means that a further 68 permanent pitches are required by 2031 to meet the objectively assessed need identified in the GTAA. The level of provision to 21.08.2017 can be broken down as follows:

98 Permanent non-personal mobiles
 21 Permanent personal mobiles
 3 Temporary non-personal mobiles
 37 Temporary personal mobiles

The PPTS states that LPA's should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient to meet the 10 year period following Local Plan adoption (currently anticipated as late 2017). The Draft Plan allocates a number of sites sufficient to provide 41 additional pitches by 2031. Although this figure does not satisfy identified demand there will be potential uplift through the provision of windfall sites yet to come forward. Accordingly it is considered that the OAN of 187 pitches can realistically be achieved.

The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight when considering the expediency of granting consent on a temporary basis. The Council's position is that it can demonstrate a 5.6 year supply of G&T sites at the base date of 1st April 2016. As the Council considers itself to be in a position to demonstrate a 5 year supply the PPTS direction to positively consider the granting of a temporary consent does not apply.

7.4 Gypsy status

Permission is sought on the basis that the proposed two sites would contribute towards the supply of G&T sites in the borough. This is therefore a speculative application and is not intended for the benefit of any particular Gypsy and Traveller family. It is consequently not necessary to demonstrate G&T status at this point as qualification for site residency will be subject to G&T status secured through a planning condition.

7.5 Visual/Landscape Impact

The site is screened by a mature hedgerow lining Elderdon Lane to the south and would be barely be visible from this public vantage point, except during the winter months when foliage dies back and to a certain extent via the site entrance, subject to

entrance gate, associated fencing and landscape screening specification and layout. The site would however be highly visible to persons using the public footpath, at least until such time as the screen planting became effective. Although there would be an impact on visual amenity in the short term, such impact would be localised, would be seen in the context of neighbouring G&T development and would be insufficient to warrant refusal of planning permission.

Guidance in the PPTS states that Local Planning Authorities should very strictly limit new traveller development in the countryside but also states that where sites are in rural areas they not should dominate the nearest settled community and or place undue pressure on local infrastructure. Although the PPTS does not refer to landscape impact this is addressed in the NPPF, Policy ENV28 of the adopted local plan and Policy SP17 of the DLP which states that provided proposals do not harm the character and appearance of an area, small scale residential development necessary to meet a proven need for G&T accommodation will be permitted.

In addition emerging policy DM15 states that, permission will be granted if a site is well related to local services, would not result in significant harm to the landscape and rural character of the area due to visual impacts, including cumulative visual impact and is well screened by existing landscape features, is accessible by vehicles, not located in an area at risk of flooding, and wildlife considerations are taken into account.

The site is currently well screened from public vantage points within Elderdon Lane and Charthill Road. Although it is not currently screened from the adjoining footpath, the incidence of use of the PROW is understood not to be significant and can be mitigated by boundary screening, which will become, with time, better assimilated into its surroundings and will provide the required level of screening. Obviously planting specification will need to be robust and sympathetic and fencing detailing will need to maintain a rural rather than urban character. Such matters would be secured by planning conditions.

7.6 Highways

The Highway Authority has not raised objection. Although some neighbours have maintained that the access road is private, such status has not been born out by any submitted evidence or by the Highway Authority. There are no significant highway issues to warrant refusal of the application.

7.7 Cumulative Impacts:

The site lies in close proximity to three existing G&T sites (Two at Chart View and one at Old Oak Paddocks.). A further two sites have been allocated in the Local Plan to the rear of Chart View, accessed from Chart Hill Road. It is considered that due to the layout, screening and location of the sites hereby proposed in conjunction with those existing and those allocated, the development would not result in a cumulative impact upon the resident community sufficient to warrant refusal of the application.

7.8 Ecology Impacts.

The site comprises a grazed field with little ecology value. A Barn Owl has apparently been observed in the vicinity, however, this is not considered grounds to require further assessment or withhold permission.

7.9 Sustainability

Although the occupants of the site would be largely reliant on private motor vehicles to access local services and facilities, this is not untypical of Gypsy and Traveller sites in rural locations. Having regard to Gypsy and Traveller lifestyle choices, sites will almost inevitably be located in countryside locations. Although not highly sustainable in respect of location, the site is not so far removed from basic services and public transport opportunities as to justify refusal on this basis. This follows the reasoning of the Council evidenced by the emerging Local Plan allocation of two neighbouring sites at Chart View.

7.10 Residential amenity

The two proposed sites would be of sufficient size as to ensure that, spatially, living conditions would be acceptable for future occupiers. Although concern as to loss of privacy has been expressed by the neighbour directly to the west, the development would be separated by a public footpath and boundary screening introduced. The existing residential curtilage is also well screened in its own right. Screening within the site will also provide a higher standard of amenity for occupants and ensure a satisfactory relationship with the adjoining G&T site to the east. Given separation distances and the low rise nature of G&T development, residential amenity is considered not to be an issue.

7.11 Flooding

Although neighbours have raised concerns that the development would lead to the potential for increased flooding in the lane to the south of the site, this is not substantiated. Subject to conditions to ensure that any hard-standings are porous, there is no reason that oversite run-off should be materially different to that of the undeveloped site. The site and its immediate surroundings are located in Flood Zone 1 (low flood risk) and consequently flooding is not perceived as an issue.

8.0 CONCLUSION

8.1 Although this site will have some visual impact on the character and appearance of the rural area, policy allows that subject to strict control and in order to satisfy the Borough's responsibility to satisfactorily accommodate the Gypsy and Traveller community in development commensurate with their traditional lifestyle, Gypsy sites can be acceptable in the countryside. In this instance the development would be largely screened from certain public views and landscaping would mitigate views from the PROW. As a result the impact would be acceptable.

8.2 A grant of planning permission would assist in meeting the Council's unmet need for Gypsy and Traveller accommodation in the Borough and would comply with the Development Plan (Maidstone Borough-Wide Local Plan 2000), with emerging policies within the Draft Maidstone Local Plan and with National Planning Guidance. Material circumstances indicate that subject to imposition of conditions full permanent (non-personal) planning permission should be granted.

9.0 RECOMMENDATION

GRANT Full permanent permission subject to the following conditions:

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

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

2. No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be static caravans) shall be stationed on the site at any time.

Reason: To accord with the terms of the application and to safeguard the amenity, character and appearance of the area.

3. The site shall not be used as a caravan site by any persons other than gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015; permitted and an exception has been made to provide accommodation solely for Gypsies who satisfy these requirements for Gypsy and Traveller Caravan Sites.

Reason: The site is in the countryside where the stationing and occupation of caravans/mobile homes is not normally permitted other than by members of the Gypsy and Travelling community.

4. No external lighting shall be erected on the site at any time unless previously agreed in writing.

Reason: To safeguard the rural character and appearance of this part of the Area of Outstanding Natural Beauty and to prevent light pollution.

5. No commercial activities shall take place on the land, including the outdoor storage of materials;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of this part of the Area of Outstanding Natural Beauty.

6. Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the local planning authority.

Reason: To prevent overdevelopment of the site and to safeguard the rural character and appearance of this part of the Area of Outstanding Natural Beauty.

7. No development shall take place until details of the proposed method of foul sewage treatment for the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved means of foul sewage disposal shall be implemented prior to occupation of the site and thereafter maintained in accordance with the approved details.

Reason: In order to ensure a satisfactory standard of development and prevent groundwater contamination.

8. The development shall not commence 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 include a planting specification, a programme of implementation and a [5] year management plan. The landscape scheme shall specifically address the need to provide:

- Retention of the existing hedge along the south boundary of the site apart from that section required to be removed for the approved access.
- A new double staggered mixed native hedge and trees along the west and north boundaries of the site on the outside of any boundary treatments.

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

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following commencement of development, 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 safeguard the character and appearance of the countryside.

10. The development shall not commence until details of all boundary treatments to include the site entrance shall be submitted to and approved by the Local Planning Authority prior to occupation of the site. The boundary treatment shall allow for establishment of landscaping and shall thereafter be maintained for all time.

Reason: To safeguard the character and appearance of the countryside.

11. The development shall not commence until details of all hard landscaping to include hard-standings shall be submitted to and approved by the Local Planning Authority prior to that stage of the development. Surfacing elements shall be permeable to enable surface water to percolate directly to the ground below and shall be retained as such thereafter.

Reason: To minimise flooding of neighbouring land and the highway and in the interests of sustainable drainage.

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

OS Location Plan 1:1250
Block (Layout) Plan 1:500
Utility Rooms Plans and Elevations 1:100

Reason: To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

16/505932

Amendments to the Site Location Plan

The location plan has been amended (27.09.2017). The red line site boundary outline has been extended to include the access road on the southern boundary of the site, up to a point where it adjoins Charthill Road (Public carriageway). An amended ownership Certificate B has been submitted to supersede Certificate A, and an Article 13 Notice to owner has been served.

Late Representations

An additional letter has been received from a member of the public reiterating previous objections particularly relating to the alleged private status of the road, access and road safety issues. The writer states that access via Charthill Road would however be supported as an alternative.

An additional letter has been received from Messrs Folletts on behalf of local residents. The letter is accompanied by an 1842 Tithe Map which has been submitted to show the location of 'ancient' hedgerows. The letter maintains that the access road is private but does not identify the owner. The letter refers to several issues that have been identified in the report and states a need for ecological assessment.

Officer Comment

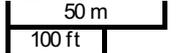
The amendment to the red-line application site boundary to include the access road, has been submitted in order to enable determination of the application in light of the alleged private status of the access road. The County Highway Authority has confirmed that their records indicate that the road is not maintainable at public expense. A private road can still however benefit from rights over it and accordingly access would be a civil and not a planning or highways matter.

As no proof of private ownership has been submitted, it is considered that the status of the road remains indeterminate and the application can be determined accordingly.

In order to comply with planning procedure the amendment will be subject to a further 21 day public consultation.

In accordance with the above, the recommendation has been amended to:

The Head of Planning and Development BE GIVEN DELEGATED POWERS TO GRANT planning permission subject to conditions and the expiry of the consultation period regarding the amended site location plan and ownership certificate and no new material issues being raised.



16/508660 Land South of Vicarage Rd

Scale: 1:2500

Printed on: 1/11/2017 at 10:23 AM by JulieM

REPORT SUMMARY

REFERENCE NO - 16/508660/FULL			
APPLICATION PROPOSAL - Erection of 65 residential dwellings, together with access, parking, drainage			
ADDRESS - Land South Of Vicarage Road Yalding Kent			
RECOMMENDATION – Approve Subject to conditions and S106 agreement			
SUMMARY OF REASONS FOR RECOMMENDATION - The application relates to a housing allocation H1-65 contained within the adopted Maidstone Local Plan which was ratified at the meeting on the 25 th October 2017. It is considered the scheme would accord with the relevant policies of the development plan, including the policy specific to the allocation. The scheme is an integral part of the Yalding strategy being the only housing scheme in the village strategy and will deliver the identified requirements of the strategy. The application is supported by a suite of surveys and documents which have been reviewed by the relevant stakeholders and it is considered the impacts of the development are acceptable or can be appropriately mitigated through planning conditions and the legal agreement. Therefore it is considered the development will accord with the NPPF and the adopted strategy for the Borough and Yalding and therefore it is recommended planning permission is granted for the development subject to the relevant conditions and legal agreement which will secure the relevant contributions and affordable housing.			
REASON FOR REFERRAL TO COMMITTEE – Objection by the Parish Council			
WARD Marden and Yalding	PARISH/TOWN COUNCIL Yalding	APPLICANT Countryside AGENT DHA Planning	
DECISION DUE DATE 21/04/17	PUBLICITY EXPIRY DATE 30.10.2017	OFFICER SITE VISIT DATE 17.10.17	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
	None		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site lies to the east of Yalding within the village boundary as defined by the Local Plan, with properties to the north along Vicarage Road, the allotments and church yard extension to the west and the Kintons Playing field to the south. The site is predominately laid to grass which falls gently from north to south although the site is set at a higher level than the footpath to the south. The site abuts the rear gardens to properties on Vicarage Road to the north and has established hedgerows and trees to its eastern and southern boundaries although it is more open to the west and south west. An area of woodland forms the southernmost part of the site which borders the playing fields. A vehicular access track runs parallel with the eastern boundary of the site which leads to the car park to the playing fields. A public footpath (PROW 193) runs along the south of the site and leads westwards into the village adjacent to the Church which is Grade I Listed. Further informal undesignated footpaths run along the south of the Vicarage Road properties and also along the south western boundary to the allotments. The boundary to the Conservation Area is located

approximately 60metres to the east. Yalding has been identified as a rural service centre in the adopted plan and has a range of local service and facilities as well as a mainline railway station which is located to the north west of the village with the Primary School a short distance to the west. The application is short walk from the village centre.

2.0 PROPOSAL

2.1 The application relates to a development of 65 dwellings which seek to deliver the local plan allocation H1-65. The access will be taken from Vicarage Road with a central access road leading through the site to the south with a number of secondary lanes leading from this. The development includes a mix of dwelling types including 1-2 flats and 2-4 bedroom dwellings along with parking provision, landscaping and open space including an area of woodland that will be opened up to public access. The mix of the development is as follows;

6 x 1 and 2 bed flats
12 x 2 bedroom houses
26 x 3 bed houses
21 x 4 bed houses

2.2 The development will secure 40% affordable housing which will include a mix of 4 x 1-bed, 2 x 2-bed flats, 12 x 2-bed houses and 8 x 3-bed houses. The scheme will include additional landscaping throughout the site and parking provision which will provide both on plot parking and unallocated and visitor parking throughout the site. The scheme will also secure improvements to Vicarage Road including traffic calming measures and a speed limit reduction as well as securing financial contributions to local infrastructure including that of schools, open space and healthcare.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF) Section 1, 3, 5, 11 and 12
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents: Affordable Housing and Open Space DPD and Adopted Maidstone Local Plan (2011-2031): Policy DM1, DM2, DM3, DM4 DM12, DM21, DM23, SP11, SP16, SP19, SP20, H1, H1-65

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** Approximately 160 representations received from local residents raising the following (summarised) issues:

- Impact to the character of the village
- Harm caused to the setting of Listed Building and the Conservation Area
- Congestion and highway impacts of the development
- Vicarage road unsuitable for level of traffic due to parking cars and narrow road
- Foul sewage capacity is inadequate
- Density and design unsuitable for location
- Number of dwellings too much for site and village
- Access unsuitable
- Impacts on the Town Bridge
- Air quality
- Impacts on local infrastructure and local services

- Impacts on local ecology
- Pedestrian and child safety
- Unsustainable location
- Impacts on sports pitch and access

Following amendment of the application reducing the scheme to 65 units, at the time of writing this report, over 104 comments have been received covering the following issues

- Objections remain despite the reduction in dwelling
- Traffic and air quality and congestion
- Air Quality
- Impact on character of village
- Design inappropriate
- Pressure on infrastructure- Doctors, schools, community
- Lack of consultation
- Wildlife and ecology
- Flooding
- Sustainability of settlement
- Visual impact of development

4.02 The **Parish Council** have also objected on the following grounds;

- Density is unacceptable
- School would not be able to take additional pupils despite S106 monies
- Number of dwellings would undermine health provision in the village
- Foul/water supply inadequate
- Vicarage road is unsuitable and congestion and highway impacts are unacceptable
- Traffic calming measures unacceptable
- Flooding, lighting and design issues

Following the reduction of scheme to 65 dwellings, the Parish Council have the following further comments which confirmed they still object to the application;

- Numbers too high and had the appeal at Mount Avenue been allowed prior to Local hearing, numbers would have been reduced at Vicarage Road
- 65 dwellings too many for the site
- Impact on Heritage
- Design and layout not in keeping
- Infrastructure such as school and doctors over stretched and S106 monies insufficient
- Drainage issues
- Congestion unacceptable and refer to bus company objection
- Traffic impact, congestion and improvements inappropriate and will cause problems to parking, flooding and congestion
- Open space contributions and monies should go Yalding School and Doctors

4.03 In addition to the objections by residents there have been notable objections from the Local Bus Company, who advise the congestion is currently causing delays to services and also from the Doctors Surgery stating the increase in population will put

an unacceptable strain on the health provision and CPRE who object on landscape and visual impact grounds.

5.0 CONSULTATIONS

- 5.01 **KCC Ecology** No objections and advise conditions should be placed regarding securing a LEMP
- 5.02 **KCC Highways:** No objections on basis of trip generation and works to Vicarage Road are acceptable. Raised concerns on initial scheme regarding parking provision and reliance on garage but now confirm no objections to the revised scheme.
- 5.03 **Natural England** No objections
- 5.04 **KCC Archaeology** No Objection subject to condition relating to fieldwork prior to commencement
- 5.05 **KCC Drainage** No objections subject to planning conditions
- 5.06 **KCC Economics** No objections subject to contributions being secured by legal agreement
- 5.07 **Historic England** At time of writing report awaiting comments
- 5.08 **Environment Agency** No objections and advice given on SUDS
- 5.09 **Southern Water** Currently inadequate capacity and suggest condition to require upgrades to the network.
- 5.10 **Kent Wildlife Trust** No objections but advice given on design and landscaping
- 5.11 **MBC Landscape** No objections and generally content with the illustrated masterplan. Originally requested AIA

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration are the following
- Compliance with Policy H1 and Policy H1-65
 - Design and layout
 - Heritage
 - Highways
 - Visual Impact and Landscape

Compliance with Policy H1 and Yalding Strategy Policy S16

- 6.02 Firstly the site is a key part of the strategy for Yalding which is set out in policy SP16 of the adopted plan as it represents the only housing allocation for the village and would fall within the development boundary for Yalding within the adopted plan where development is acceptable in principle. The scheme will deliver the improvements to

pedestrian access and contribute towards improvements in healthcare within the village in accordance with the policy criteria. The additional homes created by the development will also support the existing village facilities through additional investment which will have indirect benefits in preventing the loss of these facilities, which is also a key part of the policy. On this basis the scheme is considered to be an integral part of the village strategy and will fully accord with the relevant policy criteria for the village.

- 6.03 Policy H1 sets out the general requirements for applications relating to housing allocations and this sets out a general criteria. This includes the need for particular surveys to be undertaken such as those relating to ecology, transport, drainage and that the development will provide an appropriate housing mix including affordable provision and provide open space in accordance with Policy DM22. The policy also required the development to contribute to local infrastructure including health provision. The scheme is supported by the relevant assessments and is considered to deliver open space, housing mix and tenure and infrastructure in accordance with H1 subject to the completion of a legal agreement which is discussed further below.
- 6.04 Turning to Policy H1(65) which is the policy specific to the allocation of the application site as a housing development for approximately 65 dwellings. This policy therefore imposes a presumption for its development for housing subject to a specified criteria, which any development will have to meet. The parts of the policy parts are assessment below includes;
- (1) **Quantum and Density** The developer will deliver approximately 65 Dwellings at 30 dwellings per hectare – The development is for 65 dwelling and is under 30 dwellings per hectare.
 - (2) **Structural Landscaping along eastern, southern and western boundaries.** The aim of this part of the policy is to protect the development from the wider countryside and the Conservation Area and it is considered the existing structural vegetation and the proposed landscape will fulfil these aims. The site already enjoys significant boundary vegetation along the southern and eastern boundaries and it is proposed to plant further native tree/hedgerow planting to these boundaries to strengthen this existing cover. Furthermore, to the east of the adjoining lane, there is a further area of woodland which will provide a further buffer between open countryside. To the southern boundary there will be an area of greenspace where there will be additional hedgerow and tree planting. Further new trees and thicket and hedgerow mixes will be planted in the SW corner and west of the site. Whilst the western boundary with the allotments will be subject to less structural planting, the context of this adjoining land is characterised with views of built form so is less sensitive as a result. It is considered the site achieves this structural landscaping and as such will conserve the wider landscape character through the retention of existing cover and the proposed planting which will be secured and maintained over the long term through a landscape and ecology management plan (LEMP)
 - (3) **Access is to be taken from Vicarage Road.** The development complies with this requirement and KCC have confirmed the access meets the relevant highway standards in terms of visibility
 - (4) **Extension of footway along Vicarage Road.** Due to the rural character of the Vicarage Road, the application secures a footpath from the site access to a crossing point to enable residents to safely utilise the existing northern

footpath. These works will be subject to a Section 278 agreement and will become part of the Highway (although the internal roads and parts of the site will be privately maintained). This is considered to meet the aims of the policy in making the site accessible to village along Vicarage Road.

- (5) **Improvement to the public footpath to the south of the site.** KCC rights of way have advised. KCC Rights of way have been consulted over the improvement and their response is awaited.

On account of the above, it is considered the scheme would comply with the relevant site specific criteria of H1(65)- and those relevant parts of Policy H1.

Design and Layout

- 6.05 Policy DM1 of the adopted local plan and Section 7 of the NPPF confirm good design is an integral part of sustainable development. The application will deliver a density which is within the policy parameters and that which is set out in Policy DM12 for villages such as Yalding. The development will retain a green frontage to Vicarage Road with a main spine road which will provide visual permeability through to the open space in the southern part of the site and the Kintons beyond. This frontage and central access will be subject to tree planting and native hedgerows to front gardens and secondary lanes will lead on a E-W basis to provide access to further dwellings. The development will contain a mix of detached, semi-detached dwellings and terraced properties which will provide a mix of 2, 3 and 4 bedroom properties which is considered to accord with the council's housing mix policy SP20. There is one apartment block to the SW of the site which will provide 1 and 2 bedroomed flats. The development is designed with a lower density in the eastern part of the site, in order to address the transition from village to open countryside, with a tighter grain of development in the SW of the site, where this adjoins the village. The scheme will retain its existing trees and hedgerows to its boundaries, which will be strengthened through additional planting and will include an area of open space which will provide access to the playing fields and to the woodland walk area to the south. It is considered the layout achieves the principles of good design as well as retaining important natural features as an integral part of the development.
- 6.06 The development is on the whole two storey with the exception of two properties which will be of a town house design. The buildings will be of a traditional architectural vernacular with variety of architectural features employed through the development, ranging from gable and hipped roof forms, decorative porches and a wide range of materials ranging from brick, weatherboarding and tile hanging to create wider design and visual interest within the scheme. To achieve a good standard of architectural quality as part of the final scheme, planning conditions are recommended to achieve additional architectural features such as greater detail to windows surrounds and reveals, the upper floor treatment of properties and soffits and fascia detail, chimneys along with detailed conditions relating to materials. On the applicant has confirmed plots 64 and 65 which are those properties that are visible from Vicarage Road. Furthermore, the boundary treatments facing onto public open space will also consist of Ragstone. Whilst the apartment block is of greater scale, the building is set away from the boundary with the conservation area and although this will be visible from the allotments, this is considered to be an environment which is more influenced by the urban grain of the village, where views of other properties are possible and so presents a less sensitive context in this regard. In an overall sense, it is considered the range of house types and materials will create a good quality development which reflects the wider design principles and materials of the local area.

- 6.07 The development will secure a good standard of amenity for future occupiers with all units exceeding the National Floorspace Standards in respect of the relevant unit sizes and there are sufficient separation distances or acceptable relationships between properties to avoid any harm by way of overlooking, overshadowing or outlook issues subject to relevant conditions. In terms of existing properties, the nearest properties are those to the north which back onto Vicarage Road and the nearest proposed properties will be some 35 metres away to the north. On this basis the scheme will secure a good standard of amenity for future and existing occupiers.
- 6.08 Therefore it is considered the scheme will accord with Policy DM1, DM4 SP19, and section 7 of the NPPF which considers design to be a key part of Sustainable Development.

Heritage

- 6.09 The preservation of the country's heritage is a key part of sustainable development and have been considered by the application through its layout and design. Concerns have been raised over impacts on the setting of the conservation area and nearby Listed Buildings, notably Warde Moat (Grade II), St Peters Church (Grade I) and a scheduled Ancient Monument which is the Yalding Bridge, which lies some distance to the west. The site does not lie within the Conservation Area although the boundary is approximately 60metres to the west. There is a legal duty to preserve the special character and setting of Listed Buildings and scheduled monuments and there is also to preserve the special character of Conservation Areas, including their setting. The NPPF also states where a development has less than substantial harm on the significant of a heritage asset one must weigh this harm against the public benefits of the scheme, The applicant has produced a Heritage Assessment assessing the significance of these heritage assets and the impacts of the development on the identified assets. Historic England have been consulted regarding the application and its response is awaited.
- 6.10 Firstly, dealing with the impacts on the Listed Church and its setting, views from the Church Yard are currently disrupted by existing vegetation and there is proposed new landscaping in the form of new tree and thicket planting which will further screen the proposed development. Furthermore, the units closest to the Church Yard are two storey properties which are set some 10 metres into the site which together with the aforementioned screening will limit the impacts of the development. Whilst, it is recognised the site would have previously formed part of land associated with the church, it is considered to have only minor significance in heritage terms. Due to the aforementioned limited intervisibility and the intervening distance, it is considered the development will have a very limited impact on the significance of the Church and its setting and having regard to Paragraph 134 of the NPPF, there would be less than substantial harm caused to the heritage asset.
- 6.11 The impacts on Warde Moat have also been cited as being affected by the development. The eastern boundary of the site is a heavy tree line and beyond this is a further area of scrub and woodland. Warde Moat is approximately 250 metres from the site and with its access east of the adjoining lane, along Vicarage Road. It is not considered the development will have any impact on this listed building or its setting due to the boundary and intervening vegetation.
- 6.12 Turning, finally to the conservation area, this covers the historic core of Yalding and its nearest boundary runs to the edge of the churchyard, some 60 metres to the west of the application site. The western boundary of the application site with the more recent burial ground is screened by an hedgerow of around 2 metres but there is a

relatively heavy tree cover further south and which interrupts/obscures views of the development from the churchyard and the conservation area itself. Whilst the site does have some contribution to the setting of the Conservation Area, as it provides a quiet and rural character to the village edge, it is not key characteristic of this designated area nor does it offer any historic or particular special contribution to its designation. Thus the site contributes limited value to the overall significance to the setting of the Conservation Area and causes less than substantial harm to the significance of this designated asset. It is considered the design and layout and landscape approach, which includes heavy planting to the south west of the site, the development will mitigate any impact and the retention and strengthening of the western/south western boundary will maintain the character of the Conservation Area. The conservation officer has reviewed the development and does not have any objections to the scheme.

- 6.13 It is considered the scheme has taken account of the proximity to the Conservation Area, through the provision of a new landscape buffer and by locating the more modest units nearest to the south western Boundary which will be set back from the boundary. Through the design and layout of the scheme, it is considered the development has conserved the character of the relevant heritage assets in accordance with Policy DM4 and accords with the duties Listed Building and Conservation Area Act 1990. Furthermore, having regard to the tests of Paragraph 132-134, it is considered the development would have less than substantial harm. When weighing the public benefits against such minor impacts, which are given significant weight in decision making having regard to the legal duties, it is considered the wide range of benefits will outweigh these very limited impacts.

Highways

- 6.14 There have been a number of concerns raised both regarding the suitability of Vicarage Road for the additional traffic brought by the development and also that of congestion on the local highway network, including the route via the Historic bridge towards Lee's Road. The original application for 75 units, before it was amended, was subject to further assessment by the applicant in response to congestion and cumulative impacts on the local highway network. The applicant forecasts 38 trips in the AM peak and 35 trips in the PM peak from the development with an overall daily trip rate of 339 trips. The applicant calculates approximately 91% of vehicles of traffic would head west along Vicarage Road and at the junction with the B2010, 57% of vehicles heading north and the remainder routing south. Traffic surveys were undertaken of this junction which confirm the junction is operating within capacity and this would continue to do so with the additional trips generated by the development. Many respondents have cited the impact of additional trips upon the town bridge and that this is already over capacity in highway terms. The applicant has also undertaken a study on the increase of trips caused by the development and having regard to the forecast flows (with forecast growth and committed development) in 2020, there would be, without the development, 790 (AM) and 794 (PM) trips via Yalding. The development would contribute an additional 22 trips in the AM peak and 20 trips in the PM and would represent a mere 2% increase in this context. KCC highways have reviewed this information and confirm that they have no technical reason to object to the development on the basis of congestion. Notwithstanding this conclusion, it should in any case be noted the application site is an allocated site which formed part of the council's wider strategy where such matters as highway impacts would have been considered at the strategic level and the level of growth in Yalding was considered to be sound by the Local Plan Inspector. Paragraph 32 of the NPPF, states that the development on highway grounds should only be refused if the impacts are severe. It is clear from the decision to allocate the site as a housing site

within the Local Plan process and the absence of any objection from KCC Highways that there would be no grounds to argue the impacts would be severe.

- 6.15 In relation to other highway matters, in order to facilitate the development the applicant is also proposing a number of improvements to Vicarage Road including the new access from the site, a raised table, speed cushions and warning signs and a 20mph reduction to the speed limit. A footpath will extend from the site access to a crossing point, which will be achieved by tactile paving to create the connection to the existing footpath to the north of Vicarage Road which leads to the village centre. The public footpath to the south which will have links into the development site will also provide connections to the village.
- 6.16 In the previous scheme of 75 units, KCC Highways raised concerns regarding the use of garages within the parking provision and the potential for obstructions to the main spine road. The applicant has sought to address this matter, through the enlargement of garages and an increase in the level of off road parking. In an overall sense, the application provides for 86% of the parking standards and KCC Highways do not object on the basis the road will remain un-adopted and such impacts from such provision are unlikely to be severe in highway terms.
- 6.17 In summary, it is considered the scheme will not adversely affect the highway network to the point whereby an objection could be sustained against the development and subject to the imposition of relevant condition including parking retention and highway works, it is considered the development would be acceptable in relation to highway matters. Thus the development would accord with DM1, H1-65 and the relevant parts of the NPPF.

Landscape and Visual Impact

- 6.18 The site currently enjoys a good standard of structural landscaping on the eastern and southern boundary which will be retained as part of the wider landscape strategy for the site and strengthened through new planting. The applicant has submitted a wider landscape masterplan which seeks to strengthen this existing structure and also create additional strategic landscaping to the west of the site where the site borders the more recent burial ground which itself has a native hedgerow which is fast maturing. The planting will include new semi mature tree planting and hedgerow and thicket mixes which will, in time, largely limit views of the development from the conservation area. Whilst the boundary with the allotment is proposed to consist of close boarded fencing, this is understood to be on the basis of the option agreement with the owners of the allotment and as such a local requirement. In any case, the development will contain tree planting to the southern boundary of the allotments and hedgerow along the western boundary of the site. In any case, it is considered the allotments area is less sensitive in visual terms, as it is an environment related to the built context village where views are already characterised by existing built form. The site will be subject to tree planting along the main access road with an area of open space to the south of the site with further planting and a SUDS attenuation basin which will be planted with wetland species. In order to finalise the overall scheme and the landscape specification it is considered necessary to impose a condition to require the landscape details and its implementation which will also include details of the wetland planting to the SUDS attenuation pond. The LEMP will secure the long term management of this new planting.
- 6.19 The scheme will create a substantial landscaping buffer through the existing and proposed structure and this together with the intervening space of the playing fields

between the site and open countryside, will ensure the development will not have adverse impacts on the wider countryside character. The new planting and open area that will be retained on the Vicarage Road frontage will soften views from Vicarage Road and retain a remnant of the existing landscaped frontage. In views from the footpath and from the wider village to the west, the existing planting structure and new landscaping proposed on the prominent boundary will broadly screen the site in such views. Having regard to the fact, the adopted plan has allocated the land for development and thus accepted some degree of visual impact and loss of openness, the scheme would conserve the character of the countryside in accordance with policy SP17 of the adopted plan and the relevant part of H1-65 which requires structural landscaping to be secured.

- 6.20 The scheme in its amended form will now seek to open up the area of woodland to the south to allow public access with the route to avoid any significant trees and following existing clearings. At this stage the exact route is only indicative and it is proposed to impose a condition to require further details of such a route which shall be informed by arboricultural evidence and details of its construction to avoid any undue harm to the existing woodland. MBC landscape have no objections to this public access to this woodland or the scheme as a whole on landscape grounds but advise that conditions relating to an arboricultural method statement and landscape detail should be submitted for approval to ensure that the scheme secured a high quality landscape scheme.

Ecology and Landscaping

- 6.21 The application was accompanied by a Phase 1 Ecology Assessment and further surveys in respect of bats, great crested newts (GCN) and reptiles. The site was considered to present low potential for reptiles and GCN and the bat potential was limited to foraging along the hedge and trees lines. The initial appraisal sets out a range of enhancement measures that can be incorporated into the development to seek gains in biodiversity as per relevant local and national policies. KCC ecology have reviewed this information and consider sufficient information (in terms of assessment) has been submitted to allow a decision to be made and they recommend a Landscape and Ecology Management Plan is submitted for approval to ensure long term management of ecology and landscape considerations within the site which shall include the provision of integral habitat within buildings and across the site and new native planting and landscaping. It is also recommended that a condition is placed to maintain the communal areas of the development including the estate roads to ensure the development is maintained in a good order

Other matters

- 6.22 The site lies within Flood Zone 1 and the application was accompanied by a Flood Risk Assessment and Drainage strategy and a further addendum was produced to address initial comments by KCC Drainage. Concerns have been raised by residents regarding flooding but the site and its drainage attenuation are all located within Flood Zone 1 and the proposed SUDS layout will restrict run-off rates to greenfield rates. KCC Drainage and the Environment Agency have reviewed the strategy and are content the scheme will be acceptable in terms of flood risk and drainage. This is on the basis the scheme will not cause flooding elsewhere and the proposed layout can incorporate SUDS within the proposed layout and therefore there are no matters which weight against the development on this matter. On this basis the scheme would accord with Paragraph 101 of the NPPF and National Policy in respect of SUDS and it is recommended a condition is imposed to require further detail on the strategy and its management. A condition is also recommended for foul water to

ensure the relevant upgrades to the sewage system in consultation with Southern Water.

- 6.23 The site will provide 40% affordable housing with a mix of 4 x 1-bed flats, 2 x 2-bed flats, 12 x 2-bed houses and 8 x 3-bed houses. The development will secure a tenure mix of between 55-65% affordable rent and 35-45% shared ownership with the final mix to be agreed and negotiated with MBC Housing. This mix and location of affordable housing within the development site has been reviewed by MBC and it is considered to be acceptable. Thus the development will accord with the SP20 of the adopted local plan.

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 Yalding Primary School of £3324 per applicable dwelling (£831 per applicable flat) which will amount to a total of £197,778.00. In respect of secondary education KCC request £2359.80 per applicable dwelling (£589.95 per applicable flat) towards secondary education at Maidstone Grammar School which will amount to £140,408.10. KCC also request further contributions towards Community Learning of £1,996.50 (£30.70 per dwelling) which will contribute towards additional flexible courses in Maidstone, £7,536.10 towards Yalding Library (£115.94), Youth Services of £551.85 (£8.49 per dwelling) towards Maidstone area outreach service. Further details are provided in Section 8 below. The proposed 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 £44,604 which will be spent on improvements to Yalding surgery. This is a key part of the Yalding strategy set out in policy SP16 and is considered to be justified and necessary and proportionate to the likely occupation of the site.

- 6.42 Whilst the applicant is seeking to provide a 1.29ha of open space (including the woodland) and MBC Parks and Leisure department have requested an amount of £19,950 towards open space provision. At the time of the report, the Parks and Leisure have yet to confirm where this will be spent and this will be updated prior to the committee.

6.45 The above contributions are considered to be CIL compliant and justified in relation to the regulations. The applicant has engaged with the council's legal services to start the drafting of the legal agreement.

7.0 CONCLUSION

7.01 The site is an allocated site within the Council's Local Plan which can be given full weight and the submitted scheme will accord with the policy criteria of H1 and H1(65) which allocate the site for 65 dwellings. The scheme is also an integral part of the strategy for Yalding which is set out in Policy SP16 which seeks to secure contributions for health and pedestrian improvements. The scheme will deliver a mix of housing and affordable housing in accordance with the relevant policies, all of which lend significant weight in favour of the scheme.

7.02 The scheme will also be acceptable on matters such as design, drainage, ecology and trees and whilst there will be very limited impacts upon the setting of the conservation area in the short term and the proposed landscaping and layout will mitigate such effects. Having regard to paragraph 134 of the NPPF, the development will have less than substantial harm and the public benefits of the application will outweigh the identified harm which is itself given significant weight in the balancing test. These benefits include compliance with the housing policies and the wide range of benefits means that the development will accord with the development plan and the presumption in favour of sustainable development will apply in this case.

8.0 RECOMMENDATION

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

- The provision of 40% affordable residential units within the application site (Tenure mix to be secured of between 55-65% Affordable Rent and the remainder Shared Ownership. Final mix between these parameters to be agreed with MBC Housing and Head of Planning to be given delegated power to secure this through negotiation with applicant).
- Financial contribution of Yalding Primary School of £197,778.00
- Financial contribution of £140,408.10 towards Maidstone Grammar School
- Financial contribution of £1,996.50 is sought towards community learning and the cost of providing flexible courses in Maidstone
- Financial contribution of £7,536.10 towards libraries to address the demand from the development towards additional bookstock at Yalding Library
- Financial contribution of £44,604 towards Healthcare at Yalding Surgery
- Financial contribution of £551.85 for Youth Services which will be put towards Maidstone Outreach workers

- Financial Contribution of £4131.40 towards social care and Trinity Foyer Sensory Beds and Rockery
- Open Space Contribution of £19,950 is based upon the off-site provision that cannot be provided on site and will be put towards

GRANT planning permission subject to the following conditions:

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

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

2. Prior to any development above damp proof course level, written details and samples of the materials to be used and incorporated within in the construction of the external surfaces of the buildings which shall include Kentish Ragstone plinths to plots 64 and 65, stock brickwork, Kent peg tile hanging, weatherboarding, and clay and natural slate roof tiles and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. Once approved the Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance of development.

3. Notwithstanding the details shown on the approved elevation drawings, prior to the development above damp proof level, further details shall be provided in respect of the elevation detail of the approved dwellings for approval by the Local Authority. These details shall include the following;
 - (1) Detail of brick arches to windows
 - (2) Reveals around doors and windows
 - (3) Extent and detail of first floor cladding including that to all elevations
 - (4) Soffit and Facia detail
 - (5) Chimneys across the development

Once approved, the development shall then be undertaken in accordance with these details and retained thereafter;

Reason: to ensure a satisfactory appearance of development

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

preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

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

5. All existing trees and hedges on, and immediately adjoining, the site, shall be retained, unless identified on the approved site plan (or block plan in the absence of a site plan) as being removed, except if the Local Planning Authority gives prior written consent to any variation. All trees and hedges shall be protected from damage in accordance with the current edition of BS5837. Any trees or hedges removed, damaged or pruned such that their long term amenity value has been adversely affected shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions to mitigate the loss as agreed in writing with the Local Planning Authority.

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

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

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

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

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

8. The approved landscaping will be undertaken and completed in the first planting season following the first occupation of the development hereby permitted. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property,

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

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

9. Development shall not commence above slab level until details of the proposed pedestrian footpath route through the southern area of woodland has been submitted for approval by the Local Planning Authority. This route shall be informed by arboricultural information in accordance with the current version of BS5837 to ensure a suitable routes is achieved whilst retaining the integrity of the woodland. The report shall also include an Arboricultural Method Statement and include a schedule of any required access facilitation works, a tree protection plan and specific details of the construction of the said footpath with existing and finished levels. Once approved the footpath will be constructed in accordance with the approved details prior to the first occupation of the development and retained in accordance with such details.

Reason: to ensure integrity of the woodland is maintained as part of the development

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

Reason: To ensure a satisfactory appearance to the development.

11. The approved garages hereby permitted shall only be used for vehicular parking and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out to the garages so as to preclude the parking of a vehicle;

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

12. A landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. Landscape and ecological management shall be carried out in accordance with the approved plan unless the local planning authority gives written consent to any variation.

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

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

- The alterations to Vicarage Road as set out in the Transport Assessment
- The access to Vicarage Lane and appropriate visibility splays
- Pedestrian Footpath from site access and tactile paving to create crossing point to northern footpath

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 H1-65 (as modified) and to ensure highway and pedestrian safety

14. 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

Reason: to secure crime prevention and safety of the area

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

Reason: to promote sustainable travel and reduce vehicle emissions

16. The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority. Such details shall include ragstone walling on plots or boundaries facing onto public open space and shall include detail of bond, mortar mix and pointing detail. The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

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 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:

as

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

19. 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 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

20. 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.

21. No dwellings hereby permitted shall be occupied until details of the foul water sewerage disposal have been submitted to, and approved in writing, by the Local Planning Authority.'

Reason: to ensure adequate drainage to the site

22. 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.

23. 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

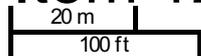
Reason: To ensure that features of archaeological interest are properly examined and recorded.

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

- Drawing 2855 10 Site Location Plan
- Drawing 2855 100 Rev Q Site Layout Plan
- Drawing 2855 101 Rev L Parking Plan
- Drawing 2855 102 Rev L Tenure Plan
- Drawing 2855 103 Rev M Refuse Strategy

- Drawing 2855 104 Rev O Storey Heights Plan
- Drawing 2855 105 Rev M Unit Mix Plan
- Drawing 2855 106 Rev L Roof Plan
- Drawing 2855 107 Rev L Roof Plan
- Drawing 2855 108 Rev C Street Elevations
- Drawing 2855 110 Rev F Proposed Site Plan
- Drawing 2855 110 Rev F Proposed Site Plan (Without Notes)
- Drawing 2855 201 Rev E House Type B1 Plans & Elevations
- Drawing 2855 202 Rev D House Type B2 Plans & Elevations
- Drawing 2855 204 Rev G House Type D1 Plans & Elevations
- Drawing 2855 206 Rev F House Type E2 Plans & Elevations
- Drawing 2855 207 Rev F House Type F1 Plans & Elevations
- Drawing 2855 209 Rev E House Type G1 Plans & Elevations
- Drawing 2855 210 Rev E House Type G2 Plans & Elevations
- Drawing 2855 212 Rev D House Type G4 Plans & Elevations
- Drawing 2855 213 Rev G House Type H1 Plans & Elevations
- Drawing 2855 214 Rev E House Type H2 Plans & Elevations
- Drawing 2855 215 Rev E House Type H3 Plans & Elevations
- Drawing 2855 216 Rev D House Type H4 Plans & Elevations
- Drawing 2855 217 Rev F House Type AF2-A Plans & Elevations
- Drawing 2855 218 Rev D House Type AF2-B Plans & Elevations
- Drawing 2855 220 Rev E House Type AF3-B Plans & Elevations
- Drawing 2855 224 Rev C Affordable Apartments Elevations 1
- Drawing 2855 226 Rev G House Type E3 Plans & Elevations
- Drawing 2855 227 Rev F House Type F3 Plans & Elevations
- Drawing 2855 228 Rev F Car Ports & Garages Plans & Elevations Sheet 1
- Drawing 2855 229 Rev E Car Ports & Garages Plans & Elevations Sheet 2
- Drawing 2855 230 Rev B House Type L1 Plans & Elevations
- Drawing 2855 232 Rev B House Types AF2-B Plans & Elevations
- Drawing 2855 235 House Type B1 Plans & Elevations
- Drawing 2855 238 House Type D2 Plans & Elevations
- Drawing 2695-LA-01P7 Illustrative Landscape Masterplan

Reason: To clarify which plans have been approved



17/500819 Bungalow at Hill View

Scale: 1:1250

Printed on: 1/11/2017 at 16:57 PM by JulieM



REPORT SUMMARY

REFERENCE NO - 17/500819/FULL			
APPLICATION PROPOSAL – Detached double garage with pitched roof and storage in the loft space.			
ADDRESS – Bungalow at Hill View, Yelsted Road, Yelsted, Kent ME9 9UU			
RECOMMENDATION - GRANT PLANNING PERMISSION Subject to planning conditions			
SUMMARY OF REASONS FOR RECOMMENDATION - The proposed detached double garage development compiles with relevant policies of the Development Plan (Maidstone Borough Local Plan (2017), and provisions set out in the SPD for Residential Extensions (2009). There are no adverse impacts on the character and appearance of the application property, the visual amenity of the vicinity of the site, or character and openness of the surrounding countryside and its AONB designation. The detached double garage development does not result in any adverse impacts on the amenities of surrounding occupiers.			
REASON FOR REFERRAL TO COMMITTEE - Stockbury Parish Council has requested that the application be determined by the Planning Committee if the case officer was minded to recommend approval.			
WARD North Downs	PARISH/TOWN Stockbury	COUNCIL	APPLICANT Mr Richard Bearsby AGENT Peter Jackson Architects
DECISION DUE DATE 11/04/2017	PUBLICITY EXPIRY DATE 10/04/2017	OFFICER SITE VISIT DATE 20/03/2017	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
15/506969/FULL	The replacement of existing caravan with a detached bungalow property	PERMITTED	19.11.15
16/502175/FULL	Replacement of existing mobile home with the erection of chalet-style detached bungalow.	PERMITTED	12.05.16

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is an irregular shaped plot of land located within an area of open countryside designated as Area of Outstanding Natural Beauty in the newly adopted Maidstone Borough Local Plan (2017). The site was previously used for the stationing of a caravan, but is now occupied by a chalet-style detached bungalow approved under planning application with reference number 16/502175/FULL.
- 1.02 The site is accessed by a shared driveway off Yelsted Road, approximately 100 metres to the west of the site. The site has a grassed area to the east, and is bounded by a 1.8m metre fence on the west and south sides. A bungalow known as ‘Catharos Lithos’ is situated to the east of the site, with ‘Cherriamber Lodge’ to the west. The surrounding area is rural in character involving undulated landscape with small pockets of sporadic development.

2.0 PROPOSAL

- 2.01 The proposal is for the erection of a detached double garage with pitched roof and storage in the loft space. The garage is proposed on the south western elevation of the approved bungalow and would be set back from the front elevation of the property by approximately 8 metres. It would be 6 metres in height from the ground level to the highest part of the pitched roof, incorporating a large garage door on its north facing frontage. Due to the change in ground levels from west to eastwards, the height of the garage development would be approximately 2 metres lower when compared with the height of the chalet bungalow at the site. It would have a square shaped foot print with a width of 6.5 metres and depths of 6 metres. An additional door is proposed on the southern elevation of the garage building and an internal staircase to the storage area above.
- 2.02 The application includes the construction of a driveway approximately 3.5 metres in width and 16.5 metres in length. It extends from the frontage of the garage building to the norther boundary of the site. The application states that the driveway would be constructed with permeable gravel.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV22, ENV33
National Planning Policy Framework (NPPF) Paragraphs 56 and 57 of the government guidance in the National Planning Policy Framework.
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents: para. 4.45, 4.46 and 4.47 page 28 of Residential Extensions
Maidstone Local Plan (2017): Policy DM8

4.0 LOCAL REPRESENTATIONS

- 4.01 The owners/occupiers of dwellings adjoining the site were notified of this application by letter and a site notice displayed. Representations were received from owners/occupiers of High Vistas, The Acorn and Poppy View, objecting to the proposal on the following summarised grounds;
- Overdevelopment of the application site
 - Overlooking from previously approved chalet-style bungalow at the site
 - The scale of development not in keeping with the character of the area
 - The manner in which the application has been submitted in stages represents a circumvention of the planning rules.
- 4.02 The planning issues raised by the neighbouring objectors are addressed in the main appraisal section of the report.

5.0 CONSULTATIONS

- 5.01 Stockbury Parish Council objects to the application on grounds that it amounts to overdevelopment of the site and would set precedent for similar developments in the future.

6.0 APPRAISAL

Main Issues

- 6.01 Existing and emerging development plan policies allows for extensions and alterations to dwellings within the open countryside subject to outlined criterion being met. Therefore, the key issues for consideration and determination in this application for the erection of a detached double garage with pitched roof and storage in the loft space are;
- The impact of the detached garage building on the space surrounding the application property.
 - Its' impact on the character and appearance of the general vicinity of the site, the wider countryside and its AONB and SLA designation.
 - The impact on the amenities of surrounding residential owners/occupiers.

Visual Impact

- 6.02 The general character of the area is depicted by small pockets of sporadic developments set within large sized plots of land. Considering that the application site is well screened and set back from Yelsted Road, the proposed double garage building would not have any significant adverse visual impact on the character of the general locality of the site, as it will not be readily visible from within the street.
- 6.03 The garage development would be sympathetically sited to the western elevation of the property at the site, which is consistent with recommendations set out in the SPD for Residential Extensions. The building would be set back from the front elevation by approximately 8 metres, and therefore, would not appear over dominant or visually harmful when seen in the context of the site. Whilst the built form at the site would be slightly higher when compared with surrounding developments, the addition of the garage building would not significantly overwhelm the form of the host dwelling as suggested by the Parish Council and neighbouring objectors.
- 6.04 There is a change in ground levels from west to eastwards, and therefore, the garage building would be significantly stepped down by approximately 2.5 metres in relation to the ridge line of the main dwelling. Consequently, the proposed garage development would not significantly detract from the existing character and appearance of the main dwelling or developments in the immediate vicinity of the site.
- 6.05 The garage building would be screened from the neighbouring dwelling to the west of the site Cherriamber Lodge by the conifer hedges running along the common boundary. It would be sufficiently distanced from the neighbouring dwelling to the east of the site known as Alruby.
- 6.06 Whilst the proposed driveway would appear slightly disproportionate in width when seen in the context of the site, it would be constructed of permeable gravel which would help soften its appearance. It is recommended that giving the sensitive nature of the site, a condition is included in the grant of permission requiring the retention of the proposed permeable gravel.
- 6.07 Overall, it is not considered that there would be any significant adverse impacts resulting from the proposed garage development significant enough to raise overriding planning objections to this proposal. The garage development and the driveway would not have any significant detrimental impact on the character of designated AONB.

Residential Amenity

- 6.08 The proposed garage development is sufficiently distanced from neighbouring properties and screened on the east and western elevations by leylandii boundary hedges. The distances from the rear elevation of the garage building and the neighbouring dwelling to the south would be above 50 metres. Therefore, the existing boundary treatment and separating distances with neighbouring dwellings would maintain acceptable levels of privacy.

Other Matters

- 6.09 Comments have been received from neighbouring occupiers objecting to the proposals on the grounds that previous assurances given that the approved dwelling would not overlook their property have turned out to be false. Members are reminded that the current submission for the erection of the detached double garage with storage above needs to be assessed on its own merit in the context of the site. The garage proposal would be significantly lower in relation to the ridge line of the main dwelling at the site. The inclusion of a condition restricting alterations would ensure that there is no unacceptable impact on any neighbouring residential dwelling in terms of overlooking and loss of privacy.
- 6.10 Further comments have been received criticising the manner in which the application has been submitted in stages ostensibly to circumvent planning rules. The existing and emerging development plan allows for extensions and amendments to approved developments. Each proposal submitted is assessed on its own merit in the context of the planning history for the site and existing surrounding neighbouring developments. Therefore, it is not possible for applicants to circumvent planning rules by submitting proposal in an incremental fashion.

7.0 CONCLUSION

- 7.01 The proposed development, complies with the relevant policies of the Development Plan (Maidstone Borough Local Plan (2017), and the Supplementary Planning Document for Residential Extensions (2009). There are no adverse impacts on the character, appearance and visual amenity of the vicinity of the site, the surrounding countryside and its AONB designation. The detached double garage development does not result in any unacceptable impact on the amenities of surrounding occupiers.
- 7.02 The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other relevant material considerations. There are no overriding material considerations to indicate a refusal of planning permission and the recommendation is to approve planning permission subject to the relevant conditions.

8.0 RECOMMENDATION GRANT planning permission subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans/drawings nos; 1932/PL/03.2/A, 1932/PL/03.01/A, 1932/PL/03.3/A and 1932/LOC/01.1

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

3. The materials to be used in the construction of the external work to the double garage building with storage space above hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development

4. The double garage building with storage space above hereby approved shall only be used for car parking purposes and storage incidental to domestic use of the related dwelling house and for no other purpose whatsoever including residential annex accommodation.

Reason: In accordance with Policy DM27 and SPG 'Kent Vehicle Parking Standards' (2006) to ensure satisfactory parking at the site.

5. Notwithstanding the provisions of the General Permitted Development Order 2015 (as amended) no alterations shall be made to the double garage building with storage space above hereby permitted without first obtaining the prior approval in writing from the Local Planning Authority.

Reason: In the interest of the character and appearance of the existing dwelling and residential amenity of neighbouring owners/occupiers.

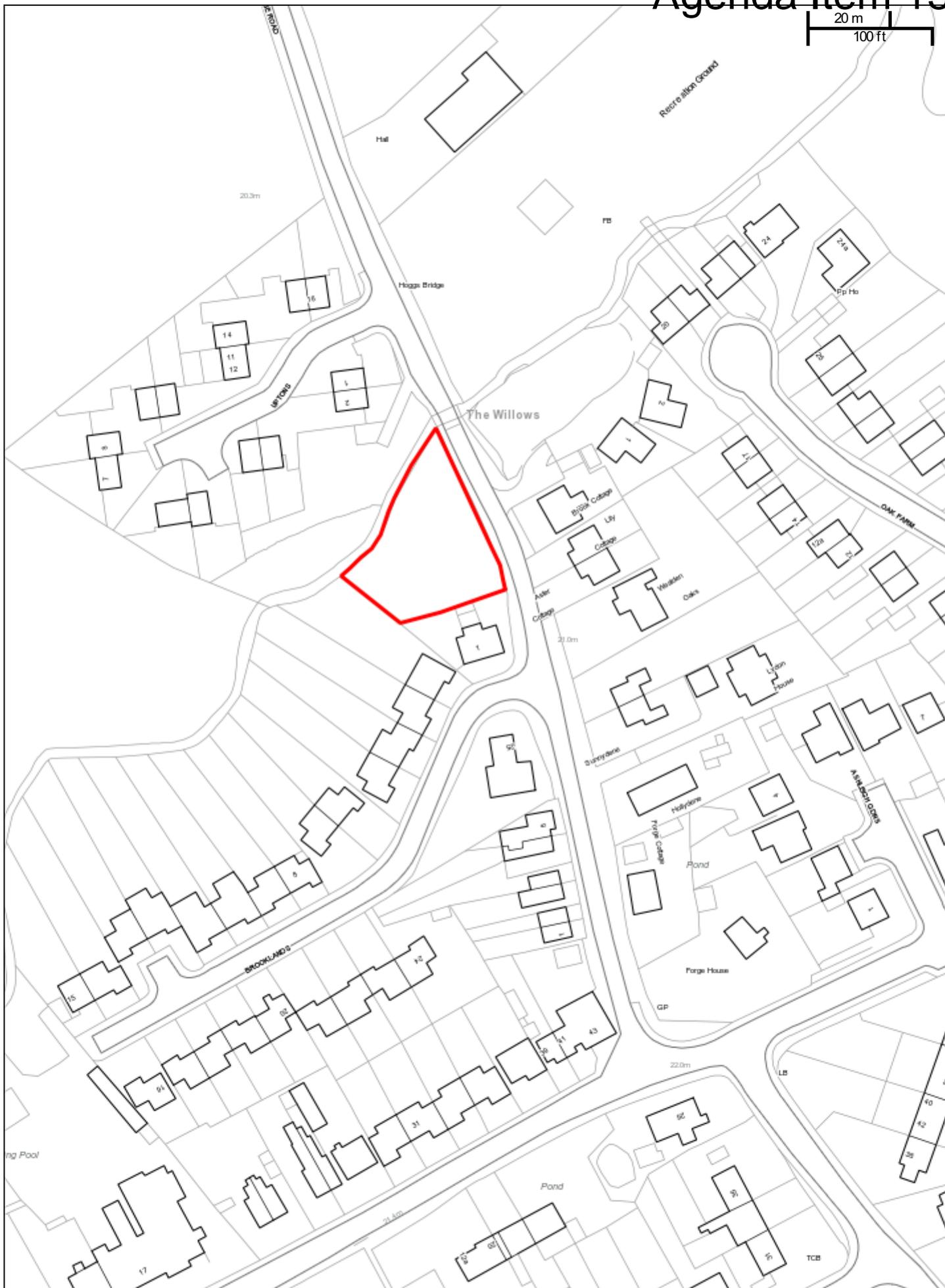
6. The driveway hereby permitted shall be constructed of permeable material and retained as such thereafter to the satisfaction of the Local Planning Authority.

Reason: To soften the appearance of the development and In the interest of the character and appearance of the AONB.

Case Officer: Francis Amekor

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

20 m
100 ft



17/501308 1 Brooklands

Scale: 1:1250

Printed on: 1/11/2017 at 10:26 AM by JulieM

REPORT SUMMARY

REFERENCE NO - 17/501308/FULL		
ADDRESS 1 Brooklands, Headcorn, Kent, TN27 9QS		
RECOMMENDATION- Grant subject to conditions		
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 Headcorn Parish Council recommends refusal and request referral to planning committee.		
WARD Headcorn	PARISH/TOWN Headcorn	COUNCIL APPLICANT Mr P Fox AGENT E P Architects Ltd
DECISION DUE DATE 05/05/17	PUBLICITY EXPIRY DATE 15/05/17	OFFICER SITE VISIT DATE 07/04/17
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 16/501929/FULL - Erection of 2no detached dwellings in the garden of 1 Brooklands – Withdrawn to address objection raised by the EA. 13/2088 - Single storey side extension to existing dwelling and demolition of detached double garage, subdivision of plot and erection of 1(no) detached dwelling with access and associated works – Withdrawn to address objection raised by the EA.		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 1 Brooklands is a detached two storey residential property located at the junction of Brooklands and Ulcombe Road with frontage and vehicle access onto Ulcombe Road. The house is located in the southern corner of the site with a detached garage located in the northern section with block paving / off road parking between the house and garage. The Ulcombe Road boundary is characterised by a circa 2m high mature hedge to the front of the house, a vehicle access and close board fencing with a hedge behind. The rear garden of 1 Brookland is largely laid to lawn with close boarded fencing along the boundary.
- 1.2 To the north of the site is a stream. The stream is separated from the site by a 2m high close board fence. The site is located in flood zone 3a according to the EA records.
- 1.3 The surrounding area is predominantly residential in character, with properties of differing scale, design and age. For the purposes of the Local Plan, the site is within the defined village envelop / urban area of Headcorn. To the east of the site is pair of semi-detached houses that has been approved and constructed within the last 10 years.

2.0 PROPOSAL

- 2.1 Erection of a pair of semi-detached 3 bed dwellings in the side garden of 1 Brooklands, to the north of the existing house.
- 2.2 The houses would be two storey with a void below to allow for flood alleviation. A traditional design is proposed with gable ends, pitched roofs and two small pitched roof dormers on the front elevation. Pedestrian access at the front of each house would be via a raised walkway spanning the width of the building. Access to the rear garden would be via a raised veranda at the rear of the building with steps down to the garden. Materials include facing brick at ground level, weatherboarding to the first floor and gables and plan roof tiles.
- 2.3 The existing hedge along the Ulcombe Road boundary would be retained except for a gap required for the proposed vehicle access which would accommodate two rows of tandem parking (4 cars in total) in the northern part of the site.

Amended plans

Amended plans have been submitted during the course of the planning application to address comments received from the EA and relocate the building / parking area further away from the stream running outside the northern boundary of the site.

3.0 POLICY AND OTHER CONSIDERATIONS

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Local Plan (2017): SP1, SP7, DM1, DM9, DM11, DM27

4.0 LOCAL REPRESENTATIONS

- 4.1 **Local residents:** 3 representations received from local residents raising the following issues:
- The site and road are liable to flooding. In December 2012 there was severe flooding.
 - Highways safety.
 - Ulcombe Road is not suitable for additional traffic.
 - Impact on local sewerage system.
 - Additional traffic.
 - Insufficient parking provision.
 - Loss of light, overshadowing and overlooking to neighbouring property.
- 4.2 **Headcorn Parish Council:** Objects and requests referral to planning committee for the following summarised reasons:
- Gross overdevelopment
 - Location in a flood plain
 - Parking for provision for the existing property

5.0 CONSULTATIONS

KCC Highways: The proposal does not meet criteria for consultation with KCC.

EA: No objections subject to conditions.

KCC Ecology: No objections subject to conditions.

MBC Environmental Health Officer: No objections

6.0 APPRAISAL

Principle of Development

- 6.1 The site is located in the residential urban area of Headcorn as defined on the saved and emerging policy maps. Headcorn is designated as a rural service centre in the new local plan and policy SP5 and SP7 of the new local plan state that outside the Maidstone urban area, rural service centres are the second most sustainable settlements in the hierarchy to accommodate growth. Policy SP5 and SP7 support, (inter alia) minor development such as infilling and redevelopment of appropriate sites. Policy DM11 of the new local plan supports development of residential garden land in rural services centres subject to certain criteria. Saved policy H27 allows new minor residential development within the village envelope.
- 6.2 Having regard to the above policies I consider the principle of additional residential development on garden land at this property within the rural service centre to be acceptable.
- 6.3 Key considerations are flooding, design, amenity (future occupiers and neighbours), highways safety and parking.

Visual Impact

- 6.4 The proposed development would be clearly visible from close range views outside the site on Ulcombe Road. The existing boundary hedge would be retained and enhanced and would screen the void area, elevated walkway and majority of the ground floor of the proposed development. A new gap in the hedge would provide access to the vehicle parking spaces.
- 6.5 The surrounding area is characterised by a variety of residential properties including a recently constructed semi-detached pair on the opposite side of Ulcombe Road. The front building line would reflect the established building line to the south of the site and the existing hedge along Ulcombe Road would be retained with the proposed development located behind the hedge. The bulk of the proposed ridge line would reflect the height of the existing property at 1 Brookland with the gable sections extending slightly higher, which is considered to be acceptable at this section of Ulcombe Road as the existing properties located to the north would not be viewed in the same streetscene context. The fenestration heights / alignment at ground and first floor level would reflect the fenestration at 1 Brookland Road. Objections have been raised regarding overdevelopment of the site. In this regard both proposed houses would provide adequate rear gardens, road frontage boundary treatment would be retained and enhanced and distances to the side / shared boundary would be similar to neighbouring residential properties. As such I consider that the proposed layout and traditional form and design would reflect the surrounding residential development in this part of Headcorn in accordance with policy DM1 and DM11. A condition is recommended to ensure good quality materials are used that reflect the local vernacular of the area.

Residential Amenity

- 6.6 The closest residential property to the proposed development would be the existing property at 1 Brooklands located to the south of the site. There are not considered

to be any unacceptable amenity impacts upon this property due to the orientation of the proposed development and location of proposed and existing windows.

- 6.7 Residential properties to the north and west of the site would not be affected due to the separation distances involved and natural screening.
- 6.8 The property located on the opposite side of Ulcombe Road has raised objections regarding loss of light, overshadowing and loss privacy. The development would be located some 18m from the house on the opposite side of the road and, Ulcombe Road, which is a public highway, would be located between the proposed development and neighbouring property. It is therefore considered that the proposal would not result in an unacceptable loss of amenity to this neighbouring property.

Highways

- 6.9 The proposal includes four parking spaces in total, two tandem parking spaces for each property. The parking provision is in accordance with the councils saved and emerging parking policy. Two off-street parking spaces would be retained at 1 Brookland Road. There would be no on-site turning area and future occupiers would have to either reverse onto the site or road. This is a similar arrangement to existing houses on Ulcombe Road, including the semi-detached pair recently constructed opposite 1 Brookland Road and, does not warrant a sustainable reason for refusal.
- 6.10 The proposed development would not result in a significant increase in traffic generation or severe highway impact to warrant an objection in highways terms.
- 6.11 Cycle storage is proposed to the rear / side of each house in accordance with policy.

Landscaping

- 6.12 The existing hedge along Ulcombe Road would be retained with the development located wholly behind this existing boundary feature. The retention of the boundary hedge would reflect the boundary treatment to the south of the site at 1 Brookland Road. A condition could be attached to ensure any gaps in the hedge are filled in and the hedge is extended across the frontage where possible as shown on the proposed layout plan. The rear gardens would be laid to lawn.
- 6.13 One small apple tree would be removed to facilitate the proposed development. The tree is not protected by a TPO and is not visible from a public vantage point such that its proposed removal does not warrant objection. In accordance with policy I consider it would be appropriate to provide a new tree as mitigation which could be secured by condition.

Flooding

- 6.14 The EA has advised that the application site is located within flood zone 3a and neighbours have objected to the proposed development on grounds of flooding. The development has been designed following advice from the EA and applicants flood specialists and the semi-detached pair would be raised above ground level with a void below the houses to allow flood water to flow unobstructed over the site. Following the submission of a revised layout the EA does not raise any objections to the proposed development subject to a condition requiring a buffer zone to safeguard the existing water course as delineated by the existing fencing and shown on the submitted site layout. The buffer zone would safeguard the existing watercourse buffer zone and ensure no outbuildings / extensions are built and would be secured by condition 2.

- 6.15 The FRA advises that safe access can be provided to the site as Ulcombe Road is located above the predicted flood water level and the driveways will also be above the predicted flood water level. The design / ground floor height and raised access would ensure the properties and residents are safe at times of flooding and the void area below the houses would ensure there would be no loss of flood plain storage.
- 6.16 The EA has advised that the sequential test should be applied by the LPA. The application site comprises part of the applicants residential garden and there are not considered to be any alternative appropriate sites for the purposes of the sequential test. The EA has advised that the proposed development would pass the exception tests and does not raise an objection in terms of increased flood risk to neighbouring properties or to future occupiers of the site.

Ecology

- 6.17 The application is accompanied by a preliminary ecology survey which indicates that the site comprises a managed residential garden land and offers negligible potential for amphibians and reptiles, no potential to support the hazel dormouse. The site and surroundings offer potential to support breeding birds and bats. With the exception of the apple tree in the rear garden the trees and hedgerows within / adjacent the site would be retained thus continuing to support these species. The ecology report advises it is unlikely that water voles are present, however, surveys are recommended as a condition (as suggested by the ecology report and EA) to ensure they are not present and safeguard their habitat during the course of the construction.

Other issues

- 6.18 Impact on the local sewerage system has been raised by a neighbour. Connection to the local sewerage system would fall within the remit of Southern Water and is controlled under the Water Industry Act.

7.0 CONCLUSION

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

8.0 RECOMMENDATION – GRANT Subject to the following conditions for the following reasons:

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

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

- (2) No development shall take place until a scheme for the provision and management of a buffer zone no less than that currently delineated by the existing fence line alongside the watercourse shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The buffer zone shall be kept free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:

- plans showing the extent and layout of the buffer zone.
- details of any proposed planting scheme (to be of native species).
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term.

Reason: To safeguard the existing watercourse buffer zone during the construction and thereafter.

- (3) No development shall take place until a report detailing water vole surveys carried out between April and September by a competent surveyor has been submitted to the Local Planning Authority. The report should detail the results of surveys carried out within the most recent survey season and, if present, include a plan for the protection of the species and their habitat:

Such a plan should include:

- detailed drawings of the location and construction of the proposed development (including timing of works, methods and materials to be used);
- details of how water voles and their resting places are to be protected during construction works;
- a scheme for the long-term management and protection of the water vole population and its habitat;
- details of mitigation and / or compensation for the loss of habitat used by the water vole
- the design, construction, mitigation and compensation measures should be based on the results of a survey carried out at an appropriate time of year by a suitably experienced surveyor using recognised survey methodology.

The development shall be carried out in accordance with the approved details / plan.

Reason: In the interest of wildlife protection during the construction and thereafter.

- (4) The approved details of the parking areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

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

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

- (6) Prior to commencement of development above damp proof course level, written details of a scheme of landscaping shall be submitted to and approved in writing by

the Local Planning Authority which shall include a long term management plan. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines;

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

Reason: To ensure a satisfactory appearance to the development.

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

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

- (8) The development shall not commence above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the building, including those of the roof, elevations, hard surfaces and retaining walls, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Proposed materials shall include details of bat/bird bricks/boxes incorporated into the building. The development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

- (9) The development hereby approved shall not be occupied until a minimum of two electric vehicle charging points have been installed on the proposed dedicated off street parking, and shall thereafter be retained for that purpose.

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

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

Reason: To safeguard the character and of the surrounding area and to safeguard flood risk.

- (11) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether

they are to be retained or removed [provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification, a programme of implementation and a [5] year management plan. The landscape scheme shall specifically address the need to provide a replacement tree and details of the frontage hedgerow.

The occupation of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within 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

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

1692.P.101 Rev B; received 26.09.2017 and 1692.P.100 Rev B; received 21.07.2017 and 1692.P.100, 1692.P.101 and 1692.E.01; received 08.03.2017. And supporting documents: KB Ecology Preliminary Ecological Appraisal; dated 16th December 2015 and Arboricultural Report; date January 2016.

Reason: To clarify which plans and documents have been approved.

Andrew Jolly

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

17/501308/FULL

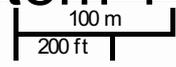
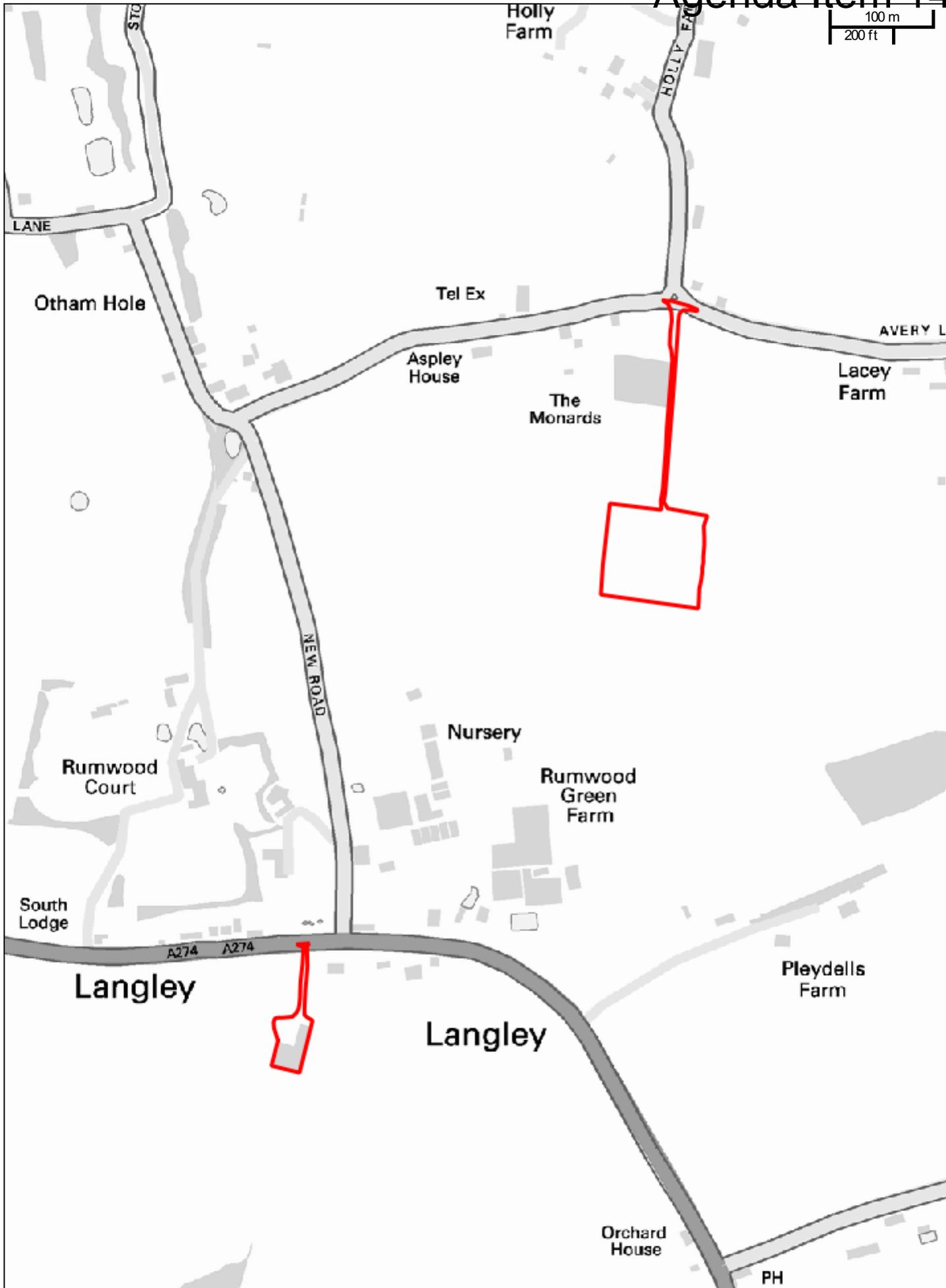
Add following to title banner

Application proposal

Construction of 2no dwellings in the garden of 1 Brooklands.

RECOMMENDATION

Recommendation to grant subject to conditions remains unchanged



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 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 to 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.

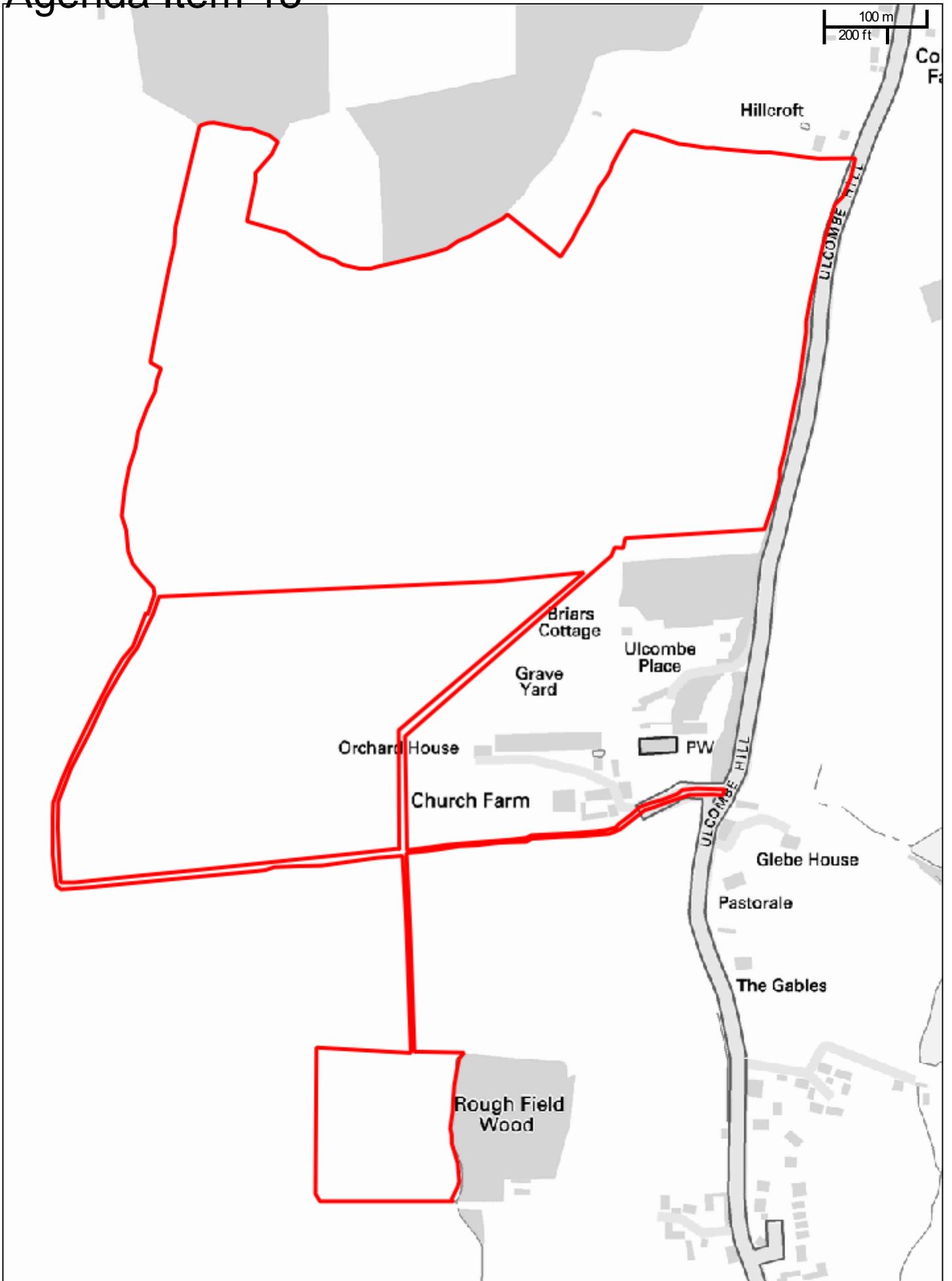
- (12) The area shown on Drwg DHA/11313/06 rev A (Pack house relocation, existing and proposed site plans) as vehicle parking, loading, off-loading and turning space, shall be paved and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the 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 15



17/503284 Church Farm

Scale: 1:5000

Printed on: 1/11/2017 at 11:29 AM by JulieM

REPORT SUMMARY

REFERENCE NO - 17/503284/FULL			
APPLICATION PROPOSAL Erection of Cravo greenhouses, general purpose agricultural storage building, water storage tanks, drainage works, construction of a reservoir and landscaping			
ADDRESS Church Farm Ulcombe Hill Ulcombe Maidstone Kent ME17 1DN			
RECOMMENDATION - GRANT subject to the planning conditions set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION Although the scheme will result in some landscape harm to the countryside, the economic and social benefits of supporting modernising farming practices would outweigh the harm and support the rural economy and the assessed need for the development in relation to the future agricultural practices and productivity of the land. The development would result in less than substantial harm to the setting of local Listed Buildings, such that the extent of harm would not compromise the importance of these settings. Landscaping, ecological, drainage and tree impacts are all considered on balance acceptable and could be mitigated by appropriate planning conditions.			
REASON FOR REFERRAL TO COMMITTEE The application has been called in by Cllr Round on the grounds of sensitivity to the environment in respect that the location is on the Greensand ridge and significantly affects the panorama of/to the LLV of the Low Weald, plus it is a massive cumulative and disproportionate effect to the whole landscape of the area Referred to planning committee by Broomfield and Kingswood Parish Council.			
WARD Headcorn	PARISH/TOWN Ulcombe	COUNCIL	APPLICANT G Charlton And Sons AGENT DHA Planning
DECISION DUE DATE 02/10/17	PUBLICITY EXPIRY DATE 07/09/17	OFFICER SITE VISIT DATE 05/09/17	
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
17/505238/ENVSC R	EIA Screening Opinion: Erection of Cravo greenhouses, general purpose agricultural storage building, water storage tanks, drainage works, construction of a reservoir and landscaping (refers to: 17/503284/FULL).	EIA not required	26/10/17
Church Farm (land to the south of the application site)			
13/1645	Erection of 10 ha (25 acres of polytunnels) each polytunnel being approximately 3.75 metres in height and having a width of approximately 8 metres	Permitted	18/11/13
Church Farm (land to the immediate east of the application site)			
01/1243 (Oast House)	An existing development being a mixed use comprising B1(c) light industrial and as a base	Permitted	8/11/01

	for a business of installation and servicing of irrigation and hydraulic systems for farms including associated assemblage of equipment, storage of components and a ancillary sales as described in application MA/01/1243		
01/0415	Continued use of the cold store for a mixed storage and agricultural use, continued use of dutch barn for storage (use class B8), continued use of stables for offices (use class B1a) and use of hop shed for B1(c) use	Permitted	14/6/01
Land to the immediate west (Morry Farm, Morry Lane))			
15/506987	Part retrospective application for the erection of polytunnels, drainage works and landscaping.	Permitted	21/4/16
Land to the east (Hill Farm, Lenham Road)			
14/504784	Erection of polytunnels, general purpose agricultural storage building, hard surface yard area, water storage tanks, drainage works, balancing pond below ground pumping chamber, reservoir and landscaping	Permitted	6/2/15

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to approximately 38 hectares of agricultural land located to the north of Ulcombe, situated to the west of The Street and Ulcombe Hill. The land is located on the south facing slope of the Greensand Ridge, with the topography sloping steadily northwards from the southerly part of the site.
- 1.02 The Greensand Ridge Way centrally dissects the site, with additional public rights of way (PROW) adjacent to the northern boundary and dissecting the site east-west and north-south at various points.
- 1.03 To the north of the site the boundary of the site adjoins the Kingswood South Ancient Woodland and there is a significant block of woodland (Rough Field Wood) to the south-east of the site. There are existing hedges marking the lines of some filed boundaries. There is a cluster of Listed Buildings to the east of the site, namely Ulcombe Place (Grade II), Church Farmhouse (Grade II) and All Saints Church (Grade I).
- 1.04 The site is with the Greensand Ridge Landscape of Local Value as defined in the Local Plan (2017). The site is within the Sutton Valence Greensand Ridge landscape character area as defined in the landscape capacity study and adjoins the Ulcombe Mixed Farmlands character area to the south.
- 1.05 The surrounding area is generally characterised by a patchwork of enclosed arable fields and orchards which follows the topography of the Greensand Ridge. Existing man-made reservoirs, agricultural buildings and polytunnels form part of this landscape, interspersed with areas of woodland and sporadic dwellings and villages.

- 1.06 Access points are principally along the eastern boundary (with Ulcolombe Hill), with three principal access points located to the north, centrally and south along this boundary.

2.0 PROPOSAL

- 2.01 The application seeks planning permission for the erection of cravo greenhouses, a general purpose agricultural storage building, water storage tanks, a reservoir and landscaping. The details of each element is summarised below:

2.02 *Cravo Greenhouses*

It is proposed to cover an area of approximately 12hectares of agricultural land with cravo retractable roof houses. They would be sited across three existing fields, in rows of 22, 26 and 13 joined structures. The rows would vary in length from approximately 21m to 15m. The structures would be staggered along the boundaries.

The structures would have a pitched roof, with an eaves height of approximately 3.4m and a maximum height at ridge of approximately 5.25m.

The framing is metal and the structure would have the ability to be fully enclosed on the roof, at the sides and ends or choose optimum permutations by independently operating each enclosure. The roof covering would be a clear type material. Outside the growing season all coverings (side, roof and ends) would be fully retracted.

2.03 *General purpose agricultural storage building*

This building would be sited to the north-west of the application site and would be metal clad (juniper green in colouring) built on a brick plinth. The roof would be fibre cement sheeting with a anthracite gray finish. There would be three principal openings, two electronic shutter doors and one timber. Four small pedestrian doors are proposed. Rooflights are proposed in both roofscapes, totalling 112.

The building would approximately measure 70m in length, 25m in width and have a pitched roof with an eaves height of 5m and a ridge height of 7.95m.

The building is proposed to store picking trays, barrows, tractors, mowers, sprayers, platforms, fertilisers and polythene. It would also house the irrigation control room.

2.04 *Water storage tanks*

Four water storage tanks are proposed, three larger tanks measuring a diameter of 15m by 3m and one smaller tank measuring 11m by 3m. These would be sited to the south of the proposed storage building.

2.05 *Reservoir*

This would be located to the south of the application site and would be an irregular shape with an approximate maximum width of 120m and length of approximately

135m. The sides would be graded and there would be elements of cut and fill to create to the new reservoir within the existing site levels.

2.06 *Landscaping*

Additional planting is principally proposed to enclose the southern, northern and central boundaries enclosing the proposed greenhouse, with a proposed raised bund which would incorporate conifer planting and new native trees. Further landscaping of a native hedge and trees is proposed to enclose the proposed new agricultural building.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Development Plan:

Maidstone Borough Local Plan (2017): SP17, SP18, DM1, DM3, DM4, DM8, DM30 and DM36

Other documents:

Maidstone Landscape Character Assessment

4.0 LOCAL REPRESENTATIONS

Ulcombe Parish Council: Opposes this application. The comprehensive reasons for objection are set out in the full representation. A summary of the reasons for objections is as follows:

-Draw attentions to representation received from a local resident compiled by Strutt and Parker and the CPRE.

-The development would be contrary to a number of policies within the adopted and emerging local plans and the NPPF.

-10% of the residents of Ulcombe have made representation objecting to the application, together with other parish councils and amenity groups.

-Parish Council are supportive of agriculture and have not raised objection to previous applications for polytunnels in Ulcombe, however the harm is a balance.

-The application would be the tipping point for harm to the amenity of local residents.

-Harm to the countryside and visual amenity, including reflections and harm to the views from PROW's.

-Cumulative impact

-Harm to Heritage Assets, the development is more industrial than rural and will be visually intrusive.

-Harm of access and traffic issues. There has been a significant increase in farm traffic since earlier polytunnel development, the roads cannot sustain more heavy agricultural traffic.

-Impact on streams due to reservoirs, there is not enough water flowing due to more intensive farming. There is a cumulative impact of 5 reservoirs within a mile of each other.

Broomfield and Kingswood Parish Council: Express extreme concerns of this application for the residents of Kingswood.

G Charlton & Sons have other farm sites in the parish locality and there are many issues and complaints received by this parish regarding the farm vehicles accessing the existing sites, their type and size and the manner in which they are driven around our narrow lanes. To add further to the problems currently being experienced by having an additional site of such significant size as proposed in Ulcombe and the implied increase in vehicles to and fro the site through our parish, Councillors have concluded that this application would be intolerable and therefore require this application to be refused.

Adjoining neighbours were notified of the application as originally submitted. A site notice was also put up at the site. 31 objections have been received in response to the consultation which are summarised as follows:

- Increased traffic and HGVs
- Want clarification on access
- Plans don't make reference to the PROW that goes through the site
- Contrary to supporting local people and community
- No local benefits
- Pollution and rubbish
- Concerns the site will be transformed into areas in Spain
- Disruption and loss of views
- Noise and vibration
- Impact on Listed church
- Impact on quality of life
- Too many existing polytunnel developments
- Illumination/light pollution
- Negative impact on landscape

One letter of support has been received, raising in summary the following comments:

- Serious investment by Mr Charlton
- Applicant is considerate to local resident ,
- I would like to think he could offer something back to the Village to offset some of the changes.

Comments have also been received from the following amenity groups with their comments summarised:

Parochial Church Council (PCC) : Objection to the application on the grounds that the egress for this site will bring heavy farm vehicles and buses through a narrow bridle path. There has been recent deterioration of the path due to existing polytunnels. Harm to Listed Church.

Suggest conditions and S106 to repair the bridle path and maintain in a good condition at all times. Prevent use of bridleway during Sunday services and for another 24 days each year.

Weald of Kent Protection Society : Strongly object. Visual harm, highways impact, where would workers be housed, damage to listed church. Need to choose an unobtrusive location within the landscape.

National Farmers Union: Support the application.

CPRE: Objects to the application. Contrary to policy, visual harm and lack of highways information.

5.0 CONSULTATIONS

- 5.01 UK Power Networks : No objection
- 5.02 Environment Agency : No objection subject to conditions and informatives
- 5.03 KCC Public Right of Way Officer : No objection subject to informatives
- 5.04 KCC Highways : It is not considered the cumulative impacts of the development are likely to be considered severe and therefore warrant a recommendation for refusal as per paragraph 32 of National Planning Policy Framework, subject to conditions.
- 5.05 KCC Drainage : No objection subject to conditions
- 5.06 Natural England : No comments
- 5.07 Environmental Health Officer : No objection subject to conditions
- 5.08 Crime Prevention Design Advisor : No objection subject to consideration of safety and crime prevention
- 5.09 Southern Water : No objection
- 5.10 Rural Planning Advisor : Overall, therefore, I consider that the new greenhouses and general purpose building at Church Farm, and the other associated works, are necessary to the developing successful and efficient agricultural production on this holding, in accordance with saved policy ENV 43(1) of the Local Plan, and in accordance with the emerging policy DM40.
- 5.11 Historic England : No objection
- 5.12 Conservation Officer : No objection
- 5.13 KCC Biodiversity: No objection subject to conditions
- 5.14 Landscape Officer: Comments regarding the character areas, the proposed landscaping and impact on trees.

6.0 APPRAISAL

Main issues

6.01 The key issues for consideration relate to:

- **Principle of development**
- **Agricultural need**
- **Sustainability**
- **Residential amenity**
- **Highways**

- **Ecology and tree matters**
- **Drainage**
- **Impact on setting of Listed Building**

Principle of Development

- 6.02 Policy SP17 of the Local Plan (2017) is relevant and 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 allows for new agricultural building and structures providing criteria relating to need, residential amenity, visual impact and in relation to polytunnels consideration of surface water run-off, rotation programme and ecological maintenance and enhancement.
- 6.03 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

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

'The proposed Cravo greenhouses perform a similar role to that of conventional polytunnels, the extensive use of which (subject to appropriate conditions) has been approved elsewhere on the applicants' farms and further afield in the Borough, and is now a common feature of fruit production across Kent and elsewhere in the UK: such tunnels effectively comprise units of production in themselves, and may be considered inherently required and appropriate for the purpose of modern UK strawberry and cane fruit production.'

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

The choice of Cravo greenhouses, in this case, provides a more flexible response to weather conditions, having retractable roofs which allow uncovering/covering as necessary throughout the normal growing period from about February to November. Section 7.3 of the Planning Statement further explains their use and advantages in terms of optimising growing conditions for the fruit.

The applicants' agent has also provided (in an email dated 31 July 2017) a helpful explanation of the requirement for the large general purpose building, to assist with the expanding production on this part of the farm enterprise. The building would provide storage for palletted picking trays, picking barrows, fertiliser, farm machinery and equipment, polythene, and bulk bins for apples, and would include an irrigation control room. A similar structure was permitted under 14/504784 to perform the same sort of functions for Hill Farm, Ulcombe.

Overall, therefore, I consider that the new greenhouses and general purpose building at Church Farm, and the other associated works, are necessary to the developing successful and efficient agricultural production on this holding, in accordance with

saved policy ENV 43(1) of the Local Plan, and in accordance with the emerging policy DM36.'

- 6.05 It is therefore considered there is a reasonable need for the development in line with Policy DM36 of the Local Plan (2017). It is considered therefore that the overarching question is whether the harm to the appearance of the countryside is so great as to outweigh the agricultural need for this development and this will be assessed in this report.

Sustainability

Economic and Social role

- 6.06 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.

- 6.07 The pre-amble to Policy DM36 of local plan (2017) recognises the economic benefits of polytunnels and other similar structures by increasing the growing season and the reduction in the reliance on imported produce.

- 6.08 The National Farmers Union (NFU) in their comments sets out that :

'In 2013 the County of Kent produced 95% of the entire top fruit crop in South East England, approximately 50% of the soft fruit crop and approximately one third of all other horticultural crops produced in the region. It is for this reason that we believe the horticultural sector in Kent holds special national significance and relevant proposals should be evaluated against this level of importance. Approximately £4.4 billion is invested in the rural economy in Southern England by land owners and occupiers on an annual basis and for every £1 spent in the rural economy, £7.40 is paid back to the wider economy through agricultural GVA, purchase of goods and services, public recreation and wider environmental services.'

- 6.09 It is stated by the agent that the proposal would provide continued employment and additional jobs and that the farm holding overall provides for over 800 jobs. Although the planning statement does indicate that the greenhouses would result in significant labour saving due to automation, it has been stated by the agent that the proposals would still result in approximately 300 to 320 additional jobs which would include 250 pickers, 50 packhouse jobs and an additional 15 to 20 associated jobs such as drivers, supervisors and managers.

- 6.10 Further additional information states that the additional workers will contribute further to the local economy through the use of local shops and services. In addition, the fruit produced as a result of the proposed new growing system will result in increased sales to one of the main UK supermarkets which means that more local produce will be sold in supermarkets in Maidstone and the surrounding area, thereby helping to maintain and create local retail jobs.

- 6.11 In addition to the direct jobs there will be indirect jobs created in the Borough including those created during the construction phase of the development, which is estimated will result in 100 jobs. All of which will have beneficial effect on the economy of Maidstone.

- 6.12 The land has been recently purchased by the applicant and therefore it would be difficult for the applicant to provide a direct comparison of the farming of the land in earlier years. The applicant is however seeking to maximise the output of the land at the outset. To achieve this there would be a significant initial financial input by the applicant.
- 6.13 Whilst the applicant has been unable to provide comparison information (land productivity with and without the greenhouses) submitted information does show that the greenhouses would provide 40-60% higher yields than traditional polytunnels. To produce the same output, a larger area of 40 hectares of polytunnels would be required compared to the 11/12 hectares of the proposed greenhouses. Whilst Polytunnels themselves would require separate planning permission and assessment this does provide an indication of the productivity benefits of the greenhouses. It follows that there would be a significant increase in productivity compared to traditional planting methods and compared to planting in polytunnels.
- 6.14 Today more than 90% of soft fruit grown in the UK is sold through supermarkets, who demand on behalf of their customers, a secure and constant supply of fruit from growers. The applicants states that the only way of achieving the demands are by protecting plants and fruit from vagaries of the weather and protection from insects/disease. This protection enables the applicant to meet the market and customer requirements for high quality and high yield fruit supply, in the absence of this the likelihood is that contracts to supply supermarkets may be lost.
- 6.15 The applicants are established soft and top fruit growers in Maidstone and have actively sought to increase their holding and expand their agricultural business. They currently own or lease 385 hectares of land within the Maidstone Borough, growing top, soft and stone fruit. Poly tunnels are already a common features on a number of these holdings. The acquisition on the application site land and the prospective investment in more technologically advanced equipment (subject to this planning application) demonstrates the applicants commitment to the economic success of the continued agricultural business.
- 6.16 The agricultural market is highly competitive and in order to secure continued competitiveness farmers are having to make provisions to remove 'weaknesses' from the growing process. The use of greenhouses will extend the growing season (to February to late November), allow weather conditions to be regulated, increase the density of planting, protect against pests and disease and regulate water supply. This will aid in facilitating improvements in the productivity of the land and represents sustainable economic development to support local agriculture.
- 6.17 As highlighted above, wholesale and customer demands and expectations have grown and enabling farmers to be competitive with international markets and providing almost year round 'local' produce to the UK market, reducing the 'food miles' positively supports the sustainable goals of the NPPF.

Environmental (including visual impact and landscaping)

- 6.18 The Greensand Ridge lies to the south of Maidstone and is defined by the scarp face of the Ridge with extensive views across the Low Weald to the south. It is characterised by frequent small blocks of coppice and deciduous woodland and extensive orchards. Policy SP17 of the local plan (2017) seeks to conserve, maintain and enhance landscapes of local value, of which the site forms part of.

6.19 The Landscape Character Assessment locates the site within the Sutton Valence Greensand Ridge landscape character area (35), with the southern boundary being the geographical dividing line between this area and the Ulcombe Mixed Farmlands character area (42). The generic guideline's for the Greensand Ridge seeks to avoid agricultural intensification and conserve the sense of enclosure and the field pattern provided by native hedgerows.

6.20 The assessment continues by identifying that :

'Modern farming practice has opened up parts of the landscape for intensive crop production, which is particularly evident around Ulcombe Hill, and much of the traditional small scale field pattern has been lost in the area.

6.21 The Maidstone Landscape Capacity Study; Sensitivity Assessment considers that the Sutton Valence Greensand Ridge landscape character area is of high overall landscape sensitivity with high visual sensitivity due to its ridgeline location and that it is, therefore, sensitive to change. The assessment report provides the following relevant advice for this area:

Development potential is limited to within and immediately adjacent to existing settlements and farmsteads in keeping with existing. However development on the visually sensitive ridge should be resisted, in particular extensive or large scale development or developments with strong or high vertical elements.

6.22 The Ulcombe Mixed Farmlands landscape character area, which is immediately south of the site seeks to soften the visual impact of large scale agricultural buildings with native planting, avoid further field segregation. It identifies few visual detractors, with those being large farm buildings and equipment and large glasshouses at Broadstone (currently undergoing re-development for housing). The Maidstone Landscape Capacity Study; Sensitivity Assessment also assesses the landscape as being sensitive to change due to its high overall landscape sensitivity. The Sensitivity Assessment report provides the following relevant advice for this area:

Development potential is limited to within and immediately adjacent to existing settlements and farmsteads in keeping with existing. Other development could be considered to support existing rural enterprises, although extensive, large scale or visually intrusive development would be inappropriate.

6.23 The application is accompanied by a Landscape and Visual Assessment which concludes that there would be no significant conflict with the range of policies which seek to protect the countryside and landscape character. This conclusion follows from the site having been assessed as having medium sensitivity to the development of the type proposed, considering that the greenhouses would not appear unduly out of place amongst existing polytunnels, the removal of roof coverings during winter and during times where covering is required, leaf cover is greater and thus the visual impact would be less. Impact on a small number of existing properties is assessed as low and there would be an overall landscape effect judged to be slight to moderate, with the degree of landscape change being low to medium.

6.24 There are significant variations in topography, both within the site itself and between the site and the surrounding area. The most northerly part of the site (where the proposed agricultural barn would be located) slopes gently from north to south. The fields where the proposed greenhouses would be sited slopes more steeply north to south with a difference in topography of approximately 20m. The site then

continues to fall north to southwards towards the field where the reservoir would be located, again with a similar fall in land levels by approximately 20m. A number of PROW dissect the site (generally in an east to west direction), with the Greensand Way dissecting the site centrally and lies to the south of the location for the greenhouses and barn and to the north of the reservoir.

- 6.25 There are three key elements to the proposed development, the agricultural barn, reservoir and greenhouses. The visual impact of each element is discussed as follows :

Agricultural storage barn

- 6.26 The proposed agricultural building would be located within the north-western section of the site, to the north of PROW KH312. Additional landscaping is proposed adjacent to the PROW and 4 water storage tanks would be sited to the south of the building. At some 7.95m to the ridge and some 70m by 25m, the building would undoubtedly be a large structure however an assessment needs to be made with regard to the visual impact of the building and justification for its size and height. The Rural Planning advisor indicates that the footprint of the building can be justified by the requirements of the farming functions which it would support. Farm buildings of this size are generally considered common features on modern farms and its need at Church Farm is considered to be justified to allow the farm to operate table top farming production as supported by the NPPF. It is therefore necessary to assess the visual impact of the proposed building on the character of the open countryside.
- 6.27 Due to the proposed location of the building on the edge of the Ancient Woodland, partially screened to the west by an existing hedgerow and proposed new planting which would wrap around the southern and eastern elevation, there would be some level of screening of the building. Additionally, the proposed materials would be suitably muted and characteristic of a typical agricultural building. This said the new building would be located directly adjacent to two PROW's which join at a pinchpoint to the north-western corner of the proposed greenhouses. As such even with screening there would undoubtedly be public vantage points where the building would be visible. These views would be more prominent in the short range, with longer range views obscured somewhat by topography and landscaping
- 6.28 On balance the demonstrated need for the new building (in conjunction with the other elements of the scheme applied for) it is considered that the new building would not be unreasonably detrimental to the enjoyment of the footpaths, nor would such a building be wholly uncharacteristic of a working farm.

Reservoir

- 6.29 The reservoir/attenuation pond would be located in the southern section of the site, partial views of the reservoir would also be afforded from public footpath KH351 and KH351, but these views would be restricted by topography and existing hedgerow, planting and woodland. These types of proposed water bodies are however considered a common characteristic of agricultural land and, by virtue of their form, size, siting and appearance, would not result in any unreasonable visual impacts on the character, appearance and setting of the countryside, LLV and adjoining SLA. In terms of cumulation, there is an existing reservoir located to the south and east of the site. Reservoirs are characteristic of agricultural development for irrigation purposes, and the proposed and existing reservoir in combination would have a volume / surface area considered appropriate for the type of irrigation projects proposed / in use, as confirmed by the Rural Planning advisor. The potential

cumulative impact of the three reservoirs is therefore considered acceptable from a visual perspective and the development has been suitably justified for the type of farming practices it would support and, would not result in any detrimental visual impacts in the open countryside and LLV

Greenhouses

- 6.30 The location of the storage building on the plateau of the Greensand Ridge and the location of the greenhouses to the north of the Greensand Way provides the best position in terms of the operation/efficiency of the farm and also minimises the impact of the building and greenhouses in short /medium range views from the village and also longer range views from the Low Weald. If the building and greenhouses were to be located at a lower level to the south near the foot of the slope it would be visible from many short and medium range views from the village and would have a far greater visual impact.
- 6.31 Although the greenhouses have the ability to have the roof and sides fully retracted, unlike traditional polytunnels the mechanisation of the greenhouses means that there are various permutations available in terms of covering of the structures and their ability to extend the growing season means that there is likely to only be a period of around 2months when no covering is required and during these times the coverings would be concertinaed back against the metal structure. In terms of practicality and enforceability the opening and closing of the greenhouses could not be readily controlled by planning conditions and as such the application has to be considered on the basis of annual full enclosure. The greenhouses proposed would be more visually obtrusive than more traditional polytunnels as their function and design means that the planting season would be extended, they would have higher, heavier and more ridged frames and are likely to be covered for more extended periods of the year.
- 6.32 This is not to say that the proposed development would not have any impact. The proposed development would be visible from public vantage points, in particular short range views from PROW KH313A to the north of the site and from residential properties which border KH313 to the east of the site and the PROW itself. It is from these vantage points visual impact would be at its most significant, however PROW's dissecting fields of polytunnels is not uncommon within the countryside and neighbouring routes (including those which form part of the Greensand Way) currently pass through fields of polytunnels. The greenhouse structures proposed do differ from polytunnels (as described above), however fundamentally their characteristic and purpose as an aid in growing agricultural products remains the same and the observer using the footpaths is likely to view them in the same context as part of the modern agricultural landscape. Providing these growing aids will always have an impact, but utilising those which would provide the most agricultural benefit, means that the visual harm weighs against greater productivity.
- 6.33 There would also be some longer range views from footpaths KH351 and KH350 to the south of the site, but these views are sporadic, long-ranging and would be partially obscured by existing hedgerows, tracts of woodland, new planting proposed and seen in the context of existing polytunnels. Views from the Greensand Way although possible north and southwards, the observers eye is generally drawn southwards where the views are long reaching across the Low Weald. As such locating the structures and barn to the north of the Greensand Way minimises their visual intrusion and retains the uninterrupted views across the low weald and minimises those visual detractors described in the Landscape Character Appraisal. Although changing the character and appearance of the application site compared to

the traditional arable farming, in essence the development proposed relates to agricultural operations on agricultural land and although it represents a change in characteristics, some form of enclosure is representative of modern farming practices and cannot be considered as wholly uncharacteristic.

Overall

- 6.34 It is acknowledged that the proposed development would have an impact on the countryside, and LLV, however this impact would be mitigated by the chosen location of the more visually obtrusive elements of the scheme, which would be to the north of the site, restricting any loss of long range views from public vantage points. Additional landscaping and screening is proposed and could be secured by condition to ensure that the type and mix of planting would be acceptable in this location. There would be no change of use of the land, it would remain to be used for agricultural purposes, but would promote modern farming practices which are demanded by the wholesalers and consumers of today's market. The visual harm has to be balanced against the benefits and the aims of sustainable development to secure a long-term future for rural communities. The countryside is there to be cherished and enjoyed, however it is also a working environment which needs to remain successful and competitive. The visual harm in this case is considered to be outweighed by the agricultural and economic benefits that the scheme would give rise to.

Residential Amenity

- 6.35 Whilst the visual impact of the countryside is a planning consideration, it must be noted that the right to a view is not.
- 6.36 It is considered that the proposed development would be of a sufficient distance from the proposals so that it would not cause harm to the outlook.
- 6.37 The greenhouses, barn or reservoir would not result in any overshadowing to the living spaces of the properties in the nearby dwellings.
- 6.38 The intensified use of the land may have additional farm workers (although the proposed greenhouses would be less labour intensive than other planting methods) and as a result there may be some associated noise disturbances, but it is not considered they would be of such a scale that would warrant this application unacceptable. This is an operating farm and therefore one would expect to find farm workers and farming activities on the land.
- 6.39 Based on the above, it is considered that the noise and disturbance, loss of privacy from people working on the land, incidence of litter etc would not be so great as to warrant a reason for refusal.

Highways

- 6.40 The proposal would utilise an existing access off Ulcombe Hill. It is acknowledged that the access is within close proximity to a bend and has a considerable amount of overgrown vegetation, which reduces the visibility at the access. However, it is considered these arrangements are adequate for the scale and use of the proposals. On the basis this is an existing arrangement utilised by the applicant to transport its produce to the main distribution centre on the A274, Sutton Road in Langley. The existing access has a good personal injury collision record and a low number of lorry/heavy goods vehicle (HGV) movements would be associated with the development.

- 6.41 Ulcombe Hill, Lenham Road, Headcorn Road and Tilden Road/Ulcombe Road are country roads that are restricted in width in certain places and will likely be the main routes for traffic generated as a result of the development. It is accepted that the development will generate an increase in traffic on the local road network, particularly during the summer months of June to September, however the extent of increase could not be considered severe and the majority of trip movements would be by tractor which would service the land irrespective of the decision of the application.
- 6.42 It is not considered the cumulative impacts of the development on highways matters are likely to be severe.

Ecology and tree matters (including impact on adjacent Ancient Woodland)

Ecology

- 6.43 The site is adjacent to areas of woodland (one of which has been identified as Ancient Woodland). The fields to be impacted are intensively managed arable field or orchards and as such it is considered that the proposed works are unlikely to result in the significant loss of suitable habitat for protected/notable species.
- 6.44 It is possible that suitable ground nesting bird habitat will be lost if planning permission is granted and although no mitigation has been proposed to replace the nesting opportunities the proposed enhancements will provide feeding opportunities for birds within the surrounding area.
- 6.45 The submitted information has provided details of ecological enhancements which include the retention, enhancement and creation of field margins and hedgerows and provided these enhancements are implemented it is not considered that the proposed development would cause undue harm to ecology.

Trees

- 6.46 There are no protected trees on, or immediately adjacent to, this site. However, there is an area of designated Ancient Semi Natural Woodland, Kings Wood South, located to the north of the proposed blocks of Cravo tunnels and immediately northeast of the proposed agricultural storage building. Additionally, there is a block of significant woodland, Rough Field Wood, immediately to the east of the proposed reservoir and there are hedges marking the lines of field boundaries.
- 6.47 The proposals for the reservoir has the potential to impact on the rooting environment, particularly in terms of hydrology, of trees in the adjacent Rough Field Wood and existing hedges bounding the area. An arboricultural report has been requested to assess the impact and any necessary mitigation measures, this however has not been forthcoming. The agent states that the reservoir would be located to the west of an existing water course which separates the proposed reservoir and woodland area, the profile of the existing water course would be unaffected and the woodland is at a lower level than the proposed reservoir. The tree officer acknowledges these points, but considers that a tree report and details of any mitigation measures are still necessary but these details could be conditioned and required if planning permission were granted.
- 6.48 Paragraph 118 of the NPPF set out in its aim to conserve and enhance biodiversity that :

'Planning permission should be refused for development resulting the loss or deterioration of irreplaceable habitats, including ancient woodland.....unless the need for, and the benefits of, the development in that location clearly outweigh the loss.'

6.49 Policy DM3 of the emerging local plan sets out that development should :

'Protect positive historic and landscape character.....areas of Ancient Woodland, trees with significant amenity value....and the existing public rights of way networks from inappropriate development and ensure that these assets do not suffer any adverse impacts as a result of development.'

'Protect and enhance the character, distinctiveness, diversity and quality of Maidstone's landscape and townscape by the careful, sensitive management and design of development.'

6.50 Natural England and the Forestry Commission standing advice in reference to the impacts of development nearby Ancient Woodlands, sets out the following pertinent effects :

- Breaking up or destroying connections between woodlands and other habitats
- Reducing the amount of semi-natural habitats next to ancient woodland
- Increasing damaging activities like flytipping and the impact of domestic pets
- Changing the landscape character of the area

Mitigation measures set out include :

-leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland or tree (depending on the size of the development, a minimum buffer should be at least 15metres)

6.51 The proposed greenhouses would be approximately 90m away from the edge of the ancient woodland to the north of the site. The proposed storage building would be sited approximately 50m from the edge of the ancient woodland and at least a 15m buffer between the building and the ancient woodland can be maintained and a 'physical' barrier could be provided through a planning condition to ensure that the encroachment of vehicles accessing the storage building would not encroach into the buffer.

6.52 Overall it is not considered that the proposed development would cause undue harm to trees and ancient woodland that could not be controlled or mitigated by conditions.

Drainage

6.53 Policy DM36 of the emerging local recognises that polytunnels and other similar semi-permanent structures, due to their impermeable nature can result in increased surface run-off and sets out that proposals should demonstrate how surface run-off will be dealt with and controlled.

6.54 The application is accompanied by a Flood Risk Assessment which identifies that the application is within Flood Zone 1 which represents areas at lowest risk of flooding, identifies the existing run off situation and future management of surface water.

6.55 The proposed strategy sets out that during periods where the tunnels are uncovered the catchment would act identically to that as existing with the site draining overland following the existing topography into various ditches and streams draining away to

the south. During periods where the tunnels would be covered, water would be collected in gutters which would discharge into downpipes which will be connected into a network of surface water sewers which would discharge into an attenuation pond (the proposed reservoir) to the south of the site. Flow rate of water from the attenuation pond into adjacent watercourses would be controlled at a rate lower than existing flow rates, a betterment to the existing situation.

- 6.56 The Lead Flood Authority (KCC) have commented on the application and raise no objection to the principle of the proposals subject to conditions and the use of an appropriate modelling system. It is not considered that there is reason to depart from this conclusion and the impact on surface water run off would be acceptable and would not result in an increase in run off compared to the existing green field conditions..

Impact on setting of Listed Buildings

- 6.57 There is a cluster of Listed Buildings to the east of the site which include the Grade I All Saints Church, Table Tomb to John Earl (Grade II), Ulcombe Place (Grade II) and Church Farmhouse (Grade II).
- 6.58 Paragraph 132 of the NPPF sets out when considering impact on the significance of the designated heritage asset, great weight should be given to the asset's conservation, the more important the asset the greater weight. Significance can be harmed or lost through development within its setting. Policy SP18 of the emerging local plan seeks to secure the sensitive management and design of development which would impact on heritage assets and their settings. Policy DM4 continues by stating that new development should incorporate measures to conserve and where possible enhance the setting of the heritage asset where appropriate.
- 6.59 There may be some limited views of the proposed development from the listed buildings and some views of the tower of All Saints Church from PROW KH313A to the north of the site would become obscured by the proposed greenhouses, however the potential harm is not considered significant on the setting of the Listed Buildings. Any harm would be considered to amount to 'less than substantial harm' in terms of the NPPF. This means that the harm should be weighed against the public benefits of the proposal.
- 6.60 Based on the consultation responses from Historic England and the Conservation Officer, both raising no objection and the less than substantial harm that would result it is considered that the proposal would be acceptable in terms of conservation of the setting of the Listed Buildings.

Other Matters

- 6.61 There are a number of PROW's that dissect the site, however it is not considered that these would be adversely affected in terms of them being available for use by pedestrians, cyclists or horse riders. An informative could be attached to ensure that the applicant is aware of their responsibilities in terms of keeping the PROW's open and available.
- 6.62 The need for an environmental impact assessment (EIA) has been considered under the screening opinion carried out under application 17/505238/ENVSCR. This concluded that '*Whilst this development falls within Schedule 2 of the Regulations, given the nature of the intended use; the location of the site; and the scale of the*

proposed development the proposed development would be of more than local importance, such that an EIA is not required.'

7.0 CONCLUSION

- 7.01 Although the scheme will result in some landscape harm to the countryside, the economic and social benefits of supporting modernising farming practices would outweigh the harm and support the rural economy and the assessed need for the development in relation to the future agricultural practices and productivity of the land.
- 7.02 The development would result in less than substantial harm to the setting of local Listed Buildings, such that the extent of harm would not compromise the importance of these settings.
- 7.03 Landscaping, ecological, drainage and tree impacts are all considered on balance acceptable and could be mitigated by appropriate planning conditions.

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: (insert plan numbers)

Cravo Retractable Roof Houses
Cravo X-Frame Images 1-4
X-Frame heights
Habitat creation, enhancement and management dated June 2017
DHA/11931/01 (Site Location Plan)
DHA/11931/03 (Proposed Site Layout Plan)
DHA/11931/04 (Proposed Site Landscaping Plan)
DHA/11931/05 (Enlarged details of proposed landscaping and siting of greenhouses)
DHA/11931/06 (Proposed site section details A-A)
DHA/11931/09 (Site location plan)
DHA/11931/10 (Proposed storage building – floor/roof plan)
DHA/11931/11 (Proposed storage building - elevations)
Reservoir Cross-section A-A and B-B
Reservoir Cross-section C-C and D-D
Reservoir plan view

Reason: To clarify which plans have been approved.

- (3) No development shall take place until a tree survey and Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS shall specifically cover all trees and hedges on, and immediately adjacent to, the reservoir site and the footprint of the ground treatment for the agricultural storage and tank

compound. It shall detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots, for example, changes to existing levels and hydrology, site access and service runs. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. The details are required prior to commencement to ensure no damage to existing trees.

- (4) The development hereby approved shall not commence until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform;

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. The details are required prior to commencement to ensure a satisfactory visual impact of the development.

- (5) The development hereby approved shall not commence until a landscape scheme designed in accordance with the principles of the Maidstone Landscape Character Assessment Supplement 2012 has been submitted to and approved in writing by the 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 maintenance and a 5 year management plan. The landscape scheme shall reflect the locations of the lines of hedges shown on the Planting Proposals Plan (LVA, Figure 3) but specify the removal of existing conifer species and their replacement with appropriate native hedgerows. The hedgerow species mix shall include a proportion of evergreen shrubs (Holly or Yew) and species which retain their leaves for a large proportion of the year (Hornbeam or Beech) to maximise the screening effect without compromising existing landscape character. The landscaping shall also include a physical barrier to provide a 15m buffer to the Ancient Woodland to the north of the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. Details are required prior to commencement as a satisfactory landscaping scheme is of importance to the visual amenity of the development.

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

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

- (7) If the Cravo greenhouses (or sections thereof) are permanently no longer required for agriculture then those Cravo greenhouse (or the sections thereof) shall be removed from the land within 4 months of the cessation of their use;

Reason: In order to avoid unnecessary retention of structures that are no longer needed and in the interests of visual amenity.

- (8) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The details shall include measures to prevent the discharge of water onto the highway.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development. Details are required prior to commencement to ensure that the works are constructed without risk to surface water flooding.

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

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- (10) Any lighting installed at the site shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority

Reason: In the interests of amenity of adjoining residents and the landscape character of the area..

- (11) No use of the buildings/structures hereby permitted shall commence until the ecological enhancements set out in the Wildlife habitat creation, enhancement and management plan dated June 2017 have been implemented.

Reason: To protect and enhance existing species and habitat on the site in the future.

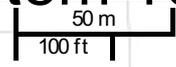
INFORMATIVES

- (1) Works to trees/hedges could result in disturbance to wild animals, plants and important wildlife sites protected by law. It is the applicant's responsibility to ensure that appropriate precautions are taken to ensure that an offence is not committed. Further advice can be sought from Natural England and/or Kent Wildlife Trust.
- (2) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
 - The applicant pays for the administration costs;
 - The duration of the closure is kept to a minimum
 - Alternative routes will be provided for the duration of the closure.
 - A minimum of six weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

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 - 17/503647/FULL		
APPLICATION PROPOSAL Erection of a day room/utility building.		
ADDRESS Orchard Farm Nursery, Chartway Street, Sutton Valence, Maidstone, Kent, ME17 3JB		
RECOMMENDATION Grant subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000, the Modified new local plan, 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 Kingswood and Broomfield Parish Council wish to see application refused.		
WARD Leeds	PARISH/TOWN COUNCIL Broomfield & Kingswood	APPLICANT Miss T Ackleton AGENT Graham Simpkin Planning
DECISION DUE DATE 27/10/17	PUBLICITY EXPIRY DATE 29/09/17	OFFICER SITE VISIT DATE
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 16/506432/FULL - Retrospective application for the change of use to residential caravan site for one gypsy family with two caravans (1no. static caravan and 1no. mobile home), with creation of hardstanding, erection of amenity building and erection of garden shed – Pending 15/501168/FULL - Change of use of land to use as a residential caravan site for one gypsy family with one mobile home, one touring caravan, utility building and hardstanding – Permitted. Permanent permission. 15/507195/FULL – Retrospective application for replacement of gypsy mobile home with one single storey detached dwelling (180sqm footprint) – Refused / Dismissed at appeal – House to be demolished. 12/1544 - Retrospective application for the change of use of land to use as a residential caravan site for 2 Gypsy families with up to 4 caravans of which no more than 2 would be static caravans, including the laying of hard surfacing and the erection of 2 amenity buildings – Permitted. Permanent permission. 12/0605 - Change of use of land to use as residential caravan site for one gypsy family with two caravans, erection of an amenity building and laying of hardstanding – Permitted. Permanent permission. 11/1489 - Variation of condition 01 of planning permission reference MA/09/1697 (retrospective application for the change of use of land to residential for stationing of		

one no. mobile home) to allow the use to be carried on only by Mr & Mrs Ray Pearce and their dependent children – Permitted. Personal permission.

11/1534 - Change of use of land to use as a residential caravan site for 2 gypsy families involving the siting 4 caravans of which no more than 2 are to be static mobile homes; the erection of 2 amenity blocks; and the laying of hard standing and construction of a driveway – Approved. Permanent permission.

10/2119 - Change of use of the land to a mixed use as a horticultural nursery with a farm shop and cafe. Provision of a revised access – Permission

09/1697 - Retrospective application for the change of use of land to residential for the stationing of 1 no. mobile home – Permitted. Personal permission.

09/0463 - Erection of farm shop to serve plant nursery - Permitted

07/2532 - Retention of mobile home as an ancillary staff shelter/restroom and office in connection with the use of the plant nursery – Permitted

07/1491 - Temporary planning permission for the erection of a mobile home for a period of 3 years relating to the horticultural nursery. (resubmission of planning application MA/06/1922 for the erection of a detached house and garage – Refused

06/1922 - Erection of a new detached house and garage - Refused

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The application site relates to a gypsy and traveller site located on the north side of Chartway Street. The wider site contains several static caravans, tourers and utility blocks which benefit from permanent and personal consents. The majority of the pitches benefit from permanent consent as set out in the above history. There are other gypsy traveller sites adjoining the application site to the east and northwest which benefit from a mix of permanent and personal consents. There is a permanent dwelling on adjoining land to the east which was refused under planning application and appeal for 15/507195/FULL and is due to be removed in line with an enforcement notice. There is one plot where there is a current application for a further residential caravan site which has not been determined. There are further gypsy traveller sites to the east.

1.2 The site is served by an established access from Chartway Street and the access also serves five other plots. In a wider context the site is located in open countryside but not subject to any specific landscape designation

2.0 PROPOSAL

2.1 The proposal is for the erection of a new day / utility building, which is to be sited on land where a mobile has been granted permission. The permitted mobile home (not currently in situ) would be relocated just to the south of the day / utility building. The

day / utility building is not proposed to be used as additional sleeping accommodation.

- 2.2 The day room/utility building would measure 98sqm (external footprint). With its hipped roof, the day building would measure some 2.4m to the eaves; and its ridge height some 6m.
- 2.3 The proposed utility building would be located within Plot 6 of Orchard Farm Nursery but the Planning Statement advises that the building is also intended to serve Plots 3, 4, 5 and 6.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework
National Planning Practice Guidance
Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)
Planning Policy for Traveller Sites (PPTS)
Maidstone Local Plan (2017): SP17, DM1, DM3, DM15, DM34

4.0 LOCAL REPRESENTATIONS

- 4.1 **Local Residents:** No comments
- 4.2 **Broomfield and Kingswood PC:** *‘Councillors wish to see this application refused and require it to be reported to the planning committee. Councillors consider the proposal for the erection of such a significant sized and permanent development is incompatible with this rural environment. Further building works at this location will give the impression of lasting fixed development when taking into consideration existing permanent buildings already at this traveller site’.*

5.0 CONSULTATIONS

- 5.1 None

6.0 APPRAISAL

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 6.2 The proposal site is subject to the normal constraints of development in the countryside under saved policies ENV28 of the adopted Local Plan; and saved policy ENV28 states;
- “Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers.”
- 6.3 Policy SP17 seeks to protect the landscape character of the countryside. Emerging policy DM15 accepts G&T development in the countryside subject to the detail of any proposal.
- 6.4 This proposal is for a new day building and would involve the repositioning of a consented mobile home for a gypsy family; and the site benefits from an unrestricted permanent planning permission. It is therefore considered unnecessary to discuss

the need and supply of G&T sites; Gypsy status; and the sustainability of the site in terms of its location.

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

Visual impact

- 6.6 Whilst guidance in the PPTS gives no specific reference to landscape impact, this is addressed in the NPPF; local plan policies SP17, DM15 and DM34.
- 6.7 View of the utility building and relocated mobile home, would be limited from Chartway Street given the central location within the site, set back from the road and established hedge and fence boundary along Chartway Street and further landscape (conifer) screening within the site. The proposed utility building would be built where a mobile home is consented, being set back some 40m from the road; it would be located within a cluster of mobile homes and, the proposal is not extending built development into the countryside. Given the continued setback, the repositioned mobile home is not considered to be any more visually harmful when compared to the current situation; and given that the proposed building would be further screened by the mobile home it cannot be argued that the utility building would appear visually harmful from any public vantage point.
- 6.8 As can be seen from the history there are mobile homes and utility buildings on the site and at adjoining neighbouring gypsy traveller sites. I am therefore satisfied that this proposal would not appear visually incongruous, when read in the wider context of the site and immediate surrounding area. I am also of the view that a building of the size / footprint proposed is justified as it would be shared by five plots.

Residential amenity

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

Highway safety implications

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

Other considerations

- 6.11 As regard to the floor area proposed and use of the day room, such buildings are multi-functional in use comprising both family and service functions, and the proposal is consistent in scale with the already approved day buildings at other traveller sites in the borough. The proposal is therefore not considered entirely unreasonable with modern day family requirements and the numbers of pitches the building would serve. In addition, there is no adopted policy in terms of what size day buildings should be; it is clear from the plans that it is not to be used as additional sleeping accommodation; and as set out above it does not result in any significant visual harm. No objection is therefore raised in this respect.
- 6.12 Sewerage would be dealt with via an existing cess pit. Given the existing development on the site and the nature of the proposal, no objection is raised on arboricultural or ecological grounds.

- 6.13 The issues raised by Kingswood and Broomfield Parish Council have been considered in the determination of this application.

7 Conclusion

- 7.1 The proposal would not have a visually harmful impact upon the character and appearance of the countryside hereabouts; no objection is raised in terms of flood risk; there would be no harm to the amenity of any surrounding property; and there is no highway safety objection. I therefore consider that this proposal is acceptable with regard to the relevant provisions of the adopted and emerging Development Plans, the NPPF and all other material considerations such as are relevant and recommend conditional approval of the application on this basis.

RECOMMENDATION – Grant subject to conditions

CONDITIONS

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

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

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

Reason: To ensure a satisfactory appearance to the development.

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

00, 01, 02, 04, 05, PR02, PR03, PR04, PR05, PR06; received 30.08.2017

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

Case Officer: Andrew Jolly

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

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 9th November 2017**

APPEAL DECISIONS:

1. 16/506605

Construction of Eight Open Market 1 and 3 bedroom homes, construction of Five affordable 1, 2 & 3 bedroom homes, construction of access road, parking bays and car ports, installation of new landscaping and ecology enhancements

APPEAL: Committee Decision

Land North Of
The Victoria Inn
Heath Road
East Farleigh
ME15 0LR

(Dismissed)

2. 17/500472

Change of use for part of field adjacent to garden from keeping of horses to garden (residential curtilage). Erection of 3 bay garage/tractor store and tennis court.

APPEAL: Dismissed

Little Scragged Oak Cottage
Scragged Oak Road
Hucking
Kent
ME17 1QU

(Delegated)

3. 16/506195

Outline application for residential development (access only being sought).

APPEAL: Allowed with conditions

Forge Lodge
Forge Lane
Bredhurst
Kent
ME7 3JW

(Delegated)

4. 12/0768

Erection of a platform and change of use of land for the siting of a residential mobile home for boat yard manager's accommodation

APPEAL: Allowed with Conditions

Twyford Boat Yard
Hampstead Lane
Yalding
Kent
ME18 6HG

(Committee)
