

# PLANNING COMMITTEE MEETING

Date: Thursday 14 June 2018  
Time: 6.00 pm  
Venue: Town Hall, High Street, Maidstone

## Membership:

Councillors Adkinson, Bartlett, Boughton, English (Chairman), Harwood, Kimmance, Munford, Parfitt-Reid, Prendergast, Round, Spooner, Vizzard and Wilby

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

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## AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 21 June 2018
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 24 May 2018 1 - 7
11. Presentation of Petitions (if any)
12. Deferred Items 8 - 10
13. 17/506306 - Hen and Duckhurst Farm, Marden Rd, Staplehurst 11 - 28
14. 17/505995 - Court Lodge Farm, The Street, Teston 29 - 55

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**Issued on Wednesday 6 June 2018**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

- |   |         |
|---|---------|
| 15. 18/501199 - Land Adj to The Bungalow, Rose Lane, Lenham Heath | 56 - 64 |
| 16. Appeal Decisions  | 65 - 66 |
| 17. Chairman's Announcements                                      |         |

#### **PLEASE NOTE**

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

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

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

#### **PUBLIC SPEAKING AND ALTERNATIVE FORMATS**

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

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

To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk).

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

#### MINUTES OF THE MEETING HELD ON THURSDAY 24 MAY 2018

**Present: Councillor English (Chairman) and Councillors Adkinson, Bartlett, Boughton, Harwood, Kimmance, Munford, Parfitt-Reid, Perry, Round, Spooner, Vizzard and Wilby**

6. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Prendergast.

7. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Perry was substituting for Councillor Prendergast.

8. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

9. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

10. URGENT ITEMS

The Chairman stated that, in his opinion, the update reports of the Head of Planning and Development should be taken as urgent items as they contained further information relating to the applications to be considered at the meeting.

11. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood disclosed an Other Significant Interest in the report of the Head of Planning and Development relating to application 15/507909 (Walderslade Woods, including land off Wildfell Close, Boxley, Kent) by virtue of being a Member of Boxley Parish Council, the applicant. Councillor Harwood said that he would exercise his right to make representations, and then leave the room when the application was discussed.

Councillor Harwood also disclosed an Other Significant Interest in the report of the Head of Planning and Development relating to application 18/500352 (Hill Farm, Lenham Road, Ulcombe, Maidstone, Kent) by virtue of having family connections to the two adjoining farms (Upper Hill Farm

and Tilman Gate Farm). Councillor Harwood said that he would leave the room when the application was discussed.

12. EXEMPT ITEMS

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

13. MINUTES OF THE MEETING HELD ON 26 APRIL ADJOURNED TO 30 APRIL 2018

**RESOLVED:** That the Minutes of the meeting held on 26 April adjourned to 30 April 2018 be approved as a correct record and signed.

14. MINUTES OF THE MEETING HELD ON 22 MAY 2018

**RESOLVED:** That the Minutes of the meeting held on 22 May 2018 be approved as a correct record and signed.

15. APPOINTMENT OF POLITICAL GROUP SPOKESPERSONS

**RESOLVED:** That the following Members be appointed as Spokespersons for their respective Political Groups for the Municipal Year 2018/19:

Councillor Boughton	Conservative
Councillor Harwood	Liberal Democrat
Councillor Munford	Independent
Councillor Adkinson	Labour

16. PRESENTATION OF PETITIONS

There were no petitions.

17. DEFERRED ITEMS

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

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

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

17/504412 - DEMOLITION OF STORAGE BUILDINGS AND ERECTION OF 5 DETACHED DWELLINGS, 2 CAR PORTS FOR PLOTS 1 AND 5, AND 2 TWO BAY CAR PORTS FOR THE EXISTING HOUSE AND BARN CONVERSION APPROVED UNDER 14/505872/FULL - IDEN GRANGE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT

The Major Projects Manager said that he had nothing further to report in respect of these applications at present. Most of the applications had been subject to re-consultation exercises which had been completed recently. The applications would be reported back to the Committee in due course.

18. 18/500352 - VARIATION OF CONDITION (3) APPENDED TO PLANNING PERMISSION 14/504784/FULL TO PERMIT THE POLYTUNNELS TO BE COVERED BETWEEN 14 FEBRUARY AND 15 NOVEMBER (CURRENTLY RESTRICTED TO BETWEEN 1 MARCH AND 31 OCTOBER) - HILL FARM, LENHAM ROAD, ULCOMBE, MAIDSTONE, KENT

Having disclosed an Other Significant Interest, Councillor Harwood left the room when this application was considered.

The Chairman and Councillors Boughton, Perry and Round stated that they had been lobbied.

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

**RESOLVED:** That permission be granted subject to the conditions and informatives set out in the report.

Voting: 10 – For 0 – Against 2 – Abstentions

19. 18/501196 - TWO STOREY DETACHED HOUSE WITH DOUBLE GARAGE WITH ACCESS OFF GRIGG LANE - LAND NORTH OF 61 AND 62 KNAVES ACRE, HEADCORN, ASHFORD, KENT

The Chairman and Councillor Round stated that they had been lobbied.

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

**RESOLVED:** That permission be granted subject to the conditions and informatives set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

20. 18/501016 - CONVERSION OF BARN TO HOLIDAY LET ACCOMMODATION - LEA FARM, FAVERSHAM ROAD, LENHAM, KENT

Councillor Round stated that he had been lobbied.

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

**RESOLVED:** That permission be granted subject to the conditions and informatives set out in the report and the additional condition set out in the urgent update report.

Voting: 13 – For 0 – Against 0 – Abstentions

21. 17/506306 - APPROVAL OF RESERVED MATTERS APPLICATION FOR THE ERECTION OF 250 DWELLINGS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE BEING SOUGHT) AND DETAILS OF CONDITIONS 5, 7, 9, AND 10 RELATING TO PHASING, LANDSCAPING AND ECOLOGY, PURSUANT TO 14/502010/OUT (OUTLINE APPLICATION FOR THE ERECTION OF RESIDENTIAL DEVELOPMENT FOR UP TO 250 DWELLINGS WITH ACCESS AND GARAGING WITH ACCESS CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) - HEN AND DUCKHURST FARM, MARDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

All Members except Councillors Bartlett, Harwood, Kimmance and Parfitt-Reid stated that they had been lobbied.

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

By way of an update, the Principal Planning Officer advised the Committee that:

- Members should have received a letter from Staplehurst Parish Council providing commentary and some interpretation of the Staplehurst Neighbourhood Plan policies, but this did not affect the Officers' views set out in the report.
- Since the publication of the agenda, three letters had been received from local residents raising issues including the setting of the Hen and Duckhurst listed building, loss of hedges, loss of privacy and surface water. These issues had been covered in full in the report and the recommendation remained unchanged.
- A request had been made for the Secretary of State to call in the application for consideration. The Secretary of State had responded stating that he would not be intervening in the application as the case did not raise more than local issues.
- The Staplehurst Neighbourhood Plan was not listed in the Policy and Other Considerations section of the report (an oversight for which he apologised), but the Plan had been fully considered in reaching the Officers' recommendation.

Mr Curtis, an objector, Councillor Buller of Staplehurst Parish Council, and Mr Cooper, for the applicant, addressed the meeting.

**RESOLVED:** That consideration of this application be deferred to seek to mitigate the impact of the development on the privacy and amenity of existing residents at the Lime Trees estate by moving the new houses further away from the eastern boundary of the site and providing more of a landscape buffer along the edge.

Voting: 8 – For 3 – Against 2 – Abstentions

**FURTHER RESOLVED:** That the details to be submitted pursuant to condition 18 of outline permission 14/502010 (Foul and surface water sewerage disposal) are to be discussed with Ward Members and the Parish Council before the condition is discharged.

Voting: 13 – For 0 – Against 0 – Abstentions

22. 15/507909 - CHANGE OF USE OF WOODLAND AND GRASSLAND TO PROVIDE FOR FORMAL PUBLIC OPEN SPACE WITH ASSOCIATED ANCILLARY STRUCTURES (INCLUDING SEATING AND NATURAL PLAY EQUIPMENT), IMPROVEMENT TO PATHS AND LANDSCAPING; AND THE ERECTION OF 9 NO. DWELLINGS WITH GARAGING, LANDSCAPING AND ACCESS ON LAND WEST OF WILDFELL CLOSE - WALDESLADE WOODS INCLUDING LAND OFF WILDFELL CLOSE, BOXLEY, KENT

All Members except Councillors Boughton and Kimmance stated that they had been lobbied.

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

The Major Projects Manager advised the Committee that an additional drawing in the form of a Landscape Master Plan had been received, and this needed to be listed in condition 2 (Approved Plans) and cross referenced in condition 8 (Landscaping).

Having disclosed an Other Significant Interest in this application, Councillor Harwood exercised his right to make representations, and then left the meeting (7.50 p.m.).

Councillor Davies of Boxley Parish Council and Mr Burrows of the Walderslade Woodlands Group addressed the meeting in support of the application.

**RESOLVED:** That subject to:

- (a) The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to provide for the Heads of Terms set out in the report amended to reflect Members' expressed wish to:
  - Ensure the retention of the open space in perpetuity with an emphasis on the enhancement of its ecological and conservation value in the Landscape and Ecology Management Plan;

- Include reference to (a) the minimum funding required to be generated from the development of the new dwellings and to be ring fenced for the future management and maintenance of the open space and (b) how that funding will be managed; AND
- (b) The conditions and informatives set out in the report, as amended by the urgent update report and by the Major Projects Manager at the meeting, and the additional conditions set out in the urgent update report with:
- An additional condition requiring the incorporation within the residential development of a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles; and
  - An additional informative advising the applicant that the proposed Hawthorn trees in the residential development should be replaced by Field Maples,

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

Voting:        12 – For        0 – Against        0 – Abstentions

23. APPEAL DECISIONS

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

The Vice-Chairman drew the Committee's attention to the Council's recent success in defending appeals against enforcement action.

**RESOLVED:** That the report be noted.

24. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised the Committee that:

- The Communications Team had started to publicise the successful outcomes of enforcement action and the Strategic Planning, Sustainability and Transportation Committee would be reviewing the current enforcement protocol. Together with the Vice-Chairman and the Political Group Spokespersons of the Planning Committee, he had been pushing for this.
- Arrangements would be made for a meeting of the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee to take place in the near future, and if Members wished to include items on the agenda, they should raise them with their Spokesperson direct.

25. DURATION OF MEETING

6.00 p.m. to 8.15 p.m.

# Agenda Item 12

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

14 JUNE 2018

#### REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

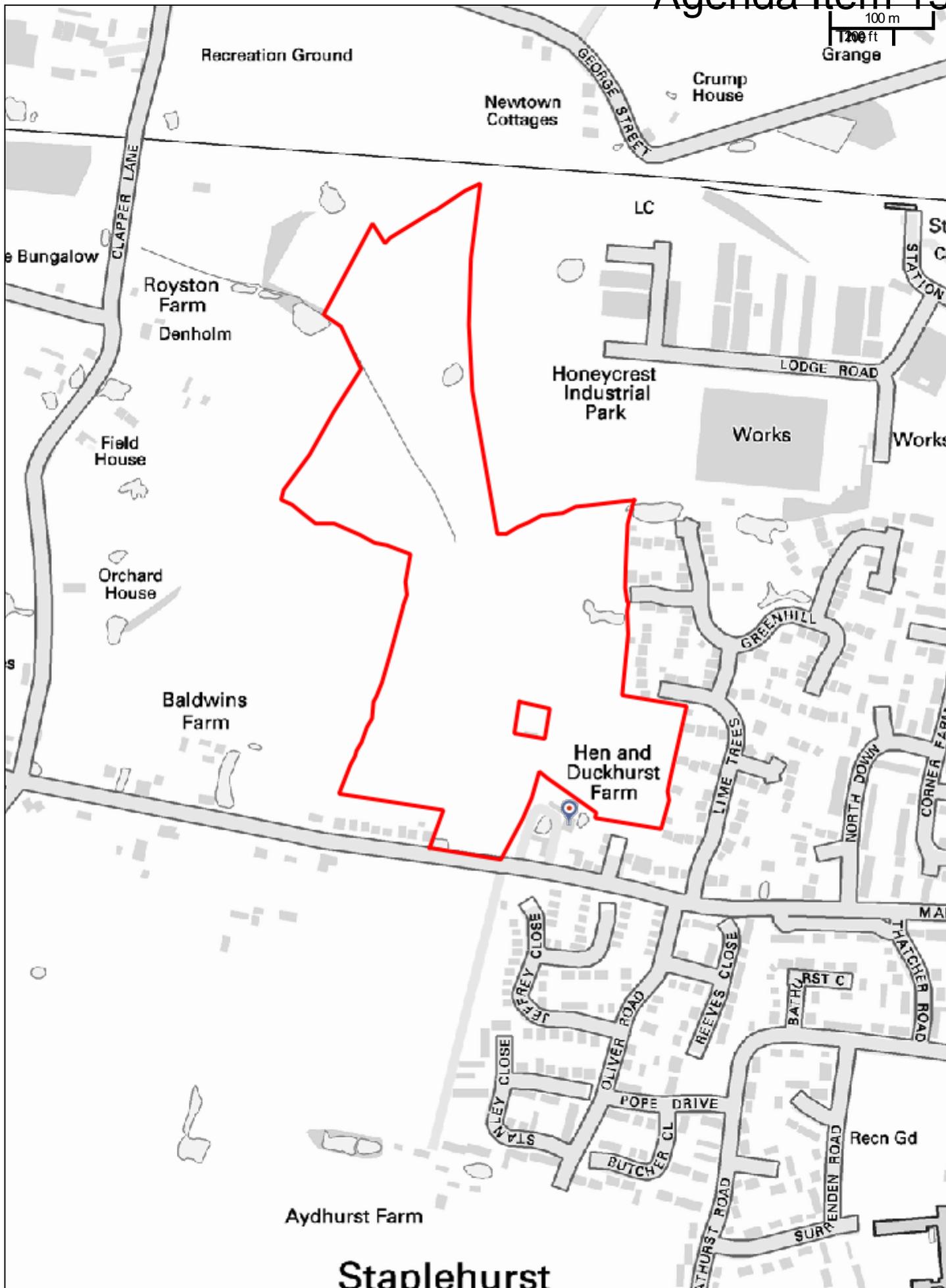
#### DEFERRED ITEMS

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

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

<p><u>DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> <li>• Investigate the scope for improved pedestrian links from the site entrance to existing footways;</li> <li>• Seek the advice of Kent Highway Services on the cumulative impact of new development in the area on the highway network;</li> <li>• Enable a representative of Kent Highway Services to be in attendance when the application is discussed;</li> <li>• Review the density, design and layout of the scheme having regard to the topography, setting and history of the site and seek to secure the provision of structural landscaping; and</li> <li>• Discuss with the Council's Parks and Open Spaces Team whether the proposed Open Space Contribution might be spent at other sites within the immediate area subject to CIL compliance checks.</li> </ul>	
<p><u>17/505995 - ERECTION OF A DETACHED FIVE BEDROOM DWELLING WITH ASSOCIATED PARKING - COURT LODGE FARM, THE STREET, TESTON, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> <li>• Amend the application to extend the site area to include the private road up to the point where it meets the public highway and to serve a Certificate B notifying all persons having an interest in the private road providing site access;</li> <li>• Seek details of the S106 agreement restricting further development at the site; and</li> <li>• Enable the Conservation Officer to be in attendance when the application is discussed.</li> </ul>	22 February 2018
<p><u>17/504412 - DEMOLITION OF STORAGE BUILDINGS AND ERECTION OF 5 DETACHED DWELLINGS, 2 CAR PORTS FOR PLOTS 1 AND 5, AND 2 TWO BAY CAR PORTS FOR THE EXISTING HOUSE AND BARN CONVERSION APPROVED UNDER 14/505872/FULL - IDEN GRANGE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> <li>• Seek the submission of a strategy for an open, wet Sustainable Urban Drainage system, identifying</li> </ul>	26 April 2018 adjourned to 30 April 2018

<p>how it will work and where it will be positioned within the existing layout; and</p> <ul style="list-style-type: none"> <li>• Seek modifications to boundary fencing to allow the passage of wildlife.</li> </ul>	
<p><u>17/506306 - APPROVAL OF RESERVED MATTERS APPLICATION FOR THE ERECTION OF 250 DWELLINGS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE BEING SOUGHT) AND DETAILS OF CONDITIONS 5, 7, 9, AND 10 RELATING TO PHASING, LANDSCAPING AND ECOLOGY, PURSUANT TO 14/502010/OUT (OUTLINE APPLICATION FOR THE ERECTION OF RESIDENTIAL DEVELOPMENT FOR UP TO 250 DWELLINGS WITH ACCESS AND GARAGING WITH ACCESS CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) - HEN AND DUCKHURST FARM, MARDEN ROAD, STAPLEHURST, TONBRIDGE, KENT</u></p> <p>Deferred to seek to mitigate the impact of the development on the privacy and amenity of existing residents at the Lime Trees estate by moving the new houses further away from the eastern boundary of the site and providing more of a landscape buffer along the edge.</p>	<p>24 May 2018</p>



17/506306/REM Hen and Duckhurst Farm, Marden Road, Staplehurst, Tonbridge, Kent

Scale: 1:5000

Printed on: 16/5/2018 at 11:50 AM by JoannaW



<b>REFERENCE NO - 17/506306/REM</b>			
<b>APPLICATION PROPOSAL</b>			
Approval of reserved matters application for the erection of 250 dwellings (Appearance, Landscaping, Layout and Scale being sought) and details of Conditions 5, 7, 9, and 10 relating to phasing, landscaping and ecology, pursuant to 14/502010/OUT (Outline application for the erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.)			
<b>ADDRESS</b> Hen And Duckhurst Farm, Marden Road, Staplehurst			
<b>SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS)</b>			
<ul style="list-style-type: none"> <li>• The principle of 250 houses with access off Marden Road has been approved under the outline consent.</li> <li>• The submitted details of the appearance, landscaping, layout and scale are considered to be acceptable and provide a high quality development in accordance with the outline permission, site allocation policy H1(48), and other relevant policies within the Local Plan.</li> <li>• The submitted details are considered to fundamentally comply with the Staplehurst Neighbourhood Plan and any minor conflict with regard to the impact upon existing views is not considered grounds for refusal.</li> <li>• Permission is therefore recommended.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Staplehurst Parish Council wish to see the application refused and request the application to be referred to MBC Planning Committee for the reasons outlined in the original Committee Report			
<b>WARD</b> Staplehurst	<b>PARISH COUNCIL</b> Staplehurst	<b>APPLICANT</b> David Wilson Homes <b>AGENT</b> None	
<b>DECISION DUE DATE</b> 15/06/18		<b>PUBLICITY EXPIRY DATE</b> 13/06/18	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
18/501146	To form a temporary access onto the land formally known as Hen and Duckhurst Farm from Marden road, to allow site vehicles access in conjunction with planning application 17/506306/REM	UNDER CONSIDERATION	
14/502010	Outline application for the erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.	APPROVED	03/02/17

## 1.0 BACKGROUND

- 1.1 This application was deferred at the Committee meeting on 24<sup>th</sup> May 2018 for the following reason:

*“That consideration of this application be deferred to seek to mitigate the impact of the development on the privacy and amenity of existing residents at the Lime Trees estate by moving the new houses further away from the eastern boundary of the site and providing more of a landscape buffer along the edge.”*

- 1.2 The original committee report is attached as an **Appendix** along with the original outline planning consent.

## **2.0 DESCRIPTION OF CHANGES**

- 2.1 Whilst the applicant maintains that the distances are acceptable to suitably protect privacy, amendments have been made to the proposals as follows:

- Relocation of 4 plots (134, 135, 144, 145) away from the eastern boundary near houses on ‘Marfield’ to create a significant additional area of landscaping. (These plots have been relocated by replacing some detached houses with semi-detached houses and a flat in the northern part of the site.)
- Re-siting of 9 plots (plots 168-176) between 0.9m and 1m away from the eastern boundary of the site which in turn increases the landscape buffer zones behind these plots by the same distance.

## **3.0 REPRESENTATIONS**

- 3.1 Re-consultation with the Parish Council and Local Residents has been carried out and expires on 13<sup>th</sup> June. The Parish Council have kindly agreed to hold a special meeting prior to the Planning Committee Meeting and their representations will be reported in an urgent update report prior to the Committee Meeting for consideration. Any further representations from local residents will also be reported prior to the meeting.

- 3.2 Local Residents: 4 representations received raising the following summarised points:

- The amendments still do not reflect the Neighbourhood Plan.
- Changes do not materially change conditions for residents on Lime Trees.
- More changes to the layout should/could have been carried out.
- Minimal changes made and no changes near Marden Road.
- Flood risk.
- Noise, air, and light pollution from traffic.
- Overlooking/loss of privacy.
- Lack of information provided.

## **4.0 ASSESSMENT**

- 4.1 Whilst officers consider the proposals were acceptable in terms of their impact upon the privacy of properties on the eastern boundary of the site, the amendments have resulted in a much larger landscape buffer of up to 20m in depth to the rear of four houses on ‘Marfield’ and ‘Further Field’ to the east of the site, through the removal of 4 houses.

Other changes have moved plots 168-176 further away from the east boundary and increased the landscape buffer, which also serves to lessen any overlooking impact Members may have been concerned with. The houses are now between 16m to 18m from the boundary of rear gardens of houses on Lime Trees including a 3m-6m landscape buffer, which is considered a sufficient distance to ensure adequate privacy.

- 4.2 The 4 plots have been relocated to the northern part of the site through introducing semi-detached houses and a flat in place of detached houses, which does not cause any harm to the layout.
- 4.3 The landscaping has also been changed to include an orchard/nut platt in the north east corner which would serve to further soften any views of the development from 'Further Field' to the east.
- 4.4 In light of the above changes, I am satisfied that the amended layout, repositioning of the dwellings and increased landscape buffers addresses Members request to improve privacy and amenity to neighbouring properties on the east boundary.

#### **5.1 RECOMMENDATION:**

##### **5.1 Grant approval of the Reserved Matters details subject to the following conditions:**

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

Reason: To ensure a high quality design.

2. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:
  - A description of the drainage system and it's key components
  - An general arrangement plan with the location of drainage measures and critical features clearly marked (I've deleted *as built* as we can't provide as built drawings of drainage for a system that will be built in phases)
  - An approximate timetable for the implementation of the drainage system
  - Details of the future maintenance requirements of each drainage or SuDS component (including existing ordinary watercourses), and the frequency of such inspections and maintenance activities
  - Details of who will undertake the above inspections and maintenance activities, including 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

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

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.

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

4. The development hereby permitted shall be carried out in accordance with the boundary treatments as shown on drawing nos. 1737.03 RevG and 402 RevO before the first occupation of the building(s) or land to which they relate and maintained thereafter;

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

5. No development above slab level shall take place until details of the laying out and equipping of the play area have been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

Reason: To ensure a satisfactory external appearance to the development and/or the provision of adequate facilities to meet the recreational needs of prospective occupiers.

6. The development hereby permitted shall be carried out in accordance with the approved plans as listed on the Drawing Issue Sheet received on 05/06/18.

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

Case Officer: Richard Timms

<b>REFERENCE NO - 17/506306/REM</b>			
<b>APPLICATION PROPOSAL</b>			
Approval of reserved matters application for the erection of 250 dwellings (Appearance, Landscaping, Layout and Scale being sought) and details of Conditions 5, 7, 9, and 10 relating to phasing, landscaping and ecology, pursuant to 14/502010/OUT (Outline application for the erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.)			
<b>ADDRESS</b> Hen And Duckhurst Farm, Marden Road, Staplehurst			
<b>SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS)</b>			
<ul style="list-style-type: none"> <li>• The principle of 250 houses with access off Marden Road has been approved under the outline consent.</li> <li>• The submitted details of the appearance, landscaping, layout and scale are considered to be acceptable and provide a high quality development in accordance with the outline permission, site allocation policy H1(48), and other relevant policies within the Local Plan.</li> <li>• The submitted details are considered to fundamentally comply with the Staplehurst Neighbourhood Plan and any minor conflict with regard to the impact upon existing views is not considered grounds for refusal.</li> <li>• Permission is therefore recommended.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Staplehurst Parish Council wish to see the application refused and request the application to be referred to MBC Planning Committee for the reasons set out below			
<b>WARD</b> Staplehurst	<b>PARISH COUNCIL</b> Staplehurst	<b>APPLICANT</b> David Wilson Homes <b>AGENT</b> None	
<b>DECISION DUE DATE</b> 01/06/18		<b>PUBLICITY EXPIRY DATE</b> 04/05/18	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
18/501146	To form a temporary access onto the land formally known as Hen and Duckhurst Farm from Marden road, to allow site vehicles access in conjunction with planning application 17/506306/REM	UNDER CONSIDERATION	
14/502010	Outline application for the erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.	APPROVED	03/02/17

## **1.0 DESCRIPTION OF SITE**

- 1.01 The site is an irregular shaped area of pasture land of some 12.2ha in area on the west side of Staplehurst, to the north of Marden Road. The site extends some 600metres northwards of Marden Road and varies in width. There is a housing estate to the east, a line of houses fronting Marden Road to the southwest, medium sized fields to the west, the railway line to the north, and the Lodge Road Industrial Estate to the northeast. The site is generally bounded by hedge/tree lines apart from the northern section which dissects an open field and there is no physical boundary or hedge/tree line on the east edge of the site here. The site itself is dissected by a number of hedge/tree lines and there are a number of ponds within the site. There is also an electricity substation with access at the southern end which is outside the application site. The land is mainly grassed and open apart from the northwestern part of the site which has numerous trees and scrub areas. The site is generally level throughout.
- 1.02 There are two listed buildings nearby, ‘Hen & Duckhurst’ (Grade II) immediately to the south/southeast and ‘Coppwilliam’ (Grade II) to the southwest,
- 1.03 The site is allocated in the Local Plan for approximately 250 dwellings under policy H1(48) and for 250 dwellings under policy H4 in the Staplehurst Neighbourhood Plan,

## **2.0 BACKGROUND**

- 2.01 Outline permission was granted under application 14/502010 for up to 250 houses with access onto Marden Road in the form of a new roundabout. Apart from the details of access, all other detailed matters were reserved for future consideration, and this application now seeks permission for these other matters.

## **3.0 PROPOSAL**

- 3.01 The application seeks permission for the remaining reserved matters of appearance, landscaping, layout and scale for 250 dwellings and includes areas of public open space including allotments and a play area. The layout and design will be discussed in more detail in the assessment below.
- 3.02 The application also seeks to discharge a number of conditions attached to the outline consent relating to phasing (Condition 5), hard and soft landscaping/boundary treatments (7), landscape management (9), and tree/hedge protection (10).
- 3.03 It is important to note that under the outline application, the principle of up to 250 houses has been accepted by the Council and it is only the specific detail in terms of the layout of the development, its design, scale and landscaping that is now being considered. The wider impacts of 250 houses on matters such as the local highway network, ecology, surface water and foul drainage, and impact upon infrastructure have been considered and conditions attached to the outline permission and the legal agreement would mitigate such impacts. The outline consent did set a number of parameters on the design which would need to be adhered to. *(The outline permission is attached as an **Appendix** for information)*

## **4.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan (2011-2031): SS1, SP10, SP18, SP19, SP20, SP23, H1, ID1, H1(48), DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- Staplehurst Neighbourhood Plan 2016
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)
- MBC Air Quality Planning Guidance (2018)
- MBC Public Art Guidance (2018)

## **5.0 LOCAL REPRESENTATIONS**

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

- Impact on infrastructure.
- Traffic impact.
- Highway safety.
- Lack of parking.
- Density too high/cramped in southeast area.
- Design and materials are not in keeping.
- Loss of privacy.
- Overshadowing/loss of light.
- Impact on wildlife.
- Flood risk.
- Who will maintain surface water drainage and ditches.
- Flooding has occurred on neighbouring properties.
- Damage to local roads.
- Low water pressure.
- Proposals do not comply with the Neighbourhood Plan and illustrative plan for the site.
- Boundary treatments unclear.
- Playground should be more central.
- Harm to the landscape.
- Loss of trees and hedges.
- Impact on trees.
- Existing sewerage problems.
- Foul drainage system is not sufficient.
- Phasing is poor.
- Poor consultation with the community by the developer.
- Disturbance from building works.
- When will monies be paid toward local healthcare.

## **6.0 CONSULTATIONS**

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

6.01 **Staplehurst Parish Council:** Wish to see the application refused and request the application to be referred to MBC Planning Committee and refer to the following (summarised) reasons:

- Inconsistent with Staplehurst Neighbourhood Plan policy H4: fails to provide an overall site master plan showing a long term plan of how the land could eventually be linked to the Lodge Road; does not demonstrate how development could be integrated with the existing village while respecting the privacy, well-being and quality of life of residents currently living on the western edge of Staplehurst (particularly by the green edges shown on the illustrative layout associated with policy H4); insufficient proposals for positive planting and recreational routes along the boundaries as required by policies H4(6) and E1; plans fail to show clearly the footpath links and overall integration with the rest of the village.
- Footway provision around the main entrance needs to extend further along Marden Road.
- Development at the southern end of the site too dense.
- Intensive development would exacerbate surface water drainage problems on an area with a high water table.
- Proposal don't show clearly how current drainage channels and boundaries (hedges and ditches) would be addressed.
- Replacement of some hedges by close-board fencing, as implied in some plans, would be inappropriate.
- Provision needed to be made for recycling of rainwater and installation of solar power, sprinklers and adoptable street-lighting.
- Foul drainage proposals are unclear.
- Uniformity of black doors and proliferation of block paving unimaginative and, in the case of block paving, unsuitable in the long term on areas with clay substrata.
- How will allotments and open space areas be managed.
- Reptile-related documents old and documentation generally lacked detail.
- Current unmade footpath from the end of Greenhill onto the site should logically be closed off.
- Concern re. maintenance of drainage ditches.
- New footpath links should be of equal standing.
- The play area should be relocated due to its proximity to the existing play area at Greenhill.

6.02 **Natural England: No objections/comments** to make.

6.03 **Environment Agency: No objections/comments** to make.

6.04 **KCC Highways: No objections.**

6.05 **KCC Lead Local Flood Authority: No objection.** Advise that a condition is required re. maintenance and management arrangements, and verification that the drainage scheme will function as approved.

6.06 **KCC Ecology: No objections.** Comment that the site layout plan has included all habitats required as part of the ecological mitigation strategy. In relation to the landscape

management plan they are satisfied with the proposed management for the ecology areas of the site.

- 6.07 **MBC Landscape: No objections** to the landscaping scheme. The submitted Arboricultural Impact and Method Statement is considered to be acceptable.
- 6.08 **MBC Environmental Health: No objections** subject to conditions relating to contamination/noise from substation (*Condition was applied to outline consent*), air quality emissions reduction, and installation of electric vehicle charging points.
- 6.09 **Southern Water: Comments under original outline application apply:** Advised that there is inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. (*Condition was applied to outline consent*)
- 6.10 **Kent Police: No objections.**

## 7.0 APPRAISAL

- 7.01 The principle of residential development of up to 250 houses with access in the form of a new roundabout off Marden Road has been accepted under the original outline permission at the site. This reserved matters application is concerned with the detail of the development being its appearance, landscaping, layout and scale, which is assessed below. Since the outline permission, the new Local Plan has been adopted (October 2017) and the Staplehurst Neighbourhood Plan (SHNP) was made in September 2016, so these matters will be assessed against the site allocation policy and any other relevant policies in the Local Plan and relevant policies in the SHNP. There are also a number of parameters set by condition under the outline consent which need to be adhered to.

### Layout & Character

- 7.02 Considering the site policy requirements first, the layout ensures that the existing hedges and trees along the northern and western boundaries can be retained, and the landscaping proposals include new tree planting and native shrubs/hedges, particularly along the western boundary to strengthen and enhance. New native hedging would be provided around the electricity substation in addition to retaining some of the existing hedging. The layout also provides approximately 4.8ha of formal/semi-natural open space, including allotments (policy requirement is for 4.66ha). This is in accordance with the design, layout and open space criterion for the site policy H1(48).
- 7.03 In relation to the relevant outline parameters (condition 1) requires at least 0.04ha (400m<sup>2</sup>) of land to the north and west of the Hen and Duckhurst Grade II listed building as open space or structural open space to minimise so far as possible any impact on the setting of the listed building. Around 0.05ha is being provided to the north and west of the listed building and so the layout achieves the policy and outline parameter requirements, and I will now discuss the layout generally in more detail.

- 7.04 The layout is very much shaped by the ecological constraints/opportunities. The areas with the highest ecological value are the western and eastern fields (where there is pond with a population of Great Crested Newts (GCN)), and near the centre of the site and so these areas are retained with the least development. They would be linked by a central ‘village green’ space where existing hedges and tree groups are kept and new wet areas link across from the eastern pond. This creates a substantial green corridor through the centre of the site to provide connectivity for GCN and other wildlife, and this in turn provides a positive character area for the development. The pond in the SW corner also has a population of GCN and this would link with the central corridor along the west edge of the development. This aligns with criterion 5 of the SNHP site policy (H4). Houses are then proposed in the less sensitive areas for landscape/ecology reasons being the south eastern and south western fields, and the northern part of the site.
- 7.05 The density and layout of the development parcels is generally split into four character areas. In the SE area this reflects the density and layout of the existing housing estate to the east; in the SW area this is of a similar density as it adjoins existing development on Marden Road; the central area is more open within the green corridor; and the northern area has a lower density and is more rural in layout as it adjoins open countryside/fields. I consider the principles of the layout and the different development areas is appropriate and creates a unique character based on the site’s existing positive features.
- 7.06 More specifically, the roundabout onto Marden Road has been approved and the layout sees houses fronting it on the east side to create a streetscape rather than the entrance being dominated by the roundabout itself. Areas of landscaping and new trees would also be provided so the layout provides an attractive entrance. Low ragstone walls would be provided outside the two houses fronting the main road into the site.
- 7.07 From the entrance a main spine road runs northwards through the centre of the site with a circular road to the west where buildings address the streets and turn the corners to ensure active streetscenes. Where boundary fencing cannot be avoided there would be landscaped areas outside to soften the impact. On the east side would be two small cul-de-sacs and houses are positioned to help screen views of the electricity substation.
- 7.08 The spine road leads north and recent amendments include the provision of low ragstone walling and railing to provide a quality streetscene which then opens onto the large central open space or ‘green’. On the south side of the ‘green’ there is a small block paved area bounded by a ragstone wall with seating to provide a focal point and a good area of public realm. The village green would include drainage ditches around the outside but there would be a good useable space with seats in the centre accessed by small bridges with ragstone walling. The northern part would retain existing hedging and trees. Larger detached houses would face onto, and frame the ‘green’. There would also be a children’s playground to the east and this whole area would provide a high quality public zone and distinct sense of place within the centre to the development which aligns with the SHNP site policy H4 criterion 7.
- 7.09 The southeast section follows a density and layout similar to the housing estate to the east, and buildings address roads/turn corners to create strong streetscenes. The northern section has a lower density being adjacent to open countryside and fields. As there is no physical boundary along the east edge here, development is mainly set back from the field with landscaping. Where development goes closer to the boundary, landscaping is proposed. Allotments would be provided at the far north end of the site.

Buildings are set back with varying sizes of front garden, with most houses having parking to the sides. Where some terrace properties have parking areas to the front these are broken by landscaped areas.

- 7.10 In terms of connectivity, the site would provide two pedestrian/cycle links to the east in line with the site policy to link with the existing community, and these provide routes to the open space areas for the new development. The site is therefore well connected to existing neighbourhoods. Recreational routes are provided around the western field which aligns with the SHNP site policy H4 criterion 6 and open space borders much of the western boundary in line with policy E1. The spine road is designed so that it could provide two-way traffic access from Marden Road to the Lodge Road Industrial estate if a link is provided in the future on the adjoining land (outside the applicant's control). There are also two other points of access to future-proof connectivity to this adjoining land and any potential railway bridge crossing as envisaged in the SHNP. This aligns with the outline consent, and criterion 1, 2, and 3 of the SHNP site policy H4.
- 7.11 Houses and gardens would be laid out to ensure sufficient privacy and outlook. Environmental Health has raised the issue of noise from the substation requesting a condition to ensure increased sound insulation, however, this was conditioned on the outline permission. Houses are a sufficient distance from the railway line so any infrequent noise would not be harmful.
- 7.12 With regard to the amenity of existing properties, representations have been received relating to the impact upon privacy, outlook, and views from properties along the east and south boundaries of the site. Criterion 4 of the site policy H4 in the SHNP has been referred to which seeks to ensure the development respects the privacy, well-being and quality of life of residents currently living on the western edge of Staplehurst, requiring specific attention with regard to points of access and existing views of open countryside. Representations have also referred to the illustrative plan within the SHNP which shows large open areas in the SE corner. This is only an 'illustrative' plan and it states that it is only to provide guidance to developers. The development does not have to follow this plan and it is the text to the policy that is paramount. Policy DM1 of the Local Plan also seeks to respect the amenities of existing properties.
- 7.13 In terms of privacy, new houses would be set between 15m and 24m from existing houses along the eastern edge of the site. Where closest, the new houses face the flank walls of houses, rather than being back to back, and these distances are considered to be sufficient to maintain the privacy of existing properties here. Number 14 Marfield would have new houses to its rear and side but the distances (36m and 16m respectively) are considered sufficient to maintain privacy. These distances, and bearing in mind the houses are two storeys, are also considered to be sufficient to maintain acceptable sunlight and daylight to these properties. In terms of outlook, numbers 5 and 7 Further Field and 6-14 Marfield (7 houses) have their front/rear outlook onto the site at differing distances. The set back of between 24m-36m from these properties is considered sufficient to not result in an unacceptable outlook from these properties. For the houses in the SE corner, they face north/south and with the separation distances, their outlook would not be harmed. For these reason the proposals are considered to respect the privacy, well-being and quality of life of residents currently living on the western edge of Staplehurst

- 7.14 The loss of a view is not a material planning consideration, however, the SHNP refers to the existing views of open countryside. To maintain views of existing countryside would require an undeveloped corridor running right across the site near to the properties referred to above. For the reasons outlined above, the layout sees a green corridor through the centre where the main ecological constraints exist, and to provide another undeveloped area here would not be realistic as it would result in high densities/taller buildings in other areas of the site and compromise the sound layout principles followed. Therefore, to maintain views of countryside for these properties is not considered appropriate due to ecological issues and to achieve a suitable development for the wider site.
- 7.15 For the properties to the south of the site on Marden Road, the separation distances (between 21m and 36m) are considered sufficient so as not to result in unacceptable harm in terms of privacy, light, or outlook.
- 7.16 In terms of parking, KCC Highways have raised no objections. The scheme provides there would be a total of 467 allocated parking spaces and 44 visitor spaces, not including garages. There are many tandem spaces but this allows more space for landscaping and I consider the approach here strikes the right balance between adequate provision and securing an attractive layout as per policy DM23. The roundabout would be implemented as per the outline permission.
- 7.17 Overall, the layout is considered to use the ecological constraints of the site to create a positive and unique character mainly from the substantial green corridor through the centre of the site and around the edges. The density is higher in the southern half but this is considered to be appropriate bearing in mind these areas adjoin the existing settlement. The proposals create a high quality and attractive layout providing active frontages, focal buildings, quality open spaces, and complying with the requirements of policy H1(48), policy DM1 of the Local Plan, fundamentally policy H4 of the SHNP, and the outline permission requirements.

#### Appearance & Scale

- 7.18 The site policy has no specific requirements for appearance and scale but policy DM1 seeks high quality design and positive responses to local character. The SHNP seeks the design of new houses to be principally informed by the traditional form, layout, character and style of the village's vernacular architecture using high quality materials but outlines that larger development's may develop their own distinctive characters.
- 7.19 The applicant has proposed a traditional appearance with detached, semi-detached, and terrace houses. Buildings are two storeys with some focal buildings having dormer windows in the roofs. There would be two apartment blocks which would also be two storeys in height with dormer windows.
- 7.20 The buildings mainly have gabled roofs but with some corner buildings being hipped. Two storey gables are provided on some and projecting bay windows to provide interest. Detailing is provided on houses including decorative plinth courses, detailing above door and window openings, dormer windows, and bay windows. Materials proposed include stock bricks, tile hanging, and white boarding to elevations, and tiled roofs and would be formally discharged under condition 6. Ragstone is used in walls around the site.

- 7.21 Overall, I consider the appearance and scale of the buildings to be to a high standard in accordance policy DM1 of the Local Plan and the SHNP.

#### *Surfacing & Boundary Treatments*

- 7.22 Surfacing includes tarmac for the main spine road but with block paving for parking spaces. The remaining roads would be mainly block paved. Paths around the open space and linking to the estate to the east would be resin bonded gravel. Boundary treatments would include ragstone walling and railings at key locations, and brick walling on exposed corners. Fencing within gardens would provide privacy. Overall, I consider these details would provide a high quality appearance to the development.

#### Landscaping & Ecology

- 7.23 The landscaping scheme retains and strengthens boundary hedges/trees and existing hedges within the centre of the site. Some hedges have been removed to facilitate development in the southern half. As outlined above the green corridor across the centre of the site is retained and strengthened and will include new meadow grass planting with groups of new trees near the housing areas, and native woodland planting and groups of trees within the western field. Within the built up areas, many trees would be provided within streets to provide an attractive environment. Front gardens and parcels of landscaping on corners would be more ornamental in character which is considered acceptable within housing areas. Along the eastern boundary with existing houses where some hedging and trees exists, new planting will provide a further buffer to soften the development edge and provide an attractive setting. This is the same for the south boundary near to the listed building where woodland planting is proposed. Overall, the landscaping scheme is of high quality, with much native planting, and would provide an attractive environment and setting for the development.
- 7.24 With regard to ecology, the layout ensure all habitats are retained/enhanced in line with the ecological mitigation strategy which is considered acceptable by KCC Ecology, as is the management plan. The section 106 secures specific details of the landscape and ecology management plan (LEMP). The western field would be greatly enhanced with GCN hibernacula, wetland planting, and new ponds. Other enhancements include bird and bat boxes across the site.

#### Other Matters

- 7.25 With regard to the nearest listed building, 'Hen & Duckhurst' (Grade II) which is immediately to the south/southeast, the benefits of the development were considered to outweigh the limited harm to its setting under the outline permission. The outline consent seeks at least 0.04 hectares of land to the north and west of the listed building to be set aside as an open space or structural open space to minimise harm to the setting of the listed building. This provision has been increased to 0.05ha and native woodland planting is proposed to the north to supplement the existing vegetation and trees to the south of the site. The listed building is not highly prominent from the site due to the distance away and vegetation between and so I consider the approach taken is acceptable. New buildings would be 31m from the listed property and there are existing buildings surrounding it. The application site does provide some openness to its rear, however, I consider the development, with the landscape buffer and set back would have a low impact upon the listed building and that the benefits of the development continue to

outweigh the limited harm in line with policies SP18 and DM4 of the Local Plan and the NPPF. With regard to ‘Coppwilliam’ (Grade II) to the southwest, the separation distance from new houses (58m) is sufficient so that it would not cause harm to the setting of this building and the open areas to the north and west of it would not be affected.

- 7.26 Many representations have been received raising concerns regarding surface water flooding, maintenance of drainage ditches, and evidence of this flooding occurring in recent extreme rainfall has been provided. I also noted the site was relatively wet on my site visit in early April. The surface water strategy for the development is to maintain the existing drainage ditch regime and store the excess run off created to maintain the current run off rate. This will be stored through the introduction of additional swales, ponds, permeable paving and storage creates. There are a number of existing ditches that are situated along the site boundaries as well as running across the development site. These will be cleared out where applicable and maintained by a management company. A number of the existing ditches will be diverted due to the development layout and these will be the subject of a watercourse consent with Kent County Council. KCC Drainage have raised no objections but highlight the need to maintain access to ditches along boundaries, which will be possible. They recommend conditions relating to maintenance of the surface water drainage system and a verification report which I consider is reasonable and necessary.
- 7.27 With regard to foul drainage, specific details are required under condition 18 of the outline consent. The applicant has stated that drainage has been looked at in detail and it is proposed to take a limited number of units into the foul sewage system on Marden Road and a pumping station in the middle of the site will take the rest north under the railway and link into the system there. Any necessary upgrades to the local network be secured with Southern Water under the Water Industry Act.
- 7.28 Environmental Health has requested an Air Quality Emissions Reduction condition, however, a mitigation strategy for air quality is required by condition 13 under the outline consent.
- 7.29 With regard to affordable housing, 40% would be provided and the house sizes are generally in accordance with the current need. The tenure split would 60/40 in favour of rent as required by the section 106 agreement. The houses would be integrated across the development in a number of areas which is acceptable.
- 7.30 The outline permission secures the other site policy requirements being traffic calming and extension of the 30mph limit on Marden Road, a pedestrian and cycle crossing on Marden Road, in addition to financial contributions towards the train station, health, public open space, libraries, primary and secondary education, youth services, and the affordable housing. Money towards potential improvements to the crossroads was also secured. Conditions and the s106 agreement on the outline permission cover ecological mitigation/management and enhancement, tree/hedge protection, contaminated land, archaeology, SUDs, and foul drainage.
- 7.31 The site is allocated in the Local Plan and so with regard to the Council’s Public Art and Air Quality Guidance, these only apply to application submitted after 1<sup>st</sup> January 2018. With regard to the Kent Minerals Plan, the site does not fall within a minerals safeguarding area.

- 7.32 The Parish Council has raised a number of issues many of which have been considered above. They have questioned how the allotments and open space areas be managed. The s106 agreement requires that these areas are managed by the applicant via a management company or other body. I do not consider there is any reason to move the play area as suggested.
- 7.33 Many local residents have raised issues relating to principle matters including traffic and local infrastructure which were fully considered and decided upon at the outline stage. Otherwise material matters raised have been considered in the assessment above.

#### Conditions

- 7.34 The application also seeks discharge of Conditions 5, 7, 9 and 10 relating to phasing, landscaping and ecology of the outline permission.
- 7.35 For condition 5 (phasing), the roundabout would be constructed first with the development being built in five phases, generally from the south, northwards, and the final phase in the northeast corner. This phasing is considered acceptable and condition 25 secures that areas of public open space are provided within 6 months of the occupation of the 50th house so it is in place early on for new residents. For condition 7 (hard and soft landscaping), as outlined at paragraphs 7.20 and 7.21 above, the hard surfacing and landscaping is of high quality and acceptable. For condition 9 (landscape management plan) this is considered to be acceptable. For condition 10 (tree/hedge protection), this is considered acceptable by the landscape officer.

### **8.0 CONCLUSION**

- 8.01 I have considered all representations received on the application and for the above reasons the reserved matters details are considered to be acceptable and provide a high quality development in accordance with site policy H1(48), other relevant policies within the Local Plan, and the outline permission. There is a minor conflict with the SHNP in that views of the open countryside are not maintained for properties along the current west edge of Staplehurst. For the reasons outlined above, this is not considered reasonable or appropriate and the layout and impact upon residential amenity is considered acceptable. This matter is not considered grounds to refuse the application. Permission is therefore recommended for the reserved matters subject to the following conditions.

### **9.0 RECOMMENDATION:**

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

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

Reason: To ensure a high quality design.

2. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- An general arrangement plan with the location of drainage measures and critical features clearly marked (I've deleted *as built* as we can't provide as built drawings of drainage for a system that will be built in phases)
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component (including existing ordinary watercourses), and the frequency of such inspections and maintenance activities
- Details of who will undertake the above inspections and maintenance activities, including 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

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

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.

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

4. The development hereby permitted shall be carried out in accordance with the boundary treatments as shown on drawing nos. 1737.03 RevF and 402 RevN before the first occupation of the building(s) or land to which they relate and maintained thereafter;

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

5. No development above slab level shall take place until details of the laying out and equipping of the play area have been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

Reason: To ensure a satisfactory external appearance to the development and/or the provision of adequate facilities to meet the recreational needs of prospective occupiers.

6. The development hereby permitted shall be carried out in accordance with the approved plans as listed on the Drawing Issue Sheet received on 14/05/18.

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

Case Officer: Richard Timms



20m  
100ft

## REPORT SUMMARY

<b>REFERENCE NO - 17/505995/FULL</b>		
<b>APPLICATION PROPOSAL -</b> Erection of a detached five bedroom dwelling with associated parking.		
<b>ADDRESS -</b> Court Lodge Farm, The Street, Teston Maidstone Kent ME18 5AQ		
<b>RECOMMENDATION A-</b> GRANT PLANNING PERMISSION subject to conditions <b>RECOMMENDATION B -</b> Delegated authority be given to the head of planning to vary the Section 106 Agreement to remove the restriction on the land to the West of Court Lodge Farm House.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION -</b> The proposed development is acceptable with regards to the relevant provisions of the development plan; the NPPF and all other material considerations such as are relevant. Approval is recommended subject to planning conditions.		
<b>REASON FOR REFERRAL TO COMMITTEE –</b> Teston Parish Council have requested that the application is reported to the Planning Committee if Officers are minded to recommend approval.		
<b>WARD</b> Barming and Teston	<b>PARISH/TOWN COUNCIL</b> Teston	<b>APPLICANT</b> Mr Colin King <b>AGENT</b> Mark Carter Design
<b>DECISION DUE DATE</b> 11/01/18	<b>PUBLICITY EXPIRY DATE</b> 22/12/17	<b>OFFICER SITE VISIT DATE</b> 24/11/2017 and 9/05/2018
<b>RELEVANT PLANNING HISTORY</b>		
MA/99/0037	Demolition of existing farm buildings and 1no. existing cottage and erection of 6 new dwellings (providing 7 on site in total) with garaging and parking (including parking for the existing dwelling that remains) and alterations to existing site access track	PERMITTED

### 1.0 MAIN REPORT

1.01 This application was deferred at the meeting of the Planning Committee on the 22. February 2018 (Committee Report and urgent updates for this meeting are attached as Appendix 1 to this report).

1.02 Members resolved that consideration be deferred to:

- Amend the application to extend the site area (red line application site boundary) to include the private road up to the point where the private road meets the public highway
- To submit Certificate of land ownership B which involves notifying all persons that have an interest in the private road providing site access of the planning application;
- Seek details of the earlier S106 agreement that seeks to restrict further development on the application the site; and
- Enable the Conservation Officer to be in attendance when the application is discussed a second time.

## 2.0 LOCAL REPRESENTATIONS:

2.01 Following consideration of the application on the 22 February 2018 further consultation has been carried out and 23 additional representations have been received from local residents (8 objections and 1 letter in support previously received) raising the following (summarised) issues:

- Harm to landscaped setting of listed buildings
- Harm to character of the area
- Design not in keeping with existing dwellings
- Harm to conservation area
- Impact on residential amenity
- Loss of trees
- Commercial use of existing dwelling
- Adverse impact on highway safety

2.02 **Teston Parish Council:** Teston PC have written in restating previous objections to the application on grounds that the development would have a significant adverse impact on the remaining garden of Court Lodge Farmhouse and impact on visual amenity of the area.

## 3.0 APPRAISAL

3.01 At the meeting on the 22 February 2018 members resolved that consideration be deferred to:

- Amend the application to extend the site area (red line application site boundary) to include the private road up to the point where the private road meets the public highway
- To submit Certificate of land ownership B which involves notifying all persons that have an interest in the private road providing site access of the planning application;
- Seek details of the earlier S106 agreement that seeks to restrict further development on the application the site; and

- Enable the Conservation Officer to be in attendance when the application is discussed a second time.
- 3.02 Taking each of these points in turn
- Amend the application to extend the site area (red line application site boundary) to include the private road up to the point where the private road meets the public highway
- 3.03 In response to the above, the applicant has submitted a revised site location plan. The red line application site boundary has been extended to include the access from the site to the public highway along the private road serving the Court Lodge Farm complex.
- To submit Certificate of land ownership B which involves notifying all persons that have an interest in the private road providing site access of the planning application;
- 3.04 As the application site boundary now includes land not in the applicant's ownership, certificate of ownership B has been completed (to replace the previously submitted certificate A) and parties with an interest in the access road have been notified of the planning application.
- Seek details of the earlier S106 agreement that seeks to restrict further development on the application the site; and
- 3.05 Planning permission was granted on the 8 July 1999 (reference 99/0037) for the demolition of existing farm buildings and an existing cottage and erection of 6 new dwellings (providing 7 on site in total) with garaging and parking (including parking for the existing dwelling that remains) and alterations to existing site access track.
- 3.06 A Section 106 agreement appended to the permission precludes any further development on the land to the west of Court Lodge Farmhouse or the open land to the south west of the farmhouse bounded to the west by public footpath KM2 and to the south by the A26 Tonbridge Road. Details are attached as Appendix 2 to this report. It is understood that the intention of the agreement is to prevent harm to the character of the area and landscaped setting of the grade II listed building and heritage assets in the vicinity of the site in order to safeguard their significance in the local area.
- 3.07 In the 19 years since the signing of the Section 106 agreement, the national and local planning policy context has changed considerably. Guidance for determining planning applications affecting designated heritage assets was published in the National Planning Policy Framework NPPF (2012) and this is a key material consideration in determining the current planning application. Paragraph 132 and 134 of the document provides guidance on assessing the potential harm to heritage assets. It requires (para 134) that where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.

- 3.08 In addition to the publication of the NPPF, Maidstone Council has adopted two local Plans (Maidstone Borough-Wide Local Plan in 2000 and Maidstone Borough Local Plan in 2017) since the planning permission in 1999. Key relevant considerations in the current adopted local plan (2017) include policy DM4 which allows some flexibility for the re-use and conversion of historic assets. It states that in assessing applications which would result in the loss of, harm to the significance of a heritage asset, the Council has a duty to apply the relevant test and assessment factors specified in the NPPF. Therefore, the heritage impact of providing a new dwelling at this site needs to be balanced against the benefits of the proposal.
- 3.09. The guidance in the NPPF and adopted local plan (2017) provides reasonable planning grounds for revisiting the planning justification given for the Section 106 agreement appended to the previous grant of planning permission for the site.
- 3.10 The s106 agreement relates to land to the west of Court Lodge Farmhouse and the open land to the south west of the farmhouse bounded to the west by public footpath KM2 and to the south by the A26 Tonbridge Road. The development is proposed on the triangular shaped part of the land on the western flank of the listed building and sufficient separating distance would be retained with this heritage asset to safeguard its significance. The larger area of land to south west of the farmhouse bounded to the west by public footpath KM2 and to the south by the A26 Tonbridge Road would not be affected by this proposal.
- 3.11 At paragraph 6.05 of the report to the meeting on the 22 February (appendix 1) stated that *“The harm posed by the new development is ‘less than substantial’ (NPPF 134) and the public benefits of the proposal in the provision of a new dwelling in a sustainable location weigh in favour of approving the application. This view is supported by the Council’s Conservation Officer who has confirmed that the application land is not critical to the curtilage of Court Lodge Farm which will retain a sizeable garden. The proposal would make a positive contribution to local character and distinctiveness in accordance with the NPPF (paragraph 131) which again weighs in favour of the approval of the application”*.
- Enable the Conservation Officer to be in attendance when the application is discussed a second time.
- 3.12 The Conservation Officer has confirmed that he will be available to attend the committee meeting on the 14 June 2018.
- Other matters
- 3.13 The consultation responses received since this case was first reported to members have been addressed in the original committee report.

- 3.14 The highways safety implications of the proposal and use of the private road serving Court Lodge Farm were assessed as part of the previous report. It is not considered that the inclusion of the private road up to the point where it meets the public highway in the redline site boundary raises any new highways safety implications. The scale of the development proposed is unlikely to have a significant highways impact. KCC Highways and Transportation have commented on the application and raises no objection on grounds of highways safety.

#### **4.0 CONCLUSION**

- 4.01 Members resolved to defer consideration of this application for the site area to be extended to include the private road serving the Court Lodge Farm complex. The redline boundary have been extended up to the point where the road meets the public highway with no additional highway safety issues identified. The relevant certificates notifying all persons having an interest in the private road have been duly served.
- 4.02 The objective of the section 106 agreement is to safeguard the character of the area and landscaped setting of the listed building have been taken into account in accordance with the requirements set out in the NPPF, as confirmed by the Conservation Officer, the benefits of allowing this development outweigh any harm that would result to the significance of the heritage asset, and as such it is recommended that planning permission be granted for the development.

#### **RECOMMENDATIONS**

**Recommendation A** -GRANT PLANNING PERMISSION subject to the following conditions:

**Recommendation B** - Delegated authority be given to the head of planning to vary the Section 106 Agreement to remove the restriction on the land to the West of Court Lodge Farm House.

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. Notwithstanding the information on the approved plans, no development shall take place until written details of samples of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall include cast aluminium rain water goods, aluminium windows, Kent peg roof tiles, brick and mortar masonry sample and either cedar or patinated copper as finishing surface for the front portico. The details shall also specify window sections show that the new windows are set back into the reveals to create the depth in the elevations that is suggested on the planning drawings. The details of the material shall also include sparrow boxes/bricks incorporated into the development. The development shall be carried out in accordance with the approved details.

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

3. The development hereby approved shall not be occupied until the access and parking areas shown on drawing no: 3124-003 Rev C have first been provided. The approved access and parking areas shall be retained at all times thereafter with no impediment to their intended use.

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

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

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

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

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

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

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

7. Before first occupation of the development hereby approved the boundary fencing specified in on the approved plans with reference number 3124-003 Rev C. A shall have been implemented and retained at all times thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity.

8. No development shall not commence until details of soft landscaping and hard landscape works which shall include the use of permeable block paving upon the front parking area and driveway area indicated on the approved plans with reference number 3124-003 Rev C, have been submitted to and approve in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before first occupation of the building or land;

Reason: To ensure satisfactory appearance to the development

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

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

10. No development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

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

11. Before first occupation, the first floor window opening on the east facing elevation of the development hereby approved (as shown on drawing no. 3124-005 Rev B) shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such to the satisfaction of the Local Planning Authority.

Reason: To prevent overlooking of adjoining property and to safeguard the privacy of existing and prospective occupiers.

12. The development hereby permitted shall be carried out in strict accordance with the following approved plans/drawings received on 16 November 2017.

Plan/Drawing 3124 - 003 Rev C Site Plans

Plan/Drawing 3124 - 005 Rev B Elevations

Proposed Tree removal Plan

Proposed Tree Protection Plan

#### INFORMATIVES

- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (2) The applicant is advised to carry out any work to vegetation that may provide suitable bird nesting habitats outside of the bird breeding season (bird breeding season is March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season then mitigation measures should be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found during work, development must cease until after the juveniles have fledged.
- (3) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Team regarding noise control requirements.
- (4) The applicant is advised to carry out clearance and burning of existing woodland or rubbish without nuisance from smoke etc. to nearby residential properties.
- (5) The applicant is advised that in order to avoid nuisance to neighbours they should seek to only use plant and machinery used for demolition and construction between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

- (6) The applicant is advised that in order to avoid nuisance to neighbours they should seek to allow Vehicles to arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

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.

## REPORT SUMMARY

<b>REFERENCE NO - 17/505995/FULL</b>		
<b>APPLICATION PROPOSAL -</b> Erection of a detached five bedroom dwelling with associated parking.		
<b>ADDRESS - Court Lodge Farm, The Street, Teston Maidstone Kent ME18 5AQ</b>		
<b>RECOMMENDATION - GRANT PLANNING PERMISSION subject to conditions</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION -</b> The proposed development is acceptable with regards to the relevant provisions of the development plan; the NPPF and all other material considerations such as are relevant. Approval is recommended subject to planning conditions.		
<b>REASON FOR REFERRAL TO COMMITTEE –</b> Cllr Fay Gooch have requested that the application is reported to the Planning Committee if Officers are minded to recommend approval.		
<b>WARD</b> Barming and Teston	<b>PARISH/TOWN COUNCIL</b> Teston	<b>APPLICANT</b> Mr Colin King <b>AGENT</b> Mark Carter Design
<b>DECISION DUE DATE</b> 11/01/18	<b>PUBLICITY EXPIRY DATE</b> 22/12/17	<b>OFFICER SITE VISIT DATE</b>
<b>RELEVANT PLANNING HISTORY</b>		
No relevant planning history		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is a triangular shaped plot of land taken from the existing larger side residential garden of Court Lodge Farm a detached grade II listed dwelling located within the Teston Conservation Area. The site is located within the built up part of the village of Teston and is currently laid to lawn with trees and hedgerows. The main building, Court Lodge Farm, is to the east of the site with the grade II listed St Peter and St Paul's Church to the north east. Immediately to the west of the site is a public footpath which connects the private access track serving the Court Lodge Farm complex to Church Street. Beyond this footpath is the modern detached dwelling known as Ridgewood. The southern boundary of the site abuts the private access track serving Court Lodge Farm complex.
- 1.02 Teston has no defined settlement boundary in the adopted Maidstone Borough Local Plan and therefore in planning terms is considered to be within the open countryside. The existing pattern of development within the street is mixed, comprising mainly of two-storey dwellings and converted farm buildings of a range of ages from listed buildings through to very modern dwellings. There is no defined building line or pattern of gaps within the street. The site itself is slightly elevated in relation to the access track serving the complex and there is a change in ground levels in the vicinity of the site in a general south to north direction. There are a number of trees within the site which are protected by virtue of being within the Teston Conservation Area.

## **2.0 PROPOSAL**

- 2.01 Planning permission is sought for the erection of a detached two-storey dwelling with associated driveway and parking all on land taken from the residential garden and to the side of Court Lodge Farm. The proposed five bedroom dwelling, that would infill a gap in the streetscene between Court Lodge Farm and Ridgewood, would be of a similar scale and height to the adjacent residential dwellings. The proposed building would be set back approximately 10 metres from the access track serving the complex, retaining a separating gap of approximately 20 metres with the grade II listed building. The gap with the neighbouring building to the west of the site would be just under 10 metres.
- 2.02 The ground floor would provide a hall, living room, kitchen diner and a study. There would be five bedrooms on the first floor with a separate family bathroom and ensuite bathroom for the master bedroom. Materials proposed for the dwelling include red painted render, brickwork and plain roof tiles which reflects those used on surrounding properties.
- 2.03 Access would be gained from a new driveway to be provided to the front of the property off the existing private track serving the Court Lodge Farm complex. The submitted plans also indicate the use of permeable paving on the hardstanding area that is capable of providing parking spaces for up to 3 vehicles.
- 2.04 The proposed development would see the removal of a number of low quality trees at the rear of the site and the replacement of part of the mixed hedge along the front boundary. The established Lime tree located close to the south western boundary would be retained and protected.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

- 3.01 The National Planning Policy Framework (NPPF): Paragraph 49, 50, 53, 55, 56, 57, 61 and 128, 129, 131, 132, 134, 137 and 138.  
Development Plan: SP17, SP18, SP23, DM3, DM1, DM4, DM8, DM11, DM12, DM23 and DM30 of the adopted Maidstone Borough Local Plan

## **4.0 LOCAL REPRESENTATIONS**

- 4.01 **Local Residents:** 8 representations received from local residents raising the following (summarised) issues:
- Design not in keeping with existing dwellings
  - Harm to conservation area
  - No permission within deeds for construction traffic
  - Commercial use of existing dwelling
  - Adverse impact on highway safety
- 4.02 1 representation received from a local resident expressing support for the application for the following (summarised) reason:
- Proposal in a sustainable location
  - Enhancement to Conservation Area
  - No amenity impacts
  - No adverse impact on traffic

## **5.0 CONSULTATIONS**

- 5.01 **Heritage and Conservation:** No objection subject to a condition on materials.
- 5.02 **KCC Archaeology:** No objection subject to a condition requiring an archaeological watching brief.
- 5.03 **Landscape officer:** No objection

## **6.0 APPRAISAL**

### **Main Issues**

- 6.01 The application seeks planning permission for the erection of a detached five bedroom dwelling with associated parking on land taken from the residential garden of Court Lodge Farm. Therefore, the main issues for consideration are:
- Principle of Development
  - Visual Impact and Heritage Impact
  - Residential Amenity
  - Parking/Access and Highway Safety implication
  - Landscaping

#### Principle of development:

- 6.02 The Local Planning Authority is satisfied that it is able to demonstrate a 5 year housing land supply and as such the policies in the adopted Local Plan should be afforded full weight. The adopted Maidstone Local Plan (2017) identifies the site as falling in the open countryside outside the settlement boundary. The site is therefore subject to policy SP17 of the adopted Maidstone Borough Local Plan (Adopted 10/2017). Policy SP17 states that 'development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.
- 6.03 Policy D11 of the adopted Local Plan seeks to restrict development on residential garden land to that which respects the existing character, pattern and layout of the built environment without detriment to visual amenity. Policy DM12 requires that new housing development should be at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Policy DM4 aims to safeguard buildings and areas of special architectural or historic interest.
- 6.04 NPPF guidance in (para. 132) requires Local Planning Authorities to give great weight to conserving designated heritage assets when considering the impact of proposed development on their significance. In this case, the site is located within the curtilage and setting of a number of grade II listed buildings and The Teston Conservation Area. Therefore, the Local Planning Authority needs to be satisfied that the development would either preserve or enhance the setting of these heritage assets.
- 6.05 The harm posed by the new development is 'less than substantial' (NPPF 134) and the public benefits of the proposal in the provision of a new dwelling in a sustainable location (as set out below) weigh in favour of approving the application. This view is supported by the Council's Conservation Officer who has confirmed that the application land is not critical to the curtilage of Court Lodge Farm which will retain a

sizeable garden. The proposal would make a positive contribution to local character and distinctiveness in accordance with the NPPF (paragraph 131) which again weighs in favour of the approval of the application.

- 6.06 The application site forms part of the residential garden of Court Lodge Farm and is currently used as garden land serving this property. Therefore, the proposal represents development within residential garden land located to the western flank of the grade II listed property. Development within residential garden land is permitted if there is no harm to the layout or character of the wider area or harm to the outlook or amenity of residents overlooking or abutting the site.
- 6.07 Government guidance in the National Planning Policy Framework (NPPF) states (para. 49) that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states (para. 55) that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 6.08 The application site is located within reasonable distance of Tonbridge Road (A26) with the nearest bus stop located within 300 metres of the site. Whilst the access has no designated pedestrian walkway, it is infrequently used by cars and as such there is no vehicle conflict. Teston has a number of facilities including shops and a public house, with the nearest doctor's surgery within 0.6 miles in Watringbury.
- 6.09 In summary and having regard to the development plan policies and government guidance set out above, the principle of this proposed development within the residential garden of Court Lodge Farm is considered acceptable. The development is in a sustainable location and as set out in more detail below the proposal would preserve the historic significance of the grade II listed building and the Teston Conservation Area.

#### Visual Impact and Heritage Impact

- 6.10 The new building would retain a separating distance of approximately 20 metres with the western flank of this grade II listed property, which is considered sufficient in ensuring that its significance and features of special interest are not compromised.
- 6.11 The proposed development would have a separating distance of approximately 45 metres from the grade II listed St Peter and Paul's church to the north east of the site which is sufficient to ensure that its significance and features of special interest are safeguarded. The development due to its height and location would not have any significant adverse impact on views of the grade II listed St Peter and Paul's Church (from within the access track serving the Court Lodge Farm complex), or any publicly accessible area in the vicinity of the site.
- 6.11 The application site is located within a predominantly residential street that has a variety of house types of differing scale and age with differing set-backs from the road. Therefore, the proposed location of the building set back approximately 10 metres from the front boundary would not cause any significant harm to the character of the street. Also of relevance is the fact that the development that would result from this proposal would be consistent with the semi-informal pattern of development within the vicinity of the site. It would thereby constitute a further unassuming change within the locality.
- 6.12 The proposed scheme replicates the low density approach of the existing residential development in the vicinity of the site. The plot is of a reasonably large size and given

that the proposed building is consistent with the scale of properties in the vicinity, it would not appear as a cramped form of development. Moreover, in view of that fact that the site is relatively well contained due to its location and surrounding vegetation, the development would not appear prominent or visually harmful within its surroundings.

- 6.13 Overall, the design of the new dwelling draws on elements of the properties within the vicinity, and whilst it is a relatively large property, I am satisfied given its set back from the adjacent buildings, that it would not appear visually dominant or incongruous when viewed in the context of neighbouring developments. It is considered acceptable in relation to on visual amenity as a consequence. The development would not be detrimental to or harm the setting of the neighbouring grade II listed buildings.

#### Residential amenity

- 6.14 Given the separation distances between the new house and existing neighbouring properties and the scale, design and siting of the building, I am satisfied that it would not result in a significant loss of privacy, light or outlook to any neighbour.
- 6.15 It is not considered that the new dwelling with its associated comings and goings and use of the existing access track would result in an unacceptable increase in noise and disturbance to existing properties.
- 6.16 The proposal retains an acceptable amenity area for the main dwelling and would also secure an acceptable residential environment for future residents. It is considered to comply with requirements of policy DM1 of the adopted Maidstone Borough Local Plan.

#### Parking/Access/Highway safety implications

- 6.17 The proposed dwelling would make use of the existing vehicle access track serving the Court Lodge Farm complex. It would also benefit from the 3 parking spaces, private drive and vehicle turning area. I am therefore satisfied that the proposal would have adequate parking and turning facilities within the site. The additional vehicle movements associated with this property are not considered significant enough to object on highway safety grounds.

#### Landscaping

- 6.18 The proposed development would see the removal of a number of low quality trees located on the rear part of the site. The Landscape Officer considers the submitted tree survey, protection and removal plans acceptable and does not raise any objections on arboricultural grounds.
- 6.19 The submitted tree protection plan indicates the retention of the matured Lime tree close to the front boundary. With this considered, I am satisfied that an appropriate landscaping scheme can be achieved within this scheme and this would be secured by condition.

#### Other Matters

- 6.20 Foul sewage can be disposed via the mains sewer and surface water via a sustainable drainage system which would be secured by condition. Given the scale, nature and location of the site, no further details are required in terms of land contamination, flood risk and air quality.

- 6.21 The proposal represents an acceptable small scale windfall development which for the reasons set out above will not result in any material harm to the locality of the site and therefore considered to be acceptable. There would be no significant adverse impact on local services.
- 6.22 Objections have been raised on grounds that the proposals would result in harm to the amenities of the area as the main building at the site is currently in commercial use. The Town and Country Planning Use Classes Order (1987) (as amended), allows for a change from a Class C3 (Dwelling House) to Class C4 (House in Multiple Occupation) occupied by 3-6 people. An overriding planning objection to this proposal cannot be raised on these grounds.
- 6.23 Further comments have been received objecting to the proposal on grounds that there is no permission within the deeds for the use of the access track serving the complex by construction traffic. Matters relating to private interests are not material considerations that can be considered as part of this application.
- 6.24 The current proposal includes 3 dedicated off street parking and as such it would not exacerbate parking problems in the vicinity of the site. Therefore, there is justification in planning terms to permit this development.
- 6.25 The issues raised by Councillor Fay Gooch and the local residents have been addressed in the main body of this report.

## **7.0 CONCLUSION**

- 7.01 This proposal is acceptable in terms of design and appearance, and there are no adverse impacts on the character, appearance and visual amenity of the locality generally. The proposals would not cause undue harm to the setting of the nearby grade II listed buildings and the Teston Conservation Area. It does not raise any overriding parking or highway safety issues.
- 7.02 Having assessed this submission against the requirements of SP17, SP18, SP23, DM3, DM1, DM4, DM8, DM11, DM12, DM23 and DM30 of the adopted Maidstone Borough Local Plan (2017) and provisions of the NPPF, I am satisfied that the proposed development is acceptable with respect to local and national planning policy. In the circumstances, it is recommended that this application is approved subject to appropriate conditions.

## **8.0 RECOMMENDATION GRANT planning permission subject to the following conditions:**

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

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

2. Notwithstanding the information on the approved plans, no development shall take place until written details of samples of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall include cast aluminium rain water goods, aluminium windows, kent peg roof tiles, brick and mortar

masonry sample and either cedar or patinated copper as finishing surface for the front portico. The details shall also specify window sections show that the new windows are set back into the reveals – to create the depth in the elevations that is suggested on the planning drawings. The details of the material shall also include sparrow boxes/bricks incorporated into the development. The development shall be carried out in accordance with the approved details.

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

3. The development hereby approved shall not be occupied until the access and parking areas shown on drawing no: 3124-003 Rev B, have first been provided. The approved access and parking areas shall be retained at all times thereafter with no impediment to their intended use.

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

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

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

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

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

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

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

7. Before first occupation of the development hereby approved the boundary fencing specified in on the approved plans with reference number 3124-003 Rev B. A shall have been implemented and retained at all times thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity.

8. No development shall not commence until details of soft landscaping and hard landscape works which shall include the use of permeable block paving upon the front parking area and driveway area indicated on the approved plans with reference number 3124-003 Rev B, have been submitted to and approved in writing by the Local

Planning Authority and the development shall be carried out in accordance with the approved details before first occupation of the building or land;

Reason: To ensure satisfactory appearance to the development

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

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

10. No development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

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

11. Before first occupation, the first floor window opening on the east facing elevation of the development hereby approved (as shown on drawing no. 3124-005 Rev B) shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such to the satisfaction of the Local Planning Authority.

Reason: To prevent overlooking of adjoining property and to safeguard the privacy of existing and prospective occupiers.

12. The development hereby permitted shall be carried out in strict accordance with the following approved plans/drawings received on 16 November 2017.

Plan/Drawing 3124 - 003 Rev B Site Plans  
Plan/Drawing 3124 - 005 Rev B Elevations  
Proposed Tree removal Plan  
Proposed Tree Protection Plan

## INFORMATIVES

- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (2) The applicant is advised to carry out any work to vegetation that may provide suitable bird nesting habitats outside of the bird breeding season (bird breeding season is

March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season then mitigation measures should be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found during work, development must cease until after the juveniles have fledged.

- (3) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Team regarding noise control requirements.
- (4) The applicant is advised to carry out clearance and burning of existing woodland or rubbish without nuisance from smoke etc. to nearby residential properties.
- (5) The applicant is advised that in order to avoid nuisance to neighbours they should seek to only use plant and machinery used for demolition and construction between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- (6) The applicant is advised that in order to avoid nuisance to neighbours they should seek to allow Vehicles to arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

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.



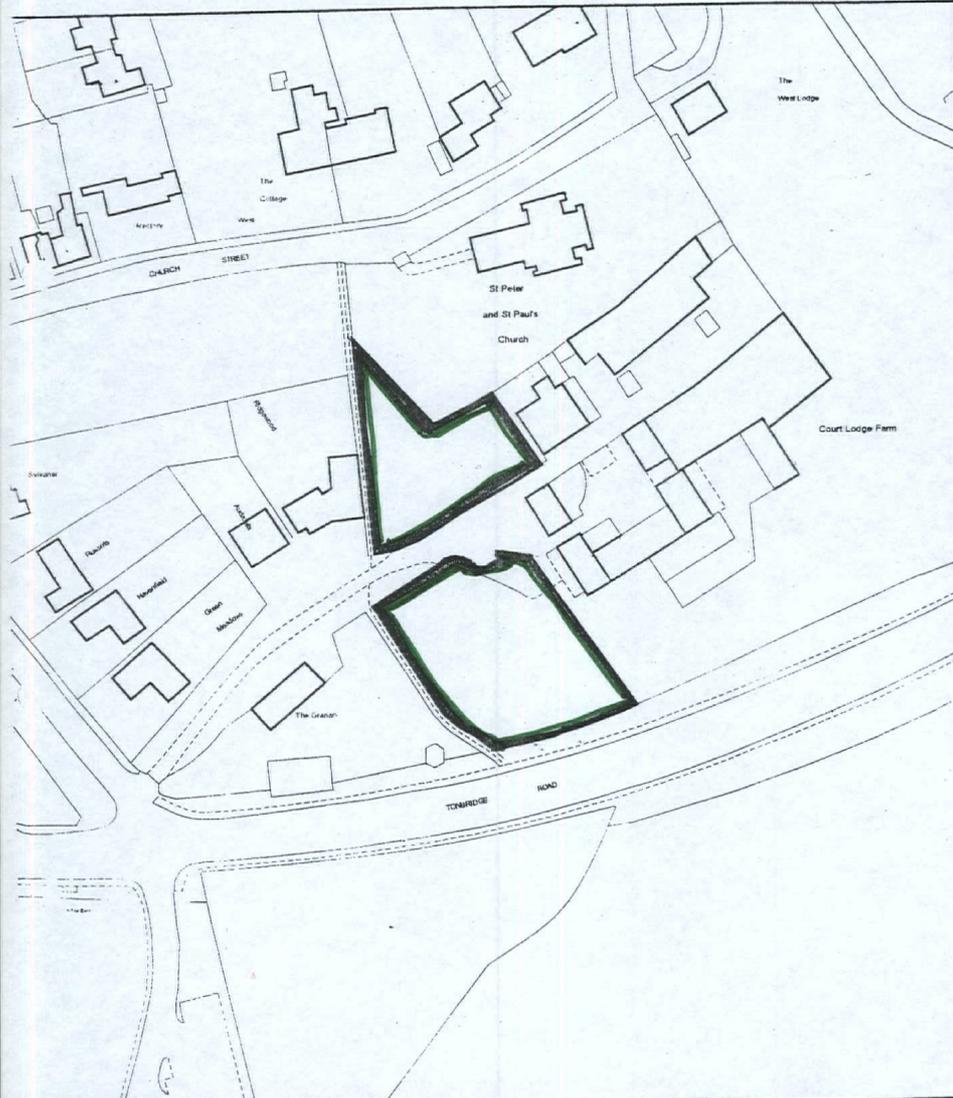
**PLAN B**

**THE MAIDSTONE BOROUGH COUNCIL**  
**PLAN REFERRED TO IN SECTION 106 AGREEMENT**

EXTRACT FROM O.S. MAP TQ 7053

REFERENCE MA/98/1415S/XLB and MA/99/0037S

**COURT LODGE FARM, THE STREET, TESTON**



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**Trevor Gasson BA(Hons), MRTPI, MIMgt**  
**Director of Planning and Development**

99/0037

1. Case Officer's  
note  
2. Admin &  
minutes

1. Corporate Finance Manager
2. Development Control Manager (FAO Steve Clarke)
3. File G301/507
4. Local Land Charges
5. A58

No. 143/99  
Date 8 July 1999

REPORT to Corporate Finance Manager on completion of completion of 106 Agreement re Court Lodge Farm, The Street, Teston, Maidstone

		£ _____	
Committee (1)	Date (2)	Date of Document (3)	Description of Document. If Lease or Agreement state term of years. If Housing Act Mortgage state date of first repayment. (4)
Development Control	7 June 1999	8 July 1999	
Parties (5)	Rent or other sum and when payable (in arrear) unless otherwise stated (6)		Insurance (7)
MBC (1) Tuscan Property Developments Ltd (2)			
Any other necessary particulars (attach copy of Completion Statement) (8)			

1. One copy to each of numbers 2, 3 and 5 above.
2. Planning permission, reference MA/99/0037, dated 8 July 1999.
3. Listed Building Consent, reference MA/98/1415, dated 8 July 1999.

for Borough Solicitor

\\HERALTY\PIST\Legal\rr\compstate\8799.doc

7.7.99

TOWN AND COUNTRY PLANNING ACT 1990

Date:

8 July 1999

1. Particulars

- 1.1. The Council                    The Maidstone Borough Council of  
13 Tonbridge Road Maidstone Kent
- 1.2. The Developer                Tuscan Property Developments  
Limited of 736 London Road,  
Larkfield, Maidstone, Kent, ME20  
6BA
- 1.3. The Premises                 ALL THAT land and buildings at  
Court Lodge Farm, The Street,  
Teston, Maidstone as shown edged  
red on Plan A
- 1.4. The green land                ALL THOSE two pieces or parcels of  
land forming parts of the Premises  
and being respectively the  
existing garden to the west of  
Court Lodge farmhouse and the open  
land to the south west of the  
farmhouse bounded to the West by  
Public Footpath KM2 and to the  
South by the A26 Tonbridge Road,  
which pieces or parcels of land  
are shown edged green on Plan B

2. Definitions

- 2.1. 'Plan A' and 'Plan B' means respectively the Plan so  
marked and annexed to this agreement
- 2.2. "the Development" means the proposed residential  
development at the Premises all as more particularly  
delineated and described in the plans specifications and  
particulars deposited with the Council and given planning  
reference numbers MA/99/0037S and MA/98/1415/S/LB

3. Interpretation

- 3.1. The expressions "the Council" and "the Developer" wherever  
the context so admits include successors in title
- 3.2. Where the Council or the Developer for the time being are  
two or more persons obligations expressed or implied to be  
made by or with such party are deemed to be made by or  
with such persons jointly or severally

1

rr/docs/g301.x(507)

- 3.3. Words importing one gender include all other genders and words importing the singular include the plural and vice versa
- 3.4. Any covenant by the Developer not to do an act or thing shall be deemed to include an obligation to use reasonable endeavours not to permit or suffer such act or thing to be done by another person where the Developer is aware that such act or thing is being done
- 3.5. Any references to a particular statute include any statutory extension or modification amendment or re-enactment of such statute and any regulations or orders made under such statute
- 3.6. References in this agreement to any clause or sub-clause without further designation shall be construed as a reference to the clause or sub-clause to this agreement so numbered
- 3.7. The clause headings do not form part of this agreement and shall not be taken into account in its construction or interpretation
4. **Recitals**
  - 4.1. The Council as the district planning authority for the area within which the Premises are situate is responsible for enforcing the planning obligations contained in this agreement
  - 4.2. The Developer is registered as proprietor of the Premises with title absolute at HM Land Registry under Title Number K476907
  - 4.3. The Developer has applied to the Council for permission to carry out the Development and the Council has resolved by its Development Control Committee held on 7 June 1999 to authorise the Director of Planning and Development to grant permission subject to the conditions thereof and provided that this agreement is executed
5. **Planning Obligations by the Developer**

The Developer covenants with the Council that it will at no time cause or permit the green land or any part or parts thereof to be developed within the meaning of 'development' in section 55 of the Town and Country Planning Act 1990 (as amended or replaced from time to time)

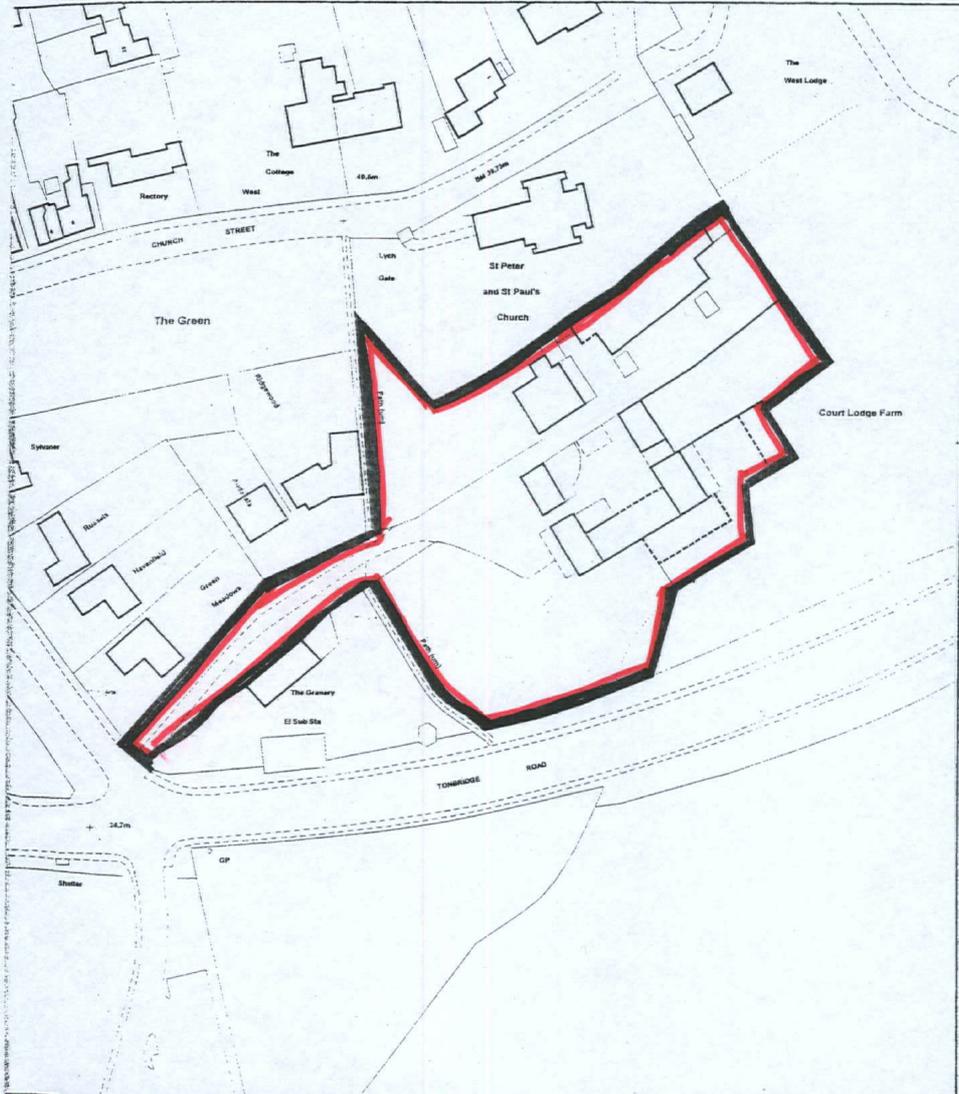
# THE MAIDSTONE BOROUGH COUNCIL

## PLAN REFERRED TO IN SECTION 106 AGREEMENT

EXTRACT FROM O.S. MAP TQ 7053

Refs: MA/98/1415S/XLB and MA/99/0037S

### COURT LODGE FARM, THE STREET, TESTON



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Trevor Gasson BA(Hons), MRTPI, MIMgt  
Director of Planning and Development



6. **Declarations**

The parties declare that

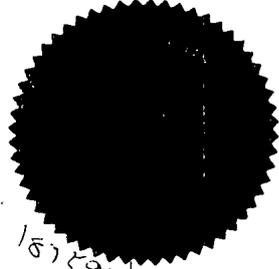
- 6.1. This agreement is made pursuant to the Town and Country Planning Act 1990 Section 106
- 6.2. The covenant contained in clause 5 is a planning obligation for the purposes of the said Section 106
- 6.3. The burden of the covenants herein contained shall run with the land
- 6.4. This agreement shall be registered in the Register of Local Land Charges

IN WITNESS of which the parties have executed this agreement as a deed the day and year first above written

EXECUTED AS A DEED when the seal  
of the above-named Maidstone  
Borough Council was affixed and it  
was delivered in the presence of

*R. S. B. B.*

Solicitor as authorised signatory



EXECUTED AS A DEED by the above-named  
TUSCAN PROPERTY DEVELOPMENTS LIMITED  
and signed by two directors

Director

x

*[Signature]*

Director

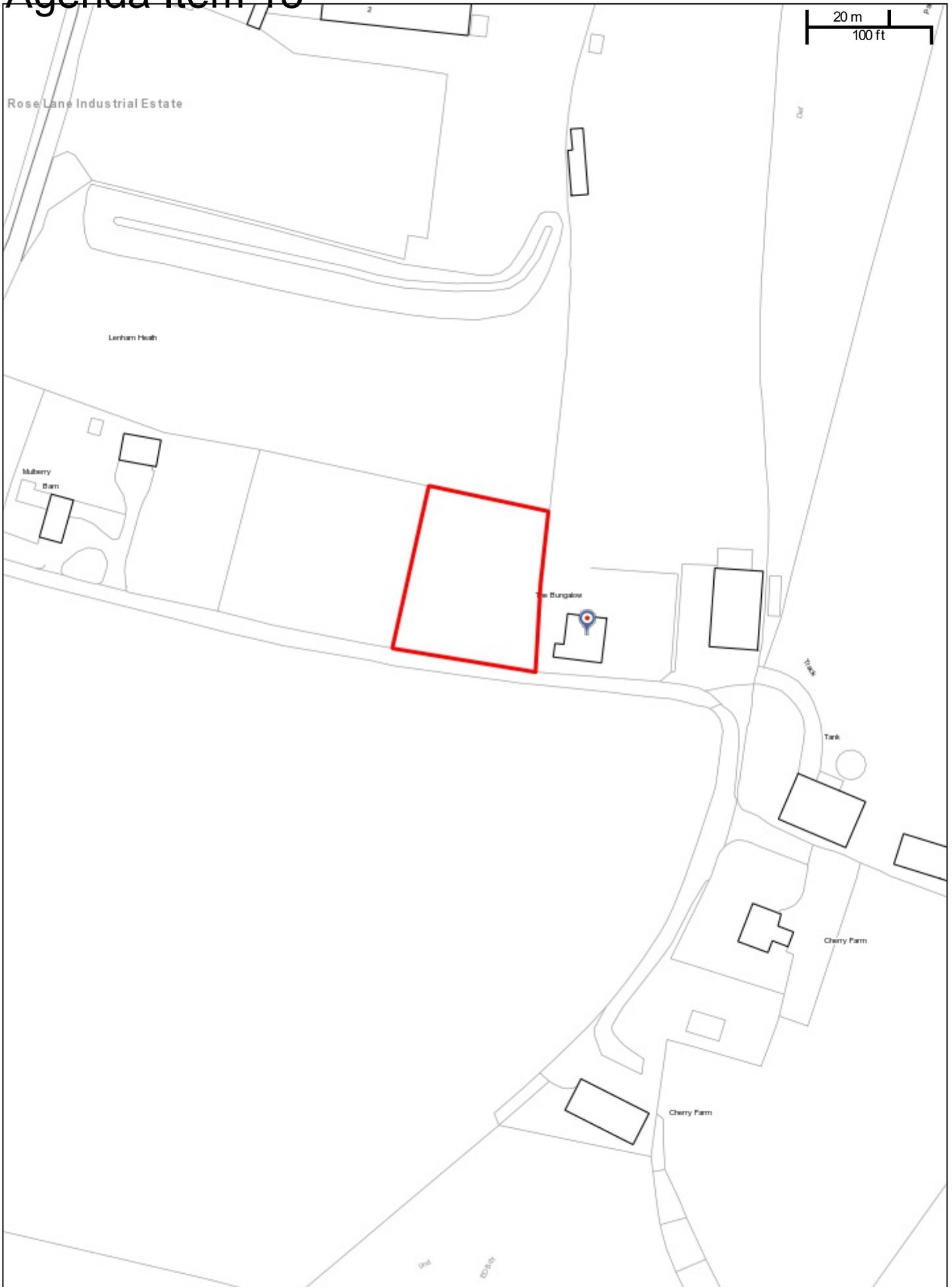
x

*[Signature]*

*Christine Middle*  
J. G. RICHARDS & Co.  
785 LONDON ROAD  
LARKFIELD  
KENT ME20 6DE

*Conveyancing Executive*

# Agenda Item 15



18/501199/FULL - Land adj to The Bungalow, Rose Lane, Lenham Heath, Maidstone, Kent, ME17 2JP

Scale: 1:1250

Printed on: 4/6/2018 at 14:01 PM by JoannaW

**REPORT SUMMARY**

<b>REFERENCE NO - 18/501199/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of a new dwelling with garden and parking.			
<b>ADDRESS</b> Land Adj To The Bungalow Rose Lane Lenham Heath Maidstone Kent ME17 2JP			
<b>RECOMMENDATION: REFUSE</b> for the reasons set out in Section 8.0.			
<b>SUMMARY OF REASONS FOR REFUSAL</b> The site is outside of any settlement as defined by the Maidstone Borough Local Plan 2017. In these locations new residential development is not readily supported and the development of the site would not comply with the policies contained within the adopted local plan.			
<b>REASON FOR REFERRAL TO COMMITTEE –</b> The application has been called in by Cllr Sams who wishes to see the application approved.			
<b>WARD</b> Harrietsham And Lenham	<b>PARISH/TOWN COUNCIL</b> Lenham	<b>APPLICANT</b> Mr Donald Warden <b>AGENT</b> Designscape Consultancy Limited	
<b>DECISION DUE DATE</b> 02/05/18	<b>PUBLICITY EXPIRY DATE</b> 11/04/18	<b>OFFICER SITE VISIT DATE</b> 20/03/2018	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
18/500757 (17/01884/AS)	Adjoining Authority Consultation from Ashford Borough Council – Prior approval for change of use from agricultural barns and land within its curtilage to two dwelling houses and associated operational development	MBC – No objection  Ashford BC decision – Prior Approval is Not Required	26/02/2018  28/03/2018
16/505452/FULL	Development of 2no. dwellings	Application Refused  Appeal Dismissed	19/09/2016  17/02/2017
95/1768	Erection of a single storey building for use as a garage and store including formation of a new vehicular access as shown on drawing no. 92/1008/02 03 dated 18 December 1995.	Application Refused	23/02/1996
91/0669	Outline Application for the erection of farm bungalow	Application Refused	08/07/1991
85/0964	Outline application, erection of bungalow and double garage ancillary to	Application Refused	29/08/1985

	smallholding and spile fencing manufacture		
85/0126	Outline application for erection of agricultural workers bungalow	Application Refused	16/05/1985
72/0064/MK2	Outline application for the erection of detached dwelling with garage or parking space	Application Refused	13/07/1972

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The site is accessed from Rose Lane and is located to the west of the residential property 'The Bungalow'. The residential property 'Mulberry Barn' is located approximately 72m to the west of the application site. The large barns of Cherry Farm are located south east of the site.
- 1.02 To the north of the site is another field owned by the applicant's family which was subject to an application (reference: 16/505452/FULL) and dismissed appeal for 2no dwellings. Beyond this site further to the north is the Rose Lane Industrial Estate.
- 1.03 Further to the east of the site and the 'The Bungalow' is the applicant's family business which contains two barns. As outlined within the planning history these barns have permission under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 to be converted into two dwelling houses.
- 1.04 The application site area is approximately 1.125ha being roughly square in shape and measuring some 38m deep north-south and 32m wide east-west.
- 1.05 The site is located within the open countryside, although no other designations apply. It is not located within a flood zone and there are no listed buildings in the immediate vicinity of the site. To the south of the site runs public footpath KH402 which runs in an east-west direction.

### 2.0 PROPOSAL

#### *Access*

- 2.01 Access to the site would be from Rose Lane to the south with a new access provided. Further to the west, Rose Lane meets with Forstal Road which runs in a northerly direction and meets with Ashford Road (A20).

#### *New Dwelling*

- 2.02 The proposal is for the erection of a new dwelling with private amenity area and parking provided. The dwelling would be located to the east and centre of the site close to the existing 'The Bungalow' residential property.
- 2.03 The proposed dwelling is of contemporary design being single storey and of a simple rectangular design with a flat green roof. The dwelling would have a maximum height of 3.4m and would measure 13.5m x 15.5m. The dwelling would principally face the

south with large bi-fold doors provided facing to the south with private amenity space located to the south and west.

- 2.04 The dwelling would provide four bedrooms and would provide accessible living for the disabled family member. Four parking spaces would be provided to the east of the proposed dwelling. The proposal includes the retention of the existing vegetation to the north and east with additional planting around the remaining site boundaries.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: SS1, SP17, DM1, DM2, DM12, DM23 and DM30  
Supplementary Planning Documents:

### **4.0 LOCAL REPRESENTATIONS**

Lenham Parish Council: Wish to see application Approved

Cllr Sams: Wishes to see the application go to planning committee meeting because of the personal circumstances of the applicant that warrant members' consideration.

### **5.0 CONSULTATIONS**

- 5.01 KCC Highways: No comment
- 5.02 KCC PROW: KH402 runs along the southern boundary of the site and should not affect the application.

### **6.0 APPRAISAL**

- 6.01 The key issues for consideration relate to:

- Principle of development
- Design and Appearance
- Sustainability
- Highways Matters
- Residential Amenity
- Ecology
- Other Matters

#### **Principle of Development**

- 6.02 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.03 Policy SS1 of the local plan seeks to locate new housing within Maidstone town centre, the rural service centres and the larger villages. In other locations, protection will be given to the rural character of the borough.
- 6.04 The NPPF tightly restricts housing development in the countryside. It promotes sustainable development and outlines that new isolated homes in the countryside should be avoided unless there are special circumstances.

- 6.05 The application site is outside of the Lenham village boundary settlement and as such can be described as being within the countryside as set out in Policy SP17 of the Maidstone Local Plan 2017. Policy SP17 sets out that *'development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area'*.
- 6.06 The proposal for the erection of an additional dwelling in such a remote location which is poorly served by basic services and public transport is fundamentally contrary to national and local policy and guidance. The proposal would lead to increased domestication of the countryside in an unsustainable location.
- 6.07 The proposal is therefore contrary to local and national policy and would not be supported in principle.

### **Design and Appearance**

- 6.08 Paragraphs 56 and 57 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.09 It goes on to state that planning policies and decisions should not attempt to impose architectural styles or particular tastes, however, it is proper to seek to promote or reinforce local distinctiveness. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.10 Policy DM1 of the local plan requires that proposals should respond positively to, and where possible enhance the local character of an area. Policy DM30 of the local plan states that outside of the settlement boundaries as defined on the policies map, proposals which would create high quality design, satisfying the requirements of other policies in this plan should meet the following criteria:
- The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features;
  - Impacts on the appearance and character of the landscape would be appropriately mitigated
  - Proposals would not result in unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance or the erosion of roadside verges;
  - Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area;
- 6.11 Taken in isolation, the design and appearance of the proposed dwelling is of high quality. However, its design would not be 'truly outstanding or innovative' and there is no justification for development of one house as proposed here. The design for this dwelling could be replicated on many sites within Maidstone's rural areas, and, as such, isolated developments should not be promoted.

- 6.12 Whilst the design of the dwelling is acceptable in terms of its architectural merit, this would not outweigh the harm which would arise from the loss of an open site in the countryside thereby harming the character and appearance of the area.

### **Sustainable Development**

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

#### *Economic Role*

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

#### *Social role and Environmental role*

- 6.15 The NPPF sets out that that role should support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs.
- 6.16 The environmental role as set out in the NPPF states that the planning system should *'contribute to protecting and enhancing our natural, built and historic environment'*, overlapping somewhat with the social role.
- 6.17 The Council can demonstrate a 5 year housing land supply and as such there is no overriding need to identify additional housing sites and although windfall development would contribute to the overall supply, such development should be focussed on sites where the local plan supports such proposals.
- 6.18 The social and environmental role requires the creation of a high quality built environment. Policy SP17 of the local plan sets out the criteria for assessing development within the countryside which includes that proposals will not be permitted unless they accord with other policies in the plan and will not result in harm to the character and appearance of the area. Policy DM30 sets out that *'The type, siting, materials and design, mass and scale of development...would maintain, or where possible, enhance local distinctiveness including landscape features.'* and that *'any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area.'*
- 6.19 Policy DM12 of the local plan sets out:
- 'All new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated.'*

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

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

6.21 The prevailing character of the area is of detached dwellings with large areas of open space between these dwellings. The development of this site would remove a large area of the currently open piece of land between 'The Bungalow and 'Mulberry Place' and along with the domestic paraphernalia into this undeveloped green area would encroach into countryside and urbanise the site. The intensification of built development and the resultant loss of openness would not respect the existing pattern of development but would be detrimental to the character of the countryside in this location.

6.22 Indicative landscaping is shown to the south and west of the application site which if permission were granted full details of the landscaping could be secured by planning condition. However, it is not considered that this landscaping overrides the fundamental policy objection to this development. The granting of planning permission in such an unsustainable location cannot be justified and the proposal would not accord with the environmental dimension of sustainable development.

#### **Accessibility of the site and Highway matters**

6.23 Policy DM1 of the local plan states that proposals should safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access, and provide adequate vehicular and cycle parking to meet adopted council standards.

6.24 Local plan policy DM23 states that car parking standards for residential development will:

- i. Take into account the type, size and mix of dwellings and the need for visitor parking; and
- ii. Secure an efficient and attractive layout of development whilst ensuring that appropriate provision for vehicle parking is integrated within it.

6.25 The proposal shows parking provision for four car parking spaces and proposes that the driveway will be a paved wheelchair friendly driveway. Policy DM23 and Appendix B of the local plan requires that within a rural setting, dwellings of four bedrooms provide 2 independently accessible car parking spaces per unit. The parking provision for the proposal is in line with the policy requirements.

6.26 The village of Lenham has a good range of services and the village is considered a sustainable settlement. However its services and facilities are concentrated within the built up area at least 3km from the site (as the crow flies). The nearest bus stop is 2.7km away. The route from the application site along Rose Lane and Forstal Road is unlit, narrow and does not have a footway. Given the isolated location of the dwelling, occupiers would inevitably have a high reliance on private vehicles and the site cannot be considered sustainably accessible.

#### *Overall*

6.27 It is not considered that the proposed development would fulfil the social or environmental role of sustainable development and meet national or local planning

policies which seek to promote high quality development and maintaining/enhancing the character of the local area, promoting distinctiveness.

### **Residential Amenity**

- 6.28 The potential new dwelling would be located approximately 21m to the west of 'The Bungalow'. The main house and that of the application property are both single storey and due to the scale of the proposed dwelling and the separation distance I would not consider the proposal to have a detrimental impact on the private amenity of the neighbour.
- 6.29 Additionally, whilst there would be an increase in the quantity of traffic along the access road, it is not considered this would amount to an unacceptable level of noise and disturbance.

### **Ecology**

- 6.30 The application site appears to be managed grass land and it is considered that there would be no reasonable likelihood of protected species being present on the site and affected by the proposals as a result of the management of the land (which has meant that the grass has been consistently mown). Should members be minded to approve the application a condition requiring ecological enhancements within the site could be sought.

### **Other Matters**

- 6.31 Personal circumstances have been put forward by the applicant within the supporting Design, Access and Planning Statement which sets out that the proposal would provide a new dwelling which would be of disabled friendly design for one of the family members and would allow the applicant to maintain an interest in the family run business adjacent to 'The Bungalow'. Government policy in the NPPF states that plans should be made in accordance to provide a mix of housing that can cater for the different needs of the community including older and disabled people.
- 6.32 Whilst weight is given to the personal circumstances of the family, greater weight is given to the fact that the dwelling would be a permeant addition in an unsustainable location which would cause harm to the countryside hereabouts. In addition, Government advice within the NPPF supports the re-use of redundant farm buildings above new isolated dwellings in the countryside.
- 6.33 Policy DM30 Criterion iv. outlines that within the countryside where new development is proposed, there should be no existing building or structure suitable for conversion or re-use to provide the required facilities. In addition to the harm to the countryside from the proposal, the fall back position for the applicant should planning permission be refused, is that prior approval has been given for two new residential dwellings through the conversion of the two barns within the applicants land ownership.

## **7.0 CONCLUSION**

- 7.01 The site is outside of any settlement as defined by the Maidstone Borough Local Plan 2017 and would result in an isolated dwelling in the countryside that would result in

unjustified visual intrusion that would cause harm to the character and appearance of the countryside.

**8.0 RECOMMENDATION – REFUSE** for the following reasons:

- (1) The proposal is in an unsustainable location that would result in a harmful form of development far removed from basic services that would result in reliance on the private vehicle for future occupants. This would be contrary to policies SS1, SP17 and DM30 of the Maidstone Local Plan 2017 and paragraphs 17, 49 and 55 of the National Planning Policy Framework 2012.
- (2) The proposed development would consolidate sporadic development in this rural location that would cause visual harm to the character and appearance of the countryside hereabouts. The proposal would fail to protect and enhance the countryside and to permit the development would be contrary to the aims of policies SS1, SP17 and DM30 of the Maidstone Local Plan 2017 and paragraphs 17 and 55 of the National Planning Policy Framework 2012.

Case Officer: Adam Reynolds

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

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 14 JUNE 2018**

### **APPEAL DECISIONS:**

- 1. 17/502813/FULL** Erection of 2no. semi detached dwellings with 2no. parking spaces and alterations to landscaping.

**APPEAL:** DISMISSED

1 Shingle Barn Cottages  
Shingle Barn Lane  
West Farleigh  
Maidstone  
Kent  
ME15 0PJ

(DELEGATED)

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- 2. MA/13/1732** Use of land as a gypsy/traveller site for one gypsy family including stationing of 1no Touring caravan and 1no Mobile home, erection of a utility block and installation of cesspit.

**APPEAL:** ALLOWED

The Oaks  
Frittenden Road  
Staplehurst  
Kent  
TN12 0DL

(DELEGATED)

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- 3. MA/13/1713** Change of use of land to a gypsy/traveller site for two families with the stationing of 2 static caravans, 2 touring caravans, 2 utility buildings, laying of hard surfacing, cesspit and the erection of close boarded fencing

**APPEAL:** ALLOWED

Land East Of Maplehurst Lane  
Frittenden Road  
Staplehurst  
Tonbridge  
Kent  
TN12 0DL

(DELEGATED)

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**4. 18/500458/FULL**

Erection of detached double garage.

**APPEAL:** ALLOWED

77 Poplar Grove  
Maidstone  
Kent  
ME16 0AN

(DELEGATED)