

PLANNING COMMITTEE MEETING

Date: Thursday 8 November 2018
Time: 6.00 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Adkinson, Bartlett, Boughton, English (Chairman), Harwood, Kimmance, Munford, Parfitt-Reid, Perry, Round (Vice-Chairman), 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.

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 Items withdrawn from the Agenda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 - 15 November 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 18 October 2018 1 - 5
11. Presentation of Petitions (if any)
12. Deferred Items 6 - 7
13. 18/501745/REM - Land To The East Of Hermitage Lane, Maidstone, Kent 8 - 34

Issued on Wednesday 31 October 2018

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

14.	18/502875/REM - Land To The East Of Hermitage Lane, Maidstone, Kent	35 - 44
15.	17/504568/FULL - KCC Springfield Library HQ, Sandling Road, Maidstone, ME14 2LG	45 - 73
16.	18/504426/OUT - Land Adj To Red Roof, Boxley Road, Walderslade, Chatham, Kent ME5 9JG	74 - 83
17.	18/504716/FULL - Appsmoor Farm, South Street Road, Stockbury, Sittingbourne, Kent ME9 7QS	84 - 91
18.	18/504157/FULL - Perfect Place, Frittenden Road, Staplehurst, Tonbridge, Kent TN12 0LD	92 - 97
19.	Appeals Decisions	98 - 99

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.

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.

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 18 OCTOBER 2018

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

Also Present: Councillor de Wiggondene-Sheppard

161. APOLOGIES FOR ABSENCE

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

162. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

163. NOTIFICATION OF VISITING MEMBERS

It was noted that Councillor de Wiggondene-Sheppard had indicated his wish to speak on the report of the Head of Planning and Development relating to application 18/504192 (The Stables, East Court, The Street, Detling, Maidstone, Kent), and was on his way to the meeting.

Note: Councillor de Wiggondene-Sheppard entered the meeting at this point (6.03 p.m.).

164. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

165. URGENT ITEMS

The Chairman stated that, in his opinion, the written and verbal 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.

166. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

167. EXEMPT ITEMS

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

168. MINUTES OF THE MEETING HELD ON 27 SEPTEMBER 2018

RESOLVED: That the Minutes of the meeting held on 27 September 2018 be approved as a correct record and signed.

169. PRESENTATION OF PETITIONS

There were no petitions.

170. DEFERRED ITEMS

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

The Development Manager said that he had nothing further to report in respect of this application at present.

18/501312 - PROVISION OF A CONTROLLED ATMOSPHERE STORE, CONCRETE HARDSTANDING, IRRIGATION LAGOON AND ASSOCIATED ENGINEERING OPERATIONS (INCLUDING LAND RAISING/EARTHWORKS) AND THE UPGRADING OF AN EXISTING TRACK AND ACCESS - SWANTON FARM, BICKNOR ROAD, BICKNOR, KENT

The Development Manager said that he understood that it was hoped to report this application to the next meeting of the Committee.

18/501745/REM - APPROVAL OF RESERVED MATTERS FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR PHASE 4 COMPRISING 71 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, PURSUANT OF OUTLINE APPROVAL 13/1749 - LAND TO THE EAST OF HERMITAGE LANE, MAIDSTONE, KENT

The Development Manager said that he understood that it was hoped to report this application to the next meeting of the Committee.

171. 18/504192 - CONSTRUCTION OF A PAIR OF SEMI-DETACHED COTTAGES ON NORTHERN SECTION OF PLOT INCLUDING ROOFLIGHTS AND ASSOCIATED PARKING. (DEMOLITION OF EXISTING KENNEL BUILDINGS AND GARDEN WALL) (REVISION TO 18/500563/FULL) - THE STABLES, EAST COURT, THE STREET, DETLING, MAIDSTONE, KENT

All Members except Councillors Parfitt-Reid, Perry and Spooner stated that they had been lobbied.

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

In presenting the report, the Senior Planning Officer advised the Committee that with regard to land ownership issues, a number of representations had been received that week. To clarify, it was considered that the boundary wall to the front of the proposed houses was within the application outline, and there was no reason to doubt what was stated on the ownership certificate after reviewing Land Registry titles sent by the agent. It was not the responsibility of the Officers to form a definitive view as to whether the ownership certificate was correct or not, but on the face of it, it did appear to be correct.

Mrs Kennard, an objector, Councillor Howells of Detling Parish Council, Mrs Ellis, the applicant, and Councillor de Wiggondene-Sheppard (Visiting Member) addressed the meeting.

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

Voting: 12 – For 0 – Against 0 – Abstentions

172. 18/503831 - CHANGE OF USE OF THE LAND FOR THE STATIONING OF ONE STATIC MOBILE HOME FOR GYPSY AND TRAVELLER ACCOMMODATION IN CONNECTION WITH THE EXISTING ADJACENT SITE, AND FOR THE PROVISION OF A UTILITY BUILDING AND ASSOCIATED HARD AND SOFT LANDSCAPING - LAND WEST OF THE BARN, STILEBRIDGE LANE, LINTON, KENT

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

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

Councillor Cresswell of Linton Parish Council and Mr McKay, for the applicant, addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with an additional condition removing permitted development rights in relation to fencing except for what is shown on the approved plans.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional condition and to amend any other conditions as a consequence.

Voting: 9 – For 0 – Against 3 – Abstentions

173. 18/503935 - ERECTION OF TIMBER GARDEN STORE. (RETROSPECTIVE) - OAKLANDS, GRAVELLY BOTTOM ROAD, KINGSWOOD, MAIDSTONE, KENT

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

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

Councillor Tandy of Broomfield and Kingswood Parish Council addressed the meeting.

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

Voting: 12 – For 0 – Against 0 – Abstentions

174. 18/501594 - ERECTION OF BUILDING FOR 6 NO. BED AND BREAKFAST ROOMS ASSOCIATED WITH THE POTTING SHED - THE POTTING SHED, SUTTON ROAD, LANGLEY, KENT

All Members except Councillors Adkinson, Boughton and Parfitt-Reid stated that they had been lobbied.

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

It was noted that Langley Parish Council, which objected to the application and had asked that it be determined by the Committee, was unable to be represented at the meeting and had submitted its apologies.

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

Voting: 12 – For 0 – Against 0 – Abstentions

175. 18/503262 - ERECTION OF A 3 METRE FIRST FLOOR REAR EXTENSION ABOVE EXISTING SINGLE STOREY REAR EXTENSION WITH EXTERNAL ALTERATIONS TO FENESTRATION (REVISION TO 18/501178/FULL) - 20 PINE GROVE, MAIDSTONE, KENT

The Chairman and Councillors Harwood, Kimmance, Munford, Round and Vizzard stated that they had been lobbied.

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

Mr Tasker, an objector, and Mrs Chance, the applicant, addressed the meeting.

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

Voting: 12 – For 0 – Against 0 – Abstentions

176. 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.

RESOLVED: That the report be noted.

177. DURATION OF MEETING

6.00 p.m. to 7.35 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

8 NOVEMBER 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.

APPLICATION	DATE DEFERRED
<p><u>17/503291 - ERECTION OF 6 NO. LIGHTWEIGHT COMMERCIAL/INDUSTRIAL UNITS - THE PACKHOUSE, QUEEN STREET, PADDOCK WOOD, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none">• Check whether the correct certificates were served;• Seek the views of Kent Highway Services on the implications of the potential use of HGVs to serve the site taking into account possible business growth;• Investigate the potential for traffic calming measures on the shared access;• Seek details of the proposed landscaping scheme including what it would comprise and where it would be planted;• Enable the Officers to draft suggested conditions to prevent the amalgamation of the units into one enterprise and to link the hours of illumination to the hours of opening of the premises;• Discuss with the applicant the possibility of limiting the hours of operation on Saturdays; and• Enable a representative of Kent Highway Services to be in attendance when the application is discussed.	<p>19 December 2017 adjourned to 4 January 2018</p>
<p><u>18/501312 - PROVISION OF A CONTROLLED ATMOSPHERE STORE, CONCRETE HARDSTANDING, IRRIGATION LAGOON AND ASSOCIATED ENGINEERING OPERATIONS (INCLUDING LAND RAISING/EARTHWORKS) AND THE UPGRADING OF AN EXISTING TRACK AND ACCESS - SWANTON FARM, BICKNOR ROAD, BICKNOR, KENT</u></p>	<p>6 September 2018</p>

Deferred to:

- Seek the submission of a detailed structural landscaping scheme comprising a significant area of woodland and wetland wrapping around the building to include the Bicknor Road frontage;
- Seek further details of how views from the south east could be improved as a result of the landscaping proposed; and
- Seek details of the energy efficiency of the building and how renewable energy measures could be incorporated into the scheme.



18/501745/REM - Land to the east of Hermitage Lane, Maidstone, Kent

Scale: 1:2500

Printed on: 18/9/2018 at 11:18 AM by JoannaW



REFERENCE NO - 18/501745/REM			
APPLICATION PROPOSAL			
Approval of Reserved Matters for appearance, landscaping, layout and scale for Phase 4 comprising 71 dwellings with associated infrastructure, pursuant of outline approval 13/1749.			
ADDRESS Land To The East Of Hermitage Lane, Maidstone, Kent			
SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS)			
<ul style="list-style-type: none"> • The site (for 71 houses) forms part of the wider housing allocation for 500 houses in the Local Plan under policy H1(2), and benefits from outline planning permission. • The proposals comply with the relevant criterion under policy H1(2), other relevant policies within the Local Plan, and parameters of the outline permission. • The development is considered to be of a high quality in terms of its design, layout, and materials. • The proposed vehicle access through the woodland is considered on balance to represent the best option when considering impacts upon Ancient Woodland, ecology, and the woodland amenity value as a whole. • Permission is therefore recommended. 			
REASON FOR REFERRAL TO COMMITTEE			
Councillor Robertson has requested the application be reported to Planning Committee due to the large scale nature of the proposals which are on a prominent site and which will have a considerable impact on the local area especially the ancient woodland.			
(The application was deferred at the Committee meeting on 27 th September 2018)			
WARD Allington	PARISH COUNCIL N/A	APPLICANT Croudace Homes Ltd AGENT Croudace Homes Ltd	
DECISION DUE DATE 05/10/18		PUBLICITY EXPIRY DATE 31/05/18	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
13/1749	An Outline application for a Mixed-Use development comprising up to 500 residential dwellings, education facility and community centre. Provision of public open space associated infrastructure and necessary demolition and earthworks. The formation of 2No. new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage and all other matters reserved for future consideration.	REFUSED – ALLOWED ON APPEAL	19.10.15
16/503641	Reserved matters of appearance, landscaping, layout and scale for Phase 1	APPROVED	21.12.16

	for erection of 183 dwellings with associated infrastructure pursuant to outline approval ref 13/1749.		
17/502767	Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale being sought) Phase 2 for the erection of 119 dwellings with associated infrastructure pursuant of 13/1749 allowed on appeal APP/U2235/A/14/2226326.	APPROVED	13.11.17
17/503680	Reserved Matters (Appearance, landscaping, layout and scale) for Phase 2A of the outline approval 13/1749 comprising Community Centre with associated infrastructure.	APPROVED	13.11.17
18/502875	Reserved matters of appearance, landscaping, layout and scale for Phase 3 of the outline approval comprising 127 dwellings with associated infrastructure pursuant to outline approval ref 13/1749.	UNDER CONSIDERATION	

1.0 BACKGROUND

1.1 This application was deferred at the Committee meeting on 27th September 2018 for the following reasons:

1. *Examine in more detail the impact of vehicular access Options 2 and 5 through the woodland taking into account the visual impact of the works and any works necessary to meet health and safety requirements, including lighting; and*
2. *Ask whether further renewable energy measures can be provided in this Phase of the development and whether tunnels can be provided under roads to facilitate the safe passage of wildlife.*

1.2 The original committee report is attached as an **Appendix**.

2.0 DESCRIPTION OF RESPONSE

2.1 The applicant has worked up detailed plans for Options 2 and 5 and provided additional information in the form of further ecological assessment and impacts on trees, which will be discussed below.

3.0 REPRESENTATIONS

3.2 **Local Residents:** Publicity expires 31st October.

4.0 CONSULTATIONS

4.1 **KCC Highways: No objections** to either alternative access option.

- 4.2 **KCC Ecology: Re-affirm no objections** and advise that access Option 3 remains their preference.

5.0 **ASSESSMENT**

- 5.1 The applicant has worked up detailed plans for Options 2 and 5 as requested by Members.
- 5.2 Option 5, which is at the west end of the woodland, was discounted by officers on the basis that significant engineering works would be required due to major level changes, it would be by far the longest access, and would result in the loss of the most amount of trees/woodland groups. It would also result in the loss of a small area of Ancient Woodland (AW) (albeit lower than other options), and separate harm to ecology from the loss of the trees/woodland groups and some acid grassland where reptiles were present under the ecological assessment within the outline application. Detailed plans have now been worked up which reveal that the steep embankments required would actually extend outside the application site. On this basis, it is not possible to provide Option 5 and so it must be discounted. Notwithstanding this, it would require an amendment to Phase 1 which is under construction.
- 5.3 Option 2 avoids AW and detailed plans with further assessment have been provided. KCC Highways are not raising objections to the access and would not require any lighting as the bend in the road would sufficiently control vehicle speeds. Further ecological assessment has been submitted which concludes the following:

"An objective assessment of the available route options to access Phase 4 has been undertaken based on existing ecological survey data and updated trees survey data obtained in October 2018. This includes a consideration of ancient woodland matters under the NPPF: 2018 update. Options 1, 4 and 5 are able to be screened out and Options 2 and 3 are taken forward for further analysis. In this regard, some 19 separate ecological parameters are assessed of which 16 are informative in identifying difference between the options. Of these some 81% of parameters record a reduced effect on biodiversity under route Option 3. Accordingly, it is concluded that route Option 3 is preferred in ecological terms."

- 5.4 KCC Ecology agree with the conclusion and advise that as the whole woodland is small, management of the woodland needs to be effective as possible and therefore the access road that creates the smallest impact on the woodland is preferable. They comment that, *"Option 3 will result in the smallest loss of woodland and it will ensure that the areas of woodland either side of it are not significantly different sizes. Option 2 will result in a small area of woodland being separated to the other area of woodland by the road – while the information submitted as part of the planning application details that the ecologist were happy that the road would not result in a significant loss of connectivity we highlight that it is preferable if the woodland parcels are as large as possible. We understand that no lighting is proposed for either option however due to the increased length option 2 will mean that there will be cars driving through the woodland for longer with headlights on - therefore the impact from lighting on the woodland and species within it will be greater if Option 2 is implemented."*
- 5.5 So whilst Option 3 will result in the loss of some AW, the overall ecological impacts would be less. Therefore and as previously concluded, it is considered wholly exceptional reasons exist to allow the loss of a small area of AW and conflict with policy DM3 because outline permission has been granted for housing on the site, the outline permission has been implemented and is under construction, and the

alternative options to access the site would have worse ecological impacts overall with over double the length of road. In addition, Option 2 results in the loss of more woodland, and runs through the widest part of the woodland, which is a valuable amenity to the local community (notwithstanding the impact on AW).

- 5.6 The proposed road for Option 2 (like Option 3) has been kept to the minimum possible to provide a safe two way road and pavement on one side. Small embankments would be required to the sides, no lighting would be provided to limit the ecological impact, and all services to the development would run underneath the road and this can be ensured by condition. New footpath ramps would be provided either side of the road on the existing public footpath and reflective bollards where the right of way crosses the road near the middle can be secured by condition.
- 5.7 If Members were to conclude that Option 2 is the preferred route then this can be approved and the relevant plans would be referred to under Condition 1.
- 5.8 Lastly, the applicant has considered the request for further renewable energy measures and whether tunnels can be provided under roads to facilitate the safe passage of wildlife. The applicant proposes to fulfil the obligations stated in the outline approval (condition 19), to provide 10% of energy by renewable means (PV Panels) and not provide measures above this. This is considered entirely reasonable in view of the outline consent and policy requirements under DM2, which do not seek renewable measures. The applicant considers the provision of tunnels under the roads to be impractical and would increase the impact upon the area. Tunnels are not considered a reasonable or necessary requirement and so would not pass the tests for conditions.

6.0 CONCLUSION

- 6.1 It is considered that the applicant has suitably investigated Options 2 and 5 as requested by Planning Committee. Option 5 is not possible as it requires development outside the application site. Option 2 would not require lighting and no objections have been raised by Kent Highways. The applicant maintains that the ecological impact of Option 2 is greater than Option 3, a view maintained by officers and KCC Ecology. As such, Option 3 is recommended for the reasons outlined above, and in the original committee report.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions with delegated powers for the Head of Planning to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the most recent revised plans shown on the Drawing Register received on 11th September 2018 (which for the avoidance of doubt approves access route Option 3).

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

2. No development including site clearance shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS:5837 has been submitted to and approved in writing by the local planning authority. The AMS

should detail implementation of the road and footpath through the woodland and any aspect of the development that has the potential to result in an impact upon trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme.

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

3. No development including site clearance shall take place until details of tree protection including a tree protection plan in accordance with the current edition of BS:5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

4. No development shall take place until a soil translocation methodology demonstrating that the ecological and archaeological requirements (within the woodland and receptor site) have been met has been submitted to and approved in writing by the local planning authority. The approved methodology shall be implemented as detailed within the approved plan.

Reason: In the interests of ecological protection.

5. No development above slab level shall take place until details of the equipping and laying out of the children's play area have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory public open space.

6. No development above slab level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials and they shall include the use of ragstone in walling as shown on the approved plans, clay tile hanging and roof tiles, slate roof tiles, and multi stock brickwork.
7. No development above slab level shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - a) Details and locations of swift bricks and bat boxes integral to buildings.
 - b) Details and locations of bird and bat boxes.
 - c) Wildlife friendly gullies.
 - d) Retention of cordwood on site.

- e) Provision of 12cm square gaps under any new boundary fencing to allow passage of small mammals
- f) Timing of delivery of the above matters.

Works shall be carried out in accordance with the agreed details.

Reason: To protect and enhance biodiversity

8. No development above slab level shall take place until details of measures to prevent parking on landscaped/amenity areas have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

9. No development above slab level shall take place until details of any external meter cupboards, vents, or flues have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Such features shall be installed to limit their visibility from public view points.

Reason: To secure a high standard of design.

10. No development above slab level shall take place until details of plots where electric vehicle charging points can be installed have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained for that purpose.

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

11. No development above slab level shall take place until details of reflective bollards to be positioned either side of the access road where it meets PROW KB51 have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason: In the interests of pedestrian safety.

12. No development above slab level shall take place until the following details for the pedestrian only footpath as shown on page 15 of the Design and Access Statement have been submitted to and approved in writing by the Local Planning Authority:

- The method of construction which shall be of a 'no dig' method.
- Specification of works including the base construction, retaining measures, and surfacing.
- Type and source of bark chippings (taking into account the ancient woodland soils)
- Mechanism and details for ongoing maintenance.
- Measure to prevent use by cycles at the south end of the footpath.

Reason: In the interests of protection the ancient woodland.

13. In the event that the proposed pond is not implemented and alternative surface water drainage measures are approved under condition 11 of the outline permission, details of landscaping in place of the pond and its implementation shall be submitted

to and approved in writing by the local planning authority prior to the occupation of any dwellings.

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

14. The approved landscaping scheme shall be carried out before or during the first planting season (October to February) following occupation of the development. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

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

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

16. No temporary or permanent lighting shall be installed on the vehicular access road through the woodland between the 15m ancient woodland buffers either side of the woodland shown by the dotted green lines on Site Layout Plan (Drawing no. DES-183-101E), or on the footpath link north of the 15m ancient woodland buffer shown by the dotted green line on the same plan.

Reason: In the interests of ecological protection.

17. All services for the development shall be run underneath the access road through the woodland.

Reason: In the interests of ecological protection.

27 September 2018

REFERENCE NO - 18/501745/REM			
APPLICATION PROPOSAL			
Approval of Reserved Matters for appearance, landscaping, layout and scale for Phase 4 comprising 71 dwellings with associated infrastructure, pursuant of outline approval 13/1749.			
ADDRESS Land To The East Of Hermitage Lane, Maidstone, Kent			
SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS)			
<ul style="list-style-type: none"> • The site (for 71 houses) forms part of the wider housing allocation for 500 houses in the Local Plan under policy H1(2), and benefits from outline planning permission. • The proposals comply with the relevant criterion under policy H1(2), other relevant policies within the Local Plan, and parameters of the outline permission. • The development is considered to be of a high quality in terms of its design, layout, and materials. • The proposed vehicle access through the woodland is considered on balance to represent the best option when considering impacts upon Ancient Woodland, ecology, and the woodland amenity value as a whole. • Permission is therefore recommended. 			
REASON FOR REFERRAL TO COMMITTEE			
Councillor Robertson has requested the application be reported to Planning Committee due to the large scale nature of the proposals which are on a prominent site and which will have a considerable impact on the local area especially the ancient woodland.			
WARD Allington	PARISH COUNCIL N/A	APPLICANT Croudace Homes Ltd AGENT Croudace Homes Ltd	
DECISION DUE DATE 05/10/18		PUBLICITY EXPIRY DATE 31/05/18	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
13/1749	An Outline application for a Mixed-Use development comprising up to 500 residential dwellings, education facility and community	REFUSED – ALLOWED ON APPEAL	19.10.15

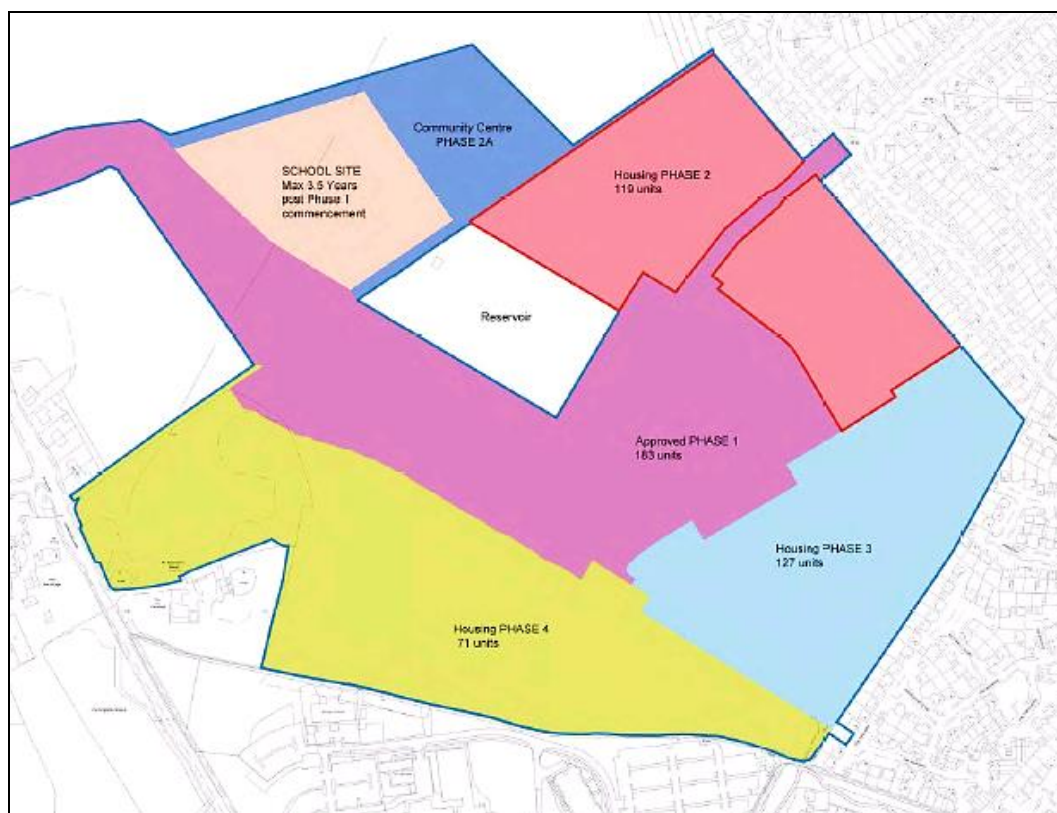
	centre. Provision of public open space associated infrastructure and necessary demolition and earthworks. The formation of 2No. new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage and all other matters reserved for future consideration.		
16/503641	Reserved matters of appearance, landscaping, layout and scale for Phase 1 for erection of 183 dwellings with associated infrastructure pursuant to outline approval ref 13/1749.	APPROVED	21.12.16
17/502767	Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale being sought) Phase 2 for the erection of 119 dwellings with associated infrastructure pursuant of 13/1749 allowed on appeal APP/U2235/A/14/2226326.	APPROVED	13.11.17
17/503680	Reserved Matters (Appearance, landscaping, layout and scale) for Phase 2A of the outline approval 13/1749 comprising Community Centre with associated infrastructure.	APPROVED	13.11.17
18/502875	Reserved matters of appearance, landscaping, layout and scale for Phase 3 of the outline approval comprising 127 dwellings with associated infrastructure pursuant to outline approval ref 13/1749.	UNDER CONSIDERATION	

1.0 DESCRIPTION OF SITE

1.01 The larger housing site which has outline permission for 500 houses is located to the east of Hermitage Lane and houses are currently under construction within Phase 1. This reserved matters application relates to Phase 4 which is the grassed field on the south side of the belt of Ancient Woodland at the south end of the site which is also protected under a tree preservation order.

The woodland is to the north and east of the site, to the south is a public right of way (KB18) with a children’s nursery and Maidstone Hospital beyond, and to the west is the dwelling ‘The Old Hermitage’.

1.02 The site would be accessed via a proposed new road running through the woodland which will be discussed in the assessment below. This road would run off the approved layout for Phase 1. Phases 1 and 2 for housing have been approved which cover the majority of the northern part of the wider site and a community facility has also been approved under Phase 2A. The approved phasing plan is shown below.



Phasing Plan

Key: Purple (Phase 1), Pink (Phase 2), Blue (Phase 3), Yellow (Phase 4)

1.01 The site is allocated in the Local Plan under policy H1(2) for approximately 500 houses subject to a number of criterion.

2.0 PROPOSAL

2.01 The application seeks permission for the reserved matters of appearance, landscaping, layout and scale for 71 dwellings and includes a vehicular access through the ancient woodland (AW). There would also be a pedestrian link to the northwest corner which would run through the AW. A mix of detached and semi-detached houses of traditional design and two storeys in height are

proposed. The road through the woodland and the roads around the housing estate would not be put forward for adoption by KCC mainly to avoid the requirement for street lighting through the ancient woodland which will be discussed below. The layout and design will also be discussed in more detail in the assessment below.

2.03 It is important to note that under the outline application, the principle of housing development in this field being accessed through the woodland was accepted by the Planning Inspector and Secretary of State at the Public Inquiry. The precise route through the woodland was not set by the Inspector but various options were considered in detail and this will be discussed below. Therefore, this application cannot re-visit the principle of housing within this part of the site but can consider where it is accessed and whether the layout and design is acceptable.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP2, SP19, SP20, SP23, H1, ID1, H1(2), DM1, DM2, DM3, DM6, DM8, DM12, DM19, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- MBC Air Quality Planning Guidance (2018)
- MBC Public Art Guidance (2018)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 31 representations received raising the following (summarised) points:

- Harm and loss of Ancient Woodland.
- Harm to wildlife.
- Woodland is valuable to the local community.
- Loss of protected trees.
- Lack of infrastructure.
- Traffic and congestion.
- Lack of Environmental Impact Assessment.
- Disturbance through construction.
- Danger to pedestrians.
- Sink holes.
- Not the best option through the woodland.
- Lack of archaeological survey.
- Density is too high/houses should be reduced.
- Increased pollution.
- Lack of parking.
- Services should run under the road.

- Should not be a boardwalk.
- Routes through woodland should be signposted.
- Lack of affordable housing.

4.02 **New Allington Action Group:** Raise the following (summarised) points:

- Consideration should be given as to whether Phase 4 should be granted planning permission in view of recent sink holes.
- EIA is now required.
- Stronger protection for ancient woodland.
- Conditions are required to protect wildlife.
- Too many houses/too high density.
- 15m buffer zone to ancient woodland required.
- Proposed access is not the best option.
- Wildlife legislation must be adhered to.
- Drainage and sewers must be located under the road.
- Pressure and harm to woodland from new residents.
- Public right of way through woodland should retain its character.
- No cycles should be allowed in the woodland.

5.0 **CONSULTATIONS**

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

5.01 **Natural England: No objections** and refer to their standing advice.

5.02 **Highways England: No objections.**

5.03 **Environment Agency: No objections.**

5.04 **KCC Highways:** No objections subject to street lighting being provided in the site (not within the woodland) and conditions (which pass the relevant tests) relating to retention of vehicle and cycle parking.

5.05 **KCC PROW:** Would not want to see the PROW along the south boundary enclosed by vegetation or fencing and recommend reflective bollards where the footpath crosses the new access.

5.06 **KCC Lead Local Flood Authority: No objections** subject to detailed drainage calculations being provided via the outline conditions.

5.07 **KCC Ecology: No objections** to the layout and LEMP. Recommend a condition relating the translocation of ancient woodland soils.

5.08 **KCC Archaeology: No objections** subject to conditions.

- 5.09 **MBC Landscape: No objections.** Consider the proposed access route on balance to be acceptable; raise some issues re. proximity of trees to houses; and no objections to the landscaping scheme.
- 5.10 **MBC Environmental Health: No objections** and recommend conditions relating to air quality emissions reduction, electric vehicle charging points, and lighting.
- 5.11 **MBC Housing: No objections** to the mix of affordable housing and its location.
- 5.12 **Forestry Commission:** Refers to standing advice.
- 5.13 **Southern Water: No objections.**
- 5.14 **Kent Wildlife Trust:** Should not be lighting through woodland; LEMP must be secured; hedgehog gaps should be provided.

6.0 APPRAISAL

- 6.01 The principle of housing development at the site has been accepted at the Public Inquiry under the outline consent and the site is allocated in the Local Plan for housing under policy H1(2). The key issues to consider are the following:
- The proposed vehicular access through the ancient woodland and footpath link.
 - Design, layout, scale, landscaping and compliance with the site allocation policy.
 - Highways, ecology and other matters.

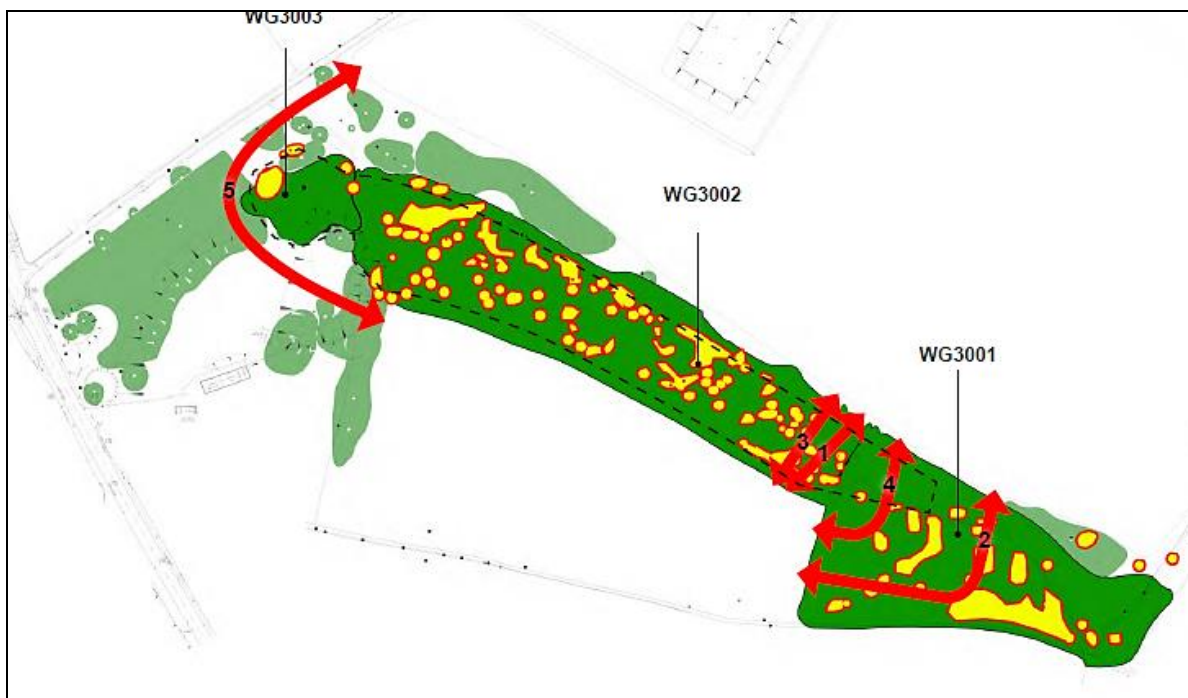
Vehicular Access Through Woodland

- 6.02 Under the appeal, 3 routes through the woodland were included in the applicant's proposals. Two of these options were not preferred by the applicant and so were not assessed in detail by the applicant. The applicant's preferred option is that now proposed under this application (Option 3) and as more detail was provided on its impact, it was assessed by the Inspector. Because there was a lack of detail on any of the other options, or indeed alternative routes through the woodland, the Inspector did not insist on Option 3. However, he did assess Option 3 and concluded that the ecological effects would be acceptable notwithstanding the loss of ancient woodland (AW), when balanced against the benefits of the development.

6.03 Nonetheless it is important to note that the Inspector considered that other routes through the woodland had not been tested and should be explored under the reserved matters application. He states at paragraph 252 that,

"There is therefore no convincing justification for a condition insisting on the selection of option 3 through applying the Parameters Plan. It should remain as an illustrative example only. I adopt that route for the purposes of this Report, but it needs to be understood that any finding that the development is acceptable on the basis of option 3 does not mean that some other option might not be found to be preferable at detailed stage."

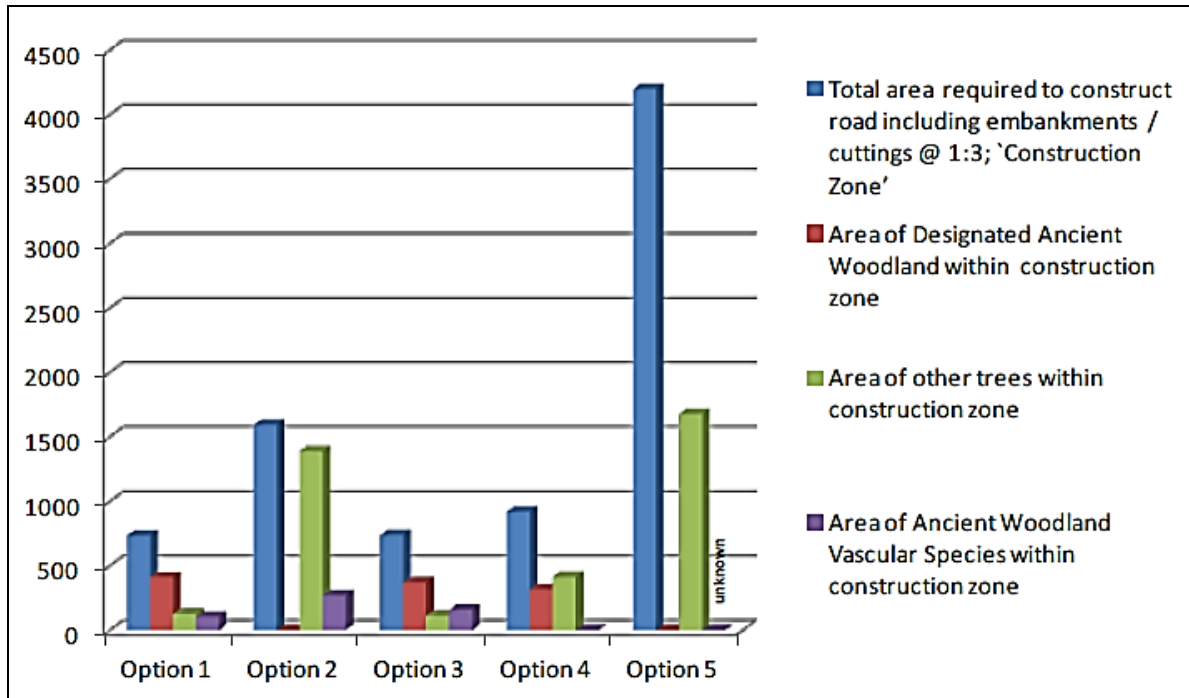
6.04 As such, the applicant has tested 5 routes through the woodland which can be seen on the plan below.



Key

Dotted Line: Extent of Ancient Woodland
Yellow: Ancient Woodland Vascular Species

6.05 Each option has its pros and cons and some of the key impacts of each are set out in the graph below. This relates to the total area required to construct the road, area of AW affected, area of other trees/woodland affected, and area of AW indicator species.



6.06 Option 5 would run through an area that has significant changes in levels including a former quarry so would require extensive cutting and embankments, and would result in by far the longest access, significant engineering works which would be visible from the main entrance into the site, and loss of the most amount of trees/woodland groups. It would also still result in the loss of a small area of AW due to embankments (albeit lower than other options), and harm to ecology from the loss of the trees/woodland groups and some acid grassland where reptiles were present under the ecological assessment with the outline application. For these reasons it is not considered appropriate to take forward.

6.07 Option 2 avoids the AW but results in a much longer road through the woodland as a whole. Whilst it is not AW, a much larger area of the woodland would be lost, which still has significant ecological interest including ancient woodland indicator species, and the woodland (AW or otherwise) has value to the local community. KCC Ecology also consider that as the woodland is very small there is a need to ensure as much of it is maintained as possible. Due to the sheer amount of woodland impacted and for the reasons above, this is not considered to be an appropriate option.

6.08 Options 1, 3 and 4 all pass through AW with Option 1 resulting in the most loss of AW of the three. I therefore do not consider Option 1 is the appropriate option. This leaves Options 3 and 4.

6.09 Option 4 results in slightly less loss of AW (350m^2 against 395m^2) and no loss of AW indicator species but a larger loss of woodland overall (747m^2 against 507m^2) compared to Option 3. As such there is not a significant difference

between these two options in terms of ecological impact. Because of this, and whilst very balanced, KCC Ecology encourage the shortest route through the woodland, which is Option 3, and I agree with this. I note the Landscape Officer also considers this route on balance to be preferable. I am also well aware of the value of the woodland to the local community (AW or otherwise) and whilst I note local residents would clearly rather not see any road through the woodland, Option 3 would have the least impact upon the wider woodland in terms of its amenity value (notwithstanding the impact on AW).

6.10 The revised NPPF states at paragraph 175(c),

"development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists"

6.11 The footnote to this paragraph gives examples of wholly exceptional reasons such as nationally significant infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat. Previously (and at the time of the appeal decision) AW was protected but the NPPF required a balance of the need and benefits of a development against the loss of any AW, and so set a lower bar. Policy DM3 of the Local Plan also seeks to protect AW from inappropriate development and avoid significant adverse impacts as a result of development.

6.12 Option 3 would result in the loss of 395m² of AW so wholly exceptional reasons are required to justify the loss of AW. Whilst the proposals are not a nationally significant infrastructure project, the alternative options to avoid the loss of any AW (no. 2), or less AW loss (nos. 4 and 5) are not better options on overall ecological grounds largely because they result in the loss of more trees/woodland overall. The expert ecologists at KCC are recommending Option 3 as this would have the least impact upon the woodland overall. One of the key reasons for protecting AW is for ecological grounds and so it is considered that choosing a route that results in less AW loss but more ecological harm would be a somewhat contradictory approach. As such, in this specific case, it is considered wholly exceptional reasons exist to allow the loss of a small area of AW and conflict with policy DM3 because outline permission has been granted for housing on the site, the outline permission has been implemented and is under construction, and the alternative options to access the site would have worse ecological impacts overall. In addition, the alternative options result in the loss of more woodland which is a valuable amenity to the local community.

6.13 The compensation strategy is the same as was considered suitable by the Planning Inspector at the Public Inquiry and secured being AW soil translocation (in the proposed AW buffer zone), ecological mitigation measures, new woodland planting in the northern field, management of all woodland, community orchard, parkland and grassland provisions, and

facilities to encourage to fauna. I consider this is a suitable compensation strategy for the loss of a 395m² of AW.

- 6.14 The proposed road itself would be kept to the minimum possible to provide a safe two way road and pavement on one side (5.5m road width and 2m pavement). As the land slopes down towards the north end of the woodland and Phase 1, small embankments would be required to the sides and resulting in a width between 9m-11m in total. No lighting would be provided to also limit its ecological impact and all services to the development would run underneath the road and this can be ensured by condition. New footpath ramps would be provided either side of the road on the existing public footpath.
- 6.15 In conclusion and whilst balanced, the applicant's proposed route through the AW (Option 3) is considered acceptable for the reasons outlined above.

Footpath Link

- 6.16 The footpath link would run from the northwest corner of the development into the AW to meet up with public footpath KB51. There is discussion of providing a boardwalk for this link within the Planning Inspector's decision (para. 256) where he felt there were merits with this approach as it would relieve trampling damage of the AW. Through pre-application discussions it was agreed that a more informal path would be the preferred option rather than a boardwalk. The applicant has therefore proposed a path with bark chippings. Advice from KCC Ecology outlines that the use of boardwalk or chips to create the path both have advantages and disadvantages but ultimately they would recommend the boardwalk to ensure the best protection of the AW as it is felt that the chip path may become muddy and walkers may veer off the path. I do not consider there is a significant difference between the two so conclude that bark chippings would be acceptable, and they would also not result in the loss of any trees. Conditions will be required to approve the construction details to ensure the minimum impact upon the AW, to prevent cycling such as bollards, and to ensure on-going maintenance of this path. KCC PROW do not wish to see bark chippings on the public footpath so they can be used up until the public footpath.
- 6.17 This link would result in the impact upon a small area of AW but it is considered appropriate to provide a designated footpath due to the increased population in the proximity. The proposed route is a clear desire line from Phase 4 to the public footpath and beyond to the future school and community centre. It is therefore considered better to have a clear path on this desire route rather than leave it to informal routes being established and the benefits outweigh any harm. This is considered on balance to be an acceptable reason for allowing a low impact upon the AW here.

Design & Layout

- 6.18 Considering the site policy requirements relevant to this phase first, the layout ensures that a 15m wide landscape buffer is provided between the AW and the proposed housing, and that root protection areas for trees within and adjacent to the AW would also be protected. The only intrusion into the buffer and root protection areas is for the access road into the site and the paths linking to the northwest corner. It must be noted however that the paths would not result in the loss of any trees.
- 6.19 In relation to the relevant parameters on the outline permission, all building heights are below or at 11m, as required by condition 20. The layout provides for 1.22ha of open space within Phase 4 which would mainly be natural/semi-natural alongside the woodland along with the woodland itself (3.2ha) which is in line with quantity and type specified in the original Design and Access Statement as required by condition 21. This is also in accordance with criterion 13 of the site allocation policy.
- 6.20 The layout is made up of four perimeter blocks of housing which provide strong street scenes with houses addressing all roads, and buildings turning corners with architectural detailing and/or windows. Buildings are positioned to provide end stops to views within the layout. The AW buffer forms part of a larger area of open space along the north boundary between 15-20m wide that would be planted with a woodland shrub mix and wildflower meadow with new trees. The northern road faces the AW buffer so that this space remains an open and an attractive part of the scheme and forms a green corridor supplementing the woodland with a surface water drainage pond towards the west end. Criterion 13 of the site policy states that the site should be maximised for the provision of open space, making best use of existing features within the site. The woodland would obviously be retained and the proposed landscaped area would supplement this and provide a good amount of natural/semi-natural open space here (just under 1.22ha). A small play area would be provided at the west end to complement other similar play areas throughout the wider site.
- 6.21 Along the south boundary houses are sited rear on to the public footpath. This provides surveillance of the footpath and through amendments new hedging has been set slightly off this PROW and boundary fences set back so that the footpath is not unduly enclosed. New pedestrian access points onto the footpath provide good connectivity here and mean that the development interacts well with the right of way.
- 6.22 The density equates to approximately 30 dwellings per hectare (dph) below the average density of 40dph outlined in the site policy and slightly below the density of the other phases (approximately 35dph). Buildings are set back from the roads with well-landscaped front gardens so that parking is not dominant. With mainly detached houses and spaces between at 1st floor level formed by garages in places, the layout has a 'rural' feel as opposed to the more urban fabric of phases 1 and 2 and as such the density is acceptable.

- 6.23 Generally exposed boundary treatments would be brick walling but on the eastern housing block ragstone walling would be used as this is the entrance to the site and an area where two new connection points to the southern footpath would be provided.
- 6.24 Houses and gardens would be laid out to ensure sufficient privacy and outlook and the development is a sufficient distance from the nearest neighbouring properties to the west (over 40m) so there would be no harmful impact.
- 6.25 In terms of parking, KCC Highways have raised no objections. The scheme provides a total of 177 parking spaces, including 17 visitor spaces. Most of the 3 bedroom houses have tandem parking 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.
- 6.26 Overall, the layout is considered to be of good quality providing a green corridor across the northern part of the site with the woodland area, buildings suitably addressing streets and good connectivity with footpaths around the site and complying with the requirements of policy H1(2), policy DM1 of the Local Plan, and the outline permission requirements.

Appearance & Scale

- 6.27 The site policy has no specific requirements for appearance and scale but policy DM1 seeks high quality design and positive responses to local character. As outlined above the heights are below the 11m limit set under the outline consent
- 6.28 The applicant has proposed a traditional appearance with mainly detached houses with gabled roofs (without any hips). Two storey gables are provided on some and projecting bay windows to provide interest. Detailing is provided on houses including decorative brick courses above some door and window openings, brick plinths, bay windows, porch overhangs, and chimneys on some house types. Materials proposed include red bricks, tile hanging, artificial white boarding to some elevations and in full on some house types, natural slate and clay tiles to roofs. These quality materials are secured by conditions as are samples.
- 6.29 Overall, I consider the appearance and scale of the buildings to be to a high standard in accordance policy DM1 of the Local Plan.

Surfacing & Boundary Treatments

- 6.30 Surfacing would be predominantly block paving for roads with sections of tarmac at junctions. All parking spaces and driveways would be block paved. The road through the woodland would be tarmac. The path towards the northwest corner linking to the play area would be a 'hoggin' path (mixture of

clay, gravel, and sand). Boundary treatments would include ragstone walling on the eastern block and otherwise brick walling on exposed areas. Fencing within gardens would provide privacy. Chestnut post and rail fencing (1.2m) would be provided along the road boundaries with the woodland and along the 15m AW buffer which is an appropriate treatment. Overall, I consider these details would provide a high quality appearance to the development.

Landscaping & Ecology

- 6.31 The landscaping scheme provides a good number of new trees across the development with new hedges bounding front gardens. Species are mainly native particularly near to the woodland but more ornamental within the development itself which is acceptable. Overall, the landscaping scheme is of high quality, with much native planting, and would provide an attractive environment and setting for the development. The landscape officer originally raised so concern re. proximity of plots 324-326 to trees on the south boundary and future pressure due to shading but on balance does not consider this is grounds object. In response, the applicant as moved the houses slightly further away from the trees which reduces this issue.
- 6.32 One of the main implications for ecology is the new road through the woodland which is discussed above. In terms of the translocation of the AW soils there is the potential for some overlap with archaeology works and so a condition is recommend by KCC Ecology requiring details of the methodology for this taking into account any archaeological interests. The section 106 for the outline permission requires a Landscape and Ecology Management Plan (LEMP) for each phase and this has been submitted for phase 4 with the aim of delivering net biodiversity gains and protecting the AW. Enhancements include invertebrate boxes, bird and bat boxes across the site, Hibernacula, refugia and log piles. KCC Ecology has confirmed that the LEMP is acceptable.

Highways

- 6.33 The access road through the woodland and within the development would not be offered for adoption by applicant (and this is not compulsory). The main reason for this is because with adoption comes the requirement for street lighting. Street lighting on the access road through the AW would be to the detriment of ecology and have a further negative impact upon the character of the woodland. KCC Highways have acknowledged the preference for no lighting but did raise concerns regarding speed reduction measures that were proposed on the woodland road including speed humps which they would require to be lit. The applicant has removed these measures and KCC now do not object because they consider the raised tables at the junctions at either end of the road would be sufficient to control speeds at a safe level. They recommend reflective bollards where the right of way crosses the road near the middle which would be acceptable and can be secured by condition.

6.34 Within the site, lighting would be provided which KCC advises would be necessary to ensure safety. KCC refer to a section within the layout where no footway is provided which is between plots 359-364 for around 55m. The applicant has designed this to be shared space areas and KCC advise that if this is the case then lighting should be provided which it is. As such, they have no objections with regard to highway and pedestrian safety.

Other Matters

Affordable Housing

6.35 Affordable housing would be provided at 30% which is in accordance with the outline permission of which 60% would be affordable rent and 40% shared ownership. The houses are focussed towards the southeast corner of the site and the house sizes are considered acceptable by the Housing section.

Surface Water Drainage

6.36 The strategy to deal with surface water from the houses and roads is through the proposed pond (which would have deep borehole soakaways) towards the northwest corner and the swale that leads to it. The surface water from the road through the woodland would discharge to a pond located to the northern boundary of the wider site. KCC LLFA advise that the strategy is acceptable and the finer details to determine matters such as the precise depth of the pond and swale, and size of pipes would be provided under the original outline condition. They also advise that there as the underlying strata is ragstone there is a risk of encountering loosely infilled features known as 'gulls'. If these features exists and are inundated with water from soakaways it could lead to ground instability (such as sink holes) and so the detailed design will need to be supported by comprehensive ground investigations and geotechnical assessment to ensure surface water discharges only occur into competent ground. This will be investigated under the recommend condition and if soakaways are not feasible then water would drain to other ponds on the wider site, where capacity could be provided. A condition will cover this scenario so that the pond area is suitably landscaped.

Archaeology

6.37 For archaeology, this was considered by the Planning Inspector at the appeal and condition 12 requires no development to take place until a programme of archaeological work in accordance with the Heritage Statement submitted under the outline application is submitted and approved. KCC have expressed disappointment that a Heritage Statement was not submitted with this application to consider archaeology and mitigation but suggest a condition if minded to approve. As stated above, this was considered at outline stage and there is already a condition in place on the outline consent which covers relevant issues.

Air Quality

- 6.38 Environmental Health has requested an Air Quality Emissions Reduction condition. National Planning Guidance is clear on attaching conditions to reserved matters applications and states that, "*conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted. The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters.*" Basically this means that you can only impose conditions that relate to specific issues being considered at outline stage and not (in this case) to address the principle impact of 500 houses. The Inspector was satisfied with off-site highways improvements and a Travel Plan condition to deal with air quality. However, I do consider it is possible to attach a condition requiring charging points as this is a matter that relates to the design of the houses in line with policy DM23.
- 6.39 Condition 19 requires at least 10% of energy supply of each phase to come from decentralised and renewable or low carbon energy sources. This would be secured through PV panels on houses as per the previous phases, and would be discharged separately under the condition.
- 6.40 Issues raised by third parties not addressed in the assessment above or relating to principle matters considered under the outline permission concern the alleged need for an Environmental Impact Assessment (EIA). The outline application was 'screened' by both the Council and the Planning Inspectorate and it was concluded that an EIA was not required. Changes to the regulations in 2015 or 2017 do not affect this conclusion or mean that an EIA would now be required.
- 6.41 The outline consent was granted prior to the Council's Public Art Guidance and so this cannot be applied to the reserved matters.

7.0 CONCLUSION

- 7.01 I have considered all representations received on the application and for the above reasons the proposals are considered to be acceptable and provide a high quality development in accordance with site policy H1(2), and other relevant policies within the Local Plan. The proposed route through the AW is considered acceptable and wholly exceptional reasons exist to allow the loss of 395m² of AW and conflict with policy DM3 because outline permission has been granted for housing on the site, the outline permission has been implemented and is under construction, and the alternative options to access the site would have worse ecological impacts overall. Permission is therefore recommended subject to the following conditions.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions with delegated powers for the Head of Planning to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the most recent revised plans shown on the Drawing Register received on 11th September 2018.

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

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

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

3. No development including site clearance shall take place until details of tree protection including a tree protection plan in accordance with the current edition of BS:5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

4. No development shall take place until a soil translocation methodology demonstrating that the ecological and archaeological requirements (within the woodland and receptor site) have been met has been submitted to and

approved in writing by the local planning authority. The approved methodology shall be implemented as detailed within the approved plan.

Reason: In the interests of ecological protection.

5. No development above slab level shall take place until details of the equipping and laying out of the children's play area have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory public open space.

6. No development above slab level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials and they shall include the use of ragstone in walling as shown on the approved plans, clay tile hanging and roof tiles, slate roof tiles, and multi stock brickwork.

7. No development above slab level shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) Details and locations of swift bricks and bat boxes integral to buildings.
- b) Details and locations of bird and bat boxes.
- c) Wildlife friendly gullies.
- d) Retention of cordwood on site.
- e) Provision of 12cm square gaps under any new boundary fencing to allow passage of small mammals
- f) Timing of delivery of the above matters.

Works shall be carried out in accordance with the agreed details.

Reason: To protect and enhance biodiversity

8. No development above slab level shall take place until details of measures to prevent parking on landscaped/amenity areas have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

9. No development above slab level shall take place until details of any external meter cupboards, vents, or flues have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Such features shall be installed to limit their visibility from public view points.

Reason: To secure a high standard of design.

10. No development above slab level shall take place until details of plots where electric vehicle charging points can be installed have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained for that purpose.

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

11. No development above slab level shall take place until details of reflective bollards to be positioned either side of the access road where it meets PROW KB51 have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason: In the interests of pedestrian safety.

12. No development above slab level shall take place until the following details for the pedestrian only footpath as shown on page 15 of the Design and Access Statement have been submitted to and approved in writing by the Local Planning Authority:

- The method of construction which shall be of a 'no dig' method.
- Specification of works including the base construction, retaining measures, and surfacing.
- Type and source of bark chippings (taking into account the ancient woodland soils)
- Mechanism and details for ongoing maintenance.
- Measure to prevent use by cycles at the south end of the footpath.

Reason: In the interests of protection the ancient woodland.

13. In the event that the proposed pond is not implemented and alternative surface water drainage measures are approved under condition 11 of the outline permission, details of landscaping in place of the pond and its implementation shall be submitted to and approved in writing by the local planning authority prior to the occupation of any dwellings.

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

14. The approved landscaping scheme shall be carried out before or during the first planting season (October to February) following occupation of the development. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their

long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

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

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

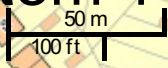
16. No temporary or permanent lighting shall be installed on the vehicular access road through the woodland between the 15m ancient woodland buffers either side of the woodland shown by the dotted green lines on Site Layout Plan (Drawing no. DES-183-101E), or on the footpath link north of the 15m ancient woodland buffer shown by the dotted green line on the same plan.

Reason: In the interests of ecological protection.

17. All services for the development shall be run underneath the access road through the woodland.

Reason: In the interests of ecological protection.

Case Officer Richard Timms



18/502875/REM - Land to the east of Hermitage Lane, Maidstone, Kent

Scale: 1:2500

Printed on: 30/10/2018 at 9:47 AM by JoannaW



REFERENCE NO - 18/502875/REM			
APPLICATION PROPOSAL			
Reserved matters of appearance, landscaping, layout and scale for Phase 3 of the outline approval comprising 127 dwellings with associated infrastructure pursuant to outline approval ref 13/1749.			
ADDRESS Land To The East Of Hermitage Lane, Maidstone, Kent			
SUMMARY OF REASONS FOR RECOMMENDATION - (APPROVE SUBJECT TO CONDITIONS)			
<ul style="list-style-type: none"> • The site (for 127 houses) forms part of the wider housing allocation for 500 houses in the Local Plan under policy H1(2), and benefits from outline planning permission. • The proposals comply with the relevant criterion under policy H1(2), other relevant policies within the Local Plan, and parameters of the outline permission. • The development is considered to be of a high quality in terms of its design, layout, and materials. • Permission is therefore recommended. 			
REASON FOR REFERRAL TO COMMITTEE			
Councillor Robertson has requested the application be reported to Planning Committee due to the large scale nature of the proposals. They will have a considerable impact on the local area and therefore the details should be considered by the committee.			
WARD Allington	PARISH COUNCIL N/A	APPLICANT Croudace Homes Ltd AGENT Croudace Homes Ltd	
DECISION DUE DATE 16/11/18		PUBLICITY EXPIRY DATE 31/10/18	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
13/1749	An Outline application for a Mixed-Use development comprising up to 500 residential dwellings, education facility and community centre. Provision of public open space associated infrastructure and necessary demolition and earthworks. The formation of 2No. new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage and all other matters reserved for future consideration.	REFUSED – ALLOWED ON APPEAL	19.10.15
16/503641	Reserved matters of appearance, landscaping, layout and scale for Phase 1 for erection of 183 dwellings with associated infrastructure pursuant to outline approval ref 13/1749.	APPROVED	21.12.16
17/502767	Approval of Reserved Matters (Appearance, Landscaping, Layout and	APPROVED	13.11.17

	Scale being sought) Phase 2 for the erection of 119 dwellings with associated infrastructure pursuant of 13/1749 allowed on appeal APP/U2235/A/14/2226326.		
17/503680	Reserved Matters (Appearance, landscaping, layout and scale) for Phase 2A of the outline approval 13/1749 comprising Community Centre with associated infrastructure.	APPROVED	13.11.17
18/501745	Approval of Reserved Matters for appearance, landscaping, layout and scale for Phase 4 comprising 71 dwellings with associated infrastructure, pursuant of Outline approval 13/1749.	UNDER CONSIDERATION	

1.0 DESCRIPTION OF SITE

- 1.01 The larger housing site which has outline permission for 500 houses is located to the east of Hermitage Lane and houses are currently under construction within Phase 1. This reserved matters application relates to Phase 3 which is on the east part of the site. Existing houses are to the north and east with an area of woodland between which runs along the east boundary. Public right of way (KB19) runs along the east boundary. The site would be accessed via Phases 1 and 2 which have already been approved to the west. There is an area of woodland (including some ancient woodland) to the south with Phase 4 beyond this to the southwest.
- 1.02 Phase 4 was deferred at Planning Committee on 27th September to consider alternative access options, one of which could potentially link up to Phase 3. Any decision to approve the layout for Phase 3 would not prejudice access options for Phase 4, which is being considered on this same committee agenda.
- 1.03 The site is allocated in the Local Plan under policy H1(2) for approximately 500 houses subject to a number of criterion.

2.0 PROPOSAL

- 2.01 The application seeks permission for the reserved matters of appearance, landscaping, layout and scale for 127 dwellings. A mix of detached and semi-detached houses of traditional design are proposed along with a number of apartment blocks/terraces. The layout and design will be discussed in more detail in the assessment below.
- 2.03 It is important to note that under the outline application, the principle of housing development at the site was accepted by the Planning Inspector and Secretary of State at the Public Inquiry. Therefore, this application cannot re-visit the principle of housing within this part of the site but can consider whether the layout and design is acceptable.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP2, SP19, SP20, SP23, H1, ID1, H1(2), DM1, DM2, DM3, DM6, DM8, DM12, DM19, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- MBC Air Quality Planning Guidance (2018)
- MBC Public Art Guidance (2018)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 11 representations received raising the following (summarised) points:

- Lack of infrastructure.
- Traffic and congestion.
- Air pollution.
- Main access is dangerous.
- Loss of light.
- Stronger environmental corridor needed along east boundary.
- Too many access points to PROW to east.
- Lack of parking.
- Clear route from north to south should be provided
- Routes through woodland should be signposted.

5.0 CONSULTATIONS

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

5.01 **Natural England: No comments to make.**

5.02 **Highways England: No objections.**

5.03 **Environment Agency: No comments to make.**

5.04 **KCC Highways: No objections.**

5.05 **KCC PROW: No objections** subject to management of links to PROW.

5.06 **KCC Lead Local Flood Authority: No objections** subject to detailed drainage calculations being provided via the outline conditions.

5.07 **KCC Ecology: No objections** to the layout and LEMP.

5.08 **KCC Archaeology: No objections.**

5.09 **MBC Environmental Health: No objections** and recommend conditions relating to air quality emissions reduction, electric vehicle charging points, and lighting.

5.10 **Southern Water: No objections.**

6.0 APPRAISAL

6.01 The principle of housing development at the site has been accepted at the Public Inquiry under the outline consent and the site is allocated in the Local Plan for housing under policy H1(2). The key issues to consider are the following:

- Design, layout, scale, landscaping and compliance with the site allocation policy.
- Highway safety, ecology and any other matters.

Design & Layout

- 6.02 Considering the site policy requirements relevant to this phase first, the layout maintains a 15m wide buffer of vegetation and proposed trees along the north eastern boundary to the rear of Howard Drive dwellings (criterion 3). Whilst a small group of protected trees would be removed, the 15m buffer would have 11 new trees spread around it with native woodland edge planting that would provide a better setting to the development and softening of views from houses on Howard Drive. A small area of trees would be removed along the southeast boundary but this would not compromise the wooded character of footpath KB19 along the east boundary in accordance with criterion 4.
- 6.03 In relation to the relevant parameters on the outline permission, all building heights are below or at 11m, as required by condition 20. The layout provides for 2.48ha of open space within Phase 3 which would mainly be natural/semi-natural woodland and land along the east boundary but also formal space along the west edge of the site, which is in line with quantity and type specified in the original Design and Access Statement as required by condition 21. This is also in accordance with criterion 13 of the site allocation policy.
- 6.04 The layout is made up of series of perimeter blocks of housing which provide strong street scenes with houses addressing roads, and buildings turning/addressing corners either through their siting and architectural detailing/windows. Buildings are positioned to provide end stops to views within the layout for example at plots 419/420, 408/409, and 434-440. A large formal area of open space would be provided on the west edge of the layout which would provide an attractive space here. A small play area would be provided in the south east corner to complement other similar play areas throughout the wider site.
- 6.05 The density equates to approximately 35 dwellings per hectare (dph) below the average density of 40dph outlined in the site policy. Buildings are set back from the roads with well-landscaped front gardens so that parking is not dominant. The layout connects well with Phases 1 and 2 and new pedestrian access points onto the footpath to the east would provide good connectivity and mean that the development interacts well with the right of way.
- 6.06 Exposed boundary treatments to public view would be brick walling, metal railings would be used along the formal open space, and post and rail fencing to the woodland areas which would be acceptable.
- 6.07 Houses and gardens would be laid out to ensure sufficient privacy and outlook and the development is a sufficient distance from the nearest neighbouring properties to the north (15m to boundaries and at least 25m to houses) with proposed landscaping between, and east (over 25m) with mature trees between, so there would be no harmful impact in terms of privacy, light or outlook.
- 6.08 In terms of parking, KCC Highways have raised no objections. The scheme provides a total of 270 parking spaces (excluding garages), including 56 visitor spaces. Some of the spaces are tandem 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.

6.09 Overall, the layout is considered to be of a high quality which follows the principles of Phases 1 and 2 to provide continuity. Buildings suitably address streets and good connectivity with the footpath to the east is provided and the proposals comply with the requirements of policy H1(2), policy DM1 of the Local Plan, and the outline permission requirements.

Appearance & Scale

6.10 The site policy has no specific requirements for appearance and scale but policy DM1 seeks high quality design and positive responses to local character. As outlined above the heights are below the 11m limit set under the outline consent

6.11 The house designs follow the character of those within Phases 1 and 2 with a traditional appearance with a mix of detached and semi-detached houses along with a number of apartment blocks/terraces. Roofs are a mix of gabled and hipped. A number of the apartment blocks and some houses are 2.5 storey height with dormers in the roof or cut into the eaves. They are positioned within the centre of the development rather than at the edges which is appropriate and provides some variation in the roof scape. Two storey gables are provided on some houses and projecting bay windows to provide interest. Detailing is provided on houses including decorative brick courses above some door and window openings, brick plinths, bay windows, and porch overhangs. Materials proposed include red bricks, tile hanging, artificial white boarding to some elevations and in full on some house types, natural slate and clay tiles to roofs. These quality materials are secured by conditions as are samples.

6.12 Overall, I consider the appearance and scale of the buildings to be to a high standard providing continuity with Phases 1 and 2 and in accordance policy DM1 of the Local Plan.

Surfacing & Boundary Treatments

6.13 The main roads would be tarmac but with block paving at road junctions and on the minor roads. Parking spaces and driveways would be predominantly block paved. Pathways to the woodland areas and public right of way would be 'hoggin' paths (mixture of clay, gravel, and sand). Boundary treatments would include brick walling on exposed areas and fencing within gardens would provide privacy. Chestnut post and rail fencing (1.2m) would be provided along the road boundaries with the woodland. Overall, I consider these details would provide a high quality appearance to the development.

Landscaping & Ecology

6.14 The landscaping scheme provides an extensive number of new trees across the development with new hedges bounding front gardens. Species are mainly native and provide a good variation across the scheme. Overall, the landscaping scheme is of high quality, with much native planting, and would provide an attractive environment and setting for the development.

6.15 The layout has taken into account the ecological interest at the site which is around the north, east and south boundaries. The section 106 for the outline permission requires a Landscape and Ecology Management Plan (LEMP) for each phase and this has been submitted for phase 3 with the aim of delivering net biodiversity gains. Enhancements include invertebrate boxes, bird and bat boxes across the site, hibernacula, refugia and log piles. KCC Ecology has confirmed that the LEMP is acceptable but advise that additional bat and bird boxes integrated into houses could be provided which I agree is more long-lasting and can be secured by

condition. The development would also be outside the 15m buffer to the Ancient Woodland to the southwest of the site.

Highways

- 6.16 Kent Highways raise no objections to the layout in terms of highway and pedestrian safety and manoeuvrability for vehicles including refuse lorries and emergency vehicles. The impacts of traffic on the local area were considered under the outline application.

Other Matters

Affordable Housing

- 6.17 Affordable housing would be provided at 30% which is in accordance with the outline permission of which 60% would be affordable rent and 40% shared ownership. The houses would be spread across the centre of the development and provide a range of house/apartment sizes.

Surface Water Drainage

- 6.18 The strategy to deal with surface water from the houses and roads is through attenuation ponds (which would have deep borehole soakaways) within the approved Phase 2 area. KCC LLFA advise that the strategy is acceptable and the finer details to determine matters such as the precise depth of the ponds and swales, and size of pipes would be provided/approved under the original outline condition. They also advise that as the underlying strata is ragstone there is a risk of encountering loosely infilled features known as 'gulls' where if these features exists and are inundated with water it could lead to ground instability (such as sink holes). The applicant has advised that extensive site investigation has been carried out and the risk of gulls being present below the site is low. However, deep borehole soakaways have been adopted in order that storm water is discharged below the level that such features would be present. Ultimately, there is a solution that would be discharged under the outline condition.

Archaeology

- 6.19 For archaeology, this was considered by the Planning Inspector at the appeal and condition 12 requires no development to take place until a programme of archaeological work in accordance with the Heritage Statement submitted under the outline application is submitted and approved. Some fieldwork has clarified the presence of limited prehistoric remains within the Phase 3 area and mitigation in the form of recording will be required and agreed under condition 12. KCC have confirmed that this can be dealt with under condition 12.

Air Quality

- 6.20 The Environmental Health section has requested an Air Quality Emissions Reduction condition. National Planning Guidance is clear on attaching conditions to reserved matters applications and states that, "*conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted. The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters.*" Basically this means that you can only impose conditions that relate to specific issues being considered at outline stage and not (in this case) to address the principle impact of 500 houses. The Inspector was satisfied with off-site highways improvements and a Travel Plan condition to deal with air quality. However, I do consider it is possible

to attach a condition requiring charging points as this is a matter that relates to the design of the houses in line with policy DM23.

- 6.21 Condition 19 requires at least 10% of energy supply of each phase to come from decentralised and renewable or low carbon energy sources. This would be secured through PV panels on houses as per the previous phases, and would be discharged separately under the condition.
- 6.22 Issues raised by third parties not addressed in the assessment above relate to principle matters considered under the outline permission and are not for consideration.
- 6.23 The outline consent was granted prior to the Council's Public Art Guidance and so this cannot be applied to the reserved matters.

7.0 CONCLUSION

- 7.01 I have considered all representations received on the application and for the above reasons the proposals are considered to be acceptable and provide a high quality development in accordance with site policy H1(2), and other relevant policies within the Local Plan. Permission is therefore recommended subject to the following conditions.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions with delegated powers for the Head of Planning to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the most recent revised plans shown on the Drawing Register received on 16th October 2018.

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

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

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

3. No development including site clearance shall take place until details of tree protection including a tree protection plan in accordance with the current edition of BS:5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning

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

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

4. No development above slab level shall take place until details of the equipping and laying out of the children's play area have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory public open space.

5. No development above slab level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials and they shall include the use, clay tile hanging and roof tiles, slate roof tiles, and multi stock brickwork.

6. No development above slab level shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) Details and locations of swift bricks and bat boxes integral to buildings.
- b) Details and locations of bird and bat boxes.
- c) Wildlife friendly gullies.
- d) Retention of cordwood on site.
- e) Provision of 12cm square gaps under any new boundary fencing to allow passage of small mammals
- f) Timing of delivery of the above matters.

Works shall be carried out in accordance with the agreed details.

Reason: To protect and enhance biodiversity

7. No development above slab level shall take place until details of measures to prevent parking on landscaped/amenity areas have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

8. No development above slab level shall take place until details of any external meter cupboards, vents, or flues have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Such features shall be installed to limit their visibility from public view points.

Reason: To secure a high standard of design.

9. No development above slab level shall take place until details of plots where electric vehicle charging points can be installed have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in

accordance with the approved details and shall thereafter be retained for that purpose.

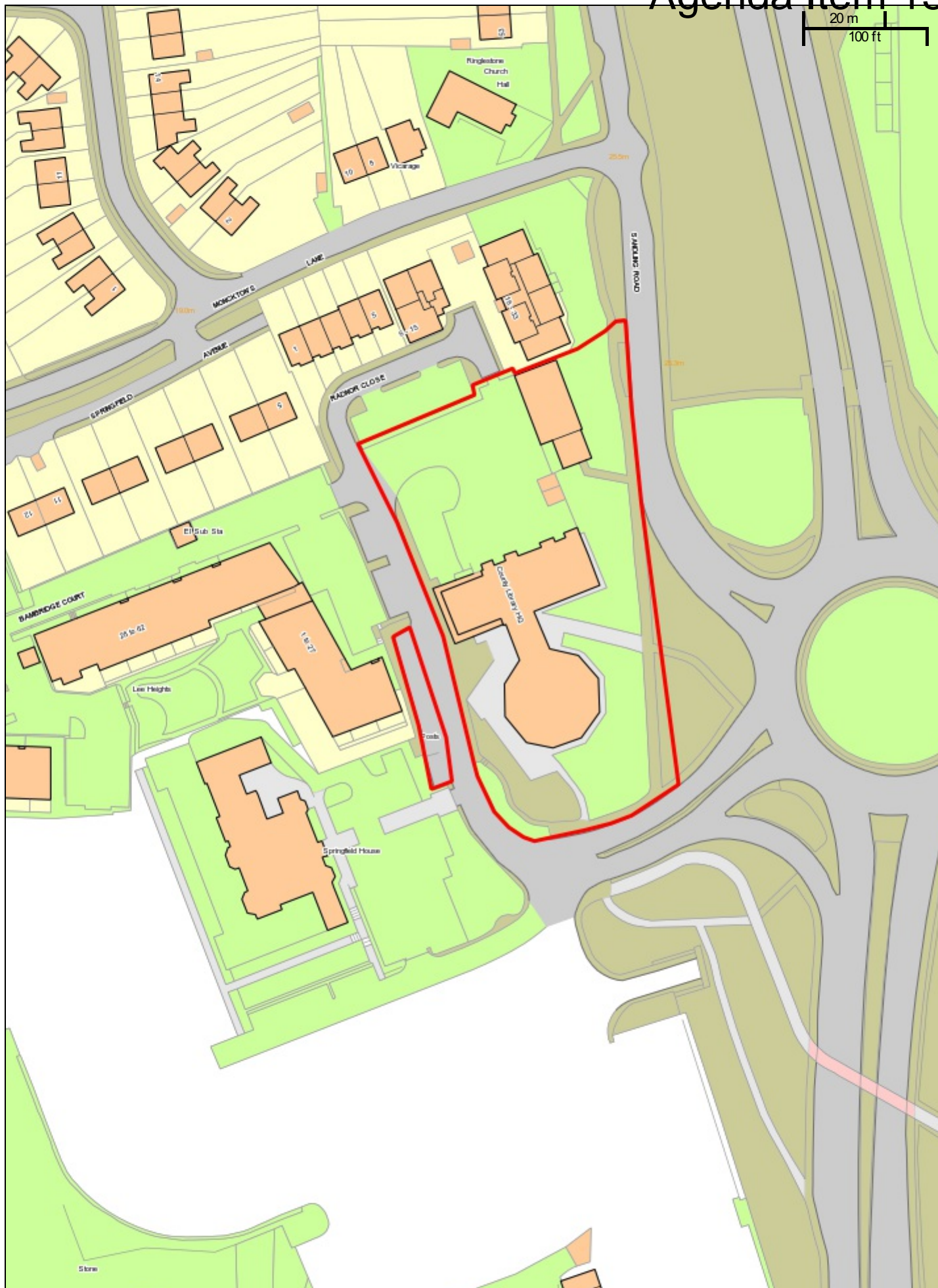
Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles.

10. The approved landscaping scheme shall be carried out before or during the first planting season (October to February) following occupation of the development. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

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

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



17/504568/FULL - KCC Springfield Library HQ, Sandling Road, Maidstone, Kent, ME14 2LG

Scale: 1:1250

Printed on: 30/10/2018 at 10:21 AM by JoannaW

REFERENCE NO - 17/504568/FULL		
APPLICATION PROPOSAL		
Demolition of the existing County Central Library and associated buildings, and erection of a six-to-sixteen storey residential development of 162no. apartments and 86no. car parking spaces including 429sqm of communal floor space at the former KCC Springfield Library site, Sandling Road, Maidstone.		
ADDRESS KCC Springfield Library HQ, Sandling Road, Maidstone ME14 2LG		
RECOMMENDATION – Application Refused		
WARD	PARISH/TOWN COUNCIL	APPLICANT
North		Peker Holdings Limited
		AGENT
		Barron Edwards Limited
TARGET DECISION DATE		PUBLICITY EXPIRY DATE
31/10/2018		28/09/2018

REPORT SUMMARY

REFERENCE NO - 17/504568/FULL
APPLICATION PROPOSAL
Demolition of the existing former County Central Library and associated buildings, and erection of six-to-sixteen storey residential development of 162no. Apartments and 86no. Car parking spaces including 429sqm of communal floor space at the former KCC Springfield Library site, Sandling Road, Maidstone.
ADDRESS Former KCC Springfield Library HQ Sandling Road Maidstone ME14 2LG
RECOMMENDATION Permission be Refused
SUMMARY OF REASONS FOR RECOMMENDATION
The proposed development constitutes the redevelopment and re-use of previously developed land within the urban area. The design of the scheme is considered to be acceptable, as is the impact on nearby residential properties and the wider locality. The development will not, either alone or in combination, result in a severe impact on the local highway network and it will result in less than substantial harm to designated Heritage Assets. However, the scheme has failed to provide affordable housing or a contribution towards open space, pursuant to Policies SP20 and DM19 of the Local Plan
REASON FOR REFERRAL TO COMMITTEE
It is a major/controversial application that merits Committee consideration.

WARD North	PARISH/TOWN COUNCIL N/A	APPLICANT Paker Holdings Ltd AGENT Barron Edwards Ltd
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DECISION DUE DATE 31/10/18	PUBLICITY EXPIRY DATE 28/09/18	OFFICER SITE VISIT DATE
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RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

SPRINGFIELD LIBRARY SITE

App No	Proposal	Decision	Date
16/507999	Variation of conditions 1, 3, 5, 7, 9, 10, 11, 12, 14, 19, 21 and 22 of MA/12/2032 (An application for a new planning permission to replace extant permission MA/09/0862) - To allow demolition.	Approved (Reserved matters application to be made by 8 May 2017)	24/02/2017
16/507817	Submission of Details to Discharge Condition 4 (Archaeological Specification) Condition 7 (Contamination Risk (1, 2 and 3)) Condition 9 (Air Quality Assessment) And Condition 24 (Building Recording and Analysis) Subject to MA/12/2032	Approved	08/03/2017
12/2032	An application for a new planning permission to replace extant permission MA/09/0862 (outline planning application for the erection of residential development comprising of 100 flats and 14 houses with all matters reserved for future consideration	Approved	08/05/2014
09/0862	Outline Planning Application for the erection of residential development comprising of 100 flats and 14 houses with all matters reserved for future consideration	Approved	24/11/2009

FORMER KCC SPRINGFIELD CAMPUS

17/501503	<p>Minor material amendment to MA/05/2350 Erection of class B1 offices comprising 3 no. buildings, residential accommodation comprising 192 no. flats, retail unit for Class A1 and A3 use and additionally for use as a community hall and as a creche on ground floor of the retail unit only, together with associated car parking, landscaping and amended access arrangements. Amendments to consented scheme, including amendments to retaining wall alignment, revisions to basement floor plans, amending the proposed housing mix, amendments to internal residential floor plans, reduction in the number of lifts and stair coves from six to three, altering the form of roofs to upper inset apartments and revisions to the external material palette.</p>	Approved	14/02/2018
17/505581	<p>Non-material amendment for planning permission 16/507471/FULL - To make changes to Block A of consented scheme under Section.96a including Reduced Ground Floor Footprint (North-East end), Revisions to Ground Floor Layout, Amendments to Internal Residential Floor Plans, Amendments to the Proposed Housing Mix, Amendments to Extent & Location of Curtain Wall Glazing at Ground Level, Amendments to Upper Floor Window positions, Amendments to Balconies</p>	Approved	06/02/2018
	<p>on Side Elevations & Removal of Upper Storey Protecting Element.</p>		
17/505129	<p>Non-Material Amendment Being Replace UKPN Substations Integrated Within the Podium with a FreeStanding Brick-Built Substation for 2 Transformers in the Southern Corner of the Site Adjacent to Refuse Collection Point 2 and Amend Parking to Counter the Loss of Spaces on the Proposed Substation Location Subject to 16/507471/FULL</p>	Approved	31/10/2017

16/507471	Full planning application for the development of 310 residential units, in two buildings ranging between 8 and 18 storeys, including 177sqm of A1/D1/D2 floorspace, associated car parking, public realm and landscaping works.	Approved	23/08/2017
15/506426	Modification of Planning Obligation dated 1st August 2006 (05/2350), owner's obligations.	Approved	19/04/2016
14/505741	Outline application for residential development (C3) comprising up to 130 units, with means of access to be determined at this stage. All other matters will be reserved for future consideration.	Withdrawn	07/06/2016
13/2099	Erection of Class A1 retail development (with ancillary cafe), supporting retail (A1-A3), doctors' surgery (Class D1 and associated servicing car parking landscaping and access arrangement	Refused	08/05/2014
05/2350	Erection of class B1 offices comprising 3 No. buildings, residential accommodation comprising 192 No. flats, retail unit for class A1 and A3 use and additionally for use as a community hall and as a creche on the ground floor of the retail unit only, together with associated car parking, landscaping and amended access arrangements	Approved	01/08/2006
01/1356	Demolition of buildings and a comprehensive redevelopment to provide offices (B1), residential, landscape open space and ancillary parking and servicing, as amended by further details relating to the provision of affordable housing,	Approved	01/10/2002

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site amounts to some 0.575ha in area and is located on the former KCC Springfield campus immediately to the west of the A229 Royal Engineers Road and adjacent to the roundabout junction providing the main access to Invicta Park Barracks and Chatham Road.
- 1.02 It comprises the remaining former HQ buildings of the Kent Library service, namely the decagonal former lending room and a two-storey linked building, topped with a 13storey square tower, as well as a car park area and garages/store buildings.
- 1.03 The site falls from southeast to northwest, with a change in level of approximately 4.5m, and also falls away from the A229 towards the River Medway by approximately 2.8m. Springfield Mansion is located to the west of the site and is a

Grade II listed building which has been refurbished and retained in office use since being vacated by KCC. To the north of the Mansion lies Bambridge Court, a residential development of 3-4 storey apartments completed in the early 2000s. Radnor Close, a mixture of two-storey houses and three-storey flats lies immediately to the north of the existing garage complex on the site, from which it is separated by a large retaining wall, reflecting a drop in levels of approximately 2m to 2.5m.

- 1.04 On the south side of the main access road into the Springfield campus is a site which has extant permissions for residential development under applications MA/05/2350 (192 apartments and an A1/A3/Community use building) and 16/507471 for 310 apartments in buildings of between 8-18 storeys in height. Work has recently commenced to implement these developments, comprising in total 502 units, by Weston Homes.
- 1.05 The site boundary with Chatham Road is well screened by existing tree planting and a small area of woodland. There are also individual specimen trees, including Wellingtonia and Corsican Pine, located adjacent to the main access road into the Springfield Campus south of the existing buildings. The trees are protected by Tree Preservation Orders.

2.0 PROPOSAL

- 2.01 The application is a full application for the demolition of the existing buildings and the erection of a residential development comprising a total of 162 apartments, 86 car parking and 162 cycle spaces, together with the inclusion within the proposed development of 429sqm of communal floor space. It has been given the name Tennyson Gardens by the applicant.
- 2.02 The proposed development comprises a single building, but designed to appear as 5 distinct elements. It is designed in a 'zig-zag' form and is located centrally within the site, to maximise tree retention. The buildings increase in height from 6-storeys at its northern end (closest to Radnor Close) to the maximum 16-storeys in height (approx. 54m) southwards towards the campus access road off the A229 roundabout.
- 2.03 The parking provision is largely located in a basement parking area which comprises 55 spaces, some 31 surface parking spaces are also shown to be provided. The 162 cycle parking spaces are in the basement. A set-down zone for the community space is also provided
- 2.04 The development comprises the following mix of units:
 - One-bedroom: 26 Units
 - Two-bedroom: 113 Units
 - Three-bedroom: 23 UnitsNo affordable housing is proposed in the submission as made.

- 2.05 The design approach was refined over several meetings at pre-application stage, and the approach taken in the application seeks to maximise separation from Springfield Mansion, whilst at the same time retaining as much of the existing tree planting as possible. Only 6 trees are stated to be lost, compared to the earlier 2009/2012 scheme, which would have resulted in the loss of 18 of the 38 trees on the site. This has led to the 'zig-zag' form of the building. The building rises in height in five distinct blocks from north to south, with the tallest section providing a complimentary landmark entrance to the campus, following the lead of the permitted U+I (now Weston Homes) scheme to its south. The roofs of four of the five blocks have landscaped terraces and that of the tallest block has a green sedum roof.
- 2.06 The architects have stated that the starting point for the design approach was Maidstone's history of papermaking. The relative sizes of the blocks reflect the ratios between the international sizes of paper, and the textures and form of the buildings reflect that of the processes used in producing woven paper, to provide an interlinking façade that reflects the three types of paper traditionally to have been produced: smooth (represented by materials such as render metal cladding or a stone and fibre cement cladding system), transparent (glazing) and ribbed/rough (represented by brick or feature stone with shadow gaps for example).
- 2.07 The elevations of the blocks are formed on a basic concrete grid and are layered with contrasting materials. This, coupled with the use of recessed windows of varying sizes, projecting balconies, as well as longer balcony deck projections, provide interest and vitality to the façades of the blocks.
- 2.08 The application was reviewed by a Design South East Review Panel on 22 February 2018. As a result of the consideration of the subsequent Panel Report and seeking to address some of the Panel's recommendations, the applicants have amended the scheme. The main changes are summarised as follows:
- The western side of the site has been re-modelled to increase and improve soft landscaping. The largest change is the removal of the drop-off zone and its replacement with a lay-by. The parking layout has also been altered whilst retaining a turning area within a shared surface arrangement. Cycle parking has been provided close to the front entrance
 - Additional cross-sections have been provided to show the relationship of the ground floor apartments and the external landscaping.
 - Elevations have been amended to include a red flavour of brick in a reference to the adjacent Mansion.
 - Details of the roof garden level have also been provided.
 - The ground floor layout of the building at its southern end has been amended to reposition the internal waste storage area away from the southernmost part of the site. This has resulted in the Community Facility being the focal point upon turning into the site from Royal Engineers Road.
 - The basement has been reconfigured to replace the lost external ground floor parking spaces. The parking numbers are the same.

- An appropriate number of smaller 1-bedroom and 2-bedroom units compared to larger units .

2.09 The applicants have since further reviewed and refined the scheme's design and have produced a Design Code and detailed sectional drawings of aspects of the development, such as balcony treatment and window sections/sections through the building showing material interfaces. They have also included a strategy/detailed proposals to ensure that services that require external openings, such as boiler flues, will not be readily visible on the external walls, preventing the marring of the overall quality of the building. Adherence to the Design Code will form part of a s106 agreement. The production of the Design Code was linked to a review by the applicant of the construction costs of the scheme, which sought to ensure the quality of the scheme was not diluted at a later stage.

2.10 The application is supported by a suite of reports and documentation as follows:

- Design & Access Statement (Gradon Architecture)
- Design Code (Gradon Architecture)
- Planning Statement (Tetlow King Planning)
- Statement of Community Involvement (CFA)
- Heritage Impact Assessment (Allan Cox)
- Archaeological Building Survey (Swat Archaeology)
- Townscape and Visual Impact Assessment (Chris Blandford Associates)
- Arboricultural Impact Assessment (Ben Larkham Associates)
- Sustainability Statement (Barron Edwards)
- Energy Statement (Energy Council)
- Daylight and Sunlight Assessment (Herrington Consulting Limited)
- Air Quality Assessment (Entran)
- Phase 2 Site Investigation (Lustre Consulting Limited)
- Noise Assessment Report (Entran)
- Flood Risk Assessment (Herrington Consulting Limited)
- Transport Statement (MLM Group)
- Travel Plan (MLM Group)
- Phase 1 Ecological Habitat Survey (Hone Ecology)
- Economic Impact Report (Quod)
- Viability Assessment (**Confidential**) (Quod)
- Environmental Management Plan (Dorton Demolition and Excavation Limited)
- Health & Safety Plan (Dorton Demolition and Excavation Limited)
- Site Waste Management Plan (Dorton Demolition and Excavation Limited)
- Waste Management Strategy (Barron Edwards)

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP19, SP20, SP23, ID1, H1(12), DM1, DM2, DM5, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- The National Planning Policy Framework (NPPF) 2018

- National Planning Practice Guidance (NPPG)
- Draft MBC Air Quality Planning Guidance (2017)

4.0 LOCAL REPRESENTATIONS

4.01 **Local residents: 10 representations** received from local residents raising the following (summarised) issues

- Overdevelopment of the site, too tall, too dense and adversely affecting the character of the area.
- The scheme is of an inherently poor design harking back to the (much-criticised) design and form of such developments in the 1960s, brutalist, high density and of an inhuman scale.
- Additional traffic from the development will make already bad conditions and congestion even worse, particularly at the exit onto the Royal Engineers Road Roundabout.
- Parking provision is totally inadequate.
- Loss of privacy due to closeness of development to properties in Radnor Close. □The refuse storage area is unneighbourly being directly below the bedroom window of the adjacent property in Radnor Close.
- Loss of daylight/sunlight to properties in Springfield Avenue.
- Likely level of dust and disturbance during demolition and construction.

5.0 CONSULTATIONS

5.01 **Kent County Council Highways:** Have confirmed that they have assessed the submitted Transport Statement and considered the development in combination with existing and approved/committed development on the Springfield Campus. More detailed comments on Site access, Traffic impact, Parking and Layout and Sustainable Travel are provided summarised as follows. No objections are raised to the development subject to a number of conditions, informatives and a s106 obligation relating to a Travel Plan monitoring fee of £5K.

Site access: The proposed access arrangements which include the retention of the existing mini-roundabout and use of the private internal site road are consistent with the previous approval on the site and compatible with the extant consents on the adjacent land within the Springfield Campus. Swept path analysis has been undertaken and shows the development can be served by refuse vehicles. A comment has been made relating to the high level of on-street parking on the access road to the A229 and mini-roundabout, and that this is not in the overall interest of highway safety. Adherence to restrictions in the public highway section is a matter of enforcement, but in the absence of preventative measures and management, this situation is likely to continue.

Traffic impact: Whilst recognising that since the original permission was granted conditions on the network have changed, the 17 additional AM peak and 21 PM peak trips compared to the previously approved 114 residential and 200sqm community facility (2009/2012 applications) scheme show that increases in movements attributable to the currently proposed development will be minor in nature and do not amount to a severe impact (in combination with other development). It is also stated that given this level of increase it is not reasonable to require that additional junction improvements are investigated and implemented.

Parking and Layout: The parking ratio currently proposed (0.53 spaces/unit) is higher than the 2009/2012 scheme (0.41 spaces/unit). Parking spaces are unallocated, and no specific allowance has been made for visitor parking, it is stated however, that this approach is consistent with IGN3. It is considered that the applicants should further consider the parking provision for the community space in the development as this element is larger than the previously approved proposals. A car park management plan should also be considered.

Sustainable Travel: The site is well placed in relation to key services and facilities, being within a 1.2km preferred maximum walking distance of the site¹, along a segregated route with a bridge over the A229. The site is also immediately adjacent to National Cycle Network Route 17. Importantly, the development proposals include the provision of a dedicated pedestrian/cycle access onto the road link to the Springfield roundabout that is aligned with the footbridge across the A229. A refuge island of sufficient width to accommodate pedestrians and cyclists is proposed to facilitate crossing movements between the site and the footbridge.

Minor changes are encouraged to provide further enhancement and encouragement for sustainable modes of travel.

- The proposed northern pedestrian access to Chatham Road is currently shown with steps and unsuitable for cycle use. Given that this provides direct access to NCN Route 17 this should be changed.
- The existing traffic signals north of the Springfield/Invicta Park and White Rabbit/Stacey Street roundabouts should be upgraded to Puffin Crossings.
- Improvements to existing bus stops on Royal Engineers Road adjacent to the site (bus boarders timetable displays and on the northbound (towards Medway) stop a bus shelter) are also proposed and consistent with improvements secured under the 2009/2012 schemes.

These measures and the proposed pedestrian island on the main Campus access road should be provided through a s278 agreement.

The submitted Travel Plan shows an initial 5-year target for car use that is 6% lower than 2011 Census journey to work data for this part of Maidstone. This would

¹ Providing for Journeys on Foot: (Institute of Highways and Transportation 2000)

be achieved by several incentives including one-year car club membership and a travel pack for the occupiers of each unit and overseen by the appointment of a Travel Plan Coordinator. KCC Highways advise that the Travel Plan should be formally approved prior to commencement of the development and registered with the KCC Jambusters website ([Travel Plan Management](#)). Noting that survey and review of the Travel Plan will take place annually, KCC indicate that remediation measures should also be on an annual, rather than a three-yearly basis, as indicated in the current draft of the Plan. KCC have also requested £5,000 to fund KCC's Travel Plan advisor to review monitoring reports and work with the Travel Plan coordinator.

5.02 Kent County Council Flood and Water Management: Request that additional evidence is provided proving that infiltration is not viable. The applicant should establish the existing means of surface water disposal and carry out further investigation to pursue the possibility of using infiltration techniques.

5.03 Kent County Council Archaeology: Consider that although the site has been subject to major groundworks in the past there is still the potential for archaeological remains to be found, given finds encountered in watching briefs when adjoining development was carried out, and WWII structures and sites of interest. A condition is therefore recommended that would secure a programme of archaeological work to be agreed before any works take place.

5.04 Kent County Council Ecology: Agree with the conclusions of the submitted information that there is no requirement of additional species-specific surveys to be undertaken, and that sufficient ecological information has been submitted to determine the application. An informative relating to site clearance works taking place outside the bird breeding season, and a condition requiring bird and bat boxes to enhance biodiversity further are recommended.

5.05 Kent County Council Economic Development: Following a review of Secondary Education provision building costs a revised request letter has been received. The list of contributions sought by Kent County Council to offset the provision of additional demand for KCC provided services arising from the development is as follows:

- **Primary Education:** £154,224.00 Towards the new North Maidstone Primary School
- **Secondary Education:** £139,944.00 Improvements at Maplesden Noakes School
- **Community Learning:** £4972.84 Towards St Faiths Adult Education Centre Jewellery Studio accessibility improvements
- **Youth Service:** £1374.61 Towards additional equipment for the Maidstone Youth Service
- **Libraries:** £7778.56 Towards Kent History & Library Centre additional equipment

- **Social Services:** £8728.56 Towards Trinity Foyer Sensory Garden, Maidstone
- Encourage the developer to work with service providers to ensure each unit is provided with Next Generation Access Broadband (High Speed Fibre Optic Broadband)

5.06 **Environment Agency:** No objections, subject to conditions relating to the submission of a contamination remediation strategy and subsequent verification report, no infiltration of surface water into the ground except as approved by the LPA, no use of piling or penetrative foundations except as approved by the LPA due to the potential risk of contaminants affecting controlled waters and groundwater. Several informatives are also suggested relating to drainage, soakaways and piling and disposal of construction waste.

5.07 **Southern Water:** Have confirmed that in respect of wastewater (foul water), there is not sufficient capacity in the existing infrastructure and that the development should as a result provide additional capacity. A condition requiring details of disposal of foul water to be submitted and approved prior to commencement of the development should be imposed on any consent that is granted. They have, however, confirmed that there is an available public surface water sewer in the vicinity of the site, and that a formal application for connection should be made by the developer. Nevertheless, they have requested that details of both foul and surface water disposal are secured by means of an appropriate condition.

5.08 **Kent Constabulary: Crime Prevention Design Officer:** Is concerned that the applicants have made no reference to crime prevention in the Design and Access statement, and that furthermore the applicant/agent have made no contact to discuss this issue or Secure by Design generally.

5.09 **Kent Constabulary Developer Contributions:** Consider that the development will give rise to a need for 5 additional Police Constables and the necessary supporting infrastructure. They have requested a sum of £1,110,470 to meet this additional need.

5.10 **MBC Landscape Officer:** Confirms that the Arboricultural Impact Assessment (AIA) produced by the applicant's consultant is considered to be acceptable. The arboricultural and landscape principles are sound and therefore there are no objections that can be raised, subject to landscape conditions and a condition requiring compliance with the AIA.

5.11 **MBC Conservation Officer:** Considers that the existing Library building should be retained and included within a revised scheme, given the quality of the building.

5.12 **MBC Parks and Open Spaces:** There is a deficit of some 3.05ha in the total 3.22ha open space requirements pursuant to adopted policy DM19 of the Local Plan. A contribution of £239,760 (£1480/unit x 162) taking into account the provision that is made on-site for use to improve Whatmans Park (improve

footpaths and accessibility on the east side of the park connecting with Springfield Mill via footbridges, improve treetop walk), Moncktons Lane/Foxglove Rise (improve accessibility to natural open space including work on towpath and footways) and the Chillington Street Open Space (fencing, benches and improvements to footpaths).

- 5.13 **Mid-Kent Environmental Health:** No objections are raised, subject to several conditions/informatives. In reaching the conclusions, the team assessed noise, air quality and land contamination.

Noise: States that trickle vents do not allow residents to access purge ventilation or cooling without exposure to high noise levels, they should have the option to use a suitable mechanical ventilation system. Balcony design should be developed in the light of guidance in ProPG².

Air Quality: The Methodology in the Air Quality Assessment is accepted, despite the wrong opening year (2020 instead of 2017) being used. However, this has not resulted in a change to the overall conclusion, that the site is a suitable location for new sensitive development, as the properties are well below the air quality objectives. (However, the difference is important in calculating 'damage' costs).

A construction environmental management plan should be submitted prior to the start of the development to control dust emissions.

In terms of the Emissions Mitigation assessment, further details are required, as the input data used for the basis of calculating damage cost has not been supplied and therefore the identified mitigation measures required to offset emissions from the scheme will be lower than required if the correct base-point was used.

Land Contamination: Consider whilst not objecting to the submitted report and conclusions that the number of boreholes and samples is small compared with the site and would not seem sufficient to fully characterise ground conditions and only one round of gas monitoring has been completed which is low.

Suggested conditions:

- 1: Contamination assessment and remediation scheme and closure report.
- 2: Condition limiting noise from plant and equipment at the site.
- 3: Condition securing a scheme ensuring internal noise levels and externally in garden/amenity areas conform to BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.
- 4: Condition securing calculation of pollutant emissions costs from the vehicular traffic generated by the development.
- 5: Condition securing 1 electric vehicle rapid charging point/10 units or per 1000sqm of commercial floorspace.

² [ProPG: Planning and Noise -New Residential Development \(Institute of Acoustics\)](#)

6: Condition securing submission and approval of a Construction Practice and Management Plan.

- 5.14 **NHS West Kent CCG:** Have requested a contribution of £117,648 to assist in the mitigation of the additional impact on existing health care provision in the area arising from the development. The contribution received would be invested to improve facilities at the Brewer Street practice.

6.0 APPRAISAL

Principle of Development

- 6.01 The site comprises previously developed land within the defined urban area of Maidstone. As such, the principle of residential development is acceptable and in general accord with the provisions of the Development Plan, subject to the other details of the application as they may relate to adopted policy, being found acceptable.
- 6.02 Councillors should also be aware that whilst the previous permission has been allowed to lapse, the fact that demolition of the existing buildings on the site and redevelopment for residential purposes was previously approved on two occasions is still a material consideration, albeit now one with a reduced weight in the overall planning balance.

Design and Visual Impact

Design

- 6.03 The design and architectural approach of the development was discussed at a number of pre-application meetings with the applicant's design team and, as indicated earlier, has also been the subject of a Design South East Panel Review.
- 6.04 The general form of the development comprises a series of blocks that are linked by service cores/stair wells that are more fully glazed. The blocks are centred within the site and are set in a 'zig-zag' form on the ground, with the result that the current scheme retains more of the existing landscaping and Protected Trees than the two previously approved schemes. In particular, the planting on the eastern side of the building, and the established Wellingtonia and Corsican Pine trees that frame the main access into the site, are now shown as being retained.
- 6.05 The elevations of the blocks are formed on a basic concrete grid and are layered with contrasting materials in colour and texture. The palette of materials has been revised as a direct response to the DSE Design Panel review to incorporate a red/brown brick to provide warmth, and echo some of the material in the adjacent listed Springfield Mansion. The design incorporates the use of recessed windows of varying sizes, together with projecting balconies, as well as longer balcony deck projections.
- 6.06 The recent changes to the ground floor layout at the southern end of the building which have seen the proposed community space now directly facing the main access to the campus instead of the refuse store as previously proposed, serve to

increase the vitality and interest of the building and also provide a greater degree of natural surveillance of the access to the campus.

- 6.07 The submission of the greater level of detail in the form of the revised elevation detailing and sections through the building as well as the Design Code, have further improved the quality of the scheme as proposed. The requirement to adhere to the Design Code through a s106 obligation, with which the applicants are content, will ensure this is maintained.
- 6.08 Overall, the design approach and the detailing and elevational treatment of the development as now amended is considered to be acceptable.

Visual Impact

- 6.09 The visual impact of the development on the local and wider area has also been carefully considered. The Townscape and Visual Impact Assessment (VIA) submitted with the application considers the site in its immediate context and also in terms of medium and longer distance views. The report and methodology adopted therein follow the accepted standard practice set out in the 'Guidelines for Landscape & Visual Assessment (The Landscape Institute and the Institute of Environmental Management & Assessment 3rd Edition 2013).'
- 6.10 A key element of the immediate context of the building is the approved 8-to-18 storey residential development immediately to the south of the Springfield Campus access. As work on this has now commenced, the current proposals should be considered in combination, rather than in isolation, as regards visual impact. The significant feature of the adjacent development is the 18-storey tower adjacent to the access road. The tallest element of this current application, the 16-storey tower, is located on the opposite side of the access, in effect mirroring the already approved tower.
- 6.11 It is from within the existing Springfield Campus that the greatest visual impact will occur, particularly to the occupiers of Bambridge Court and Radnor Close. The occupiers of Radnor Close in particular, will see a major change in impact in terms of their aspect given the proximity of the taller new development to the site's northern boundary. The change in site levels of 2m-2.5m between the site and Radnor Close reinforced by the retaining wall, albeit that the levels continue to fall away towards Moncktons Lane, do not assist in the mitigation of this relationship as they remain unaltered by the proposals. The current scheme overall is taller than the 2009/2012 scheme in the section closest to the northern boundary, with the result that the perceived 'looming presence' of the proposed building is likely to be greater. However, on the positive side, more of the existing landscaping on the site's eastern boundary will be retained and the overall footprint of the proposed building is narrower than the previously approved scheme. It is considered that in terms of the impact on Bambridge Court, whilst the proposed buildings are taller, the buildings are set further from the boundary with a reduced footprint, and the 'zig-zag' form of the development provides for an improved separation and relationship than the previous scheme. Nevertheless, a greater extent of the site towards its northern boundary will be covered than at present, and the new

proposal is higher closer to the northern boundary than the previously approved scheme.

- 6.12 In the slightly wider neighbourhood, the VIA considers the impact of both schemes in combination, and it is clear that there would be a significant but localised change to the streetscape, particularly from Royal Engineers Road and Chatham Road, in those areas immediately adjacent to the site. When travelling along the A229 northwards from the Stacey Street 'White Rabbit' roundabout/walking along Sandling Road, the new development will, however, be largely obscured by the approved Springfield Park development, reducing impact to the immediate context of the site and as such it is classified in the VIA as "no change to slight impact."
- 6.13 From Whatman Park on the west-bank of the River Medway, the assessment indicates that a substantial proportion of the upper storeys of the development will be visible above the tree-line, as will the upper floors of the 18-storey tower within the Springfield Park development. This has been classified as a "slight to moderate impact" in the VIA. From the Kent Messenger Bridge, in combination, significant elements of the approved and proposed schemes will be visible and dominate the skyline from the park looking north eastward, and have been assessed as a "moderate impact."
- 6.14 From Chatham Road just north of Calder Road, the proposed development will largely obscure the Springfield Park development and will appear as a larger feature than the existing library tower, and has thus been assessed as a "slight to moderate impact." Further north, from the footbridge over the A229 near Gibraltar Lane, the proposed development will encroach further into the sky-line above the Greensand ridge to the south of Maidstone than the existing library tower, and will be bulkier in overall mass. This will be compounded when viewed in the context of the approved residential tower at Springfield Park, and has thus been assessed in combination as having a "moderate impact."
- 6.15 In terms of the wider neighbourhood and medium distance views, it is considered that there would clearly be a change to the sky-line and views within the local area arising from the Tennyson Gardens development. However, in the context of the already approved and now implemented development at Springfield Park, the in combination impact of both developments on the character of the area would not be so detrimental as to warrant and sustain refusal on impact grounds.
- 6.16 In terms of longer distance views, the site has been assessed from south of Lower Warren Road (from a PROW north of the Pilgrims Way), Whitehorse Wood Country Park and Mote Park. In all three cases, whilst the tower will be taller than the existing Library tower and even with the adjacent development taken into account, given the wider context in which the site sits and the landscape framing around it, more of which is to be retained, there will not in my view be an unacceptable intrusion into the skyline and views northwards across the Medway Valley to the North Downs beyond, or from the North Downs to the Greensand ridge south of Maidstone, arising from the development.

Residential Amenity

6.17 The potential impact of the development on the amenities of the occupiers of adjoining properties has been considered in the design and layout of the development, alongside potential daylighting and sunlight implications. Concerns have been raised by nearby residents about privacy and loss of daylight and sunlight, as well as the impact of the proposed refuse store.

Daylight/Sunlight

6.18 Daylight and sunlight tests have been undertaken in accordance with the Building Research Establishment (BRE) guidance 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice', Second Edition, 2011. The nearby dwellings at 1-33 Radnor Close and 1-27 Bambridge Court and no.5 Springfield Avenue and the approved (but not yet built) residential tower at Springfield Park (Weston Homes development) have been assessed.

6.19 In terms of daylighting, three potential tests are set out in the BRE guidance, a Vertical Sky Component (VSC) test, a No Sky Line/Daylight Distribution (NSL) test and thirdly, an Average Daylight Factor (ADF) test. The latter is undertaken if the first two provide inconclusive results, and is more detailed. Whilst the VSC and NSL tests are prescribed by the BRE guidelines for use as the standard measure for assessing impacts from new developments, it should be acknowledged that these tests do have limitations. In particular, the VSC only examines the magnitude of change in potential daylight at the window itself and as such is a rather crude qualitative test. However, the most significant shortcoming of the VSC test is that it does not quantify the daylighting 'within' the room itself. This is most notable when assessing rooms with more than one window, or rooms that have large amounts of glazing. In such cases, where the VSC tests indicate a development proposal has the potential for causing daylight impacts to neighbouring properties, the more detailed Average Daylight Factor (ADF) test can be used as an additional method, to provide a more quantitative assessment.

6.20 In this case, the residential tower at Springfield Park and no 5 Springfield Avenue fully complied with the VSC and NSL test, so the additional test was not necessary. The ADF test was however required to be undertaken in respect of some windows within 127 Bambridge Court, and some within 6-33 Radnor Close, In fact, nos. 1-33 Radnor Close were subjected to the additional ADF test. The ADF method calculates the average illuminance within a room as a proportion of the illuminance available to an unobstructed point outdoors, under a sky of known luminance and luminance distribution. This is the most detailed of the daylight calculations and considers the physical nature of the room behind the window. In this situation, the application of the ADF test is important as it allows the actual glazing area, room area and room layout to be taken into account within the calculation. The ADF test takes into account the size and number of windows serving each room, and therefore allows a more quantitative assessment to be undertaken.

6.21 The ADF results show that all the habitable rooms of the properties tested for ADF are fully compliant with the target values recommended by the BRE Guidelines. Only one bedroom at Nos. 6-15 Radnor Close fell marginally short of the recommended target value. In conclusion, the ADF test, which is the most detailed

of all three daylight tests, was undertaken in order to assess whether the daylight levels of the habitable rooms of the properties potentially adversely affected by the proposed development will retain acceptable levels of daylight. The report concludes that the occupants of these properties are unlikely to notice the changes in light levels in the 'post' development scenario and, therefore, it can be concluded that the habitable rooms of the affected properties will retain acceptable levels of daylight, in accordance with the BRE Guidelines.

- 6.22 In terms of sunlight testing, the BRE Guidelines use the Annual Probable Sunlight Hours (APSH) test which has three elements. For the assessment to conclude that the sunlighting of the existing dwelling could be adversely affected, all three of the following tests need to have been failed.

Test A - Does the window receive less than 25% of the APSH, or less than 5% the APSH between 21st September and 21st March?

Test B - Does the assessed window receive less than 0.8 times its former sunlight hours during either the 'whole year' or 'winter' period?

Test C - Is the reduction in sunlight received over the whole of the year greater than 4% of the APSH?

The same properties were assessed as for the daylight tests, including 5 Springfield Avenue and the Springfield Park tower. The tower was subsequently not measured as all potentially affected windows are within 90° of due north.

- 6.23 All windows and rooms in the remaining assessed properties passed at least two of the three sunlight tests.
- 6.24 In summary, the development proposals have been appraised in line with the guidelines set out in the BRE document. When assessed against these criteria for establishing whether the proposed development will have a significant impact, it is concluded that the development will not result in a notable reduction in the amount of either daylight or sunlight enjoyed by the neighbouring buildings, to the point where an objection on these grounds is warranted or sustainable.

Other potential impacts affecting residual amenity.

- 6.25 The proposed development takes a 'zig-zag' form on the ground primarily to secure a reduced footprint to maximise landscaping and tree-retention but which has also served to reduce the elements of the proposed building that directly face towards the existing adjacent residential properties at Bambridge Court and Radnor Close.
- 6.26 It is considered that in respect of Bambridge Court, the degree of separation from the new building to the section of Bambridge Court containing habitable room windows which is in excess of 35m is acceptable and no unacceptable loss of privacy or amenity would occur. Similarly, the separation and relationship between 1-15 Radnor Close and the new development is also acceptable, at 24m or more across a road and car park, particularly bearing mind that the new development does not directly face the Radnor Close properties. The proposed building is however, much closer to the southern flank wall of the block at 16-33 Radnor Close. Currently, there is a garage building located on top of the retaining wall

immediately adjacent to the flats at Radnor Close which reaches to approximately top of first floor window height. This will be replaced with a covered refuse store and the new apartment building will be sited approximately 8m-9m from the existing flats. The concerns of the occupier of the adjacent flat relating to the refuse store are noted, it is considered however that since the store will be roofed, enclosed and secured no unacceptable impact is likely to result. The juxtaposition between the new block and the 16-33 Radnor Close is such that no direct overlooking is likely to occur.

- 6.27 The proposed community use floorspace is located at the southern end of the building and is separated from the properties in Radnor Close and Bambridge Court by an appropriate degree to ensure that no unacceptable impact on amenity is likely to result.
- 6.28 It is considered that the development will not result in an adverse impact on existing adjoining residential properties such as to warrant and sustain refusal of permission on this basis.

Highways and Sustainable Travel

- 6.29 Councillors will note that Kent County Council as the highway authority have raised no objections to the application.
- 6.30 In reaching this decision in terms of impact on the network, KCC Highways have assessed the potential traffic generation from the proposed development against existing and committed development on the wider Springfield campus, this includes the 'U+I scheme' permitted under application 16/507471 and the residential element of the still extant 'Mountgrange' scheme approved under application 05/2350. The key issue is that having assessed the traffic generation from this and the other developments, KCC Highways have concluded that the current development does not substantially increase the cumulative impact on the local network to a level that requires additional mitigation compared to that which would otherwise have arisen if the earlier permitted scheme on the former Library HQ site had been implemented.
- 6.31 As such, having considered the conclusions of KCC Highways, I am satisfied that the cumulative impact on the local highway network cannot be judged as severe in the context of paragraph 109 of the NPPF. Permission should not therefore be withheld on transport grounds on this basis.
- 6.32 Several of the objections received relate to a perceived lack of parking provision within the scheme. The scheme has been considered against the advice in IGN3 which has been adopted by the Council as supplementary planning guidance and is considered by KCC Highways to comply with the advice set out in that document.
- 6.33 The site is classed as an edge of centre site for the purposes of IGN3 and where maximum provision on a non-allocated basis, such as proposed here, is recommended at 1 space/unit. IGN3 also advises that where parking is not allocated visitors parking may be reduced and may not be needed for flats. Whilst being slightly lower at 0.53 spaces/unit, the scheme proposes a similar parking ratio to the 0.6spaces/unit secured for the approved 'U+I scheme' on the adjacent

site. Furthermore, the currently proposed parking ratio is higher than the 2009/2012 schemes previously approved and this, coupled with the site's accessibility in terms of public transport connections, local community facilities such as schools etc. and access to Maidstone Town Centre itself lead to the reasonable conclusion that the proposed parking ratio is on-balance acceptable.

6.34 To 'future-proof' the development a proportion of the parking spaces within the development should be provided with rapid chargers for Electric Vehicles. This can be secure by appropriate condition as can the provision of the 162 cycle parking spaces. Consideration should also be given to 'pre-wiring' more of the proposed parking bays to make installation of additional charging points simpler and cheaper in the future.

6.35 Notwithstanding the comments of the Design Panel, it is considered that this site is sustainably located in relation to Maidstone Town Centre and transport links such as Maidstone East Railway Station, and pedestrian and cycle routes, to provide an alternative to the use of the private car.

- Bus stops are sited either side of Royal Engineers Road adjacent to the campus access road, and a footbridge over the A229 enables safe pedestrian access over the highway to the Maidstone-bound services, as well as the footpath along Sandling Road towards Maidstone East and the Town Centre.
- Maidstone East Railway Station, within the defined Town Centre Boundary in the adopted Local Plan, is located approximately 850m (11 Minute walk) south of the site.
- The site has direct access to National Cycle Route 17, which runs between Rochester and Ashford. Access to the Aylesford/Barming cycle path along the River Medway is available within 600-700m of the site via Moncktons Lane and Kerry Hill Way. This is also a pedestrian route.
- Officers are working with Redrow Homes (Springfield Mill) and Weston Homes (The remainder of the Springfield Campus) to enable permeable links between these sites, to provide an alternative route towards the Town Centre from the Springfield Campus. This has not been previously possible largely due to land ownership issues.

6.36 Royal Engineers Road is served by Arriva bus services 155 (hourly service) and 101 (12min daytime frequency) to and from the Town Centre past the site. Service 150 provided by Nu Venture is a two-hourly service between Maidstone and Walderslade and Lordwood that also passes the site. It is also possible to travel directly to and from Kings Hill/West Malling Station on Arriva service X1 (via the M20) which stops at Maidstone East to/from the Town Centre which is an hourly service. It is however acknowledged that only the 8:15am service from Maidstone East is scheduled to arrive in Kings Hill prior to 9:00am.

6.37 The applicants are seeking to improve the accessibility into and from the site through new walkways and cycle-paths. Some minor works to existing pedestrian and cycle crossing facilities in the area and to bus stops on Royal Engineers Road and Chatham Road are proposed. This will improve access to and from the

development by sustainable modes of transport, and assist in terms of improving pedestrian and cycle safety. These works can appropriately be secured through a s278 agreement with the highway authority.

- 6.38 A framework Travel Plan has been provided as part of the application that has a preliminary target of reducing car use by 6% from the 2011 Census Travel to Work baseline over a five-year period by a number of targeted measures overseen by a Travel Plan coordinator. KCC Highways consider that triggers for remedial measures should be on an annual basis rather than after 3 years as implied in the draft. Submission of a detailed Travel Plan can be secured by an appropriate condition.
- 6.39 No objections are raised to the development on highway grounds.

Landscaping and Ecology

- 6.40 The reduction in the footprint of the development as now proposed, has allowed for the retention of a greater proportion of the existing (protected) trees on the site than the 2009/2012 scheme, in particular, the retention of the existing Wellingtonia trees that front the access road and which provide framing for the northern side of the main pedestrian and vehicular access to the Springfield campus. This retention of more of the existing landscape framework around the site aids the scheme's assimilation into the landscape. The proposed planting in the public areas of the building fronting the internal site access road, which has been increased and hard surfacing reduced in the latest amendments, would provide appropriate structural landscaping whilst allowing for rain gardens and other infiltration features. In addition, the residents will have access to four roof garden/amenity areas, whilst the tallest tower will have a sedum roof.
- 6.41 The Landscape Officer has assessed the proposals and confirms that the arboricultural and landscape principles are sound and therefore there are no objections that can be raised, subject to landscape conditions and a condition requiring compliance with the Arboricultural Impact Assessment.
- 6.42 The KCC ecology teams have considered the submitted information and have confirmed that they agree there is no requirement for specific protected species surveys to be undertaken. They have requested that additional bird and bat boxes to further enhance biodiversity. These are measures that can be secured by means of an appropriate condition.
- 6.43 No objections are raised to the proposals on the grounds of landscape or ecology.

Heritage Impact

- 6.44 A detailed Heritage Impact Assessment (HIA) has been submitted with the application. This has addressed the proposals in the context of the adjacent designated Heritage Asset Springfield Mansion (Grade II), as well as the existing and committed development.
- 6.45 It is true to say that the overall setting of Springfield Mansion was most compromised when the campus was under the control of Kent County Council, with the additional buildings that were erected over a number of years (all of which

apart from the former library have now been demolished) and the large expanses of car parking provided. Subsequent to KCC releasing control of the site, further change has occurred with the Bambridge Court/Lee Heights and Radnor Close development taking place in the early 2000s, the Mountgrange approval in 2006 and the most recent U+I (now Weston Homes) development. (Councillors are reminded that the residential element of the Mountrgrange scheme and the U+I site are now both being implemented by Weston Homes). I do not consider that the proposed development will result in any additional negative impact on Springfield Mansion in this context. The proposed siting/footprint and increased separation from the Mansion as well as the retention of the specimen protected trees as now proposed, compared to the most recent approval on this part of the site will in my view serve to minimise further adverse impact notwithstanding the fact of course that the proposed building is taller than that approved in the 2009/2012 applications.

- 6.46 In terms of the demolition of the library building itself, the Conservation Officer's view that in an ideal situation the existing library building which is of some character and represents a good example of 1960s library architecture, should be retained and the scheme revised around it, is noted. However, it is clear that planning permission has previously been granted twice for the demolition of the entire complex of the former library buildings and as such accepted by the Council. I did indicate earlier that the earlier permission has now lapsed, but nevertheless the fact that it was granted remains a material consideration, albeit one of reduced weight, therefore, it is not considered a reasonable position to maintain that the building should have been retained as a matter of principle. I understand in any event that works to demolish some of the buildings on the site has recently taken place as a result of Health and Safety concerns expressed by local residents.
- 6.47 The proposed building is well designed and articulated a fact accepted by the Design Review Panel and the introduction of the red/brown brickwork to the materials pallet has further emphasised the links with the Mansion and the need to have regard to its setting. I concur with the findings of the HIA that the impact on the setting this heritage asset will be neutral in this context and that less than substantial harm will result.

Drainage

- 6.48 Southern Water have confirmed that there is not currently sufficient capacity in the foul drainage network to supply the development, they have indicated therefore that the the developer will have to make a formal application to connect to the system at the nearest point of available capacity. They have also advised that there is an available surface water sewer in the vicinity of the site.
- 6.49 Given that the Environment Agency have indicated that no infiltration through the ground is permitted as the site lies within a source protection zone and to prevent potential contamination paths from the previous use, and notwithstanding the comments of the KCC LLFA team, it is likely that a controlled connection to the public surface water sewer will need to be made. The draft drainage strategy indicates underground crated collection for attenuation and controlled discharge and the proposed green roofs of the development will also collect in tanks. Precise

details of both foul and surface water can be secured by means of an appropriate condition.

Affordable Housing, Open Space and Infrastructure

- 6.50 In line with policy DM20, major residential development will put pressure on existing services, and requests for monies to mitigate the impact of the development towards primary education, health, open space, community learning, youth services, libraries, and social care have been requested. I have assessed these requests and consider them to be necessary to mitigate the impact of the development due to the additional pressure future occupants would place upon these services and consider them to pass the legal tests for securing contributions.
- 6.51 The Council commenced CIL (Community Infrastructure Levy) charging on 1st October and with the exception of affordable housing provision and an open space requirement (which pursuant to policy DM19 it is a policy requirement to provide a financial contribution in lieu of open space, where it cannot be provided in full, on or off site), which would be secured under any s106 agreement, the remaining infrastructure would be funded by CIL. The viability assessment submitted by the applicant does not take account of the CIL payments that will be required; indeed, it explicitly assumes a zero contribution towards CIL.

Viability

- 6.52 As indicated earlier, the application as submitted proposes no affordable housing, and also advocates that appropriate s106 contributions cannot be supported by the development given the overall viability of the scheme.
- 6.53 The context in which the scheme's viability should be considered is provided by paragraph 57 of the NPPF which states:

'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'

- 6.54 This approach is re-iterated in the NPPG guidance updated in July 2018 (paragraphs 10-001-20180724 to 10-028-20180724), which covers the issues relating to contributions/ viability from plan-making through to decision-making.
- 6.55 As required in the guidance, the adopted Local Plan makes clear the type and level of contribution expected from development and this was evidenced through the viability testing of the Local Plan undertaken prior to submission and assessed at examination. The former KCC Library HQ site was not specifically allocated given

the extant permission relating to the site at the time. As such as an urban site and in accordance with policy SP20 of the Local Plan, to be policy compliant a scheme should seek to provide 30% of the units as affordable housing.

- 6.56 The onus is clearly on the applicant to demonstrate why the scheme is not policy compliant in terms of affordable housing. To evidence this, the applicants have indicated that they consider there are two reasons why in their view it would not be appropriate to require an affordable housing contribution.
- 6.57 Firstly, it is argued that affordable provision relating to the site was effectively made when the Kent Library and History Centre development at James Whatman Way was completed as this incorporated the affordable housing element for both the existing library HQ site (the permission for redevelopment thereof did not make any affordable provision) and the new Library site. The applicant's justification for this is as follows:

'In summary, under the 2009 consent no affordable housing was delivered on this specific site which was for 114 market units as the wider development to include the site at James Whatman Way was providing the replacement library together with 60 affordable dwellings alongside a 57-unit extra care proposal within the affordable housing sector. The new development on the former library site was therefore granted without any affordable on site as this was secured on a nearby site as part of a comprehensive scheme. Accordingly, it can be argued that the necessary contribution towards affordable housing has already been secured under the terms of the 2009 approval and is therefore not justified under this new proposal as that would result in double counting of compliance.'

- 6.58 I do not consider however, that this justification carries weight as an argument. The earlier outline permission for the 114 units on the Springfield Library site has been allowed to lapse and as such, there is no longer a fall-back position.
- 6.59 I therefore consider that the current application should be seeking to provide 30% affordable housing (49 units) to be policy compliant, unless in accordance with the criteria in Policy SP20, it is clearly demonstrated and evidenced that this is not economically viable.
- 6.60 In this regard, the applicants have also submitted a detailed viability assessment (prepared by Quod) seeking to demonstrate that the development cannot currently support the provision of affordable housing or any other justified s106 obligations. This indicated a substantial negative Residual Land Value of -£7.5million. As noted above, no account has been taken in the viability assessment of CIL liabilities that would be due.
- 6.61 This appraisal has been independently assessed on behalf of the Council by Dixon Searle Partnership. A summary is provided below.

"In terms of site value, the applicants may well have over bid for the site, however as I thought I had made clear in the report, no land value assumption has been factored into the appraisals. The proposal is so undeliverable by any normal standards that even after making all of our suggested adjustments and **setting the land value assumption to zero** the scheme still shows a negative

residual value of c.-£4.8m. In order to reach a positive residual land value the residential and commercial profit assumptions need to be placed at circa 1.5% GDV and this is before factoring in any allowance for affordable housing.

I have provided a quick comparison table below which highlights the positive swing (circa +£2.66m) we identified by making our suggested adjustments. This swing is not however sufficient to identify any surplus which could be used to support affordable housing either on site or by way of a financial contribution.

	DSP	Quod
Residential Profit	17.50%	20%
GDV	£36,501,256	£33,706,492
Residual Value*	-£4,791,312	-£7,452,632

*residual value arrived at when assuming nil land value"

6.62 Some of the assumptions in the applicant's submission were not accepted and were re-worked by the Council's consultant, however, it is clear from the summary above that the submitted assessment of the development still showed a very substantially negative Residual Land Value of in the order of -£4.8million. The extent of the negative Residual Land Value deficit is such that in the normal order of events, the overall deliverability of the scheme is distinctly questionable. In response to a direct query to this end, it was confirmed by the applicant

'..whilst scheme viability is presently challenging, sensitivity testing has demonstrated that if relatively modest improvements in costs/revenues are achieved between now and completion/sale of the scheme in c.3.5 yrs time then the proposals will generate a competitive return for the land owner and developer.

For example, if DSP's (Dixon Searle Partnership) adjustments were adopted for the present-day position (-£4.8m RLV), then a c.7.5% change in costs/values would generate a positive land value, whilst a c.15% change would also recover the full c.£2.8m purchase price.

As confirmed in our statement, the applicant is willing to take an internal commercial view in order to proceed with the scheme on this basis. This is not an uncommon position for developers to take.'

6.63 Clearly, the viability position would be worse, had the liability for CIL been taken into account.

6.64 In the light of the initial assessment, the applicants were requested to re-examine the viability of the scheme and in particular the area of construction costs, due to concerns from past experience that the overall quality of the scheme could well be compromised. A review of the external design was also undertaken at the same time, to facilitate the preparation of the now submitted Design Code, which seeks to provide a technical framework to ensure the overall quality of the design is maintained.

- 6.65 The updated assessment of construction cost has been used to formulate a revised viability summary which indicates (using the more representative sales rates adopted by the Council's advisors and a reduced profit allowance of 15%) that the scheme could produce a positive Residual Land Value and therefore be more likely to be delivered. But it is still not proposed to provide any s106 contributions and account is still not taken of CIL payments that would be required.
- 6.66 As Councillors will be aware, s38(6) of the Planning & Compulsory Purchase Act 2004 directs that where regard is had to the provisions of the Development Plan decisions should be made in accordance with the Development Plan unless there are material considerations that indicate otherwise.
- 6.67 As things therefore stand, without agreed s106 planning obligations being delivered now, the development could be considered unacceptable in planning terms as the proposals are not policy compliant as there would be no secure affordable housing provision to meet a clearly identified need that exists in the Borough. Such a stance would be in line with the provisions of the Development Plan and the advice contained in the NPPF which advises that the weight to be given to a viability assessment is a matter for the decision maker.
- 6.68 It is necessary to consider therefore, whether the applicant's demonstration that there is a greater likelihood of the scheme being delivered having re-worked and examined construction costs in detail and revisited the profit assumptions at a lower level of 15% is of sufficient weight to set the Development Plan aside.
- 6.69 It is still far from clear that the scheme will ultimately be able to deliver an affordable housing contribution. Given the advice in the NPPF this is of significant weight against the proposal.

7 CONCLUSIONS

- 7.1 The site has been the subject of previous residential permissions, which have consented the demolition of the existing buildings and facilities at the site, albeit these have now lapsed. Nevertheless, the site comprises previously developed land in the urban area and the development would also secure the redevelopment and re-use of an abandoned site and buildings and as such the provision of development is acceptable. The development would contribute towards the Council's on-going housing land supply requirements.
- 7.2 The amended design of the development has significantly improved and together with the submitted design code which covers detailed elements of the design including how extract flues and ventilation requirements will be treated will ensure a quality development can be delivered.
- 7.3 The potential impact of the development on existing protected trees and the landscaping within the site is also significantly improved compared to the previous permissions, in particular ensuring the retention of the trees that frame the entrance to the Campus on the northern side the access road and along Old Chatham Road.
- 7.4 The proposed development will, in the context of existing and approved development, result in a neutral impact on the setting of adjacent and nearby

designated Heritage Assets and as a result cause less than substantial harm to these assets.

- 7.5 The traffic generated by the proposed development either alone or in-combination, will not result in a severe impact on the local highway network and as such meets the relevant test in paragraph 109 of the NPPF. The level of proposed parking provision is acceptable given the site's sustainable urban location relative to accessibility by modes of transport other than the private car.
- 7.6 The potential visual impact of the development in medium and long-distance views in combination with other consented and implemented development is considered to be acceptable.
- 7.7 The greatest potential visual change is in the immediate vicinity of the site, in particular, in relation to the properties in Radnor Close and 1-27 Bambridge Court. The proposed buildings have a greater mass than the existing development and would be sited closer to the site's northern boundary, thus extending across more of the site than the current built form, but not the previously approved scheme. Compared to the previous scheme the actual footprint of the development is reduced and more space is retained around the buildings. The southern part of the block at 16-33 Radnor Close will have a taller building closer to the site boundary than currently and as previously approved. It is considered however, that the development as proposed would not result in such a significant impact as to warrant and sustain an objection. On balance therefore, it is considered that overall the visual impact of the development as now proposed is acceptable.
- 7.8 The 'zig-zag' ground form of the development and resultant separation distances are such as to ensure no unacceptable loss of privacy or loss of daylight/sunlight to neighbouring residential properties.
- 7.9 A significant question-mark as to the overall deliverability of the scheme in the light of the conclusions of the review of the viability assessment does however remain, despite the applicant's assertions to the contrary.
- 7.10 It is considered that the lack of affordable housing provision is contrary to the provisions of the recently adopted and evidenced Local Plan and that given the low likelihood of the scheme being able to deliver even a modest provision this weighs heavily in the balance against the scheme. The same is true of the scheme's inability to provide a contribution towards open space, in accordance with Policy DM19.
- 7.11 In terms of the positive side of the balance in favour of the scheme is the proposed provision of 492m² of community floorspace within the development.
- 7.12 The May 2017 feasibility study on the need for community facilities in North Ward does indicate that there is a need for additional facilities in North Ward, the main problem being that the A229 Royal Engineers Road effectively cuts the Ward in two and as such the communities in the ward are distinct. The study clearly recognises that the Springfield site provides the best opportunity in the short-term for provision to be made.

- 7.13 This site is currently the last remaining opportunity for such provision to be made in the area. It is an accessible for both the local community in Ringlestone/Moncktons Lane on the western side of the A229 Royal Engineers Road as well as the existing and future community within the Springfield campus itself. The amount of community floorspace included within the application is greater than that secured through the renewed (but now lapsed) 2009 and 2014 permissions which amounted to 250m². Such provision could be secured by means of a s106 obligation.
- 7.14 Another consideration in favour of the development is the quality of the design as now proposed. This has been revised in a positive way following the Design Panel review and further discussion with officers. The scheme will provide an appropriate and well designed form of development that will enhance this site that has remained unused since KCC vacated it and would enhance the current streetscene and environment of the locality.
- 7.15 The community provision and overall quality of the design and layout of the scheme as now proposed are significant positive considerations in favour of approving the development.
- 7.16 These are on balance, outweighed by the scheme's inability to provide any affordable housing for which there is an evidenced need in the Borough which is considered to be of overriding weight in this instance. Furthermore, the inability to provide payments for public open space in lieu of on-site provision also weighs heavily against the scheme. As such the following recommendation is appropriate.

8 RECOMMENDATION –

PERMISSION BE REFUSED on the following ground:

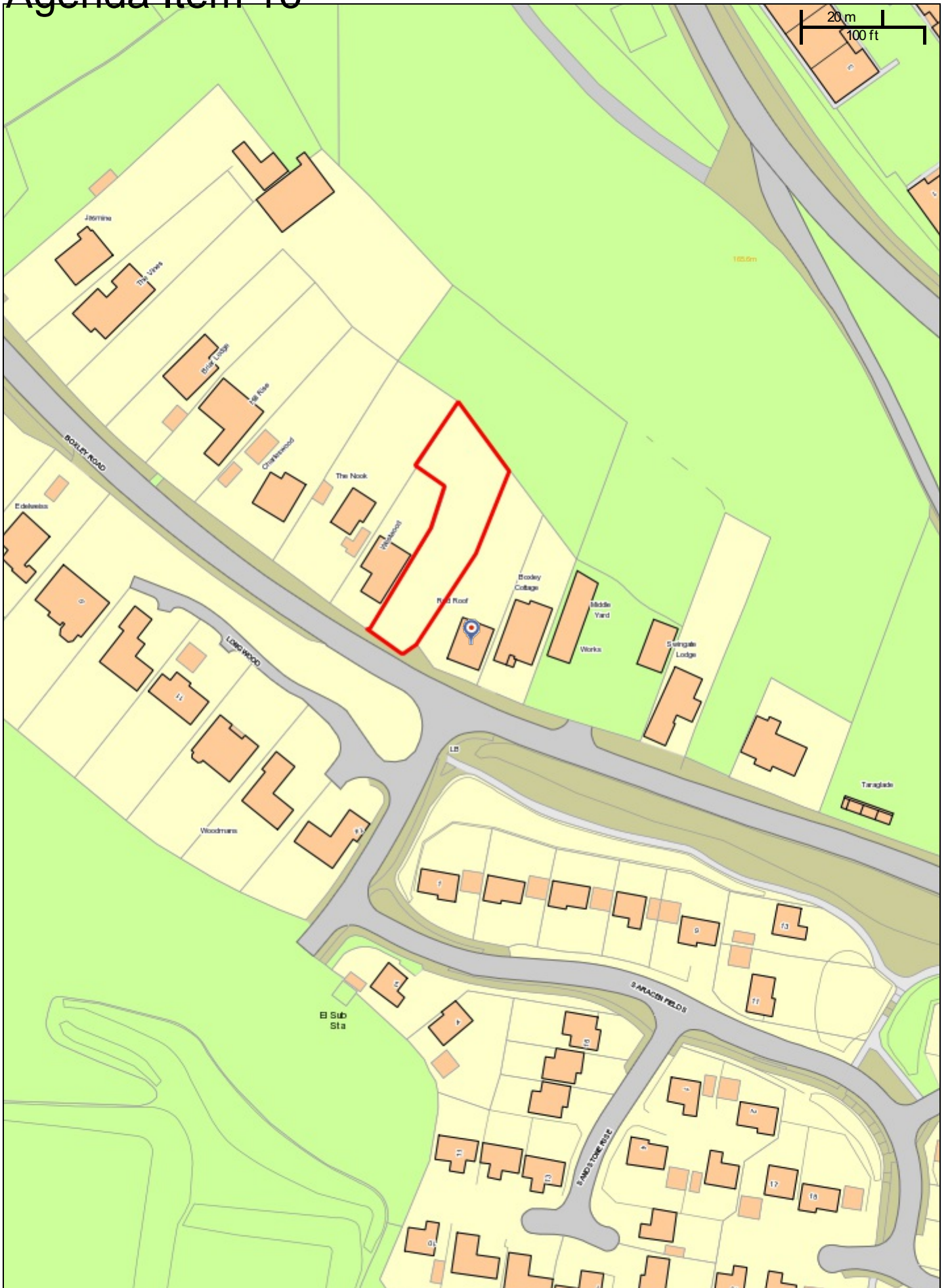
(1) The proposal fails to provide affordable housing or an appropriate contribution towards open space, pursuant to Policies SP20 and DM19 of the Local Plan. To permit the development in the absence of such sufficient justification together with the lack of provision within the scheme either on-site or off-site would be contrary to the provisions of the advice in the NPPF 2018, the National Planning Practice Guidance and to Policy SP20 and Policy DM19 of the Maidstone Borough Local Plan 2017.

INFORMATIVES

(1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Case Officer Steve Clarke

Agenda Item 16



18/504426/OUT - Land adj to Red Roof, Boxley Road, Walderslade, Chatham, Kent

Scale: 1:1250

Printed on: 30/10/2018 at 10:03 AM by JoannaW

REFERENCE NO - 18/504426/OUT			
APPLICATION PROPOSAL Outline Application for a detached dwelling with access being sought. Matters of appearance, landscaping, layout and scale are reserved for further considerations.			
ADDRESS Land Adj To Red Roof Boxley Road Walderslade Chatham Kent ME5 9JG			
SUMMARY OF REASONS FOR RECOMMENDATION The application is considered to comply with the Maidstone Local Plan (2017) where relevant and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.			
REASON FOR REFERRAL TO COMMITTEE Boxley Parish Council wish to see application refused and reported to Planning Committee if case officer is minded to recommend approval.			
WARD Boxley	PARISH/TOWN Boxley	COUNCIL	APPLICANT Mr McCarthy AGENT Bloomfields
TARGET DECISION DATE 01/11/18		PUBLICITY EXPIRY DATE 17/10/18	

Relevant Planning History

73/0562/MK2

Erection of a vehicle maintenance workshop.
Refused Decision Date: 15.01.1974

74/0082/MK2

Replacement of garage/workshop
Refused Decision Date: 20.06.1974

80/2099

Outline application for erection of residential development
Refused Decision Date: 05.01.1974

82/0047

Erection of detached bungalow with garage
Refused Decision Date: 22.04.1982

96/0400

Erection of a detached single garage as amended by unnumbered plan and elevation received 1 April 1996
Approved Decision Date: 30.04.1996

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is situated between Blue Bell Hill, Lordswood and Walderslade and currently consists of a detached bungalow known as Red Roof, with a relatively large curtilage running up to an area of woodland. The site also contains a number of outbuildings that are fenced off from the property 'Red Roof'. The site location plan for application reference 74/0082, which was located in the same part of the site as this application, shows the site as part of the curtilage to Red Roof. This is also supported by the officer report for that previous application that outlines that the site comprises the detached bungalow known as Red Roof within the application boundary.
- 1.02 The site is situated within the defined urban area of Walderslade as defined by the Maidstone Borough Local Plan 2017.

- 1.03 The site is accessed off Boxley Road, which is a road that has linear development running along either side, with a number of cul-de-sacs filtering from it. The site is bounded on the west and east side by residential properties, to the south by Boxley Road and to the north by an area of ancient woodland. The land slopes down from the wooded edge to Boxley Road. The site benefits from an existing vehicular access on to Boxley Road.

2. PROPOSAL

- 2.01 This outline planning application is for the construction of a dwellinghouse. The supporting planning statement outlines that the site is a former commercial yard, however no planning history of this use can be found and for the reasons outlined in para 1.01 the application site has been treated as residential garden land. This planning application is presented in outline form with only access being considered at this outline stage. (Matters of appearance, landscaping, layout and scale are reserved for further considerations)
- 2.02 The submitted plans show that the access on to Boxley Road can be provided by a new vehicle entrance to the site. The indicative plans also show that a dwellinghouse with associated parking and garden land could be constructed in a manner that ensures that the development is in keeping with the character and density of the surrounding built form, without compromising neighbouring amenity.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SS1, SP1, DM1, DM2, DM11, DM12, DM23

4. LOCAL REPRESENTATIONS

Local Residents: 1 representation received from a local resident raising the following (summarised) issues:

- No objection in principle as the site could be considered an infill plot;
- Would expect a gap to be left from the side of the property to the boundary;
- Seek assurances that trees to the north of the site will be retained due to ecology and flooding;
- Design of the house should not extend beyond the neighbouring property to avoid loss of outlook;
- Inaccuracies in the submitted Ecology Report and believe there to be protected species within the site; and
- Concerns over construction management and potential for disturbance.

5. CONSULTATIONS

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

- 5.01 Boxley Parish Council: Wish to see application refused and reported to Planning Committee if the case officer is minded to recommend approval. In summary, the following matters have been raised:
- Site has never had a commercial yard classification and is a greenfield site. If the site is considered part of the garden it is excluded from the definition of a brownfield site;
 - Development is contrary to Policy DM1. The area is characterised by sporadic frontage residential development separated by green gaps and this area is one of those gaps; and

- The introduction of a large building close to the road will result in urbanisation, causing adverse impact on the character of the streetscene.
-

5.02 Kent County Council Highways: No comment

5.03 KCC Ecology: Sufficient information has been submitted in support of this application. Advise that conditions are attached should planning permission be granted.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of Development
- Highways and Access
- Visual Impact
- Ecology and Landscaping

Principle of Development

6.02 The site is within the defined urban boundary of Walderslade and is considered to be in a sustainable location to accommodate growth. Policy SP1 outlines that the urban area will be the focus of new development. Criterion 2. ii. of this policy outlines that that the urban area will continue to be a good place to live and work and that this will be achieved by the development and redevelopment or infilling of appropriate urban sites in a way that contributes positively to the locality's distinctive character.

6.03 Furthermore, within the urban area, development of domestic garden land to create new dwellings is acceptable in principle provided certain criteria are met (Policy DM11), as outlined below:

- i. The higher density resulting from the development would not result in significant harm to the character and appearance of the area;
- ii. There is no significant loss of privacy, light or outlook for adjoining properties and/or their curtilages;
- iii. Access of an appropriate standard can be provided to a suitable highway; and
- iv. There would be no significant increase in noise or disturbance from traffic gaining access to the development.

6.04 It should be noted that a previous application was refused and an appeal dismissed (application reference: MA/13/1760) at 'The Three Ashes', which is located approx. 200m to the north west of this application site along Boxley Road. This application was refused due to the potential harm in the Beechen Bank Area of Local Landscape Importance under Policy ENV35 of the Maidstone Borough-Wide Local Plan 2000. Previously refused applications on this site (Red Roof) for bungalows (80/2099 and 82/0047) were also considered when the site formed part of a Landscape of Local Value and were not located within an urban area at that time. However, following the adoption of the Maidstone Borough Local Plan 2017, Policy ENV35 no longer forms part of the development plan for the Borough and the application site is not located within a local landscape designation under Policy SP17.

Highways

6.05 In terms of access arrangements, a new access would be created to the front of the site on to Boxley Road. The access arrangements would be similar to other properties to the north of Boxley Road and the illustrative plans demonstrate that

adequate parking provision and turning area could be achieved to the front of the dwelling. The access arrangements are considered to be acceptable. The KCC Highways Officer has also been consulted on the proposal and has not objected.

Visual Impact

- 6.06 The application is in outline with all matters reserved saved for the access. As such the drawings in terms of design that have been submitted are illustrative in form and designed to show how a dwelling could be accommodated on the site. As outlined above, Policy DM11, criterion i. outlines that proposals to create new dwellings on domestic garden land is acceptable provided that the proposal would not result in significant harm to the character and appearance of the area.
- 6.07 Boxley Road is predominately a residential road, with some commercial uses which follow a linear pattern of development. The existing residential properties locally are detached properties being single storey or 1.5 storey dwellings to the north of Boxley Road and 2 storey dwellings to the south of Boxley Road. There is some variation in the building style and building line of the properties to the north of Boxley Road.
- 6.08 The previous refusal site at 'The Three Ashes' is located on the north-western edge of the ribbon development along Boxley Road and was part of a gap of approx. 70m between 'Cam Brae' and 'Cringles'. This gap appears largely open and undeveloped, providing a contribution to the attractive semi-rural character of the locality. In comparison, the current application site is located towards the middle of the ribbon development and the site is located in an approx. 20m gap between 'Redbox' and 'Westwood'. Unlike the Three Ashes, the application site has a substantial amount of vegetation on the south-western boundary facing onto Boxley Road and only limited views are possible through the site to the rising ground to the north-east. There are also a number of buildings located on the site, and these buildings where views are possible, give the impression of a built up site. The site is therefore considered to provide limited benefit in terms of a 'green gap'.
- 6.09 If permission were to be granted this would involve the removal of the existing buildings, which would improve the visual appearance of the site. It would also be possible to condition the retention of the existing vegetation to the front of the site facing on to Boxley Road which could currently be removed at any time.
- 6.10 The application is surrounded by residential properties located within the built up area. Whilst the detailed design would be considered at the later reserved matters stage, it is considered that a dwellinghouse on this site would accord with the characteristics and make a positive contribution to the pattern and form of development in this location.
- 6.11 Matters of layout and scale are also not for determination at this outline stage. The detailed layout of the proposal would be considered as part of a future reserved matters application. However, based on the illustrative plan it is considered that the plot would be of a sufficient size and shape to accommodate a dwellinghouse without being cramped.

Residential Amenity

- 6.12 Criterion.ii. of Policy DM11 outlines that development for new dwellings is acceptable subject to the proposal not resulting in harm to the amenity of adjoining properties and their curtilages. Therefore the potential impact needs to be assessed in terms of the proposed dwelling causing loss of privacy, daylight, noise and disturbance to adjoining properties.

- 6.13 The properties of Redroof and Westwood are adjacent to the application site. The indicative proposals show the western elevation to Westwood to maintain a gap of approx. 3m and a gap of 8m to Redroof. The proposed dwelling would not extend beyond the rear of Westwood. It is considered that the proposal is acceptable in terms of the impact on properties on Boxley Road and matters of privacy, overlooking, daylight and sunlight.
- 6.14 The plans show that a proposed development that would provide a good standard of residential amenity for future occupants. The layout of the accommodation makes good use of the site with an appropriate internal layout, good provision of natural light to habitable rooms and adequate private amenity space.
- 6.15 In conclusion it is considered that the illustrative details are sufficient to demonstrate that the site can be developed without resulting in any material loss of outlook or amenity or existing dwellings overlooking and abutting the site.

Ecology and Landscaping

- 6.16 On more detailed matters, it must be recognised that the only issue to be determined here is access. In terms of ecology, a 'Preliminary Ecological Appraisal' has been submitted which indicates the following:
- that bats are likely to use the area to forage and commute;
 - small areas of unmanaged grassland on site could offer potential for reptiles; and
 - that there is suitable bird nesting habitat on site.
- 6.17 KCC Ecology has also reviewed the submitted information and concluded that sufficient information has been submitted and that conditions should be attached should planning permission be granted. It is therefore considered that subject to conditions, the proposal would not impact on protected species and is acceptable.
- 6.18 Similarly landscaping is not being considered at this stage; however the submitted planning statement outlines that trees along the front boundary are to be retained. A suitable worded condition would secure existing trees and secure native landscaping on this site. The application site is located approx. 40m at the closest point from the ancient woodland and it is considered that this is a sufficient buffer in accordance with the Natural England Standing Advice.

Other Matters

- 6.19 The neighbour has raised an issue in regards to disturbance from construction at the site and requested suitable construction management conditions. However, this application is for one dwelling and it is not considered that the impact from the construction of one dwelling would be so sufficient to justify a condition for construction management on the site.
- 6.20 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7. Conclusion

- 7.01 This is an outline application for the development of the site with the erection of a detached 3-bedroom house with garage and parking with all detailed matters (Details of appearance, layout, scale and landscaping of the development) reserved

for future consideration.

- 7.02 The application site is part of a predominantly residential area which forms part of the Walderslade urban area as defined on the Proposals Map to the Maidstone Borough Local Plan. The site represents a sustainable location with good access to facilities and services, including public transport, within the wider Walderslade urban area. Infill development such as that proposed in the current application is normally considered appropriate in such locations and in principle the development of the site with a single dwelling is acceptable.
- 7.03 The indicative outline proposals submitted in support of the application demonstrate that a detached 1.5 storey dwelling with parking for the new dwelling can be accommodated on the site without unacceptable harm to the amenities of the occupiers of the neighbouring properties. The outline proposal demonstrates acceptable access arrangements, and that the proposal allows the retention of the existing mature trees in the south corner of the site. A detached 1.5 storey dwelling of the size and scale shown in the indicative outline proposals would reflect the size and scale of neighbouring dwellings along the north of Boxley Road. Further consideration will be given to the above matters at detailed planning stage.
- 7.04 The proposed development of the site with a single dwelling and parking is considered acceptable in principle and it is recommended that outline planning permission be granted subject to conditions.

8. RECOMMENDATION - GRANT planning permission subject to the following conditions:

- (1) The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Layout b. Scale c. Appearance d. Landscaping

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

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

- (2) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;
Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- (3) The details of landscaping submitted as reserved matters pursuant to Condition 1 of this grant of outline planning permission shall include a scheme of hard and soft landscaping, including details of the treatment of all hardsurfacing within the site and boundary treatments, using indigenous species which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of development and a programme for the approved schemes implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The development shall be carried out in accordance with the approved scheme of hard and soft landscaping and boundary treatments;

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development.

- (4) All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling 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.

- (5) No development shall take place until such time as a tree protection plan/arboricultural method statement in accordance with BS5837:2012 detailing how the trees along the south-western boundary of the site are to be protected during the course of the works and how any excavation, construction and surfacing works are to be carried out and any underground service runs to and from and within the site accommodated without causing damage to the root systems of any of the trees, has been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be put in place prior to the commencement of any works and the works shall be carried out in accordance with the details approved;

Reason: The existing trees make a significant contribution to the character and visual amenities of the locality and warrant adequate protection during development to prevent damage and ensure their long-term retention and good health.

- (6) The details of the reserved matters submitted pursuant to Condition 1 of this grant of outline planning permission shall include details of off road parking for the new dwelling hereby permitted together with details of vehicle manoeuvring space to and from the parking spaces. The approved parking spaces for both the existing and new dwellings together with the associated vehicle manoeuvring space shall be provided in accordance with the details approved and be available for use before the first occupation of the new dwelling hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

- (7) No development falling within Schedule 2, Part 1, Class A, B and F and Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order, with or without modification) or not, shall be carried out to or within the curtilage of the new dwelling with garage hereby permitted without the prior written consent of the Local Planning Authority;

Reason: To ensure the character and appearance of the site are maintained and in the interests of the amenities of the neighbouring occupiers.

- (8) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube

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

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

- (9) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

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

- (10) The development shall not commence above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the dwelling and garage hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

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

- (11) Prior to commencement of works, the reptile precautionary measures, detailed in section 4.4 the Preliminary Ecological Appraisal (KB Ecology Ltd July 2018), should be undertaken with the measures permanently retained. The site plans will be updated to reflect these precautionary measures.

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

- (12) Prior to the completion of the development, a 'sensitive lighting plan' has been submitted to, and approved in writing by, the Local Planning Authority. The plan will include:

- a) Identifying the areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along foraging and commuting routes;
- b) How and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat behaviour.

All external lighting shall be installed in accordance with the specifications and locations set out in the plan and maintained thereafter in accordance with the plan.

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

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

Site Location Plan, Site Plan, and indicative dwelling elevations – Drawing Number: 01

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

- (14) The existing buildings edged in red on the submitted site plan (drawing no.

0.1) shall be demolished and the resulting materials and debris removed from the site to the satisfaction of the local planning authority within 3 month(s) of the first occupation of the building hereby permitted;

Reason: To prevent an overdevelopment of the site and to safeguard the character and appearance of the surrounding area.

INFORMATIVES

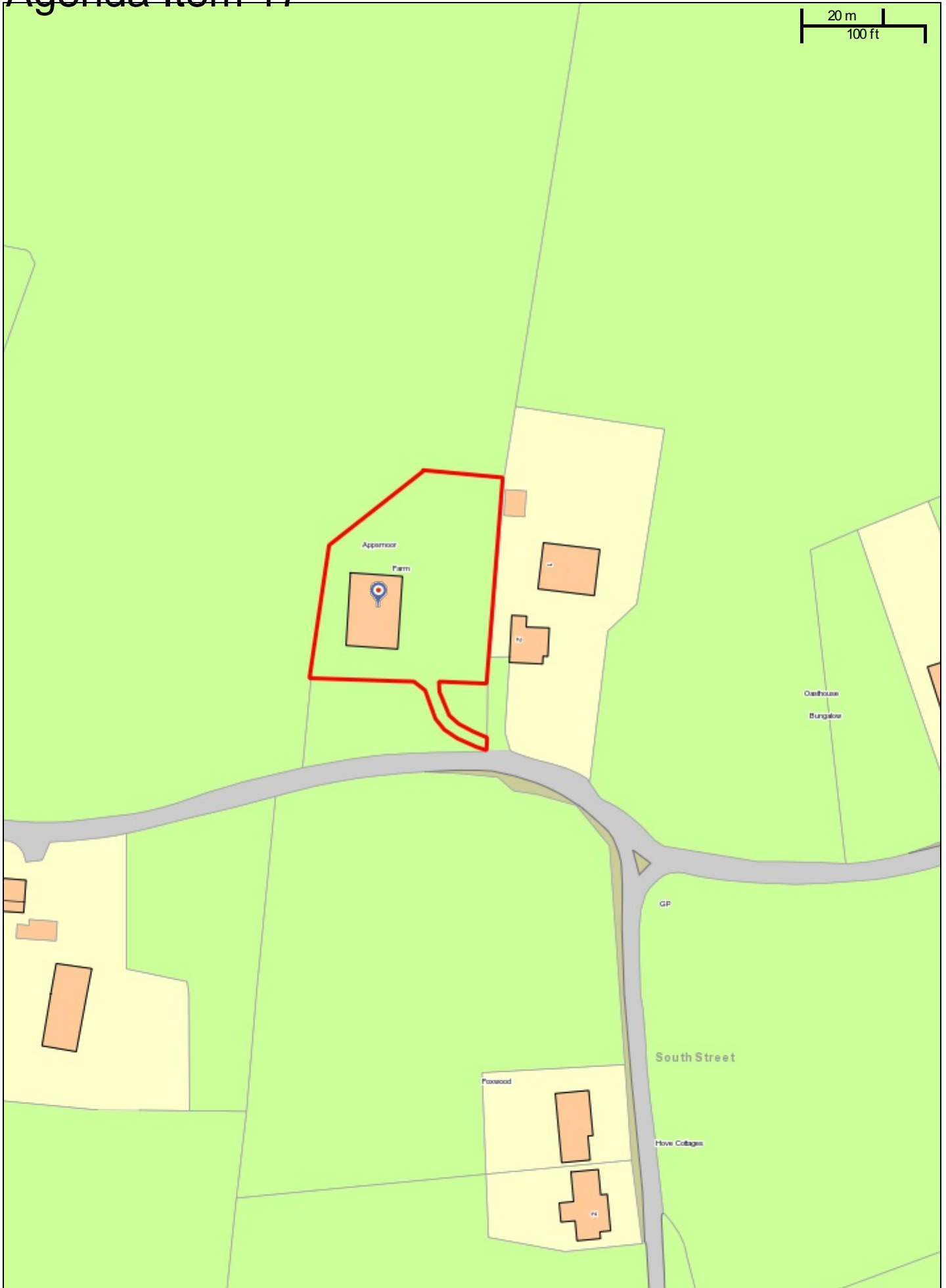
- 1) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and open structures are present on the application site and are to be assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown nesting birds are not present.
- 2) 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.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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.

Case Officer: Adam Reynolds

Agenda Item 17



18/504716/FULL - Appsmoor Farm, South Street Road, Stockbury, Kent

Scale: 1:1250

Printed on: 30/10/2018 at 10:16 AM by JoannaW

REFERENCE NO - 18/504716/FULL		
APPLICATION PROPOSAL Retention of existing log cabin and its use as a annexe in connection with the residential use of dwelling permitted under planning permission ref: 15/502939/FULL		
ADDRESS Appsmoor Farm South Street Road Stockbury Sittingbourne Kent ME9 7QS		
RECOMMENDATION Approval		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal complies with the policies of the development plan and there are no material reasons to consider a refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of Stockbury Parish Council.		
WARD North Downs	PARISH/TOWN COUNCIL Stockbury	APPLICANT Mr T Tobutt AGENT Woodstock Associates
TARGET DECISION DATE 05/11/18	PUBLICITY EXPIRY DATE 17/10/18	

Relevant Planning History

16/507644/FULL Variation of condition 8 of 15/502939/FULL (Replacement dwelling (approved under planning permission MA/14/0417) and proposed swimming pool) - to allow for a revised design of the garage Approved 29.06.2017

15/502939/FULL Replacement dwelling (approved under planning permission MA/14/0417) and proposed swimming pool Approved 19.06.2015

15/507808/SUB Submission of Details pursuant to Condition 2 - Materials, Condition 3 - Landscaping, Condition 5 - Hard Surfacing and Condition 7 - Foul Water Disposal of 15/502939/FULL Approved 19.05.2017

15/502896/FULL Proposed 1 year temporary permission for log cabin for residential use during construction of new dwelling (15/502939/FULL) (Retrospective) Approved 07.11.2016

14/0417 Erection of a replacement dwelling (Amended design following previous withdrawn application MA/13/0354) Approved 09.05.2014

13/0354 Removal of existing dwelling and existing agricultural barn and erection of a dwelling with basement (Amended design from previous approval MA/11/1908). Withdrawn Decision Date: 21.02.2014

12/0081 Demolition of existing three bedroomed detached house and derelict outbuildings and erection of replacement four bedroom dwelling with re-located driveway Approved 19.03.2012

11/1908 Removal of existing dwelling and existing agricultural barn; and erection of a single storey dwelling with basement Approved 01.02.2012

09/0848 Proposal for a replacement dwelling, the demolition and removal of existing farm building and a tidy up of the site Refused 11.09.2009

08/0064 Erection of a replacement dwelling with double garage – Refused 15.05.2008

06/0426 - An application for a certificate of lawfulness for an existing development being the occupation of a yacht and lorry body with peripheral ground as a single residential unit Approved 03.05.2006

05/0592 A certificate of lawfulness for an existing development being the occupation and use of the yacht and outbuilding as a dwelling including the peripheral ground as described in application MA/05/0592 as shown on the site location plan 23/3/05 and on the letter received on 14/3/05 and the letter received on 5/5/05 and the five items of evidence submitted on the 15/4/05 Refused 17.05.2005

Appeal History:

09/0848 Proposal for a replacement dwelling, the demolition and removal of existing farm building and a tidy up of the site – Allowed on appeal 09.08.2010

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 Appsmoor Farm is situated to the northern side of South Street Road, just to the west of the junction with Chalky Road. The site is located within the open countryside and within the Kent Downs Area of Outstanding Natural Beauty (AONB). There is a vehicular access to the property at the south eastern corner of the site and this leads to the dwelling and associated detached garage located to the eastern side of the property. Along the eastern boundaries of the site there is also an outdoor swimming pool and to the west of this, behind the main dwelling, is the log cabin that is subject of this application. The eastern, southern and western boundaries of the site are characterised by established landscaping and the northern boundaries are defined by timber post and rail fencing with views across the open countryside beyond.
- 1.02 The surrounding area is characterised by sporadic residential development, the closest being Appsmoor House directly to the east.

2. PROPOSAL

- 2.01 This application seeks full planning permission to retain the log cabin on the site that was originally used as a temporary residence during the construction phase of the now completed replacement dwelling. The cabin is located 10.7m to the rear of the dwelling and 1m from the north western boundary of the site. The structure itself has a maximum width of 12m; a maximum depth of 8.1m (reducing to 6m); and has a monopitched roof with a maximum height of 3.15m. The exterior walls are finished in shiplap timber with timber doors and windows.
- 2.02 The log cabin is described as an annexe connected with the main dwelling. The submitted floorplans indicate that the accommodation provides a lounge, 2 bedrooms and a bathroom. The log cabin is connected to the main dwelling by a footpath link.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017 SP17; DM1; DM30; DM32
Supplementary Planning Documents Residential Extensions (2009)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No representations received from local residents.

5. 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)

Stockbury Parish Council

- 5.01 Stockbury Parish Council wish to raise strong objections to the proposals. Planning consent was granted on 7th November 2016 for the temporary log cabin with the following condition:

Prior to the 31.10.2017 or 4 weeks following first occupation of the new dwelling approved under 15/502939/FULL (whichever is sooner) all materials used in the construction of the log cabin hereby permitted and associated decking shall be removed from the site; within 8 weeks from the removal of the log cabin and materials the land should be restored to form part of the garden area to the new dwelling in accordance with landscaping approved as part of the application (15/502896/full) to discharge condition 3 attached to the permission for the new house under 15/502939/FULL

Reason: Retention of the log cabin for residential use on a long term or permanent basis would be contrary to Government guidance in the National Planning Policy Framework (2012) and the Council's countryside protection policies in the Maidstone Borough-Wide Local Plan 2000 and in the interests of the character and visual amenities of the open countryside location.

- 5.02 The Parish Council feels strongly that this condition should be adhered to for the reason stated by your planning officers. The applicant was required to remove the cabin by November 2017 and has clearly flouted planning law and we feel that enforcement action should be taken to ensure that it is removed from the site in line with the planning condition. Failure to do so may set a dangerous precedent within the parish. The Parish Council wishes to raise its strong objections to this application and would wish to see it refused by the Borough Council.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- The principle of the retention of the log cabin as a permanent annexe together with the impact upon the visual amenities and character of the locality;
- The impact on the amenities of neighbouring residents.

Principle of the Permanent Retention of the Log Cabin and Impact on Landscape Character

6.02 Paragraph 170 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Great weight should be given to conserving and enhancing landscape and scenic beauty in a designated AONB.

6.03 Policy SP17 of the Local Plan states that the countryside is defined as all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map. Development proposals in the countryside will not be permitted unless they accord with other policies in the Local Plan and they will not result in harm to the character and appearance of the area.

6.04 Accordingly, Policy DM32 notes that proposals to extend dwellings in the countryside will be permitted if they meet the following criteria:

- The proposal is well designed and is sympathetically related to the existing dwelling without overwhelming or destroying the original form of the existing dwelling;
- The proposal would result in a development which individually or cumulatively is visually acceptable in the countryside;
- The proposal would not create a separate dwelling or one of a scale or type of accommodation that is capable of being used as a separate dwelling; and
- Proposals for the construction of new or replacement outbuildings should be subservient in scale, location and design to the host dwelling and cumulatively with the existing dwelling remain visually acceptable in the countryside.

6.05 The log cabin was originally located on the site to provide temporary accommodation whilst the now completed dwelling was being constructed. This was approved (retrospectively) under reference 15/502896/FULL and included the following condition:

Prior to the 31.10.2017 or 4 weeks following first occupation of the new dwelling approved under 15/502939/FULL (whichever is sooner) all materials used in the construction of the log cabin hereby permitted and associated decking shall be removed from the site; within 8 weeks from the removal of the log cabin and materials the land should be restored to form part of the garden area to the new dwelling in accordance with landscaping approved as part of the application (15/502896/full) to discharge condition 3 attached to the permission for the new house under 15/502939/FULL

Reason: Retention of the log cabin for residential use on a long term or permanent basis would be contrary to Government guidance in the

National Planning Policy Framework (2012) and the Council's countryside protection policies in the Maidstone Borough-Wide Local Plan 2000 and in the interests of the character and visual amenities of the open countryside location.

- 6.06 Principally, the retention of the log cabin as a separate, independent unit of accommodation would be wholly contrary to the policies and guidelines relating to the countryside that were in place at the time the decision was issued and that stance has not changed in the currently adopted policies. The main dwelling has now been totally completed and although it is subject to a condition that withdraws permitted development rights, the reason for imposing this condition was specified as *'to safeguard the character and appearance of the development and the amenities of the prospective occupiers and adjoining properties'*. As such, the condition did not seek to prevent any further additions to this property, only to allow proposed changes to be assessed against policies.
- 6.07 It is therefore appropriate to apply the development policies relating to the countryside and AONB. Accordingly, Policy DM32 is supportive of extensions to dwellings in the countryside (including outbuildings) provided that they meet the specified criteria (as set out previously). This application seeks to use the log cabin as an annexe and not a separate unit of accommodation. Its appearance is subservient to the main dwelling and it has a direct link to the property. The log cabin cannot be accessed from the highway independently of the main house. In terms of visual impact, there are only glimpses of the log cabin from the views into the site from South Street and the eastern and western boundaries are screened by landscaping. There are wide ranging open fields to the south of the site that offer views towards Appsmoor Farm however, the main dwelling with its very modern design will be the dominant feature in those views with the subordinate log cabin in the foreground. Accordingly, it is my opinion that the visual impact of retaining the log cabin on a permanent basis will be very limited.
- 6.08 In balancing the above assessment against the concerns raised by the Parish Council I am of the opinion that the retention of the log cabin on a permanent basis as an annexe accords with the objectives of Local Plan policies for the countryside and AONB. I do however believe that it would be appropriate to include a condition that requires the log cabin to be used as an annexe only and that it cannot be used separately to the main dwelling.

6.09 Impact on Neighbouring Amenities

- 6.10 The log cabin is located some 18m from the boundary with Appsmoor House to the east and there is established landscaping between the properties. Appsmoor House itself is 30m away and in view of the proportions of the log cabin together with this separation distance, I am of the opinion that there are unlikely to be any negative impacts on the amenities of these householders. There are no other dwellings in close enough proximity to be affected by this proposal. In reaching these conclusions I am mindful that there have been no objections from any of the surrounding householders.

6.11 Other Matters

- 6.12 The Parish Council's comments raise concerns over the potential to set a dangerous precedent for the Parish if this application were to be approved and suggest that enforcement action is taken. The NPPF (paragraph 58) advises that effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

- 6.13 Further guidance on approaching breaches of planning control is set out within the NPPG wherein it is noted that a local planning authority can invite a retrospective planning application. Most importantly, it is noted that although a local planning authority may invite an application, it cannot be assumed that permission will be granted, and the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way.
- 6.14 In this instance, it was not unreasonable to invite an application given that the building was already on the site by virtue of being granted a temporary planning permission, and was in use as an annexe and not as an independent self contained dwelling. Furthermore, each planning application is assessed on its individual merits and as such, a retrospective approval in this instance would not as such set a precedent elsewhere. This submission has been assessed against the same policies and guidelines as a proposed development and has not been subject to any exceptions.

7. CONCLUSION

- 7.01 In balancing the key issues of this case against the relevant policies, together with the comments received from Stockbury Parish Council, there are no material planning reasons to consider a refusal of this case. This site has a lengthy planning history but ultimately, its present status as a detached dwelling is one which draws policy support for extensions and/or alterations (subject to specified criteria). The design and visual appearance of the log cabin itself does not detract from the appearance of Appsmoor Farm or the character of the surrounding area. It does not appear as a separate dwelling by virtue of its setting and direct link to the main house. Furthermore, it does not benefit from its own separate access. The imposition of an appropriately restrictive condition can also secure this position going forward. In addition, I have not identified any impacts upon the amenities of nearby householders.
- 7.02 In view of the above, it is my recommendation that this application be approved.

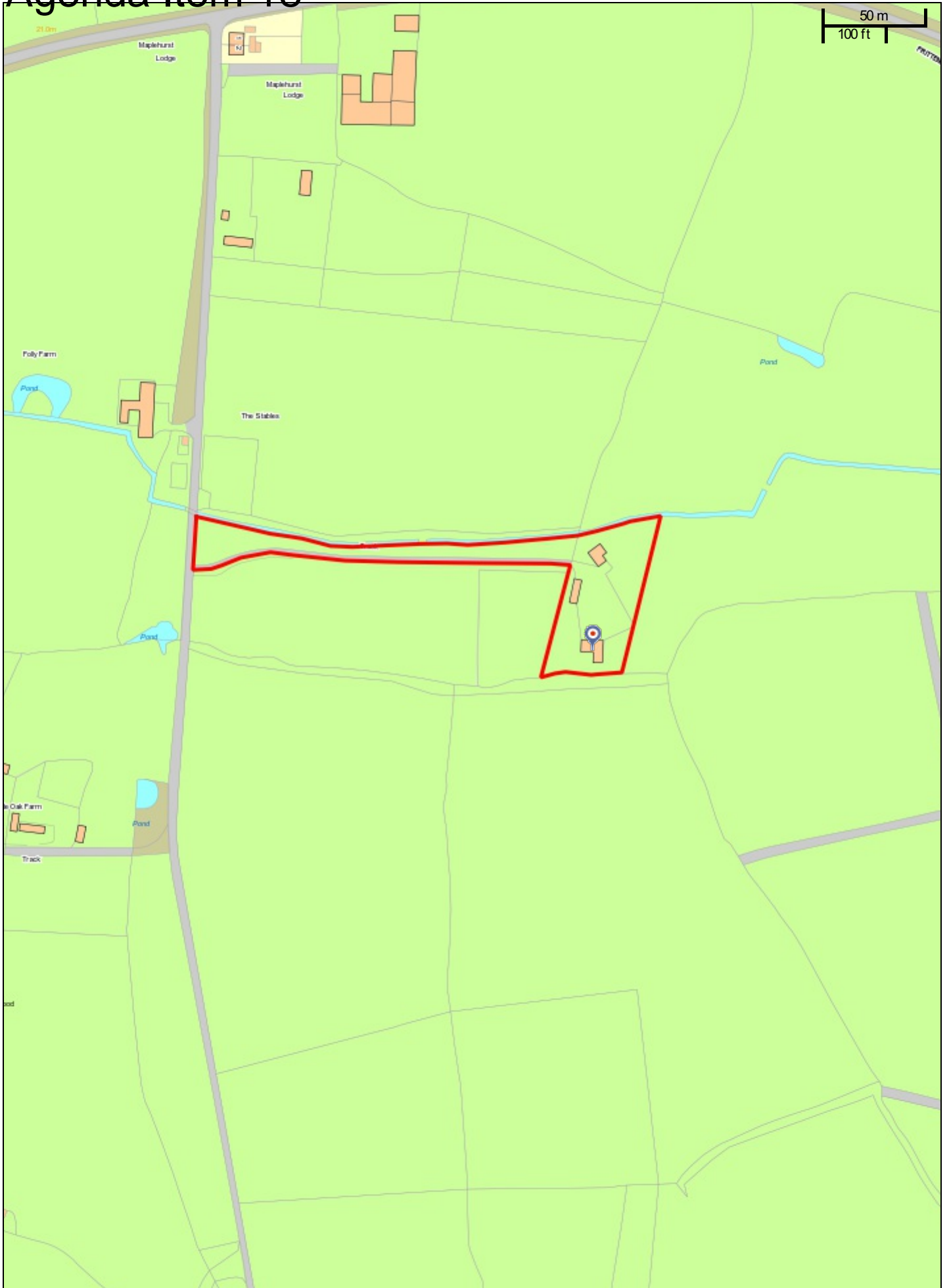
8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The ancillary accommodation to the principal dwelling, known as Appsmoor Farm, South Street Road, Stockbury, Sittingbourne, Kent, ME9 7QS, hereby permitted, shall not be sub-divided, separated or altered in any way so as to create a separate self-contained unit;

Reason: Its use as a separate unit would be contrary to the provisions of the development plan for the area within which the site is located.

Agenda Item 18



18/504157/FULL - Perfect Place, Frittenden Road, Tonbridge, Kent, TN12 0LD

Scale: 1:2500

Printed on: 30/10/2018 at 9:56 AM by JoannaW

REFERENCE NO - 18/504157/FULL			
APPLICATION PROPOSAL Erection of ancillary dayroom building.			
ADDRESS Perfect Place Frittenden Road Staplehurst Tonbridge Kent TN12 0LD			
RECOMMENDATION - APPROVE			
SUMMARY OF REASONS FOR RECOMMENDATION The development is considered to be in accordance with the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant, and a recommendation of approval is made on this basis.			
REASON FOR REFERRAL TO COMMITTEE Staplehurst Parish Council wish to see application reported to Planning Committee			
WARD Staplehurst	PARISH Staplehurst	COUNCIL	APPLICANT Mr M. Delaney AGENT Philip Brown Associates
TARGET DECISION DATE 09/11/18			PUBLICITY EXPIRY DATE 03/10/18

Relevant planning history

- *Most relevant planning history for application site:*
 - MA/13/0466 – Permanent (unrestricted) permission for retention of mobile home, touring caravan & pole barn, together with permanent permission for utility room, 2 stable blocks and sand school on existing gypsy site – Approved
- MA/09/1767 - Continued use of land for gypsy family – Approved
- MA/07/0837 - Erection of 2 stable blocks - Approved
- *Adjacent land to east (also part of 'Perfect Place'):*
 - 17/504433 - Gypsy site & keeping of horses, including stationing of 6 caravans (no more than 3 statics); 3 amenity buildings; 3 stable buildings – Refused
- There is a current Injunction Order served on 'Perfect Place' preventing further works to be carried out on site (Planning Enforcement reference: ENF/17/500529). As this planning application has been submitted, enforcement action has not been taken in respect of the dayroom works.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site relates to the western-most plot of 'Perfect Place', which benefits from permanent unrestricted permission for 1 mobile home under planning application reference MA/13/0466. The remaining land to the east relating to 'Perfect Place' is the subject of planning refusal 17/504433, and the application site is not part of this.
- 1.02 The application site is accessed from a lane leading off from Frittenden Road to the west of the site, with Park Wood Lane some 265m to the east. For the purposes of the Maidstone Local Plan, the site is within the countryside that falls within the Low Weald Landscape of Local Value; and the woodland to the south-east of the site (some 45m away) is classified as Ancient Woodland and a Local Wildlife Site.

2. PROPOSAL

- 2.01 This application is for the erection of a dayroom that measures some 12.8m x 7m in footprint (approx. 90m² in floor area). With its hipped roof it would stand some 5.2m in height, and it is sited along the western boundary of the site. Work has

commenced on the dayroom, with the structure in place albeit with the internal works unfinished.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan (2017): SS1, SP17, GT1, DM1, DM15, DM30
National Planning Policy Framework
National Planning Practice Guidance
Planning Policy for Traveller Sites (2015)
Staplehurst Neighbourhood Plan (2016-2013)

4. LOCAL REPRESENTATIONS

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

5. CONSULTATIONS

5.01 **Staplehurst Parish Council:** Wish to see application refused and reported to Planning Committee if minded to recommend approval for following (summarised) reasons;

- *Wish to see enforcement action followed up*
- *Building is not ancillary*
- *Urbanisation of rural area/cause harm the appearance and character of the area*
- *Site is not allocated for gypsy and traveller occupation in Local Plan*
- *Development contrary to policy PW2 of the Neighbourhood Plan*
- *Drainage*
- *Impact upon ancient woodland*
- *Light pollution*

5.02 **Frittenden Parish Council (neighbouring parish):** Objects for following (summarised) reasons;

- *Unauthorised development should be material for refusing application*
- *Building is substantial and not ancillary*
- *Causes harm the appearance and character of landscape/countryside*
- *Risks to contamination of water courses; ecology; and impact on ancient woodland*

5.03 **Environmental Protection Team:** Raise no objection.

5.04 **Natural England:** Has no comment to make and refers to standing advice.

6. APPRAISAL

Main issues

6.01 The development would be subject to the normal constraints of development in the countryside as designated under the Maidstone Local Plan (2017), and proposals in the countryside are not permitted unless they accord with other policies in the Local Plan and would not result in unacceptable harm to the character and appearance of the area.

6.02 In general terms, policies SS1, SP17 and DM30 of the Local Plan state that Landscapes of Local Value will be conserved and enhanced; that protection will be given to the rural character of the borough; and that new development should maintain, or where possible, enhance the local distinctiveness of an area. Policy PW2 of the Staplehurst Neighbourhood Plan seeks new development in the countryside to be assessed in terms of its visual and ecological impacts, and other material planning considerations. So whilst there is no Local Plan policy specifically relating to the scale, design and siting of dayrooms in association with gypsy and Traveller development, the principle for such buildings is acceptable subject to its assessment against all material planning considerations.

- 6.03 It is considered that the main issues are whether or not the development is considered to be ancillary to the main residence, and what impact it has upon the visual amenity of the countryside hereabouts that falls within a Landscape of Local Value. Other material planning considerations will then be assessed.

Level of proposed accommodation

- 6.04 The proposal site benefits from permanent unrestricted permission for a mobile home and it is not unreasonable for a utility building to be sited on a lawful and permanent Gypsy site. The submitted plans show the original building this development has replaced to be some 25m² in floor area; although it is also worth noting that the utility building on this site approved under MA/09/1767 measured approximately 12.9m by 3.9m at its largest (some 50m² in floor area), and standing some 2.7m in height. Whilst it is not clear what the exact dimensions of the original building was, it is still worth highlighting that this application is for a replacement building on an already developed site. Notwithstanding this, new buildings should remain ancillary to the main living space on site, and are usually only necessary to provide access to basic facilities like hot and cold water supply; washroom; kitchen/dining area; utility area; and electricity supply. This proposal is considered to be suitably designed and located, and not excessive in terms of its size to provide these basic facilities; and a suitable condition will be imposed to prevent the use of the building as self-contained living accommodation. The building is therefore considered to be ancillary accommodation necessary to serve the existing and lawful static mobile home.

Visual impact

- 6.05 It is accepted that the building is larger than the building it has replaced (albeit sited in a similar location), and in comparison it would result in the site appearing more domesticated given the scale, design and appearance of the building. However, the building is more than 175m from the access road to the west of the; it would be more than 180m from Frittenden Road to the north of the site; and some 250m from Park Wood Lane to the east. In addition and given the orientation of the building, any views of the building from Frittenden Road would be of it largely side on, further reducing its bulk. Natural and built development in the surrounding area also breaks up views of the building, and the development would see additional planting within the site to further soften and screen it from public view. So whilst there may be glimpses of the building, and in particular its roof, the separation distance from any public vantage point and the surrounding lawful context of the site results in this building not appearing visually dominant or incongruous in the area. So whilst the Low Weald Landscape of Local Value is a sensitive landscape, it is considered on balance that the development would not result in unacceptable harm to this landscape and the rural character of the countryside hereabouts.

Other matters

- 6.06 Given the intended use of the building on an existing and lawful Gypsy site, and the separation distances of it from any other property, no objections are raised in terms of residential amenity and highway safety. No objection is raised in terms of flood risk, as the site is within Flood Zone 1. Foul sewage and surface water disposal will be via a package treatment plant and soakaway respectively, and this is considered acceptable and no further details are required in this respect. Given that the development is for a replacement dayroom on a lawful Gypsy site, and given its location, the development would not have an unacceptable impact upon ecology, light pollution, and Ancient Woodland. The Environmental Protection Team also raises no objection in terms of noise, air quality and land

contamination; and no objection is also raised in terms of the site's proximity to Headcorn Aerodrome.

- 6.07 In accordance with national planning policy, the issue of intentional unauthorised development has been a material consideration in the determination of this application, however in this instance there is not considered enough justification to refuse this application on this basis. The representations made by Staplehurst and Frittenden Parish Councils have been considered in the determination of this application.

7. CONCLUSION

- 7.01 It is accepted that the development would be ancillary accommodation associated to a lawful (unrestricted) Gypsy site and on balance it is considered that the development would not result in unacceptable harm to the character and appearance of the countryside hereabouts that falls within a Landscape of Local Value. The development is therefore considered to be in accordance with the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant, and a recommendation of approval is made on this basis.

8. RECOMMENDATION

- 8.01 GRANT planning permission subject to following conditions:

- (1) Within 1 month from the date of this permission, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development.

- (2) 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 first use of the building or the completion of the development, whichever is the sooner. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory appearance to the development.

- (3) The building hereby approved shall only be used in connection with the use of the site as a gypsy and traveller site and not for any trade or business purpose and at no time shall it be occupied as separate and self-contained living accommodation;

Reason: To retain control over the use of the building in the interests of amenity.

- (4) No external lighting, whether temporary or permanent, shall be placed on the building unless details are submitted to and approved in writing by the local planning authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall

thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interest of amenity.

- (5) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan (1:2500); site layout plan; and proposed elevations and floor plan received 07/08/18;

Reason: To ensure a satisfactory appearance to the development.

Case Officer: Kathryn Altieri

Agenda Item 19

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 08th November 2018**

APPEAL DECISIONS:

- 1. 18/502580/FULL** Proposed single storey rear extension with internal alterations.

APPEAL: DISMISSED

59 Allen Street
Maidstone
Kent
ME14 5AH

(DELEGATED)

- 2. 18/502213/FULL** Retrospective construction of a detached garage to the front of the property.

APPEAL: ALLOWED

The Firs
Boxley Road
Walderslade
ME5 9JE

(COMMITTEE)

- 3. 18/500281/FULL** Erection of a double oak timber frame garage for disabled use (retrospective).

APPEAL: ALLOWED

Redruth
Broomfield Road
Kingswood
Maidstone
Kent
ME17 3NY

(DELEGATED)

- 4. 16/506320/FULL** Erection of an extension to the existing school building for educational use.

APPEAL: ALLOWED

Jubilee Free School
Gatland House

Gatland Lane
Maidstone
Kent
ME16 8PF

(COMMITTEE)