

PLANNING COMMITTEE MEETING

Date: Thursday 27 September 2018
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Adkinson, Bartlett, Boughton, English (Chairman), Harwood, Kimmance, Munford, Parfitt-Reid, 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 Items withdrawn from the Agenda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 - 4 October 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 6 September 2018 1 - 7
11. Presentation of Petitions (if any)
12. Deferred Items 8 - 9
13. 17/500357/HYBRID - Land North Of Old Ashford Road, Lenham, Kent 10 - 46

Issued on Wednesday 19 September 2018
Over/:

Continued

Alison Broom

Alison Broom, Chief Executive

14.	18/501745/REM - Land to the East of Hermitage Lane, Maidstone, Kent	47 - 66
15.	18/501928/FULL - Holman House, Station Road, Staplehurst, Kent	67 - 80
16.	17/504579/OUT - Durrants Farm, West Street, Hunton, Kent	81 - 97
17.	18/502553/FULL - Land to the South of the Gables, Marden Road, Staplehurst, Kent	98 - 128
18.	Draft Local Enforcement Plan	129 - 147
19.	Appeal Decisions	148 - 149

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.

To find out more about the work of the Committee, please visit www.maidstone.gov.uk.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 6 SEPTEMBER 2018

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

Also Present: Councillors Garten, J Sams, T Sams and Webb

123. APOLOGIES FOR ABSENCE

There were no apologies for absence.

124. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

125. NOTIFICATION OF VISITING MEMBERS

Councillor Garten indicated his wish to speak on the report of the Head of Planning and Development relating to application 18/501312 (Swanton Farm, Bicknor Road, Bicknor, Kent).

Councillors J and T Sams indicated their wish to speak on the report of the Head of Planning and Development relating to application 17/500357 (Land North of Old Ashford Road, Lenham, Kent).

Councillor Webb indicated his wish to speak on the report of the Head of Planning and Development relating to application 18/501181 (Land South of Redwall Lane, Linton, Kent) on behalf of Hunton and Linton Parish Councils which were unable to send representatives to the meeting on this occasion.

126. ITEM WITHDRAWN FROM THE AGENDA

18/501928 - CONVERSION OF EXISTING COMMERCIAL/RESIDENTIAL BUILDING TOGETHER WITH SINGLE STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSIONS WITH A TERRACE ABOVE, TO PROVIDE 7 NO. RESIDENTIAL APARTMENTS - HOLMAN HOUSE, STATION ROAD, STAPLEHURST, KENT

The Chairman sought the agreement of the Committee to the withdrawal of the report of the Head of Planning and Development relating to application 18/501928 from the agenda to enable the views of neighbours and Staplehurst Parish Council to be sought on amendments which had

been made to the application due in part to concerns raised as a result of the consultation process.

RESOLVED: That agreement be given to the withdrawal of the report of the Head of Planning and Development relating to application 18/501928 from the agenda.

127. URGENT ITEMS

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

128. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 18/500160 (3 Tonbridge Road, Maidstone, Kent), Councillor Boughton said that since he had pre-determined the application, he would leave the meeting when it was discussed

Councillor Harwood said that, with regard to the report of the Head of Planning and Development relating to application 18/500346 (Lordswood Urban Extension, Gleamingwood Drive, Lordswood, Kent), he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions on the application, and intended to speak and vote when it was considered.

129. EXEMPT ITEMS

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

130. MINUTES OF THE MEETING HELD ON 16 AUGUST 2018 ADJOURNED TO 23 AUGUST 2018

RESOLVED: That the Minutes of the meeting held on 16 August 2018 adjourned to 23 August 2018 be approved as a correct record and signed.

131. PRESENTATION OF PETITIONS

There were no petitions.

132. DEFERRED ITEM

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.

133. 17/500357 - FULL APPLICATION FOR THE ERECTION OF 48 DWELLINGS AND ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND OPEN SPACE AND OUTLINE APPLICATION FOR THE ERECTION OF 102 DWELLINGS (ACCESS, LAYOUT AND LANDSCAPING SOUGHT) - LAND NORTH OF OLD ASHFORD ROAD, LENHAM, KENT

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

Mr Newman, an objector, Councillor Walmsley of Lenham Parish Council, Mr Showler, for the applicant, and Councillors T and J Sams addressed the meeting.

RESOLVED: That consideration of this application be deferred to:

- Look at moving the children's play area to the centre of the site;
- Look at reducing the number of access points along the Old Ashford Road in order to achieve the policy criteria for a strong southern landscape boundary;
- Look at the surface water drainage scheme and attenuation and whether it will address the existing ground water issues at the site; and
- Look at whether further renewable energy measures can be provided on the outline element of the scheme.

Voting: 12 – For 0 – Against 0 – Abstentions

134. 18/501181 - PROPOSAL: S73 APPLICATION: VARIATION OF CONDITIONS 10, 16 AND 17 OF APPLICATION 16/508659/FULL (DEMOLITION OF EXISTING DWELLING AND ERECTION OF B8 WAREHOUSE BUILDING WITH ANCILLARY OFFICES, DOCK LEVELLERS, ACCESS, PARKING AND LANDSCAPING INCLUDING THE CREATION OF NEW WOODLAND AND ATTENUATION POND) TO AMEND CONDITION 10 TO REFER TO 'A MAXIMUM OF 32 ONE-WAY HGV MOVEMENTS (EQUIVALENT TO 16 HGVS ENTERING AND LEAVING THE SITE) ARE PERMITTED BETWEEN HOURS OF 2300HRS AND 0700HR'; CONDITION 16 TO REFER TO THE NOISE MITIGATION PLAN REF: 403.06466.00004.001 VERSION 5; CONDITION 17 TO REFER TO THE NOISE MITIGATION PLAN REF: 403.06466.00004.001 VERSION 5 AND A RATING LEVEL MAINTAINED NO GREATER THAN 3DB ABOVE THE EXISTING MEASURED AMBIENT NOISE LEVEL LA90, T DURING THE DAY TIME AND NIGHT TIME PERIODS - LAND SOUTH OF REDWALL LANE, LINTON, KENT

All Members stated that they had been lobbied.

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

In introducing the report, the Principal Planning Officer advised the Committee that the agent for the applicant and the intended occupant had provided data logs from the years 2016 and 2017 and the months so far during 2018 showing night-time HGVs visiting the site between the hours

of 11.00 p.m. to 7.00 a.m. It was their contention that the proposed variation of condition 10 was necessary due to the growth in the business, and that the seasonal restriction sought by Members would not meet the reasonableness or necessity tests set out in the NPPF for conditions. The Officers remained of the view that the proposed variation of condition was reasonable based on the functional needs of the business and issues beyond their control in terms of managing the HGVs that need to visit the site throughout the year.

The Principal Planning Officer advised the Committee that since the publication of the urgent update report on 4 September 2018, two more objections had been received generally repeating some points raised in the Committee report and mentioned in the urgent update report and suggesting that the applicant should provide triple glazing, low noise tarmac to roads and repair any damage caused by the vibration of HGVs on buildings that they pass by. In effect, it was argued that the social impact of the proposed variation of conditions needs to be mitigated.

Mr Allen addressed the meeting on behalf of the applicant. Councillor Webb (Visiting Member) also addressed the meeting on behalf of Hunton and Linton Parish Councils which were unable to send representatives on this occasion.

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

Voting: 7 – For 4 – Against 1 – Abstention

Councillor Parfitt-Reid requested that her dissent be recorded.

135. 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

All Members except Councillor Round stated that they had been lobbied.

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

The Principal Planning Officer advised the Committee that since the publication of the urgent update report on 4 September 2018:

- Bicknor Parish Meeting had made further representations reiterating the highway problems being experienced at the moment with HGVs at harvest time; expressing support for passing bays; and reiterating their preference for the building to be moved further away from the hamlet.
- The agent for the applicant had also provided further information (a) clarifying that the orchards to the south would be on wire supports

three metres high and that the trees would grow to a height of up to four metres to provide landscape screening to complement the existing landscape screening and (b) indicating that the applicant would be willing to consider further woodland type screening as part of the landscape condition if required.

Mr Wainman, an objector, Mr Moore, on behalf of Bicknor Parish Meeting, Mr Ogden, for the applicant, and Councillor Garten (Visiting Member) addressed the meeting.

RESOLVED: That consideration of this application be 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.

Voting: 12 – For 0 – Against 0 – Abstentions

136. 18/500346 - ERECTION OF 115 DWELLINGS TOGETHER WITH ASSOCIATED INFRASTRUCTURE, OPEN SPACE, LANDSCAPING AND ACCESS WORKS - LORDSWOOD URBAN EXTENSION, GLEAMINGWOOD DRIVE, LORDSWOOD, KENT

All Members stated that they had been lobbied.

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

The Principal Planning Officer advised the Committee that since the publication of the urgent update report on 4 September 2018:

- A letter had been received from the Woodland Trust expressing support for the Officers' recommendation that the application be refused and saying that it was now critical to ensure that the new National Planning Policy Framework with the new high bar in relation to ancient woodland is interpreted correctly; and
- Representations had been received from Helen Whately, local Member of Parliament, supporting the views of Boxley Parish Council on the application, and expressing concern that no highway congestion issues had been raised in the proposed reasons for refusal.

Councillor Davies of Boxley Parish Council and Mr Moger, for the applicant, addressed the meeting.

The Chairman advised the Committee that Councillors B and W Hinder (Ward Members) were unable to attend the meeting, but had written to

him expressing their support for the Officers' recommendation that the application be refused.

RESOLVED: That permission be refused for the reasons set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

137. 18/502732 - ERECTION OF A NEW BUILDING COMPRISING OF 4 NO. APARTMENTS WITH ASSOCIATED AMENITY SPACE AND BINS AND CYCLE STORAGE - 1 MARSHAM STREET, MAIDSTONE, KENT

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

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

Mr Walker, an objector, and Mr Hughes, for the applicant, addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, the Committee considered that the proposal would result in the overdevelopment of the site and have a harmful impact on the character and appearance of the Holy Trinity Conservation Area and the setting of the nearby listed buildings; the precise wording of the reason for refusal to be finalised by the Head of Planning and Development acting under delegated powers.

RESOLVED: That permission be refused as it is considered that the proposal will result in the overdevelopment of the site and have a harmful impact on the character and appearance of the Holy Trinity Conservation Area and the setting of the nearby listed buildings; the precise wording of the reason for refusal to be finalised by the Head of Planning and Development acting under delegated powers.

Voting: 12 – For 0 – Against 0 – Abstentions

138. 18/500160 - DEMOLITION OF EXISTING OFFICE BUILDING AND ERECTION OF 43 NO. APARTMENTS AND ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS - 3 TONBRIDGE ROAD, MAIDSTONE, KENT

Having stated that he had pre-determined this application, Councillor Boughton left the meeting when it was discussed.

All Members except Councillor Spooner stated that they had been lobbied.

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

RESOLVED: That subject to:

- (a) The expiry of the press and site notices and no issues being raised which have not already been assessed;
- (b) The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to provide for the Heads of Terms set out in the report; and
- (c) The conditions and informatives set out in the report,

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle or amend any necessary Heads of Terms of the legal agreement in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 9 – For 2 – Against 0 - Abstentions

139. 18/501928 - CONVERSION OF EXISTING COMMERCIAL/RESIDENTIAL BUILDING TOGETHER WITH SINGLE STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSIONS WITH A TERRACE ABOVE, TO PROVIDE 7 NO. RESIDENTIAL APARTMENTS - HOLMAN HOUSE, STATION ROAD, STAPLEHURST, KENT

See Minute 126 above.

140. 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.

141. DURATION OF MEETING

6.00 p.m. to 9.50 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

27 SEPTEMBER 2018

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

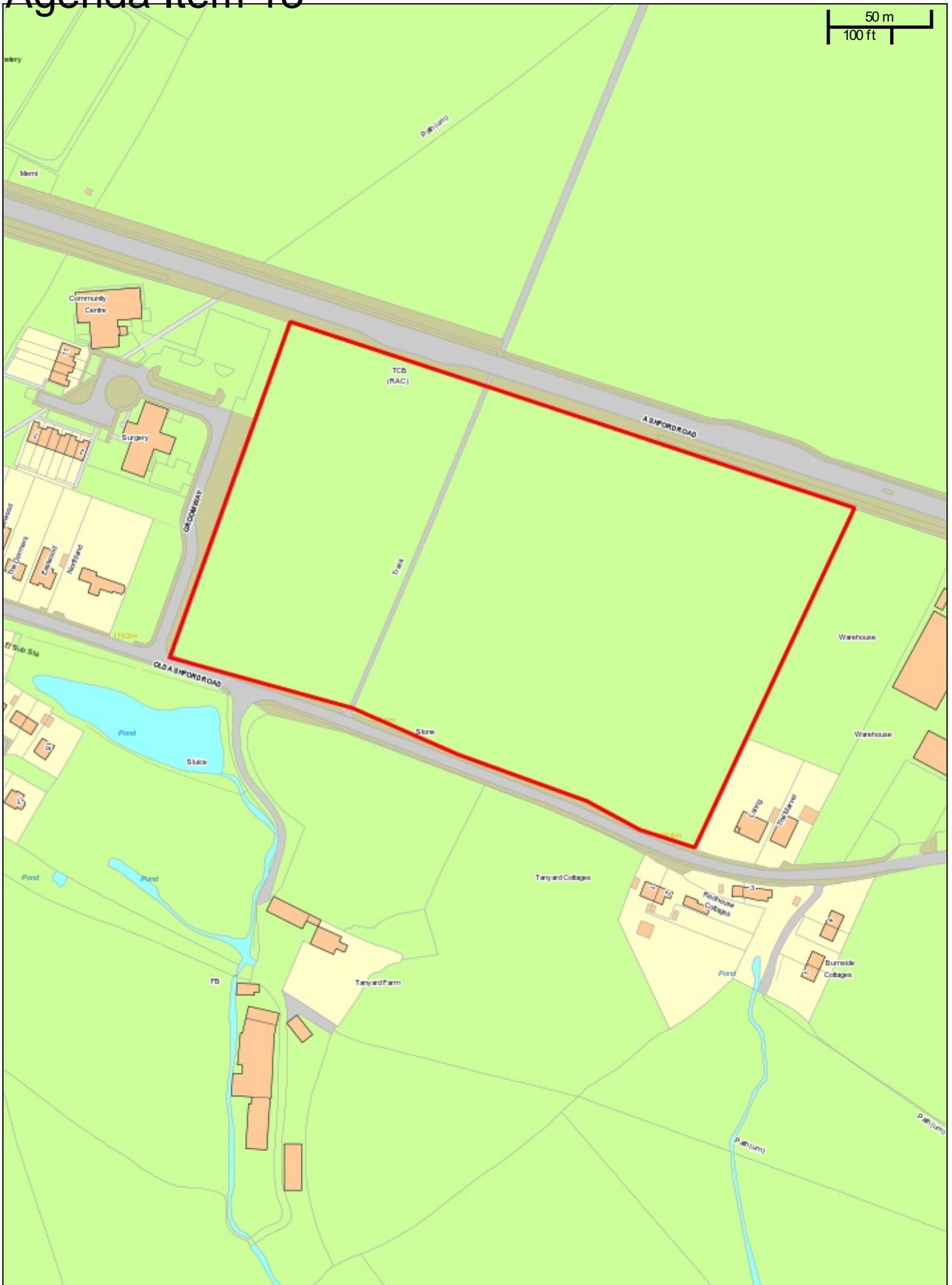
The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

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.

Agenda Item 13



17/500357/HYBRID - Land North of Old Ashford Road, Lenham, Kent

Scale: 1:2500

Printed on: 18/9/2018 at 11:26 AM by JoannaW



© Astun Technology Ltd

27 September 2018

REFERENCE NO - 17/500357/HYBRID			
APPLICATION PROPOSAL			
Full application for the erection of 48 dwellings and associated infrastructure, landscaping and open space; and outline application for the erection of 102 dwellings (access, layout and landscaping sought)			
ADDRESS Land North Of Old Ashford Road, Lenham			
SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO LEGAL AGREEMENT & CONDITIONS)			
<ul style="list-style-type: none"> • The site is allocated in the Local Plan for approximately 145 dwellings under policy H1(41). • The proposals comply with the criterion under policy H1(41), and other relevant policies within the Local Plan. • There is no unacceptable impact from 150 dwellings (being 5 more dwellings than the approximate yield). • 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			
<ol style="list-style-type: none"> 1. Lenham Parish Council raised objections and requested committee consideration for the reasons outlined in the original Committee Report. 2. Councillors J & T Sams requested the application be reported to Planning Committee for the reasons outlined in the original Committee Report. 			
WARD	PARISH COUNCIL	APPLICANT	
Harrietsham & Lenham	Lenham	Broad Oak Motor Group Limited	
		AGENT Lee Evans Planning	
DECISION DUE DATE		PUBLICITY EXPIRY DATE	
28/09/18		22/08/18	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
16/504855	EIA Screening Opinion for the erection of 155no. Dwellings with associated garages, parking, access, open space and landscaping at land north of Old Ashford Road, Lenham	EIA Not Required	08/08/16

1.0 BACKGROUND

1.1 This application was deferred at the Committee meeting on 6th September 2018 for the following reasons:

1. Look at moving the children's play area to the centre of the site;
2. Look at reducing the number of access points along the Old Ashford Road in order to achieve the policy criteria for a strong southern landscape boundary;
3. Look at the surface water drainage scheme and attenuation and whether it will address the existing ground water issues at the site; and
4. Look at whether further renewable energy measures can be provided on the outline element of the scheme.

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

2.0 DESCRIPTION OF RESPONSE/CHANGES

2.1 The applicant has responded to each deferral reason either providing changes or additional information as follows:

1. The children's play area has been relocated to the centre of the open space as requested.
2. The plans have been amended to remove two vehicular access points to the east of the main entrance so that there is only an emergency access now and pedestrian openings. The new pavement will now be run on the inside of the existing hedge for the majority of the frontage.
3. A briefing note explaining the proposed surface water drainage scheme and existing ground water issues has been provided.
4. The applicant is agreeable to PV panels on southern facing roof slopes on the outline element.

3.0 REPRESENTATIONS

3.1 Re-consultation with the Parish Council and local residents has been carried out and expires on 26th September. The Parish Council will be considering the changes at a meeting on 19th September and their representations will be reported in an urgent update report prior to the Committee Meeting for consideration. Any further representations from local residents will also be reported prior to the meeting.

3.2 **Local Residents:** 1 representation received raising the following summarised points:

- The applicant has said they will be helping to alleviate flooding issues for a neighbouring property and other measures which make us feel much more relaxed about this development.

4.0 CONSULTATIONS

4.1 **KCC Flood & Water Management (LLFA): No objections** subject to conditions (see detailed comments below).

4.2 **KCC Highways: No objections** to the amended layout.

5.0 ASSESSMENT

5.1 For Deferral Reason 1, the play area is relocated to the centre of the open space which is acceptable and does not raise any other problems.

5.2 For reason 2, the amendments to the layout have reduced the number of vehicular access points to the east of the main entrance from 3 to 1. There is now only an emergency access but some pedestrian openings have been introduced. The new pavement (which is a requirement of the site policy) is now run on the inside of the existing hedge for the majority of the frontage and the hedge will be strengthened. I consider these changes have strengthened the landscape boundary here in line with the site allocation policy.

5.3 For reason 3, the applicant has explained in more detail the methodology for the surface water drainage proposals. This includes presenting calculations for the existing surface water run-off rates and post-development run-off rates; and explaining that the proposals are designed to cater for a 1in100 year return period storm of 6hr duration with a 40% allowance for climate change (as is required). The proposed attenuation pond which would have 1,950m³ capacity above the permanent wet level, has been designed to accommodate both the detailed and outline parts of the application should the use of soakaways for the outline element not be feasible following further ground investigations. It would therefore cater for the entire development. Indeed, the proposed scheme is likely to actually reduce the run-off that currently occurs from the site.

5.4 With regards to risk of flooding from rising groundwater, it is stated that the landowner who has farmed the field for over 50 years confirms that it has not suffered from flooding during his period of ownership. However, it is outlined that once further monitoring of the groundwater levels has been carried out, there are a number of engineering solutions available that would be agreed under the planning condition with MBC and KCC. It is also stated that the

'Bourne' stream actually runs along the field next to the application site where there is a drainage ditch, which is correct.

- 5.5 KCC have been re-consulted and have explained why they are satisfied with the proposals and why they recommend conditions as follows:

When reviewing major development, the Lead Local Flood Authority is aiming to ensure that the principles of a drainage strategy or design are established at the initial planning application stage, i.e:

- how much run-off would be generated by the proposal (run-off rate and volume)*
- how the run-off will be collected, treated and temporarily stored (attenuation and water quality)*
- how the run-off will be disposed of and at what rate (to ensure downstream flood risk would not be increased)*
- how the development will be protected against flooding originating from off-site (such as from existing drainage or surface water flow paths)*

This information would normally be given in an outline form within a Flood Risk Assessment and / or Surface Water Management Strategy. It is rare for a full detailed design to be presented at the planning application stage as there will often be other matters requiring further consideration. This could include determining the development layout (for an outline application) or undertaking further ground investigations to inform the final design (for a full planning application). We would therefore secure the provision of the finalised detailed drainage scheme via a pre-commencement condition for the provision of a detailed sustainable drainage scheme.

The LLFA has undertaken several consultations regarding the surface water drainage scheme for the site as follows:

- 6th March 2017 - Objected due to insufficient information on groundwater flooding risk, considering the risk of flooding from off-site (existing drainage assets), low infiltration rates (meaning soakaways alone may not work) and revisions to climate change allowances being required.*
- 23rd August 2017 - We attended a site meeting with the applicant and their consultants to outline the information we required to address the above points and requested that a revised drainage strategy be submitted to the LPA accordingly.*
- 10th January 2018 - Recommended approval with conditions based upon the revised details submitted to address the previous points. We made some advisory comments for consideration within detailed design matters.*

- *21st August 2018 - We reviewed further information and made no further comments. The proposed layout changes would not have significant impact upon the sizing of pond.*

We note that the application was deferred at planning committee for a number of reasons, including 'to investigate the surface water drainage scheme and attenuation and whether it will address the existing groundwater issues at the site'.

We would note that the surface water drainage scheme for the site would be intended to drain impermeable areas (such as roofs and highways) only and would not be used to control or otherwise directly drain groundwater. However, a number of recommendations were made by the LLFA with the design of the surface water drainage system to ensure the risk of groundwater surfacing was not increased and existing drainage was protected:

- *No deep soakaways would be located within Phase 1 (in the lower levels of the site) to ensure that a preferential pathway for any rise in groundwater would not be created (this was the mechanism of flooding affecting the nearby Northdown Close in early 2014).*
- *New properties would have floor level raised minimum 150mm above the surrounding ground to ensure they would not be internally flooded in the event of groundwater surfacing.*
- *Groundwater monitoring should be undertaken over the winter period and further infiltration testing also be undertaken to inform the detailed design should permission be granted. This would assist with determining if any further mitigation would be required. As noted within the applicants Drainage Briefing Note (11th September 2018), there are a number of engineering solutions available (such as high level perimeter cut-off drains connecting downstream of the attenuation pond to the watercourse) that can mitigate against groundwater rising within the development.*
- *Although not mentioned in the drainage strategy, we have highlighted the existence of a drainage pipe from the ditches alongside the A20 passing through the site. We made recommendations in our site meeting for the applicant to confirm it's ownership and ensure there would be no detriment to it's capacity. This would ensure the risk of flooding from this source is not increased. There are no proposed connections into this drainage pipe and it's location within the proposed open space would mean it should not be adversely affected by construction work.*

Between the various considerations above, we are satisfied that the risk of flooding from groundwater can be mitigated if further investigations determine that these are necessary. If planning permission is granted we would urge the applicant to commence groundwater monitoring as soon as possible.

A number of other matters have also been raised by others, such as the flooding of nearby property from run-off from higher fields, the A20 and other areas. Many of these matters are likely to fall outside of the applicant's control.

We would note that a number of highway drainage surveys, repairs and improvements were undertaken by KCC following the flooding issues in early 2014. Since this time only one report of flooding of Old Ashford Road has been reported on the 29th May 2018. This was during a time of exceptionally heavy rainfall which caused widespread flooding throughout the county. There have been no further reports of groundwater flooding since the 2014 events.

- 5.6 For these reasons KCC continue to raise no objections subject to conditions and I consider this addresses the concerns raised by Members.
- 5.7 For Reason 4, the applicant is agreeable to PV panels on the southern facing roof slopes on the outline element. Officers had previously negotiated PV panels on garages/outbuildings as PV panels on roof slopes would compromise the appearance of the development where high quality materials are being used on the roofs (clay and slate roof tiles), and which would be seen in the context of the AONB. This remains the view of officers however the applicant is proposing panels on southern facing roof slopes on the outline element which is around a third of the properties (approximately 33 plots).

Other Matters

- 5.8 In the event that the legal agreement is not completed and decision notice issued before the Community Infrastructure Levy (CIL) commences on 1st October and as per the previous urgent update, the provision of off-site monies towards open space can be funded through a section 106 agreement (as opposed to CIL). This is because this is specific mitigation required to make the development acceptable in planning terms, and it is a policy requirement under DM19 to provide a financial contribution in lieu of open space, where it cannot be provided in full, on or off site. The remaining infrastructure would be funded by CIL in this case. Affordable housing would be secured under the section 106 agreement.

6.0 CONCLUSION

- 6.1 It is considered that the applicant has suitably responded to the deferral reasons raised by Planning Committee, surface and ground water drainage has been addressed, and the amended layout has strengthened the landscape boundary on the southern edge of the development in line with the site allocation policy.

7.0 RECOMMENDATION(S):

RECOMMENDATION 1:

In the event that the decision notice is issued prior to 1st October 2018, subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION**, and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Heads of Terms:

1. £3,324.00 per applicable house and £831.00 per applicable flat towards Phase 1 of Harrietsham Primary School expansion.
2. £4,635.22 towards installation of conversation and adult lip reading classes in the Village Hall.
3. £1,281.28 towards Lenham Youth service enhancement of mobile unit and equipment.
4. £21,844.10 towards Lenham Library enhanced library services including additional stock.
5. £9,597.56 towards provision of automatic doors for disabled access to Lenham Community Centre.
6. £142,560 towards reconfiguration, refurbishment/upgrade to the Len Valley Practice or towards provision of new premises.
7. £164,100 to deliver improvements to the children's play facilities, sports pitch & infrastructure at Ham Lane & William Pitt Field, or in the event that the this location is allocated for development under a Neighbourhood Plan/Local Plan, to deliver open space improvements at alternative public open space with the Parish that is provided under a Neighbourhood Plan/Local Plan.
8. 40% affordable housing (60/40 split in favour of affordable rent/shared ownership)

RECOMMENDATION 2:

In the event that the decision notice is not issued prior to 1st October 2018, subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION**, and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Heads of Terms:

1. 40% affordable housing (60/40 split in favour of affordable rent/shared ownership)
2. £164,100 to deliver improvements to the children's play facilities, sports pitch & infrastructure at Ham Lane & William Pitt Field, or in the event that this location is allocated for development under a Neighbourhood Plan/Local Plan, to deliver open space improvements at alternative public open space with the Parish that is provided under a Neighbourhood Plan/Local Plan.

Conditions:

1. The operational development within the outline element of the development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- a. Scale
- b. Appearance

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

The development hereby permitted shall be begun 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.

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

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

3. No development shall take place on the detailed and outline phases until details of the proposed slab levels of the building(s) and the existing site levels (including buildings where finished floor levels will be a minimum of 150mm above ground level) for that phase have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

4. No development shall take place on the detailed and outline phases until the applicant, or their agents or successors in title, has secured the implementation of the following for that phase:
 - (i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - (ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

5. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

6. No development including site clearance and demolition shall take place on the detailed and outline phases 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 for that phase. The AMS should detail implementation of any aspect of the development that has the potential to impacts on trees and their roots and detail any tree works necessary to implement the approved scheme and include a tree protection plan.

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

7. No development above slab level shall take place on the detailed and outline phases 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 for that phase. 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, painted timber boarding, and multi stock brickwork.

Reason: To ensure a satisfactory appearance to the development.

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

Reason: To ensure a high quality design.

9. No development above slab level shall take place on the detailed and outline phases until, written details and samples of the surface materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the local planning authority for that phase. The development shall be constructed using the approved materials. Surface materials shall avoid the use of tarmac for driveways, parking areas and pathways through the open space.

Reason: To ensure a satisfactory appearance to the development.

10. No development above slab level shall take place on the detailed and outline phases until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land to which they relate and maintained thereafter. Details shall include the use of ragstone walling and walling on boundaries exposed to public view.

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

11. No development above slab level shall take place on the detailed and outline phases until details of any external meter cupboards, vents, or flues have been submitted to and approved in writing by the Local Planning Authority for that phase. 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.

12. No development above slab level shall take place until specific details of the landscaping scheme, as shown on drawing no. 2378/16/B/4 RevA, which shall be designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall include a full planting specification, programme of implementation and a 10 year management plan. The scheme shall include the following:

- Structural landscaping along the north, east, south, and west boundaries of the site set outside of the garden/boundaries of properties and details of long-term management.
- Structural landscaping along the north boundary of the site being implemented alongside the detailed element of the development.
- Planting to provide natural/semi-natural open space within the central open space area.

Reason: In the interests of landscape and AONB protection and to ensure a satisfactory appearance to the development.

13. No development above slab level shall take place until details of the equipping and laying out of the children's play area, and the mechanism for the ongoing management and maintenance of all the public open space areas within the development 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 and its ongoing management and maintenance.

14. No development above slab level shall take place on the detailed and outline phases until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority for that phase. The submitted details shall include, inter alia, details of 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.

Reason: In the interest of residential amenity

15. No development above slab level shall take place on the detailed and outline phases 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 for that phase. 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.

16. No development above slab level shall take place until details of ecological enhancements and as outlined at paragraph 4.10 of the Preliminary Ecological Appraisal (KB Ecology) dated 29/04/15 have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to the occupation of the development and thereafter retained. Details shall include the following:

- Hedgehog nesting boxes and gaps under new fencing to allow hedgehogs access onto all garden areas.
- Bird and bat boxes.
- Bird and bat nesting features integral to buildings.
- Wildlife friendly drainage gullies.

Reason: In the interests of biodiversity protection.

17. The approved details of the access points shall be completed before the commencement of the use of the land or buildings hereby permitted and the sight lines maintained free of all obstruction to visibility above 1.0 metres thereafter;

Reason: In the interests of road safety.

18. Before the development hereby permitted is first occupied, the following highways works shall be fully implemented:

- A new footway along the entire south boundary of the site on Old Ashford Road.
- Extension of the 30mph limit on Old Ashford Road to at least the east edge of the site.

Reason: In the interests of highway safety.

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

- A description of the drainage system and its key components.
- A general arrangement plan with the location of drainage measures and critical features clearly marked.
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities.

- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

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

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

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

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

21. 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.

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

Reason: To protect vulnerable groundwater resources.

23. If any of the planting, seeding and turfing specified in the approved landscape details 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 they 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

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension of any dwellings or enlargement of any roofs shall be carried out without the permission of the local planning authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

25. The development shall be carried out in accordance with the approved Reptile Mitigation Strategy (KB Ecology) dated 02/03/18 unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of biodiversity protection.

26. The development shall be carried out in accordance with the noise mitigation measures as outlined at section 5.0 of the Noise Impact Assessment (MRL Acoustics) dated January 2016 unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of biodiversity protection.

27. The development hereby permitted shall be carried out in accordance with the Approved Drawing List received on 12/09/18.

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

28. No development above slab level shall take place on the detailed and outline phases until details of the locations of the proposed solar panels on the garages and outbuildings of both phases, and on the southern facing roof slopes for the outline phase, 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: For the purposes of clarity and to ensure an acceptable appearance to the development.

Case Officer Richard Timms

REFERENCE NO - 17/500357/HYBRID		
APPLICATION PROPOSAL		
Full application for the erection of 48 dwellings and associated infrastructure, landscaping and open space; and outline application for the erection of 102 dwellings (access, layout and landscaping sought)		
ADDRESS Land North Of Old Ashford Road, Lenham		
SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO LEGAL AGREEMENT & CONDITIONS)		
<ul style="list-style-type: none"> • The site is allocated in the Local Plan for approximately 145 dwellings under policy H1(41). • The proposals comply with the criterion under policy H1(41), and other relevant policies within the Local Plan. • There is no unacceptable impact from 150 dwellings (being 5 more dwellings than the approximate yield). • 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		
<ol style="list-style-type: none"> 1. Lenham Parish Council raises objections for the reasons outlined below and request committee consideration. 2. Councillors J & T Sams have requested the application be reported to Planning Committee for the following (summarised) reasons: <ul style="list-style-type: none"> • Over intensification and lack of open space. • Impact upon the North Downs, detrimental impact upon the view from the historic Cross and insufficient screening and protection of the view. • Inadequate provision within open space for children’s play area. • Access of development onto the Old Ashford Road which will have a detrimental effect on users in and around Lenham square. The access should be onto the A20 where proper mitigation could be achieved. • The development is incongruous and of poor design with insufficient consideration taken upon neighbouring residents and those who will eventually live there. • Inadequate detail regarding potential flooding highlighted by local residents. 		
WARD Harrietsham & Lenham	PARISH COUNCIL Lenham	APPLICANT Broad Oak Motor Group Limited AGENT Lee Evans Planning
DECISION DUE DATE		PUBLICITY EXPIRY DATE

28/09/18		22/08/18	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
16/504855	EIA Screening Opinion for the erection of 155no. Dwellings with associated garages, parking, access, open space and landscaping at land north of Old Ashford Road, Lenham	EIA Not Required	08/08/16

1.0 DESCRIPTION OF SITE

1.01 The site is on the east side of Lenham and is a rectangular parcel of open arable land between the A20 to the north, and Old Ashford Road to the south, with an area of some 5.2ha. To the west are houses, a surgery and community centre, and to the east are two houses and commercial buildings beyond. Public right of way (PROW) KH433, which is a restricted byway, runs through the centre of the site from south to north. The AONB is immediately north of the A20 and rises steeply northwards towards the World War One Memorial Cross which was recently made a Grade II listed building. The site also includes land on the south side of Old Ashford Road where an attenuation pond for surface water drainage is proposed, and Tanyard Farm a Grade II listed house is just to the south of this land. The site is allocated in the Local Plan under policy H1(41) for approximately 145 houses subject to a number of criterion.

2.0 PROPOSAL

2.01 The application seeks permission for 150 houses in two parts:

1. Firstly, detailed permission is sought for the erection of 48 houses within the southwest corner of the site and fronting Old Ashford Road. This would include an area of open space within the centre of site along the line of the PROW, and the main access from Old Ashford Road.
2. Secondly, outline permission is sought for the remainder of the site for the erection of 102 houses which would use the same access off Old Ashford Road. The layout and landscaping for this part is being considered at this stage but the appearance and height of the houses are not.

2.02 This basically means that the layout and landscaping for the whole site is being considered now but design and appearance is only being assessed for the 48 houses. The design and appearance of the remaining 102 houses would be assessed at a later date under reserved matters.

2.03 The detailed element has mainly detached two storey houses fronting Old Ashford Road with a number of access points. Within the southwest corner would be mainly terrace properties and apartments blocks. Dwellings would include 2, 3, and 4 bed properties with 40% affordable housing. A small children's play area is proposed towards the north end of the site. The

outline element features a mix but with mainly terrace properties and some detached houses. It is anticipated that this will provide a mix of 1, 2, 3, and 4 bed properties and 40% affordable housing would be provided. The layout and design will be discussed in more detail in the assessment below.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP8, SP18, SP19, SP20, SP23, H1, ID1, H1(41), DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM20, 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)
- Kent Downs AONB Management Plan (2014-2019)
- Draft Lenham Neighbourhood Plan

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 34 representations received raising the following (summarised) points:

- Harm to the landscape and AONB.
- Design is not in keeping.
- Loss of view of the cross.
- Access should be onto the A20.
- Impact on local infrastructure.
- Traffic impact.
- Highway safety.
- Lack of parking.
- No play area.
- Flood risk from surface and groundwater.
- Drainage problems due to springs.
- Loss of farmland.
- Foul drainage inadequate.
- Impact on wildlife.
- Too many houses.

4.02 **Lenham Neighbourhood Plan Group:** Raise the following (summarised) points:

- Lack of clear vista to cross.
- Lack of landscaping along south boundary.
- Question amount of open space and off-site contribution and whether off-site open space should/can be provided.
- More houses than policy suggests.
- Parking should be provided for the community centre.
- Drainage problems.
- Access should be off A20.

4.03 **CPRE Kent:** Raise the following (summarised) points:

- Lack of landscaping.
- Loss of views to the cross.
- Risk of Groundwater pollution
- Soakaways contravene Building Regulations and interfere with the PROW
- Lighting impact on bats
- Lack of children's and young people's play space.

4.04 **Kent Downs AONB Unit:** Raises the following (summarised) issues:

- Highly visible from the AONB.
- Detracts from views towards the AONB.
- Welcome the incorporation of mature 4 to 6 metre high trees along the site's frontage with the A20, substantial tree planting throughout the site, including a wide band running on an east to west axis through the centre of the site.
- Structural landscaping must be secured throughout the entire site, not just the area subject to the full application and provided in areas outside of private ownership.
- Height should be restricted to two stories.
- Structural planting along the site's frontage with the A20 should be secured in advance of development taking place.
- Lighting to be carefully controlled across the site.

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 **Lenham Parish Council:** Raises objections and wish the application to be heard at Planning Committee for the following (summarised) reasons:

- The calculation for the open space requirement assumes that the adjacent Lenham Community Centre and car park is available as Amenity Green Space which it quite clearly is not.
- The shortfall of on-site open space should be provided within Lenham either within the site or offsite. Any offsite provision should be within distance as required by the Accessibility Standards set out in MBLP Policy DM19 (iii).
- MBLP Policy H1 (41) states that the site has the capacity to provide approximately 145 dwellings. The Parish Council believes there should be a reduction in the number of units on the site to allow for the provision of substantial areas of internal landscaping as required by MBLP Policy H1 (41) (4). The amount and type of open space currently proposed within the layout is not adequate to meet the requirements of MBLP Policy H4 (41).

- There should be a reduction in size of some of the units and some units should be pulled back from the Old Ashford Road frontage to allow for substantially enhanced new planting along the frontage as required by MBLP Policy H1 (41) (1).
- Additional planting should be provided along the frontage to the A20 Ashford Road by reducing the size of the private gardens and garage courts.
- The scheme should follow the principles for the protection of the AONB established by the Inspector in the Jones Homes appeal decision to the west of Ham Lane and south of the A20 (14/502/973/FULL, dated 29th April 2016 Condition 5).
- A destination play area for children and young people should be provided which could be realised by reducing the number of dwellings currently proposed and/or reducing the size of some dwellings.
- A larger number of smaller dwellings within the scheme would comply with the Parish Council's perception of local need within the village which is for more smaller starter homes rather than the greater number of large executive detached homes currently included.
- The current scheme is a gross overdevelopment of the site, which clearly fails to meet even the basic requirements for environmental protection of the AONB established by the Inspector at the Local Plan Examination. That requirement is reflected in established development plan policies MBLP Policies H1 (41) and DM19 which both apply to this site.
- In respect of the surface water drainage provision no attempt has yet been made to mitigate the flooding caused by the Bourne stream which when active runs down the Eastern boundary of the site. Until such times as plans agreed by KCC flooding are presented this application should not be approved.

5.02 **Natural England: No objections** and advise that national guidance is taken into account and impact upon the AONB is carefully considered.

5.03 **Environment Agency: No objections.**

5.04 **KCC Highways: No objections** subject to conditions (which pass the relevant tests) to cover extension of the 30mph limit on Old Ashford Road and provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

5.05 **KCC PROW: No objections**

5.06 **KCC Lead Local Flood Authority: No objections** subject to conditions requiring detailed drainage calculations; securing off-site storage;

maintenance and verification of the drainage; and preventing groundwater pollution.

5.07 **KCC Ecology: No objections** subject to conditions securing the reptile mitigation measures and enhancements.

5.08 **KCC Economic Development:** Request the following contributions to mitigate the impact of the development:

- £3324.00 per applicable house and £831.00 per applicable flat towards phase 1 of Harrietsham Primary School expansion.
- £4635.22 towards installation of conversation and adult lip reading classes in the Village Hall.
- £1281.28 towards Lenham Youth service enhancement of mobile unit and equipment.
- £21,844.10 towards Lenham Library enhanced library services including additional stock.
- £9597.56 towards provision of automatic doors for disabled access to Lenham Community Centre.

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

5.10 **NHS:** Seek £142,560 towards reconfiguration, refurbishment/upgrade to the Len Valley Practice or towards provision of new premises.

5.11 **MBC Parks:** Seek £164,100 to deliver improvements to the children's play facilities, sports pitch & infrastructure at Ham Lane & William Pitt Field.

5.12 **MBC Landscape:** Raise some concerns re. proximity of parking bays to trees in the northwest corner and plot 16 near the northern boundary in terms of future pressure.

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

5.14 **Southern Water:** Advise that there is not sufficient capacity in the local network at present.

5.15 **Kent Police:** Recommend measures to minimise crime are incorporated.

5.16 **UK Power Networks:** No objections.

6.0 APPRAISAL

6.01 The principle of housing development at the site is acceptable it being allocated in the Local Plan for housing under policy H1(41). The key issues are therefore whether the proposals comply with the site policy criterion

and any other relevant policies within the Local Plan. Whilst the application seeks 5 more dwellings than referred to under policy H1(41), this is an approximate and paragraph 4.189 of the Local Plan states that the dwelling yields for each site are an estimate and the actual number could be higher or lower following detailed consideration of an application. I will therefore assess the proposals with reference to matters under the site policy and any other relevant considerations. Neighbourhood Plan's are a material consideration but as Lenham's is at a very early stage (public consultation to be carried out September 2018), it does not attract sufficient weight to have any bearing on the assessment of this application.

Design & Layout

- 6.02 As outlined above, the layout and landscaping for the whole site is being considered now but design and appearance is only being assessed for the 48 houses in the southwest corner and fronting Old Ashford Road. The layout is shaped around the access from Old Ashford Road and the large central open space which affords views to the memorial cross. The entrance road runs north and then splits to the west and east. On the western part of the site are detached houses that front Old Ashford Road and courtyard development behind with terrace apartment blocks. The eastern part has two perimeter blocks which address streets, and houses fronting the roads on the north and east boundaries of the site. Buildings face Old Ashford Road and address the access into the site and the central open space area which is appropriate. The proposed building line along Old Ashford Road generally lines up with buildings either side of the site. Good connectivity is provided to the community centre via a pedestrian link to the west and there are good links within the development itself.
- 6.03 In terms of the site policy requirements, the proposals retain and substantially enhance the existing hedging and trees along both the north and south boundaries. This is through a 5m wide landscape buffer along the majority of the northern boundary, apart from some small sections where there are parking areas. This would include a native hedgerow 4 rows wide and mix of native trees. This would add to the existing hedging and trees and fill the gaps and provide for a substantial buffer. The Parish Council consider this buffer should be larger and cite the appeal decision at Ham Lane where the Inspector required a 15m buffer. Firstly, I do not consider a 15m buffer is necessary in this case because there are existing trees and hedging over much of the north boundary (unlike Ham Lane) which would be added to. Where there is a gap new planting is proposed and there are also trees on the opposite side of the A20 (albeit they are not under the applicant's control). Secondly, Ham Lane was not a site allocated in the Local Plan and it is considered that the proposed landscaping will accord with the site policy.
- 6.04 For the south boundary much of this is open at present and the proposals are to retain the hedging where it exists and introduce a new native hedge row and trees. The number of access points along Old Ashford Road has been reduced from the original 8 to 5 and some detached garages have been removed to ensure a stronger landscape boundary here. I consider

both areas of landscaping must be outside of private gardens to ensure it is maintained as structural landscaping and a condition can ensure this. I also consider this structural landscaping should all be provided early on under phase 1 of the development, which can be secured by condition. This landscaping will serve to soften and in time to a degree screen the development and complies with criterion 1.

- 6.05 The restricted byway would be retained through the site with ample space either side to ensure there would be no safety issues with users and the new development (criterion 2). The layout has been designed to provide a pronounced vista which affords clear views to the memorial cross to the north in line with criterion 3. The proposals have been amended since submission to move some buildings further west and the applicant has provided plans to demonstrate a clear view which opens up as one travels northwards. This view is ensured through the provision of a substantial area of open space in the centre of the development (0.55ha), which exceeds the amount specified under criterion 10 of the policy (0.34ha). Whilst there is a road running through the centre (which is necessary to provide access), being low level it would not detract from the view. The agent has confirmed that a children's play area is proposed at the north end of the open space but this would be a Local Area of Play (LAP) which is for younger children and so would have smaller play features rather than large equipment. As such, it would not intrude greatly on the vista. The central open space would therefore provide a distinct and positive feature of this development with views of the Grade II listed cross. Criterion 3 refers to open drainage channels or swales in this open space, however, the applicant is proposing alternative SUDs measures which will be discussed below.
- 6.06 With regard to criterion 4 and 5, the proposals have been designed taking into account the submitted Landscape and Visual Impact Assessment (LVIA) with significant landscaping on the northern boundary, and internal landscaping through a green corridor of trees that would run along the main road that runs from west to east through the site. Trees would also be provided along other internal roads and many trees are proposed within gardens. This will in time screen and soften the development and ensure an acceptable impact from and towards the AONB. The Local Plan Inspector in his Interim Findings acknowledged that the site would be visible from the AONB, just as the adjacent industrial estate is already visible but that there is scope for mitigation in the design and landscaping of the development to soften the edge of the built development. This would be achieved through the proposed landscaping so that the impact upon the AONB is limited to an acceptable level. He also outlined that the site is sufficiently distant from the Pilgrims Way and set at a lower level such that its impact on the wider available views would be limited.
- 6.07 Houses and gardens would be laid out to ensure sufficient privacy and outlook. With regard to the amenity of existing properties, new houses would be sufficient distances from houses in the southeast corner and to the west to ensure there is no unacceptable impact upon privacy or outlook. In terms of road noise from the A20, the acoustic assessment identifies measures including glazing specifications, alternative ventilation

systems and an acoustic barrier to garden areas (1.8m close boarded fence). These can be secured by condition to ensure appropriate amenity.

- 6.08 In terms of parking, this is generally in accordance with the Council's parking standards with 1 space for 1/2 bed flats, 1.5 spaces for 2 bed houses, and 2 spaces for 3/4 bed houses, all independently accessible. KCC raise no objections in terms of parking.
- 6.09 Overall, the layout is considered to be of a high quality providing a distinct character through the large central open space and vista of the memorial cross, and with substantial landscaping on the boundaries and within the site. The proposals create a high quality and attractive layout providing active frontages and focal buildings and complying with the requirements of policy H1(41) and policy DM1 of the Local Plan. The structural landscaping, which accords with the site policy, would serve to limit as far as possible the impact of the allocated housing site upon the setting of, and views towards the AONB.

Appearance & Scale

- 6.10 The site policy requires a high standard of design incorporating the use of vernacular materials and policy DM1 seeks high quality design and positive responses to local character. The applicant has proposed a traditional appearance with detached, semi-detached, and terrace houses, all of two storeys, and two storey apartment blocks.
- 6.11 The buildings have a mix of roof styles mainly with gables, but also some hipped roofs and catslide roofs on buildings picking up on vernacular styles. Garages when not integral have been designed to appear as Kentish out buildings using brickwork or timber boarded walls. Materials will include tile hanging, painted timber boarding, multi stock brickwork, and timber windows. A variety of plain tile, slate and leaded flat roofs will be used. Ragstone would be used on some of the walling that fronts the central open space area. Detailing is provided on houses including decorative plinth courses, detailing above door and window openings, bay windows, and chimneys.
- 6.12 Overall, I consider the appearance and scale of the buildings to be to a high standard in accordance policy DM1 of the Local Plan and high quality materials can be secured by condition.

Surfacing & Boundary Treatments

- 6.13 Surfacing includes a variety of materials with the main roads being tarmac but driveways and parking courtyards will be block paving or similar. Pathways within the open space would be gravel or a similar material that is rural in character which can be secured by condition. Boundary treatments would include brick walls on exposed boundaries with ragstone panels in places. Close boarded fencing would be provided within gardens. Overall, I consider these details would provide a high quality appearance to the development.

Landscaping & Ecology

- 6.14 As outlined above, the landscaping scheme is robust and provides a quality structural element to the scheme and would provide an attractive environment and setting for the development. Some concerns have been raised by the landscape officer regarding the proximity of parking bays to trees in the northwest corner and plot 16 near the northern boundary in terms of future pressure. The parking bays would be below the canopies of some sycamore trees here but they are not category A trees and on balance this is not considered objectionable. Plot 16 and its garden are near to a category B hawthorn tree but the tree is to the north and so would not block sunlight or overshadow the property so on balance I consider this is an acceptable relationship.
- 6.15 With regard to ecology, the scoping survey required a reptile survey to be carried out which has been submitted. This found a low population of common lizard within the grass verge along the A20. A small loss of reptile habitat for the new footpath towards the A20 would occur and so a reptile mitigation strategy has been provided that will provide additional habitat through meadow planting in the northern section of the central open space. Prior to any ground works starting, a translocation exercise would take place. KCC Ecology raises no objections to this mitigation. Enhancements would be made in the form of hedgehog nesting boxes, gaps under any new fencing to allow hedgehogs access onto all garden areas, bird boxes, and bat roosting spaces within the new buildings.

Access & Highways Safety

- 6.16 KCC Highways have raised no objections with regards to the new access points on Old Ashford Road or the impact of traffic on the local highway network. It is proposed to provide a footway along the entire frontage on the northern side of Old Ashford Road and extend the 30mph limit in line with the site policy. I note representations have referred to highway safety and congestion but there are not grounds to oppose the application on this basis and it accords with policy DM21. I also note preference for access onto the A20 by some but the adopted policy requires access onto Old Ashford Road only.

Infrastructure & Open Space

- 6.17 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 financial contributions.

6.18 With regard to public open space, this has been questioned a number of times in terms of the application of policy DM19 and calculation of the off-site contribution. Policy DM19 seeks to deliver 5 types of open space on new housing developments and the amount will depend on the size of the development and the availability of open space within the local area. Where open space to serve the development cannot be provided in full on a site, for example due to site constraints or housing numbers, then provision should be made off-site nearby. If it can't be provided off-site then a financial contribution is appropriate.

6.19 In this case, 0.7ha of public open space which is mainly semi-natural is being provided on site including a small children's play area (LAP). Whilst the play area is not a policy requirement, as the site is near the edge of the village, I consider it is appropriate to have some play facilities on the site. This amount of open space exceeds the specific policy requirements (0.34ha) but this development would generate a need for around 3.2ha of open space. Clearly, this cannot be provided on site whilst providing for the number of dwellings and a good quality layout appropriate to the rural location. Therefore I have questioned whether there is any off-site land that could be used for open space, particularly the land to the south where an attenuation pond would be provided. The applicant does not consider useable sized areas for other types of open space could be accommodated to the south and I agree as the land potentially available would be very limited and be of an irregular shape. Therefore, an off-site contribution of J164,100 is appropriate in lieu of provision as allowed for under policy DM19. The Parks Team have considered the representations made and advise that this is the appropriate amount and correct calculation (and have discounted the adjacent Lenham Community Centre and car park as Amenity Green Space). Some representations consider that houses should be reduced to provide more open space but I do not consider the open space gained from removing 5 houses is sufficient to warrant this. Ultimately, the approach taken to open space is not unacceptable or contrary to policy.

Affordable Housing

6.20 Affordable housing would be provided at 40% which is in accordance with the Local Plan for rural greenfield sites. The tenure split would be 60% affordable rent and 40% shared ownership. Whilst policy SP20 seeks indicative targets for a split of 70/30, the applicant does not wish to increase above a 60/40 split and as this is a target, it is not considered grounds to refuse the application.

Flood Risk & Drainage

6.21 The site is not within a high flood risk area but some groundwater flooding has occurred in the past predominantly along the southern boundary of the site and within the south-eastern corner. Although there are no fluvial flood risk associated with the site, photographs have been submitted that show water along the east edge of the site and in neighbouring properties. Therefore to protect against any potential surface and groundwater

flooding, all finished floor levels would be minimum of 150mm above external ground levels and the use of soakaways in the area at risk of rising groundwater will be avoided. The east edge of the site also forms part of the landscaping scheme rather than being developed.

6.22 In terms of surface water from the development, water from the main roads and houses within the detailed part of the site would run to a proposed attenuation pond on the south side of Old Ashford Road. This pond will have an outfall control for discharge into the existing ditch/stream network. Private access and parking areas would be permeable. The houses on the outline phase would have soakaways within rear gardens. KCC (LLFA) have reviewed the details and raise no objections subject to conditions. They advise that if further testing reveals that infiltration is limited for the permeable areas and soakaways, then the attenuation pond could be used. On this basis, open drainage channels or swales in the central open space are not required.

6.23 With regard to foul drainage, Southern Water have advised that there is insufficient capacity at present. Additional off-site sewers, or improvements to existing sewers will therefore be required. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. Planning conditions should not duplicate other legislation and so I do not consider a condition is reasonable or necessary.

Heritage

6.24 The housing development is over 100m away from the Grade II listed Tanyard Farmhouse with Old Ashford Road between. The site is visible from this building and the listed building can be seen across the site from the A20. However, I do not consider the application site significantly contributes to the listed buildings significance which mainly derives from its architecture and materials as shown in the listing. As such, the development would not be harmful to its setting or significance. The attenuation pond is a low impact and 'soft' landscape feature and would not harm the setting of Tanyard Farm. The recently listed memorial cross was constructed as a testament to those who died during the First World War. It is clearly seen from places within the village and in a prominent position 'above' the parish and some of its significance derives from its size and prominence. The development would obscure some views from Old Ashford Road but it would still be visible from the PROW through the site which forms the approach to the cross. Due to the distance from the cross (0.5km), I do not consider the development would harm its setting.

Other Matters

6.25 With regards to archaeology, some field work has been carried out on the site where the detailed application is proposed and some finds associated with the Roman period were made. The east field has been investigated in the southern half with no archaeology revealed and the geophysical survey

in the northern half again showed no archaeological features. On this basis conditions are considered appropriate and this has been agreed by KCC.

6.26 Issues raised by third parties not addressed in the assessment above relate to loss of farmland. The site is allocated in the Local Plan where the loss of farmland was fully considered and this is not grounds for the LPA to object to the application.

6.27 Environmental Health has requested an Air Quality Emissions Reduction condition, however, as the development is not near to an area of poor air quality, I consider that charging points for dwellings is a proportionate response in this case in accordance with policy DM6.

6.28 With regard to the Council's Public Art Guidance, this only applies to applications submitted after 1st January 2018. With regard to the Kent Minerals Plan, the site does not fall within a minerals safeguarding area.

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(41), and other relevant policies within the Local Plan. Permission is therefore recommended subject to a legal agreement and the conditions set out below.

7.02 There is a second recommendation to seek delegated powers to grant permission without the Heads of Terms (excluding affordable housing) in the event that the legal agreement is not completed and decision notice issued before the Community Infrastructure Levy (CIL) commences on 1st October. If this occurred, then the development would have to pay CIL and monies towards primary education, health, open space, community learning, youth services, libraries, and social care cannot be collected. Affordable housing would still be secured under a legal agreement.

8.0 RECOMMENDATION(S):

RECOMMENDATION 1:

In the event that the decision notice is issued prior to 1st October 2018, subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION**, and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Heads of Terms:

1. £3,324.00 per applicable house and £831.00 per applicable flat towards Phase 1 of Harrietsham Primary School expansion.
2. £4,635.22 towards installation of conversation and adult lip reading classes in the Village Hall.
3. £1,281.28 towards Lenham Youth service enhancement of mobile unit and equipment.
4. £21,844.10 towards Lenham Library enhanced library services including additional stock.
5. £9,597.56 towards provision of automatic doors for disabled access to Lenham Community Centre.
6. £142,560 towards reconfiguration, refurbishment/upgrade to the Len Valley Practice or towards provision of new premises.
7. £164,100 to deliver improvements to the children's play facilities, sports pitch & infrastructure at Ham Lane & William Pitt Field.
8. 40% affordable housing (60/40 split in favour of affordable rent/shared ownership)

RECOMMENDATION 2:

In the event that the decision notice is not issued prior to 1st October 2018, subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION**, and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Heads of Terms:

1. 40% affordable housing (60/40 split in favour of affordable rent/shared ownership)

Conditions:

1. The operational development within the outline element of the development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - a. Scale
 - b. Appearance

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

The development hereby permitted shall be begun 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.

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

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

3. No development shall take place on the detailed and outline phases until details of the proposed slab levels of the building(s) and the existing site levels (including buildings where finished floor levels will be a minimum of 150mm above ground level) for that phase have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

4. No development shall take place on the detailed and outline phases until the applicant, or their agents or successors in title, has secured the implementation of the following for that phase:

- (i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

- (ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

5. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting

from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

6. No development including site clearance and demolition shall take place on the detailed and outline phases 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 for that phase. The AMS should detail implementation of any aspect of the development that has the potential to impacts on trees and their roots and detail any tree works necessary to implement the approved scheme and include a tree protection plan.

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

7. No development above slab level shall take place on the detailed and outline phases 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 for that phase. 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, painted timber boarding, and multi stock brickwork.

Reason: To ensure a satisfactory appearance to the development.

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

Reason: To ensure a high quality design.

9. No development above slab level shall take place on the detailed and outline phases until, written details and samples of the surface materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the local planning authority for that phase. The development shall be constructed using the approved materials. Surface materials shall avoid the use of tarmac for driveways, parking areas and pathways through the open space.

Reason: To ensure a satisfactory appearance to the development.

10. No development above slab level shall take place on the detailed and outline phases until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land to which they relate and maintained thereafter. Details shall include the use of ragstone walling and walling on boundaries exposed to public view.

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

11. No development above slab level shall take place on the detailed and outline phases until details of any external meter cupboards, vents, or flues have been submitted to and approved in writing by the Local Planning Authority for that phase. 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.

12. No development above slab level shall take place until specific details of the landscaping scheme, as shown on drawing no. 2378/16/B/4 RevA, which shall be designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall include a full planting specification, programme of implementation and a 10 year management plan. The scheme shall include the following:

- Structural landscaping along the north, east, south, and west boundaries of the site set outside of the garden/boundaries of properties and details of long-term management.
- Structural landscaping along the north boundary of the site being implemented alongside the detailed element of the development.
- Planting to provide natural/semi-natural open space within the central open space area.

Reason: In the interests of landscape and AONB protection and to ensure a satisfactory appearance to the development.

13. No development above slab level shall take place until details of the equipping and laying out of the children's play area, and the mechanism for the ongoing management and maintenance of all the public open space areas within the development 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 and its ongoing management and maintenance.

14. No development above slab level shall take place on the detailed and outline phases until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority for that phase. The submitted details shall include, inter alia, details of 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.

Reason: In the interest of residential amenity

15. No development above slab level shall take place on the detailed and outline phases 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 for that phase. 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.

16. No development above slab level shall take place until details of ecological enhancements and as outlined at paragraph 4.10 of the Preliminary Ecological Appraisal (KB Ecology) dated 29/04/15 have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to the occupation of the development and thereafter retained. Details shall include the following:

- Hedgehog nesting boxes and gaps under new fencing to allow hedgehogs access onto all garden areas.
- Bird and bat boxes.
- Bird and bat nesting features integral to buildings.
- Wildlife friendly drainage gullies.

Reason: In the interests of biodiversity protection.

17. The approved details of the access points shall be completed before the commencement of the use of the land or buildings hereby permitted and the sight lines maintained free of all obstruction to visibility above 1.0 metres thereafter;

Reason: In the interests of road safety.

18. Before the development hereby permitted is first occupied, the following highways works shall be fully implemented:

- A new footway along the entire south boundary of the site on Old Ashford Road.
- Extension of the 30mph limit on Old Ashford Road to at least the east edge of the site.

Reason: In the interests of highway safety.

19. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:
- A description of the drainage system and its key components.
 - A general arrangement plan with the location of drainage measures and critical features clearly marked.
 - An approximate timetable for the implementation of the drainage system
 - Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities.
 - Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

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

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

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

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

21. 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.

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

Reason: To protect vulnerable groundwater resources.

23. If any of the planting, seeding and turfing specified in the approved landscape details 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 they 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

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension of any dwellings or enlargement of any roofs shall be carried out without the permission of the local planning authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

25. The development shall be carried out in accordance with the approved Reptile Mitigation Strategy (KB Ecology) dated 02/03/18 unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of biodiversity protection.

26. The development shall be carried out in accordance with the noise mitigation measures as outlined at section 5.0 of the Noise Impact Assessment (MRL Acoustics) dated January 2016 unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of biodiversity protection.

27. The development hereby permitted shall be carried out in accordance with the Approved Drawing List received on 23/08/18.

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

Case Officer Richard Timms



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



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 centre.	REFUSED – ALLOWED ON APPEAL	19.10.15

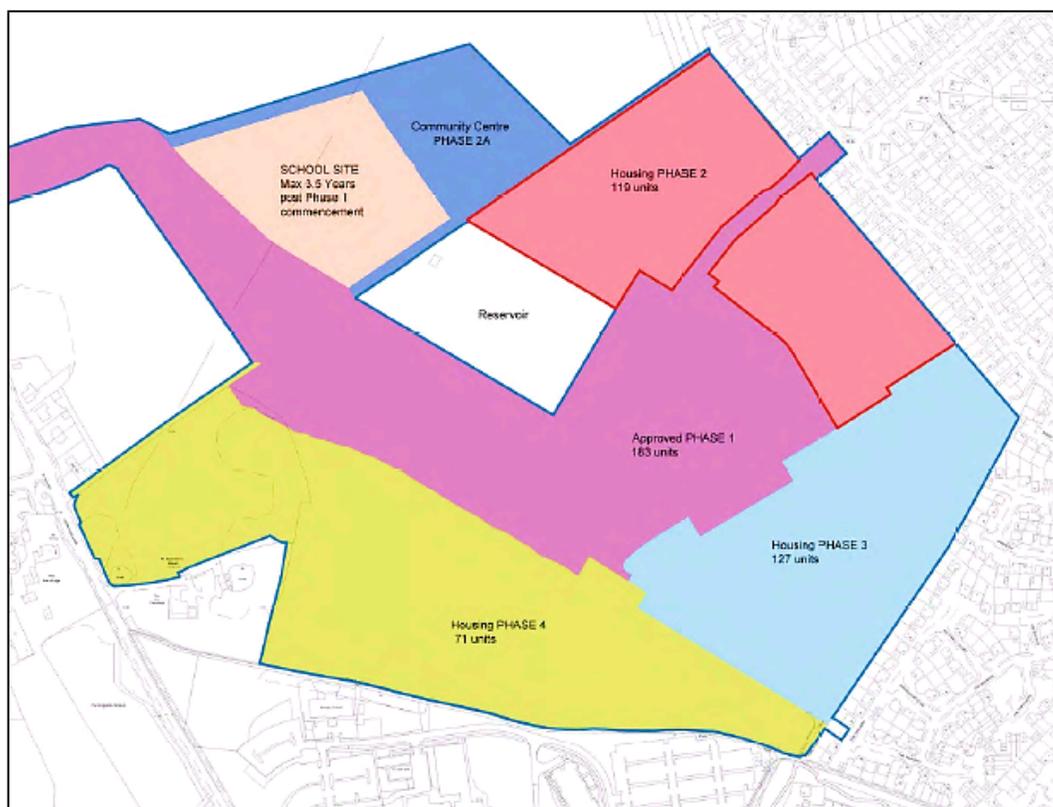
	Provision of public open space associated infrastructure and necessary demolition and earthworks. The formation of 2No. new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage and all other matters reserved for future consideration.		
16/503641	Reserved 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.

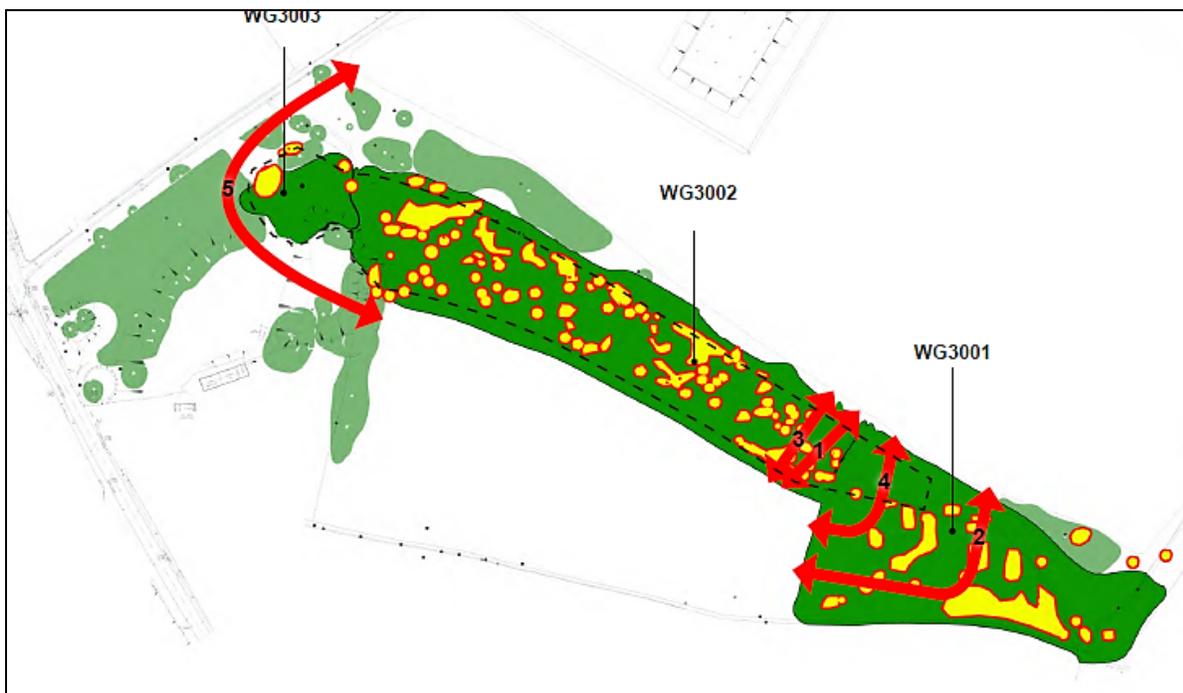
Vehicular Access Through Woodland

- 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."

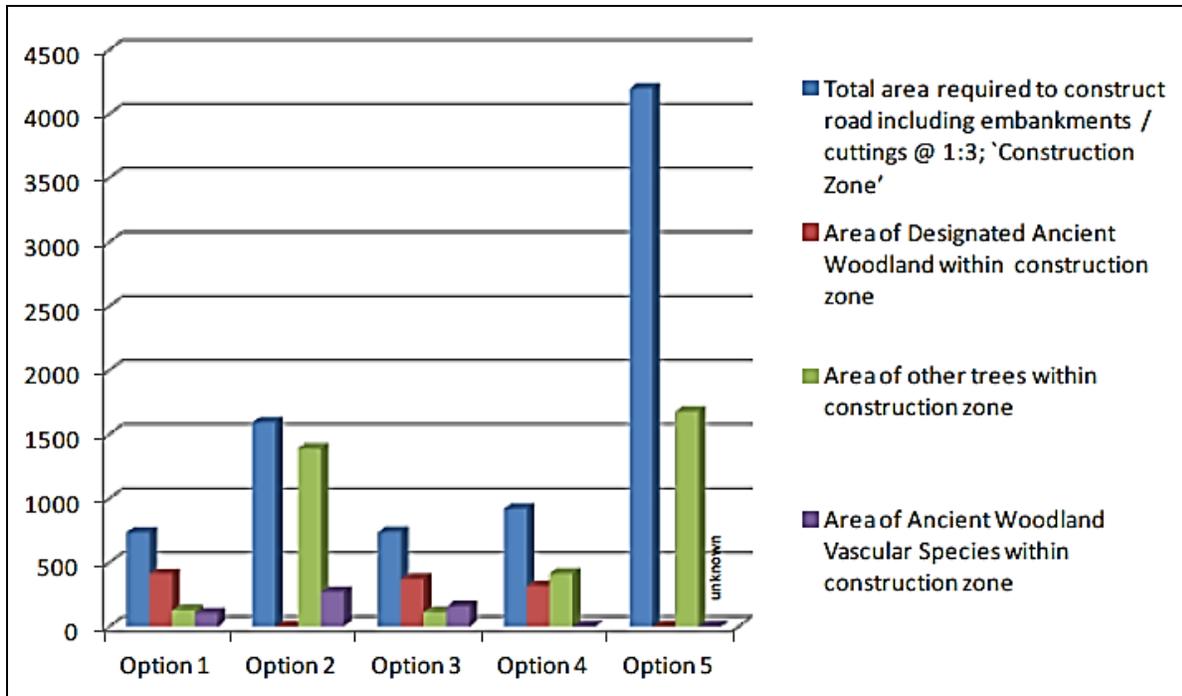
6.04 As such, the applicant has tested 5 routes through the woodland which can be seen on the plan below.



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 (350m² against 395m²) and no loss of AW indicator species but a larger loss of woodland overall (747m² against 507m²) 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 as 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



20 m
100 ft

18/501928 - Holman House

Scale: 1:1250

Printed on: 29/8/2018 at 12:08 PM by ElyyH



27 September 2018

REPORT SUMMARY

REFERENCE NO - 18/501928/FULL			
APPLICATION PROPOSAL -			
Conversion of existing commercial and residential building together with single storey side extension, single storey rear extensions with a terrace above, to provide 7no. residential apartments.			
ADDRESS - Holman House, Station Road Staplehurst TN12 0QQ			
RECOMMENDATION - GRANT PLANNING PERMISSION subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION - The proposal is acceptable in terms of design with no material harm to the character of the application property or the appearance, layout and character of the area. The proposal does not result in any material harm to the outlook or amenity of neighbouring occupiers or any highway safety concerns. It accords with relevant policies of the development plan and the NPPF and will contribute towards the provision of smaller housing units within the village of Staplehurst.			
REASON FOR REFERRAL TO COMMITTEE - Staplehurst Parish Council have requested that the application is reported to the Planning Committee if Officers are minded to recommend approval.			
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Arrant Land Ltd AGENT Blink Architecture	
DECISION DUE DATE 18/06/18	PUBLICITY DATE 12/07/18	EXPIRY DATE 27/04/17	OFFICER SITE VISIT DATE
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
17/506369	Conversion of existing commercial/residential building together with single storey side extension, single storey rear extension with storage above, changes to fenestration and addition to second	WDN	30.01.18

27 September 2018

	floor extension to provide 7 residential apartments.		
17/504258	Change of use and conversion of vacant business premises (B1) to residential (C3)	PERMITTED	7.11.17
05/0519	Erection of a rear conservatory.	PERMITTED	04.05.05
96/0704	Single storey rear extension	PERMITTED	08.07.96
97/1552	Change of use of the building from a mixed use for the purposes of retailing (A1) and residential uses to a mixed use for the purposes of office (B1) and residential uses together with the erection of a two and single storey rear extension	PERMITTED	06.02.98

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site lies on the east side of Station Road (A229) and is occupied by a large detached property set back approximately 11 metres from the road. The property is located within the defined boundaries of the Rural Service Centre of Staplehurst as designated in the adopted Maidstone Local Plan (2017).
- 1.02 The vacant building on the application site provides a six bedroom house with part of the ground floor (79.5 square metres) in office use (Use Class B1)). The property has a large rear garden part of which is covered in an expanse of hardstanding and currently used for vehicle parking in connection with the B1 use. There is a row of single storey disused garages along the eastern boundary of the site.
- 1.04 Abutting the site to the north is a row of semi-detached two storey residential properties. To the south is the premises of Staplehurst Free Church that is occupied by a large detached building set back from Station Road and from the side boundary with the application site.
- 1.05 The general streetscene is fairly uniform comprising mainly of fairly large and medium sized detached and semi-detached properties. Front boundary treatments are generally formed of low well maintained hedges interspersed

27 September 2018

by some low level brick walls. The site has a 1.8 metre close boarded fence to the north and south boundary of the site. .

- 1.06 Access to the site is gained via an existing side access from Station Road (A229). A service lane runs outside the rear boundary of the site. Ground levels within the application site are generally flat.

2.0 PROPOSAL

- 2.01 The proposal includes erection of a single storey side extension and a single storey rear extension with terrace above.

- 2.02 A single-storey side extension is proposed to the south facing flank of the application building to replace the existing small extension on that elevation. It would extend 9 metre across the south facing elevation and would have a width of 2.7 metres and set back by 0.2 metres from the front elevation. The height of this extension would be just under 4 metres from the ground level to the highest part of the mono-pitched roof which would be set down from the side of the building.

- 2.03 The application proposes to replace the existing single storey rear extension and conservatory with a slightly larger rear extension. This element is split in two parts, with the smaller flat roofed extension being of a similar scale to the existing rear projection. It would extend 4.5 metres from the rear elevation of the building and 6 metres across the width of the building. The terrace area provided above this rear projection has been removed in the amended scheme.

- 2.04 The larger rear single storey extension would have a width extending approximately 7 metres across the rear elevation with depths of 12.8 metres. It would have a height of 4.8 metres above ground level with eaves at 2.5 metres. This element would be covered in pitched tiled roof.

- 2.05 The ground floor would accommodate 2no. two bedroom apartments and 2no. one bedroom apartments. The two bedroom apartments would occupy a combined floor area of 145 square metres and would each have living room/kitchen and shower room. The one bedroom ground floor apartments would occupy a floor area of 105 square metres, with each accommodating a kitchen/living area and bathroom.

- 2.06 There would be three one bedroom apartments at first floor level each accommodating a living area/kitchen, bathroom, and bedroom with integral wardrobes.

- 2.07 The development would utilise the existing access which leads eastwards from Station Road (A229) to the rear part of the site. The plans indicates the

27 September 2018

provision of 9 car parking spaces and 7 cycle parking spaces for the development, with a grass create turning area provided for service vehicles to the front of the site.

- 2.08 The submission indicates removal of the existing chimney stack. The existing north facing first floor windows openings are to be glazed in obscure glass and the lower sash fixed shut. An acoustic panel fence with bamboo planted in front would be provided along the northern boundary to reduce the impact on the neighbouring property to the north of the site.
- 2.09 The proposal is a resubmission of planning application with reference number 17/506369/FULL which is for conversion of the existing commercial/residential building into 7 residential apartments which was withdrawn by the applicant. The previous application was withdrawn on the Council's advice to enable the applicant addressed design and amenity concerns. There has been further amendments to the current scheme is considered to overcome the Council's previous objections as discussed in more detail in the appraisal section of the report.

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 The National Planning Policy Framework (NPPF): Para 124, 128 and 130 of the NPPF

National Planning Practice Guidance (NPPG):

Development Plan: Policy SS1, SP10, DM1, DM9 and DM23 of the adopted Maidstone Borough Local Plan (2017).

Staplehurst Neighbourhood Plan: H3

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** 11 representations received from local residents and Staplehurst Free Church raising the following (summarised) issues:
- Adverse impact from over intensification of development at the site
 - Deliberate omission of the rear part of the site from the proposed scheme
 - Loss of privacy for neighbours
 - Inadequate parking provision
 - Access unsuitable for large vehicles
 - Division of application building not in keeping with neighbouring properties.
 - Inadequate amenity space for future residents
 - Adverse amenity impacts from the creation of rear access for the site.

27 September 2018

4.02 Staplehurst Parish Council have raised objections to the application and requested that the application is reported to the Planning Committee if officers minded to recommend approval.

4.03 The application was revised in response to issues that have been raised and any further comments on these changes will be reported separately.

5.0 CONSULTATIONS

5.01 **KCC Highways and Transport:** No objections subject the submission of a construction management plan and permanent retention of vehicle and cycle parking spaces.

5.02 **Environmental Health Team:** No objections

6.0 APPRAISAL

Main Issues

6.01 The proposal relates to the extension and conversion of the building into 7 self contained 1 and 2 bed apartments. Therefore, the main issues for consideration are:

- Principle of development
- Visual impact
- Residential amenity
- Parking and Highway Safety

6.02 Policy SS1 of the adopted local plan directs new development to the most sustainable areas of the borough where employment, key services and facilities together with a range of transport choices are available. As a defined rural service centre Staplehurst is second in the sustainable hierarchy behind only Maidstone urban area as set out in policy SS1 of the adopted local plan.. Policy SP10 of the adopted local plans sets out the strategic vision for sustainable growth within the village of Staplehurst.

6.03 Staplehurst as a rural service centre benefits from a number of facilities including a direct bus service to Maidstone Town Centre, a railway station, primary school, a parade of shops, petrol filling station, library and a public house. The application site is in a highly sustainable location with good access to public transport and where goods, services, facilities can be easily accessed without the use of a private motor vehicle, and as a result the

27 September 2018

principle of increased residential density in this location is fully supported by the NPPF and the adopted Maidstone Borough Local Plan.

- 6.04 Moreover, the application site lies within the settlement boundary of Staplehurst where residential extensions and conversion of existing building into flats are permissible subject to requirements set out in policy DM1, DM9 and DM23 of the adopted Maidstone Borough Local Plan (2017) being met. The outlined policies seek to ensure that all residential extensions and conversion provides acceptable residential environment and respects the amenities of neighbouring residents.
- 6.05 Taking the relevant provision of the policies set out above in turns, policy DM1 of the adopted local plan emphasises the Council's objectives of achieving high quality design throughout the borough. The policy also requires that proposals respect the amenities of occupiers of neighbouring properties and uses whilst providing adequate residential amenities for future occupiers. The submitted scheme is considered to comply with the relevant provisions of policy DM1 and is considered acceptable as a consequence.
- 6.06 Policy DM9 of the adopted local plan states that proposals for the conversion or redevelopment of dwellings into self contained flats would be permitted if 'the intensified use of the building and its curtilage would not significantly harm the appearance of the building or the character and amenity of the surrounding area'. As discussed in more detail in the appraisal section of this report, the scale and design of the extensions proposed to the application property are acceptable and there would be no material harm to the general character of the street scene or amenities of the surrounding area.
- 6.07 Policy H3 of the Staplehurst Neighbourhood Plan supports the provision of a range of appropriate tenures and sizes of new properties to meet local needs and demands. The supporting text states that "...an adequate amount of family sized houses must be built as well as providing smaller units....For example small sized private rented apartments...could be built within walking distance of the station. The plan states that this type of accommodation will help provide a '...good social mix' and will support social cohesion.
- 6.08 The application site on Station Road is 5 minutes walk from Staplehurst Railway Station. Having regards to the relevant provision in the adopted Local Plan and government guidance in paragraph 124 and 128 of the National Planning Policy Framework –NPPF, it is considered that this application involving the redevelopment of the application building into 7no. self contained flats is acceptable in principle and there are no overriding policy considerations to indicate a refusal of planning permission.

Visual Impact:

27 September 2018

- 6.09 Policy DM1 of the adopted local plan states that residential extensions should respect the form, proportions, symmetry and detail of the original building without compromising the character and appearance of the surrounding area.
- 6.10 The proposed single storey addition to the southern (side) building elevation and adjacent to Staplehurst Free Church of the building is of appropriate scale and design, it would not appear over dominant or visually harmful and seen as a sensitive addition to the application property. No overriding planning objections would be raised to this aspect of the application.
- 6.11 The flat roofed element of the rear extension would replace the existing rear projection. The larger rear projection would retain a separating distance of approximately 2 metres with the common boundary of premises of Staplehurst Free Church, which is to the south of the site. These elements of the application would have restricted views from within Station Road and whilst an angled view of the larger rear extension can be gained from the grounds of Staplehurst Free Church, it would not appear over dominant or visually harmful within its surroundings.
- 6.12 The issues raised in the Council's objection to the previous application mainly relates to the design and proportions of additions proposed and their visual impact on the character of the area and amenity of neighbouring occupiers. The additions in the current proposal are considerably modest in relation to the previous scheme in terms of their design and scale and considered acceptable.
- 6.13 In summary the proposed additions to the property are of a modest scale and appropriately designed. As such they would not appear of excessive bulk and massing and are a sensitive addition to the existing property. The proposal satisfies all the relevant requirements of policy DM1 and DM9 of the adopted local plan, and the NPPF.

Residential Amenity:

- 6.14 Policy DM1 of the adopted local plan (2017) requires that proposals are assessed in terms of the level of amenity they provide for future occupants and the occupiers of neighbouring residential properties.
- 6.15 The apartments would provide acceptable internal floor space compliant with national space standards for future occupants. Similarly, the outdoor amenity space although small is of useable proportions when considering that the apartments are unlikely to provide family housing due to their sizes and therefore unlikely to be occupied by large families.
- 6.16 A north facing window opening is shown on the submitted plan with reference number P03 to be obscure glazed with the lower sash fixed shut. This is an existing window opening and the obscure glazing proposed would ensure the

27 September 2018

amenities of occupiers of the neighbouring property to the north of the site are protected.

- 6.17 The proposed first floor terrace area above the rear projection has been removed in design amendments submitted to the Council, therefore, there are no unacceptable impacts on amenities of occupiers of the neighbouring dwelling to the north of the site in terms of overlooking or loss of privacy.
- 6.18 The distance between this proposed extension and the Staplehurst Free Church building would be just over four metres. After considering the location, scale and design of the extension, it is found that there would be no unacceptable impact on this building in terms of overshadowing, overlooking, loss of light or outlook.
- 6.19 The Environmental Health Team has confirmed that after considering the proposal they have no objection in relation to vehicle movements along the access road in terms of disturbance to either existing neighbours or future occupants. Any potential nuisance would be mitigated by the proposed acoustic fencing. The development is acceptable in relation to residential amenity.

Parking and Highway Safety:

- 6.20 The submitted plans indicate provision of nine car parking spaces and 7 cycle parking spaces for the proposed development which is compliant with the requirements set out in policy DM23 of the adopted Maidstone Borough Local Plan (2017).
- 6.21 Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. It is proposed to use the existing access onto the A229 (Station Road) which has good sightlines in both directions.
- 6.22 The existing B1 use of the application premises is estimated to generate trips significantly above the levels expected from the currently proposed residential use of the building. The local road network is capable of accommodating the level of vehicle trips generated from the proposed development.
- 6.23 KCC Highways have confirmed the anticipated amount of traffic that would be generated by the development is not considered to be severe. Therefore, no overriding planning objection can be raised on highways safety grounds.

Biodiversity:

- 6.24 There are opportunities to incorporate biodiversity enhancements within this development in line with requirements of the development plan, and the NPPF. It is noted that the submitted plans do not indicate any design features to provide roosting and nesting opportunities for wildlife. It is considered

27 September 2018

necessary to append a condition requiring incorporation of biodiversity measures like swift bricks within the scheme.

Other Matters

- 6.25 It is recommended that a condition requiring submission of details of renewable or low-carbon sources of energy for the development is appended to the grant of planning permission.
- 6.26 Comments have been received objecting to the application on the grounds that the rear part of the site have been deliberately omitted and would likely be used in future for further residential development. This concern is addressed in design amendments. Any future development at the site would require the submission of a further application for planning permission which would be assessed against relevant provisions of the development plan and the NPPF.
- 6.27 Further comments state that the applicant is intending to create a rear access for the site onto the service lane running along the rear boundary of the site. There is no indication of a rear access being created for the rear part of the site as part of this current scheme. Any future application to create a rear access would be subject a assessment in consultation with KCC Highways

7.0 CONCLUSION

- 7.01 Having assessed the application against the relevant provisions of the development plan (Maidstone Borough Local Plan, 2017), and the NPPF, I conclude that there are no significant adverse impacts on the character, appearance and visual amenity of the locality generally resulting from the proposed development. The extensions and conversion of the building do not result in any significant adverse impacts upon the amenities of the occupiers of neighbouring residential properties.
- 7.02 Due consideration have been given to the likely impacts of the development upon the occupiers of the neighbouring dwelling to the north of the site and I am satisfied that there are no impacts so detrimental as to indicate a refusal of planning permission. The proposals are not considered to raise any overriding parking or highway safety issues. In the circumstances, I recommend that this application is approved subject to appropriate conditions.

8.0 RECOMMENDATION

GRANT planning permission subject to the following conditions:

27 September 2018

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans/drawings
P02 and P03 received on 09.04.2018; and

P04 Rev B received on 15.05.2018

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

3. The materials to be used in the construction of the external work to the building hereby permitted shall match those used in the existing building and include swift bricks and sparrow boxes incorporated into the development ;

Reason: To ensure a satisfactory appearance to the development and in the interest of biodiversity.

4. Before the development hereby permitted is first occupied, the first floor windows opening on the northern elevation of the existing building (as shown on drawing number P03) shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such:

Reason: To safeguard the privacy of existing and prospective occupiers.

5. No development above slab level shall take place until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

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

27 September 2018

6. The approved details of the parking/turning areas shall be completed before the commencement of the use of apartments 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.

7. The development hereby approved shall not commence above slab level until details of a minimum of 2 publicly accessible electric vehicle charging points, including a programme for their installation, maintenance and management, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points as approved shall be installed prior to occupation of the building hereby permitted and shall thereafter be retained and maintained in accordance with the approved details.

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

8. The development shall not be occupied until details of hard landscape works which shall include the use of permeable paving upon the access and hardstanding parking areas indicated on the approved plans, have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before first occupation of the apartment;

Reason: To ensure satisfactory appearance to the development and in the interest of sustainable water drainage.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), any development that falls within Schedule 2, Part 1, Class A, or any erection of outbuildings, boundary treatments or laying of hardstanding shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers.

27 September 2018

10. No development shall take place until details of on site parking and turning for all construction traffic have been submitted to and approved in writing by the local planning authority. The details shall be implemented before construction commences and retained until the completion of the construction.

Reason: To ensure adequate on site parking and turning provision is made for construction traffic In the interest of highway safety and the free flow of traffic.

11. Prior to the occupation of the apartments, details of acoustic fencing along the northern boundary of the site to protect the neighbouring site against transmission of both airborne and impact sound shall be submitted to and approved in writing by the local planning authority and the approved scheme shall be completed before first occupation of any dwelling and shall be maintained thereafter.

Reason: To mitigate the effects of potential noise nuisance.

12. Any external lighting shall be in accordance with details that have been previously submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To protect the night-time rural environment in the interest of visual amenity.

13. Before the development hereby approved commences a detailed landscaping scheme for the outdoor amenity areas indicated on the submitted plans shall be submitted to and approved in writing by the Local Planning Authority. It shall include details of native species planting to complement any existing landscaping within the site. The approved landscaping shall be planted in the first available planting season. Any part of the approved native planting becoming dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing with the Local Planning Authority and shall be retained at all times in accordance with the terms of this condition.

Reason: In the interests of visual amenity.

Planning Committee Report

27 September 2018

INFORMATIVES

1. The applicant is advised that in order to avoid nuisance to neighbours they should seek to only use plant and machinery used for demolition and construction between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
2. The applicant is advised that in order to avoid nuisance to neighbours they should seek to allow vehicles to arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Case Officer: Francis Amekor

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

Case Officer Francis Amekor

REPORT SUMMARY

REFERENCE NO - 17/504579/OUT		
APPLICATION PROPOSAL Outline application for the demolition of existing buildings and the erection of 8no. dwelling houses with Access, Layout and Scale to be considered at this stage and all other matters reserved for future consideration		
ADDRESS Durrants Farm West Street Hunton ME15 0RY		
RECOMMENDATION Grant Planning permission		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal involves the removal of an unneighbourly and unconstrained commercial development. The site is well enclosed and the proposed housing will result in an inward looking and self contained development acceptable in design terms while not resulting in any material impact on the rural and landscape character of the area. It will bring about improvements to the setting of an adjoining heritage asset, is acceptable in its amenity, highways and wildlife impacts while making a windfall contribution towards meeting housing supply in the Borough. It is therefore considered that the balance of issues fall significantly in favour of granting planning permission for the proposed development.		
REASON FOR REFERRAL TO COMMITTEE Recommendation contrary to the views of Hunton Parish Council		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL Hunton	APPLICANT Mr M Stevens AGENT MKA Architects LTD
DECISION DUE DATE 13/03/18	PUBLICITY DATE 16/02/18	EXPIRY DATE 26/01/18

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.1** The application site, which is set back just over 120 metres from West Street, is approached by narrow access track. At its northern end it is occupied by Durrants Farm, in residential use, to the west and south of which is a yard and a number of buildings of industrial size and character which have lawful use rights as workshops, secure covered and open storage for plant, machinery and materials in connection with their use as a demolition contractor's yard. To the south west of the main grouping of buildings is an open area partly used for open storage in the proximity of the buildings but currently open for much of its length of just under 100 metres.
- 1.2 There is dense tree and hedgerow cover along the north and south west site boundaries with an area of orchard to the south east.
- 1.3 Abutting the site to the north west is Durrants House, a Grade II Listed Building (LB).
- 1.4 In a wider context the application site lies in open countryside.

2.0 RELEVANT PLANNING HISTORY

- 2.1 **07/0469:** Certificate of lawfulness for an existing development being the use of the land and buildings as a workshop and secure covered and open storage for plant, machinery and materials in connection with a demolition contractor's yard – **GRANTED** 24/08/2007

3.0 PROPOSAL

- 3.1 Outline planning permission is sought to demolish Durrants Farm along with all buildings to the south west along with the removal of all areas of open storage to permit redevelopment of the site for 8 no detached houses with access, layout and scale to be considered at this stage with appearance and landscaping left as reserved matters. Eight buildings will be demolished (having a combined footprint of 925 sqm metres). The eight replacement houses (including garages) having a footprint of 1568 sqm metres.
- 3.2 It should be noted that though the application site area exceeds the area covered by the lawful development certificate 07/0468 above (and includes Durrants Farm and the area to the east and south) the area to be developed is restricted to the area of the LDC and curtilage of the house known as Durrants farm.
- 3.3 The development comprises a mix of 4 and 5 bedroom units, all two storey shown having a contemporary square profile design. The proposal shows dwellings regularly spaced around a straight road terminating in a circular turning area.
- 3.4 In response to concerns regarding the design and layout of the proposed development the following information has been submitted:
- The site is self contained and inward looking. Typically housing and farmsteads grow up in an organic way and this is reflected in their layouts.
 - When making proposals in an organic/ historical context the layout would reflect this.
 - The application site is not within or abutting an organic rural context and to impose such a layout would be out of context.
 - The application site has its own inward style.
 - The architecture has been designed to be modern and low lying so that is not easily visible from the road or walks surrounding it.
 - The buildings are rectilinear in design and this has been reflected in the site layout.
 - Due to the proposed tree screening the site layout will have no impact on the wider countryside.
 - Redesigning the layout to make it appear more informal given the site characteristics and impact of the development is not considered to be justified in the circumstances.

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework 2018(NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SS1, SP17, SP18, SP19, DM1, DM3, DM4, DM5, DM30,

5.0 LOCAL REPRESENTATIONS

5.1 19 neighbouring properties consulted – no representations received

6.0 CONSULTATIONS

6.1 Hunton PC: Objects on the following grounds:

- Site put forward for housing in two 'call for sites' procedures as part of local plan preparation but rejected on both occasions– from this it must be concluded the site was deemed unsuitable for development as the site has not been allocated for housing.
- The Council is able to demonstrate a 5 year supply of housing land – as such no housing justification for proposed development.
- No commercial business operating from the site which should not be considered a brownfield site.
- The proposed development replaces a number of old barns, sheds and enclosures with 8 houses with the stated footprint increasing from 925m2 to 1,568m2 creating a more substantial built development.
- The formalised layout of the houses, giving the impression of a cul de sac, does not reflect the sporadic nature of the dwellings in the area.
- The modern design of the dwellings is suburban and would not blend in with the dwellings of mixed character in the locality.
- The development would be intrusive and out of keeping with the rural landscape and detrimental to the character and appearance of the local countryside.
- Proposal would significantly intensify built development within the open countryside having a significant urbanising effect upon the site and substantially change its character.
- The proposed design of the houses would be out of character with, and not enhance, the local, natural and historic character of the area.
- Proposal represents unsustainable development as the site is located in a relatively isolated location, outside of any defined built up area in open countryside.
- Hunton does not have any shops, a doctors surgery, a dentist or other services normally found in sustainable locations in areas identified for housing growth in the Local Plan.
- Occupants of the proposed housing would be heavily reliant on cars to access facilities and services on a day to day basis as Coxheath, Yalding, and Maidstone not easily accessible by public transport.

6.2 **EHO:** No objection subject to imposition of condition to address site contamination

6.3 **Kent Highways:** No objection for the following reasons:

Personal injury collision records confirm no incidents recorded recently and for many years beforehand. Given this and that the amount of traffic likely to be generated by the development is not considered to be severe the existing access is considered capable of serving the proposed development.

Note that refuse freighters turning right or left out of the site will require the entire width of the carriageway to successfully complete this manoeuvre in one movement. However due to limited amount of traffic and low traffic speeds on local roads and small number of refuse freighter movements this is considered acceptable.

6.4 MBC Landscape: Whilst there are no protected trees on, or immediately adjacent to, the site there are potentially significant trees and important hedgerows within the area. The site is located within the Yalding Farmlands landscape character area, as defined in the Maidstone Landscape Character Assessment. The Maidstone Landscape Capacity Study: Sensitivity Assessment - January 2015 assesses the area as being of high overall landscape sensitivity and sensitive to change. It considers that:

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

Relevant guidelines and mitigation:

- Consider the generic guidelines for the Low Weald in the Maidstone Landscape Character Assessment 2012
- New development should respect the local vernacular in scale, density and materials
- Conserve orchards and the traditional small scale field pattern
- Conserve the largely undeveloped rural landscape and the remote quality of existing development
- Conserve the rural setting of traditional buildings and farmhouses
- Conserve the undeveloped character of the landscape
- Soften the impact of agricultural buildings and fruit growing equipment storage areas with native planting
- Increase habitat opportunities around water bodies and ditches by promoting a framework of vegetation in these areas
- Soften the visual prominence of large agricultural barns through native planting

Considers the proposed development does not reflect the Maidstone Landscape Character Assessment principles for the Yalding Farmlands landscape character area. However, if minded to permit would want to see conditions attached covering landscape details and the provision of an Arboricultural Method Statement in accordance with the current version of BS5837: 2012, which includes a tree protection plan.

- 6.5 **KCC Ecology:** The preliminary ecological appraisal recommends bat emergence and reptile surveys.

Advise that bat and reptile survey reports be submitted prior to determination of the planning application to ensure understanding of the impact of the proposed development will have on protected species.

If the surveys have not started advise that they commence as soon as possible. There is still time this year to complete the reptile survey but are reaching the end of the optimal bat survey season (May to August) and therefore there may not be sufficient time to complete all the recommended bat surveys.

Although the bat surveys may need to be completed in 2019 the interim bat survey results MAY provide sufficient information to enable consideration of the impact the proposed development on roosting bats.

7.0 APPRAISAL

- 7.1 Before moving onto assessing the planning merits of the proposal it first needs to be 'screened' as to whether it should have been accompanied by an EIA. As the site does not fall within an AONB nor does it exceed any of the Schedule 2 thresholds set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 no requirement for an EIA is identified. It should be stressed this conclusion does not imply support for the proposal or set aside the need to assess the proposal applying normal planning criteria.
- 7.2 The key issues in the determination of this application are considered to be the following, being principle, impact on the character and setting of the countryside, design and layout, heritage, amenity, highways and wildlife.

Principle:

- 7.3 It has been contended that as the site is not allocated for housing development and as the Council is able to demonstrate a 5 year supply of housing land there is no justification for the proposal. In addition it has already been established in the 'call for sites' process that this site is not appropriate for housing.
- 7.4 Dealing first with the 'call for sites' issue, the Parish Council are correct that Durrants Farm was considered as part of this process in connection with the preparation of the local plan. However the affected land not only included Durrants Farm, the land the subject of the lawful use as a workshop and secure covered and open storage for plant, machinery and materials in connection with a demolition contractor's yard but also significant areas of adjoining farmland. It was concluded development of the site for housing would result in unacceptable intensification of

development adjacent to the existing housing while causing harm to the character of the countryside. Furthermore it would result in considerable expansion of Hunton as a settlement which was devoid of essential community facilities.

- 7.5 The site area of the current planning application is significantly reduced in size only affect the area covered by the lawful development certificate and curtilage of Durrants Farm.
- 7.6 As only redevelopment of previously developed or brownfield land is being proposed the proposal bears no material resemblance to the site rejected as part of the 'call for sites' process. Furthermore as development on brownfield land is being proposed the proposal falls to be considered under policy DM5 of the local plan.
- 7.7 Turning to the housing supply, it is acknowledged that the Council is able to demonstrate a 5 year supply of housing land. However policy SS1 of the local plan makes clear the local plan housing target of 17,660 dwellings is predicated on a significant windfall sites contribution of 1,650 dwellings or just over 9%. Given the importance of windfall sites in securing housing supply it is considered in the absence of planning objections on other grounds the development of this site for housing is acceptable in principle. The sustainability of the application site location is considered below.
- 7.8 Assessment of the proposal therefore turns on detailed planning considerations and whether it satisfies the criteria for acceptable windfall development set out in policy DM5 of the local plan.

Compliance with policy DM5:

- 7.9 The contention the application site is no longer in commercial use and such cannot be considered as a brownfield site requires a response. There are numerous sites lying dormant or otherwise underused to which such a claim could be made. However unless (a) there is clear evidence of a use being abandoned (which is extremely hard to substantiate in planning terms and could not be supported in this case, or (b) that the use has been superseded by an implemented planning permission which also does not apply) it follows the application site constitutes a brownfield site to which policy DM5 can be applied.
- 7.10 The pre-amble to policy DM5 states amongst other things that a number of brownfield sites in current or previous economic use are located in the countryside. Such sites are outside of the settlement boundaries, and countryside restraint policies apply. Exceptionally, the council will consider proposals for residential development on brownfield sites in rural areas. Key considerations will include:

The level of harm to the character and appearance of an area;
The impact of proposals on the landscape and environment;
Any positive impacts on residential amenity;

What sustainable travel modes are available or could reasonably be provided;
What traffic the present or past use has generated; and
The number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives.

7.11 Policy DM5 goes onto state, amongst other things, that

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

i. The site is not of high environmental value; and

ii. If the proposal is for residential development, the density of new housing proposals reflects the character and appearance of individual localities, and is consistent with policy DM12 (relating to housing density) unless there are justifiable planning reasons for a change in density”.

7.12 The lawful use of the application site being the use of the land and buildings as a workshop and secure covered and open storage for plant, machinery and materials in connection with a demolition contractor's yard is self evidently not a use of high environmental value. Furthermore though the use may be running at a low level or be dormant, if the use was resurrected and running as a going business, given the size of the site and nature of the lawful use it has the capacity to cause significant ongoing visual and environmental harm including being a significant generator of inappropriate HGV traffic along narrow country roads.

7.13 As such it is considered that significant environmental benefits could be secured by an appropriate form of redevelopment resulting in removal of unsightly buildings, open storage and yard areas, reducing the potential for noise and disturbance, removal of HGV's from inappropriate rural roads while improving the wildlife potential of the site. Furthermore Durrants a Grade II LB, abutts the site to the west. The proposal therefore also brings the opportunity for improving the character and setting of this heritage asset in accordance with the provisions of policy DM4 of the local plan.

7.14 Regarding whether the site or can reasonably be made accessible by sustainable modes to the Maidstone urban area, a rural service centre or larger village. The nearest centre of any significance is Yalding just over 1.63km to the west.

Landscape Impacts:

- 7.15 The site is located within the Yalding Farmlands landscape character area, as defined in the Maidstone Landscape Character Assessment. The Maidstone Landscape Capacity Study: Sensitivity Assessment - January 2015 assesses the area as being of high overall landscape sensitivity and sensitive to change.
- 7.16 The MBC landscape advisor considers the proposed development fails to reflect the Maidstone Landscape Character Assessment principles for the Yalding Farmlands landscape character area. However this comment needs to be placed in context. The application site and surrounding area is largely level with the application site set back just over 120 metres from West Street and approached by narrow access track. There is dense tree and hedgerow cover along the north and south west site boundaries with an area of orchard to the south east. The intention is also to supplement boundary screening.
- 7.17 Apart from long range views from West Street there are no footpaths or other vantage points enabling public views of the site. As such the site occupies an enclosed and inward looking setting. Subject therefore to proposed development being low profile it is considered development of the application site can take place without harming the wider landscape.
- 7.18 Turning to Low Weald in the Maidstone Landscape Character Assessment 2012 the guidelines relevant to this application are considered to be as follows:
- New development should respect the local vernacular in scale, density and materials*
- 7.19 It should be noted that the above guideline makes no reference to design. It is therefore considered that proposals of a contemporary appearance can be acceptable and this will be assessed later in this report.
- Conserve orchards and the traditional small scale field pattern*
- 7.20 Retention of the existing substantial orchard abutting the site to the south east is proposed - retention of existing field patterns are not relevant to this proposal.
- Conserve the rural setting of traditional buildings and farmhouses*
- 7.21 The current use and nature of the buildings occupying the site means this is not relevant to this application. There is a Listed Building abutting the western site boundary and the impact of the proposed development on this will be assessed later in this report.
- Conserve the undeveloped character of the landscape*
- 7.22 The proposal concentrates development. This will minimise the impact of development on the locality compared to the existing more diffuse commercial activity currently being carried out. A further consideration is

that though current commercial operations are low key there is no guarantee this will remain the case.

Increase habitat opportunities around water bodies and ditches by promoting a framework of vegetation in these areas

- 7.23 There is what is referred to as a small pond on the site. However the submitted ecological appraisal refers to this as a single depression heavily overgrown with nettle and bramble scrub and supported approximately 1cm of water at the time of survey (August 2018) .It is proposed that this will rebuilt to form a water body on the proposed roundabout.
- 7.24 It is reiterated the site has an enclosed nature not easily visible from any public vantage point. It is therefore considered the opportunity exists for the site to be redeveloped in a more contemporary manner rather than a traditional rural pastiche without causing harm to the rural character of the area or wider landscape.

Design and layout:

- 7.25 One of the key tests of in satisfying the terms of policy DM5 is whether the proposal can secure significant environmental improvements. Design and layout are aspects of this assessment.
- 7.26 This is an outline proposal with access, layout and scale to be considered at this stage with appearance and landscaping left as reserved matters.
- 7.27 Dealing first with scale, concern has been raised the proposed development will exceed the footprint of existing buildings occupying the site. While this is acknowledged the proposal also results in the removal of an existing potentially unneighbourly use, all open storage (which can currently take place in an unregulated manner in terms of height and location) and all hardstandings. Loss of all these elements represent significant planning benefits and can be taken into account in determining the amount building appropriate for this site.
- 7.28 Though appearance is a reserved matter, scale is up or detailed consideration. The proposed units are all flat roofed having an overall height of just over 5.5 metres. This low height means development on the site will be low profile. Taking into account existing and proposed landscaping and set back from West Street to the north, it is considered there is likely to be little indication of built mass outside the immediate application site area.
- 7.29 Turning to design, it is evident the proposed dwellings do not represent a traditional approach. Notwithstanding this, there is considered to be no inherent objection to their design– the key issue is whether they are acceptable in a rural context.
- 7.30 It is considered the proposed dwellings are not likely to be visible from outside the site while the development will be inward looking and self

contained. The site therefore has its own micro environment divorced from its surroundings enabling to proposed design approach to be insinuated into the area without harm to the rural character or landscape of the area.

7.31 The proposed housing and road layout has a geometric pattern. More informal landscape dominated layouts are generally considered more appropriate in rural locations. The applicant responded to this concern as follows:

- The site is self contained and inward looking. Typically housing and farmsteads grow up in an organic way and this is reflected in their layouts.
- When making proposals in an organic/ historical context the layout would reflect this.
- The application site is not within or abutting an organic rural context and to impose such a layout would be out of context.
- The application site has its own inward style.
- The architecture has been designed to be modern and low lying so that is not easily visible from the road or walks surrounding it.
- The buildings are rectilinear in design and this has been reflected in the site layout.
- Due to the proposed tree screening the site layout will have no impact on the wider countryside.
- Redesigning the layout to make it appear more informal given the site characteristics and impact of the development is not considered to be justified in the circumstances.

7.32 It is considered the above represents a valid statement of reasons justifying the proposed layout.

7.33 Given the site context it is therefore considered that in design and layout terms the proposal is an acceptable means of unlocking the development potential of this constrained rural site in accordance with the provisions of policy DM30 of the local plan.

Heritage considerations:

7.34 A short distance in from the western site boundary is the Grade II Listed Building (LB) of Durrants House. There is a dense tree screen separating the LB from the application site. Abutting the tree screen are buildings, open storage and yards forming part of the application site. The tree screen will be retained while all commercial buildings open storage and yards will be removed and replaced by dwellings set at a minimum of just under 10 metres back from the site boundary. It is therefore considered the proposed development will bring a substantial uplift to the setting of the LB in accordance with the provisions of policy DM4 of the local plan.

Amenity

- 7.35 In block spacing, size of amenity areas and privacy terms the proposed development will provide an acceptable standard of amenity for future residents in accordance with the provision of policy DM1 of the local plan. The only property outside the application site likely to be directly affected by the proposed development is Durrants House abutting the site to the west. However replacement of an unneighbourly commercial use with a more compatible residential use along with retention of existing boundary screening will result in an uplift to the amenity of Durrants House. The remaining concern in relation to Durrants House is potential loss of privacy from west facing 1st floor windows. However retention of the existing boundary screen will address this issue.

Highways

- 7.36 Though there may only be low level commercial activity currently being carried out the use is unconstrained in planning terms. It could therefore expand without seeking further permission resulting in additional HGV and employee traffic using narrow country lanes. When compared to this traffic generated by 8 dwellings is likely to result in a reduced number of HGV and car movement to and from the site. Consequently the proposal could be viewed as bringing a betterment to local highway conditions and in the absence of objection from Kent Highways is considered acceptable in its highways impacts.

Sustainability:

- 7.37 The provisions of policy DM5 of the local plan includes reference to development being accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village. Yalding is just over 1.63km to the west approached by narrow country roads. Realistically the majority of movements to and from the application site will therefore be by car.
- 7.38 It therefore falls to assess whether there is any justification for permitting this development in the absence of its meeting the sustainability requirements of policy DM5.
- 7.39 The sustainability objectives of the NPPF still require development to meet economic, social and environmental objectives. Sustainable transport is therefore only one element of the sustainability package.
- 7.40 The development will enable (a) the removal of an unneighbourly and poorly sited commercial use (b) its replacement with a housing making a valuable windfall housing contribution and (c) bring environmental and wildlife improvements to the area. Consequently it is considered that lack of accessibility by sustainable transport modes is more than offset by the wider environmental and other benefits arising from the proposal.

Wildlife

- 7.41 The submitted ecology survey identified a number of wildlife habitats within the site which could provide for protected species. No evidence of badgers, dormice, GCN was identified. However there was evidence of bat roosts and nesting birds along with the need for additional reptile and bat surveys.
- 7.42 Mitigation measures include the need to design lighting to be bat sensitive and to avoid disturbance to breeding birds. Ecological enhancements are proposed with the provision of bird/ bat boxes a wildlife friendly planting scheme and log and brush piles.
- 7.43 KCC Ecology have raised concerns regarding planning permission being granted before further survey work is undertaken. It is understood the applicants are providing KCC Ecology with further details to address these concerns and its response will be subject of a Committee update.
- 7.44 However subject to the resolution of the above it is considered the proposed tree retention/planting and ecological enhancements measures are acceptable.

Other matters

- 7.45 There is a requirement that surface water drainage be dealt with via a SUDS in order to attenuate water run off on sustainability and flood prevention grounds and is a matter can be dealt with by condition.

CONCLUSIONS/BALANCING EXERCISE

- 7.46 The proposal involves the removal of an unneighbourly and unconstrained commercial development. The site is well enclosed and the proposed housing will result in an inward looking and self contained development acceptable in design terms while not resulting in any material impact on the rural and landscape character of the area. It will bring about improvements to the setting of an adjoining heritage asset, is acceptable in its amenity, highways and wildlife impacts while making a windfall contribution towards meeting housing supply in the Borough. It is therefore considered that the balance of issues fall significantly in favour of granting planning permission for the proposed development.

9. RECOMMENDATION – GRANT 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, Appearance, b, Landscaping. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun 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.

2. Prior any part of the development hereby approved reaching damp proof course details of a sustainable surface water drainage scheme (including its long term maintenance) shall be submitted for prior approval in writing by the Local Planning Authority. The work shall be carried out before first occupation of any of the dwellings hereby approved and retained in accordance with the approved details at all times thereafter.

Reason: In the interests of pollution prevention, sustainability and flood prevention.

3. Prior to the development hereby approved reaching damp proof course samples of materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

4. Prior to the development hereby approved commencing details of a construction management plan shall be submitted for prior approval in writing by the Local Planning Authority to address the following matters:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking, turning and unloading areas for construction and delivery vehicles and site personnel and visitors.
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Any necessary temporary traffic management /signage.
 - (f) Measures to prevent the discharge of surface water onto the highway.

The development shall be carried out in accordance with the approved details and retained (where appropriate) for the life of the construction phase.

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

5. Prior any part of the development hereby approved reaching damp proof course details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity, where possible), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme. 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: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

6. The development hereby approved shall not commence until details of an Arboricultural Method Statement (which shall include tree protection measures) prepared in accordance with the current edition of BS 5837:2012 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.

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

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

8. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:
 - 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To prevent harm to human health and pollution of the environment.

9. A Closure Report shall be submitted upon completion of the works. The closure report shall include full verification details as set out in point 3 of the preceding condition. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean; Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To prevent harm to human health and pollution of the environment.

10. The development hereby permitted shall be undertaken strictly in accordance with the Preliminary Ecological Appraisal carried out by Greenspace Ecological Solutions dated August 2018 including the ecological enhancements set out in para 6.1 of the report within 3 months of first occupation.

Reason: To enhance the sites biodiversity assets.

11. Any external lighting installed anywhere on the application site including along the access road and around the access point onto West Street shall be in accordance with details that have previously been submitted to and approved in writing from the Local Planning Authority. Lighting shall only be installed in accordance with the approved details and retained as such at all times thereafter.

Reason: In the interests of bat protection and to safeguard the rural night time environment in the interests of visual amenity.

12. Prior to any part of the development hereby approved reaching roof level details of all means of enclosure shall be submitted for prior approval in writing by the Local Planning Authority to include gaps for the passage of wildlife. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of privacy and visual amenity.

13. The development hereby approved shall be carried out in accordance with the following plans nos: 2009/01, 02A, 05A, 06A, DAT/9.0A sheets 1 and 2 (site survey) 9.1 sheets 1 and 2 (outline elevations).

Reason: In the interests of amenity.

14. Prior to first occupation of individual dwellings a minimum of one electric vehicle charging point shall have been installed for the benefit of the occupier of that dwelling with the charging point thereafter retained for that purpose.

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

INFORMATIVES:

Highways:

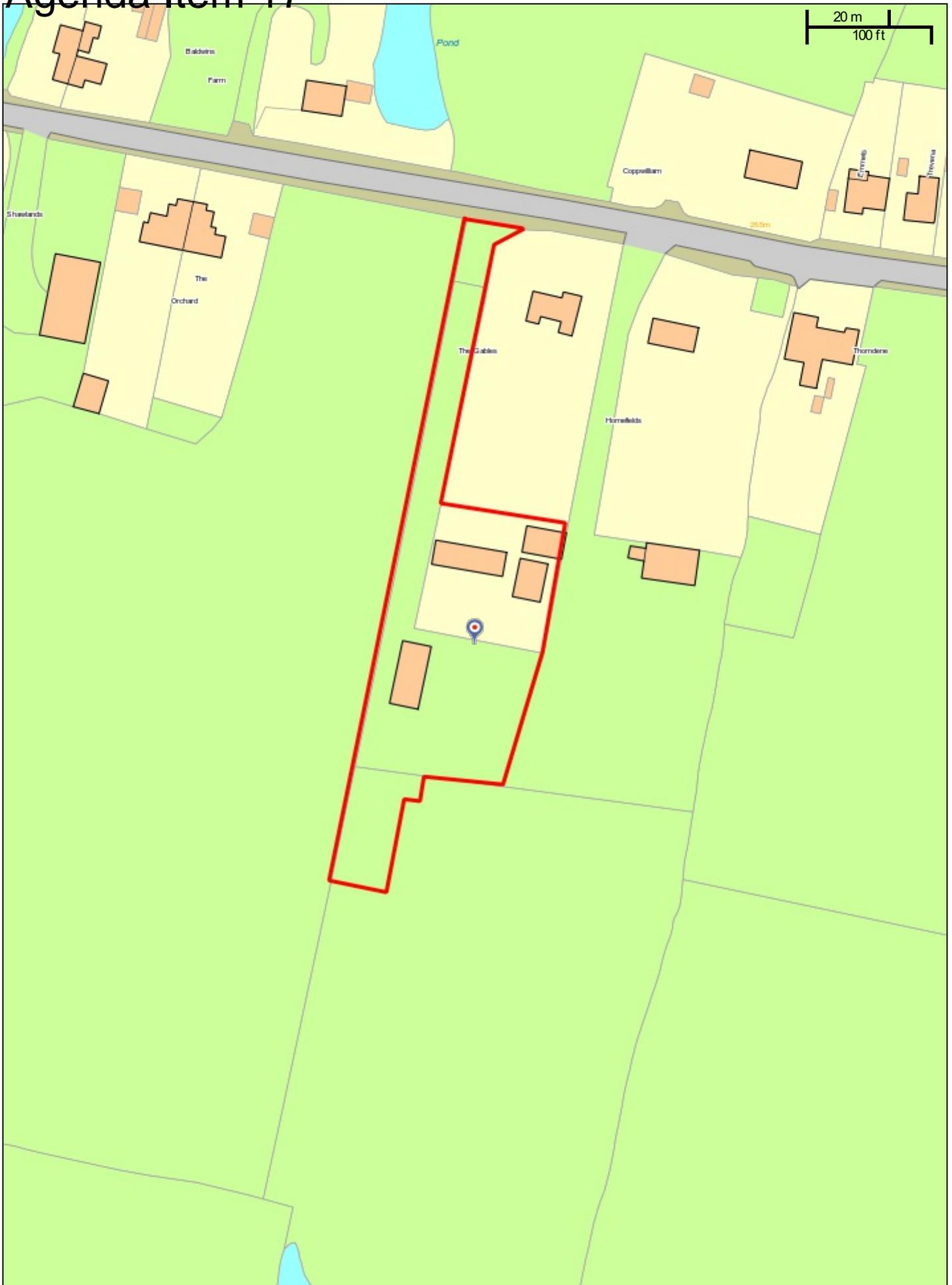
- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. 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: Graham Parkinson

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

Agenda Item 17



18/502553/FULL - Land to the south of The Gables, Marden Road, Staplehurst, Kent

Scale: 1:1250

Printed on: 18/9/2018 at 11:30 AM by JoannaW

27 September 2018

REPORT SUMMARY

REFERENCE NO 18/502553/FULL			
APPLICATION PROPOSAL Demolition of existing buildings and erection of two detached dwellings and replacement storage building (re-submission of 17/505937/FULL).			
ADDRESS Land To The South Of The Gables Marden Road Staplehurst TN12 0PE			
RECOMMENDATION REFUSE for the reason set out in Section 8.			
SUMMARY OF REASONS FOR RECOMMENDATION			
<ul style="list-style-type: none"> • The site is outside of any settlement as defined in the Maidstone Borough Local Plan 2017. In these locations new residential development is not readily supported and the re-development of this site as a brownfield site would not comply with the local plan policy which requires significant environmental improvement and sustainability. • The design, scale and proportions of the proposed new housing and storage building (for which there is no policy justification) would result in significant harm to the character and appearance of the area, failing to promote local distinctiveness and the intrinsic character of the countryside. • The added argument relating to the fallback position as discussed in the Court of Appeal Judgement (Tonbridge and Malling Borough Council and Michael Mansell (C1/2016/4488) dated 08/09/2017) has been considered, however, the difference in the size, height and scale of the proposed dwellings would be substantial when compared with the existing buildings on the application site. • This revised application does not overcome the previous grounds for refusal. 			
REASON FOR REFERRAL TO COMMITTEE			
The application has been called in by Cllr Harwood on the grounds of the complex planning history on this site and efforts made by the applicant to overcome the stated concerns of local residents.			
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr P R Garrod AGENT D C Hudson & Partner	
DECISION DUE DATE 11/09/2018	PUBLICITY EXPIRY DATE 25/07/2018	OFFICER SITE VISIT DATE 20/06/2018	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
17/505937/FULL	Demolition of existing buildings and erection of two detached dwellings and replacement storage building.	Refused	05/02/18
15/509275/OUT	Outline application with access	Refused	16/06/16

	matters reserved for proposed residential development following demolition of existing buildings with replacement storage building.		
Appeal	Summary of reasons: Harm to the character and appearance of the area	Dismissed	07/12/16
15/506076/PNP	Prior Notification for a change of use from a storage or distribution building (Class B8) and any land within the curtilage to a dwellinghouse (Class C3).	Granted	22/09/15
MA/89/0828	Relocated replacement building to form joinery shop	Granted	27/7/89

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This site is accessed from Marden Road and is located to the rear of the existing residential property called The Gables. The main parcel of land is set back from the road by approximately 73m and is accessed by a narrow track that runs parallel to the curtilage of The Gables.
- 1.02 The site is currently occupied by a collection of pole barns and an agricultural storage building. In the centre of the site is an area of concrete hardstanding that covers the width of the site. These structures and area of hardstanding are set within mown grassland.
- 1.03 To the east of the site is a crane storage depot and to the south and west open countryside. Immediately to the south of the application site is an area of grassland under the same ownership as the application site, which appears to have been regularly mown.
- 1.04 The site is located within the open countryside, although no other designations apply. It is not located within a flood zone and there are no listed buildings in the immediate vicinity.
- 1.05 One of the three existing buildings on the site benefits from the grant of prior notification for the change of use from a storage distribution building to a dwellinghouse.

PROPOSAL

2.01 Access

Access to the site would be from an existing track from Marden Road to the north, this would be upgraded and extended to accommodate access to the new hard, surfaced parking and turning area in front of the two new

dwellings and extended further southwards on to existing open land to provide access to the new storage building.

2.02 New dwellings

It is proposed to demolish the existing buildings on the site and replace them with 2 no. 2-storey dwellings. These dwellings would be sited to the north of the site in a staggered pattern. The dwellings would be of differing designs, but both containing 4 no. bedrooms and would face onto a new parking and turning area. Garaging and off-street parking would be proposed. Both dwellings would have separate gardens to the south.

2.03 Storage building

The existing storage building on the site would be removed to facilitate the new residential dwellings. A new replacement single storey storage building is proposed to the south-west of the site. This would have a shallow pitched roof with a green corrugated clad walls and roof. Full height access doors would be proposed in the front and side elevations.

2.04 The new storage building would be some 30 square metres larger in footprint than the existing building that it replaces with the new building also located further south into open countryside than existing buildings. No additional details of the proposed use of the building have been provided other than an indication it would be for storage.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan 2017: SS1, SP5, SP17, DM1, DM2, DM3, DM5, DM23, DM30, DM32, DM33 and DM36
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Staplehurst Neighbourhood Plan: Key visions, Policy PW2 and Objective 11.
Supplementary Planning Documents: Maidstone Landscape Character Guidelines 2012

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 2 representations received from local residents raising the following (summarised) issues:

- This site is not suitable for housing.
- It's been refused planning on several occasions and the land and conditions have not changed since the last applications.
- Our depot, Savage Cranes, works 24/7 and is inappropriate for homeowners. Despite sound proofing houses, gardens are not able to be quietened sufficiently. This was proved in a previous application.
- The land owner needs to trim hedging down to the required lawful height in line with recent legislation.
- The location plan has been drawn incorrectly

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 if considered necessary)

- 5.01 **Staplehurst Parish Council:** Raises objections on the basis of the same reasons of previous application (15/509275), the development would be contrary to policy PW2 of the Staplehurst Neighbourhood Plan, the site is unallocated and, as such, contrary to policies SP5 and SP17, the development would harm the appearance and character of the countryside, the distance from the village centre and absence of a footway make the location unsustainable, the construction of the Hen and Duckhurst Farm would not 'significantly alter' the access and there had been known drainage and sewage issues in the area.
- 5.02 **KCC Highways:** No objections subject to conditions as the access provisions in this location would not raise any significant concerns. Query as to what provision will be made for the collection of refuse.
- 5.03 **Environmental Services:** No objections but informative requested
- 5.04 **Southern Water:** No objections subject to conditions and informatives
- 5.05 **Biodiversity:** No objections subject to a condition relating to mitigation strategies

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
Principle of development
Sustainability
Visual Impact
The 'Fallback' position
Residential amenity
Highways Matters
Ecology
Other matters

Principle of development

Policy and history background

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

- 6.03 Policy SP17 of the Local Plan sets out that, 'Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.'
- 6.04 Policy DM5 relates to brownfield sites and encourages the residential development of brownfield sites in the countryside which are not residential gardens, providing they are not of a high environmental value and are of an appropriate density. In addition, the redevelopment should also result in a significant environmental improvement and the site should or could be made accessible by sustainable modes to either the Maidstone urban area, a rural service centre or larger village.
- 6.05 Policy DM36 of the local plan allows for new agricultural buildings and structures, however no information is provided about the proposed new storage building to suggest that it is to be used for agricultural purposes. As such the proposal fails to meet the policy which requires the building to be reasonably necessary for the purposes of agriculture.
- 6.06 Policy DM37 allows for the expansion of existing businesses in rural areas, however again the proposals do not address whether the new storage building is required in connection with an existing business, nor satisfy the policy criteria in all other respects.
- 6.07 The Staplehurst Neighbourhood plan sets out the vision for the Parish through until 2031. These key visions include :
Maintaining and enhancing the rural character of Staplehurst village, its immediate setting and the wider parish. Protecting and enhancing the natural and historic environment, the quality and character of the whole built environment and the wider countryside.
- 6.08 Policy PW2 of the neighbourhood plan sets out considerations for new development in the countryside. It states that proposals will be assessed on the visual setting and landscape features of the site and its surroundings, impact on biodiversity and other relevant planning considerations. The plan supports the protection of the wider countryside and the proximity of Staplehurst to the countryside is an important part of the identity of the village.
- 6.09 Objective 11 relates to 'Create defined and welcoming gateways to the village when approached from the west, via the Marden Road.' The objective acknowledges the important definition between the extent of the village and the countryside beyond. It sets out that the village should be defined separately from the surrounding countryside.
- 6.10 In terms of the weight that can be attached to the prior notification approval, the Planning Inspector in his consideration of the appeal relating to 15/509275/OUT sets out that, 'Consequently, although the notification established the principle of residential development on the site, the physical

effects of the development permitted would not be comparable with the appeal proposal.' It should be noted that the prior notification is limited to the change of use of the building, a curtilage no larger than the building and does not allow for new built development.

- 6.11 Outline planning permission was applied for under application reference 15/509275/OUT. This application reserved all matters except access and did not specify the number of dwellings proposed, although indicative plans did show 4 dwellings. The outline consent also included the erection of a new storage building. Despite a positive officer recommendation, the planning committee refused planning permission for the following reason:

The proposed development would be contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policies SP5 and SP17 of the Submission Version of the Maidstone Borough Local Plan (2016) in that it would be outside of the village envelope of Staplehurst and, being located in flat open countryside in the Low Weald, would be a jarring and harmful addition to the character and appearance of the countryside (both by day and by night) by reasons of a loss of its open character and associated domestic paraphernalia; and also in that this is an unsuitable location due to the absence of a footway on Marden Road and the distance of the site from the village centre.

- 6.12 A subsequent appeal by the applicant was dismissed by the Planning Inspector, concluding harm to the character and appearance of the area and the development being unsustainable. The Inspectors decision on the appeal relating to application 15/509275 is a material planning consideration and carries more weight in consideration of this current application than the positive recommendation put forward by officers.

Material changes since the appeal decision

- 6.13 Since the appeal decision the Maidstone Local Plan has been adopted (October 2017) and the planning policies on which the proposal is assessed now carry full weight, with increased focus on design. In addition, the revised NPPF was adopted in July 2018. A further full application for the demolition of existing buildings and erection of two detached dwellings and replacement storage building was submitted, referenced 17/505937/FULL. It was recommended for refusal and the decision was upheld by committee members. The application was refused on 5th February 2018.

History of applications

- 6.14 15/509275/OUT – Included an outline application for four dwellings and an agricultural building
17/505937/FULL – Included a full application for two executive style, five bed dwellings and an agricultural building
18/502553/FULL – Included a full application for two executive style, four bed dwellings and an agricultural building. In terms of footprint, the application was similar to the previous application. The bulk was marginally

reduced and the height of the dwellings was reduced. These differences are not considered sufficient to overcome the previous reason for refusal.

- 6.15 As with the previous application (17/505937/FULL), indicative landscaping is shown to the south of the application site to separate the rear gardens of Plots 1 and 2 with the open countryside, together with a landscape buffer separating the application site with The Gables to the north and landscaping along the western boundary. As this landscaping could have been conditioned by the Inspector had he been minded to allow the appeal on the outline application (15/509275), this landscaping could not be seen to remove the harm that the Inspector considered would result from this proposal.

Overall

- 6.16 The key issues are whether the proposed development would constitute sustainable development, thus complying with the aims of the NPPF and the Local and Neighbourhood Plan Policies. In addition, this application has to be assessed to examine whether the revised scheme overcomes the issues highlighted in the earlier appeal decision and subsequent planning application, and whether the redevelopment of a brownfield site would outweigh other material considerations such as the 'fallback' position. These are discussed in further detail below.

Sustainability

- 6.17 Paragraph 8 of the NPPF (2018) sets out the three dimensions to sustainable development, these being the economic, social and environmental roles. Paragraph 11 sets out that at the heart of the NPPF is the presumption in favour of sustainable development and for decision making this means approving development proposals that accord with the development plan without delay, unless material considerations indicate otherwise. Paragraph 78 of the NPPF (2018) sets out that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.'

Economic role

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

Social role and Environmental role (including visual impact)

- 6.19 The NPPF (2018) sets out that the social role should support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs.

- 6.20 The environmental role as set out in the NPPF (2018) states that the planning system should 'contribute to protecting and enhancing our natural, built and historic environment', overlapping somewhat with the social role.
- 6.21 The Council can demonstrate a 5 year housing land supply and as such there is no overriding need to identify additional housing sites. Although windfall development such as that proposed would contribute to the overall supply, the hierarchy in the Local Plan directs this type of development to sustainable locations.
- 6.22 The social and environmental role requires the creation of a high quality built environment. Policy SP17 of the local plan sets out the criteria for assessing development within the countryside which includes, that proposals will not be permitted unless they accord with other policies in the plan and will not result in harm to the character and appearance of the area. Policy DM30 sets out that 'The type, siting, materials and design, mass and scale of development...would maintain, or where possible, enhance local distinctiveness including landscape features.' and that 'any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area'.
- 6.23 Policy DM12 of the Local Plan sets out that, 'All new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated.'
- 6.24 Policy DM1 of the Local Plan sets out amongst other criteria, that development should 'Respond positively to and, where possible, enhance the local...character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and vernacular materials where appropriate.'
- Visual impact**
- 6.25 The previous appeal decision highlights that harm would result to the character and appearance of the area. A copy of the decision is appended to this report and key paragraphs which relate are 5, 6, 7, 10, 11 and 12.
- 6.26 Paragraph 6 in particular states, 'Notwithstanding that the exact number and layout of the dwellings has not been determined, new buildings on the scale shown in the indicative scheme, together with the up-graded access and domestic boundary enclosures, would have a urbanised effect compared with the existing collection of more modest, utilitarian buildings. The height, volume and spread of buildings would increase significantly and the low key, utilitarian character of the site would be replaced by a more intensive residential use.'
- 6.27 As set out earlier, the scale of the new buildings has been reduced when compared to the previous development proposal (discussed before committee on 1st February 2018) comprised two 5-bedroomed, 2-storey executive style

dwellings, which would be in stark contrast to the modest utilitarian buildings currently on the site. The site enabled parking and turning for vehicles, and the subdivision of the plot allowed for 2 dwellings. It was refused on the basis that it introduced additional built development, mass and height of buildings in an area where development is concentrated along the road frontage or is well screened when it encroaches into land to the south.

- 6.28 The current proposal comprises two 4 bedroomed, two storey executive style dwellings in this backland location, which would still be a stark contrast to the utilitarian buildings currently on the site and the pattern of local development. The access road is to be upgraded and extended further into the open countryside to accommodate the new storage building. Each dwelling would benefit from two parking spaces adjacent to the turning area, with a single garage set further back in the plots behind the parking spaces.
- 6.29 DM5 of the Local Plan considers that, in exceptional cases, residential development of brownfield sites in the countryside which are not residential gardens, are of an acceptable density and providing the site is not of notable environmental value, will be permitted provided that the scheme would result in a significant residential improvement and the site is reasonably accessible by sustainable modes to Maidstone urban area, a rural service Centre or larger village. It is the officer's view that due to the character and appearance of the existing site, which has limited impact on the landscape, the proposed scheme would not result in a significant environmental improvement (as required by Policy DM5 of the Local Plan) and would not overcome the previous reasons for refusal and Inspectors decision.
- 6.30 The impact on the character and appearance of the area is further exacerbated by the proposed new storage building which would encroach into open countryside to the south. There is no policy justification for this building, which would be of larger proportions than the existing buildings on the site. These issues were also agreed at committee during the assessment of the previous application.

Accessibility of the site

- 6.31 The Inspector in his earlier decision concluded that the site was not sustainable in terms of its location. Paragraph 13 of his decision states, 'There is no dispute that Staplehurst itself is a sustainable settlement. However its services and facilities are concentrated within the built up area at least 1.1km from the site. The nearest bus stop is some 0.9km away. The route from the appeal site along Marden Road is unlit and has no footpaths for the first 250m. The road is subject to a 40mph speed limit and is fairly busy with traffic. Whilst there are grass verges next to the carriageway, they are narrow and uneven in places. I found on the site visit that walking this part of route is uncomfortable and would not be attractive for trips during the day, much less during hours of darkness'.

- 6.32 No circumstances have changed on site, no additional mitigation is proposed to improve access (for example a footway along Marden Road and it is doubtful as to whether this would be achievable) and therefore the conclusions of the Inspector remain material. There is no reason found to depart from the Inspector's conclusion that the site would rely on private vehicle use and cannot be considered sustainably accessible. This is also consistent with the previous decision.

Overall

- 6.33 For these reasons the proposed development would not fulfil the social or environmental role of sustainable development; it would not meet national or local plan policies which seek to promote high quality development and maintaining/enhancing the character of the local area, and promoting distinctiveness. The development would not result in a significant environmental improvement nor would the site be made reasonably accessible by sustainable modes to Staplehurst or any other urban area, rural service centre or larger village. As such, the development would not comply with policy DM5 which allows for brownfield redevelopment and paras 7 and 8 relating to achieving sustainable development of the NPPF (2018).

The 'Fallback' position

- 6.34 In terms of the weight that can be attached to the prior notification approval, the Planning Inspector in his consideration of the appeal relating to 15/509275/OUT sets out that, 'Consequently, although the notification established the principle of residential development on the site, the physical effects of the development permitted would not be comparable with the appeal proposal.' It should be noted that the prior notification is limited to the change of use of the building, a curtilage no larger than the building and does not allow for new built development.
- 6.35 This current application has been submitted following a Court of Appeal decision that considered a fallback position (Michael Mansell and Tonbridge and Malling Borough Council referenced C1/2016/4488 dated 8th September 2017). The design and access statement argues that there are similarities between the proposal that was the subject of the Court of Appeal decision and the application that is the subject of this committee report.
- 6.36 The subject of the Court of Appeal decision related to an application for full planning application where the likelihood of the proposal achieving separate prior approval under Class Q was assessed as part of the planning application. In the Tonbridge and Malling application the case officer concluded that the application for new build residential development would have a better outcome than that which would result from the applicant applying and receiving prior approval for the conversion of an existing barn. The Court of Appeal found that it was right for the fallback position to be assessed as part of the consideration of a planning application.

- 6.37 In assessing the fallback position the existing buildings on the application site need to be considered in terms of the likelihood of approval for residential use under the prior approval system. The existing buildings on the site consist of a corrugated metal building used for storage and two single storey open timber pole barns. The applicant has received prior approval for the conversion of the corrugated metal building into a single residential unit (15/506076/PNP).
- 6.38 The other two buildings on the site did not form part of the successful prior approval application. Without prejudice to any future planning application, and after assessing these buildings and relevant case law it is considered unlikely that prior approval would be given for the use of the two buildings for the residential use. This is due to the extent of works that would be required to make the currently open buildings habitable. The level of work required would represent a rebuild rather than a conversion and as a result could not be considered under the prior approval system.
- 6.39 In the unlikely event that the existing two existing buildings could be given prior approval for residential accommodation, this would in addition be the preferred option when compared with the significant increase in height and bulk of development proposed as part of the current planning application. In this context the current proposal is significantly different than the proposal considered as part of the Court of Appeal judgment.

Overall

- 6.40 In terms of assessing a potential fallback position, unlike the other building on the site, the applicant chose not to submit a prior approval application for the two open pole barns. It is unlikely that prior approval would be given for residential use of the two pole barns as the extent of works required would not represent the conversion of the buildings, but a rebuild. In the unlikely event that prior approval was given for the residential use of the two pole barns, the fallback position in the use of these buildings would be preferred option over the current proposal for buildings for greater height and scale.

Residential amenity

- 6.41 The site is located to the rear (south) of The Gables, which is located adjacent to the road. The proposed new properties would be approximately 45m from the main house and this would be a sufficient distance for any impact in terms of amenity issues to be alleviated. In terms of additional traffic, it is not considered that the resultant noise and disturbance would increase to an unacceptable level.
- 6.42 Neighbour consultation letters have raised concerns in relation to the neighbouring commercial crane hire use. The concerns relate to the excessive noise levels generated from this site, sometimes during unsociable hours. Planning history for this site demonstrates there is no restriction on

the hours of this neighbouring use. An established use certificate for "storage of materials, plant and equipment, the ancillary repair of same and for the storage of lorries necessary to transport the same" was awarded in 1989 (referenced 89/1681), and aerial photos demonstrate that this has been a continuous use.

- 6.43 In consultation with Environmental Health on the earlier applications, the following mitigation measures were agreed.
- a) The double glazing will be 6-12-6 glazing (improved noise insulation).
 - b) There will be whole house ventilation to all rooms, rather than individual mechanical ventilation to each room.
 - c) There will be no windows to habitable rooms on the elevation to the houses facing the yard, whatever the final layout.
 - d) The fence between the proposed housing and yard will be 2.4 metres in height.
- 6.44 Although these details have not been put forward with the current submission, these matters have previously been discussed and could reasonably be dealt with by way of a planning condition if approval is given. With this in mind, it is considered that the proposal, suitably conditioned, could provide acceptable living conditions for future occupants.

Highway matters

- 6.45 It has been confirmed by KCC Highways that the access provisions in this location would not raise any significant highway concerns. For this reason, I am satisfied that the site access would be acceptable.

Ecology

- 6.46 There is no requirement for ecological surveys to be submitted as part of this application. The habitat onsite is regular mowed grassland, hard standing and buildings that are unlikely to provide suitability for roosting bats or other wildlife. In addition, any impact in terms of reptiles and Great Crested Newts would be avoided by implementing a mitigation strategy.
- 6.47 For these reasons, should members be minded to approve the application, a condition requiring a mitigation strategy and ecological enhancements within the site should be sought.

Other Matters

- 6.48 Concerns have been raised in relation to drainage. The proposal is to contain any surface drainage within the site using a sustainable urban drainage system. If the proposal is otherwise considered acceptable a planning condition can be attached to an approval to secure this.

- 6.49 There has been no objection from Southern Water subject to appropriate planning conditions on the means of surface water disposal.
- 6.50 Taking this into account, the drainage for this site is considered to be acceptable.

7.0 CONCLUSION

- 7.01 The site is outside of any settlement as defined in the Maidstone Borough Local Plan 2017. The application fails to meet the relevant requirements for new residential development in these locations in relation to sustainability and design. The re-development of this brownfield land would not comply with the policies as set out in the Local Plan which requires significant environmental improvement and sustainability.
- 7.02 The design, scale and proportions of the new housing and storage building (for which there is no policy justification) would result in significant harm to the character and appearance of the area, failing to promote local distinctiveness and the intrinsic character of the countryside.
- 7.03 Whilst there is unlikely to be a relevant 'fallback' position, if considered acceptable the residential use of existing buildings on the site brought into a habitable state would be the preferred option when considered against the height, scale, size, bulk and massing of the current development proposal.
- 7.04 This revised application does not overcome the previous reasons for the refusal of planning permission.

8.0 RECOMMENDATION

REFUSE planning permission for the following reason:

The proposed development would be contrary to the National Planning Policy Framework 2012, the National Planning Practice Guidance 2012, Policies SP5, SP17, DM1, DM3, DM5, DM12, DM30 and DM32 of the Maidstone Borough Local Plan October 2017 and the visions, Policy PW2 and Objective 11 of the Staplehurst Neighbourhood Plan in that it would be outside of the settlement boundary of Staplehurst and, being located in flat open countryside in the Low Weald, would be a jarring and harmful addition to the character and appearance of the countryside (both by day and by night) by reasons of a loss of open character and associated domestic paraphernalia; and also in that this is an unsuitable location due to the absence of a footway on Marden Road and the distance of the site from the village centre.

Case Officer: Jocelyn Miller

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

Planning Committee Report
27 September 2018

Case Officer Jocelyn Miller

REPORT SUMMARY

REFERENCE NO - 17/505937/FULL			
APPLICATION PROPOSAL Demolition of existing buildings and erection of two detached dwellings and replacement storage building.			
ADDRESS Land To The South Of The Gables Marden Road Staplehurst Kent TN12 0PE			
RECOMMENDATION : REFUSE for the reasons set out in Section 8.0.			
SUMMARY OF REASONS FOR REFUSAL The site is outside of any settlement as defined in the Maidstone Borough Local Plan 2017. In these locations new residential development is not readily supported and the re-development of this site as a brownfield site would not comply with the local plan policy which requires significant environmental improvement and sustainability. The design, scale and proportions of the proposed new housing and storage building (for which there is no policy justification) would result in significant harm to the character and appearance of the area, failing to promote local distinctiveness and the intrinsic character of the countryside. It is not considered that this revised application overcomes previous issues.			
REASON FOR REFERRAL TO COMMITTEE The application has been called in by Cllr Harwood on the grounds of the complex planning history on this site and efforts made by the applicant to overcome the stated concerns of local residents. If the application were for approval the application would also have been presented to the Planning Committee following a call in from Cllr Brice and Staplehurst Parish Council.			
WARD Staplehurst	PARISH/TOWN Staplehurst	COUNCIL	APPLICANT Mr P R Garrod AGENT D C Hudson & Partner
DECISION DUE DATE 18/01/18	PUBLICITY EXPIRY DATE 22/12/17	OFFICER SITE VISIT DATE 15/01/18	
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/509275/OUT	Outline application with access matters reserved for proposed residential development following demolition of existing buildings with replacement storage building.	Refused	16/6/16
Reason <i>'The proposed development would be contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policies SP5 and SP17 of the Submission Version of the Maidstone Borough Local Plan (2016) in that it would be outside of the village envelope of Staplehurst and, being located in flat open countryside in the Low Weald, would be a jarring and harmful addition to the character and appearance of the countryside (both by day and by night) by reasons of a loss of its open character and associated domestic paraphernalia; and also in that this is an unsuitable location due to the absence of a footway on Marden Road and the distance of the site from the village centre.'</i> APPEAL : Dismissed decision dated 7 December 2016 Summary of reasons : -Harm to the character and appearance of the area			

-Sustainability of the location			
-Proposal would have significant negative impacts on the environmental role of sustainability			
15/506076/PNP	Prior Notification for a change of use from a storage or distribution building (Class B8) and any land within the curtilage to a dwellinghouse (Class C3).	Granted	22.09.2015
MA/89/0828	Relocated replacement building to form joinery shop	Permitted	27/7/89

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 This site is accessed from Marden Road and is located to the rear of the existing residential property called The Gables. The main parcel of land is set back from the road by approximately 73m and is accessed by a narrow track that runs parallel to the curtilage of The Gables.
- 1.2 The site is currently occupied by a collection of pole barns and an agricultural storage building. In the centre of the site is an area of concrete hardstanding that covers the width of the site. These structures and area of hardstanding are set within mown grassland.
- 1.3 To the east of the site is a crane storage depot and to the south and west open countryside. Immediately to the south of the application site is an area of grassland under the same ownership as the application site, which appears to have been regularly mown.
- 1.4 The site is located within the open countryside, although no other designations apply. It is not located within a flood zone and there are no listed buildings in the immediate vicinity.
- 1.5 The site benefits from the grant of prior notification for the change of use from a storage distribution building to a dwellinghouse.

2.0 PROPOSAL

Access

- 2.01 Access to the site would be from an existing track from Marden Road to the north, this would be upgraded and extended to accommodate access to the new hardsurfaced and turning area in front of the two new dwellings and extended further southwards to provide access to the new storage building.

New dwellings

- 2.02 It is proposed to demolish the existing buildings on the site and replace with 2 no. 2-storey dwellings. These dwellings would be sited to the north of the site in a staggered pattern. The dwellings would be of differing designs, but both containing 5 no. bedrooms and would face onto a new parking and turning area. Garaging and off-street parking would be proposed. Both dwellings would have separate gardens to the south.

Storage building

- 2.03 A new replacement single storey storage building is proposed to the south-west of the site. This would have a pitched roof with a green corrugated clad walls and roof. Full height access doors would be proposed in two elevations.
- 2.04 The new building would be larger in footprint than the building that it replaces which is being removed to facilitate the new residential dwellings. No details of the proposed use of the building have been provided other than an indication it would be for storage.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: Policies SS1, SP5, SP17, DM1, DM3, DM5, DM23, DM30, DM32, DM33 and DM36
Staplehurst Neighbourhood Plan: Key visions, Policy PW2 and Objective 11.

Maidstone Borough Landscape Appraisal

4.0 LOCAL REPRESENTATIONS

4.01 Staplehurst Parish Council

Object to the application for the following summarised reasons:

- Refusal reasons of previous application 15/509275 remain valid
- Development would be contrary to policy PW2 of the Staplehurst Neighbourhood Plan
- Unallocated site and contrary to policies SP5 and SP17
- Development would harm the appearance and character of the countryside
- Distance from the village centre and absence of a footway make the location unsustainable
- Construction of Hen & Duckhurst Farm would not 'significantly alter' the access
- There had been known drainage and sewage issues in the area.

- 4.02 Adjoining neighbours were notified of the application as originally submitted. A site notice was also put up at the site. 2 objections have been received in response to the consultation which are summarised below (some of the representation duplicates a representation on the earlier application):

- New access for new storage building will pave way for further future development
- Poor amenity for future occupiers
- Nothing has changed since the earlier refusal
- Inappropriate scale of development
- Overshadowing of vegetable patch
- Unacceptable loss of privacy
- Noise along driveway as a result of additional cars
- Loss of tree that acts as a wind barrier and is home to wildlife
- Water runoff
- Concerns over sewage disposal
- Adjacent to storage depot could be a health hazard
- The adjacent site generates considerable noise on a 24/7 basis are required to attend at very short notice many emergency operations. Noises associated with this

work can be considerable, such as the use of heavy air spanners removing and refitting wheels and major components.

- Flashing lights from adjacent occupier
- Overlooking from the high level cabs of the vehicles to the depot
- Noise report underestimates the actual noise levels generated by the proposals

5.0 CONSULTATIONS

- 5.01 KCC Highways: the access provisions in this location would not raise any significant concerns
- 5.02 Southern Water: No objection, subject to establishment of sewer location, conditions and informative.
- 5.03 Environmental Health: No comments

6.0 APPRAISAL

Main issues

- 6.01 The key issues for consideration relate to:

- Principle of development
- Sustainability
- Residential amenity
- Highways Matters
- Ecology
- Other matters

Principle of Development

Policy and history background

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

Policy SP17 of the Local Plan sets out that:

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

- 6.03 Paragraphs 17, 60 and 61 of the NPPF recognise the intrinsic character and beauty of the countryside, the reinforcement of local distinctiveness and the integration of new development into the natural and built environment.
- 6.04 Policy DM5 relates to brownfield sites and states (Officer's emphasis in bold) :

*'Exceptionally, the residential development of brownfield sites in the countryside which are not residential gardens, which meet the above criteria will be permitted provided the redevelopment will **also result in a significant environmental improvement and the site is, or can reasonably be made, accessible by***

sustainable modes to Maidstone urban area, a rural service centre or larger village.

- 6.05 Paragraph 17 of the NPPF sets out the Core Planning Principles, these include:
‘encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.’
- 6.06 Policy DM36 of the local plan allows for new agricultural buildings and structures, however no information is provided about the proposed new storage building to suggest that it is to be used for agricultural purposes. As such the proposal fails to meet the policy which requires the building to be reasonably necessary for the purposes of agriculture.
- 6.07 Policy DM37 allows for the expansion of existing businesses in rural areas, however again the proposals do not address whether the new storage building is required in connection with an existing business, nor satisfy the policy criteria in all other respects.
- 6.08 The Staplehurst Neighbourhood plan sets out the vision for the Parish through until 2031. These key visions include :
- *Maintaining and enhancing the rural character of Staplehurst village, its immediate setting and the wider parish*
 - *Protecting and enhancing the natural and historic environment, the quality and character of the whole built environment and the wider countryside.*
- 6.09 Policy PW2 of the neighbourhood plan sets out considerations for new development in the countryside. It states that proposals will be assessed on the visual setting and landscape features of the site and its surroundings, impact on biodiversity and other relevant planning considerations. The plan supports the protection of the wider countryside and the proximity of Staplehurst to the countryside is an important part of the identity of the village.
- 6.10 Objective 11 relates to *‘Create defined and welcoming gateways to the village when approached from the west, via the Marden Road.’* The objective acknowledges the important definition between the extent of the village and the countryside beyond. It sets out that the village should be defined separately from the surrounding countryside.
- 6.11 Prior notification was approved in 2015 for the change of the use of the existing building from B8 storage to a single residential dwelling. There is no explicit planning history which relates to the lawful use of the existing building as B8, however the application was accompanied by statutory declarations which confirmed that the building had been used for commercial storage purposes (vehicles, vehicle parts and associated cleaning equipment) since 2000. It was accepted as part of the application that the building has an established use for B8 purposes for over 10 years and as such in the absence of a formal application the likelihood is that should a certificate of lawful development be submitted this use would be accepted.
- 6.12 In the absence of any other information, this conclusion on established use solely relates to the land area identified in the Statutory Declarations which identifies a much smaller site than now forming the red line of the current application. The red line has been further increased through the current submission. As such there is some ambiguity as to the extent of the site that can be considered brownfield land.

However the Inspector does conclude in his decision on application 15/509275/OUT that the site is brownfield land.

- 6.13 In terms of the weight that can be attached to the prior notification approval, the Planning Inspector in his consideration of the appeal relating to 15/509275/OUT sets out that:

'Consequently, although the notification established the principle of residential development on the site, the physical effects of the development permitted would not be comparable with the appeal proposal.'

The prior notification is limited to the change of use of the building, a curtilage no larger than the building and does not allow for new built development.

- 6.14 Outline planning permission was applied for under application reference 15/509275/OUT. This application reserved all matters except access and did not specify the number of dwellings proposed, although indicative plans did show 4 dwellings. The outline consent also included the erection of a new storage building. Despite a positive officer recommendation the application was overturned by the planning committee and a subsequent appeal by the applicant was dismissed by the Planning Inspector, concluding harm to the character and appearance of the area and the development being unsustainable.

- 6.15 The Inspectors decision on the appeal relating to application 15/509275 is a material planning consideration and carries more weight in consideration of this current application than the positive recommendation put forward by officers.

Material changes since the appeal decision

- 6.16 Since the appeal decision the Maidstone Local Plan has been adopted and the planning policies on which the proposal is assessed now carry full weight.
- 6.17 The application is now submitted in full rather than outline, as such the details of scale, layout, appearance and landscaping are now known.
- 6.18 Two dwellings are now proposed, whereas the earlier scheme was for an undefined number. This said if otherwise considered acceptable the appeal inspector could have allowed the appeal conditioned the number of units to a maximum of two dwellings to the number currently proposed.
- 6.19 Indicative landscaping is shown to the south of the application site to separate the rear gardens of Plots 1 and 2 with the open countryside, together with a landscape buffer separating the application site with The Gables to the north and landscaping long the western boundary. Again as landscaping was a reserved matter on the earlier application, if minded to allow the appeal the Inspector could have conditioned landscape buffers around the site if it was considered that this would provide necessary mitigation.
- 6.20 The applicant refers to the development at Hen and Duckhurst to the north-east of the application site, suggesting that development of the site would improve the sustainability of the application site. At appeal stage outline planning permission had been granted for the site. A reserved matters application has now been submitted under application reference 17/506306/REM for Hen and Duckhurst, however this has yet to be determined and whether the detailed scheme would impact on the sustainability of the application site can be given limited weight at this stage. The

Inspector in his decision makes reference to the outline consent and concluded the following :

'The appellant has referred to the Hen and Duckhurst site to the north-east of the appeal site. That site has been granted outline planning permission for residential development and is allocated in the ELP. Whilst it would result in traffic calming along Marden Road within an extended 30mph zone and improve links to railway station, it would not materially improve the pedestrian route from the appeal site to most local facilities and services.'

Overall

- 6.21 The key issues are therefore whether the proposed development would constitute sustainable development, and thus comply with the aims of the NPPF and the Local and Neighbourhood Plan Policies. Also determining whether the revised scheme overcomes the issues highlighted in the earlier appeal decision and whether the redevelopment of a brownfield site outweighs other material considerations. This is discussed in further detail below, together with other material planning considerations.

Sustainable development

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

Economic role

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

Social role and Environmental role (including visual impact)

- 6.24 The NPPF sets out that that role should support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs.
- 6.25 The environmental role as set out in the NPPF states that the planning system should *'contribute to protecting enhancing our natural, built and historic environment.'*, overlapping somewhat with the social role.
- 6.26 The Council can demonstrate a 5 year housing land supply and as such there is no overriding need to identify additional housing sites and although windfall development would contribute to the overall supply, such development should be focussed on sites where the local plan support such proposals.

6.27 The social and environmental role requires the creation of a high quality built environment. Policy SP17 of the local plan sets out the criteria for assessing development within the countryside which includes, that proposals will not be permitted unless they accord with other policies in the plan and will not result in harm to the character and appearance of the area. Policy DM30 sets out that *'The type, siting, materials and design, mass and scale of development...would maintain, or where possible, enhance local distinctiveness including landscape features.'* and that *'any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area.'*

6.28 Policy DM12 of the local plan sets out :

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

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

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

Visual impact

6.30 The earlier appeal decision highlights that harm would result to the character and appearance of the area. A copy of the decision is appended to this report and key paragraphs which relate are 5, 6, 7, 10, 11 and 12.

Paragraph 6 sets out :

'Notwithstanding that the exact number and layout of the dwellings has not been determined, new buildings on the scale shown in the indicative scheme, together with the up-graded access and domestic boundary enclosures, would have a urbanised effect compared with the existing collection of more modest, utilitarian buildings. The height, volume and spread of buildings would increase significantly and the low key, utilitarian character of the site would be replaced by a more intensive residential use.'

6.31 The scale of the new buildings has not altered since the earlier indicative scheme. The proposed dwellings remain as 5-bedroomed, 2-storey executive style housing, which would be in stark contrast to the modest utilitarian buildings currently on the site. The access road would be upgraded as per the earlier scheme and extended further into the open countryside to accommodate the new storage building. The site would be formalised to enable parking and turning, the subdivision of the site to allow for 2 dwellings. The redevelopment of the site would not be low-key and would introduce additional built development, mass and height of buildings in an area where development is concentrated along the road frontage or well screened when it encroaches into land to the south.

6.32 The key matter is therefore whether the indicative planting shown on the submitted plans would mitigate the harm identified in the committee's earlier decision and supported by the Planning Inspector. It is officers view that due to the character and appearance of the existing site which has limited impact on the landscape, the proposed scheme would not result in significant environmental improvement (as

required by Policy DM5 of the Local Plan) and would not overcome the earlier reasons for refusal and Inspectors decision. The impact on the character and appearance of the area is further exacerbated by the proposed new storage building which would encroach into open countryside to the south. There is no policy justification for this building, which would be of larger proportions than the existing building on the site.

Accessibility of the site

- 6.33 The Inspector in his earlier decision concluded that the site was not sustainable in terms of its location. Paragraph 13 of his decision sets out :

'There is no dispute that Staplehurst itself is a sustainable settlement. However its services and facilities are concentrated within the built up area at least 1.1km from the site. The nearest bus stop is some 0.9km away. The route from the appeal site along Marden Road is unlit and has no footpaths for the first 250m. The road is subject to a 40mph speed limit and is fairly busy with traffic. Whilst there are grass verges next to the carriageway, they are narrow and uneven in places. I found on the site visit that walking this part of route is uncomfortable and would not be attractive for trips during the day, much less during hours of darkness.'

- 6.34 No circumstances have changed on site, no additional mitigation is proposed to improve access (for example a footway along Marden Road) and therefore the conclusions of the Inspector remain material. The supporting statement highlights the development at Hen and Duckhurst, however as highlighted by the Inspector at Paragraph 14 of his decision, this may improve links to the station and reduce speeds along Marden Road, this would not materially improve the pedestrian route to most local facilities and services which are predominantly to the east and south-east of the application site.
- 6.35 It is therefore not considered that there is reason to depart from the Inspector's conclusion that the site would rely on private vehicle use and cannot be considered sustainably accessible.

Overall

- 6.30 As such it is not considered that the proposed development would fulfil the social or environmental role of sustainable development and meet national or local plan policies which seek to promote high quality development and maintaining/enhancing the character of the local area, promoting distinctiveness. The development would not result in significant environmental improvement nor is the site or would it be made reasonably accessible by sustainable modes to Staplehurst or any other urban area, rural service centre or larger village such that the development would not comply with policy DM5 which allows for brownfield redevelopment.

Residential amenity

- 6.31 The site is located to the south of The Gables, which is located adjacent to the road. The potential new houses would be approximately 45m from the main house and therefore I would not consider it to have a detrimental impact on the private amenity of these neighbours.
- 6.32 Additionally, whilst there would be an increase in the quantity of traffic along the access road, it is not considered this would amount to an unacceptable level of noise and disturbance.

6.33 Concerns have been raised in relation to the neighbouring use of the property by the current occupiers of this site, which is industrial in its nature. Their concerns relate to the noise levels generated from this site can be large and during unsociable hours. I have no reason to question this concern as the planning history demonstrates there is no restriction on the hours of the use. An established use certificate for “storage of materials, plant and equipment, the ancillary repair of same and for the storage of lorries necessary to transport the same” was awarded in 1989 (ref 89 1681), and aerial photos demonstrate that this has been a continuous use.

6.34 In consultation with Environmental Health on the earlier application, the following mitigation measures were agreed.

- The double glazing will be 6-12-6 glazing (improved noise insulation).
- There will be whole house ventilation to all rooms, rather than individual mechanical ventilation to each room.
- There will be no windows to habitable rooms on the elevation to the houses facing the yard, whatever the final layout.
- The fence between the proposed housing and yard will be 2.4 metres in height.

These details have not been put forward with the current submission, however should members wish to overturn the officer recommendation and approve planning permission the details could be conditioned.

6.35 With this in mind, it is considered that the proposal suitability conditioned could provide acceptable living conditions for future occupants.

Highways matters

6.36 It has been confirmed by KCC Highways that the access provisions in this location would not raise any significant concerns. For this reason, I am satisfied that the access would be acceptable.

Ecology

6.37 It is considered that there would be no reasonable likelihood of protected species being present on the site and affected by the proposals as a result of the management of the land (which has meant that the grass has been consistently mown) and the location of the site adjacent to the crane site,

6.38 The National Planning Policy Framework (the Framework) and Circular 06/2005: Biodiversity and Geological Conservation confirm that surveys should be carried out prior to planning permission being granted where there is a reasonable likelihood of a protected species being present and affected.

6.39 Should members be minded to approve the application a condition requiring ecological enhancements within the site could be sought.

Other matters

- 6.40 Concerns have been raised in relation to drainage. The proposal is to contain any surface drainage within the site using sustainable urban drainage and a condition can be attached to secure this.
- 6.41 Southern Water supports this stance and seeks, through appropriate planning conditions, to ensure that appropriate means of surface water disposal are proposed for each development.
- 6.42 Southern Water have confirmed that a formal application for a connection to the foul sewer must be made by the applicant or developer, but subject to this there is no objection relating to foul drainage.
- 6.43 With the above in mind and the drainage for this site is considered to be acceptable.

7.0 CONCLUSION

- 7.01 The site is outside of any settlement as defined in the Maidstone Borough Local Plan 2017. The application fails to meet the high threshold for new residential development in these locations in relation to sustainability and design. The re-development of this brownfield land would not comply with the local plan policy which requires significant environmental improvement and sustainability.
- 7.02 The design, scale and proportions of the new housing and storage building (for which there is no policy justification) would result in significant harm to the character and appearance of the area, failing to promote local distinctiveness and the intrinsic character of the countryside.
- 7.02 It is not considered that this revised application overcomes previous issues.

8.0 RECOMMENDATION – REFUSE for the following reason :

The proposed development would be contrary to the National Planning Policy Framework 2012, the National Planning Practice Guidance 2012, Policies SP5, SP17, DM1, DM3, DM5, DM12 and DM30 of the Maidstone Borough Local Plan October 2017 and the visions, Policy PW2 and Objective 11 of the Staplehurst Neighbourhood Plan in that it would be outside of the settlement boundary of Staplehurst and, being located in flat open countryside in the Low Weald, would be a jarring and harmful addition to the character and appearance of the countryside (both by day and by night) by reasons of a loss of its open character and associated domestic paraphernalia; and also in that this is an unsuitable location due to the absence of a footway on Marden Road and the distance of the site from the village centre.

Case Officer: Rachael Elliott

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

Appeal Decision

Site visit made on 29 November 2016

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 December 2016

Appeal Ref: APP/U2235/W/16/3155385

Land to the south of The Gables, Marden Road, Staplehurst TN12 0PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr P R Garrod against the decision of Maidstone Borough Council.
 - The application Ref 15/509275/OUT, dated 2 November 2015, was refused by notice dated 16 June 2016.
 - The development is proposed residential development following demolition of existing buildings with replacement storage building.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Appearance, landscaping, layout and scale were reserved for further approval. However, the application was accompanied by a drawing entitled 'Site Layout as Proposed' (drawing number 1945/06) which shows a group of four detached two storey dwellings and garages together with a storage building to the south. This plan is noted as indicative and, whilst the appellant considers that the number of dwellings and their layout could be determined at the reserved matters stage, it provides the clearest indication of the proposed development. Moreover, the outline planning stage provides the opportunity to define the nature and scale of the development and no conditions have been suggested to establish such restrictions.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the appeal site is sustainably located having regard to development plan and national policies.

Reasons

Character and Appearance

4. The appeal site is located to the side and rear of a substantial detached dwelling known as The Gables. This property forms part of one of a number of rows of buildings sporadically sited on both sides of Marden Road. The rows are separated from each other and from the built up area of Staplehurst by a

- landscape of open agricultural land enclosed by boundary hedgerows. This landscape is typical of the Low Weald Landscape Character Area and it prevails over the built development to give the area a semi-rural character. The site falls outside of the settlement limits for Staplehurst as defined in the Maidstone Borough-Wide Local Plan 2000 (LP) and the emerging Maidstone Borough Local Plan 2016 (ELP).
5. Whilst there is a commercial yard to the east of the appeal site, residential development in the area is mainly linear in form with direct frontages onto Marden Road. The appeal site accommodates two low, open fronted barns and a taller storage building, together with a limited area of concrete hardstanding and loose surfacing.
 6. The existing access to the west of The Gables would be formalised and widened to 4m for most of its length. The indicative plan shows the proposed dwellings grouped to the rear of The Gables with the storage building to the south of that group. Notwithstanding that the exact number and layout of the dwellings has not been determined, new buildings on the scale shown in the indicative scheme, together with the up-graded access and domestic boundary enclosures, would have a urbanising effect on the site compared with the existing collection of more modest, utilitarian buildings. The height, volume and spread of buildings would increase significantly and the low key, utilitarian character of the site would be replaced by a more intensive residential use. As a result, the proposal would be incompatible with the semi-rural character of the area.
 7. The proposal would also create development in depth to the rear of The Gables. This would be at odds with the characteristic linear pattern of residential development the area.
 8. The western boundary of the site is marked by a hedgerow which, in places, provides some visual screening of the site and the proposal includes a 2m wide landscaping strip along this boundary. Whilst the proposed planting would help to reinforce the hedgerow, it would be quite narrow with limited opportunity to increase its width whilst retaining the proposed access and associated service strip. I am not persuaded, therefore, that the reinforced hedgerow would screen the proposed dwellings sufficiently to mitigate the effects identified above. The commercial yard to the east of the appeal site is not conspicuous in public views and its presence does not provide adequate justification for the proposal.
 9. The Council has given notice under Class P of the Town and Country Planning (General Development) (England) Order 2015 that the existing storage building at the site could change to residential use without the need for prior approval. However, the development permitted under Class P is limited to change of use of the building and a curtilage no larger than the building. It does not allow for new built development. Consequently, although the notification establishes the principle of residential development on the site, the physical effects of the development permitted would not be comparable with the appeal proposal.
 10. Consequently, by virtue of its location, form and siting, I consider that the appeal proposal would have a harmful effect on the character and appearance of the area. As such, it would be contrary to LP Policy ENV28. This policy defines the countryside as those areas falling outside of settlement boundaries and presumes against development which would harm the character and

appearance of the area. It also confines development in the countryside to specified categories. There is nothing to suggest that the appeal proposal would fall within any of those categories.

11. The reason for refusal also cites ELP Policies SP5 and SP17. The ELP has been submitted for examination and, whilst the appellant advises that there are outstanding objections, in accordance with National Planning Policy Framework (the Framework) paragraph 216, it can be given some weight. Policy SP5 defines Staplehurst as a Rural Service Centre and seeks to focus new housing at allocated sites, minor development including infilling and appropriate redevelopment of previously used land within settlements. Given the location of the appeal site outside of the settlement boundary, the proposal would not accord with this policy. Policy SP17 has broadly similar aims to LP Policy ENV28. Whilst the categories of development which may be acceptable in the countryside are different, the appeal proposal would not fall within them. In addition the policy seeks to conserve and enhance the Low Weald as a landscape of local value. The proposal would not, therefore, comply with this policy.
12. Nor would the proposal accord with paragraphs 17, 60 or 61 of the Framework insofar as they recognise the intrinsic character and beauty of the countryside, the reinforcement of local distinctiveness and the integration of new development into the natural and built environment.

Whether Sustainably Located?

13. There is no dispute that Staplehurst itself is a sustainable settlement. However its services and facilities are concentrated within the built up area at least 1.1km from the site. The nearest bus stop is some 0.9km away. The route from the appeal site along Marden Road is unlit and has no footpaths for the first 250m. The road is subject to a 40mph speed limit and is fairly busy with traffic. Whilst there are grass verges next to the carriageway, they are narrow and uneven in places. I found on the site visit that walking this part of route is uncomfortable and would not be attractive for trips during the day, much less during the hours of darkness.
14. The appellant has referred to the Hen and Duckhurst site to the north-east of the appeal site. That site has been granted outline planning permission for residential development and is allocated in the ELP. Whilst it would result in traffic calming along Marden Road within an extended 30mph zone and improve links to railway station, it would not materially improve the pedestrian route from the appeal site to most local facilities and services.
15. I recognise that access by cycle to the local facilities and services would be reasonably convenient. Nevertheless, I consider it likely that the majority of trips made by future occupiers of the proposed development would be by private car. Such an outcome would run counter to Framework paragraphs 32 and 35 which seek safe and suitable access to the site for all people and prioritise pedestrian and cycle movements and access to public transport.
16. I note that the Inspector who considered an appeal for a new dwelling at The Bramleys¹, only slightly further west along Marden Road, reached a similar conclusion. The appellant has drawn my attention to two appeal decisions for

¹ Appeal reference: APP/U2235/A/14/2224793

residential development in the vicinity of Staplehurst. Although the Woodford Farm² site is further from the Staplehurst facilities than the current appeal site, in finding that the site was 'relatively sustainable', the Inspector gave weight to the availability of a convenient bus service to Staplehurst and Maidstone and noted that a farm shop, café and garden centre were located around 600m away. The current appeal site does not benefit from similar linkages. In the Iden Park Service Station³ decision, the Inspector also found that the site was on a bus route and within walking distance (the appellant puts the distance at 500m) of the local facilities. As such, that site appears to be considerably more accessibly located than the current appeal site. Therefore, I consider that neither of the decisions cited by the appellant provides a robust justification for the appeal proposal.

17. The appellant considers that the proposal draws backing from ELP Policy DM4. This policy supports the development of brownfield land including, exceptionally, on sites in the countryside. The appeal site can be regarded as brownfield land. However, the policy also requires such development to result in significant environmental enhancement and the site to be, or become, accessible by sustainable modes. Whilst the use of part of the site as garden area could add some bio-diversity value, there is no substantive evidence to demonstrate that it would be significant. Consequently, having regard to the concerns set out above, I consider that the proposal would not satisfy the requirements of Policy DM4.

Planning Balance and Conclusion

18. Framework paragraphs 7 and 8 require the three roles of sustainability to be considered together.
19. The Council and the appellant disagree over whether the Council can demonstrate a five year supply of housing land as required by Framework paragraph 47. The appellant considers that paragraphs 14 and 49 of the Framework are engaged and that relevant policies for the supply of housing, including LP Policy ENV28 and ELP Policies SP5 and SP17, should be regarded as out of date. The appellant relies on a recent appeal decision at Lenham⁴ with regard to the housing land supply position. At the time of the Lenham Inquiry the Council accepted that it did not have a five year supply, but submitted further evidence after the Inquiry which, it claimed, changed that position. Whilst the Inspector had regard to the post Inquiry evidence, he found that, even if there was a five year supply, the adverse impacts of that scheme would not outweigh the benefits (paragraph 98). Consequently, the Inspector did not examine the housing land supply position in detail. Nor has the appellant in this case sought to quantify the extent of the claimed shortfall in housing land.
20. In any event, the creation of three additional dwellings (taking into account the non-implementation of the change of use of the storage building to residential) would make a very limited contribution to the housing needs of the District as a whole. Nevertheless, in accordance with Framework paragraph 47, it merits a measure of weight in support of the proposal, irrespective of the housing land supply position. The proposal would also offer a modest, short term economic

² Appeal reference: APP/U2235/W/16/3142747

³ Appeal reference: APP/U2235/A/12/2184356

⁴ Appeal reference: APP/U225/W/15/3131945

benefit by providing employment and potential local purchasing of materials during the construction phase.

21. However, given my conclusions on the effects of the proposal on the character and appearance of the area and the sustainability of the location, I find that the proposal would have significant negative impacts on the environmental role of sustainability.
22. Therefore, even if I were to conclude there is a shortfall in the supply of housing land and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal.
23. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion
24. Consequently, I conclude that the proposal would not amount to sustainable development and so is not supported by the presumption in favour of sustainable development set out in Framework paragraphs 14 and 49.
25. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR

PLANNING COMMITTEE

**27 September
2018**

Draft Local Enforcement Plan

Final Decision-Maker	Strategic Planning, Sustainability & Transportation Committee
Lead Manager	James Bailey – Development Manager
Lead Officer and Report Author	Rebecca Prideaux, Senior Enforcement Officer
Classification	Public
Wards affected	ALL

Executive Summary

A full review of the enforcement policy has been carried out in order to provide a more succinct version. The redevelopment of the Local Enforcement Plan aims to ensure that it is both effective and easy to understand for employees, Councillors, the wider members of the public and is compliant with the NPPF.

This report makes the following recommendations to this Committee:

Members are requested to note the contents of the Local Enforcement Plan and refer any suggestions/recommendations to SPS&T where the plan will be formally considered.

Timetable

Meeting	Date
Committee (Planning)	27/09/18
Committee (SPS&T)	09/10/18

Draft Local Enforcement Plan

1. INTRODUCTION AND BACKGROUND

1.1 In May 2018 the Council instructed law firm Ivy Legal to undertake an Enforcement Service Review and to draft a new Enforcement Plan. Ivy Legal specialises in planning enforcement matters, has extensive experience in working in and with Local Authorities and has an in-depth understanding of how local authorities operate and how local authority decisions are made.

1.2 Effective planning enforcement is important as a means of maintaining public confidence in the planning system.

1.3 The National Planning Policy Framework says that Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. The NPPF also states that enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. The enforcement plan should establish how the Local Planning Authority will:

- monitor the implementation of planning permissions
- investigate alleged cases of unauthorised development
- take action where it is appropriate to do so

1.4 The planning enforcement service is a reactive service, responding to complaints from councillors and members of the public. In practice planning enforcement is a lengthy process that requires careful assessment of planning merits of breaches both before action is taken, and in the form of an appeals process after action is taken. Further, planning enforcement action requires consideration of whether a planning breach is immune from action by virtue of the statutory limitations and careful consideration of other matters such as the reasonable time period of compliance. In drafting a local enforcement plan, consideration should be given to the planning enforcement process.

1.5 Maidstone Borough Council (MBC) covers an area which is just over 150 sq. miles with only 7% of that area being Green Belt protected. MBC is generally to the East and South of the town of Maidstone: as far north as the M2 motorway; east down the M20 to Lenham; south to a line including Staplehurst and Headcorn; and west towards Tonbridge. Generally speaking, it lies between the North Downs and the Weald, and covers the central part of the county.

1.6 MBC it is a very attractive area for potential developers due to its proximity to London and it also faces challenges relating to unauthorised Gypsy and Traveller encampments. The Council's current Enforcement Plan is outdated, does not reflect current guidance and requires a clearer structure.

1.7 The Enforcement Service Review provided an opportunity to review this plan and for members to have a real say in a new Local Enforcement Plan. Additionally, the Enforcement Service Review was intended to function as a review of the enforcement team's process and comparison with best practice. The review also aimed to identify new key performance indicators (KPI's) which will drive Enforcement activities.

1.8 Currently the only KPI that the enforcement team have is a 21 day marker within which team members are to visit sites and provide an initial response to the complainer where new planning breaches have been reported. It is felt that this is not an effective measure as it doesn't match up with the priority given to each new case at the point of registration. Currently the enforcement team uses a Low, Medium or High priority marker but there are no corresponding timescales attached so the team works to the 21 day target in all cases.

1.9 The redevelopment of the current Enforcement Policy aims to ensure that it is both effective and easily to understand for employees, Councillors, the wider members of the public and is compliant with the NPPF.

The New Local Enforcement Plan

1.10. The National Planning Policy Framework says that an Enforcement Plan should set out how a local planning authority intends to monitor the implementation of planning permissions, investigate alleged cases of unauthorised developments and take action as appropriate. The purpose of a local authority's planning enforcement function is to monitor the implementation of planning permissions in a broad sense. It is not practicable to actively monitor all planning permissions granted. However, it is more feasible to adopt a reactive approach that responds effectively to incoming complaints about breaches of conditions.

1.11 In this way, clear service standards are set against which expectations can be managed. That said, while the Plan can be a driver for improvement of the service, it is equally important that aspirational elements are clearly identified as such and that it is not simply a statement of generic best practice.

1.12 It was intended that the new Local Enforcement Plan should demonstrate the borough's commitment to planning enforcement, should explain the service to residents and be a practical and accurate guide to what can be expected during the planning enforcement process.

1.13 The new draft Local Enforcement Plan was informed by input from the following:

- Initial scope meetings with key stakeholders including enforcement officers and Members;
- Discussions with Members to understand key requirements and levels of actions required for investigating breaches of planning and the priorities associated with that action;

- Discussions with key officers to understand the levels of actions required for investigating breaches of planning control;
- Appropriate benchmarking and research to inform the new policy; and
- Appropriate recommendations around appropriate KPI's and the performance management of the emerging policy.

1.14 The result was the development of new draft Local Enforcement Plan which is easy to follow, concise and clearly sets up through targeting where the Council's priorities lay.

The Emerging Local Enforcement Plan

1.15 An initial meeting with members was held on 12th July 2018 at which time the following matters were discussed.

- **A presentation of the purpose of an Enforcement Plan, with examples from other local authorities**

Consultants from Ivy Legal made a presentation on the guidance provided in the NPPF and how to obtain best value from an enforcement plan. Inevitably, discussions led to expectations of an effective planning enforcement service. In practical terms, this meant extensive discussions around appropriate timescales for first response on new planning enforcement enquiries.

- **Reducing the content of the Enforcement Plan to make the new plan more user friendly and streamlined**

The majority of members agreed that the current policy is quite lengthy and hard to read and that it would be better to see something more succinct and compact. The enforcement plans of other local authorities were discussed.

- **The Enforcement Plan as an educational tool**

The majority of members agreed that there is so much online content available to members of the public, that it was not necessary to supply an extensive summary of legislation and guidance on planning enforcement within the enforcement plan. Members felt that it was important to have a compact and punchy document that is user friendly.

- **Site visit and response targets (linked to LPI's)**

It was felt that although it is important to set new targets, these targets must be manageable and achievable. The majority agreed the current 21 day target was not working.

Several options were suggested and the main ones were:

- **High/Medium/Low priority with 1 day/5 day/10 day target for carrying out the site visit and 1 day response time to update the complainant**
- **1 day site visit and 1 day response time meaning that every case is giving the same priority and the same follow up.**

1.16 One other suggestion was that priorities are not divided into the three-tiered High, Medium and Low. Members felt that different breaches are important to persons affected in different ways and so what may be a 'low' priority to one person could be very 'high' to another.

1.17 It was felt that where a case is given a 'low' ranking, it would essentially send a message that a complainant's concerns are not valid, and it may send a message to potential perpetrators that planning control for those development types can be violated with impunity.

1.18 It was suggested that by removing the 'low' classification no case would be given 'minimal' priority. Instead, the following prioritisations were discussed:

Priority 1 - Site visit within 24 hrs for anything deemed urgent within a 24hr response time

Priority 2 - Site visit within 10 days for anything deemed non –urgent (works that have ceased or can be dealt with in due course but still with a 24hr response time to update the complainant from the date of carrying out the site visit.

1.19 It was discussed that the priority classification would be identified by a Senior Enforcement Officer with the relevant experience to assess the case. Furthermore, Priority 2 has a maximum of 10 days which means that it could be visited at any time within that period.

- **Should we introduce targets for the issuing of notices when they are required?**

The majority felt that this would be a good idea. It means that if an officer has responded to a case and provided a report to a senior officer and it was deemed that a notice is required, we would have a target date to issue that notice. However, it is difficult to attach specific timescales for issuing enforcement notices due to the often-complex nature of considering the planning merits of planning breaches, immunity considerations and other considerations required prior to the issuing of a notice.

- **Staffing and resources**

It was discussed and noted that staffing and resources are an important issue that needs to be addressed. The main concerns were that the team is not adequately resourced regardless of which priorities were adopted in the enforcement plan. The Development Manager advised that the planning enforcement team was now fully staffed for the first time in 2 years, but that the team would benefit from targets to ensure expectations were met. Resources beyond the enforcement team such as the legal department, are also impacted as they provide the legal advice and assistance when required.

Setting of KPI's

1.20 Following the meeting on 12th July 2018 a new Local Enforcement Plan was drafted taking on board the comments made by members at the previous meeting. The most important point which would be at the heart of the new enforcement plan was the setting of new (KPI's) for dealing with all new enforcement complaints.

1.21 A follow up meeting with members on 30th July 2018 presented the new draft enforcement plan which included amended KPI's which were further amended following discussions at that meeting:

<u>Nature of Breach</u>	<u>Priority</u>	<u>Target Site Visit</u>	<u>Target Response Time</u>
<p>Activities that have the potential to have a detrimental effect on public safety or cause irreparable harm to the environment, especially in sensitive sites such as Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty etc.</p> <p>Unauthorised works to a listed building.</p> <p>Unauthorised works to protected trees (Trees subject to Protection Orders and Trees in Conservation Area).</p> <p>Change of use of land for stationing of caravans and works associated with such changes of use.</p>	1	As soon as possible (and at least within 1 working day)	Within 1 working day of site visit
<p>Activities resulting in some disturbance and loss of amenity to third parties.</p> <p>Activities that are likely to be adversely affecting the environment, but not irreparably.</p> <p>Breach of planning conditions.</p>	2	Within 10 working days	Within 1 working day of site visit

<p>Unauthorised works to listed buildings or protected trees where those works have ceased.</p> <p>Unauthorised advertisements (unless the advertisement seriously affects public safety)</p> <p>Untidy land issues.</p> <p>Businesses from home.</p> <p>Unauthorised fences, walls & gates.</p> <p>Unauthorised telecommunications equipment or satellite dishes on residential buildings.</p>			
---	--	--	--

1.22 Members discussed the importance of a quick response to new complaints to encourage perpetrators to cease planning breaches as soon as possible after they start. Immediate action may reduce the need for further action if breaches are stopped early.

2. AVAILABLE OPTIONS

The contents of this report are for information purposes only so no options are to be put forward.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

Just for noting so no recommendation to be put forward at this stage.

4. RISK

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

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- To date we have held two workshops for Councillors from planning committee and SPS&T to attend. During the workshops, feedback was taken on the current and proposed Local Enforcement Plan and this was taken back to the consultants and used as a benchmark for the draft report.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 We would now ask that Members review the draft Local Enforcement Plan. If approved by Members of the Planning Committee on 26/9/18, a report and the draft policy will be presented to all Members of SPS&T Committee on 9/10/18. If the draft is agreed then the plan will be adopted and rolled out immediately.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<ul style="list-style-type: none"> We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. 	Head of Service or Manager
Risk Management	<ul style="list-style-type: none"> Already covered in the risk section 	Head of Service or Manager
Financial	<ul style="list-style-type: none"> The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation. 	Section 151 Officer & Finance Team
Staffing	<ul style="list-style-type: none"> N/A 	Head of Service or Manager
Legal	<ul style="list-style-type: none"> It should be noted that members of the legal team work closely with planning enforcement officers to issue and/to enforce notices. Shorter timescales and increased targets may have an impact on the legal team, which does not have a dedicated resource for 	Principal Solicitor, Contentious and Corporate Governance

	planning enforcement.	
Privacy and Data Protection	<ul style="list-style-type: none"> • Accepting the recommendations will increase the volume of data held by the Council. • We will hold that data in line with current policy 	Legal Team
Equalities	<ul style="list-style-type: none"> • The recommendations do not propose a change in service therefore will not require an equalities impact assessment 	Policy & Information Manager
Crime and Disorder	<ul style="list-style-type: none"> • N/A 	Head of Service or Manager
Procurement	<ul style="list-style-type: none"> • N/A 	Head of Service & Section 151 Officer

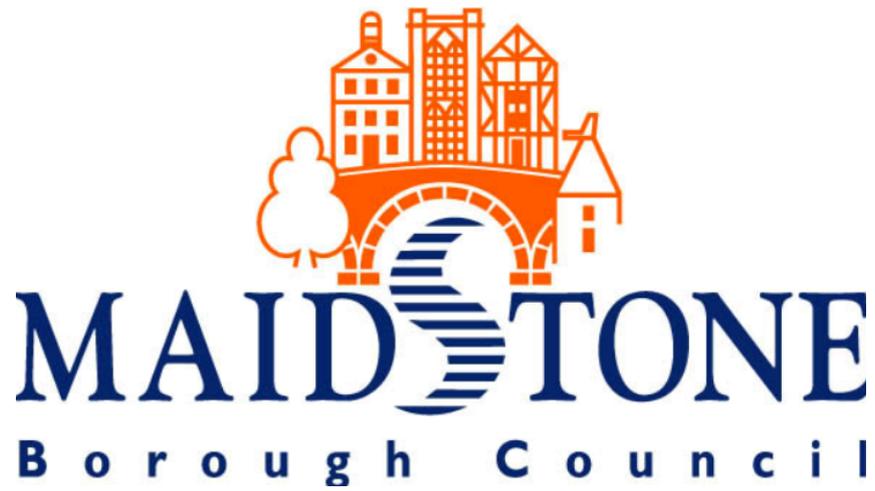
8. REPORT APPENDICES

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

- Appendix 1: Draft Local Enforcement Plan
- Appendix 2: Flowchart 1
- Appendix 3: Flowchart 2

9. BACKGROUND PAPERS

None.



LOCAL ENFORCEMENT PLAN

Updated August 2018

Introduction

This enforcement plan outlines the manner in which the Council will undertake its planning enforcement function and help ensure effective enforcement within the borough. The document covers the following matters:

- **Planning Policies**
 - National Policy
 - Maidstone Development Plan
 - Supplementary Planning Documents
 - Neighbourhood Plans
 - Article 4 Directions

- **What is and what is not a Breach of Planning Control?**

- **Initial Prioritisation of Case Types**

- **Taking Action**

- **Procedure for Reporting Breaches**
 - Reporting a breach
 - Next steps

Planning Policies

National Policy

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance

Maidstone Development Plan

[Maidstone Borough Local Plan 2011-2031 \(2017\)](#)

Supplementary Planning Documents

The Council have adopted supplementary planning documents (SPD) and endorsed supplementary guidance documents (SG). These provide additional guidance on local and national planning policies and can be found at

<http://www.maidstone.gov.uk/home/primary-services/planning-and-building/primary-areas/local-plan-information/tier-3-primary-areas/planning-guidance>

Neighbourhood Plans

- North Loose Adopted Plan
- Staplehurst Adopted Plan

Article 4 Directions

Article 4 Directions cover some of the borough's conservation areas. Under a Direction, any works that changes the external appearance of a building or affects its grounds may require planning permission from us.

In deciding whether to grant planning permission, we have a duty to protect the borough's heritage.

Conservation Areas covered by Article 4's are:

- Headcorn (part)
- Hollingbourne - Eyhorne Street
- Lenham (part)
- Loose Valley (part)
- Maidstone Holy Trinity Church Area

For further details on Article 4 Directions in the Borough please find the following link:

<http://www.maidstone.gov.uk/home/primary-services/planning-and-building/primary-areas/heritage-and-landscape/tier-3-primary-areas/conservation-areas>

What is and what is not a breach of planning control?

A breach of planning control could involve such matters as the unauthorised construction of a building or extension, a material change of use of land and a range of other matters defined as 'development'. Examples of breaches are:

- Unauthorised works to Listed Buildings;
- Unauthorised works to trees subject to a Tree Preservation Order or in a conservation area;
- Breaches of conditions attached to planning permissions;
- Not building in accordance with the approved plans of planning permissions;
- Untidy land which has an impact on the amenity of the area; and
- Unauthorised engineering operations such as raising ground levels.

Often changes of use of land require an assessment of fact and degree to come to a decision as to whether a material change of use has occurred.

The following examples are NOT normally breaches of planning control:

- Internal works to a building that is not listed;
- Parking of commercial vehicles on the highway or on grass verges;
- Running a business from home when the residential use remains the primary use;
- Land ownership disputes or trespass issues;
- Infringements of covenants in property Deeds;
- Any works that are deemed to be 'permitted development' under the relevant Government regulations (for example extensions within specified size limits).

Even where a matter constitutes a breach of planning control, it may not always be appropriate to take action, for example where a breach may have secured planning consent had an application for planning permission been made.

Initial Prioritisation of Case Types

Once received, cases will be categorised in order of priority. Priority may change depending on the findings of a site visit and initial review.

Activities that may cause irreparable harm to the environment are a priority, as a fast response may stop the breach or allow officers to gather evidence for a prosecution or injunctive action. Similarly, a fast response is appropriate for listed buildings and protected trees.

Due to the high numbers of enforcement notices recently issued in respect of changes in use of land for stationing of caravans, it is considered appropriate to include this breach type in Priority 1. Should this breach type reduce in frequency, the Head of Planning and Development may re-categorise this breach type to 'Priority 2'.

Matters categorised as 'Priority 2' may be assigned a 'Priority 1' designation where a Senior Enforcement Officer considers it appropriate.

The table below sets out the categorisation of priorities by the nature of the breach. The Target Site Visit column indicates the time within which a site visit will take place. The Target Response Time indicates the time within which a complainant will be notified of the results of the site visit and the next steps to be taken.

<u>Nature of Breach</u>	<u>Priority</u>	<u>Target Site Visit</u>	<u>Target Response Time</u>
<p>Activities that have the potential to have a detrimental effect on public safety or cause irreparable harm to the environment, especially in sensitive sites such as Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty etc.</p> <p>Unauthorised works to a listed building where works are on-going</p> <p>Unauthorised works to protected trees (Trees subject to Protection Orders and Trees in Conservation Area).</p> <p>Change of use of land for stationing of caravans and works associated with such changes of use.</p>	1	As soon as possible (and at least within 1 working day)	Within 1 working day of site visit
<p>Activities resulting in some disturbance and loss of amenity to third parties.</p> <p>Activities that are likely to be adversely affecting the environment, but not irreparably.</p> <p>Breach of planning conditions.</p> <p>Unauthorised works to listed buildings or protected trees where those works have ceased.</p> <p>Unauthorised advertisements (unless the advertisement seriously affects public safety)</p> <p>Untidy land issues.</p> <p>Businesses from home.</p> <p>Unauthorised fences, walls & gates.</p> <p>Unauthorised telecommunications equipment or satellite dishes on residential buildings.</p>	2	Within 10 working days	Within 1 working day of site visit

Taking action

The prioritisation of enforcement action after an initial site visit can depend on:

- Statutory time limits within which enforcement action may be taken.
- Previous case history.
- The availability of any witnesses and their willingness to co-operate.
- Blatant disregard of the law involved in the breach or if it was considered to be a genuine misunderstanding.
- Willingness of the contravener to rectify the breach.
- Likelihood of the offence being repeated.
- The overall probable public benefit of taking formal action.

Where appropriate, the Council will take enforcement action against breaches of planning control. The below table sets out the main notice types the Council may utilise in carrying out its enforcement function, together with potential remedies for non-compliance with these notices. Please also see the hyperlink which will take you directly to the NPPG where further information can be found.

<https://www.gov.uk/guidance/ensuring-effective-enforcement>

<u>Notice type</u>	<u>Description</u>	<u>Remedy for non-compliance</u>
Planning Contravention Notice	Requires persons to provide information to specific questions relating to a potential breach of planning control	Prosecution
Temporary Stop Notice	Requires unauthorised activities to cease immediately for a period of up to 28 days	Prosecution and/or Injunction
Breach of Condition Notice	Requires compliance with conditions set out in a planning permission	Prosecution and/or Injunction
Enforcement Notice	Requires particular steps to be taken or activities to cease in order to remedy a breach	Prosecution and/or Direct Action and/or Injunction
Stop Notice	Requires unauthorised activities to cease within three days for a period of up to 28 days in conjunction with a related Enforcement Notice.	Prosecution and/or Injunction
Section 215 Notice	Secures the proper maintenance of land	Prosecution and/or Direct Action and/or

		Injunction
--	--	------------

Please note that there is an inherent right of appeal against enforcement notices to the Secretary of State and against section 215 notices to the Magistrates’ Court. There is no right of appeal against Breach of Condition Notices.

Injunctions are used to prevent or stop unauthorised development but are only used in limited circumstances.

Failure to comply with a notice is a criminal offence and prosecution proceedings may be brought where compliance with valid, effective enforcement notices are not achieved.

Persistent contraveners of planning control are not tolerated, and an appropriate level of resources will be allocated to tackle the problems they cause.

Procedure for reporting breaches

Reporting a breach

To help us deal with your case as soon as possible it is important to provide as much information as you can. Below is a list of the type of information that would assist us in dealing with your complaint:

- An accurate description of the location or address for the particular site;
- A detailed description of the activities taking place and why they are cause for concern;
- Names, addresses and phone numbers of those persons responsible for the alleged breach or the land owners;
- The date and times of when the alleged breach took place;
- Any other information or evidence (including photos) that may be able to assist;
- Your name and address or e mail address.

Complaints about alleged breaches can be made by e-mail; letter; or telephone providing the complainant gives their name, address and telephone number. The preferred method of receiving complaints is via the MBC website:

https://self.maidstone.gov.uk/service/report_a_planning_enforcement_breach

Anonymity & confidentiality

We do not usually investigate anonymous complaints. Where complainants wish to remain anonymous, they are encouraged to speak with their elected Ward member or Parish Council representative.

Every effort is made to safeguard the confidentiality of any private individual who reports a potential breach of planning control. If an appeal is made against an enforcement notice to the Planning Inspectorate any complainant will be notified and asked if they wish to submit additional representations or to appear independently at a public inquiry or hearing to support the Council's case. The strength of local support is often crucial to the Council's success on appeal.

At all stages of the enforcement process the knowledge and information held by members of the general public and residents' groups will supplement that available to the Council from official records and from site inspections. The success of some further enforcement actions may depend on evidence from witnesses prepared to provide statements for Court.

Next steps

When an enquiry into a potential breach of planning control is received it will be acknowledged by email or post. An investigation into the enquiry will then begin. The enforcement process followed by Maidstone Council will follow the Flowchart 1 for Investigation & Negotiations and Flowchart 2 for Formal Action.

The Council will respond to enquires made by customers in relation to specific enforcement cases depending on the priority of the case.

All **Priority 1** cases will have a site visit within one working day. Following the site visit, the complainant will be updated within one working day following the initial visit.

All **Priority 2** cases will receive a site visit within 10 working days of the case being set up and the complainant will again receive an update within one working day following the initial visits.

Routine updates on reports of a potential breach of planning control will not be provided during the course of an investigation. However, the complainant will be updated once a decision has been made or when a case is closed.

It is important to note that planning enforcement can be a lengthy and legally complex process and the time taken to reach a satisfactory resolution can vary considerably between investigations.

Maidstone Borough Council Enforcement Procedure: Investigation and Negotiation

Receive Complaint



Carry out site visit and/or check relevant records



Is there a breach of planning control?

No

Either no further action required, or action cannot be taken

Close Case

YES

Is it possible planning permission may be granted

Yes

Invite retrospective planning application



NO

Is it expedient to take formal enforcement action?

No

Has an application been submitted



YES

Seek authorisation to take formal enforcement action

No

Has planning permission been approved

Yes

Close Case



Authorisation granted?

No

Close Case

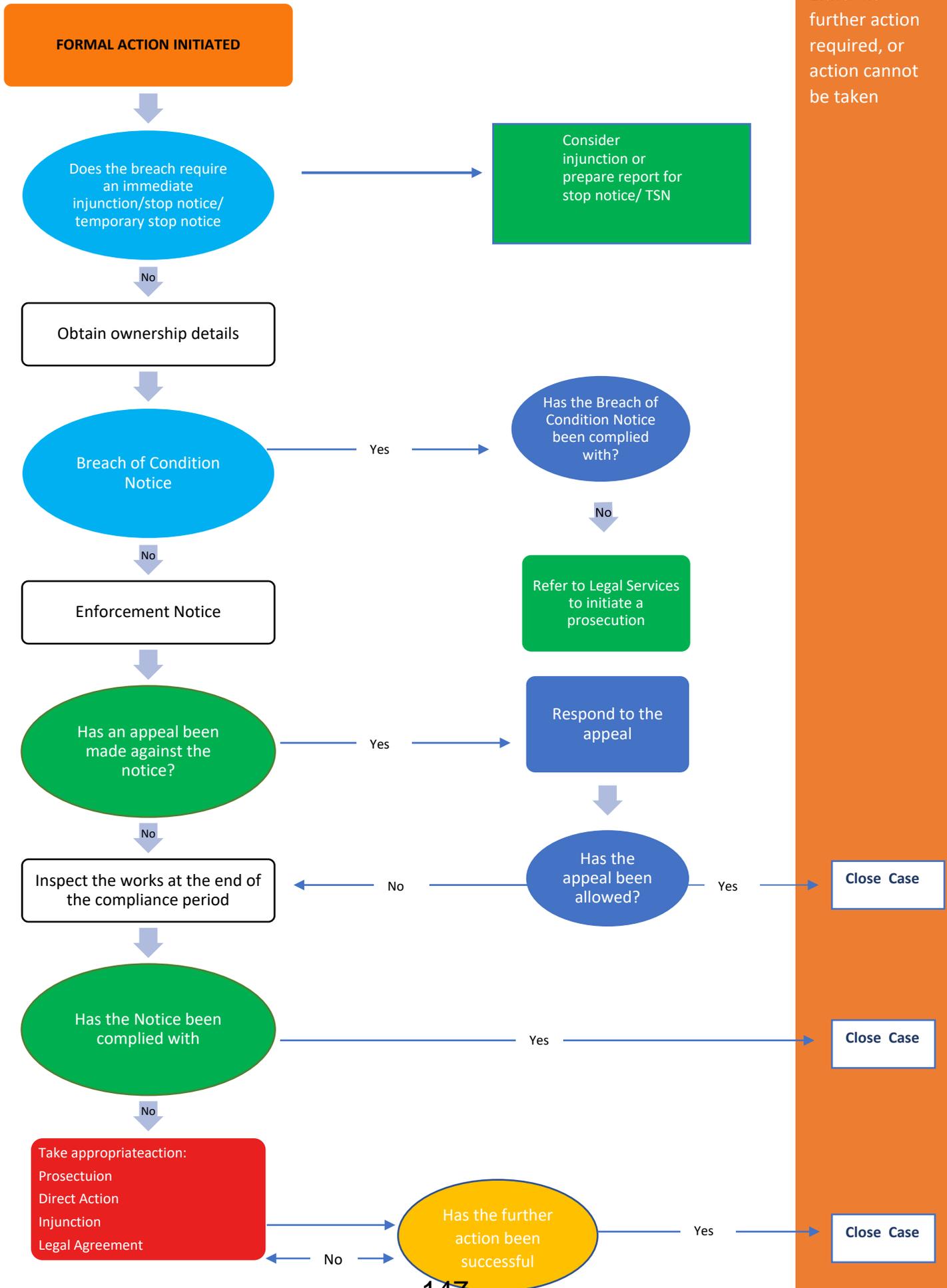
YES

INITIATE FORMAL ACTION



Go to Chart 2: Formal Action

Maidstone Borough Council – Enforcement Procedure Flow Chart: Formal action and remedying the Breach



Either no further action required, or action cannot be taken

Agenda Item 19

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 27 September 2018**

APPEAL DECISIONS:

- 1. 18/501036/FULL** Erection of a detached double garage.

APPEAL: ALLOWED

Pipers Wait
9 Faversham Road
Lenham
Maidstone
Kent
ME17 2PN

(DELEGATED)

- 2. 18/501320/FULL** Proposed loft conversion and erection of a part two storey, part single storey rear and side extension.

APPEAL: ALLOWED

The Old Garage
Tom Thumb Cottage
Burtons Lane
Marden
Tonbridge
Kent
TN12 9PN

(DELEGATED)

- 3. 17/504788/FULL** Demolition of existing prefab garage and removal of shed. Construction of new garage with living accommodation above for family members

APPEAL: DISMISSED

Little Goddington
Goddington Lane
Harrietsham
ME17 1JX

(DELEGATED)

3. 17/502932/OUT

Outline Application (With All Matters Reserved)
for erection of a pre-fabricated eco-friendly three
bedroom, three-storey property

APPEAL: DISMISSED

Guildstead Lodge
Yelsted Lane
Sittingbourne
Kent
ME9 7UT

(DELEGATED)
