

PLANNING COMMITTEE MEETING

Date: Thursday 25 April 2019
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

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

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

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - Monday 29 April 2019
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 4 April 2019 1 - 5
11. Presentation of Petitions (if any)
12. 18/506258/FULL - Mote Park Maidstone, Willow Way, Maidstone, Kent 6 - 18
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Issued on Monday 15 April 2019

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

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PLEASE NOTE

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

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

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

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

If you require this information in an alternative format please contact us; call **01622 602899** or email committee@maidstone.gov.uk.

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

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 4 APRIL 2019

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

313. APOLOGIES FOR ABSENCE

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

314. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

315. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

316. ITEMS WITHDRAWN FROM THE AGENDA

19/500082/FULL - MINOR MATERIAL AMENDMENT TO CONDITION 16 OF 18/502327/FULL (DEMOLITION OF EXISTING CAFE BUILDING AND ERECTION OF NEW MOTE PARK CENTRE WITH ASSOCIATED TERRACES, BIN STORAGE AREA AND CAR PARKING) TO ALLOW THE ADDITION OF ROOFTOP VENTILATION PLANT AND VISUAL SCREENING, WINDOWS TO LAKESIDE ELEVATIONS TO BE MADE OPAQUE, AMENDMENTS TO WC BLOCK FLOOR PLAN LAYOUT TO ACCOMMODATE INCREASED PLANT ROOM REQUIREMENTS, AND MINOR INCREASES TO THE HEIGHTS OF ROOF LINES - MOTE PARK MAIDSTONE, WILLOW WAY, MAIDSTONE, KENT

The Chairman advised the Committee that this application had been withdrawn by the applicant as there was a possibility that the scheme might need to be redesigned to bring it back within budget.

Note: Councillor Harwood entered the meeting during consideration of this item (6.05 p.m.).

317. URGENT ITEMS

There were no urgent items.

318. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood said that, with regard to the report of the Head of Planning and Development relating to application 18/506658/REM (Plot 3, Maidstone Innovation Centre, Newnham Court Way, Weaving, Maidstone, Kent), he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions regarding the proposed development, and intended to speak and vote when it was considered.

Councillor Round disclosed an Other Significant Interest in the report of the Head of Planning and Development relating to application 18/504803/FULL by virtue of having a long association with the applicant. Councillor Round said that he would leave the room when the application was considered.

319. EXEMPT ITEMS

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

320. MINUTES OF THE MEETING HELD ON 14 MARCH 2019

RESOLVED: That the Minutes of the meeting held on 14 March 2019 be approved as a correct record and signed.

321. PRESENTATION OF PETITIONS

There were no petitions.

322. 18/504803/FULL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 7NO. DWELLINGS WITH ASSOCIATED AMENITY SPACE, LANDSCAPING AND ACCESS - THE OLD FORGE WORKS, CHARTWAY STREET, EAST SUTTON, MAIDSTONE, KENT

Having disclosed an Other Significant Interest, Councillor Round left the meeting whilst this application was discussed.

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

Mr Edmed, an objector, and Mr Hawkins, for the applicant, addressed the meeting.

Councillor Ireland of East Sutton Parish Council was late in arriving at the meeting, but was allowed by the Committee to make representations on behalf of the Parish Council.

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

Voting: 7 – For 0 – Against 4 – Abstentions

323. 18/506658/REM - RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE APPLICATION 16/507292/OUT (OUTLINE APPLICATION WITH ACCESS SOUGHT FOR DEVELOPMENT OF MEDICAL CAMPUS) FOR CONSTRUCTION OF PROPOSED FOUR STOREY INNOVATION CENTRE OFFICE BUILDING (CLASS B1) AND ASSOCIATED EXTERNAL WORKS - PLOT 3, MAIDSTONE INNOVATION CENTRE, NEWNHAM COURT WAY, WEAVERING, MAIDSTONE, KENT

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

Ms Lewis addressed the meeting on behalf of the applicant.

RESOLVED:

1. That subject to:

- (a) Further negotiations to secure the incorporation of a green wall on the south facing side of the building to break up views from the south to the north;

AND

(b) The conditions and informative set out in the report with:

- The amendment of condition 5 (Landscaping) to specify the use of native species such as Bird Cherry, Wild Cherry or Silver Birch in place of Himalayan Birch in the proposed landscaping scheme; and
- The amendment of condition 8 (Installation of Bat Boxes) to specify that the bat boxes are to be installed on the south facing side of the building;

the Head of Planning and Development be given delegated powers to grant permission and to (i) finalise the wording of amended conditions 5 and 8 and to amend any other conditions as a consequence and (ii) add or amend any necessary conditions as a consequence of the negotiations referred to in resolution 1 (a) above.

2. That if the Head of Planning and Development is unable to secure the incorporation of a green wall on the south facing side of the building, the application must be reported back to the Committee.

Voting: 9 – For 0 – Against 3 – Abstentions

Note: Councillor Round re-joined the meeting for this and the remaining items on the agenda (6.30 p.m.).

324. 19/500082/FULL - MINOR MATERIAL AMENDMENT TO CONDITION 16 OF 18/502327/FULL (DEMOLITION OF EXISTING CAFE BUILDING AND ERECTION OF NEW MOTE PARK CENTRE WITH ASSOCIATED TERRACES,

BIN STORAGE AREA AND CAR PARKING) TO ALLOW THE ADDITION OF ROOFTOP VENTILATION PLANT AND VISUAL SCREENING, WINDOWS TO LAKESIDE ELEVATIONS TO BE MADE OPAQUE, AMENDMENTS TO WC BLOCK FLOOR PLAN LAYOUT TO ACCOMMODATE INCREASED PLANT ROOM REQUIREMENTS, AND MINOR INCREASES TO THE HEIGHTS OF ROOF LINES - MOTE PARK MAIDSTONE, WILLOW WAY, MAIDSTONE, KENT

See Minute 316 above.

325. ENFORCEMENT TRACKER

The Chairman welcomed Claire Cutts, the newly appointed Planning Enforcement Team Leader, to her first meeting of the Committee.

The Committee then considered the Planning Enforcement Tracker report setting out details of the current status of enforcement cases where formal notices had been served.

The Senior Planning Enforcement Officer advised the Committee that during the last quarter 133 enforcement cases had been received; 96 cases had been closed and 30 cases were still within the 10 day priority 2 Key Performance Indicator leaving 7 cases in three months which had not been closed probably because planning applications were awaited.

During the discussion, it was pointed out that the Tracker demonstrated the sheer scope and activity of the Planning Enforcement Service. Reference was made to the importance of communication between Members and the Planning Enforcement Team. It was suggested that greater emphasis should be placed on compliance with landscaping conditions, including the replacement of any trees or plants which fail within the specified period, and that there was a need to be proactive in the approach to ensuring that the paving of gardens in urban areas complies with planning regulations. Specific reference was made to the need for a two pronged strategy of education and enforcement, and the Chairman undertook to consider, in consultation with the Vice-Chairman and the Chairman and Vice-Chairman of the Strategic Planning, Sustainability and Transportation Committee, how this might be taken forward.

RESOLVED: That the report be noted.

326. 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.

Members were disappointed and concerned about the number of applications for residential development in rural areas that had been allowed by the Planning Inspector. In response to questions, the Major Projects Manager confirmed that in a number of respects these reflected

cases where Inspectors had applied a subjective assessment of the impact upon character and appearance.

Members also expressed concerns relating to the execution of quality when a number of schemes allowed on appeal had been built out. The Major Projects Manager explained that often on appeal schemes the Council was left with little control; for example, Planning Inspectors followed the six tests for planning conditions rigidly and often schemes would not have the same conditions that the Committee might apply. However, where the discharge of conditions required the approval of the Local Planning Authority, there was an opportunity to seek an appropriate level of quality and detail.

Members raised the issue of the effectiveness of certain policies and the Major Projects Manager explained that as part of the Local Plan review, the effectiveness of the suite of development management policies was being examined.

RESOLVED: That the report be noted.

327. DURATION OF MEETING

6.00 p.m. to 7.25 p.m.

Agenda Item 12



18/506258/FULL - Mote Park, Maidstone, Kent

Scale: 1:5000

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REFERENCE NO - 18/506258/FULL		
APPLICATION PROPOSAL Works to be carried out at Mote Park Lake Reservoir (to satisfy the Reservoirs Act 1975 "matters in the interests of safety"): works to existing culvert sluice gates; Construct an auxiliary spillway circa 58m wide; Lower ground level on west abutment to accommodate auxiliary spillway; Increase ground level on east abutment to resist overtopping; Construct wave wall along dam crest; Divert HV (11kV) cable; Modify bridge parapet; and Environmental mitigation.		
ADDRESS Mote Park Maidstone Willow Way Maidstone Kent ME15 7RN		
RECOMMENDATION Application Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION Maidstone Borough Council is responsible for the management of Mote Park Reservoir. To continue meeting its statutory duties it is imperative in the interests of safety, to carry out a range of works to satisfy the Reservoirs Act 1975. The engineering works needed to meet this obligation are extensive. They involve significant ground level changes and extensive lengths and heights of retaining walls, a new wave wall and other engineered structures which mean loss of mature vegetation and trees. Thus there is inevitably a significant short term impact upon on the recreational quality of the Park, visual appearance and biodiversity. In terms of the less than substantial harm to the setting of the listed buildings, the curtilage listed buildings and the bridge over the existing spillway, they are all outweighed by the public benefits of the proposal. In terms of the substantial harm to the Historic Park and Garden, this is exceptional in the light of the statutory duty to comply with the safety requirements of the Reservoirs Act 1975. It has been demonstrated that the substantial harm is necessary to achieve substantial public benefits and that these outweigh that harm. Overall, the harmful impacts can be reduced in the short term by suggested conditions for design and materials of the retaining walls and in the medium or longer term (once the new and replacement planting establishes and matures) by requiring detailed and appropriate landscaping schemes for the face of the spillway and to screen the wave wall plus appropriate reinstatement of accessibility. This would ensure longer term compliance with the Strategic policy SP1 of the Local Plan relating to Mote Park and other relevant local planning policies.		
REASON FOR REFERRAL TO COMMITTEE The applicant is Maidstone Borough Council		
WARD Shepway North	PARISH/TOWN COUNCIL	APPLICANT Maidstone Borough Council AGENT Black & Veatch Ltd
TARGET DECISION DATE 01/05/19		PUBLICITY EXPIRY DATE 05/03/19

Relevant Planning History

18/503922/ENVSCR
EIA Screening Opinion - Mote Park Lake Reservoir Engineering Services
EIA Not Required Decision Date: 16.08.2018

10/1271
Proposed works include new DDA compliant footpath, steps and viewing point adjacent to Cafe area, new enclosed maintenance yard area adjacent to the existing WC/maintenance building, enlargement and formation of new car park facility etc Approved Decision Date: 23.09.2010

MAIN REPORT

DESCRIPTION OF SITE

- 1.01 The application site of 2.32ha is in the NW corner of Mote Park, a 1.8km² multi-use public country park. The Park is maintained by Maidstone Borough Council (MBC), which is also responsible for the reservoir.
- 1.02 The site is near to two Local Nature Reserves, namely River Len and Vinters Park; Mote Park itself is Grade II Listed under Registered Parks and Gardens (England); Several Grade II Listed buildings (60+) within a 1km buffer of the proposed works, including Mote House, Stables to Mote House, Raigersfeld, and The Old Brewhouse.
- 1.03 There are a number of features largely related to the Grade II listed house including a curtilage listed Boathouse located on the northern bank of Mote Park Lake, constructed 1836-39.
- 1.04 Mote Park Lake Reservoir was formed between 1793 and 1800 by damming the River Len. The reservoir covers an area of 12 ha with a capacity of 200,000m³.
- 1.05 The embankment that forms the dam is approximately 140m long and separates Mote Park Lake and the smaller lake, Turkey Mill Pond. A footpath spans across the top of the embankment between the lakes. The River Len flows northwest from Turkey Mill Pond via Turkey Mill then towards Maidstone town centre.
- 1.06 One culvert through the dam is located at the eastern end of the embankment, with the flow controlled by sluice gates in the Boathouse.
- 1.07 The existing spillway (an overflow channel used to control the release of flows from a dam into a downstream area) is located at the western end of the embankment. It conveys flood water from Mote Park Lake downstream to Turkey Mill Pond via two culverts that start under a footpath on the northwest bank of Mote Park Lake. The culverts discharge into an earth channel which then conveys flow northwest towards Turkey Mill Pond.

2. PROPOSAL

- 2.01 A ten yearly review of Mote Park Lake dam safety that was carried out in 2014 under Section 10 of the Reservoirs Act 1975 concluded that the reservoir does not meet the recognised safety standards (ICE, 2015) and failure of the dam would result in downstream flooding of Turkey Mill Business Park and several areas of housing along the River Len.
- 2.02 A risk-based approach, undertaken for the 2017 ALARP Report, identified that in terms of safety, the dam is assessed as Flood Category A, where consequences of failure of the dam are major.
- 2.03 A number of requirements and recommendations were made regarding required maintenance and upgrade of the reservoir. These are based primarily on a much larger extra spillway being essential.
- 2.04 It is anticipated that construction work will last four to six weeks. The scheme comprises of the following in order to deal with a 1 in 200 year return flood event:
 - Construct a new auxiliary spillway c.60m wide by 12-26m deep (providing additional water storage during extreme flood events) to have a grass seeded surface but with a concrete crest beam visible for EA inspection purposes.

- Edge the new spillway with 2 retaining walls up to 2.6m high and approx 18m long, comprised of interlocking concrete modular blocks, articulated to intend to replicate the appearance of natural stone
 - Construct wave wall 2.5m high and 125m long on embankment crest to augment the height of the dam. It is shown to have a reinforced concrete core, faced and capped with interlocking concrete modular blocks, articulated to intend to replicate the appearance of natural stone.
 - Infill, bank and landscape an existing ghyll (ravine) on east abutment to increase the ability of the dam to store water during a large flood event.
 - Modify stone bridge parapet over existing spillway with 6 sets of modern railings each 2.4m wide by 1m high, by to improve floodwater conveyance in existing spillway during extreme events.
 - Lower ground level on west abutment (currently used as a picnic area) to provide an additional 590m³ floodwater storage during extreme flood events;
 - Works to existing culvert sluice gates (only one of the four existing sluice gates is operational) to improve control the water level in the reservoir, the discharge of flood water and the conveyance of river water. The work include: Replacement of the two upper penstocks and operating equipment; Electrical control panel and access platform; Enlargement of access manhole in floor of inner chamber. (None of these proposed works will be generally visible from outside of the structure).
 - Consequent diversion of underground High Voltage cables.
- 2.05 The scheme is designed to improve the effectiveness of the sluices within the Boathouse but the rest of the works have to be designed to factor in the possibility that the sluice fails and there are flood waters overtopping the dam, putting it at risk of failure. The works to the bridge and picnic area and the length of the wave wall mean that a less wide spillway needed. ie, if the scheme comprised only of a spillway, it would need to be much wider than the 60m proposed in this scheme.
- 2.06 Since the application was submitted, the applicant has confirmed that the details of the following are indicative: retaining walls to spillway; steps adjacent the spillway; railings to the bridge parapet; alternative ramped access for pedestrians and cyclists.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017
SP1 Maidstone urban area
SP18 The Historic Environment
DM1 Principles of good design
DM3 Natural environment
DM4 Development affecting designated and non-designated heritage assets
DM19 Open space and recreation

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 None received.

5. CONSULTATIONS

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

Natural England

- 5.01 Proposed development will not have significant adverse impacts on statutorily protected sites or landscapes. The development should follow general advice on the consideration of protected species and the natural environment.

KCC (Archaeology):

- 5.02 Archaeological Evaluation needed by condition.

KCC (Flood and Water Management)

- 5.03 As the proposed works do not relate to new development with associated surface water drainage, these works do not fall within KCC's statutory role. The Flood Risk Assessment does not provide any technical assessment of the works. Consultation should be sought with the EA to ensure that the works do provide the appropriate management of flood risk and flood risk is not exacerbated.

Environment Agency

- 5.04 Flood Risk Permit is required before being allowed to carry out the works. No objection subject to condition for mitigation of unforeseen contamination.

The Gardens Trust

- 5.05 Two indirect adverse impacts detailed are on the settings of Mote House and of Turkey Mill due mainly to removal of trees: the link between Mote Park and Turkey Mill is currently obscured, the removal of some trees may actually emphasise this link and could be beneficial.

- 5.06 The bridge over the spillway does not appear to be listed in its own right (the original structure was washed away in a previous flood) but only as part of the grade II listed park and garden of Mote Park. The stone parapet is to be replaced by an open metal one to allow water through. Its date and history is uncertain according to the documents. The design and construction should be in keeping with the rest of the stonework. One large Turkey oak is to be retained in this area and care will be needed to protect it.

The Woodland Trust

- 5.07 Highlights the significant concentration of trees recorded as notable and veteran specimens on the Ancient Tree Inventory: where possible, the veteran and notable trees on site should be provided with a full root protection area.

KCC (Highways and Transportation)

- 5.08 No objection (recommend conditions related to the Construction).

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to
- Principle of development
 - Flood Risk
 - Historic Environment/Archaeology
 - Trees, Landscape and Visual Amenity
 - Nature Conservation
 - Recreation & Local Amenities (including footpaths and cycle paths)

Principle of development

- 6.02 Policy SP1 of the MBLP requires that development positively contributes to the setting, accessibility, biodiversity and amenity value of town's green spaces such as Mote Park and the River Len. Policy DM1 requires creation of a high quality public realm and a positive response to the local, natural or historic character of the area. Particular regard to be paid to scale, height, materials, mass, bulk and site coverage and making use of vernacular materials where appropriate. Policy DM19 of the MBLP states that development of existing open areas requires regard on the impact on the character, amenity and biodiversity of the area.
- 6.03 The extent of the development by reasons of the introduction of engineering structures, land re-profiling and loss of vegetation and trees will significantly harm recreational quality, visual appearance and biodiversity of Mote Park. In this case, due to the statutory need for the works under the Reservoirs Act 1975, the harm is outweighed by the works being justified and the objective to comply with the policy is to secure maximum mitigation of the harm by the imposition of suggested conditions as discussed further below.
- 6.04 The scale, height, materials, mass, bulk, and site coverage of the overall scheme is acceptable in the light of the engineering requirements to deal with the dangerous flood risk that would result if the dam were to fail. Hence it has been demonstrated to be the minimum scale of works necessary to facilitate meeting the statutory safety obligations and so has minimised harm.
- 6.05 Unfortunately, vernacular materials such as ragstone would not be feasible for a scheme of this nature although the indicative use of the modular blocks is a more aesthetically acceptable material than traditional concrete structures.
- 6.06 Historic matters are reference in policy SP1 but are discussed in more detail below in the light of the NPPF which sets a clear framework to assess harm to heritage assets.

Flood Risk

- 6.07 The project will provide long term flood protection to reduce the risk to life and prevent damage to properties downstream of Mote Park Reservoir, in the event of dam failure. The EA raised no objections in principle to the chosen option to comply with the safety objectives of the Reservoirs Act.

Historic Environment/Archaeology

- 6.08 In considering development proposals, the statutory duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting.
- 6.09 The National Planning Policy Framework explains that heritage assets are irreplaceable. Para 193 states that when considering the impact of new development on the significance of any designated heritage asset, great weight should be given to its conservation. Paragraph 194 goes on to say that significance can be harmed or lost through development within its setting and that any harm should require clear and convincing justification. The NPPF sets out tests which apply when considering a proposed development that results in either: less than substantial harm or in substantial harm to a designated heritage asset.
- 6.10 Paragraphs 190 and 194 of the NPPF require it to be demonstrated that the public benefits arising from the scheme as currently proposed cannot be delivered elsewhere thus avoiding harm altogether. If there is unavoidable harm, that has been minimised through design. Substantial harm to grade II registered parks or

- gardens, should be exceptional and any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification
- 6.11 Para 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.12 Policies SP18 and DM4 of the MBLP requires securing the sensitive management and design of development which impacts on heritage assets and their settings and considering Archaeological Interest.
- 6.13 In order to demonstrate that the balancing judgement relating to Heritage Assets required by the NPPF is properly undertaken: it is necessary to identify the degree of harm, its significance and to then conclude on the weight afforded to any other considerations.
- 6.14 The impact on archaeological remains is likely to be low in terms of pre- 19th Century and moderate for the remains of 19th Century activity, given the extensive changes that have taken place in the Park as it has evolved into a public space. However, as a precautionary approach, an archaeological evaluation would be necessary in the light of the historic importance of this part of the Park and a condition is suggested.
- 6.15 The application includes a Heritage Statement and Cultural Heritage Impact Assessment which concludes that there would be minor harm to historic views over the lake towards Mote House, on the setting of Mote House Grade II*, Mote House Stables etc. This is less than substantial harm and needs to be weighed against the public benefits of the proposal.
- 6.16 The significance of Mote House as listed Grade II* and Mote House Stables Grade II is high but the distance of over 500m to the nearest part of the flood relief scheme reduces the significance of any harm to minimal in terms of the settings of those listed buildings. The works to the curtilage listed structures have less than substantial harm and so raise no concerns from a heritage point of view in principle although there may be a technical need for separate listed building consent. In all aspects, the harm is as less than substantial and would need to be weighed against the public benefits of the proposal.
- 6.17 Of much greater significance as a heritage asset affected by the proposed development is the application site being within a Grade II Historic Park and Garden with its consequent high significance as heritage asset.
- 6.18 The register entry for Mote Park describes it as an 18th and 19th century landscaped park created from an earlier deer park, set at the east edge of Maidstone. The park surrounds a 1790's country house with informal, mid 19th Century grounds. The application site covers the valley of the River Len which runs from the centre of the east boundary, north-west through the park. The main approach enters from Mote Avenue at the north-west corner of the park. The north-west drive extends east through the park, flanked by loosely scattered parkland trees set in mown grass. The drive, carried by a bridge, crosses the course of the River Len c850m north-west of the House, the river being set in a cutting. The park is dominated by the 11ha lake of serpentine form which occupies much of the River Len valley. The river enters the park close to the centre of the east boundary, broadens out to form the lake, and leaves via a cutting at the north-west corner of the park, running via a mill pond into Turkey Mill. The environs of the pond are ornamented with walks and woody planting and two stone boathouses.
- 6.19 One impact on the significance of the heritage asset results from the changes to the bridge parapet. It is considered that these are moderate but that the imposition of a condition for a potential alternative design that could retain the continuous coping

reduces the impact to minor. The overall harm is less than substantial and would need to be weighed against the public benefits of the proposal.

- 6.20 The loss of vegetation (particularly where that is self seeded trees) opens up some views which is of positive benefit. The changes to topography of the picnic area and the ghyll have a very low impact in the context of the overall Park and Garden and there is no harm in my view.
- 6.21 The substantial harm is from the visible form of the new auxiliary spillway and its engineered retaining walls and engineered wave wall due to both their scale and their alien appearance compared to the established more naturalistic existing spillway and dam.
- 6.22 Applying para 194 of the NPPF, what is substantial harm to this Grade II Registered Park and Garden would need to be demonstrated to be exceptional and would require clear and convincing justification

Trees, Landscape and Visual Amenity

- 6.23 Policies DM1 and DM3 of the MBLP requires protection of trees with significant amenity value to provide for the long term maintenance and management of all natural assets associated with the development, including landscape character.
- 6.24 The features of Mote Park Registered Historic Park & Garden are sensitive to change. The new spillway and reformed embankment will potentially cause adverse visual and experiential effects on visitors to Mote Park and on visitors to Turkey Mill Lake which is used as a wedding venue.
- 6.25 There will be some fragmentation of tree cover on the dam embankment. Small sections of amenity grassland and scattered trees will also be affected.
- 6.26 There are no TPOs, Conservation Areas or Areas of Ancient Woodland in the application site. Tree loss is detailed in the Arboricultural implications Report as 31 individual trees to be removed because they are situated within or close to the footprints of proposed structures or surfaces.
- 6.27 The size and position of the flood mitigation structures, particularly the spillway and wave wall, are largely determined by existing topography and hydraulic modelling. Where possible, these structures have been moved or re-shaped to allow more trees to be retained and reduce the impacts on retained trees.
- 6.28 Of the trees to be removed, one (Turkey Oak) is category 'A' and six (2 x English Oak, Goat Willow, Silver birch and Norway maple and Ash) are category 'B'. The remaining 24 are category 'C'. Three groups of trees are to be partially removed as part of the proposals, and one group of trees is to be fully removed.
- 6.29 Seven of the eight category 'A' trees in the application site are to be retained and 24 of the 30 category 'B' trees are to be retained.
- 6.30 Conditions are suggest to secure considerable replacement tree planting both within the site and elsewhere on Mote Park grounds, albeit factoring in that significant rooting activity could compromise the structures' performance.
- 6.31 The Report states that areas to be lowered in the west of the site, where trees are to be removed, can be re-planted, potentially with superior specimens or more appropriate species. Additional plantings across Mote Park (following a pre-determined planting-to-removal ratio used by the Park) will further mitigate the proposed removals, improving the age class balance of the trees across the Park, enhancing the local landscape, and over time re-establishing the environmental benefits the trees to be removed now provide.

- 6.32 The Report proposes precautions to minimise damage where conflicts occur. These are quite extensive and should be viewed in the context of the British standard (BS5837) recommendations – the default position being that structures are located outside of RPAs except where there is overriding justification for construction within them. Where there is justification, it should not only be demonstrated that the affected trees will remain viable through technical solutions, but also propose mitigation measures to improve the soil environment that is used by the trees.
- 6.33 I am satisfied that it has been demonstrated that the proposals are necessary in this location and this scheme is the least damaging option, so the 'overriding justification' is satisfied. The significant tree losses/potential tree losses would also be considered unavoidable in that context, but I am of the view that the arboricultural (landscape and visual amenity) impact will be significant in the immediate area and should be compensated for with new tree planting and careful consideration of the planting environment following level changes. New trees will struggle to establish/survive into ground that has been significantly lowered and compensatory tree planting may have to be considered elsewhere.
- 6.34 The proposed intended retention of the Category A specimen Turkey Oak (which is 30m high and approx. 25m diameter crown spread) to the south of the spillway necessitated ground level changes to be re-designed. The Arboricultural Implications Report suggests that existing RPA area will be no more than 10%, which, based on this tree's physiological condition, is said to be within tolerable limits. However, the incursions into the RPA of this tree are quite significant and should be considered on the basis that there is a risk that the tree will either be lost as a result or decline prematurely as a result of the works. Hence whilst the longevity of this extremely prominent and attractive tree may be harmed more than is indicated, I consider that it has been demonstrated that the flood protection scheme cannot be redesigned feasibly to have a lesser impact on the tree roots so overall is considered to be acceptable.
- 6.35 The new auxiliary spillway can be landscaped with ivy/ground cover/wild flowers though it is essential that it is maintained to prevent becoming scrubby or self seeded with sycamores ie. nothing should be allowed to grow on the spillway which has roots that might damage the structure.
- 6.36 The retaining walls to both edges of the spillway are indicated to be of interlocking modular blocks would not effectively replicate the appearance of natural stone walling as there is no pointing. However, the applicant has confirmed that they could also be an alternative material eg a gabion wall or a concrete wall that can be more easily landscaped and this can be the subject of a planning condition for the precise form and materials. Again, the need to safeguard the structural integrity of the retaining wall from damaging roots and the need for regular inspection/maintenance by the EA will be important criteria.
- 6.37 The wave wall would be a very long structure at 125m, also indicated to be of interlocking modular blocks. As above, this would not effectively replicate the appearance of natural stone walling but in this case, there is unlikely to be an alternative to serve the same function that does not have a greater land take (and thus greater loss of trees and vegetation). However, provided there remains access to inspect/maintain, this wave wall can be screened with new landscaping.
- 6.38 In terms of the bridge parapet and the proposed railing design, whilst reflecting that used elsewhere in Mote Park does not look adequately in keeping in my opinion. The applicant is happy with a condition imposed for submission of detailed alternative solutions. Eg inset railings leaving the coping intact.
- 6.39 The infilling of the small ghyll is minor and raises no concerns. The diversion of the HV cable also raises no concerns.

Nature Conservation

- 6.40 An extended Phase 1 Habitat Survey was carried out and the potential for dormice, water voles, bats, badgers, reptiles, Desmoulin's Whorl Snail, reptiles and invasive species considered. As a result, surveys were carried out for dormice and bat species. No invasive or non-native species were recorded during the survey. There are not any active badger setts in or near the application site area.
- 6.41 The project is not encroaching on any 'sensitive areas' for nature conservation although the River Len and Vinters Park are locally designated as Local Nature Reserves and are located 420m and 540m away from the proposed works, respectively. Also, 'Mote Park and River Len' (partially within the project boundary) is a designated local wildlife site.
- 6.42 There will be an adverse effect on sensitive species from construction activities and on sensitive fish species from possible removal of tree roots within the lake during tree removal near the edge of the Lake. (European eel is present in Turkey Mill-internationally and nationally protected). The water quality is not expected to be altered and can be maintained through mitigation measures.
- 6.43 The application includes a water vole survey which was which was recommended by the Preliminary Ecological Appraisal but no evidence of water voles was recorded within the survey area. The bat survey concluded that Low Impact Licence can be applied for from Natural England. This type of licence simplifies the process and associated time frames when only a small number of bats, or other common species are present.
- 6.44 The replacement landscaping referred to above can be ensured to be of maximum nature conservation benefit in accordance with Policies DM1 and DM3 of the MBLP.

Recreation & Local Amenities (including footpaths and cycle paths)

- 6.45 The picnic area will be reinstated at the lower ground level and re-landscaped.
- 6.46 The submitted drawings show that an existing ramped footway from the west is to be replaced by steps adjacent to the outer edge of the spillway. This would therefore make the access inaccessible to those with impaired mobility or those with pushchairs. A condition is therefore suggested to secure alternative provision to allow full access by foot and bicycle into the Park at this location to be retained and to ensure that, overall, the recreational value of the Park is not unduly affected.

Other Matters

- 6.47 The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The proposed development falls into the zero charging category of the Maidstone adopted Charging Schedule. Consequently the CIL liability will be zero.

7. CONCLUSION

- 7.01 Maidstone Borough Council is responsible for the management of Mote Park Reservoir. To continue meeting its statutory duties it is imperative in the interests of safety, to carry out a range of works to satisfy the Reservoirs Act 1975.
- 7.02 The engineering works needed to meet this obligation are extensive. They involve significant ground level changes and extensive lengths and heights of retaining walls, a new wave wall and other engineered structures which mean loss of mature vegetation and trees. Thus there is inevitably a significant short term impact upon the recreational quality of the Park, visual appearance and biodiversity.

- 7.03 In terms of the less than substantial harm to the setting of the listed buildings, the curtilage listed buildings and the bridge over the existing spillway, they are all outweighed by the public benefits of the proposal.
- 7.04 In terms of the substantial harm to the Historic Park and Garden, this is exceptional in the light of the statutory duty to comply with the safety requirements of the Reservoirs Act 1975. It has been demonstrated that the substantial harm is necessary to achieve significant public benefits and that these outweigh that harm.
- 7.05 Overall, the harmful impacts can be reduced in the short term by suggested conditions for design and materials of the retaining walls and in the medium or longer term (once the new and replacement planting establishes and matures) by requiring detailed and appropriate landscaping schemes for the face of the spillway and to screen the wave wall plus appropriate reinstatement of accessibility. This would ensure longer term compliance with the Strategic policy SP1 of the Local Plan relating to Mote Park and other relevant local planning policies.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

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

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

03 Dec 2018 DR-C-00001 Rev P04 Spillway & Crest Wave Wall Plan; 03 Dec 2018 DR-C-00004 Rev P03 Mote Park Dam Longitudinal Sections ; 03 Dec 2018 DR-C-00005 Rev P04 Mote Park Spillway Plan; 03 Dec 2018 DR-C-00007 Rev P03 Lake Sluice House Gen Arrangement; 03 Dec 2018 DR-C-00009 Rev P02 HV Cable Diversion

Reason: To clarify which plans have been approved.

- 3) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

- 4) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of (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) Notwithstanding the submitted indicative details, the following shall be constructed in accordance with details of design and materials that have been submitted to and approved by the Local Planning Authority.
- i) retaining walls to spillway
 - ii) railings to the bridge parapet
 - iii) steps adjacent the spillway
 - iv) alternative ramped access for pedestrians and cyclists.

Reason: In the interests of quality of the Park, visual appearance and accessibility.

- 6) The development hereby approved shall not commence above DPC until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide landscape screening to the proposed wave wall.

Reason: In the interests of landscape, visual impact and biodiversity of the area.

- 7) Tree protection shall be carried out in accordance with the Arboricultural Implications Report hereby approved and in accordance with British Standard (BS5837), all endeavours should be made that affected trees remain viable through technical solutions and mitigation measures to improve the soil environment that is used by the trees.

Reason: In the interests of landscape, visual impact and biodiversity of the area.

INFORMATIVES

- 1) A Flood Risk Permit is required before being allowed to carry out the works.
- 2) Broad compliance with this document is expected with the Mid Kent Environmental Code of Development Practice.
- 3) The development should follow general advice from Natural England on the consideration of protected species and the natural environment.
- 4) You are advised that a Construction Management Plan should include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel

- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage.

Case Officer: Marion Geary



18/506656/FULL Popesfield, Bearsted Road, Weaving, Kent

Scale: 1:5000

Printed on: 15/4/2019 at 13:10 PM by JoannaW

REFERENCE NO - 18/506656/FULL

APPLICATION PROPOSAL

Erection of a new two-storey primary school and special educational needs secondary school with formation of new access onto Bearsted Road, together with associated car parking and drop off area, pedestrian access, drainage, areas for formal and informal outdoor play and landscaping works.

ADDRESS 'Popesfield', Bearsted Road, Weaving, Kent

SUMMARY OF REASONS FOR RECOMMENDATION – APPROVE SUBJECT TO CONDITIONS

- There is a clear identified need for the proposed schools which are cited in Kent County Council's Education Commissioning Plan (2019-2023) to meet the local need. Kent County Council as Local Education Authority fully supports the proposed schools.
- The NPPF states that Local Planning Authorities should,
"give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications"
- The Government's 'Policy statement – Planning for Schools Development' (2011) states that,
"There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework."
- The land is identified under policy RMX1(1) of the Local Plan as an area to provide 'net gains' for biodiversity but is not necessary mitigation for the ecological impacts of the Kent Medical Campus development.
- A comparable area of land which would deliver biodiversity benefits appropriate to those sought by policy RMX(1) has been identified on an immediately adjacent site and is presented to this Committee under application 18/506609, which varies the original permission to incorporate the alternative site. As such the requirement of policy RMX(1) would be satisfied. The implementation of the two applications would be linked.
- The proposals would cause some localised harm through development of the site but there would be no medium or long range visual impacts, and importantly no harm to the AONB or its setting. Landscaping would also serve to lessen any localised impact.
- There are no other impacts of the development that are so significant or unacceptable to warrant a refusal, or which cannot be suitably mitigated and there are no objections from any statutory consultees.
- Balancing the conflict with policy RMX1(1) and the low level of landscape harm against the need for the schools, with the great weight that must be given to the need for school places, it is concluded that the need and benefits of the schools

<p>clearly outweighs these matters, and any other impacts of the development.</p> <ul style="list-style-type: none"> On the basis that the biodiversity element of policy RMX1(1) is addressed through the proposed variation to the KMC permission now before Committee, there is no harm to the policy's overall objectives. Further, when the low level of landscape harm is balanced against the need for the schools, with the great weight that must be given to the need for school places, it is concluded that on balance the benefits associated with the schools clearly outweighs the limited harm arising from the development. Permission is therefore recommended. 			
<p>REASON FOR REFERRAL TO COMMITTEE</p> <ul style="list-style-type: none"> Councillor Bob Hinder has requested the application is considered by Planning Committee for the reasons outlined below. Councillor Wendy Hinder has requested the application is considered by Planning Committee for the reasons outlined below. Councillor Harwood has requested the application is considered by Planning Committee due to the significant public interest and concern. The proposals have some conflict with policy RMX1(1) of the Local Plan. 			
<p>WARD Boxley</p>	<p>PARISH COUNCIL Boxley</p>	<p>APPLICANT Bowmer and Kirkland Ltd for Department of Education AGENT DHA Planning</p>	
<p>DECISION DUE DATE 03/05/19</p>		<p>PUBLICITY EXPIRY DATE 19/04/19</p>	
<p>RELEVANT PLANNING HISTORY</p>			
App No	Proposal	Decision	Date
18/506609	Application to vary conditions 3, 4, and 5 of planning permission 16/507292/OUT (outline application with access sought for development of medical campus) to allow for the relocation of the Nature Reserve.	UNDER CONSIDERATION	
16/507292	Outline Application with access matters sought for development of medical campus comprising up to 92,379m ² of floorspace (including additional hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1); education and training facilities with residential accommodation (class C2/D1); keyworker accommodation for nurses and doctors (class C3);	APPROVED	16/06/17

	pathology laboratories (class B1); business uses (class B1); ancillary retail services (class A1, A2, A3); and up to 116 bed class C2 neuro-rehabilitation accommodation; internal roads and car parks, including car park for residents of Gidds Pond Cottages; hard and soft landscaping including creation of a nature reserve (to renew existing consent 13/1163).		
13/1163	Outline application for the development of a medical campus comprising up to 98,000sqm of floor space (including additional hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1); education and training g facilities with residential accommodation (class C2/D1); key worker accommodation for nurses and doctors (class C3); pathology laboratories (class B1); business uses (class B1); ancillary retail services (class A1, A2, A3); and up to 116 class C2 neuro euro-rehabilitation accommodation units; internal roads and car parks, including car park for residents of Gidds Pond Cottages; hard and soft landscaping including creation of new woodland area with access for consideration and all other matters reserved for future consideration.	APPROVED	23/04/14

1.0 DESCRIPTION OF SITE

1.01 The application site is a rectangular grassed field of some 2.86ha in area on the north side of Bearsted Road, to the southeast of J7 of the M20, and east of the Kent Medical Campus (KMC). In response to representations received on the application, the site has been amended since originally submitted and now also includes access to the site via KMC from the 'KMC/New Cut' roundabout and off Gidds Pond Road, which would involve the construction of a new section of road within KMC. To the north and east is deciduous woodland within 'Pope's Wood' which is subject to a Tree Preservation Order and is designated a Local Nature Reserve. Part of the woodland is designated Ancient Woodland (AW) and it touches the northeast corner of the site. Further south land rises to 'Weaving Heath' an area of public open space owned by MBC.

- 1.02 To the west is the 'Cygnet' hospital, which is part of the KMC site which has permission for 98,000sqm of mix used floorspace centred on medical uses, education and training facilities. As part of the outline permission for the KMC, the application site would become a 'nature reserve' to provide biodiversity enhancements but this has not been implanted yet.
- 1.03 Within the Local Plan, the site falls outside the defined urban area and so is classed as 'countryside' for Local Plan purposes. It is identified as a 'Landscape Area' on the proposals map, which stems from the KMC permission to be used as a 'nature reserve'. The site is approximately 670m south of the Kent Downs Area of Outstanding Natural Beauty (AONB) and does not fall within a Landscape of Local Value.
- 1.04 The site levels are highest at the east end and drop between 5-8m across the whole site to the west end. The levels drop more steeply on the east side of the site and then more gradually across the remainder. The boundary with Bearsted Road is largely open with a post and wire fence and a number of trees in the southeast corner. There are a number of houses opposite the southeast corner at 'Ash Tree Gardens' and off Bearsted Road.

2.0 PROPOSAL

- 2.01 The application seeks full permission for two new schools provided within a single two storey building. The new building would provide accommodation for a two form entry (2FE) Primary School and a Special Education Needs & Disability (SEND) Academy Secondary School. The Primary School would provide 420 places and the Academy would provide 140 specialist education need places. There would also be a 26 place pre-school nursery. In order to ensure that the need for places is met in a timely manner, the school is planned to open in September 2020.
- 2.02 The building would have a total floorspace of 5,499 sqm and be arranged in a U-shape, around a central shared area. There would be two separate entrances to each school. Two Multi Use Games Areas (MUGAs) would be provided to the east of the new building. A grassed playing field would also be provided at the east edge of the site. As the site is not level and slopes from the northeast corner some remodelling of the land will be required to provide level areas.
- 2.03 The building design would be contemporary in nature with a flat roof using a mix of materials including ragstone, brickwork and cladding with powder coated aluminium windows, which will be discussed in more detail in the assessment below.
- 2.04 The application has been amended in response to representations made and so now vehicular access would be via KMC with a new section of road proposed from Gidds Pond Road to the site. There would no vehicular or pedestrian access from Bearsted Road as was originally proposed. Various off-site highways works are proposed to provide safe connectivity to the site including footway widening and extensions, lowering of the speed limit, and new crossing points, which will be discussed in more detail in the assessment below.

- 2.05 There would be a car park and a drop off area on the west side of the site. The car park would provide 82 spaces for staff, 42 drop-off spaces for visitors, 14 minibus drop-off spaces and 2 minibus parking spaces. The proposal also includes parking motorcycles, cycles and scooters.
- 2.06 New landscaping would be provided around the site including along the site boundary with Bearsted Road, and along the north and east boundaries a 15m landscape planted buffer would be provided apart from where the access comes into the site. An attenuation pond and swale would be provided as part of the surface water strategy for the site.
- 2.07 The new schools would be 'Free Schools', directly funded by the Department for Education (DfE), through the Education and Skills Funding Agency (ESFA). It would be operated and managed by 'Leigh Academies Trust' as part of the Trust's existing schools' group.
- 2.08 This application is the subject of a Planning Performance Agreement (PPA) and as part of this there were discussions with Councillors in October and December 2018 where key issues were explored.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP17, SP23, RMX1, ID1, RMX1(1), DM1, DM2, DM3, DM6, DM8, DM19, DM20, DM21, DM23, DM30
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- DCLG Policy Statement Planning for Schools Development (2011)
- Kent Commissioning Plan for Education Provision in Kent (2019-2023)
- MBC Air Quality Planning Guidance (2018)
- MBC Public Art Guidance (2018)

4.0 LOCAL REPRESENTATIONS

- 4.01 **Boxley Parish Council:** Raises objections and wishes to see the application refused for the following (summarised) reasons:
- Lack of need for Primary School at this location.
 - No need for SEND school to be located at this location.
 - Alternative sites may be suitable for just a primary school.
 - Dangerous for pedestrians even with improvements.
 - There should be no access from Bearsted Road.
 - Narrow pavements.
 - Off-site highways works are unsafe.
 - Congestion.
 - Parking will occur on local roads.
 - Replacement parking for Gidds Ponds Cottages is unclear.
 - Assumptions on pupils walking to school are unrealistic.
 - Students are unlikely to cycle to school.
 - No good public transport links.

- Assessment underestimates vehicle travel to the site.
- Inadequate parking and drop-off spaces.
- Management of parking and drop-off is unrealistic.
- What happens when major events occur.
- Will add to pollution.
- Issues with foul drainage and flooding.
- Harm to Weavering Heath.
- Loss of trees.
- Lack of renewable energy and green roof.
- Impact upon AONB.
- Harm to ecology.
- Travel plan must be robustly challenged.
- Bus services are not at the right times to serve the schools.
- The name Bearsted Academy is not acceptable.

4.02 **Bearsted Parish Council:** Raises objections for the following (summarised) reasons:

- Development of nature reserve is a departure from the Local Plan.
- Harm to wildlife.
- Poor location in relation to the catchment area.
- Assumptions on traffic are misleading.
- Off-site highways works will worsen congestion.
- Safety issues.
- Traffic, congestion, and pollution.
- Lack of parking.
- Narrow pavements.
- Failure to plan ahead.
- Alternative sites.

4.03 **Local Residents:** 584 representations received raising the following (summarised) points:

- Highway safety and congestion.
- Too much traffic with other developments.
- Lack of parking and drop-off space.
- Overspill parking on local roads.
- Unsustainable and inappropriate location.
- Reliant on cars.
- People won't walk to the schools and assumptions are unrealistic.
- Off-site highways works are dangerous.
- Dangerous for children/pedestrians.
- Pollution, noise and disturbance.
- Will worsen air quality.
- Children will be vulnerable to poor air quality.
- Overdevelopment of local area.
- Increased risk of flooding.
- Impact upon AONB.
- Loss of nature reserve.
- No need for schools in this area as there is sufficient capacity.
- Local schools undersubscribed.
- Alternative sites are available.

- Alternative site assessment is flawed.
 - Loss of privacy.
 - Loss of light.
 - Light pollution.
 - Removal of Gidds Pond parking is a problem.
 - Loss of amenity to Gidds Pond Cottages.
 - Loss of trees.
 - Poor design.
 - Building would be an eyesore.
 - Will be next to a secure unit at Cygnet which is inappropriate.
 - Problems from pumping foul drainage.
 - Construction impacts.
 - Harm to Weaving Heath from new footpath.
 - Lack of sustainable design features.
 - Poor landscaping.
 - Late opening of school facilities will cause traffic problems and noise.
 - Contrary to Local Plan.
 - Harm to wildlife.
 - School name is wrong.
 - Loss of views.
 - Loss of property value.
 - Child safety will be compromised.
 - Should be cycle ways.
 - Transport Assessment is flawed.
 - Surface water pollution.
 - Schools should be within the community.
 - Local Plan should have allocated schools.
 - Cramped development.
 - Drainage problems.
 - No need for use of facilities outside school times.
 - Loss of views.
 - Travel Plan is flawed.
 - Impact of ancient woodland.
 - Local infrastructure cannot cope.
 - Impacts of Brexit on traffic.
-
- Fully support the application.
 - Not enough SEN schools in the local area.
 - Understand need for schools.
 - Desperate need for schools.
 - If schools are not built then people will have to travel further afield.
 - Amendments have overcome highway concerns.
 - Welcome addition to the local community.
 - Beneficial to the young people of Maidstone.

4.04 **Borough Councillor Wendy Hinder** raises the following (summarised) points:

- Lack of need for schools.
- Traffic and congestion on already critical roads.
- Build-out by Gidds Pond Cottages is dangerous.

- The SEND school will be taking students from a very wide catchment area and could be located somewhere else.
- Highway safety on Bearsted Road.
- Travel predictions are flawed.
- Parking and drop off facilities are very inadequate.
- Long distance to walk to schools.
- Pollution from pupils walking on local roads.
- Loss of wildlife corridor and nature reserve.

4.05 **Borough Councillor Bob Hinder** raises the following (summarised) points:

- Lack of need for schools.
- Traffic and congestion on already critical roads.
- Build-out by Gidds Pond Cottages is dangerous.
- The SEND school will be taking students from a very wide catchment area and could be located somewhere else.
- Highway safety on Bearsted Road.
- Travel predictions are flawed.
- Parking and drop off facilities are very inadequate.
- Long distance to walk to schools.
- Pollution from pupils walking on local roads.
- Loss of wildlife corridor and nature reserve.

4.06 **Borough Councillor Springett** raises the following (summarised) points:

- The site is allocated within the Local Plan as Woodland Nature Reserve under Policy RMX1(1) to mitigate the loss of countryside for the KMC.
- The nature reserve would provide a net gain in biodiversity, create connectivity between the areas of ancient woodland in the vicinity, and improve air quality.
- Whilst I accept the need for schools, this site is unsuitable as it is isolated from its anticipated catchment area which will generate a large amount of vehicle movements.
- The proposed access will exacerbate congestion.
- The expectation that 59.3% of pupils will walk to school is vastly over estimated.
- Pedestrian access is poor and there are no safe cycle routes that will serve the schools.
- Parking provision is insufficient and the schools are not served by a bus route.
- The proposal to remove the parking bays at Gidds Pond Cottages will lead to vehicles speeding and will require further traffic calming measures.
- I ask that this application is refused.

4.07 **Borough Councillor Cuming** raises the following (summarised) points:

- KMC would not have been granted without the condition for the Nature Reserve to be created on Pope's Field, which was done to reduce the carbon footprint of KMC and reduce local pollution levels.

- Loss of the potential enhancement of local biodiversity and natural wildlife habitat.
- Totally unsustainable countryside location, and contrary to Condition 3 of Policy RMX1(1) of the MBLP 2017.
- The Primary School would be far removed from its catchment area with approximately 70% of the pupils arriving by vehicular transport, which will aggravate local pollution levels and create an unhealthier environment.
- The SEN School would have a much greater catchment area, so its actual location can be much more flexible.
- The recognised need for extra school capacity in North Maidstone should be provided nearer to where it is actually required, in order to reduce the reliance on vehicular transport and the associated pollution levels.

4.08 Borough Councillor Harwood raises the following (summarised) points:

- Impact upon already severe local traffic congestion.
- The site is a remote and inaccessible location.
- Pedestrian/cycle access cannot be safely achieved from surrounding communities expect perhaps Grove Green.
- Only families with a car can access the site.
- 20mph speed limit is more appropriate at schools start and end times and speed cameras are essential.
- Pollution and noise on Bearsted Road.
- The scheme will be entirely dependent upon motor vehicles.
- Demographic challenges in North Ward in relation to the location and accessibility of the site from North Maidstone.
- Will create worse congestion situation than at other local schools.
- School run vehicles would congregate on Bearsted Road and local roads and bring hazardous conditions.
- Replacement Gidds Pond Cottages parking is vague and would have ecological implications.
- Parking restrictions for cottages is likely to be unpopular and it acts as a traffic calming feature.
- MBC should seek impartial independent technical transport advice.
- Implications of existing planning permission for a 'woodland nature reserve'.
- Insufficient space for required structural landscaping.
- Loss of trees in south east corner.
- Non-policy compliant landscaping with non-native species.
- 15m buffer is compromised due to inappropriate species next to ancient woodland and potential access.
- Woodland buffer should be more natural with different species and undulations.
- Site frontage should have a mixed native hedge with native trees with management.
- Landscaping must be 100% native and local provenance.
- Location of proposed ponds poses significant risk to amphibians and other wildlife and a location closer to woodland edge would be better.
- Street lighting will have negative ecological impacts and urbanisation.
- Cordwood should be retained on site.
- Site is important for European rabbit and a range of bird species.

- Negative impact to Popes Wood Local Wildlife Site.
- Many protected species use the edge of the woodland.
- Part of woodland edge will be shaded.
- Management of wildflower meadows is inappropriate.
- Mowing regime will kill wildlife.
- Integral bat nesting/roosting species should be delivered and drainage infrastructure should be wildlife friendly.
- New path across Weaving Heath would require significant engineering works and would bisect and fragment important semi-natural open space and harm ecology. Path across Weaving Heath should be ruled out.
- Lighting could be on motion sensors and switched off in early evening.
- Risk of bird strike on windows so glass tinting and/or overhangs should be used.
- Chemicals should not be used on site.
- Landscape impact day and night.
- Will significantly detract from the landscape setting.
- Will have a significant landscape impact in the open countryside and foreground of the AONB.
- Scale/massing and flat roof structure does not evidence good design.
- Exceptional scheme in terms of design and environmental sustainability is required in such a high quality setting.
- Should be subject of Design South East Panel scrutiny.
- Development on this scale must (alongside solar PV) incorporate a significant extent of living roof to achieve good design and sustainable development.
- Absence of renewable and de-centralised energy generation does not deliver sustainable development.
- Flat roof makes it suitable for solar PV and solid type suitable for ground source heat pumps and this should have been addressed at pre-application stage.
- Will create an urban heat trap.
- BREEAM Very Good should be achieved.
- Geographically confused proposed development names.

4.09 Borough Councillor Field raises the following (summarised) points:

- Traffic impact would be severe with reference to paragraph 109 of the NPPF.
- There is no likelihood of a safe walking route to the proposed site on the available footpaths.
- Location will make other methods of travelling most favourable.
- Car ownership is statistically lower in North ward than the average and so many parents would be forced to walk on a potentially unsuitable route.
- Young children will be walking through poor air quality areas.
- The SEND school will have parents driving out of necessity.
- Local roads will most likely become default drop off points to the detriment of the residents.
- The impact on Weaving Heath is unacceptable from an environmental perspective.
- The removal of on street parking from outside Gidds Pond Cottages is unclear and it creates a traffic calming effect.

- Owing to the need for using multiple informal crossing points a 20mph speed limit is required.
- The site is safeguarded from development through allocation as a nature reserve within both the 2017 Local Plan allocation and outline planning permission for the development of the medical campus.
- The field provides an open countryside buffer between the rapidly urbanising Newnham Court Farm and Bearsted and the plans for the nature reserve included new significant tree planting.
- The application site is bounded on two sides by a designated Local Wildlife Site and ancient woodland.

4.10 **County Councillor Chittenden** raises the following (summarised) points:

- Understand the need for an additional local school, but object to this application.
- Site is designated as a 'Woodland Nature Reserve', which was recently confirmed by a Government Inspector when approving the new Maidstone Local Plan.
- More suitable site within the KIMs complex to the left hand side between the main entrance road and the Newnham Court complex.
- The alternative site for the nature reserve is not acceptable.
- Very serious concerns that the access onto the Bearsted Road is totally unacceptable.
- Bearsted road is a narrow road with serious congestion problems particularly coming into Maidstone with tailbacks going back to the Bell Inn and the Bridge.
- The proposal for three major hold-up points will seriously affect the flow of traffic in both directions.
- The main entrance onto Bearsted Road for parts of the day will have a constant flow of traffic both entering and leaving the School.
- The additional pedestrian crossing for children and parents for access from Grove Green will also be in constant use twice a day.
- I understand a width restriction is needed and created by footpath widening close to the roundabout. This will not only extend traffic back to Bearsted but will create congestion back to and round the KIMS roundabout creating even further problems on all approaches to that roundabout.
- Children and parents crossing close to the KIMS Roundabout without fully controlled crossing will be dangerous.
- More controlled crossing points not shown on current plans are required.
- The length and area allocated for loading and unloading children is inadequate and will result in constant turnaround and movement through the main entrance. Hold ups are inevitable resulting in parking along the Bearsted Road.
- I cannot see any reason why the access should not be through the KIMS road with additional parking if required along that section of the road.

4.11 **Bearsted & Thurnham Society** raises the following (summarised) points:

- Recognise need for schools.
- School provision should have been planned under the Local Plan.

- Severe failure on the part of the Department for Education, Kent County Council and Maidstone Borough Council
- Many of the 'search' locations were never feasible.
- No thought has been given to re-designating land within the Local Plan where such a site might make better sense as a school than for the designated purpose.
- Construction of an access road from the adjacent KMC site would have minimal effect on employment in the borough and should be the preferred access road.
- A wider search should be undertaken and an alternative site identified for the SEND school.
- The proposals for 'Binbury Park' include a SEND school which could be a better location.
- Inadequate provision of safe access routes to the schools and the provision of car parking and pick-up spaces.
- Data for walking to school has been taken from four local primary schools, each of which is sited in the centre of its catchment, wholly within an area of established housing.
- It is inappropriate to use schools located in the centre of housing estates to determine the likely modes of transport for pupils attending a school in a semi-rural area.
- Very unlikely to choose to walk alongside a heavily-trafficked semi-rural road.
- Road will be regarded as particularly dangerous by parents leading to more of them taking their children to school by car.
- Dangers to young children of regular exposure to traffic-related pollution
- Calculations undertaken of the traffic impact of the proposed schools are invalid underestimates.
- The construction of pedestrian crossings on the Bearsted Road at each end of the site resulting in a narrowing of the road will only lead to further delays in traffic flows.
- Traffic already generated by parents using 'Pennies' nursery to deposit and collect their children does not seem to have been taken into consideration.
- Lack of parking and pick-up spaces on the site.
- Local concerns and lack of support.

4.12 **St John's Primary School** raises the following (summarised) points:

- Strongly object.
- It is not imperative the two schools are located together.
- There is no need for school places where the site is proposed.
- Any demand is well away from the site.
- Lack of evidence within KCC Commissioning Report.
- Site options report is compiled to justify the choice rather than an impartial assessment.
- Traffic and congestion.
- Highway safety.
- It is unclear whether Transport Assessment takes into account all traffic.
- Air pollution.
- Not a suitable location for 'active travel' to school.
- Will sever wildlife corridor.

- Travel Plan is unlikely to reduce journeys.

4.13 **Vinters Valley Trust** raises the following (summarised) points:

- Land is a vital link in wildlife corridor.
- Land was vital in decision on KMC.
- Why can planning conditions be swept aside.
- No steps have been taken to provide nature reserve.

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 **Highways England: No objections** subject to a Travel Plan.

5.02 **Natural England: No objections** and provide guidance.

5.03 **Sport England: No objections** and provide guidance on sports pitches.

5.04 **KCC Highways: No objections subject to conditions** relating to off-site highways works (Bearsted Road Improvement Scheme, pavement widening, build-outs and crossings) and parking restrictions, 30mph speed extension, street lighting and road markings; securing parking and access. Seek a legal agreement securing a Travel Plan and monitoring fee.

5.05 **KCC Education: Fully supports the proposed schools**; considers the proposed location is appropriately suited to meet the increased future demand of primary school places; confirm the expected demand for school places; and that the site is unique in its ability to accommodate the two schools in one campus.

5.06 **KCC Lead Local Flood Authority: No objections subject to conditions.**

5.07 **KCC Ecology: No objections subject to conditions** requiring 'bat sensitive' lighting, a biodiversity method statement, and securing the submitted Biodiversity Enhancement and Landscape Management Plan.

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

5.09 **KCC Minerals: No minerals assessment provided.**

5.10 **KCC PROW:** Seeking a financial contribution towards upgrade of PROW KH47 due to potential increased use.

5.10 **MBC Environmental Health: No objections**

5.11 **MBC Landscape Officer: No objections** in terms of the loss of trees or the landscape assessment.

5.12 **Kent AONB Unit: No objections.**

5.13 **Southern Water: No objections**

5.14 **Kent Police: No objections.**

6.0 APPRAISAL

Main Issues

6.01 The key issues for the application are considered to be as follows:

- Need for schools and Policy.
- Development of land for future 'nature reserve' required under policy RMX1(1).
- Landscape Impacts
- Highways Impacts
- Layout, Design & Appearance
- Ecological Impacts
- Other Matters

Need for Schools & Policy

6.02 The Government's 'Policy statement – planning for schools development' (2011) states that,

"The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.

Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.

6.03 The NPPF at paragraph 94 states that,

"It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications”

6.04 So at a National level there is very strong policy support for schools provision, great weight must be given to development that addresses the need for schools, and local planning authorities must take a proactive and positive approach to such development.

6.05 The County Council has referred to the need for a two form entry primary school in north Maidstone since 2016 whilst the current Local Plan was being prepared. However, this was largely required to accommodate indigenous growth and previously consented development in the area, rather than in direct mitigation for specific development sites that were proposed in the Local Plan. Therefore an allocation for a school was not justified under the Local Plan and this is part of the reason why a school has come forward in this area on a site outside the defined urban area or on an allocated site in the Local Plan.

6.06 Turning to the specific need for the schools, the proposed site falls within the ‘Maidstone North’ education area within the County Council’s Commissioning Plan for Education Provision in Kent (2019-2023). In respect of primary school places for Maidstone, the Commissioning Plan at page 122 outlines that,

“both Year R and total primary school rolls will continue to rise across the Plan period and will result in an overall deficit of places from 2022-23. There is significant demand for the town centre planning groups, with a deficit of Year R places forecast from 2019-20 in ‘Maidstone Central and South’ and ‘Maidstone West’ and from 2020-21 in ‘North’....

....Future pressure is anticipated across Maidstone Town (Central and South, North, West and south East planning groups) culminating in an overall shortfall of 131 Year R places by 2022-23 across the planning groups. Approximately 4-5FE of additional Year R provision will be required across the ‘Town’ planning groups within the Plan period. In particular, there is acute pressure forecast for Maidstone Central and South and Maidstone North, with both planning groups showing significant deficits that increase throughout the Plan period.”

6.07 The Plan goes on to state,

“The short-term strategic response to the demand for further primary school places in the central Maidstone area is the planned new 2FE Maidstone North Primary Free School that was scheduled to open in 2018-19. However, despite extensive lobbying efforts with the ESFA to date a planning application is yet to be submitted. Consequently, the opening of the new Free school will be delayed until 2020-21 at the earliest. In the short-term 30 Year R places are needed for 2019-20 and will be met with temporary expansion at an existing school.”

6.08 Whilst not referring to the specific location, this is reference to the primary school now proposed under this application.

6.09 As such, there is a clear identified need for primary school places in the central Maidstone areas including 'Maidstone North'. The proposed site falls within the 'Maidstone North' area and so the location is appropriate to contribute towards meeting this identified need in the local area and the school obviously forms part of the Commissioning Plan. KCC Education fully supports the application re-affirming a need for the schools.

6.10 Representations made on the application consider that the site is too far from the main populated urban areas in north Maidstone and will instead serve pupils from Grove Green and Bearsted where there is considered to be no need. As outlined above, the site falls within the 'Maidstone North' education area and so the location is entirely appropriate to serve the need.

6.11 KCC Education advise that the proposed location for the primary school is appropriately suited to meet the increased future demand of primary school places in Maidstone and have stated that,

"pupils currently living within the vicinity of the proposed school site are currently either educated within schools in the area or are required to travel to schools further away; the proportion of pupils not being educated in the most local schools is forecast to increase unless additional provision is provided through the proposed school. Analysis of previous new schools indicates that a movement of places occurs in the travel to learn area for the few years following opening. In practice this means that the creation of additional pupil places at the new school will free up places at other schools over time, as admissions begin to more closely align to the nearness of children's homes."

6.12 Therefore the primary school will serve the local need providing additional capacity and facilitate the re-distribution of school places in the local area. Whilst not a planning requirement (as a decision must be made on the application before the Council), the applicant has also investigated whether any other sites in the local area are suitable and available but this has not revealed any sites more appropriate than the application site.

6.13 In terms of the secondary SEND school, the Commissioning Plan outlines that forecasts indicate that there will be significantly greater pressure for secondary provision within Kent special schools from 2018-19 onwards.

6.14 The Plan goes on to state for the West Kent area,

"We recognise that there is significant pressure for ASD places and are working to develop a range of appropriate provision in West Kent. In order to meet the short term demand, we will establish a 20-place ASD SRP at The Judd School in 2019-20 and are seeking to commission a 60-place special school satellite at a secondary school in Aylesford for 2019-20. The medium-term demand will be met with the opening of the 168 place new special secondary free school for ASD in Maidstone that is now scheduled for 2020-21."

6.15 So the Commission Plan sees the proposal as dealing with the medium term demand for SEND secondary school places in West Kent. Whilst potentially an alternative location in West Kent may be able to do the same, the proposals seeks to make the best use of land and provide two schools on one site, which is a sensible approach. In this respect KCC Education advise,

"I can confirm that KCC, as Local Education Authority, fully supports the proposed establishment of the Bearsted Primary Academy and the Snowfields Academy (secondary Special School). Both of these schools have been awarded by the Department for Education to the Leigh Academy Trust and the educational and financial model for the schools requires them to be co-located. Pope's Field is considered to be unique in its ability to accommodate the two facilities in one educational campus."

6.16 KCC also advise that,

"Any delay to the timetable for the opening of both schools would result in increasing numbers of children living in the vicinity of Maidstone town centre having to travel considerable distances outside of their locality to schools further afield; these schools would be across a wide area of the Borough, with a significant proportion requiring to travel to schools in the South East of the town served by the A274, a distance which is unlikely to be considered within reasonable walking distance by parents."

6.17 Overall, it is considered that there is a clear need for the proposed schools. The clear benefits of meeting the need for school places, should be given great weight.

Development of land for future 'nature reserve' required under policy RMX1(1)

6.18 Policy RMX1(1) which allocates land to the west of the site as a 'medical campus' under criterion 3 requires the "*creation of a woodland nature reserve of approximately 3 hectares*" on the land subject to this application. That was secured under the 2016 'Kent Medical Campus' outline planning permission via the legal agreement. This area has not yet been provided as the trigger for its provision has not arrived under this permission.

6.19 The Local Plan at paragraph 4.203 refers to the 'nature reserve' as an "*opportunity to provide for net gains in biodiversity and ecological connectivity between the large expanses of ancient woodland*" as this is consistent with the planning permissions at the site. However, the area of land was not required to mitigate the ecological impacts of the development on protected species, but is a biodiversity 'enhancement' associated with the development. I note the committee report for the original 2013 application made reference to the area of land, which was going to be planted up as a 'woodland area', as providing some visual mitigation but the most recent 2016 committee report did not identify this, and nor does the Local Plan. The Local Plan proposals map also refers to the land as a 'landscaped area'.

- 6.20 So whilst many representations consider that the nature reserve was critical to mitigating the visual or biodiversity impact of the medical campus development, and key in the balance when making the decision, this is not reflected in the Local Plan and it is considered that this concern is not justified. However, the provision is clearly part of the wider site allocation policy and a requirement of the Local Plan. Therefore to provide an alternative would represent a conflict with that policy and a conflict with the Development Plan and so would require sufficient justification.
- 6.21 The nature reserve is not critical in mitigating the impact of the KMC development visually or from a biodiversity aspect. In addition to this, under a separate application being recommended for approval on this Committee Agenda (18/506609), it is proposed to provide a comparable 'nature reserve' to the north of the site. This would provide a slightly smaller area of 2.25ha that would be enhanced in the interests of biodiversity. So if the Planning Committee was minded to approve permission for the schools, a comparable area of land could be secured for biodiversity benefits under that separate application to address the requirements of policy RMX1(1).

Landscape Impacts

- 6.22 The proposals would introduce a new two storey building, parking areas, hardstanding, and sports pitches into a currently undeveloped area and thus due to the existing open nature of the site, this new built development would be clearly visible from a section of Bearsted Road, and visible from higher land towards the east end of Weaving Heath to the south. The site forms part of a more rural section of Bearsted Road that is open or flanked by hedges and woodland, and is between the road infrastructure at the north end of New Cut Road and Newnham Court Shopping Village to the west, and the built up areas of Ware Street/Bearsted further east. It is not free from development as there are houses at 'Ash Tree Gardens' to the south of the site. The proposals would clearly change the open and undeveloped nature of the site but this would only be for a short section of Bearsted Road and an area of woodland that flanks this road to the east would maintain separation from houses on Hockers Lane and beyond. The development would also be seen in the context of the 'Cygnet Hospital' which is adjacent and visible from Bearsted Road, and which has changed the character of this area. This change in character will continue as the rest of the KMC site is developed.
- 6.23 I consider that the development would cause some localised harm from a short section of Bearsted Road and Weaving Heath. The site falls within the 'countryside' for Local Plan purposes where policy SP17 states that development proposals will not be permitted where they result in harm to the character and appearance of the area. There would be some localised harm and the impact of this will be reduced through proposed new landscaping.
- 6.24 In longer views and considering the AONB and its setting, a number of public viewpoints have been assessed by the applicant within the AONB to

the north. Due the distance of such views (1.6km to 2.6km), and because the site is enclosed by woodland to the north and east, the development would not have any impact from the AONB. The development would be seen in the foreground of the AONB from the east end of Weaving Heath but the building is only two storeys in height and is not significant in size so does not detract from these views. In addition, weight must be placed on the impact of the KMC site as it is built out, which will urbanise the area adjacent. Together with the wider surrounding urban development, the site will appear as part of the wider built up area and not adversely impact upon views out of the AONB. For these reasons, the development would not harm the AONB or its setting, a view echoed by the Kent AONB Unit, and nor would it have any medium or long distance landscape impact.

6.25 No trees would need to be removed to facilitate the new schools development itself. There would be some tree removals as a result of the highways works which will be discussed in the highways section below.

6.26 New landscaping is proposed as part of the development including a 15m woodland buffer zone around the majority of the north and east boundaries with native shrub and woodland edge planting, and species rich grass. Along the front with Bearsted Road would be a mixed hedge and new trees including oak, willow, and wild service tree. A mix of these trees would also be planted along the west boundary, and either side of the new entrance road would be an avenue of lime trees. This would serve to lessen and soften the impact of the development and provide an attractive setting and environment for the schools.

Highways Impacts

Access

6.27 Originally vehicular and pedestrian access was going to be taken from Bearsted Road but the proposals were amended in response to representations made on the application so that both are now taken via the KMC. There will be no pedestrian or any other form of access from Bearsted Road.

6.28 The new access road to the site is considered to have sufficient width and visibility and there are no objections from Kent Highways. Pavements and crossings are already in place to provide safe walking/cycling access from the KMC/New Cut roundabout through the KMC site.

Off-site Works & Connectivity

6.29 Kent County Council are carrying out upgrade works to the KMC/New Cut roundabout and Bearsted Road/A249 (Next) roundabout as part of the wider 'A249 Bearsted Road Improvement Scheme' and these have taken into account the schools proposals. The latest plans include a new pavement on the east side of New Cut Road to provide a continuous pavement all the way from the Maidstone Studios to the roundabout. Pedestrians would then be able to cross the eastern arm of the new roundabout, which will have a controlled crossing, and access KMC to the

north. The improvement works would require the removal of the on-street parking spaces outside Gidds Pond Cottages and so replacement parking to the west of the cottages would be provided as part of the scheme. This would be in the same position the Council has approved parking under the outline application for KMC.

- 6.30 These works are planned to start in Summer/Autumn 2019 and complete in the summer of 2020. As such, they would be in place for when the school is scheduled to open (September 2020) to ensure safe and appropriate pedestrian connectivity from New Cut Road into KMC to provide a route to the schools.
- 6.31 Whilst no pedestrian access is provided from Bearsted Road, people may still walk from Ware Street/Bearsted to the east of the site and the existing pavements are narrow in places and do not link on either side of the road. Therefore improvements are proposed which include pavement widening outside the site extending beyond to the east and west and an uncontrolled crossing. There would be a build-out into the road to link pavements either side and provide an easier crossing to the east of the site, and another to the west by Gidds Pond Cottages. The pavement widening and build-out by Gidds Pond Cottages necessitates the removal of on-street parking outside the cottages but this is being provided and required as part of the KCC scheme and benefits from outline permission under the KMC scheme. The 30mph speed limit would be extended from Hockers Lane to the KMC/New Cut roundabout with street lighting. Kent Highways advise that the works on Bearsted Road are essential and it is agreed that they are necessary in the interests of highway safety.
- 6.32 These works have been subject to a safety audit which has raised no substantive issues and no objections have been raised by Kent Highways. The issue of bins on the pavement outside Gidds Pond Cottages has been raised but the pavement would be widened here to reduce any conflict.
- 6.33 Representations consider that the site is a poor and unsustainable location for the new schools. National policy seeks to focus major development on locations which are, or can be made sustainable. The site is not within a central urban area where walking/cycling or public transport use is easier but it is not a remote location either, and is on the edge of the urban area and adjacent to an allocation for 100,000m² of commercial floorspace in the Local Plan. Any vehicle movements to the site for visitors/pupils for the primary school will not be long-distance movements but from the local area. For the SEND school they would be longer distance movements but the site is located on the edge of Maidstone and is very well connected to the local road and motorway network.
- 6.34 The site is also within walking distance of nearby built up areas and off-site improvements will ensure the site is accessible on foot to promote walking. There is access to local bus services on the A249 with Route 9 offering a regular service from Maidstone Bus Station from 7.45am although it is appreciated that this is more likely to be used by staff rather than pupils. In addition, when vehicle movements at the KMC site reach a level set out in the legal agreement for this development (500 movements AM and PM), a

bus stop and turning area will be provided nearer to the site with additional bus services. So relatively good access to public transport is in place and will be improved in the future. For these reasons, the location on the edge of the urban area of Maidstone near to residential areas is considered to be acceptable.

- 6.35 Some trees would need to be removed as a result of the pavement widening most notably a row of 19 mature Poplar trees between the New Cut/KMC roundabout and Gidde Pond Cottages. Whilst these are generally in good condition and are visible in the local area due to their size and collective value, they have an estimated safe useful life expectancy of 10 to 20 years, which the landscape officer considers to be a reasonable estimate. This places them in a 'C' category (the lowest retention category). With this in mind, I do not consider the loss of these trees is grounds to object to the application and the benefits of the pavement widening to provide safe access to the new schools outweighs this loss. Street lighting would be required on Bearsted Road for the new build-outs/30mpp limit but it is not considered that this would cause any harmful impact upon the area to warrant objection being that there is street lighting just to the west and within KMC.
- 6.36 KCC PROW is seeking a financial contribution for upgrade works to PROW KH47 as they consider it would provide an attractive 'traffic free' route from Grove Green as opposed to along New Cut Road. This footpath runs from Shepherds Gate Drive north across Weaving Heath and meets up with Bearsted Road just to the west of Gidde Pond Cottages. Due to potential increased use and deterioration, they are seeking £30,000 to upgrade the path with a suitable surface and provide signage. This would be the most direct route from the northernmost part of Grove Green but the vast majority of the residential areas at Grove Green would be most likely to use New Cut Road and so I do not consider this is necessary to make the development acceptable and so does not pass the relevant tests for securing such monies.

Local Junction Capacity

- 6.37 Kent Highways are satisfied with the trip generation forecasts provided by the applicant which go up to 2028, and the capacity modelling that has been carried out on local junctions.
- 6.38 They advise the upgrades under the 'A249 Bearsted Road Improvement Scheme' that will be carried out by KCC to the KMC/New Cut roundabout and Bearsted Rd/A249/Next roundabout will accommodate the additional school traffic movements. As outlined above, these works are planned to start in the Summer/Autumn 2019 and complete in the summer of 2020 so will be complete before the school is planned to open. Nonetheless a condition preventing occupation until these works are completed is required. The A20/New Cut Road Junction is predicted to be approaching theoretical capacity (a measure of the performance of a junction where the ratio of flow to capacity is at or above 100%) with school traffic worsening the average delay by just over 6 seconds but Kent Highways do not consider this severe or objectionable. The Bearsted Road/Eclipse Park

junction, when accounting for the improvements proposed as part of the M&S store, can accommodate the additional movements.

- 6.39 The Chiltern Hundreds roundabout is predicted to be above theoretical capacity and the additional school traffic is shown to worsen the average delay by 54 seconds in the AM peak with the Penenden Heath arm most affected with 43 additional queuing vehicles in the AM peak. Kent Highways consider that this impact is at a level that requires some mitigation either through additional Travel Plan measures aimed at ensuring Penenden Heath/Vinters Park parents and pupils travel without use of a car, or through physical improvement of the junction. It is agreed that some form of mitigation is appropriate based on this impact.
- 6.40 The applicant has investigated works at the junction on the Penenden Heath arm and considers that any changes would not pass a safety audit. Having discussed this with Kent Highways they have agreed that this would not be appropriate. Therefore focussed targeting within the Travel Plan to lessen traffic impact on this roundabout though such measures as increasing staff and parents/pupils walking to school will be secured by condition.
- 6.41 There is also reference with the draft Travel to a stakeholder group which would comprise representatives from both schools and external stakeholders such as MBC and KCC officers (including KCC's Schools Travel Plan Officer). This stakeholder group would monitor the progress of the Travel Plan against its targets. If targets were not being met, the stakeholder group would work together to identify appropriate mitigation, which could include an increase in the marketing and promotion of the Travel Plan, an extension to the monitoring period for up to eight years, and the introduction of a targeted personalised travel planning programme. This list is not exhaustive but will act to facilitate discussions by the stakeholder group. A monitoring fee of £5,000 would also be provided to enable KCC to monitor the Travel Plan and secured under the legal agreement.
- 6.42 Highways England has raised no objections in terms of the impact upon M20 Junction 7 subject to the Travel Plan which will be secured.
- 6.43 Therefore subject to Travel Plan mitigation for the Chiltern Hundreds roundabout, the schools traffic would not result in any unacceptable or severe traffic impacts in accordance with policy DM21 of the Local Plan and the NPPF.

On-site Parking & Management

- 6.44 Within the site, the car park would provide 82 spaces for staff, 42 drop-off spaces for visitors, and there would be 14 minibus drop-off spaces and 2 minibus parking spaces.
- 6.45 The Council has no set standards for non-residential parking and policy DM23 outlines that consideration needs to be given to accessibility and public transport and whether on-street parking will be exacerbated. As

outlined above the site has relatively good access to public transport and this will be improved in the future but it is appreciated that this is more likely to be used by staff rather than pupils. Whilst not adopted by MBC, as a guide, County Council parking standards would seek maximum standards of one space per member of staff plus ten percent, which in this case would equate to a maximum provision of 121 parking spaces for both schools. Staff parking of 82 spaces is proposed on the basis that 81 members of staff are expected to travel by car and Kent Highways raise no objections to this level of staff parking.

- 6.46 In terms of visitors for the primary school, the Transport Assessment predicts there will be a parking demand of 185 vehicles in the morning peak hour and 178 in the afternoon peak. Pupils in Key Stage 1 (KS1) generally need to be taken to/collected from the school door and therefore parents are required to park and leave their vehicle, and this would make up approximately half of trips (91). The applicant is proposing 45 drop-off spaces to serve the estimated 91 vehicles on the basis that some pupils will attend before and after school clubs, and that the spaces could be turned over once during the drop-off/pick-up period (approximately 30 mins).
- 6.47 For KS2 pupils, it is anticipated that 94 vehicles will be attracted and that these pupils can be set down in the minibuss drop off spaces which are sufficient to accommodate approximately 18 cars at any one time. Therefore these spaces will be required to turn-over five times across the drop-off/collection period, which equates to once every six minutes assuming collection/drop-off occurs over a 30-minute period.
- 6.48 Kent Highways accept that some turnover of spaces is likely to occur in the morning but this is less likely in the afternoon as parents typically congregate in advance of the school day finishing and so there is a high likelihood that the car park will become full.
- 6.49 If overspill parking did occur this would be most likely on the site access road and Gidds Pond Way which have double yellow lines. As Kent Highways state, enforcement of those restrictions could encourage parents to park further afield but due to the walking distance, parents are most likely to queue and wait on Gidds Pond Way. If this did occur this would not raise any highway safety issues or congestion on the public road network and I note Kent Highways raise no objections. In addition, the applicant outlines that car park management would be carried out by the school staff and details of a car park management plan can be secured by condition to ensure an efficient turnover of parking spaces.
- 6.50 For the SEND school, this would open approximately 30-minutes after the primary school (which can be controlled by condition). A potential parking demand of 23 taxis/minibuses is predicted which would exceed the proposed 16 space on-site capacity. However, and as Kent Highways state, the staggered school start/finish times should help to ensure that other on-site parking space are available for use if required. As such, the level of parking and drop-off space proposed is considered sufficient.

Layout, Design & Appearance

- 6.51 The layout is such that the car park and school building is set over to the west side of the site near to existing development at KMC with the more open multi-use games areas (MUGAs) and playing fields on the east side, which is appropriate. The playgrounds to the rear of the school are contained within the U-shape of the building and open onto the MUGAs and playing fields. Landscape buffers of 15m are provided along the north and east boundaries only narrowing where the access comes into the site, and a fairly extensive landscaped space with an attenuation pond is provided along the buffer with Bearsted Road. Overall, the layout is appropriate in terms of focusing built development on the west side and provides decent breathing space around the development which not only allows sufficient room for landscaping to soften the impact of the development but this also ensures that the development would provide a good environment, setting and space for pupils.
- 6.52 The schools building would be two storeys and of simple form with a flat roof. The building would be finished with 'stoney-buff' coloured facing brick with aluminium parapet coping to the flat roof. The elevations have been broken up and animated with the use of recesses, materials and fenestration. On the west (entrance) elevation for both schools, the primary school entrance would be recessed to first floor height with a canopy over with coloured fins to provide interest. With aluminium curtain walling used above ground floor windows adjacent, this provides vertical emphasis to break up the mass of the building. Fenestration, inset colour rendered panels (the colours of which would be used to identify each school), and a recessed ground floor break up the remainder of this elevation. There would be a full height southwest corner feature on the building where the sports hall is proposed using different materials. This would have a strong ragstone ground floor base and rainscreen cladding with a smooth matt finish above, with coloured highlight aluminium fins. It would provide an interesting feature through the use of the materials and where fenestration is not practical on the sports hall. The south elevation facing towards Bearsted Road would be made up of the corner feature and the ragstone would continue as a plinth along the entire elevation. Fenestration and coloured panels would break up the elevation. The remaining elevations, which are not clear to public view, would follow the same principles being broken by fenestration and coloured panels.
- 6.53 To the roof would be a slight projecting skylight to the sports hall, solar panels above the south wing of the building, and roof top plant above the central section which would be screened by aluminium louvres. Policy DM2 of the Local Plan requires a BREEAM Very Good rating, which the building has been designed to meet, and this can be secured by condition.
- 6.54 Surface materials would include porous block paving for parking and drop of spaces with the access roads and school entrance space tarmac. The playgrounds would be tarmac and the MUGAs a porous surface. These materials are acceptable.
- 6.55 Overall, the building is considered to be of a good standard of design with a simple form and contemporary appearance but with interest provided

through the use of materials, colour highlights, recesses and fenestration. This is in accordance with policy DM1 of the Local Plan.

Ecological Impacts

- 6.56 The site is almost entirely improved grassland (former agricultural land) that is regularly mown with small areas of ruderal species around the southern boundary. The site is surrounded on two sides by broadleaved woodland of sweet chestnut coppice. Part of this is Ancient Woodland (AW) but this only touches the northeast corner of the site.
- 6.57 The ecology report considers there is negligible potential for protected species within the area of improved grassland at the main site. However, the boundary and adjacent habitats have the potential to support bats, dormice and reptiles. As these habitats would be retained, and an improved landscape buffer zone would be provided, the assessment considers there would not be any harmful impact to protected species. KCC Ecology has reviewed the information and agree that the development would not have any harmful impacts upon protected species subject to a Biodiversity Method Statement covering protective fencing for dormice and reptiles. The development has the potential to adversely impact foraging and commuting bats through increasing light levels if unsuitable lighting was used. This can be mitigated through a condition requiring appropriate and sensitive lighting designs.
- 6.58 In terms of the AW, this touches the northeast corner of the site and a 15m buffer would be maintained. Based on Natural England Standing advice, it is considered that this is sufficient to ensure there would be no harm to AW and this view is shared by KCC Ecology.
- 6.59 The applicant has provided a 'Biodiversity Enhancement and Landscape Management Plan' that provides enhancement measures to increase the biodiversity value of the site, and provides a management and monitoring plan in order to enhance and maintain the ecological value of the site following the development. Enhancements are proposed including the 15m landscape buffer to protect and strengthen the adjacent woodland; tree and shrubs of native and local provenance; planting of food species for dormice such as honeysuckle and hazel; bird and bat boxes around the site to provide additional nesting and roosting opportunities for these species; swift bricks integral to the building; incorporation of areas of species-rich grassland within the landscaping design to attract insects; and habitat piles within the woodland buffer strip to provide refuge habitat for reptiles. The management plan and enhancements can be secured by condition.

Other Matters

Air Quality

- 6.60 The site is not within but is near to Maidstone's Air Quality Management Area (AQMA) which, near to the site, runs from the Town Centre along the Sittingbourne Road up to and along part of the M20 motorway.

6.61 An air quality assessment has been provided and the methodology agreed with the Environmental Health section. The implications for air quality are from the additional traffic and boiler plant. The assessment concludes that there will be no significant effects at any existing sensitive receptors or on the AQMA as a result of the proposed development and that future users of the schools will experience acceptable air quality, with pollutant concentrations below air quality objectives. The Environmental Health section has reviewed the assessment and agree with the conclusion, raising no objections. There would be a low impact upon air quality and mitigation is proposed in the form of the Travel Plan and an electric vehicle charging point, which is proportionate to the impact and in accordance with policy DM6 of the Local Plan.

Drainage

6.62 For surface water this would be dealt with through two above ground storage ponds one of which would be permanently wet, permeable surfacing for the car park and MUGAs, and a storage tank. KCC LLFA has reviewed the details and consider the proposals are acceptable subject to a condition securing the measures.

6.63 For foul drainage, this is dealt with separately under the Water Industry Act and this would be via a connection to the existing foul water sewer network in the residential area served by Shepherds Gate Drive with a new pipeline underneath Weaving Heath. Southern Water have also confirmed there is sufficient capacity in the local network.

Minerals

6.64 The site is located within a Minerals Safeguarding area under the Kent Waste and Minerals Plan 2016 for soft sand. Policy DM7 (Safeguarding Mineral Resources) sets out the circumstances when non-minerals development may be acceptable at such a location. The first being that, "*Material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction.*" There is an urgent need for school places and this is considered to override any sterilisation of the site or need for prior extraction of sand, which would obviously take a significant time.

Cygnets Hospital

6.65 The Cygnets Hospital is a hospital specialising in mental health needs and learning disabilities. It also operates what the hospital terms as 'secure services' which can include patients detained under the Mental Health Act, including those under Ministry of Justice restrictions; requiring assessment and treatment in a secure environment; presenting active or potential risk to others; that may be exhibiting dangerous and challenging behaviour; that may have dual diagnosis with substance misuse; that may require a specialist service for treatment or management of personality disorder, autism spectrum disorder or communication needs relating to deafness; or having a diagnosis of severe and enduring mental health problems,

psychotic disorder, schizoaffective disorder, schizophrenia, and personality disorder. The hospital contains a 16 bed low secure service for men with enduring mental illness, including those with a personality disorder.

- 6.66 Concerns have been raised due to the proximity of the hospital to the school, safeguarding children, and the potential patients who may be at the hospital. The hospital is some 55m from the schools building, 60m from the new access road at its closest point, and the hospital operates its own security measures. With this in mind, there is not considered to be a risk to any children that would use the schools. It is also considered to be of significant note that the Department for Education and the schools trust who most give paramount consideration to the safeguarding and welfare of children, consider the location of the schools are acceptable.

Residential Amenity

- 6.67 The nearest houses are to the southeast of the site on the south side of Bearsted Road at 'Ash Tree Gardens'. Sports pitches are nearest to these properties. Being over 25m away there would be no harmful impacts upon privacy. Noise would no doubt be experienced from the school, particularly at break times and when the sports pitches are in use but I do not consider this would be to any level that would result in unacceptable living conditions for these properties, or any others nearby. The noise assessment concludes that any plant for the schools can be limited so as not to cause any issues for nearby properties during the day or night and the Environmental Health section have raised no objections.

Dual Use of Facilities

- 6.68 Policy DM20 seeks dual use of school facilities for community use such as for recreation where appropriate. In this case the schools building and sports hall could be used for community use as could the outdoor sports pitches/MUGAs. The use of such facilities outside school hours would not result in vehicle movements above those expected for the schools and they would not occur in the weekday peak times so this would not be objectionable. Some noise would result from the use of the outdoor sports pitches but provided this is restricted to suitable hours (I would suggest no earlier than 9am or later than 9pm), this would not result in any unacceptable impacts upon residential amenity. Being inside, use of the buildings could operate slightly earlier or later. The precise details can be provided by condition.

Noise

- 6.69 The noise impact assessment report identifies the road traffic from Bearsted Road as the most significant noise source. The levels are such that mechanical ventilation will be required for the rooms on the south side of the school facing Bearsted Road which can be secured by condition.

Archaeology

6.70 There is the potential for early prehistoric, Iron Age and Roman as well as medieval and post medieval archaeology at the site. Therefore, a condition requiring field evaluation works, investigation, and recording if necessary is appropriate.

Representations

6.71 Many representations have been received on the application, predominantly against the proposals but some in favour. It is considered that the relevant planning issues that have been raised have been considered through the assessment of the main issues set out above.

Environmental Impact Assessment

6.72 The proposals are for a development area that is more than 1ha and so falls within the threshold and criteria to be classed as 'Schedule 2' development under the EIA Regulations, and so the development needs to be assessed as to whether an EIA is required. As can be seen from the assessment above, the development will not have any significant harmful outwards impacts on its own or taken together with other development, for example, through traffic impacts, and any impacts can be suitably mitigated. Nor is the site within any 'sensitive areas' as defined under the Regulations and the development is not a complex or hazardous form of development. There would be no impact upon the setting of the AONB. On this basis, the development is only considered to have localised impacts and does not require an Environmental Impact Assessment.

7.0 CONCLUSION

7.01 There is a clear identified need for primary school places in the central Maidstone areas including the 'Maidstone North' area and the application site falls within the 'Maidstone North' area. The development will contribute towards meeting this identified need and the school is cited in Kent County Council's Education Commissioning Plan to meet the need. There is an identified need for SEND secondary school provision within West Kent and the site is suitably located to meet that need. The school is cited in Kent County Council's Education Commissioning Plan to meet the need. Kent County Council as Local Education Authority fully supports the proposed schools.

7.04 The NPPF states that Local Planning Authorities should,

"give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications"

7.05 The Government's 'Policy statement – planning for schools development' (2011) states that,

"There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework."

Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions."

- 7.06 Against the proposal there is some conflict with policy RMX1(1) of the Local Plan in so far as it would develop a site that is identified as an area to provide biodiversity net gains. However, as the site is not critical in mitigating the impact of the KMC development visually or from a biodiversity aspect, and, as a replacement scheme of comparable quality has been put forward, the aims of RMX(1) are met and therefore no harm to this policy arises. The delivery of the alternative biodiversity site will be managed through the update to the KMC planning permission that is being recommended for approval on this Committee Agenda (18/506609).
- 7.07 The proposals would cause some localised visual harm through development of the open site but this would be lessened by the proposed landscaping, and there would be no medium or long range visual impacts, and importantly no harm to the AONB or its setting.
- 7.08 The highways impacts of the development would not be significant and are acceptable subject to mitigation that will be secured through conditions and a legal agreement, and no objections are raised by Kent Highways.
- 7.09 Otherwise there are no impacts of the development that are significant or unacceptable to warrant a refusal, or which cannot be suitably mitigated and there are no objections from any statutory consultees. I have considered all representations received on the application but do not consider any of the matters raised affect the above considerations or raise grounds sufficient to refuse the application.
- 7.10 Balancing the relevant considerations, the potential conflict with policy RMX1(1) in terms of the biodiversity enhancements is addressed by the alternative provision. Any landscape harm is confined to localised views and is lessened by the landscaping such that the levels of harm resulting is low. This low level of harm is considered to be clearly outweighed by the significant benefits associated with the need for the schools, which Government and NPPF policy advice, together with KCC evidence, must be given great weight. On this basis, planning permission is recommended subject to the following conditions.

8.0 RECOMMENDATION

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. Financial contribution of £5,000 for the Travel Plan monitoring fee.

Conditions:

Time Limit

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.

Approved Plans/Details

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

FS0745-ALA-ZZ-ZZ-DR-L-9001 RevP11
FS0745-ALA-ZZ-ZZ-DR-L-9002 RevP13
FS0745-ALA-ZZ-ZZ-DR-L-9003 RevP11
FS0745-ALA-ZZ-ZZ-DR-L-9009 RevP06
FS0745-ALA-ZZ-ZZ-DR-L-9010 RevP08
FS0745-ALA-ZZ-ZZ-DR-L-9012 RevP04
FS0745-CPM-01-00-DR-A-2001 RevP03
FS0745-CPM-01-01-DR-A-2002 RevP03
FS0745-CPM-01-02-DR-A-2003 RevP01
FS0745-CPM-01-ZZ-DR-A-2010 RevP03
FS0745-CPM-01-ZZ-DR-A-2011 RevP03
FS0745-CPM-01-ZZ-DR-A-2012 RevP02
FS0745-ALA-ZZ-ZZ-DR-L-9020 RevP08
FS0745-ALA-ZZ-ZZ-DR-L-9021 RevP08
FS0745-ALA-ZZ-ZZ-DR-L-9022 RevP04
FS0745-CUR-00-XX-DR-C-9201 RevP10
FS0745-CUR-00-XX-DR-C-9401 RevP08

Reason: To clarify which plans have been approved.

3. The external surfaces for the development shall be constructed in accordance with the materials shown on drawing no. FS0745-ALA-ZZ-ZZ-DR-L-9002 RevP13 unless otherwise agreed in writing with the local planning authority.

Reason: To ensure a satisfactory appearance to the development.

4. The boundary treatments for the development shall be constructed in accordance with the details shown on drawing no. FS0745-ALA-ZZ-ZZ-DR-L-9003 RevP11 unless otherwise agreed in writing with the local planning authority.

Reason: To ensure a satisfactory appearance to the development.

5. The external facing materials for the building shall be constructed in accordance with the materials as shown on drawing nos. FS0745-CPM-01-ZZ-DR-A-2010 RevP03 and FS0745-CPM-01-ZZ-DR-A-2011 RevP03 unless otherwise agreed in writing with the local planning authority. No development above slab level shall take place until samples of the facing bricks have been submitted to and approved in writing by the local planning authority and the approved bricks shall thereafter be used.

Reason: To ensure a satisfactory appearance to the development.

6. The development shall be carried out in accordance with the landscaping scheme as shown on drawing no. FS0745-ALA-ZZ-ZZ-DR-L-9010 RevP08. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season (October to February) following the occupation of the development. Any seeding or turfing which fails to establish or any trees or plants which, within five years from first occupation die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

7. The development shall be carried out in accordance with the site levels as shown on drawing no. FS0745-ALA-ZZ-ZZ-DR-L-9012 RevP04 unless otherwise agreed in writing with the local planning authority.

Reason: To ensure a satisfactory appearance to the development.

8. The development shall be carried out in accordance with the Biodiversity Enhancement and Landscape Management Plan (Issued March 2019) unless otherwise agreed in writing with the local planning authority.

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

9. The development shall be carried out in accordance with noise mitigation and ventilation measures outlined in the Noise Impact Assessment dated December 2018 unless otherwise agreed in writing with the local planning authority.

Reason: To ensure appropriate conditions for occupiers of the development.

10. The development shall be carried out in accordance with noise mitigation and ventilation measures outlined in the Noise Impact Assessment dated

December 2018 unless otherwise agreed in writing with the local planning authority.

Reason: To ensure appropriate conditions for occupiers of the development.

Pre-commencement

11. 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 be based upon the Drainage Statement (Curtins, December 2018) and 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 (with reference to published guidance):

- a) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- b) appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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.

12. No development shall take place (including any ground works, site or vegetation clearance), until a method statement for the protection of nesting birds, reptiles, dormice and hedgehogs during construction works (including works to the reptile fencing) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Working method, including timings, necessary to achieve stated objectives;
- c) Extent and location of proposed works shown on appropriate scale plans;

d) Persons responsible for implementing works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works.

The works shall be carried out in accordance with the approved details.

Reason: In the interest of biodiversity and protected species protection.

13. No development shall take place until the applicant, or their agents or successors in title, has secured and implemented:

a) 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

b) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

Pre-occupation/use

14. The new schools shall not be brought into use 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 modelled 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; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework (July 2018).

15. The new schools shall not be brought into use until details of all lighting, including hours of illumination, and which shall demonstrate that any impact on bats or other wildlife will be minimised shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and the protecting of wildlife.

16. The new schools shall not be brought into use until one electric vehicle charging point shall be installed at the site. The charging point shall thereafter be kept available for use by staff and visitors, and shall be retained throughout the life of the development.

Reason: In the interests of lessening impacts upon air quality.

17. The new schools shall not be brought into use until a scheme for community use of the building and outdoor sports facilities has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include facilities available for use, details of hours of use, access by a range of users, and management responsibilities. The approved building and outdoor sports facilities shall be made available for community use in accordance with the approved scheme, and the scheme shall be adhered to throughout the life of the development.

Reason: In order to provide community facilities in accordance with policy DM20 of the Local Plan.

18. The new schools shall not be brought into use until a Travel Plan to reduce dependency on the private car has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The Travel Plan shall include baseline surveys, objectives and modal-split targets, a programme of implementation, provision for monitoring, review and improvement, and be based on the principles contained within the 'Draft Travel Plan' dated March 2019. It shall also provide measures to specifically target a reduction in vehicle movements at the 'Chiltern Hundreds' roundabout and the creation of a 'steering group' comprising Maidstone Council and Kent County Council officers, and representative from both schools to review the Travel Plan. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: In the interests of sustainable travel and reducing traffic impacts.

19. The new schools shall not be brought into use until the off-site highway works including the speed restrictions and relocation of on-street parking as shown on drawing nos. 12539-H-05 RevP9 and 12539-H-06 RevP9, in addition to any parking restrictions, street lighting, keep clear markings, or other road markings deemed necessary by the Highways Authority under a Section 278 Agreement, have been provided.

Reason: In the interests of highway safety and connectivity.

20. The new schools shall not be brought into use until the following off-site upgrade works as part of the 'A249 Bearsted Road Improvement Scheme' being provided by Kent County Council have been completed:

(a) Upgrade of the KMC/New Cut roundabout and the A249/Bearsted Road roundabout, and widening of the road between the two junctions.

(b) A new pavement on the east side of New Cut Road connecting the existing pavement to the upgraded KMC/New Cut roundabout.

(c) Relocation of the on-street parking on Bearsted Road outside Gidds Pond Cottages.

Reason: In the interests of highway safety and connectivity.

21. The new schools shall not be brought into use until a Car Park Management Plan covering the following matters has been submitted to and approved in writing by the local planning authority:

a) Management of pupil pick-up and drop-off and turnover of drop-off spaces

b) Internal site traffic management

c) Signage

d) Official start and finish times of the schools which shall ensure that the school day (excluding extra-curricular activities) for the primary and SEN schools shall not begin or end less than 30 minutes apart from each other on any day

The approved plan shall be adhered to throughout the life of the development.

Reason: To ensure efficient operation of the parking and drop-off facilities in the interests of traffic management.

22. The building shall achieve a Very Good BREEAM UK New Construction 2014 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM UK New Construction 2014 rating has been achieved within 6 months of the first occupation of the building. In the event that this building standard is revoked, an alternative standard or set of measures to ensure a sustainable and energy efficient form of development shall be agreed in writing with the Local Planning Authority and subsequently implemented in full.

Reason: To ensure a sustainable and energy efficient form of development.

Operation/Restrictions

23. The premises shall be used for nursery and school use and for no other purpose, including any other purposes in Class D1 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: Permission has been granted on the basis of the need for schools and in order to assess the impacts of any other D1 uses.

24. No vehicular, pedestrian, cycle or any other form of access shall be created to or from Bearsted Road to the site.

Reason: Such access from Bearsted Road has not been catered for in the approved development or off-site highways works and so in the interests of highway and pedestrian safety.

25. No fixed or free-standing floodlighting shall be installed at the site.

Reason: The impact of such lighting has not been assessed and so to safeguard visual amenity.

26. The approved details of the car, cycle, and scooter parking, and the drop off/pick up spaces 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.

Other

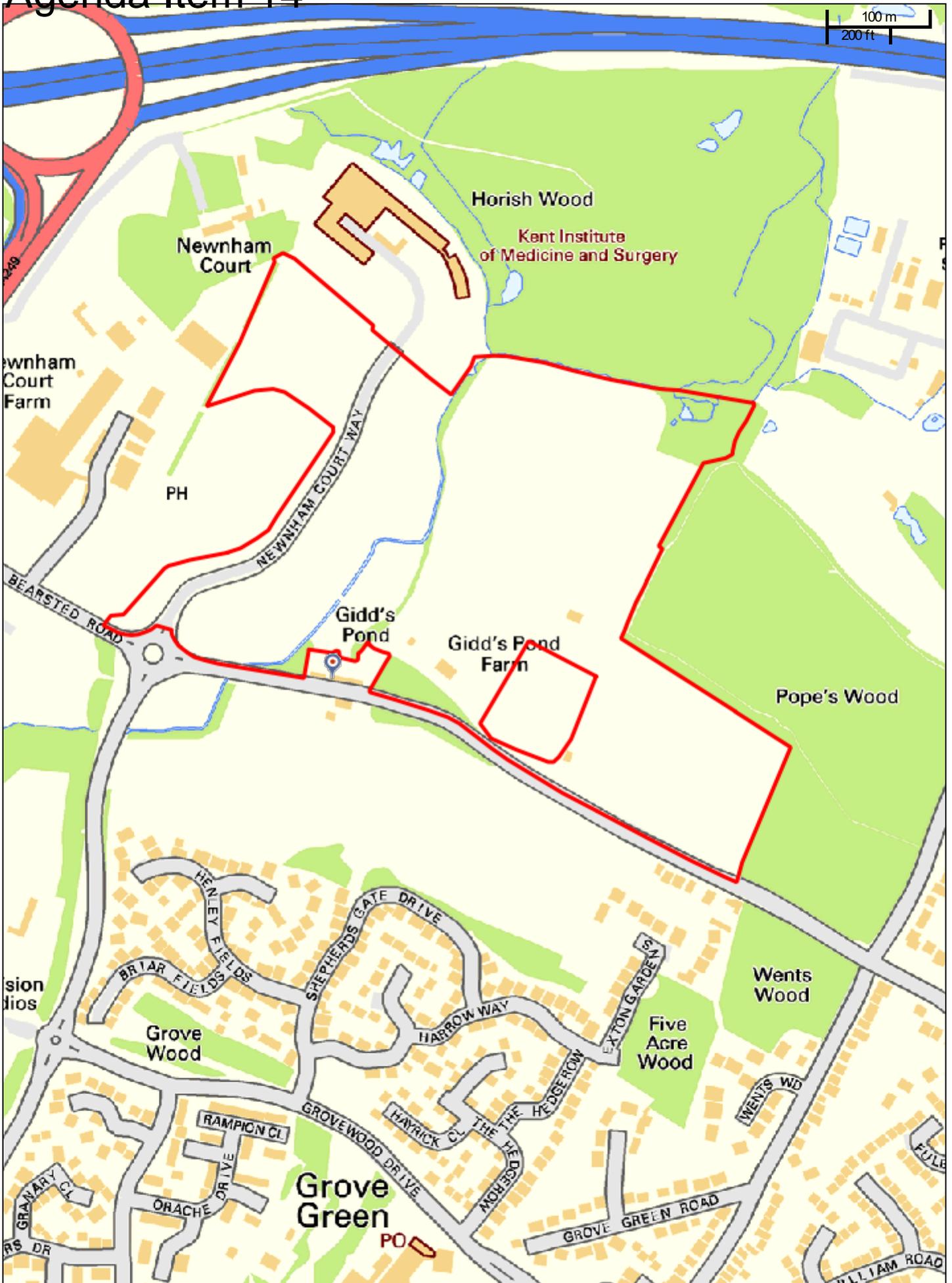
27. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled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

Reason: To protect groundwater resources.

28. The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be possible. In general this is expected to be 5dB below the existing measured background noise level $L_{A90, T}$. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5 the applicant's consultant should contact the local planning authority to agree a site specific target level.

Reason: To protect residential amenity.

Agenda Item 14



18/506609/OUT Newnham Park, Bearsted Road, Weaving, Kent

Scale: 1:5000

Printed on: 15/4/2019 at 11:01 AM by JoannaW

REFERENCE NO - 18/506609/OUT			
APPLICATION PROPOSAL			
Application to vary conditions 3, 4, and 5 of planning permission 16/507292/OUT (outline application with access sought for development of medical campus) to allow for the relocation of the Nature Reserve.			
ADDRESS Newnham Park, Bearsted Road, Weaving, Kent			
SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS)			
<ul style="list-style-type: none"> • The land is identified under policy RMX1(1) of the Local Plan as an area to provide 'net gains' for biodiversity but is not necessary mitigation for the ecological impacts of the Kent Medical Campus development. • The approved 'nature reserve' has not yet been implemented and the proposed alternative site would provide similar biodiversity enhancement as the approved site. • With this in mind and in view of the recommendation for approval for the schools development under application 18/506656, and the great weight that must be given to the need for school places, should Planning Committee approve the schools application then this application would provide an appropriate replacement. 			
REASON FOR REFERRAL TO COMMITTEE			
Boxley Parish Council strongly objects and requests the application is considered by Planning Committee.			
Councillor Bob Hinder has requested the application is considered by Planning Committee for the reasons outlined below.			
Councillor Wendy Hinder has requested the application is considered by Planning Committee for the reasons outlined below.			
The proposals represents some conflict with policy RMX1(1) of the Local Plan.			
WARD Boxley	PARISH COUNCIL Boxley	APPLICANT Kent Medical Campus Ltd AGENT DHA Planning	
DECISION DUE DATE 03/05/19		PUBLICITY EXPIRY DATE 13/02/19	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
18/506656	Erection of a new two-storey primary school and special educational needs secondary school with formation of new access onto Bearsted Road, together with associated car parking and drop off area, pedestrian access,	UNDER CONSIDERATION	

	drainage, areas for formal and informal outdoor play and landscaping works.		
18/506658	Reserved Matters of appearance, landscaping, layout and scale pursuant to outline application 16/507292/OUT (outline application with access sought for development of medical campus) for construction of proposed four storey Innovation Centre office building (Class B1) and associated external works.	UNDER CONSIDERATION	
18/500312	Removal of condition 37 of 16/507292/OUT - condition relating to limited only to occupiers directly associated with the life science, health care and medical sectors.	UNDER CONSIDERATION	
16/507292	Outline Application with access matters sought for development of medical campus comprising up to 92,379m ² of floorspace (including additional hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1); education and training facilities with residential accommodation (class C2/D1); keyworker accommodation for nurses and doctors (class C3); pathology laboratories (class B1); business uses (class B1); ancillary retail services (class A1, A2, A3); and up to 116 bed class C2 neuro-rehabilitation accommodation; internal roads and car parks, including car park for residents of Gidds Pond Cottages; hard and soft landscaping including creation of a nature reserve (to renew existing consent 13/1163).	APPROVED	16/06/17
13/1163	Outline application for the development of a medical campus comprising up to 98,000sqm of floor space (including additional hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1); education and training facilities with residential accommodation (class C2/D1); key worker accommodation for nurses and doctors (class C3); pathology laboratories (class B1); business	APPROVED	23/04/14

	<p>uses (class B1); ancillary retail services (class A1, A2, A3); and up to 116 class C2 neuro euro-rehabilitation accommodation units; internal roads and car parks, including car park for residents of Gidds Pond Cottages; hard and soft landscaping including creation of new woodland area with access for consideration and all other matters reserved for future consideration.</p>		
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1.0 DESCRIPTION OF SITE

1.01 The application relates to the 'Kent Medical Campus' (KMC) on land to the north of Bearsted Road and just southeast of Junction 7 of the M20, which was most recently granted outline permission under application 16/507292. This granted permission for 92,379 m² of floorspace comprising the following:

"(including additional hospital facilities, clinics, consultation rooms and a rehabilitation centre (classes C2/D1); education and training facilities with residential accommodation (class C2/D1); keyworker accommodation for nurses and doctors (class C3); pathology laboratories (class B1); business uses (class B1); ancillary retail services (class A1, A2, A3); and up to 116 bed class C2 neuro-rehabilitation accommodation"

1.02 The site is to the south and southeast of the 'KIMS Hospital' which is accessed by Newnham Court Way that runs from the KMC/New Cut roundabout. Another road heading east (Gidds Pond Road) leads to the Cygnet Hospital and a care home is currently under construction towards the northeast corner.

1.03 The site forms part of a larger mixed use allocation (RMX1(1)) in the Local Plan. This includes the Newnham Court Shopping Village (NCSV) to the west but it mainly covers land allocated for 'medical and associated uses' on the Local Plan Proposals map.

1.04 In the south east corner of the site is a rectangular field that was secured under the legal agreement for the above permission as a 'nature reserve' to provide biodiversity enhancements. This land is not secured for public access as has been suggested in some representations.

2.0 PROPOSAL

2.01 This application seeks to vary conditions 3, 4, and 5 of the outline permission at the site (16/507292/OUT) to relocate the 'nature reserve' that is yet to be provided at the site, in order to facilitate the development of this land for a primary and SEND school that is subject to a separate application (18/506656). This application is recommended for approval on the same Committee Agenda.

- 2.02 The management and maintenance of the 'nature reserve' is secured through a Landscape and Ecology Management Plan (LEMP) under the Section 106 Agreement where details of delivery must be approved by the Council. It is also referred to under Condition 5 which relates to the landscaping parameters at the site.
- 2.03 Conditions 3, 4, and 5 are all proposed to be changed so they refer to amended drawings showing the new location for the nature reserve. The applicant is also suggesting a new condition which requires delivery of the relocated 'nature reserve' in the first planting season following commencement of the schools development, should it be approved. The Section 106 Agreement would also be amended to secure the relocated nature reserve.
- 2.04 So the changes to the conditions are technical changes to the referenced drawings but the affect is an alternative area of land to deliver biodiversity benefits, and this is what needs to be assessed under this application. Whilst this is the only change, any approval would grant a new outline permission for the whole KMC site but with a different 'nature reserve'.
- 2.05 The replacement land would be to the east of the KMC site beyond 'Horish Wood' and to the north of 'Popes Wood', and will be discussed in more detail in the assessment below.
- 2.06 The separate 'schools' application is the subject of a Planning Performance Agreement (PPA) and as part of this there were discussions with Councillors in October and December 2018 on the relocation of the 'nature reserve' subject to this application.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP17, RMX1, RMX1(1), DM1, DM3, DM19
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

4.0 LOCAL REPRESENTATIONS

- 4.01 **Boxley Parish Council:** Raises objections and wishes to see the application refused for the following (summarised) reasons:
- Contrary to the Local Plan.
 - Part of the valuable wildlife corridor with many varied ecosystems with the potential to enhance this once the promised woodland nature reserve is created.
 - The Nature Reserve has areas of Ancient Woodland, protected under current legislation, and is currently not under any threat of development.

- The proposed management of the substitute Nature Reserve will destroy existing valuable ecosystems resulting in a net loss of habitats and biodiversity.
- The Parish Council sees no value or gain in allowing a change to the location of the current local nature reserve as this will only result in a reduction in the biodiversity of the whole area.
- The relocation is solely to allow development of the current site for the financial gain of the landowner.
- Should the Planning Officer be minded to recommend permission the Parish Council requests a condition that the land should revert to Local Nature Reserve Status if, within two years, it is not developed for a school or schools.

4.02 Bearsted Parish Council: Raises objections for the following (summarised) reasons:

- The change of location will not generate the gain in woodland and biodiversity intended when the original condition was added to the Kent Medical Campus approval.
- The new woodland nature reserve was intended to help balance the loss of countryside to the KMC site and so to allocate an area of existing woodland and countryside does not bring a net gain.
- The area they propose is unlikely to be developed due to its proximity to the AONB and so will most likely remain as it is – hence not net gain.
- The proposed access path to it would damage existing ancient woodland and the proposed maintenance schedule would damage or destroy existing flora and fauna in this area.
- The current condition for the field at Popes Wood is for the creation of new woodland and woodland habitat on an existing grass field so would be a large gain in biodiversity. It would also be more accessible to local resident than the proposed site would be.
- KIMS got its permission on the basis that a Nature Reserve was provided. To move this surely it to negate the original planning permission.
- The Popes' field Nature Reserve has been included in the Maidstone Strategic Plan report of 2017.

4.03 Local Residents: 181 representations received raising the following (summarised) points:

(Many of the comments actually relate to application 18/506656 for new schools and so only the issues relating to this application are summarised)

- Contrary to Local Plan.
- Loss of wildlife corridor that links land to the south and north.
- Relocation is solely to financially benefit the applicant.
- Will not be a 'like for like' replacement.
- Footpath link will harm Ancient Woodland.

- No net gain in biodiversity.
- Harm to existing wildlife.
- Destruction of habitat.
- Nature reserve was to make up for loss of green space from KMC.
- Proposed land is already a nature reserve.
- Land would shield/screen impacts of KMC.
- Undermines original planning permission which would not have been given without the land.
- Land has purposely been kept free of wildlife.
- Nature reserve should have been provided.
- This is a protected nature reserve.
- Breaks up the development from surrounding urban areas.
- How can you relocate a nature reserve.
- Public can't enjoy new location.
- Loss to the community.

4.04 **Borough Councillor Springett** raises the following (summarised) points:

- The woodland nature reserve was intended to mitigate for the loss of green space for the Kent Medical Campus.
- The current proposed site is an allocation in the Local Plan.
- It would give a large net gain of woodland and the associated biodiversity it would generate. The relocated site will not give anywhere near the same net gain.
- The proposal would cause harm to the existing flora and fauna in the proposed area and the woodland nature reserve would not be as visible or accessible as the existing allocated site would be.
- The proposed access path would cause harm to existing ancient woodland contrary to the NPPF.
- This application should be refused and the proposed planting should be undertaken as soon as possible to comply with the current condition.

4.05 **Borough Councillor Harwood** raises the following (summarised) points:

- Nature reserve carried significant weight as it is in the Local Plan and was a material balancing consideration in the granting of planning permission for the KMC and masterplan for the site.
- The site enables habitat creation and the introduction of more sympathetic management to deliver a 'net gain for biodiversity' in compliance with Government advice.
- The proposed substitute 'Hockers Lane Nature Reserve' is not currently under any threat from development or inappropriate management.
- The maintenance and planting schedule outlined for the new area will worsen the current conditions and create risks to biosecurity. There would therefore accrue no 'net gain for biodiversity' through substitution of the 'woodland nature reserve' field for the 'Hockers Lane Nature Reserve'.
- There will be a net loss of biodiversity from the proposed introduction of spring and summer mowing which creates a 'sink' for invertebrates, amphibians, reptiles and small mammals, which are either directly killed by such mechanical interventions or the resultant loss of cover.

- The 'Woodland Nature Reserve' field, with its extensive south and west-facing woodland edge ecotone, is significantly more optimal for biodiversity.
- The proposed footpath link from the main Newnham Court Farm area into the proposed 'Hockers Lane Nature Reserve' will directly damage, bisect and fragment the ancient woodland leading to 'loss and deterioration' of irreplaceable ancient woodland contrary to the revised NPPF.
- If habitat creation is sought within the 'Hockers Lane Nature Reserve' the optimum intervention would be to expand and diversify wetland habitat within the site.
- The warm and sunlit 'woodland nature reserve' field is optimal in landscape and biodiversity terms over the cooler and shaded 'Hockers Lane Nature Reserve' and would deliver no net gain for biodiversity and a likely ecological deterioration as a result of the more intensive mowing regimes and tree removal proposed in the revised LEMP.

4.06 **Borough Councillor Bob Hinder** raises the following (summarised) points:

- This nature reserve granted status under the Local Plan was intended to replace landscaping lost due to the development of the KIMS site.
- It is underwritten by the Local Plan inspector which one assumes gives this condition great weight.
- This nature reserve is to be "moved" to another nearby vicinity that already contains designated areas of ancient woodland. To attempt to create anything would result in destruction of the Ancient Woodland.
- It has never been developed as yet by the owner as intended; no planting has taken place and wildlife barriers installed around the perimeter. The grass has been constantly mowed to within an inch of its life which is not conditions one would expect an owner to do to create a "nature reserve".

4.07 **Borough Councillor Wendy Hinder** raises the following (summarised) points:

- This nature reserve granted status under the Local Plan was intended to replace landscaping lost due to the development of the KIMS site.
- It is underwritten by the Local Plan inspector which one assumes gives this condition great weight.
- This nature reserve is to be "moved" to another nearby vicinity that already contains designated areas of ancient woodland. To attempt to create anything would result in destruction of the Ancient Woodland.
- It has never been developed as yet by the owner as intended; no planting has taken place and wildlife barriers installed around the perimeter. The grass has been constantly mowed to within an inch of its life which is not conditions one would expect an owner to do to create a "nature reserve".

4.08 **County Councillor Chittenden** raises the following (summarised) points:

- Land was required to compensate for KMC development and is allocated in the Local Plan and was a material balancing factor.
- Will allow for substantial wildlife gains.
- New nature reserve will result in a net loss to wildlife.
- Footpath link will harm ancient woodland.
- Understand the need for an additional local school, but object to this application.

4.09 **St John's Primary School** raises the following (summarised) points:

- Contrary to the Local Plan.
- There will be less biodiversity gain.
- Forms part of a valuable wildlife corridor.
- Harm to ancient woodland.
- For financial gain.
- Makes a mockery of previous planning decisions.
- Should consider 'alleged' need for schools.

4.10 **Kent Wildlife Trust:** Raises objections on the grounds that the relocation site for the Nature Reserve does not provide comparable compensation for loss of biodiversity compared with the site originally proposed as part of application 16/507292.

5.0 CONSULTATIONS

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

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

5.02 **Highways England: No objections.**

5.03 **KCC Highways: No objections.**

5.04 **KCC Ecology:** Do not entirely agree with results of the applicant's assessment of ecological differences between existing 'nature reserve' and proposed site. However, under KCC's assessment there would still not be a significant difference. (See report)

6.0 APPRAISAL

Main Issues

6.01 The key issues for the application are considered to be as follows:

- Principle of the relocation of the 'nature reserve' required under policy RMX1(1).
- Biodiversity difference between the approved and proposed sites.
- Reasons for proposed relocation.

Principle of the relocation of the 'nature reserve' required under policy RMX1(1).

- 6.02 Policy RMX1(1) which allocates the site as a 'medical campus' under criterion 3 requires the "*creation of a woodland nature reserve of approximately 3 hectares*" on land to the southeast of the site. This was secured under the legal agreement for the latest 2016 permission and the trigger for its provision is prior to the commencement of any development subject to that permission (and no development has commenced under that permission yet).
- 6.03 The Local Plan at paragraph 4.203 refers to the 'nature reserve' as an "*opportunity to provide for net gains in biodiversity and ecological connectivity between the large expanses of ancient woodland*" as this is consistent with the planning permissions at the site. However, the area of land was not required to mitigate the ecological impacts of the development on protected species, but is a biodiversity 'enhancement' associated with the development. I note the committee report for the original 2013 application made reference to the area of land, which was going to be planted up as a 'woodland area', as providing some visual mitigation but the most recent 2016 committee report did not identify this, and nor does the Local Plan. The Local Plan proposals map also refers to the land as a 'landscaped area'.
- 6.04 So whilst many representations consider that the nature reserve was critical to mitigating the visual or biodiversity impact of the medical campus development, and key in the balance when making the decision, this is not reflected in the Local Plan and it is considered that this is concern is not justified. However, the provision is clearly part of the wider site allocation policy and a requirement of the Local Plan. Therefore to provide an alternative would represent a conflict with that policy and a conflict with the Development Plan and so would require sufficient justification.
- 6.05 The Local Plan does not set a specific level of necessary 'net gain' from biodiversity but the applicant has provided information on the differences between the potential enhancements from the land in the Local Plan and the proposed alternative site.

Biodiversity difference between the approved and proposed sites

- 6.06 The approved 'Pope's Field' site has a limited range of habitats with the field dominated by species poor grassland extending to 2.98ha. The original proposals for this field were to create a scrubby woodland habitat with rides and open glades of grassland woodland edge and with a series of three ponds. These habitats would all be newly created. In comparison, the proposals for the habitats in the replacement Hockers Lane site, which is 0.73ha smaller (2.25ha), are largely restoration of existing or previous features which the applicant states have declined in terms of their biodiversity value (for example, the restoration of a pond which is largely dry).

- 6.07 In response to comments from KCC Ecology, the applicant has provided an assessment of the differences between the biodiversity gain that could be achieved from the approved and proposed sites using the 'DEFRA Biodiversity Metric'. This is a recognised method for calculating the value of the habitat currently present at the two areas in 'biodiversity units' and the level of biodiversity gain based on the habitat types being created or restored and managed.
- 6.08 The applicant concludes that although the original nature reserve proposal will lead to a greater relative increase (because its starting value is lower), the proposed nature reserve relocation, along with buffers on the proposed school development, will lead to a slightly higher total increase in biodiversity units.
- 6.09 KCC Ecology have reviewed this assessment and do not entirely agree and they consider that the proposed relocation would lead to a slight reduction in biodiversity units when compared to the original proposal (-16%). However, they advise that this is not significant difference.
- 6.10 Ultimately, the 'nature reserve' was not required to mitigate the impact of the KMC development but to provide biodiversity enhancement. There is no set level of necessary 'net gain' from biodiversity and based on the applicant's assessment and advice from KCC Ecology the difference between the two sites in biodiversity value is not significant.
- 6.11 The relocated 'nature reserve' would be subject to an amended LEMP, which includes proposals and planting to enhance the new area of land and its ongoing long-term management, which will be secured under an amended legal agreement. KCC Ecology has reviewed the LEMP and is satisfied the measures would secure appropriate enhancements. The applicant has amended the LEMP in response to some of the comments made on the application so the management is more beneficial to invertebrates.

Reasons for proposed relocation

- 6.12 The proposed relocation is to allow for development of two new schools being a two form entry (2FE) Primary School and a Special Education Needs & Disability (SEND) Academy Secondary School. The Primary School would provide 420 places including 26 nursery places, and the Academy would provide 140 specialist education need places. The application for these schools is being recommended for approval on this Committee Agenda (18/506656).
- 6.13 Whilst officers do not consider that this proposal would lead to harm in terms of biodiversity or Local Plan objectives, the consideration of need for these schools and the reasons for recommending permission are outlined within the report for that separate application. As that report states, great weight must be given to the need for school places, and it is concluded that the need and benefits of the schools clearly outweighs any suggested negative impacts.

Representations

6.14 Those representations that have not been addressed through consideration of the matters above relate to the creation of a footpath from the KMC site through ancient woodland to the new 'nature reserve'. This was shown on the original plans but they have since been amended to remove this.

7.0 CONCLUSION

7.01 The relocated 'nature reserve' would provide similar biodiversity benefit to that which would be created under the approved scheme. With this in mind and in view of the recommendation for approval for the schools development under application 18/506656, and the great weight that must be given to the need for school places, it is concluded that should Planning Committee approve the schools application, these proposals represent an appropriate alternative provision of the 'nature reserve' in a location that would provide comparable net gains in biodiversity.

7.02 The legal agreement would be varied to facilitate the relocation of the 'nature reserve' and the trigger for its delivery would be tied to the commencement of the schools development in the final condition set out below.

7.03 As this creates a new outline permission at the site with a different 'nature reserve' all previous relevant conditions must be attached to the permission as set out below.

8.0 RECOMMENDATION

Subject to the prior completion of a variation to the previous legal agreement to secure the relocated nature reserve 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.

Conditions:

1. The development of each phase or sub-phase shall not commence until approval of the following reserved matters for that phase or sub-phase has been obtained in writing from the Local Planning Authority:-
 - a. Layout
 - b. Scale
 - c. Appearance
 - d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before 16th June 2027.

Each phase or sub-phase 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 for that phase or sub-phase;

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 details submitted pursuant to condition 1 shall be limited as follows:
 - There shall be no more than 92,379m² of total floorspace.
 - There shall be no more than 28,700m² of floorspace for university campus and halls of residence.
 - There shall be no more than 14,000m² of floorspace for doctors/nurses accommodation.
 - There shall be no more than 24,750m² of floorspace for offices/research and development uses.

Reason: To ensure the development remains a mixed use and medical-based development in accordance with draft policy RMX1(1).

3. The details of scale submitted pursuant to condition 1 shall follow the principles of the 'Storey Heights' Parameter Plan (DHA/13334/06 Rev C) and shall show no building in excess of the storey heights referred to on that plan. Any building of 3 or 4 storeys must be designed so as to reduce the visual impact of its scale through cutting into the ground and/or through reducing its massing through design.

Reason: To ensure a satisfactory appearance to the development.

4. The details of layout submitted pursuant to condition 1 shall include the following:
 - A landscaped buffer free of development of a minimum of 15m in width from the boundary of the ancient woodland areas.
 - A development free buffer of a minimum of 15m on each side of the stream running north-south through the site.
 - No development within the area coloured green on the 'Storey Heights' Parameter Plan (DHA/13334/06 Rev C).

Reason: To ensure a satisfactory appearance to the development and comply with draft policy RMX1(1).

5. The details of landscaping submitted pursuant to condition 1 shall be designed in accordance with the principles of the Council's landscape character guidance. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan.

The landscape scheme shall include the following:

- Structural planting as shown on the 'Landscape' parameter plan (DHA/13334/07 Rev A) that must be established under the first phase of any development.
- Planted 'green' roofs to buildings where practical to do so.
- Planted 'green' walling to buildings where practical to do so.
- 'Fingers' of woodland penetrating the site from the eastern edge of the site.
- Areas of structural tree planting extending into the development areas.
- Strategic tree planting within the area coloured green on the 'Storey Heights' Parameter Plan (DHA/13334/06 Rev C).
- The Nature Reserve landscaped and managed as an area of wooded parkland.
- Water bodies including the provision of shallow areas, and deeper, cooler areas, as well as the planting regimes within the stream corridor.
- Creation of hibernacula, ponds and higher quality terrestrial habitat to benefit GCN.
- Nesting boxes for birds and bats throughout the development.
- Landscaping including tree planting screening car parking and service yard areas.
- A Landscape and Visual Impact Assessment shall accompany each reserved matters application.

Reason: No such details have been submitted and to ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

6. The details of appearance submitted pursuant to condition 1 shall include:
- The avoidance of the use of light coloured or reflective materials.
 - The use of vernacular materials including ragstone on buildings and in boundary treatments.
 - High quality surfacing materials.
 - Parking areas kept to a minimum and which shall not consist of entirely tarmac surfacing.
 - Low level lighting.
 - Where buildings are to be constructed on sloping land they shall be designed as a terrace into the slope taking into account the nature of the land and the context within the site and not excavated to a single development platform

Reason: To ensure a satisfactory appearance to the development.

7. The details submitted pursuant to condition 1 shall incorporate measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED).

Reason: In the interest of security, crime prevention and community safety.

8. The development shall be carried out in accordance with the bus stops details, turning area, and timetable for implementation approved under application 18/500291/SUB unless otherwise agreed in writing with the

local planning authority. The approved details shall be fully implemented and retained.

Reason: In the interest of sustainable transport use to mitigate any impact upon air quality.

9. No development shall take place 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 scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

10. No phase or sub-phase of the development shall take place until the following details 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:

(i) A detailed sustainable surface water drainage strategy which shall demonstrate that the surface water generated by the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and

discharged from the site at an agreed controlled discharge rate. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

(ii) No building shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

a) a timetable for its implementation, and

b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

11. No phase or sub-phase of the development shall take place until details of the proposed slab levels of the buildings and the existing site levels relating to 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.

12. No phase or sub-phase of the development shall take place until an Arboricultural Impact Assessment (AIA) in accordance with the current edition of BS 5837 relating to that phase (where relevant) has been submitted to and approved in writing by the local planning authority. It shall detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and take account of site access, demolition and construction activities, foundations, service runs and level changes. It shall also detail any tree works necessary to implement the approved scheme and include a plan showing protection of trees and ground designated for new structural planting.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

13. No phase or sub-phase of the development shall take place until details of foul drainage for that phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and the approved

drainage shall be in place prior to the occupation of any buildings or land relating to that phase.

Reason: In the interests of pollution and flood prevention.

14. No phase or sub-phase of the development shall take place until a Construction Management Plan and Code of Construction Practice, including the provision of wheel washing facilities relating to that phase, has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

Reason: In the interests of highway safety and local amenity.

15. No phase or sub-phase of the development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

(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 appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in-situ or by record.

16. No phase or sub-phase of the development shall take place above Damp Proof Course (DPC) level until, written details and samples of the materials to be used in the construction of the external surfaces of any building(s) on that phase 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.

17. No phase or sub-phase of the development shall take place above DPC until, details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design for that phase, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development.

18. No phase or sub-phase of the development above DPC level shall take place until details of all fencing, walling and other boundary treatments relating to that 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 before the first occupation of the building(s) or land within that phase and maintained thereafter. Any significant boundaries shall only be made up of ragstone walling.

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

19. No phase or sub-phase of the development above DPC level shall take place until details of any lighting for the site relating to that phase has been submitted to and approved in writing by the local planning authority. The submitted details shall include low level lighting, and inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details. All external lighting shall be installed in accordance with the specifications and locations set out in the details, and these shall be maintained thereafter.

Reason: To prevent light pollution in the interests of the character and amenity of the area and biodiversity.

20. No phase or sub-phase of the development shall take place above DPC level until details of electric vehicle charging points relating to that phase have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented and retained.

Reason: In the interests of air quality to promote the use of low emissions vehicles.

21. No more than 73,500m² GFA (75%) of the development hereby permitted shall be occupied until the completion of improvements to M20 Junction 7 as shown on drawing nos. T0217/H/01 P3 (offsite infrastructure works key plan), T0217/H/07 P3 (offsite infrastructure works M20 Junction 7 1:1000) and T0217/H/08 P2 (offsite infrastructure works M20 Junction 7 1:500) (or such other scheme of works substantially to the same effect as may be approved in writing by the local planning authority who shall consult with Highways England).

Reason: To ensure that the M20 motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highway Act 1980 and to satisfy the reasonable requirements of road safety.

22. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season (October to February) following the occupation of the phase or sub-phase that the landscaping scheme relates to. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of that phase, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

23. The use or occupation of each phase or sub-phase of the development shall not commence until, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (in areas of low background sound levels a target of NR30 shall be achieved) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the

approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenity.

24. The use or occupation of each phase or sub-phase of the development shall not commence until a scheme to demonstrate that the internal noise levels within the residential units and any relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of residential amenity.

25. The use or occupation of each phase or sub-phase of the development shall not commence until full details of all measures to be taken to deal with the emission of dust, odours or vapours arising from that phase have been submitted to, and approved in writing by, the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first use of the premises and shall be operated and retained in compliance with the approved scheme.

Reason: In the interests of residential amenity.

26. Any existing trees or hedges approved to be retained on site which, within a period of ten years from the first occupation of a property, commencement of use or adoption of land, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

Reason: To safeguard existing landscaping and to ensure a satisfactory setting and external appearance to the development.

27. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No equipment, 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. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. 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;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

28. All buildings shall achieve a Very Good BREEAM UK New Construction 2014 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM UK New Construction 2014 rating has been achieved within 6 months of the first occupation of the building. In the event that this building standard is revoked, an alternative standard or set of measures to ensure a sustainable and energy efficient form of development shall be agreed in writing with the Local Planning Authority and subsequently implemented in full.

Reason: To ensure a sustainable and energy efficient form of development.

29. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

30. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

31. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extensions to any buildings or erection of any fence, wall or other means of enclosures shall be carried out without the permission of the Local Planning Authority;

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

33. The mitigation detailed and approved within the Great Crested Newt mitigation strategy under approved conditions application 14/500654 must be implemented prior to the commencement of any development works within areas which have not been released by the applicant's ecologists, unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of biodiversity.

34. Prior to the commencement of any works which may affect bats and / or their habitat, an updated mitigation and monitoring strategy should be submitted to and approved in writing the Local Planning Authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason: In the interests of biodiversity.

35. The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be possible. In general this is expected to be 5dB below the existing measured background noise level LA90, T during the day time period. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5, the applicants consultant should contact the Environmental Protection Team to agree a site specific target level.

Reason: In the interests of residential amenity.

36. No open storage of plant, materials, products, good for sale or hire or waste shall take place on the site.

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

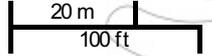
37. The occupation of any B1(a) office buildings and (B1(b) research and development buildings hereby permitted shall be limited only to those occupiers directly associated with the life science, health care and medical service sectors, and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or permitted under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification;

Reason: To ensure the development remains a mixed use and medical-based development in accordance with draft policy RMX1(1).

38. The delivery of the 'Hockers Wood Nature Reserve' as outlined in blue on drawing no. DHA/13334/04 RevB, shall commence in the first planting

season immediately following commencement of the schools development approved under application 18/506656.

Reason: To facilitate early delivery of the associated biodiversity enhancements.



18/505541/FULL Land Opposite St Anns

Scale: 1:1250

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REFERENCE NO - 18/505541/FULL		
APPLICATION PROPOSAL Erection of a chalet style residential property with detached garage and landscaping.		
ADDRESS Land Opposite St Anns Chapel Lane Thurnham Kent ME14 4PF		
RECOMMENDATION Grant planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The proposed new dwelling is acceptable in terms of design and appearance, and there are no unacceptable impacts on the character, appearance and visual amenity of the locality generally. • Despite its location in the countryside, the development is within close enough proximity of the Maidstone Urban Area and the services found within, and it is not considered to be in an isolated location. • The proposals have been found to be acceptable in relation to parking and highway safety • The proposal is in line with the requirements of policy SS1, SP1, SP17, SP19, DM1, DM12 and DM30 of the adopted Maidstone Borough Local Plan (2017). 		
REASON FOR REFERRAL TO COMMITTEE Thurnham Parish Council have called the application into committee for the reasons set out at paragraph 5.01		
WARD Detling And Thurnham	PARISH/TOWN COUNCIL Thurnham	APPLICANT Mr & Mrs W Thackwell AGENT Consilium Town Planning Services Limited
TARGET DECISION DATE 06/02/19 – EOT (01/05/2019)		PUBLICITY EXPIRY DATE 18/12/18

Relevant Planning History

No relevant planning history

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located immediately to the north of the existing residential properties at the end of the cul-de-sac Edelin Road. The site is on the western side of, and accessed from Chapel Lane (an unadopted road) that is immediately to the east of Edelin Road.
- 1.02 St Anns, is a detached three storey dwelling, located to the north east of the application site, with a row of two storey terrace dwellings to the north of St Anns. Beyond the terrace dwellings a cluster of buildings associated with Chapel Lane Farm are present.
- 1.03 The application site and the land immediately to the north is a relatively open grass covered field with trees scattered around the area. The application site has one mature

tree present with a number of smaller more recently planted saplings. There appears to have been some coppicing on the site with log piles present. There are no structures present on the application site or the field immediately to the north. Towards the south eastern portion of the application site is a large pond.

- 1.04 In policy terms whilst the application site is in the designated countryside, it is not an isolated location as it is next to existing houses in Edelin Road and is a 100m north of the Maidstone Urban Area boundary. The site is approximately 500m away from Bearsted railway station and the bus routes around the station, and it is possible to walk from the application site to these facilities via pavements along the roadside. Also within walking distance is the Bearsted Golf Club, the pubs and restaurants within Bearsted, as well as Roseacre Junior School and Thurnham Infants School. The site is within the KCC Minerals Safeguarding Area.
- 1.05 The site is not within an Area of Outstanding Natural Beauty, although land approximately 1 kilometre to the north is within an AONB. A site of ancient woodland is located approximately 400m to the north of the application site.

2. PROPOSAL

- 2.01 The application seeks the erection of a five bedroom residential property arranged over two floors with a detached three car garage, and associated landscaping and hardstanding.
- 2.02 In terms of materials, the applicant has proposed to use soft red stock brick and dark stained timber weatherboarding for the external surfaces, machine made clay plain roof tiles, timber window frames and timber doors, black UPVC rain water goods and sandstone paving slabs and permeable block paving in an Autumn Gold colour.
- 2.03 A new access would be formed onto Chapel Lane to serve the property. Plans indicate that the development would not involve the felling of any existing trees on the application site. The submitted proposal involves additional landscaping and tree planting around the boundaries of the application site.

3. POLICY AND OTHER CONSIDERATIONS

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

Maidstone Borough Local Plan 2017
SS1- Maidstone borough spatial strategy
SP1 – Maidstone Urban Area
SP17 - Countryside
SP19 – Housing mix
DM1 – Principles of good design
DM12 – Density of housing development
DM30 – Design principles in the countryside

Supplementary Planning Documents
Kent Minerals and Waste Plan

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 14 representations received from local residents raising the following (summarised) issues
- The development would result in a detrimental loss of privacy
 - The development would not be in keeping with the character and appearance of the surrounding area.
 - The development would have a detrimental impact upon highway safety
 - The capacity of physical infrastructure, in this case water drainage at the site.
 - Loss or effect on trees
 - The development would result in a detrimental loss of light.
 - Factual misrepresentation of the proposal in this case that the development is within the green belt, it is not and it is assumed that the represented is referring to the fact that the plot is currently undeveloped.
 - The development would cause a detrimental level of air pollution, in terms of vehicle emissions.
- 4.02 Officer comment - Matters controlled under building regulations and private issues between neighbours are not material planning considerations and therefore cannot be taken into account in the determination of this application. A number of comments also make reference to drainage on site particularly with regard to works that the applicant has carried out that have possibly resulted in flooding. Whilst the capacity of physical infrastructure is a material planning consideration, this specific issue is not. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

5. CONSULTATIONS

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

Thurnham Parish Council

5.01 Objects for the following reasons

- The development would be out of character and would set a dangerous precedent for future development.
- The proposal would breach a natural boundary and would result in the erosion of the countryside, and may encourage similar future development.

KCC Highways

5.02 No objection

Public Rights of Way

5.03 No objection

Bearsted & Thurnham Society (Received 19/02/2019)

5.04 Objects for the following reasons:

- The development would not be in keeping with the character and appearance of the local area.
- The development would be a purpose built and new property on a greenfield site, unlike the surrounding existing properties.
- The scale of the development is not reflective of the surrounding properties
- The development would not be a form of sustainable development.
- Inadequate flood risk information provided.
- Highways safety issues exiting and entering Chapel Lane.
- Materials not in keeping with surrounding properties.

- The development would cause detrimental overshadowing.
- The application site is within an AONB (The AONB lies 1km to the north)
- Approving the application would set a detrimental precedent.

6. APPRAISAL Main Issues

6.01 The key issues for consideration relate to:

- Principle of development
- Design / impact on character of area
- Residential amenity
- Standard of accommodation
- Adjacent windows
- Highways issues

Principle of development

6.02 Paragraph 4.23 of the Maidstone Borough Local Plan (October 2017) states that “The town of Maidstone cannot accommodate all of the growth that is required on existing urban sites, and the most sustainable locations for additional planned development are at the edge of the urban area, expanding the boundary of the settlement in these locations. A characteristic of Maidstone is the way tracts of rural and semi-rural land penetrate into the urban area.

6.03 Paragraph 3 of Local Plan policy SS1 states “An expanded Maidstone urban area will be the principal focus for development in the borough”. Local Plan policy SP1 states that “As the largest and most sustainable location, Maidstone urban area, as defined on the policies map, will be the focus for new development.

6.04 The application site is approximately 100m north of the Maidstone Urban Area boundary. The council will support the development and redevelopment or infilling of appropriate urban sites in a way that contributes positively to the locality's distinctive character.

6.05 In policy terms the application site is located within the countryside. Local Plan policy SP17 states that “Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area”.

6.06 Whilst the application site is located in the countryside, the principle of an additional house is considered acceptable due to the close relationship of the site to the urban area and the access to facilities, services and public transport that the urban area offers.

6.07 The application site is located within a Minerals Safeguarding Area however the land lost to this development is considered to be insignificant as to the wider objectives of this zone.

6.08 Concerns have been raised regarding flooding in the area. The applicant has submitted documentation from the Environment Agency which indicates that the application site is within “flood zone 1, an area with a low probability of flooding. Should permission be forthcoming it would be under building regulations remit to ensure that adequate soakaways are installed to manage drainage on site.

Design/impact on character of area

- 6.09 Paragraph ii. of Local Plan policy DM1 states that development must “Respond positively to, and where possible enhance, the local, natural character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage”. Development will be expected to incorporate a high quality, modern design approach and to make use of vernacular materials where appropriate.
- 6.10 Paragraph v. of local plan policy DM1 continues that development must “Respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worth of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area”
- 6.11 In terms of the character of the area despite its proximity to Ware Street, it is accepted that the area has a suburban or semi rural character. Whilst a change from suburban to semi rural character is evident when travelling north along Chapel Lane, the suburban cul de sac of Edelin Road is immediately to the south of the application site, and is visible from the application site and the surrounding area.
- 6.12 Other development along Chapel Lane is located on the eastern side of the road, with St Anns to the north east of the application site and the terrace row further to the north of St Anns. Buildings associated with Chapel Lane Farm are located on the western side of Chapel Lane at the far north of the road.
- 6.13 The dwellings highest eaves height found on the half hip on the western elevation of the dwelling is 5.10m with a maximum roof height of 7.40m. In terms of the external appearance of the dwelling, information in the planning statement submitted in support of the application indicates the following. “ *The proposal will incorporate a brick plinth with dark stained weatherboarding at round and also on the first floor level (on the gable ends shown on the drawings). The roof will be clay plain tiles. Windows to be timber framed. Sample materials to be agreed at a later date.*”
- 6.14 The design of the dwelling and the external facing materials are in keeping with the rural environment and would not look out of place in the context of the application site. The new house is set back from the road side in a manner similar to the property at St Ann’s.

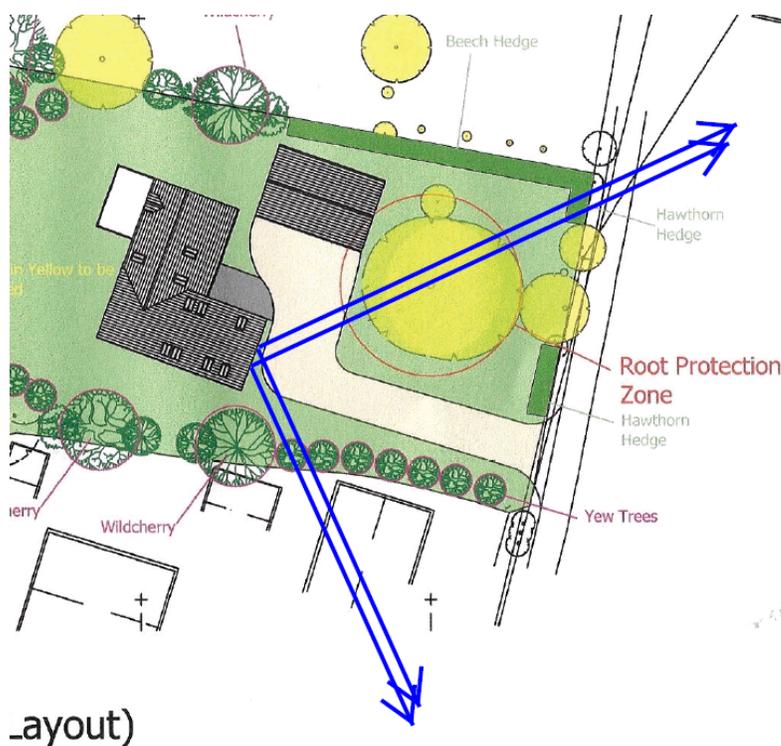
Standard of accommodation

- 6.15 In respect of the national technical standards which took effect from 1st October 2015, the Gross Internal Area (GIA) of the dwelling is far in excess of the 128m² minimum required for a dwelling of this size. All bedrooms in the property are in excess of minimum guidelines, found within the technical standards document and the dwelling itself is spacious with storage space detailed and served by numerous bathrooms with spacious living areas.
- 6.16 The proposed dwelling would have a rear garden with a depth of 25m and an area of approximately 700m² as well as space to the sides and front of the property. It is considered that this is more than enough amenity space for a dwelling of this size. As

such the proposed development provides an adequate standard of accommodation for future occupants and in this regard is in keeping with Policy DM1

Residential Amenity

- 6.17 Paragraph iv of Local Plan policy DM1 states that development must “Respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.18 The closest neighbouring properties to the development are along Edelin Road. The properties at 36 and 38 Edelin Road are approximately 11 metres and 16 metres away respectively.
- 6.19 Two small windows would be installed into the first floor eastern elevation of the proposed dwelling serving bedrooms and a number of skylights on the south facing roof slope, two serving a bathroom and two serving a bedroom
- 6.20 In terms of the impact generated by the bedroom windows installed onto the eastern elevation;



- 6.21 Whilst these windows look out onto 36 Edelin Road (the dwelling to the south east of the proposed dwelling in the above image) they would not be capable of intruding upon this properties private amenity area, particularly when considering the soft landscaping that would be planted along the boundary.

- 6.22 The skylights facing south would not have a detrimental impact upon the amenities of neighbouring properties. By their nature, they prevent direct views onto neighbouring properties. However should permission be forthcoming a condition will be imposed requiring any skylights serving bathrooms to be obscure glazed. It is considered that this will be sufficient to safeguard the privacy and amenity of neighbouring properties and of future occupants of the proposed dwelling.
- 6.23 With this separation distance this neighbouring property would continue to receive adequate natural sunlight from around and over the top of the proposed dwelling.
- 6.24 No.38 Edelin Road is, at its closest point, located 16 metres to the south of the proposed dwelling. Again, when considering this separation distance the neighbouring property would continue to receive adequate natural sunlight from around and over the top of the proposed dwelling.
- 6.25 St Anns itself is located 48 metres to the north east of the proposed dwelling itself. Due to this distance the proposed dwelling would not result in a loss of daylight or sunlight to this property.
- 6.26 When taking the above into account, it is not considered that the development would result in such a detrimental impact, upon neighbouring amenity that a refusal would be warranted on amenity grounds.

Highway safety, parking and servicing

- 6.27 DM1 states that development must safely accommodate vehicular movement generated by the proposal on the local road network and through the site access (ix) and provide adequate vehicular and cycle parking to meet adopted council standards (xiii) Adopted car parking standards are provided in appendix B of the Local Plan.
- 6.28 In terms of parking provision, plans indicate that the development would be served by a triple garage, as well as a driveway with a small parking area to the front of the garage. It is considered that this is sufficient for a five bedroom property and that the proposed development would not have a detrimental impact upon parking in the area or the wider highway network.
- 6.29 No objections have been received from highways consultees with regards to the new dwelling or the formation of a new access onto Chapel Lane.
- 6.30 One representation has been received in objection to the development that makes reference to an increase in pollution. Whilst it is accepted that there will be more vehicular movements as a result of the development, it is not considered that one additional dwelling would cause such a detrimental intensification of any pollution, vibrations or noise from vehicular movements that a refusal would be warranted on these grounds.
- 6.31 A planning condition is recommended seeking the submission of details relating to refuse storage and collection for future occupiers of the dwelling.

Ecology and Biodiversity

- 6.32 A habitat survey has been submitted in support of the application. It concludes that "no rare or uncommon species or habitats have been recorded and no potential for

protected botanical species has been identified within the Site." It states that "Advice has been given to enhance biodiversity by inclusion of bird, bat and invertebrate boxes into the boundary features and trees as well as habitat creation within the Site".

- 6.33 Should permission be forthcoming it is suggested that details regarding bat and bird boxes are provided as part of the materials condition.

Other Matters

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

7. CONCLUSION

- 7.01 Overall, the proposed new dwelling is acceptable in terms of design and appearance, and there are no unacceptable impacts on the character, appearance and visual amenity of the locality generally.
- 7.02 Despite its location in the countryside, the development is within close enough proximity of the Maidstone Urban Area and the services found within, that it is not considered to be within an isolated location.
- 7.03 The proposals have been found to be acceptable in relation to parking and highway safety. The proposal is in line with the requirements of policy SS1, SP1, SP17, SP19, DM1, DM12 and DM30 of the adopted Maidstone Borough Local Plan (2017). I am satisfied that the proposed new dwelling is acceptable with respect to local and national planning policy and that no other material consideration would indicate a refusal of planning permission. In the circumstances, I recommend that this application is approved subject to conditions.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/drawing numbers;
Application for Planning Permission
01 Rev 01 Site Location
02 Rev 03 Existing and Proposed Site Layout
05 Rev 2 Proposed Floor Plans
06 Rev 1 Proposed Elevations
07 Rev 01 Proposed Garage
Extended Phase 1 Habitat Survey Report
Flood Map for Planning
Landscape Planting Details

Planning Statement

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 development hereby approved shall be as indicated on the submitted details

Reason: To ensure a satisfactory appearance to the development

- 4) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority with the details including gaps at ground level to allow the passage of wildlife and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

- 5) Landscaping shall be implemented within the first planting season following occupation of the dwelling in accordance with the approved Landscape Planting Details and associated landscape and arboricultural details dated 12 November 2018.

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

- 6) An ecology scheme shall be implemented prior to the occupation of the dwelling within in accordance with the approved Extended Phase 1 Habitat Survey Report dated 12 November 2018

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

- 7) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interest of amenity.

- 8) The development shall not be occupied until the parking spaces shown on the approved plans have been provided. They shall be kept available for the parking of vehicles connected to the occupiers of the approved development at all times and permanently retained as such thereafter.

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

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

Planning Committee

25 April 2019

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

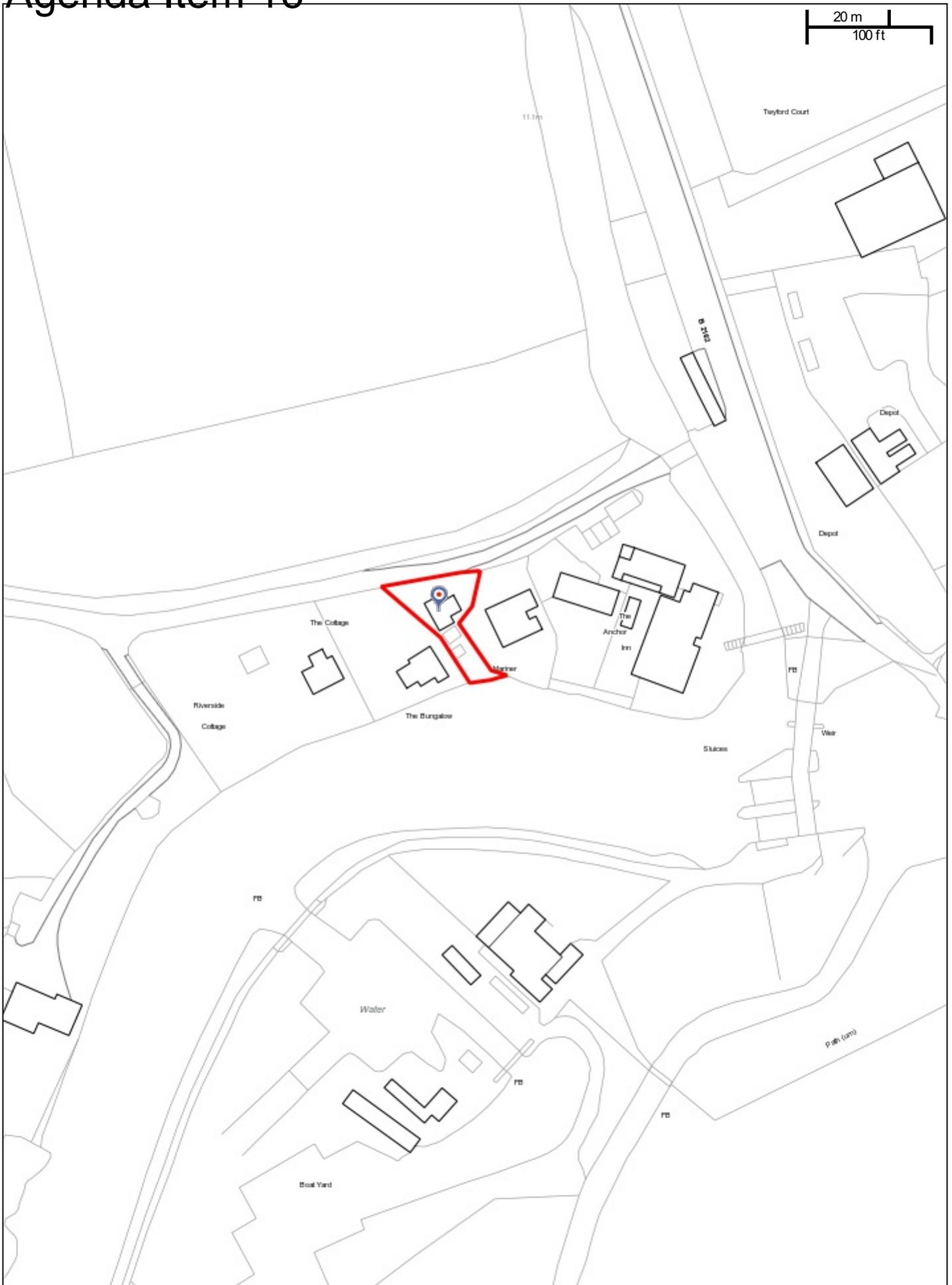
- 10) The development hereby approved shall not commence above slab level until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building and maintained thereafter;
Reason: No such details have been submitted and in the interest of amenity.

- 11) The dwelling hereby permitted shall not be occupied until sustainable surface water drainage works have been implemented in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, including any requirement for the provision of a balancing pond and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation in relation to the development; and,
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2012.

Case Officer: William Fletcher

Agenda Item 16



19/500558/FULL The Cottage, Hampstead Lane

Scale: 1:1250

Printed on: 12/4/2019 at 16:20 PM by SummerF

REFERENCE NO - 19/500558/FULL		
APPLICATION PROPOSAL Part demolition of existing dwelling together with erection of a part single and part two storey front, side and rear extension.		
ADDRESS The Cottage Hampstead Lane Yalding Kent ME18 6HG		
RECOMMENDATION Approval		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed extension accords with local plan policy and the submission has been designed with reference to the location of the dwelling within a designated flood zone.		
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of Yalding Parish Council.		
WARD Marden And Yalding	PARISH/TOWN COUNCIL Yalding	APPLICANT Mr Mark Reeves AGENT MKA Architects Ltd
TARGET DECISION DATE 29/05/19	PUBLICITY EXPIRY DATE 30/04/19	

Relevant Planning History

No previous planning history for The Cottage.

Neighbouring Properties:

18/502006/FULL - Riverside Cottage, Hampstead Lane, Yalding, ME18 6HG - Demolition of existing single storey conservatory extension and erection of a two storey side extension with alterations to fenestration – Approved 03.10.2018

15/506219/FULL - The Bungalow, Hampstead Lane, Yalding, ME18 6HG - Proposed replacement of existing 3 bedroom bungalow with a new 3 bedroom detached flood resilient dwelling with all main living and sleeping accommodation on first and second floors – Approved 16.11.2015

Enforcement History:

None.

Appeal History:

None.

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The Cottage is located to the southern side of Hampstead Lane and lies outside of the settlement boundary. The site comprises a 2-storey dwelling and its principal elevation is located to the western side of the property. The present internal arrangement comprises a kitchen, dining room, lounge and bathroom on the ground floor and 3 bedrooms to the first floor. There is a grassed area to the front that is used for parking and there is a garden of 14m in length to the rear. The end of the rear garden directly abuts the river.

- 1.02 Directly to the east of The Cottage at a distance of 5.5m is a detached bungalow known as Mariner. To the west there is a boundary with another dwelling known as The Bungalow. The original bungalow is located 4.5m from the rear western corner of The Cottage which was the subject of a full planning application for a replacement house positioned closer to the road. This dwelling has now been completed and presently, there are 2 dwellings on the site although the planning permission includes a condition that stipulates that the original bungalow must be demolished within 3 months of the replacement dwelling being occupied.
- 1.03 This part of Hampstead Lane is within Environment Agency Flood Zone 3.
- 1.04 As originally submitted, there was an error on the red line site location plan which has now been corrected. Accordingly, the application has been re-validated and a new consultation process has been conducted.

2. **PROPOSAL**

- 2.01 This is a full planning application that seeks permission to demolish the eastern section of the dwelling and replace it with a 2-storey extension that will be located 0.9m from the boundary with Mariner. There will also be a part single/part 2-storey extension to the rear. The single storey element will project 6.1m from the southern elevation of the building and the first floor element will be 3m and will feature a Juliet balcony. The existing entrance to the dwelling on the western elevation will be bricked up in materials to match the existing and the door repositioned to the northern elevation, facing onto Hampstead Lane.
- 2.02 Internally, the accommodation will provide a kitchen, utility room, lounge diner, snug and a study on the ground floor and four bedrooms and a bathroom to the first floor. The exterior has been designed to reflect the character and proportions of the original dwelling but to contrast the side and rear extension by finishing with zinc cladding with an upstanding seam. The plans indicate that there will be 2 off-street parking spaces to the front.
- 2.03 The application is submitted with a flood risk assessment which identifies that the site is within flood zone 3 and is at high risk of flooding. The report indicates that the proposed extensions have been designed in accordance with the requirements of the Environment Agency's standing advice. As such, the finished floor levels will not be any lower than the existing and flood proofing will be incorporated within the structure. The report concludes that the proposal will be safe in terms of flood risk and will not increase the flood risk elsewhere. In addition, the applicants have indicated their acceptance of a condition requiring the submission of details of flood prevention measures to be incorporated within the building and that these will be provided prior to the commencement of any works.

3. **POLICY AND OTHER CONSIDERATIONS**

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

4. **LOCAL REPRESENTATIONS**

- 4.01 Yalding Parish Council: Object to this planning application. The property is situated in a Flood Zone 3 in close proximity to the River Medway, a main water course, and can be subject to severe flooding. This application seeks to increase the number of bedrooms from three to five thus increasing the number of people at risk during

times of severe flooding. Of most particular concern is the proposal for a ground floor bedroom. It is essential that the Environment Agency is consulted and its recommendations acted upon. This application is contrary to the Maidstone Local Plan and the NPPF and should therefore be refused. If officers are of a mind to approve this application, Yalding Parish Council request it be put to the planning committee.

- 4.02 No representations were received in the consultations that were undertaken when the application was originally validated. As a consequence of an alteration to the red line area, the application has had to be re-validated and a new consultation process has been carried out. Should any responses be received, they will be reported in the update to the meeting.

5. **CONSULTATIONS**

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

KCC Public Rights of Way Officer

- 5.01 Public Rights of Way KM186 footpath runs outside the northern boundary of the site but acts as the main track to the property and should not affect the application.

Environment Agency

- 5.02 We have no objection in principle to the extension at the property on the basis ground floor sleeping accommodation is no longer proposed as shown on drawing number 05/B dated December 2018.
- 5.03 However, as the property will be at risk of flooding we recommend a condition to ensure the existing dwelling and proposed extension will include sufficient flood protection measures to minimise the risk of internal flooding.
- 5.04 The property is included in the Middle Medway Flood Resilient Scheme, which involves installation of flood protection measures to certain properties at risk from flooding in this area. This project is underway and due to be completed during autumn 2019. For this property, we are able to fund measures as part of the existing property but any additional measures required as a result of the extension such as a flood resilient patio door, will need to be funded by the applicant.

- 5.05 We recommend the following condition:

No development shall take place until details of property flood resistance measures, certified to PAS 1188 or the latest equivalent kitemark specification, are submitted and approved in writing by the local authority.

Reason: To minimise the risk of internal flooding.

6. **APPRAISAL**

Main Issues

- 6.01 The key issues for consideration relate to:
- The design and impact of the proposed extension;
 - The issues relating to the flood risk associated with the site.

Design and Impact

- 6.02 The Cottage is located in a part of Hampstead Lane that is characterised by residential dwellings, all of which are different in design and stature. Policy DM32 of the Local Plan is supportive of extensions to dwellings in the countryside provided that the proposal is well designed, relates sympathetically to the existing dwelling and is visually acceptable. Mariner to the east is a bungalow and the replacement dwelling to the west is a large 2-storey house with accommodation in the roof space. The proposed design is reflective of the original house but uses contemporary materials to alter the overall appearance of the property. Given the mix of building styles and sizes along this part of Hampstead Lane, the resulting property will appear appropriate in the general views of the street and in the wider views from the other side of the river.
- 6.03 The extension has been designed with reference to the relationship with the neighbouring dwellings. In terms of Mariner to the east, there is a staggered relationship between the properties, and the extension has been designed so that it does not result in an overbearing impact or loss of privacy. The front elevation has been designed with an angle to prevent any issues of overlooking. Similarly, there is a distance of 10.4m between The Cottage and The Bungalow. There are windows on the ground floor flank elevation of The Bungalow facing The Cottage and the approved plans indicate that these windows relate to a workshop. I therefore consider this relationship to also be acceptable.
- 6.04 In conclusion on this issue, the design and scale of the extension will somewhat alter the appearance of The Cottage but in the context of the character and proportions of neighbouring dwellings, there will be no adverse visual impact as a result of this scheme. Furthermore, the proposal will not introduce loss of amenity issues that would merit a recommendation of refusal. Accordingly, the proposal complies with the requirements of policy DM32 of the Local Plan. I do however recommend the imposition of a condition that prevents the flat roof area of the single storey rear extension from being used as a terrace or roof garden so as to protect the amenities of the neighbouring householders going forward.

Flooding

- 6.05 The Cottage is located within a designated flood zone and the provision of enlarged accommodation in this type of location is a cause of concern to Yalding Parish Council. The size of the proposed extension is such that the standing advice of the Environment Agency (EA) can be applied, however at the request of the Parish Council, a formal consultation process was also undertaken.
- 6.06 Initially, the proposed floor plans indicated that there would be a bedroom on the ground floor of the extension at the front of the property. The agent was advised that this would not be acceptable given the flood risks of the site and it was agreed that this would be removed from the scheme. The floor plans have been amended and now indicate that the bedroom has been replaced with a study. All sleeping accommodation will now be located on the first floor. Accordingly, the EA have indicated that this amendment is acceptable and they raise no objection to the proposal subject to the imposition of a condition requiring the submission of details of flood preventative measures to be incorporated within the building prior to the commencement of any works. The applicant has agreed to this condition. I also suggest the imposition of a condition that prevents the provision of sleeping accommodation on the ground floor of the property at any time.
- 6.07 The issue of flooding has been thoroughly explored in the assessment of this proposal and there are conditions that can be attached to the permission to ensure

that the relevant measures in this regard are incorporated and maintained. I therefore consider that as this issue can be appropriately addressed, there are no material reasons to make a recommendation of refusal based on the flood risks of the site.

Other Matters

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

7. CONCLUSION

- 7.01 The proposed extensions and alterations to The Cottage are visually acceptable and will not result in unacceptable relationships with the neighbouring householders. The issue of flooding has been raised as a serious concern by the Parish Council and has been explored in detail. Given that conditions can ensure that flood prevention measures are incorporated within the building, and in the absence of an objection from the EA, it would appear that any issues associated with flooding can be satisfactorily overcome.
- 7.02 The application has had to be re-validated given that the red line site area has been amended and this has necessitated a new consultation process which is presently underway. In the circumstances, it is requested that delegated authority is given to officers to grant approval of this application, subject to no new issues being raised.

8. RECOMMENDATION

The Head of Planning be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out below, subject to no new issues being put forward in the current consultation process.

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: DAT/9.0; DAT/9.1; 2151/05/C (received 03.04.2019); 2151/06B; Flood Risk Assessment.

Reason: To clarify which plans have been approved.

3. The materials to be used in the development hereby approved shall be as indicated on the application submission unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

4. No development shall take place until details of property flood resistance measures, certified to PAS 1188 or the latest equivalent kitemark specification, are submitted to and approved in writing by the local planning authority and the approved measures shall be implemented and permanently maintained.

Reason: To minimise the risk of internal flooding.

5. There shall be no sleeping accommodation provided on the ground floor of the property at any time.

Reason: In the interests of safety given the location of the property within a designated flood zone.

6. The roof area of the rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority;

Reason: To prevent overlooking of adjoining properties and to protect the privacy of the occupiers.

INFORMATIVE

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

Case Officer: Georgina Quinn



18/506494/FULL Stilebridge Paddock, Stilebridge Lane

Scale: 1:2500

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REFERENCE NO - 18/506494/FULL		
APPLICATION PROPOSAL Erection of a detached building to be used as a day room with ancillary facilities. (Resubmission of 18/504791/FULL)		
ADDRESS Stilebridge Paddock Stilebridge Lane Linton Maidstone Kent ME17 4DE		
RECOMMENDATION The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement OR unilateral undertaking to provide the following: <ul style="list-style-type: none"> Obligation on the applicant to ensure that the approved three utility blocks (highlighted on the existing layout plan at paragraph 2.02 of this report) and the stable block to the southern boundary of the site (as shown on the layout plan for 14/506183 provided at paragraph 1.06 to this report) are not constructed in the future and the imposition of the conditions as set out below:		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> The proposals are in keeping with the existing gypsy and traveler use. The applicant has submitted an Unilateral Obligation to give up the rights to build the three utility blocks with extant planning permission. The visual impact of the proposed development is not significant due to its modest scale and design, and the screening from existing site boundary treatment. 		
REASON FOR REFERRAL TO COMMITTEE Linton and Boughton Monchelsea Parish Council requested that the application is reported to the Planning Committee if Officers are minded to recommend approval.		
WARD Coxheath And Hunton	PARISH/TOWN Linton	COUNCIL APPLICANT Mr J Smith AGENT Graham Simpkin Planning
TARGET DECISION DATE 03/05/19	PUBLICITY EXPIRY DATE 25/01/19	

Relevant Planning History

There is a substantial planning history relating to the agricultural/equestrian usage by a previous owner, the most relevant history relating to gypsy and traveller use are listed below:

18/504791/FULL

Erection of a detached building to be used as a day room with ancillary facilities

Refused 5 Nov 2018 for the following reasons

"The proposed day room would cause material harm to the character and appearance of the countryside and general locality and no over-riding justification has been provided for the accommodation. The proposed development would represent inappropriate development in the countryside for which no justification has been demonstrated. The proposal is therefore contrary to policies SS1, SP17, DM1, DM15 and DM30 of Maidstone Local Plan (2017); and the National Planning Policy Framework (2018)".

14/506183/FULL

Placement of 2 No mobile homes, utility block, touring caravans and stables and open paddock area

Approved 11 Dec 2015 (Appendix I- Approved Plan)

11/2016

An application for the approval of details pursuant to conditions relating to MA/10/1555 (Use of land for the stationing of two mobile homes and two touring caravans for gypsy/traveller occupation and the keeping of horses plus erection of stables, two utility/day rooms, hardstanding and septic tank) - being details of condition 6 (lighting), 9 (foul water disposal) and 10 (landscaping).
Approved 13 Feb 2012

10/1555

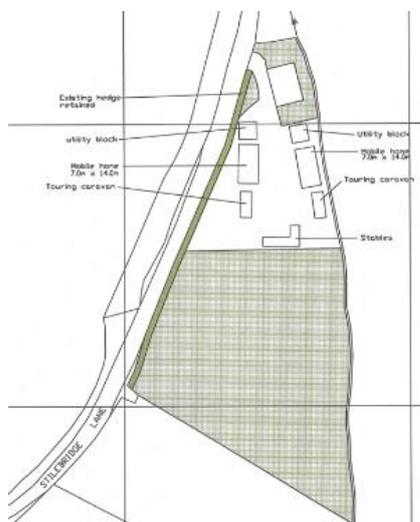
Use of land for the stationing of two mobile homes and two touring caravans for gypsy/traveller occupation and the keeping of horses plus erection of stables, two utility/day rooms, hardstanding and septic tank
Approved (Appendix II- Approved Plan and Utility Block) 30 Jun 2011

MAIN REPORT

2. DESCRIPTION OF SITE

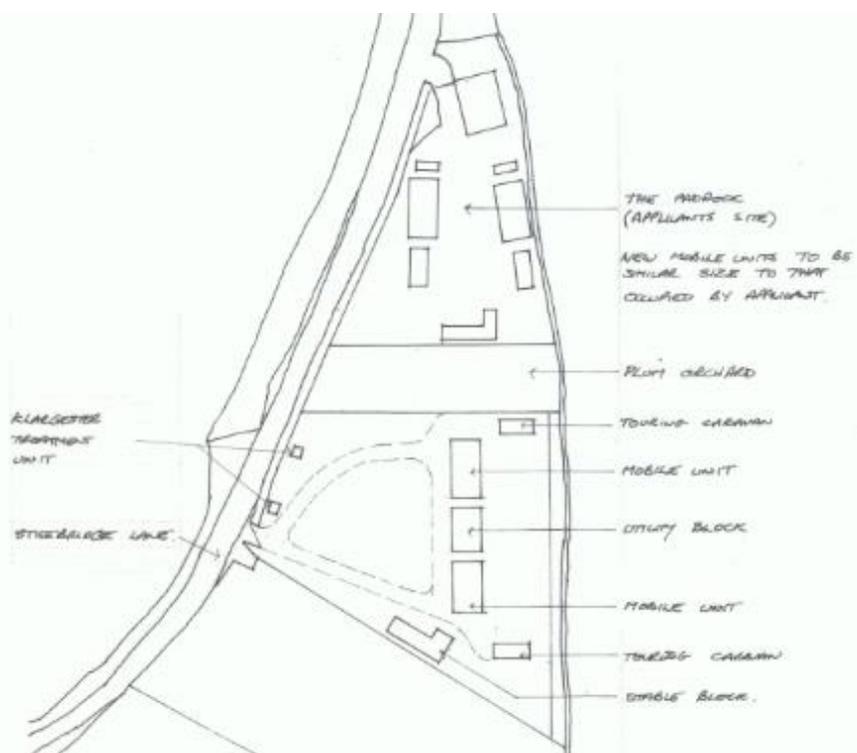
- 2.01 The application site is a broadly triangular plot of land (0.8 hectares) to the east of Stilebridge Lane in Linton. The site is located within the open countryside as designated in the Maidstone Borough Local Plan 2017, but not subject to any other designations. Further unrelated gypsy and traveller accommodation is located to the south of the site along Stilebridge Lane
- 2.02 The site is accessed from Stilebridge Lane, and bounded by close boarded fence and a mix of tall hedges and trees on the western (front) and eastern (rear) boundaries. The site is situated on a level slightly higher than the highway. A barn is located at the northern end of the site. The site is within the Linton Parish with the rear site boundary also the boundary with Boughton Monchelsea Parish.
- 2.03 Although interlinked, the current application site consists of three areas, with the narrower northern part and the wider southern part occupied by caravans and a central open part marked as an orchard. Two permanent, non-restrictive planning permissions have previously been granted for the use of the land for gypsy and traveller accommodation.
- 2.04 The application with reference 10/1555 just related to the northern part of the current application site. Planning permission was given for two mobile homes and two touring caravans, the erection of stables, two utility/day rooms, hardstanding and septic tank.

Fig 1: Extract from approved layout for 10/1555



- 2.05 Of the buildings approved under application 10/1555, the stables and the mobile home on the eastern (Stilebridge Lane) have been constructed on site. Only a base has been constructed for the approved mobile home on the western side of the site. The two approved utility blocks have not been constructed.
- 2.06 The permission under reference 14/506183 related to all of the land that the current planning application covers and not just the land to the north covered by 10/1555. The permission under reference 14/506183 included the stationing of a total of 4 mobile homes (2 on the northern part of the site and 2 to the south), 4 touring caravans (2 to the north and 2 to the south), 3 utility blocks (2 to the north and 1 to the south), stables and hardstanding for the Smith family. At the time of the officer site visit, 3 mobile homes, 1 touring caravan, 3 stables and hardstanding were present on the site

Fig 2: Extract from approved layout for 14/506183



3. PROPOSAL

- 3.01 This application is for the erection of a dayroom that measures 16m x 7m in footprint (112m² in floor area). With its hipped roof the roof ridge is 4.2m in height with the building sited along the eastern boundary of the site. The proposed dayroom is sited in the location of one of the mobile homes previously approved and the submitted plan shows this mobile home moved north and adjacent to the existing barn.
- 3.02 The 4 mobile homes and sewage treatment plant proposed under 14/506183 have been located in slightly different locations on the site to that shown on the approved plans (see approved plan above and current plan below). The stables shown on the approved as a single building adjacent to the southern boundary has been replaced with two separate stable blocks to the rear of the two mobile homes and next to the eastern site boundary. The stables block on the northern part of the site has a slightly different footprint and two sheds and aviaries have also been provided.

Fig 3: Extract from Layout proposed as part of the current application



3.03 As part of the proposal, the applicant has signed a Unilateral Obligation which gives up the right to build the three utility blocks (total floor area of about 136m²) that have the benefit of extant planning permission. The location of these three blocks are highlighted on the above plan

4. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SS1, SP17, GT1, DM1, DM15, DM30
Planning Policy for Traveller Sites (2015)

5. LOCAL REPRESENTATIONS

Local Residents:

5.01 No representations were received.

6. CONSULTATIONS

Linton Parish Council

6.01 Object to the application and would like to see it referred to Planning Committee should the application be recommended for approval. Key concerns included:

- Insufficient justification for expanding the previous planning permission and neither does it warrant the overturning of the refused application (18/504791/FULL).
- Negative impact of cumulative development on countryside
- Visual impact

- Excessive size for a dayroom
- The perimeter fencing along Stilebridge Lane is industrial in appearance
- Requested up to date aerial photo of the site.

Boughton Monchelsea Parish Council

- 6.02 Object to the application and would like to see if referred to Planning Committee should the application be approved. They fully support the response made by Linton Parish Council and states the proposal comprises unacceptable intensification of the site.

Natural England

- 6.03 No comments to make.

**7. APPRAISAL
Main Issues**

- 7.01 The key issues for consideration are the:
- Principle of development
 - Visual impact on the countryside
 - Previous refusal

Principle of development

- 7.02 The proposal relates to a new day room for existing approved gypsy and traveller accommodation. The proposed dayroom consists of a communal laundry, communal kitchen, bathroom, study room, gym room, and dayroom for use by the occupiers of the four mobile homes.
- 7.03 The proposal would not accommodate new families on the site, with the building only providing ancillary space and function to the main existing lawful living accommodation. The provision of dayrooms as part of gypsy and traveller accommodation is established across the borough.

Visual impact on the countryside

- 7.04 The development would be subject to the normal development constraints in the countryside as set out in Policy SP17 of the Maidstone Borough Local Plan (2017). Proposals in the countryside are not permitted unless they accord with other policies in the Local plan and would not result in unacceptable harm to the character and appearance of the area. Other policies in the Local Plan state that protection will be given to the rural character of the borough, and that new development should maintain, or where possible, enhance the local distinctiveness of an area.
- 7.05 Whilst there is no Local Plan policy or guidance specifically relating to the scale, design and siting of gypsy and traveller dayrooms, the principle for such buildings is acceptable subject to its assessment against all material planning considerations. The main issues are whether or not the development would be ancillary to the main accommodation, and the visual impact on the countryside.
- 7.06 The principle of gypsy and traveller accommodation and associated buildings on the application site has been established with the approval of two earlier planning permissions. The current application does not involve additional accommodation but improved facilities for existing occupiers. A planning condition is recommended to ensure that the building remains as ancillary accommodation and to prevent the use of the building as self-contained living accommodation.
- 7.07 The proposed dayroom would have a pitched roof with a maximum height of 4.2m and is considered to be in keeping with the existing mobile homes (about 3.5m in height) and the barn (about 8m in height). The site is bounded by 2m tall close boarded fence and further screened by trees and hedges along Stilebridge Lane to the north and western boundary.

- 7.08 The proposed building located along the eastern boundary would not be visible from Stilebridge Lane given the screening provided by existing boundary treatment, the barn, and the entrance gate. Whilst the dayroom would be slightly visible from the neighbouring field, I do not consider that it would result in any significant visual harm to the character and appearance to the countryside with the modest design and height, existing boundary treatment screening, and the location of the nearest public footpath more than 400m away,
- 7.09 Whilst not currently constructed on site, planning permission has previously been granted for three utility blocks (two on the northern part of the site and one to the south) which have a combined total footprint of 136m² (two 6m x 6m blocks from permission 10/1555 and one 11.5m x 5.5m block from permission 14/506183).
- 7.10 The proposed communal dayroom to be used by four families, with a total footprint of 112m² and when compared to the approved buildings would result in a reduced building footprint of about 24m². In comparison to the approved three utility blocks, this single building is considered an improvement and will consolidate the built form on the site.
- 7.11 The current application includes a unilateral undertaking placing a legal obligation on the applicant to not construct the day rooms that form part off the earlier planning permission. This is similar to the approach set out in policy DM32 in relation to rebuilding dwellings in the countryside.
- 7.12 The site is generally screened by high hedges and the changes outlined in section 2 of this committee report from previous approvals are considered acceptable. Moving the mobile homes towards the rear of the site is a positive step that reduces any impact in views from the site entrances in Stilebridge Lane.
- 7.13 In summary, the proposal does not involve an increase in the occupancy of the site; it does not involve additional buildings and will result in a reduction in the overall building footprint on the site.
- 7.14 Whilst the scale of the dayroom is similar to the existing mobile homes, the size of the dayroom providing for four families is not excessive. The building is ancillary accommodation necessary to serve the existing and lawful static mobile homes. The proposed building would not result in unacceptable harm to the character and appearance of the area and will maintain local distinctiveness.

Previous Refusal

- 7.15 The application under reference 18/504791/FULL *was refused for the following reasons "The proposed day room would cause material harm to the character and appearance of the countryside and general locality and no over-riding justification has been provided for the accommodation. The proposed development would represent inappropriate development in the countryside for which no justification has been demonstrated. The proposal is therefore contrary to policies SS1, SP17, DM1, DM15 and DM30 of Maidstone Local Plan (2017); and the National Planning Policy Framework (2018)".*
- 7.16 The current application seeks to address the reasons for the previous refusal of permission. This includes a reduction in the maximum height of the dayroom by 1.5m (from 5.7m to 4.2m). The resubmitted application has provided adequate justification for the size of the dayroom in that it would be used by four families and would avoid the need for the previously approved three separate dayroom buildings. The submission includes a Unilateral Obligation as a commitment to not build the 3 approved utility blocks. The current submission has in addition provided greater clarification of the buildings on the site.

- 7.17 In summary, the current application has adequately addressed the previous reasons for refusal.

Other matters

- 7.18 The proposal is in a site that is provided with screening from fences and hedges. This screening and the separation distance from other accommodation will ensure that the proposal is acceptable in relation to residential amenity. No response has been received as a result of neighbour consultation.
- 7.19 With no increase in occupancy and no change to access arrangements, the proposal is acceptable in relation to highway safety.
- 7.20 Linton Parish Council have expressed concern about the industrial appearance of the fence along Stilebridge Lane. As this fencing is existing and not form part of the current proposal, its visual impact cannot be considered as part of this current application. In response to a Linton Parish Council request, the applicant has submitted an aerial photo of the site dated 2015.

8. CONCLUSION

- 8.01 The development would be ancillary accommodation associated Gypsy accommodation and the applicant has confirmed the previously approved 3 utility blocks would not be built. As such, the current proposal would not result in any intensification of buildings the site, and the reduced building height and justification has addressed the visual harm to the countryside given in the previous refusal reason.
- 8.02 The development would not result in unacceptable harm to the character and appearance of the countryside. The development is in accordance with the relevant provisions of the Development Plan, the NPPF and all other relevant materials considerations.
- 8.03 Officers recommend that planning permission is given subject to conditions and a legal agreement or unilateral undertaking. The legal agreement or unilateral undertaking shall ensure that the three utility blocks and the stable block to the southern boundary of the site (as shown on the layout plan for 14/506183 provided at paragraph 1.06 to this report) are not constructed in the future

9. RECOMMENDATION

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

- Obligation on the applicant to ensure that the approved three utility blocks (highlighted on the existing layout plan at paragraph 2.02 of this report) and the stable block to the southern boundary of the site (as shown on the layout plan for 14/506183 provided at paragraph 1.06 to this report) are not constructed in the future.

and the imposition of the conditions as set out below:

- 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. Approved Plans

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Existing Block Plan, No. 02 Rev D received on 19 March 2019
Proposed Block Plan, No. 05 Rev F received on 21 March 2019
Proposed Elevations, No. 04 Rev E received on 21 March 2019
Proposed Floor and Roof Plan, No. 03 Rev C received on 14 December 2018

Reason: To clarify which plans have been approved.

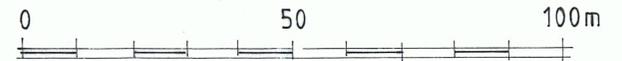
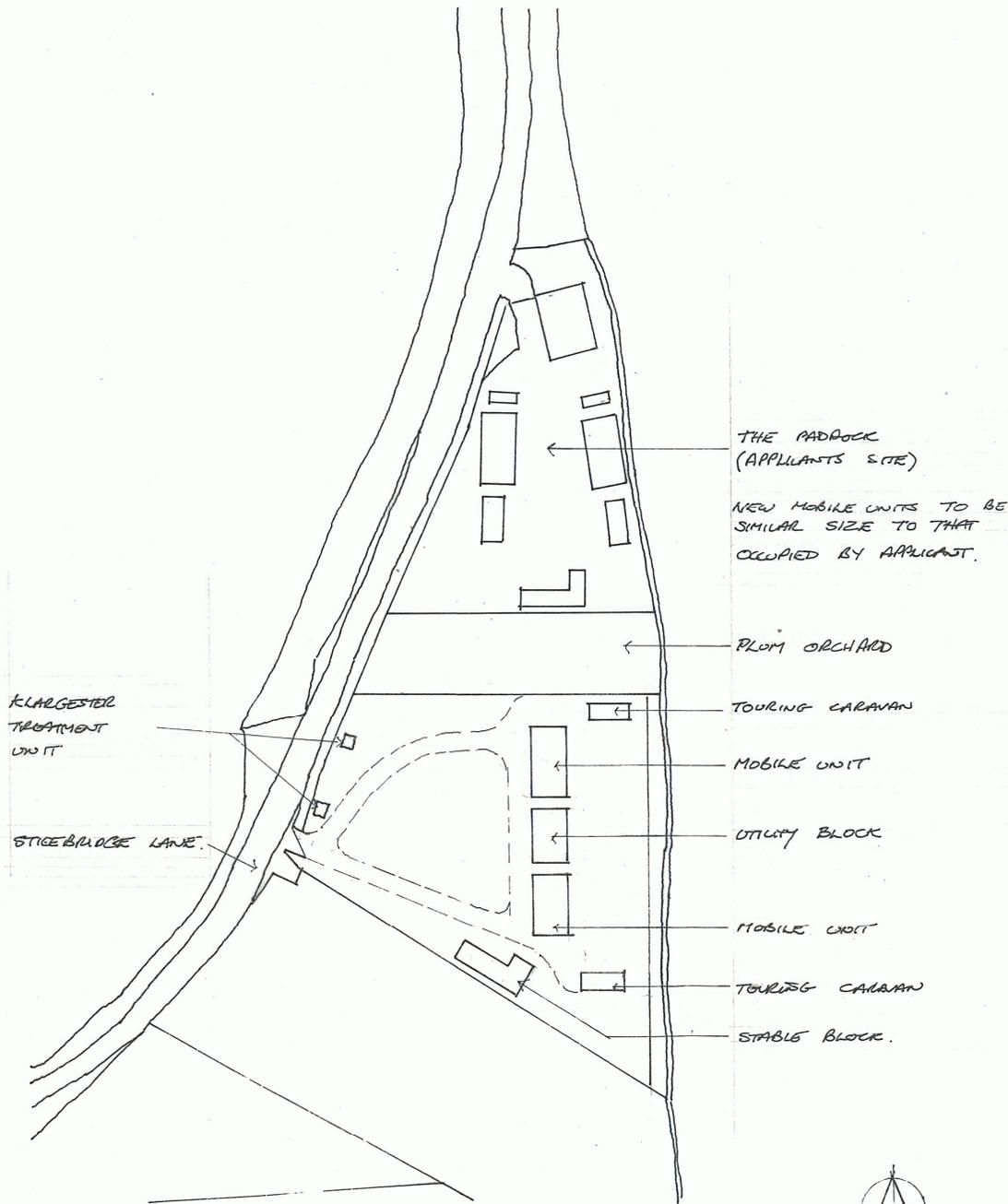
- 3) The building hereby approved shall only be used as ancillary accommodation in connection with the use of the site as a gypsy and traveller site, the building shall not be used for any trade or business purpose and at no time shall it be occupied as separate or self-contained living accommodation;

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

- 4) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interests of visual amenity.

Case Officer: Michelle Kwok



P.F. Correspondence?	
REF:	INIT
- 5 AUG 2015	
CHO. DET. & DRAWER	

LAND ADJACENT TO THE PADDOCK
STICEBRIDGE LANE
MAIDSTONE

SITE PLAN

SCALE 1:1000

4/8/15

P767/1

M.P.

Martin Potts Associates
RIBA Chartered Architect

Martin Potts BA (Hons), B.Arch, R.I.B.A Chartered Architect.

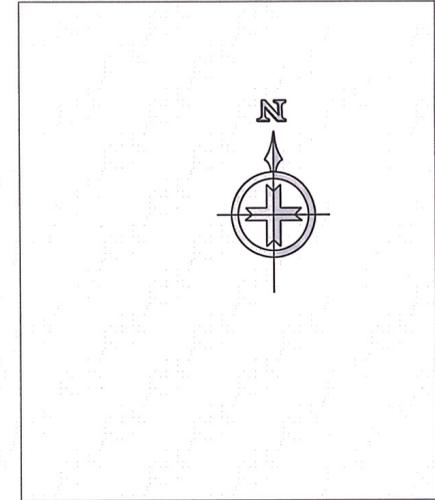
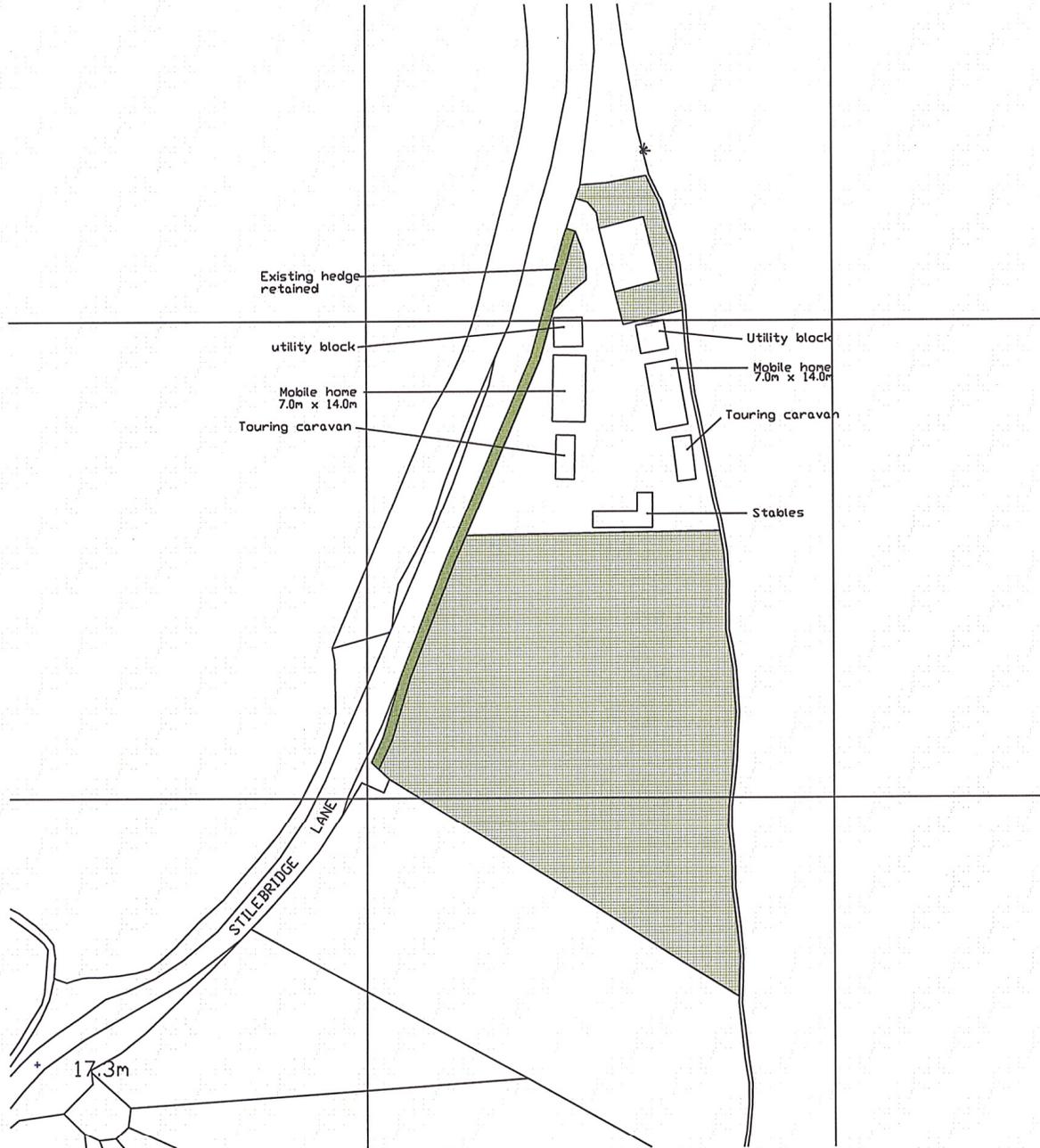
Mob: 07713150032

E-mail: m.potts057@btinternet.com
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Address: 91 King Street, Maidstone, Kent, ME14 1BG.



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10/1555

P.R. Correspondence?	
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30 SEP 2010	
CHK. DET. £	
DRAWER	

WS PLANNING

REIGATE PLACE, 43 LONDON ROAD, REIGATE,
 SURREY, RH2 9PW
 TEL: 01737 225711

CLIENT:
MR.B.LEE & MR.W.LEE AND FAMILIES

PROJECT: **STILEBRIDGE PADDOCK** DATE: **SEP 2010**

STILEBRIDGE LANE

LINTON, KENT

DRAWING TITLE: SCALE: **1:1000 @ A3**

PROPOSED **SITE LOCATION PLAN**

DRAWING NUMBER: REVISION:

MAI/10/PL/02

SITE LOCATION PLAN 1:1000

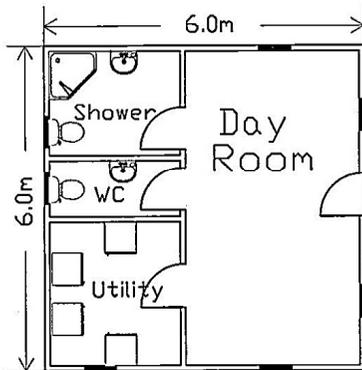
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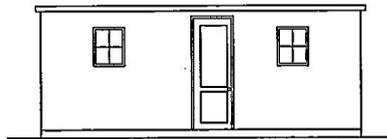
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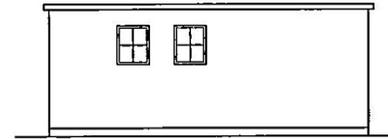
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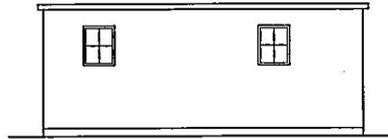
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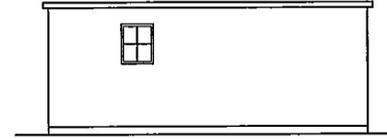
Front



Rear



Side



Side

Elevations

Utility Block

WS PLANNING

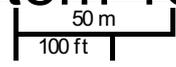
REIGATE PLACE, 43 LONDON ROAD, REIGATE,
 SURREY. RH2 9PW
 TEL: 01737 225711

CLIENT:
 MR. B. LEE & MR. W. LEE AND FAMILIES

PROJECT: STILEBRIDGE PADDOCK DATE: SEP 2010
 STILEBRIDGE LANE
 LINTON, KENT

DRAWING TITLE: PROPOSED UTILITY BLOCK SCALE: 1:100 @ A3

DRAWING NUMBER: MAI/10/PL/03 REVISION:



19/500149/FULL Cherry Tree Farm

Scale: 1:2500

Printed on: 15/4/2019 at 10:41 AM by SummerF



REFERENCE NO - 19/500149/FULL		
APPLICATION PROPOSAL Part retrospective for the siting of 2 additional mobile homes for residential use by a Gypsy & Traveller family.		
ADDRESS Cherry Tree Farm West Wood Road Stockbury		
RECOMMENDATION Grant permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The application site is an allocated Gypsy and Traveller site • The visual impact of the proposed development is not significant due to the well-established boundary treatment screening the site • 		
REASON FOR REFERRAL TO COMMITTEE Stockbury Parish Council requested that the application is reported to the Planning Committee if Officers are minded to recommend approval.		
WARD North Downs	PARISH/TOWN COUNCIL Stockbury	APPLICANT Ms Annie Ward AGENT
TARGET DECISION DATE 03/05/19	PUBLICITY EXPIRY DATE 21/02/19	

Relevant Planning History

18/503884/FULL

Proposed stationing of one additional mobile home, one additional touring caravan and one additional day room along with the installation of a cesspit (part retrospective).
Approved 25/9/2018

18/501646/FULL

Change of use of land for the stationing of two mobile homes, two touring caravans and two day rooms along with the installation of a cesspit.
Refused- Appeal in Progress 13/6/2018

The reasons for refusal are:

1. The proposal site is considered to be in an unsustainable location and the application has not demonstrated that the additional mobile homes would be occupied by family members falling under the Gypsy status definition, or that personal circumstances pertain to warrant permission for Gypsy and Traveller development in the countryside.

2. The proposal would appear as an obtrusive and incongruous and alien feature within the open countryside, to the detriment of the natural beauty, landscape character and the designated area of outstanding natural beauty. As such, the proposal is contrary to the Maidstone Local Plan and the NPPF and refusal on this basis is recommended

05/0470

Retrospective application for the change of use of agricultural land to residential and the stationing of 1 No. mobile home and 1 No. touring caravan for a gypsy family.
Refused 9/8/2005

The reasons for refusal are:

1. The development is considered to be contrary to Kent Structure Plan (1996) Policies RS1, ENV1, ENV3, ENV4 and H8; Kent and Medway Structure Plan: Deposit Plan (September 2003) Policies QL1, E1, D4, D5 and HP10; and Maidstone Borough Wide Local Plan 2000 Policies ENV28, ENV33, ENV34 and H36 in that the development represents an undesirable extension to the Plum Tree Bottom mobile home site and reinforces the undue concentration of mobile homes in this area: the development therefore causes significant harm to the character and appearance of the North Down Area of Outstanding Natural Beauty.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is a triangle piece of land situated at the junction of Westwood Road and Plum Tree Lane. For the purposes of the adopted Local Plan, the site is located in the open countryside and in the North Downs Areas of Outstanding Natural Beauty (AONB).
- 1.02 The site falls within designated gypsy and traveller site GT1(12) which permits two permanent pitches subject to landscape criteria. The site has planning permission (18/503884/FULL) for two permanent pitches, two dayrooms, and two touring caravans.
- 1.03 The site is accessed from West Wood Road to the south, and bounded by a brick wall and further hedgerow screening to the southern portion of the site. The site is bounded by a mix of close boarded fence and hedgerows with mature trees to the northern portion of the site to both the eastern and western site boundaries facing the highways.
- 1.04 At the time of the site visit, the site consists of three mobile homes, one touring caravan, a stable, a barn, paddock and areas of hardstanding.

2. PROPOSAL

- 2.01 This current part retrospective planning application is for the stationing of 2 additional mobile homes.
- 2.02 The 'retrospective' mobile is situated at the northern portion of the site adjacent to the existing mobile. The other 'proposed' mobile would be situated at the southern portion of the site adjacent to the existing mobile and opposite to the stable.
- 2.03 Details of the occupants of the caravans have been submitted, together with evidence of the gypsy and traveller status that the applicant is claiming.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SS1, SP17, GT1(12), DM1, DM3, DM15, DM30
Supplementary Planning Documents: Planning Policy for Traveller Sites (PPTS),
Landscape Character Guidelines SPD, Kent Downs AONB Management Plan

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No representations were received.

5. CONSULTATIONS

Stockbury Parish Council

5.01 Objects to the application and would like to see it referred to Planning Committee should the application be approved. Key concerns included:

- Unsustainable location
- Erode the openness of the surrounding area and unwelcomed development in the rural setting
- Harmful to the local landscape character and AONB

Environmental Health

5.02 Raise no objection.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of development
- Need and supply of gypsy sites
- Visual and landscape impact

Principle of development

6.02 The most relevant Local Plan policy is DM15 which states that planning permission for Gypsy and Traveller development will be granted if it would not result in significant harm to the landscape and rural character of the area. The requirement remains that development should be well related to local services, would not harm the rural character and landscape of an area due to cumulative visual impacts and is well screened by existing landscape features, is accessible by vehicles, not located in an area at risk of flooding and also that wildlife considerations are taken into account.

6.03 The site is an allocated Gypsy and Traveller accommodation site under Policy GT1(12) of the Local Plan. This allocation is for two permanent pitches subject to the total capacity of the site not exceeding two and for appropriate site landscaping.

6.04 The site is within the designated Kent Downs AONB which has the highest level of landscape protection. Policy SP17 states that 'great weight' should be given to the conservation and enhancement of the AONB. The policy further states that new development in the AONB should demonstrate that it meets the requirements of national policy and achieves the high quality design that is set out in policy DM30 and the Kent Downs AONB Unit's design guidance.

6.05 Government guidance is contained within the 'Planning Policy for Traveller Sites' (PPTS) which was amended in August 2015. This guidance highlights the need to provide more gypsy sites; it supports self-provision and acknowledges that sites are likely to be found in rural areas. This is an exception to the principle of restraint in the countryside.

6.06 Issues of need are dealt with below, but in terms of broad principle, Local Plan policies and central government guidance both permit gypsy and traveller sites to be located in the countryside as an exception to policies which otherwise seek to restrain development.

6.07 In accordance with the relevant policies of the Local Plan and central government guidance, the main issues for consideration are considering the need and supply of gypsy sites; whether the applicants qualify for gypsy status in planning terms, and the proposal's visual impact.

Need for gypsy sites

- 6.08 In their Local Plans Local planning authorities have responsibility for setting a target for the number of pitches to be provided in their areas. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012 to cover the period October 2011 to March 2031.
- 6.09 The GTAA concluded the following need in Maidstone for pitches over the remaining Local Plan period:
- Oct 2011 – March 2016: 105 pitches
 - Apr 2016 – March 2021: 25 pitches
 - Apr 2021 – March 2026: 27 pitches
 - Apr 2026 – March 2031: 30 pitches
 - Total: Oct 2011 – March 2031 = 187 pitches
- 6.10 It should be acknowledged that the GTAA preceded the August 2015 publication of the revised PPTS, which redefines amongst other things, status qualifications, and as a result the accuracy (albeit not substantially) of the GTAA figures.
- 6.11 The target of 187 additional pitches is included in policy SS1 of the Maidstone Borough Local Plan. The GTAA predates publication of the revised PPTS, which sought to redefine the definition of Gypsies and Travellers. The GTAA is the best evidence of need, forming part of the evidence base to the adopted Local Plan.

Supply of gypsy sites

- 6.12 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide under the Housing Act (2004). Local Plan Policy DM15 accepts that subject to certain criteria, this type of accommodation can be provided in the countryside.
- 6.13 As set out below since 1 October 2011, the base date of the GTAA, a net total of 173 permanent pitches have been granted permission. A further 14 permanent pitches are needed by 2031 to meet the need identified in the GTAA. The following permissions for pitches have been granted (as of March 2019):
- 148 permanent non-personal pitches
 - 25 permanent personal pitches
 - 4 temporary non-personal pitches
 - 37 temporary personal pitches
- 6.14 The PPTS states that local planning authorities should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient for the 10 year period following adoption of the Local Plan. The Local Plan does allocate specific sites and these are sufficient to provide 41 additional pitches by 2031. In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future and there will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can be met over the timeframe of the Local Plan.
- 6.15 The PPTS directs that if there is a lack of a 5 year supply of Gypsy and Traveller pitches this should be given weight when considering the expediency of granting consent on a temporary basis. The 5 year supply position is reviewed on the 1 April each year. The Council's position is that it can demonstrate a 5.2 year supply of Gypsy and Traveller sites at the base date of 1 April 2018.

- 6.16 As the Council considers itself to be in a position to demonstrate a 5 year supply, paragraph 27 of the PPTS would not apply in the determination of this application and the direction to positively consider the granting of a temporary consent does not apply.

Gypsy status

- 6.17 The Government revised the PPTS in August 2015, and the planning definition of gypsies and travellers has been amended to exclude those who have ceased to travel permanently. The current definition is:

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show-people or circus people travelling together as such."

- 6.18 The definition still includes those who are of a nomadic habit of life, who have ceased to travel temporarily because of their own, or their dependants, health or education needs or old age.
- 6.19 To determine whether an applicant falls within the definition (in terms of ceasing to travel temporarily), the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 6.20 In relation to the current application, information has been submitted which demonstrates that the applicant has Gypsy and Traveller status, and the additional mobiles would be occupied by the applicant, her husband, and their grown up children.
- 6.21 The information confirms the applicant's daughter is married to the original applicant who has Gypsy and Traveller status and permission at the site. They have always travelled together as a family and will continue to do so. They travel to horse fayres where they trade horses and exchange work. As such, there is no reason to reasonably doubt the applicant has and will continue to pursue a Gypsy and Traveller lifestyle thereby meeting the provisions of the revised guidance.

Visual impact

- 6.22 Guidance in the PPTS states that local planning authorities should very strictly limit new traveller development in the countryside but also states that where sites are in rural areas they should not dominate the nearest settled community and or place undue pressure on local infrastructure. Specifically, policy DM15 of the Local Plan allows for Gypsy accommodation in the countryside provided certain criteria are met. This includes allowing development that does not result in significant harm to the landscape and rural character of the area.
- 6.23 It is generally accepted that mobile homes comprise visually intrusive development that are out of character in the countryside. Consequently unless well screened or hidden away in unobtrusive locations they are normally considered unacceptable in their visual impact. Where they are permitted this is normally on the basis of being screened by existing permanent features such as hedgerows, tree belts, buildings or land contours.
- 6.24 The application site is an allocated Gypsy and Traveller site with two permanent pitches as designated under policy GT1(12) of the Local Plan. It specifically states the existing hedges along the eastern and western boundaries of the site which provide an effective screen to the development should be retained, and the

establishment of a landscaped boundary to the north of the site to provide an effective screen to the development.

- 6.25 Whilst the proposal would double the number of mobile homes as permitted, the site is considered to be substantial in size and well screened from public view by the existing well-established boundary fencing and planting along the site's roadsides (eastern and western) boundaries and a gated site access.
- 6.26 The two additional mobile homes would sit adjacent to the existing mobiles which are set away from the site boundaries. Appropriate additional planting along the northern boundary, with views to an open field, could be secured by way of condition to further soften and enhance the development. So in terms of views, the development would be hardly visible from any public vantage point.
- 6.27 Given the site falls within an allocated site with well-established boundary treatment, and the increase of two mobile homes within the substantial plot is not considered to result in significant intensification of the site, it is therefore considered that the site is not prominent in the wider landscape, and the proposal would not result in significant harm to the appearance of the AONB and the rural character of the countryside hereabouts.

Previous refusal

- 6.28 The previous refused application (18/501646/FULL) was for the change of use of land for the stationing of two mobile homes, two touring caravans and two dayrooms along with the installation of cesspit. In contrast to the refused application that only included the northern portion of the site, the current application site includes the entire allocated plot.
- 6.29 The applicant has provided a statement for the occupiers' Gypsy and Traveller status as part of the current application; this was not provided with the refused application. As such, and without the Gypsy and Traveller status the refused application was assessed outside policy DM15 of the Local Plan and as a new residential development in the countryside. The current application is assessed under the relevant Gypsy and Traveller policies.

Other Matters

- 6.30 The site benefits from an existing entrance from West Wood Road with adequate visibility; the site provides adequate parking/turning facilities; and it is considered that the proposal would not result in any significant intensification of traffic movements to and from the site. The gate is also set back a suitable distance to enable a vehicle parked off the highway. As such, I do not consider the proposal would result in any harmful impact in terms of highway safety.
- 6.31 A residential use is not generally a noise generating use and there is a noticeable separation distance between the site and existing residential properties and other nearby Gypsy and Traveller sites. Given this, it is considered that the provision of two additional pitches in this location would not have a significant detrimental impact on the living conditions of any neighbouring occupant, including in terms of general noise and disturbance.
- 6.32 Given the location and condition of the site, no objection is raised to this application in terms of flood risk, ecology and on arboricultural grounds.
- 6.33 It is not considered that this proposal, when considered cumulatively with other lawful gypsy sites in the vicinity, would be such scale and density that would result in it having an unacceptable impact upon the existing residential community.

7. CONCLUSION

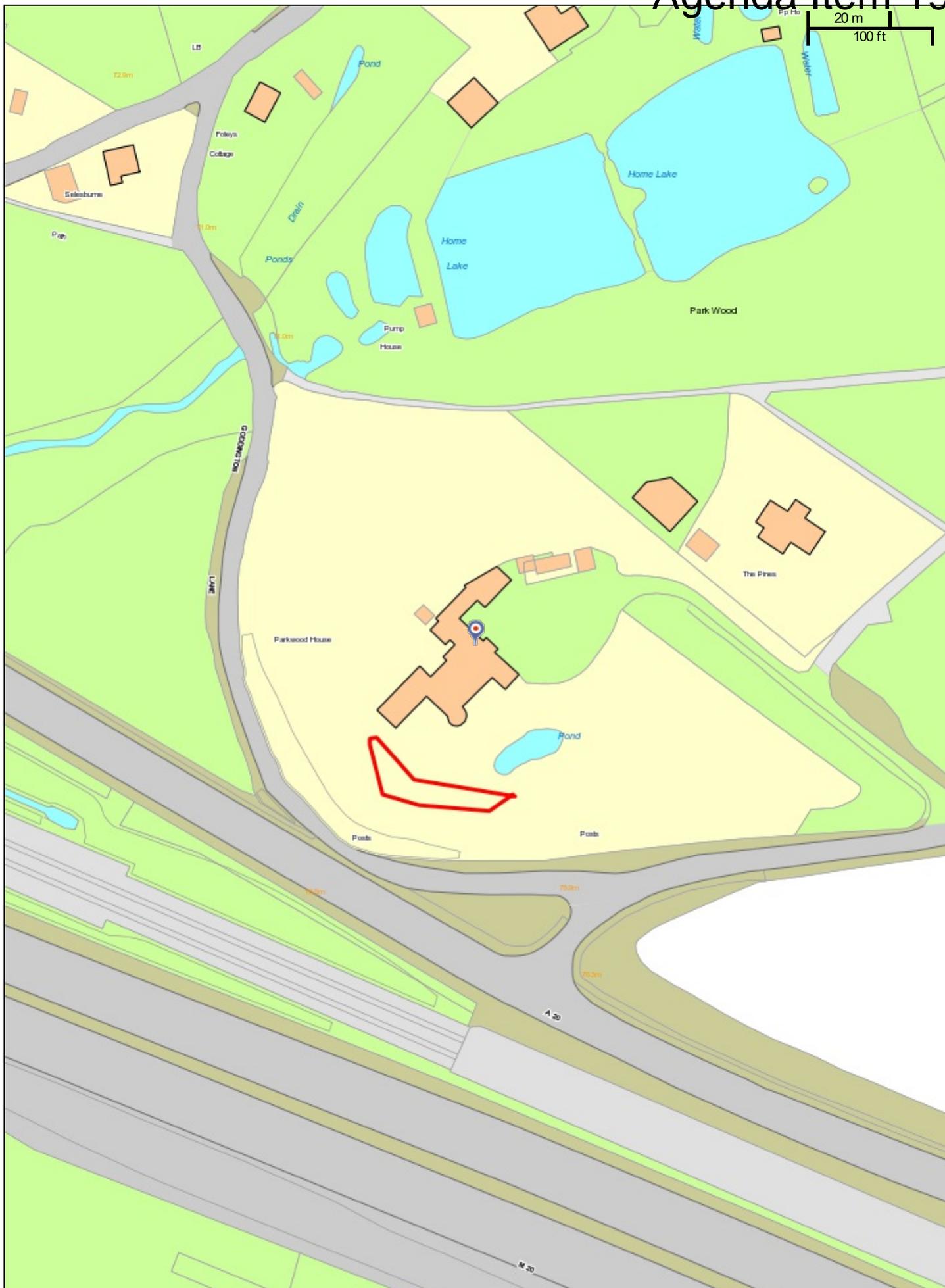
- 7.01 In accordance with national planning policy, the issue of intentional unauthorised development has been a material consideration in the determination of this part retrospective application and this does weight against the development.
- 7.02 In balancing all matters, the proposal would be acceptable with regard to the relevant provisions of the Development Plan, the revised NPPF and all other material considerations such as are relevant. A recommendation of approval subject to conditions is made on this basis.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. Approved Plans
- 2) The site shall only used as a caravan site for gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015.
Reason: To reflect the special circumstances of the application.
- 3) Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the local planning authority.
Reason: In the interests of the visual amenity.
- 4) Within 3 months from the date of this permission, a landscape enhancement scheme for additional planting along the northern boundary of the site shall be submitted to and approved in writing by the local Planning Authority. The landscape enhancement scheme must be implemented and retained as approved.
Reason: To safeguard the character and appearance of the countryside.
- 5) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;
Reason: In the interest of amenity.
- 6) No commercial activities shall take place on the land, including the storage of materials
Reason: To ensure a satisfactory appearance to the development and prevent an inappropriate use in the countryside.
- 7) The development hereby permitted shall be carried out in accordance with the following approved plans:
Proposed Block Plan received on 17 March 2019
Reason: In the interests of amenity.

Case Officer: Michelle Kwok



18/506223/FULL Parkwood House, West Street, Harrietsham, Maidstone, Kent

Scale: 1:1250

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REFERENCE NO - 18/506223/FULL			
APPLICATION PROPOSAL Installation of sewerage package treatment plant and associated drainage field, pipework and equipment.			
ADDRESS Parkwood House West Street Harrietsham Maidstone Kent ME17 1JZ			
RECOMMENDATION Grant planning permission subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The development proposal would provide a method for the treatment and disposal of waste for the occupants of Parkwood House • The method of treating the waste is acceptable in relation to the potential impact on the environment • The method of treating the waste is considered acceptable by the relevant consultees. 			
REASON FOR REFERRAL TO COMMITTEE Cllr Sams requested the application is called to committee for the following reasons: <ul style="list-style-type: none"> • Potential water course contamination into the highly sensitive chalk stream, affecting businesses including the Parkwood Trout Farm and Leeds Castle • High risk of pollution to the surrounding eco system • Visual impact to the surrounding area due to the site location • Contravention of Government guidelines regarding discharge of waste water 			
WARD Harrietsham And Lenham	PARISH/TOWN Harrietsham	COUNCIL	APPLICANT Caretech Community Services AGENT
TARGET DECISION DATE 08/04/19		PUBLICITY EXPIRY DATE 01/01/19	

Relevant Planning History

18/502864/LAWPRO	Lawful Development Certificate (Proposed) for change of use of the building to create 10 No self-contained units for supported living of service users with 24hr support from non-resident carers.	Approved 09.08.2018
18/502504/FULL	Alterations to provide new entrances to ground floor self-contained units.	Approved 23.08.2018
15/509197/FULL	Conversion of swimming pool into activities room and residential accommodation, and activities room and staff into residential accommodation within existing care home, to include alterations to fenestration.	Approved 06.01.2016

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site (0.018 hectares) is located on the north side of West Street, with Goddington Lane wrapping around the south west corner of the site. A section of Goddington Lane runs immediately adjacent to Ashford Road (A20).
- 1.02 Parkwood House is located broadly in the middle of the site providing a formally registered care home for 10 residents. This home would encourage residents to live

independently while providing them with extra support should it be required. The entrance in West Street is to the south east corner of the site, with a private drive running within the site from the entrance. To the rear of the house is an extension incorporating a swimming pool and at the front is a single storey extension including an activities rooms and staff room. There are a number of mature trees along the south and west site boundaries. The submitted plans show the existing septic tank for Parkwood House to the north of the building in the rear garden.

- 1.03 The ground level on the site is around 2 to 3 metres higher than the carriageway in West Street. The access driveway within the site from the south east corner has a steady slope up to the house. The ground gently slopes down from the house to the south and west before dropping sharply down to both West Street and Goddington Lane.
- 1.04 The site is located just outside the settlement boundary of Harrietsham (located on the south side of West Street) and is in the countryside. The site is in an area of archaeological importance and a groundwater source protection zone. The site is in minerals safeguarding area. The Goddington Chalk Stream and Goddington Wood wildlife site is located to the west of the application site. The stream feeds the ponds of Parkwood Trout Farm that is separated from the application site to the north by a public footpath. To the east of the site is a residential property called The Pines with Downsoak Stud and Harrietsham located further to the east.
- 1.05 There are two areas of ancient woodland near the northern part of the site, Alders is located on the opposite side of Goddington Lane to the west, 20 metres to the north east of the northern site boundary is Oxley Mead Shaw located within the Trout Farm.

2.0 PROPOSAL

- 2.01 The proposal is for the installation of an underground sewerage package treatment plant to process waste water from Parkwood House. The proposal includes associated drainage field, pipework and equipment.
- 2.02 The sewerage package treatment plant is located to the south of Parkwood. A revised plan submitted on 29 March 2019 showed the drainage field moved further east from the original location to provide a buffer between the development and the trees.
- 2.03 A septic tank is an underground tank where the solids sink to the bottom, forming a sludge, and the liquid flows out to a drainage field. A small sewage treatment plant, also known as a package treatment plant, works in a similar way to a septic tank but uses mechanical parts to treat the liquid to a higher standard before it goes to a drainage field. A drainage field, also known as an infiltration system, is a series of pipes with holes placed in trenches and arranged so that the effluent can trickle through the ground for further treatment.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SP17, DM1, DM3
Supplementary Planning Documents: Maidstone Landscape Character Guidance 2012
KCC Minerals Safeguarding

4.0 LOCAL REPRESENTATIONS

Local Residents:

4.01 4 representations received from local residents raising the following (summarised) issues

- Parkwood House should be connected to the main sewage system
- The treatment plant may cause an adverse impact on the chalk stream
- The proposal may result in an adverse impact on flora and fauna
- Inappropriate siting of a treatment plant
- No provision has been made for the shelf life of the equipment.
- Medicine residues remain in discharge waters after the treatment process.
- The Environment Agency haven't taken full account of all the issues
- Drainage from existing soakaway is contributing to landslip at Parkwood Trout Farm.
- It has not been demonstrated that the treatment plant to be used will meet BS6297

Further consultation was carried out following the submission of an arboricultural report and responses have made the following points:

- Concerns that a major cause of the deterioration of drainage fields is tree root growth.
- Concerns relating to the potential loss of trees in this area.
- Potential contamination
- Modified drainage would be preferable to mechanical plant with a limited lifespan

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)

MBC Environmental Services

5.01 No objection to the development proposal however, an informative is requested for compliance to the Mid Kent Code of Development Practice

Harrietsham Parish Council

5.02 Objection, the potential water contaminants to downstream residents and businesses (including the Trout Farm and Leeds Castle) have been ignored.

Further comments were received following the submission of the arboricultural report stating that their concerns remained largely the same, although the removal of any trees as a result of the application would also have a detrimental impact on the locality.

KCC Drainage

5.03 No objection - the development proposal is regarded as low risk.

Helen Whately MP

5.04 Cited concerns from the Trout Farm including the necessity of using a water treatment plant, concerns relating to the potential contamination of the chalk stream, and questioning whether the treatment plants and soakaways could be located to the south of the property.

MBC Trees and landscaping

5.05 The arboricultural report and tree protection plan is acceptable. A condition should be added to ensure that any trees damaged or lost within 5 years of the development should be replaced with appropriate species.

Environment Agency
5.06 No objection – permit issued 20 February 2019

MBC Archaeology
5.07 The site lies within an area of archaeological potential associated with prehistoric remains. For this reason a watching brief is recommended.

6.0 APPRAISAL

6.01 Main Issues

The key issues for consideration are:

- Potential visual impact including openness of the countryside;
- Potential impact on the amenities of neighbouring properties;
- Potential natural environment impact, trees, ecology and water pollution.

Background and need for the proposal

6.02 The current method of dealing with foul water from Parkwood House is collection in a septic tank. This current tank is located on land to the rear (north) of the main building where there is a steep slope leading down to the rear boundary of the site, with Parkwood Trout Farm beyond.

6.03 The applicant has explored the possibility of discharge to a public sewer stating that the nearest 'public' foul sewer "...shown on the public sewer record is approximately 425m from the application site boundary".

6.04 It is reported by the applicant that there are private foul sewers located at the Hollies development which are 20m from the application site boundary, but over 100m from the existing house. The applicant has contacted the developer of the Hollies about connecting to the 'private' foul drainage system. The response was that due to the capacity of the system it is not feasible to connect to this system on both financial and technical grounds.

6.05 The Environment Agency state on the issued permit (introductory note) that the application property "...cannot reasonably connect to the foul sewer". The applicant has also stated that the response from Southern Water was that "...a private drainage solution is advisable".

6.06 The current planning application for a water treatment plant to the front (south) of the site is made to provide a long term, sustainable solution to dealing with foul water from and by the new owners of Parkwood House. The application is made after it was found that the current septic tank to the rear of the site was leaking.

6.07 The proposed system consists of a pipe running from the rear (north) of the property along the side (west) elevation to the new treatment plant located to the front (south) of the property.

6.08 The underground water treatment plant works with the foul water firstly entering a settlement chamber. After the settlement chamber the clarified water passes into a aeration chamber. At this point the dissolved constituents would be removed. The treated material and 'sloughed off' bacteria would flow to a final settlement chamber and would then be discharged into the drainage field via a further filter.

Potential visual impact including openness of the countryside.

6.09 Whilst the application site is located in the countryside it is screened by mature trees along the site boundary. In addition to the screening the main water treatment plant and the drainage field would be below ground with only a modest compressor above ground level.

- 6.10 It is for these reasons that the proposal is acceptable in relation to visual impact and protecting the openness of the countryside.

Potential impact on the amenities of neighbouring properties.

- 6.11 The closest residential property to the site of the water treatment plant is The Pines that is located 90 metres to the north east.
- 6.12 With the nature of the proposal and this separation distance it is considered that the proposal is acceptable in relation to residential amenity.

Potential natural environment impact, trees, ecology and water pollution

- 6.13 The chosen location of the proposed treatment plant is on the opposite side of Parkwood House to the existing septic tank. The drainage field would be set in from the bank adjacent to West Street by approximately 8 metres, and on average would be a distance of 15 metres from the site boundary in Goddington Lane.
- 6.14 There is currently a line of mature trees along the Goddington Lane frontage on land between the proposed underground water treatment plant and the site boundary. The submitted application includes an arboricultural report that considers the potential impact of the proposal on these trees and others on the site.
- 6.15 The potential impact of the proposal including the submitted arboricultural report and tree protection plan have been considered by the council's tree officer. With suitable conditions attached to a decision notice the proposal is acceptable in relation to the protection and long term survival of existing trees on the site.
- 6.16 The proposed site of the water treatment plant is managed open land within the grounds of the care home of Parkwood House. In this context the land has little ecological value and with the nature of the proposal it is not considered that a request for ecological mitigation would be justified. There is no evidence to suggest that the proposal will cause any harm to flora or fauna and as set out below the environment agency have no objection to the proposal.
- 6.17 Neighbour consultation responses and comments from Councillor Sams have raised concerns about the potential pollution of water courses from the current proposal. This includes a concern about potential harm to the Parkwood Trout Farm.
- 6.18 The protection of water courses from pollution is considered outside the planning system by the Environment Agency under the Environmental Permitting (England & Wales) Regulations 2016. The Environment Agency has not objected to the current planning application. After considering the potential impact, including the siting of the plant and the groundwater source protection zone, the environment agency issued a permit on the 20/02/2019 for the proposed water treatment plant.
- 6.19 The issued permit includes various conditions. These conditions include that the treatment plant shall have a written management system, competent persons and resources should be used and any complaints considered. A further condition is that the system complies with relevant British Standards.
- 6.20 To act lawfully, a decision-maker must have the legal power to make the decision that it intends to make. It is the view of officers that the proposal is acceptable (including in relation to potential water pollution), however even if this were not the case there would be no grounds to refuse planning permission for matters that are considered by the Environment Agency under separate legislation. If, as stated in responses, neighbours feel that the Environment Agency have not taken account of all the issues this is something that neighbours need to raise directly with the Environment Agency.

Other matters

- 6.21 The site is located in an area of archaeological importance. A condition is recommended seeking a watching brief.
- 6.22 The site is located in a minerals safeguarding area. The proposal is to provide a utility to an existing property and is in the curtilage of that property and on this basis the proposal is considered acceptable in relation to minerals safeguarding.
- 6.23 There are two areas of ancient woodland near the northern part of the site, Alders is located on the opposite side of Goddington Lane to the west, 20 metres to the north east of the northern site boundary is Oxley Mead Shaw located within the Trout Farm. With the separation distance of the ancient woodland from the site boundary and the distance of the water treatment plant within the site the potential impact on ancient woodland is acceptable.

7.0 CONCLUSION

- 7.01 The application is a modest development which will not have an adverse impact on the surrounding locality or neighbouring properties. For these reasons it is acceptable in terms of planning policy and is recommended for approval.

8.0 RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
05 Dec 2018 07 Rev 2 Location Plan
29 Mar 2019 Arboricultural Report
29 Mar 2019 190012-2 B Arboricultural Impact Plan
29 Mar 2019 Environment Agency Permit
Reason: To clarify which plans have been approved.
- 3) The use of the water treatment plant hereby permitted shall not commence until the groundworks have been completed, including backfilling of any excavations and restoration to previous levels, and finished with seeding or turfing similar to the remaining garden area has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of the property, or use of the land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size 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
- 4) The developer shall arrange for a watching brief to be undertaken by an archaeologist approved by the local planning authority so that the excavation is observed and items of interest and finds are recorded. No works shall start on site until a written programme and specification for the work has been submitted to and approved by the local planning authority;
Reason: To enable the recording of any items of historical or archaeological interest.

- Informative
- 1) Applicant is advised to comply with the Mid Kent Code of Development Practice

Case Officer: Jocelyn Miller

Permit with introductory note

The Environmental Permitting (England & Wales) Regulations 2016

CareTech Community Services Limited

Sewage treatment plant and infiltration system serving
Parkwood House
West Street
Harrietsham
Kent
ME17 1JZ

Permit number

EPR/LB3798VP

Sewage treatment plant and infiltration system serving Parkwood House

Permit number EPR/LB3798VP

Introductory note

This introductory note does not form a part of the permit

The main features of the permit are as follows.

Parkwood House is an assisted living centre discharging a maximum of 4.13 cubic metres of secondary treated sewage effluent per day. The effluent is of a domestic nature only. The effluent is treated by a sewage treatment plant and discharged to ground via an infiltration system. The property cannot reasonably connect to the foul sewer.

The status log of the permit sets out the permitting history, including any changes to the permit reference number.

Status log of the permit		
Description	Date	Comments
Application EPR/LB3798VP/A001	Duly made 31/10/2018	Application for discharge of secondary treated sewage effluent.
Permit determined EPR/LB3798VP	20/02/2019	Permit issued to CareTech Community Services Limited.

End of introductory note

Permit

The Environmental Permitting (England and Wales) Regulations 2016

Permit number

EPR/LB3798VP

The Environment Agency hereby authorises, under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2016

CareTech Community Services Limited (“the operator”),

whose registered office is

**5th Floor
Metropolitan House
3 Darkes Lane
Potters Bar
Hertfordshire
EN6 1AG**

company registration number 02804415

to operate a groundwater activity at

**Parkwood House
West Street
Harrietsham
Kent
ME17 1JZ**

to the extent authorised by and subject to the conditions of this permit.

Name	Date
Mark Hutchinson	20/02/2019

Authorised on behalf of the Environment Agency

Conditions

1 Management

1.1 General management

- 1.1.1 The operator shall manage and operate the activity:
- (a) in accordance with a written management system that identifies and minimises risks of pollution so far as is reasonably practicable, including those risks arising from operations, maintenance, accidents, incidents, non-conformances and those drawn to the attention of the operator as a result of complaints; and
 - (b) using sufficient competent persons and resources.
- 1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.
- 1.1.3 Any person having duties that are or may be affected by the matters set out in this permit shall have convenient access to a copy of the permit.

2 Operations

2.1 Permitted activities

- 2.1.1 The only activity authorised by the permit is the activity specified in schedule 1 table S1.1.

2.2 The site

- 2.2.1 The groundwater activity shall take place at the discharge point marked on the site plan at schedule 7 to this permit, and as listed in table S3.2; and, the operating techniques that are the subject of conditions prefixed by 2.3 shall be applied at the location shown, or otherwise described, in schedule 7.

2.3 Operating techniques

- 2.3.1 The infiltration system specified in table S1.1 shall be constructed to comply with the following:
- (a) no part of the infiltration system constructed shall be more than 2 metres below ground level;
 - (b) no part of the infiltration system shall be less than 1.2 metres above the highest predicted annual groundwater level;
 - (c) the infiltration system shall not connect to any land drainage system;
 - (d) the infiltration system shall not be situated within 10 metres of any watercourse (including any ditch that runs dry for part of the year), or any other surface water;
 - (e) the infiltration system shall not be situated within 50 metres of a well, spring or borehole that is used to supply water for domestic or food production purposes.
- 2.3.2 The sewage treatment plant and infiltration system shall conform to all relevant British Standards in force at the time of installation.

3 Emissions and monitoring

3.1 Emissions to water or land

3.1.1 The limits given in schedule 3 table S3.1 shall not be exceeded.

3.2 Emissions of substances not controlled by emission limits

3.2.1 For the activity referenced in schedule 1, table S1.1 the operator shall take appropriate measures as far as is reasonably practicable:

- (a) to prevent the input of hazardous substances to groundwater; and
- (b) where a non-hazardous pollutant is not controlled by an emission limit, to limit the input of such non-hazardous pollutants to groundwater so as to ensure that inputs do not cause pollution of groundwater.

3.3 Monitoring

3.3.1 An accessible monitoring point shall be provided and maintained to enable monitoring to be carried out at the monitoring point specified in table S3.3 of schedule 3 and shown marked on the site plan in schedule 7.

4 Information

4.1 Records

4.1.1 All records required to be made by schedule 3, 4 and 5 to this permit shall:

- (a) be legible;
- (b) be made as soon as reasonably practicable;
- (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible, or are capable of retrieval; and
- (d) be retained, unless otherwise agreed in writing by the Environment Agency, for at least 6 years from the date when the records were made.

4.1.2 The operator shall maintain convenient access, in either electronic or hard copy, to the records, plan and management system required to be maintained by this permit.

4.2 Reporting

4.2.1 The operator shall send all reports and notifications required by the permit to the Environment Agency using the contact details supplied in writing by the Environment Agency.

4.3 Notifications

4.3.1 The Environment Agency shall be notified as soon as reasonably practicable following detection, within the site of the regulated facility of:

- (a) any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution; and
- (b) any breach of a limit specified in schedule 3 table S3.1.

Any other significant adverse environmental effects, which may have been caused by the activity, shall also be notified to the Environment Agency as soon as reasonably practicable following detection.

4.3.2 The information provided under condition 4.3.1 shall be supported by sending the information listed in schedule 5 to this permit within the time period specified in that schedule.

4.3.3 The Environment Agency shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by Stock Exchange rules:

Where the operator is a registered company:

- (a) any change in the operator's trading name, registered name or registered office address; and
- (b) any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.

Where the operator is a corporate body other than a registered company:

- (a) any change in the operator's name or address; and
- (b) any steps taken with a view to the dissolution of the operator.

4.3.4 Where the operator proposes to make a change in the nature of the activity by increasing the concentration of, or the addition of, or allowing the introduction of, a substance to the activity to an extent that the operator considers could have a significant adverse environmental effect on the receiving waters, and the change is not the subject of an application for approval under the EP Regulations or under the terms of this permit:

- (a) the Environment Agency shall be notified in writing at least 14 days before the increase or addition or allowing the introduction; and
- (b) the notification shall contain a description of the proposed change.

4.4 Interpretation

4.4.1 In this permit the expressions listed in schedule 6 shall have the meaning given in that schedule.

4.4.2 In this permit references to reports and notifications mean written reports and notifications, except where reference is made to notification being made "as soon as reasonably practicable", in which case it may be provided by telephone.

Schedule 1 – Operations

Table S1.1 Activities	
Description of activity	Limits of specified activity
Groundwater activity: discharge into land of secondary treated sewage effluent	<p>Via an infiltration system centred on NGR TQ 85988 52707.</p> <p>The drainage field shall be designed in accordance with the British Standard BS 6297:2007+A1:2008 'Code of practice for the design and installation of drainage fields for use in wastewater treatment'. (All following references to 'the British Standard' are references to this document).</p> <p>Where the minimum British Standard percolation test value (Vp) of 15 as referred in section 6.2 of the British Standard cannot be complied with the discharge is permissible only if the following additional requirements apply:</p> <ul style="list-style-type: none"> (i) the minimum floor area of the drainage field shall be calculated using a Vp equal to 15; and (ii) a minimum 600 mm deep layer of medium or coarse washed sand shall be laid on a geotextile membrane, below the granular fill.

Schedule 2 – Waste types, raw materials and fuels

Schedule 2 not in use.

Schedule 3 – Emissions and monitoring

Table S3.1 Point Source emissions to water (other than sewer) and land – emission limits and monitoring requirements							
Effluent(s) and discharge point(s)	Parameter	Limit (including unit)	Reference Period	Monitoring method	Limit of effective range	Monitoring frequency	Compliance Statistic
Secondary treated sewage effluent via Outlet 1	Maximum daily flow	4.13 m ³ /day	Total daily volume	N/A	N/A	N/A	Maximum
	Visible oil or grease	No significant trace present so far as is reasonably practicable	Instantaneous (visual examination)	Visual examination	N/A	N/A	No significant trace

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Table S3.2 Discharge points			
Effluent Name	Discharge Point	Discharge point NGR	Receiving water/Environment
Secondary treated sewage effluent	Outlet 1	TQ 85978 52710	Groundwater via an infiltration system

Table S3.3 Monitoring points			
Effluent(s) and discharge point(s)	Monitoring type	Monitoring point NGR	Monitoring point reference
Secondary treated sewage effluent via Outlet 1	Effluent sampling	TQ 85978 52710	Effluent sample point

Schedule 4 – Reporting

Schedule 4 not in use.

Schedule 5 – Notification

These pages outline the information that the operator must provide.

Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

If any information is considered commercially confidential, it should be separated from non-confidential information, supplied on a separate sheet and accompanied by an application for commercial confidentiality under the provisions of the EP Regulations.

Part A

Permit Number	
Name of operator	
Location of Facility	
Time and date of the detection	

(a) Notification requirements for any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution	
To be notified within 7 days of detection unless otherwise agreed in writing by the Environment Agency	
Date and time of the event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances(s) potentially released/type or nature of sewage released	
Best estimate of the quantity or rate of release of substances and/or duration of discharge	
Best estimate of the environmental impact of the discharge	
Measures taken, or intended to be taken, to stop any emission	
Description of the failure or accident.	

(b) Notification requirements for the breach of a limit specified in schedule 3 table S3.1	
To be notified within 7 days of detection unless otherwise agreed in writing by the Environment Agency	
Description of where the effect on the environment was detected	
Description of and best estimate of the scale of the environmental impact of the discharge	

Part B – to be submitted as soon as reasonably practicable unless otherwise agreed in writing by the Environment Agency

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident/breach/exceedance	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission	

Name*	
Post	
Signature	
Date	

* authorised to sign on behalf of the operator

Schedule 6 – Interpretation

“accident” means an accident that may result in pollution.

"annually" means once every year.

“application” means the application for this permit, together with any additional information supplied by the operator as part of the application and any response to a notice served under Schedule 5 to the EP Regulations.

“appropriate measures” for the purposes of the emission of substances not controlled by emission limits condition (condition 3.2.1) do not require the operator to undertake treatment to a level beyond that specified in schedule 1 table S1.1, or to carry out routine monitoring for substances not controlled by emission limits.

“emissions of substances not controlled by emission limits” means emissions of substances to air, water or land from the permitted activities, which are not controlled by an emission limit.

“emissions to land” includes emissions to groundwater.

“EP Regulations” means The Environmental Permitting (England and Wales) Regulations SI 2016 No.1154 and words and expressions used in this permit which are also used in the Regulations have the same meanings as in those Regulations.

“groundwater” means all water, which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.

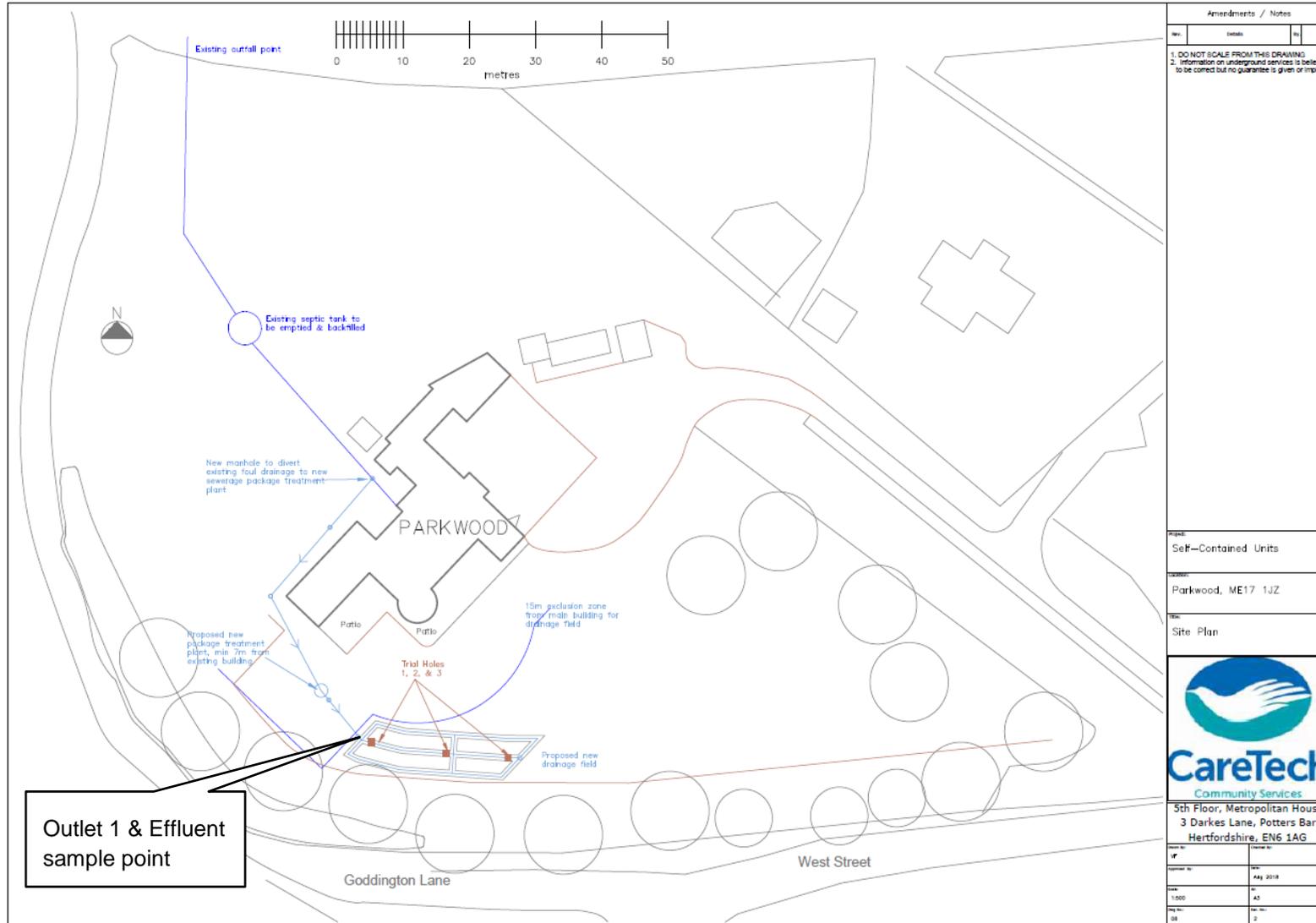
"quarter" means a calendar year quarter commencing on 1 January, 1 April, 1 July or 1 October.

“significant pollution” means a category 1 or category 2 incident indicated by the Common Incident Classification Scheme (CICS).

“year” means calendar year ending 31 December.

Schedule 7 – Site plan

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Amendments / Notes	
Rev.	Notes
1	DO NOT SCALE FROM THIS DRAWING
2	Information on underground services is believed to be correct but no guarantee is given or implied.
<p>Project: Self-Contained Units</p> <p>Address: Parkwood, ME17 1JZ</p> <p>Title: Site Plan</p>	
 <p>CareTech Community Services</p>	
<p>5th Floor, Metropolitan House 3 Darkes Lane, Potters Bar Hertfordshire, EN6 1AG</p>	
Drawn by: VP	Checked by:
Issue No: 01	Date: Aug 2018
Scale: 1:500	Sheet: 43
Drawn by: SB	Issue No: 2

END OF PERMIT

Permit number
EPR/LB3798VP

REFERENCE NO - 18/505561/FULL			
APPLICATION PROPOSAL Redevelopment of the site comprising the erection of 32 new dwellings, with associated garages, car barns and parking spaces, landscaping, tree planting and enhancements to existing ponds, including amenity area for nature conservation and new shared surface access road off Claygate Road.			
ADDRESS Bentletts Scrap Yard, Claygate Road, Yalding Maidstone, ME18 6BB			
RECOMMENDATION The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide a contribution of £79,744 towards off-site affordable housing in the borough. and the imposition of planning conditions			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • Allocated site for housing under policy H1 (66). The proposed development continues to accord with the key provisions of this policy. • The character and setting of the local countryside and adjoining heritage asset will be continue to be materially improved as a result of the removal of the commercial use. • The proposal will not result in any material increase in traffic or traffic impacts compared to the extant scheme under construction for 28 houses. • The housing design and layout continues to be acceptable while open space/ ecological mitigation and enhancement measures remain unchanged. • The additional units will make a further windfall contribution towards meeting the Council's 5 year housing supply targets set out in policy SS1 of the local plan while continuing to make provision for Affordable Housing. 			
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of Collier Street Parish Council			
WARD Marden And Yalding	PARISH/TOWN Collier Street	COUNCIL	APPLICANT Laddingford Developments Ltd C/o Dandara Ltd AGENT n/a
TARGET DECISION DATE 30/04/19		PUBLICITY EXPIRY DATE 13/12/18	

Relevant Planning History

18/506066: Submission of details pursuant to condition 9 (Materials) for planning permission 17/506535/FULL - APPROVED

18/505087: Submission of landscaping details pursuant to condition 14 appended to planning permission 17/506535

18/503746: Submission of Details to Discharge Condition 21 i-vi (Construction Management Plan) and Condition 22 (Vehicle Trips and Routes - Contaminated Materials) Subject to 17/506535/FULL – APPROVED

18/503198: Submission of details pursuant to Condition 17: Construction Method Statement (original application ref: 16/501263/FULL). –APPROVED

18/501632/SUB: Submission of Details to Discharge Condition 3 Part 3 (Remediation Method Statement) Subject to 16/501263/FULL – APPROVED

17/505482/SUB: Submission of Details Pursuant to Condition 8: Reptile Mitigation Strategy Details under Ref: 16/501263/FULL – APPROVED

17/505139/SUB: Submission of Details to Discharge Condition 3 Parts 1-2 (Contamination) Subject to 16/501263/FULL – APPROVED

17/506535 Redevelopment of the site comprising the erection of 28 new dwellings, with associated garages, car barns and parking spaces, landscaping, tree planting and enhancements to existing ponds, including amenity area for nature conservation and new shared surface access road off Claygate Road. APPROVED 6/7/18 subject to a legal agreement requiring the following contributions being

- £59,024.00 towards the enhancement of Yalding Primary School, £29,232 towards improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity at Yalding Surgery
- Contribution of £79,744 towards off-site affordable housing in the borough.

16/501263/FULL: Erection of 25 dwellings with associated garages, car barns and parking spaces, landscaping, tree planting and new pond, inclusive of amenity area for nature conservation and new shared surface access road off Claygate Road. –A- 31st July 2017 subject to a S106 Legal Agreement to secure the securing the following:

- Contribution of £59,024.00 towards the enhancement of Yalding Primary School.
- Contribution of £29,232 towards improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity at Yalding Surgery and The Pond Surgery.
- Contribution of £61,744 towards off-site affordable housing in the borough.

This planning permission expires in July 2020.

MAIN REPORT

1. SITE DESCRIPTION

- 1.1 The application site is occupied by an established HGV depot/scrap yard located within the open countryside off Claygate Road. The site has an area of approximately 2.5ha. The site in its original form included large areas of hardstanding and a number of sheds of industrial appearance mostly located in the eastern section of the site. A further building is located more centrally within the site at 90 degrees to the southern boundary. The majority of the site was used for open storage of HGVs and scrap materials. Sporadic trees planting defines the north and south site boundaries.
- 1.2 Abutting the site to the north, south and west of the site is open open countryside. To the east of the site there is a short linear development of residential properties fronting onto Claygate Road. Located to the east of the vehicle entrance to the scrapyards is the Pest House, a Grade II LB. The site access lies in close proximity to this building. The main part of the site is located in Flood Zone 1 with part located in Flood Zone 2.
- 1.3 Short to mid-range views of the site are available from several points along Claygate Road; including the site entrance; between the houses to the east of the site, and across the agricultural fields.

2. PROPOSAL

- 2.1 The planning permission originally granted for the site under ref: 16/501263 permitted the erection of 25 dwellings with associated garages, car barns and parking spaces, landscaping, tree planting and a new pond with an amenity area for nature conservation and new shared surface access road off Claygate Road. An additional area of public open space and ecological habitat was also to be created to the north of the site in part of the adjoining agricultural field.

- 2.2 The existing vehicle access would be retained serving as the only vehicle access to the site. This access would be upgraded and resurfaced and the hedgerow on the west of the entrance be retained and reinforced. A spine road was proposed through the centre of the site with secondary roads branching off the spine road.
- 2.3 A central green space was proposed within the development with pedestrian links to an ecological / area of open space to the north of the development. New tree planting and landscaping was proposed around three existing ponds with a pedestrian path through this area providing a circular walk through the ecological / area of open space.
- 2.4 The proposal approved under ref:16/501263 was made wholly up of two storey units with 9 no: 3 bedroom units, 11 no: 4 bedroom units and 5 no: 5 bedroom units. The floor area of this development was 40,885 sqr feet.
- 2.5 The planning permission granted under ref: 17/506535 increased the number of dwellings by three units to 28. Dwellings comprised 4 no: 2 bedroom single storey dwellings with the remainder of the development all two storey comprising 3 no: 3 bedroom dwellings, 15 no: 4 bedroom units and 6 no: 5 bedroom units. The total floor area of the development came to 42,113 sqr feet.
- 2.6 The proposal that is the subject of this application proposes to increase the number of dwellings to 32. The dwelling mix now proposed is 4no: 2 bedroom bungalows, 6 no: 3 bedroom houses and 22 no: 4 bedroom houses. This represents a departure from the dwelling mix approved under application ref: 17/506535 in that no 5 bedroom dwellings are being provided, the number and the number of 3 bedroom homes is doubled along with a wider size range of 4 bedroom houses. The total floor area of the proposed development comes to 42424 sqr feet.
- 2.7 The area of the site to be developed for housing remains unchanged with the area identified as a nature conservation amenity area also remaining unchanged along with the pedestrian link looping through this area.
- 2.8 The developed area of the site continues to retain the core layout principles approved under application ref:16/501263 and 17/506535 with a sinuous central access road running the length of the site with development mainly fronting this road. In addition the extent of key landscaping and open space elements approved in connection with application refs: 16/501263 and 17/506535 continue to remain unchanged.
- 2.9 The following supporting information has been submitted:
- The current proposal further revises the mix of dwellings so that all dwellings fall within the 'Help to Buy' threshold.
 - Previous site remediation quotes submitted in connection with the planning application for 25 units was in the order of £1 million. Site decontamination costs have since proved to be substantially more than anticipated - it is now anticipated these will be in the order of £2,360,000;
 - The viability assessment accompanying the application concludes that with CIL contributions and along with significant site remediation costs it is no longer possible make to make any contributions towards affordable housing despite.
- 2.10 In response to the specific concerns raised by the Parish Council additional information has been submitted which is summarised below:
- Flooding/Ditch capacity:
- Proposed drainage strategy results in a reduction in surface water runoff from the site by 40 litres per second (LPS).
 - The flow rate of 13.9 LPS is based on the site area and not the number of houses.

- The 16.8 LPS runoff rate is what would have entered local watercourses if the site was undeveloped.
- The scrapyards were predominantly made up of impermeable structures and hardstanding's and the proposed development will reduce this by 43%.
- Runoff from site in its existing form was unregulated discharging into local watercourses at 452LPS in an extreme storm event.
- Proposed development will result in a 97% reduction in water runoff into local watercourses in an extreme storm event compared to previous use of the site.

Ditch along north site boundary:

- Ditch and associated ponds not been maintained for many years and were full of detritus restricting water storage capacity and flow rates.
- Were cleared under observation of an ecologist to ensure no changes were made to ponds or ditches.
- Ditch either responsibility of adjacent landowner or KCC – ditches in control of applicant will be maintained by applicant.
- Number of ditches outside applicants control that have been culverted or filled in restricting runoff.
- Believe previous owner of Wolsey Place piped section of open ditch along their west site boundary and appears to have drained westernmost pond.
- This pipe is undersized and has not been maintained forcing flows east back towards two other ponds and junction of Claygate Road.
- Believe previous owner of Wolsey Oast filled in roadside ditch at their front boundary diverting flows through a 100/150mm pipe which is undersized but includes a right angle bend at bottom of a manhole.
- This has created restrictions in local drainage ditch network but is an existing situation not created by the proposed development which will significantly reduce surface water runoff compared to the previous uncontrolled commercial use of the site.

Condition of Claygate Road

- Responsibility of KCC. The road has been carrying HGV traffic for many years and could continue to do so if the proposed redevelopment does not occur which will bring an improvement in traffic movements.

Site junction /access

- Acceptable when planning permission previously granted for 25 and then 28 houses.

Additional Homes

- No additional floor space is being proposed but are providing smaller houses falling under the 'help to buy' threshold more appropriate to the market.
- Regarding contributions towards local infrastructure 28 dwelling would have provided £168,000. CIL contributions mean that 32 dwellings could result in contributions in excess of £450,000. This means that 4 additional houses will generate significant additional contributions compared to the extant scheme of 28 dwellings.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017 SS1, SP17, SP18, SP19, SP20, H1(66) DM1, DM4, DM5, DM12, DM19, DM20, DM23, DM24, DM30

4. LOCAL REPRESENTATIONS

Local Residents:

4.1 5 representations received from local residents raising the following (summarised) issues

- Increasing dwelling number by 4 will contribute significantly towards increasing local traffic flows on inappropriate rural roads while adding further pressure on local amenities and services. Which are already inadequate.
- Will lead to increased water discharge into road ditches. These ditches already have insufficient capacity to serve the development already permitted and additional development will further increase flood risk the locality.
- Proposed houses not in keeping with the rural agricultural character of the locality.
- Inadequate on site parking which is likely to result in overspill parking on nearby local roads.
- Increased traffic will result in harm to the free flow of traffic and highway safety in the locality.

5. CONSULTATIONS

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

5.1 **Collier Street Parish Council:** Objects to the proposal on the following grounds:

- Proposal involves use of drainage ditch not in the ownership or control of the applicants. Who will be responsible for their maintenance.
- Ditch full for many months already, it does not have the capacity to deal with discharge from the development leading to increase flood risk in the locality.
- Observed on the 7th December 2017 that ditch was full despite no runoff from application site as levels had been reduced due to removal of contaminated material while approx. 33% of the application site was flooded.
- Given that site is already flooded have concerns how floodwater will be disposed of without causing flooding elsewhere.
- Given the likely impact of flooding want an all agencies meeting to address this before application is determined.
- In the event of application being approved wish to be consulted on any drainage details submitted as part of this or any earlier applications
- Road is in poor physical condition at junction and want repairs and improvements carried out to address this.
- Will increase pressure on local services.
- Will result in harm to highway safety and the free flow of traffic around the junction and on local roads.
- Proposal will result in the site being appearing cramped giving the development an urban feel out of character in a rural setting.

5.2 **Marden Parish Council:** Neither objects to or supports application.

5.3 **Kent Highways:** No objection subject to conditions to secure a traffic management plan, provision of access on site parking and turning and cycle parking provision and provision of pedestrian visibility splays.

5.4 **Environment Agency:** No objection subject to same conditions as appended to the planning permission for 25 houses.

5.5 **Upper Medway Internal Drainage Board:** Has granted consent to allow surface water discharge into a local watercourse/ditch at a maximum flow rate of 13.9 litres. If applicants do not comply with this then any consent granted would be invalid.

- 5.6 **KCC Flood and Water Management:** Note there has been a marginal increase in the outfall rate from 13.9 litres per second to 14 litres per second – wish to secure a SUDS scheme to address off site flooding risks.
- 5.7 **Natural England:** No objection
- 5.8 **Kent Police:** No objection
- 5.9 **Southern Water:** No objection
- 5.10 **KCC Ecology:** Sufficient ecological information has been provided in support of this application.
- 5.11 The mitigation for Great Crested Newts (GCN), reptiles and breeding birds, agreed as part of planning application 17/506535/FULL, has been implemented. Have re-reviewed the ecological surveys and mitigation strategies and are satisfied that completed surveys and mitigation strategies are still appropriate for this application. Advise there is no requirement for additional ecological information to be submitted as part of this planning application.
- 5.12 Proposal offers opportunities for enhancements to be incorporated into the built area and the ecological report has recommended appropriate enhancement measures including the removal of the non-native species and ecological enhancement plan. Ecological enhancements must be over and above mitigation. The area to the north of the site has been created as part of the ecological mitigation required for reptiles and GCN which is why only built areas referred to in relation to further ecological enhancements.
- 5.13 **MBC Landscape:** No objection though loss of some poplar trees are proposed their condition justifies their loss raise subject to the imposition of conditions to secure replacement trees and hedgerows and compliance with details of the Tree Report relating to tree retention, removal and protection during the construction phase of the development.
- 5.14 **MBC Environmental Health Officer:** No objection subject to conditions to secure site remediation, construction strategy and of electric vehicle charging points.
- 5.15 **MBC Conservation:** Consider scheme very largely the same as that already approved under application ref: 17/506535

6. APPRAISAL Main Issues

- 6.1 The planning permission granted under ref: 17/506535 was to develop this site for 28 residential units; this permission is currently in the process of being implemented.
- 6.2 The main issues for considerations are:
- whether increasing the site yield by 4 to will have any additional impact on the rural and landscape character of the area;
 - design and layout of the housing area and the site in general;
 - heritage assets;
 - amenity;
 - access/highway safety;
 - ecology/biodiversity;
 - land contamination and
 - flood risk.

Impact on rural character and landscape:

- 6.3 Development of the site is subject to policy H1(66) of the local plan which sets out the following detailed criteria for the development of the site:
- The layout of development shall reflect the rural character of the area to create the appearance of one or more clusters of farm buildings.
 - Development proposals will be of a high standard of design and sustainability, incorporating the traditional domestic and agricultural building designs and materials of Kent Vernacular architecture.
 - Lighting on the site should be carefully designed so that it minimises landscape, heritage and ecological impacts.
 - Development should preserve and/or enhance the setting of the listed building known as The Pest House at the entrance to the site.
 - The development proposals are designed to take into account the results of a landscape and visual assessment undertaken in accordance with the principles of guidance available at the time of the submission of an application. The development proposals are designed to take into account the results of a detailed arboricultural survey, tree constraints plan and tree retention/protection plans.
 - Retention, enhancement and reinforcement of existing trees and hedgerows along the site's northern and southern boundaries to provide substantial structural landscaping to screen the development from the surrounding countryside.
 - The development proposals are designed to take account of the results of a phase 1 habitat survey and any species specific survey that may, as a result, be recommended together with any necessary mitigation / enhancement measures.
 - The development should be designed to ensure that land suitable for use as Great Crested Newt habitat should not be lost to development. Any landscaping and ecological enhancements at the western end of the site should include provision of a wildlife pond. Land contamination and viability
 - It should be demonstrated that contamination of the site resulting from its scrap yard use has been remediated to the satisfaction of the local authority and the Environment Agency.
 - Any application should be accompanied by a detailed viability assessment and appraisal.
 - The submission of a flood risk assessment which has been undertaken to a methodology agreed with the Environment Agency.
 - Measures should be secured to ensure adequate site drainage, including the implementation of sustainable drainage measures. Sustainable Urban Drainage measures should seek to enhance potential Great Crested Newt habitat.
 - Appropriate improvements to, or contribution towards, the junction with Claygate Road
- 6.3 Both previous approvals for 25 and 28 dwellings on the site addressed the above and it remains to assess whether this current revised application achieves the same result.
- 6.4 The proposal continues to make the same provision for open space on the north boundary of the site which was considered to provide a good landscape / natural buffer between the proposed housing development and adjoining countryside. It was considered this buffer would also serve to limit the visual impact of the development on the open countryside and screen views from Claygate Road and soften the impact of the development.
- 6.5 Additional tree and hedgerow planting will still be carried out within the site and along the site boundaries resulting in a significant increase in landscaping/tree

planting compared to the existing site which is currently dominated by hardstanding and buildings of an industrial scale and character.

- 6.6 It should be noted the developed site area remains the same. As such though the size and design of the houses and site layout alters, taking into account that (a) the development does not exceed two storey and (b) the substantial boundary landscaping and amenity areas (which remains almost exactly as that permitted for the 28 unit scheme) will ensure the impact of the development on the wider rural landscape is not materially altered.
- 6.7 As such the proposal can be seen to comply with policies SP17 and DM30 of the local plan. In addition it also continues to meet the landscape provisions of policy H1(66) above.

Layout / Design

- 6.8 Policy H1(66) requires that the layout of development reflect the rural character of the area to create the appearance of one or more clusters of farm buildings. In addition it requires proposals to be of a high standard of design and sustainability, incorporating the traditional domestic and agricultural building designs and materials of Kent Vernacular architecture. Policy H1(66) originally sought to limit development of the site to 10 units. However high site remediation costs meant development of the site was only viable with 25 units. This more intense development format still permitted the concept of housing zones to be retained and which remained the case for the uplift in numbers to 28 units.
- 6.9 The approved development for 28 houses was divided into four housing zones with changes in materials and architectural styles defining each housing zone. The external materials palette took its cues from the nearby listed building and surrounding rural properties. Materials included brick and clay tile-hanging, black and white weatherboarding, facing brickwork and ragstone boundary walls. Houses were all two storeys in height generally fronting onto the roads and open spaces within the site.
- 6.10 A central green space was proposed within the development with pedestrian links to an ecological area to the north of the development. New tree and landscaping was proposed around three existing ponds in the northern part of the site. A pedestrian path was proposed through this area providing a circular walk through the site. All these elements are retained as part of the current proposed
- 6.11 As such the current proposal very much respects the layout concept already approved for 28 houses. Though spacing between some dwellings has been reduced, block spacing and privacy distances nevertheless continue to be acceptable. As such, though the character of the development continues to move towards a more urban spectrum, in the context of an inward looking, enclosed and self contained site divorced from its surroundings by screening and having no external street frontage visible from outside the site, no objection is identified to the revised layout. It is nevertheless acknowledged that policy H1(66) seeks to give the impression of one or more clusters of farm buildings.
- 6.12 Turning to the current proposal it still retains the concept of 4 housing zones. Zone 1 continues from the site access up to where it abuts housing fronting and looking onto the central area of public open space (Zone 2). To the west of this there is a grouping of houses mainly fronting a square courtyard (Zone 3) with the layout finally tapering off to a cul de sac of 6 detached houses (Zone 4).
- 6.13 Turning to the design of the proposed dwellings they continue to exhibit traditional detailing with the use of the pitched roofs, tile hanging along with the size, design

and proportions of doors and windows. Materials have been specified representing a traditional palette of materials appropriate to the locality.

- 6.14 Taking into account what has already been approved the proposal continues to meet the key provisions of policy H1(66).

Amenity

- 6.15 It has already been concluded in connection with the extant permissions for 25 and 28 dwellings that redevelopment of the site for housing will bring a substantial uplift to the area in terms of reduced noise, disturbance, traffic generation and visual intrusion when compared to the previous use. Increasing dwelling numbers by a further 4 will have no material impact in these respects.

- 6.16 In addition, the impact on the outlook and amenity on neighbouring properties will not be materially altered by the proposed layout changes. Regarding the amenity of future residents the proposal continues to meet acceptable block separation and privacy standards. The proposal is therefore considered to comply with policy DM1 of the Local Plan

Heritage Impacts

- 6.17 The Pest House, a Grade II Listed Building, abuts the site entrance. The Pest House is currently in a poor state of repair though planning permission and Listed Building Consent have been granted for its renovation and improvement.

- 6.18 The assessment now is whether the proposed layout changes will have any additional material impact on the character and setting of the Pest House compared to the scheme for 28 dwellings already approved. The submitted details show that in design and layout terms the revised scheme does not materially alter the character and setting of the Pest House compared to what has already been approved.

- 6.19 As such there continues to be no heritage objection to the proposal.

Highways / accessibility

- 6.20 The existing vehicle access will continue to be upgraded and resurfaced along with retention of a willow tree. This tree was shown to be retained when planning permission was granted for 28 houses and this remains the case. Traffic movements generated by 4 further dwellings will not significantly add to overall traffic entering and leaving the site. As such in the absence of objection from Kent Highways there continues to be no justification for felling this tree or objecting to the proposal on highway safety grounds.

- 6.21 The extant consent for 28 dwelling was subject to a construction management plan condition and both Kent Highways and the EHO wish to see this condition reimposed. However planning conditions should not be used to supplement or provide controls already available under other legislation. In this case both Kent Highways and the Environmental Health have the relevant powers. As such there is no planning justification for reimposing this condition.

Community infrastructure contributions and affordable housing

- 6.22 The development places extra demands on local services and facilities which need to be met. In addition provision should be made for Affordable Housing (AH) to meet the requirements of policy SP20 of the local plan.

- 6.23 Since the planning permission for 28 dwellings was granted the Council has adopted its Community Infrastructure Levy (CIL) charging schedule. Developer contributions were previously sought for improvements to Yalding Surgery and St Margaret's Primary School, Yalding. Both represent local infrastructure improvements to which CIL is now applicable.

- 6.24 However AH falls outside the CIL charging schedule. It therefore needs to be addressed as part of this application.
- 6.25 Requests for developer contributions must be assessed in accordance with Regulation 122 of the Act. This has strict criteria setting out that any obligation must meet the following requirements: - It is:
(a) Necessary to make the development acceptable in planning terms;
(b) Directly related to the development; and
(c) Fairly and reasonably related in scale and kind to the development.
- 6.26 Policy SP20 of the local plan requires on site AH at 40% unless it can be demonstrated on viability grounds that such a requirement would make the scheme unviable. It was concluded in connection with the proposals both for 25 and 28 units that provision for AH be made off site in the form of a financial contribution.
- 6.27 Turning to the current proposal, the viability assessment submitted by the applicant concluded that CIL contributions would be just under £300,000. Developer contributions secured by S106 agreement for the proposal for 28 units was just under £170,000. CIL contributions will therefore deliver an increase of just under £130,000 towards local infrastructure provision. CIL contributions are mandatory and non negotiable.
- 6.28 Lack of AH provision despite the uplift in unit numbers needs to be assessed against paragraph 4.134 of the local plan which states, amongst other things, that the council will only consider reducing planning obligations if fully justified through a financial appraisal model or either appropriate evidence. This wording permits the Council to apply other considerations as to how much weight should be given to viability evidence. Given the extant proposal for 28 units delivered an AH contribution of £79,744 failure to make any AH contribution of this revised proposal means the proposal fails the provisions of policy SP20. In the light of the above the applicants have agreed to maintain the level of the AH contributions at £79,744 which will be secured by legal agreement.
- 6.29 In the circumstances it is considered the scheme continues to represent a balanced proposal by delivering local infrastructure improvements and AH in accordance with the provisions of policy SP20 of the local plan.

Biodiversity considerations:

- 6.30 An Extended Phase 1 Habitat Survey, bat survey and great crested newt and reptile survey was submitted in connection with application ref:16/501263. Under ref: 17/505482/SUB a reptile mitigation strategy has been approved.
- 6.31 The proposed layout continues to include an area of ecological enhancement to the north of the housing development approximately 0.5ha in size providing ecology mitigation and enhancement for the site. There continues to be green spaces, ponds and tree / landscaping planting proposed within the site. Existing ponds adjacent the site to the north will be incorporated into the ecological area and will benefit from site decontamination.
- 6.32 The ecological mitigation and biodiversity benefits incorporated into the open space in the northern part of the site continue to be acceptable subject to a detailed mitigation, enhancement and management strategy for the open space being secured by condition.

Other matters

- 6.33 The site is located in Flood Zone 1 with some areas of the site in Flood Zone 2. The application for 28 dwellings was supported by an Flood Risk Assessment and drainage strategy. The Environment Agency, Southern Water, and KCC Sustainable Drainage raised no objection on flood risk, foul or surface water drainage grounds subject to appropriate conditions.
- 6.34 However the proposed uplift in unit numbers has been the subject of objection from the Collier Street Parish Council on flooding grounds. The applicants have responded as follows.
- The scrapyard was predominantly made up of impermeable structures and hardstanding. The proposed development will result in a 97% reduction in water runoff into local watercourses in an extreme storm event compared to the previous use of the site.
 - The ditch along north site boundary and associated ponds have not been maintained for many years and were full of detritus restricting water storage capacity and flow rates These have now been cleared.
 - Ditch either responsibility of adjacent landowner or KCC – ditches in control of applicant will be maintained by applicant.
 - Number of ditches outside applicant's control that have been culverted or filled in restricting runoff.
- 6.35 The Upper Medway Internal Drainage Board has agreed a run off figure with the applicants which will be secured by on site attenuation measures. However the key point is that given the scale of development already permitted, an uplift in the number of units by 4, particularly as impermeable areas remain substantially as permitted, means that drainage related concerns cannot be supported.
- 6.36 The application has been accompanied by a detailed energy and sustainability statement based on the super-efficient insulation, absolute air-tightness, and harvesting the sun's energy through south-facing windows to keep as much heat inside homes as possible. In addition use of grey water and water efficient appliances will all be standard fixtures in each house. It is considered that the range of measures set out in the energy statement will in combination result in an energy efficient development. The provisions of the energy statement should be secured by condition.
- 6.37 There is also a requirement that surface water drainage should continue to be dealt with via a SUDS in order to attenuate water run off on sustainability and flood prevention grounds and is a matter that can be dealt with by condition.
- 6.38 The applicants advise that site decontamination has now taken place. Formal confirmation of this via a closure report needs to be the subject of a condition (condition 5).
- 6.39 The development needs to be screened as to whether it should have been accompanied by an Environmental Impact Assessment. It is concluded the development is not of a scale or impact justifying an Environmental Impact Assessment. It should be stressed this is a technical assessment which has no bearing on the consideration of the planning merits of the proposed development which is carried out above.

CONCLUSIONS

- 7.1 This is an allocated site for housing under policy H1 (66). The proposed development continues to accord with the key provisions of this policy.
- 7.2 The character and setting of the local countryside and adjoining heritage asset will be continue to be materially improved as a result of removal of the commercial use.

- 7.3 The proposal will not result in any material increase in traffic or traffic impacts compared to the extant scheme under construction for 28 houses.
- 7.4 The housing design and layout continues to be acceptable while open space/ecological mitigation and enhancement measures remain unchanged.
- 7.5 The additional units will make a further windfall contribution towards meeting the Councils 5 year housing supply targets set out in policy SS1 of the local plan while continuing to make provision for affordable housing.
- 7.6 The balance of issues continue to fall in favour of the development and that planning permission should be granted subject to a 106 agreement to deliver the AH contribution agreed with the applicant.

8. RECOMMENDATION:

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

- Contribution of £79,744 towards off-site affordable housing in the borough.

and the imposition of the planning conditions as set out below:

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. Finished floor levels for non-sleeping and sleeping accommodation shall be a minimum of 300mm and 600mm respectively above the estimated flood level for the site. Reason: To avoid flood risk.
3. A bound surface shall be used for surfacing for the first 5 metres of the access from the edge of the highway and provision for cycle parking shall be as shown on the approved plans. Reason: In the interest of the free flow of traffic and highway safety and to encourage the use of sustainable transport.
4. No access to serving individual properties or groups of properties shall be used until vision splays of 2m x 2m x 45° between the driveway and the back of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter. Reason: In the interests of highway safety and the free flow of traffic.
5. Before first occupation of any identifiable development phase a Closure Report shall be submitted for prior approval in writing by the Local Planning Authority which shall include full verification details including 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; Reason: In the interest of health and safety.
6. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and

intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through open infiltration features located within the curtilage of the site. It should be demonstrated that water discharge into a local watercourse/ditches shall not exceed a maximum flow rate of 13.9 litres per sec. Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions and in the interests of flood prevention.

7. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include: i) a timetable for its implementation, and ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.
8. External materials to be used in connection with the development hereby approved shall be as already approved under application ref: 18/506066. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. Reason: To ensure a satisfactory appearance to the development.
9. Prior to first occupation of the development hereby approved details shall be submitted for prior approval in writing of bio diversity enhancements including a timetable for provision and management being the installation of bat and bird nesting boxes and native species planting. The installation of the bat and bird nesting boxes and native species planting shall be carried out in accordance with the approved details. Reason: In the interests of bio diversity.
10. The site access, parking and turning shown on the approved plans shall be provided before first use of any part of the development which they serve and shall be retained at all times thereafter without any impediment to their intended use. Reason: In the interest of highways safety and the free flow of traffic.
11. The recommendations set out in paragraphs 4.1-4.47(inc) of the Ecological Appraisal and Protected Species Report Rev A dated December 2017 shall be carried out in accordance with the manner, timeframes and maintenance measures specified. Reason: In the interest of ecology and biodiversity enhancement.
12. The reptile mitigation strategy submitted pursuant to condition 8 appended to planning permission ref: 16/501263 and approved under ref:17/505482 shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. Reason: In the interest of ecology and biodiversity enhancement.
13. Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure suitable foul and surface water sewerage disposal is provided.
14. Prior to any part of the development hereby approved reaching damp proof course details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of

development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 and a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site; The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified; Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a high quality of design, and safeguard and enhance the character and appearance of the setting of adjacent listed buildings.

15. The approved landscaping scheme shall be carried out in the first available planting season following first occupation of any identified development phase of the development hereby permitted. Any seeding or turfing which fails to establish or any trees or plants which, within 5 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: To ensure a satisfactory landscaped setting for the development.
16. The boundary details shown on drawing no: LN35-1200.07 rev P2 shall be implemented prior to first occupation of the dwelling/s to which they relate and retained as such at all times thereafter. In addition openings of sufficient size shall be provided in garden fences between dwellings to allow free movement of wildlife between gardens and the adjoining countryside. Reason: In the interests of amenity and wildlife.
17. The development hereby approved shall be constructed at the levels shown on drawing nos: LN35-810.01 P2 & LN35_810.02 P2. Reason: In the interests of amenity.
18. No external lighting shall be placed anywhere within the site without first obtaining the prior consent in writing from the Local Planning Authority. The submitted details shall include details of the type of luminaire and output, measures to shield and direct light and illuminance contour plots showing both vertical and horizontal components. Lighting shall only be installed in accordance with the approved details. Reason: In the interest of amenity.
19. The refuse strategy and collection details shown on drawing no: LN35_1200.05 P1 shall be implemented prior to first occupation of any dwelling to which they relate. Reason: In the interests of amenity, the free flow of traffic and highway safety.
20. The development hereby approved shall be carried out in accordance with the provisions of the Tree Survey carried out by LaDellWood dated September 2018 in particular drawing no:2537/17/B/2 rev A. Reason: To ensure a satisfactory external appearance to the development and to safeguard the trees on site.
21. Prior to the occupation of the dwellings hereby permitted, a minimum of one electric vehicle charging point shall be installed at every residential dwelling with dedicated off street parking, and shall thereafter be retained for that purpose. Reason: To secure improvements in air quality.

22. Prior to first occupation of the any dwelling, the provisions set out in the energy and sustainability statement dated September 2018 and prepared by Briary Energy shall be implemented and maintained at all times thereafter. Reason: To ensure an energy efficient form of development.
23. The development hereby permitted shall be carried out in accordance with the following approved plans:
- LN35_1100.01 Rev P1 – House Type 202
 - LN35_1100.02 Rev P2 – House Type 304
 - LN35_1100.03 Rev P1 – House Type 401
 - LN35_1100.04 Rev P1 – House Type 401
 - LN35_1100.05 Rev P2 – House Type 401
 - LN35_1100.06 Rev P1 – House Type 402
 - LN35_1100.07 Rev P1 – House Type 402
 - LN35_1100.08 Rev P1 – House Type 402
 - LN35_1100.09 Rev P1 – House Type 404
 - LN35_1100.10 Rev P1 – Double Garage
 - LN35_1100.11 Rev P1 – Single Garages
 - LN35_1100.12 Rev P1 – Substation
 - LN35_1100.13 Rev P1 – House Type 304
 - LN35_1200.01 Rev P2 – Site Location Plan
 - LN35_1200.02 Rev P2 – Planning Layout
 - LN35_1200.03 Rev P2 – Planning Layout – House Types
 - LN35_1200.04 Rev P2 – Planning Layout – Storey Heights
 - LN35_1200.05 Rev P1 – Planning Layout – Refuse Strategy
 - LN35_1200.06 Rev P1 – Planning Layout – Fire Strategy
 - LN35_1200.07 Rev P2 – Planning Layout – Boundary Treatments
 - LN35_1200.08 Rev P3 – Site Entrance & Access Plan
 - LN35_1200.09.01 Rev P1 – Street Scenes (Sheet 1 of 2)
 - LN35_1200.09.02 Rev P1 – Street Scenes (Sheet 2 of 2)

810.01 Rev P2 – Drainage Plan Sheet 1
810.02 Rev P2 – Drainage Plan Sheet 2

LN35 800.01 Rev P2 and 810.02 Rev P2.

T15166_Collier_02R1 – Topographical Survey 1 of 5 – Rev A
T15166_Collier_02R1 – Topographical Survey 2 of 5 – Rev A
T15166_Collier_02R1 – Topographical Survey 3 of 5 – Rev A
T15166_Collier_02R1 – Topographical Survey 4 of 5 – Rev A
T15166_Collier_02R1 – Topographical Survey 5 of 5 – Rev A

Reason: In the interests of amenity.

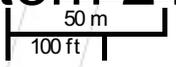
INFORMATIVES

1. The site lies on clay geology and all precautions must be taken to avoid discharges and spills to the ground and controlled waters both during and after construction. For advice on pollution prevention, the applicant should contact the Environment Agency.
2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council

(KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

3. 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.
4. The site has a population of variegated archangel, an invasive non-native species listed on schedule 9 of the wildlife and countryside act 1981 (as amended) which makes it an offence to plant or otherwise cause it to grow in the wild. Planning consent for a development does not provide a defence against prosecution under this act. Measures will need to be undertaken to ensure that the plant is eradicated prior to commencement of development to ensure that no offences may occur.
Enhancement

Case Officer: Graham Parkinson



REFERENCE NO - 19/500399/FULL	
APPLICATION PROPOSAL Proposed stationing of 4 additional mobile homes for extended Gypsy and Traveller family.	
ADDRESS Meadow View, Marden Road, Staplehurst, TN12 0JG	
RECOMMENDATION Grant Planning Permission subject to conditions	
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The occupants of the mobile homes have demonstrated Gypsy and Traveller status • The proposal will not result in any material harm to the character and setting of the countryside; • The proposal is acceptable in terms of amenity impacts; • The proposal will result in a windfall contribution towards meeting the demand for Gypsy and Traveller sites set out in policy SS1 of the local plan; • The proposal is acceptable in its highways and wildlife impacts. 	
REASON FOR REFERRAL TO COMMITTEE Recommendation contrary to the views of Staplehurst Parish Council	
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst
APPLICANT Mr Johnny Saunders AGENT n/a	
TARGET DECISION DATE 30/04/19	PUBLICITY EXPIRY DATE 27/02/19

Relevant Planning History

18/501342/FULL

Retrospective application to vary conditions 2 and 3 appended to planning permission 15/507291/FULL to enable occupation of the site by any Gypsy and Traveller family.
Approved Decision Date: 30.07.2018

MAIN REPORT

1. SITE DESCRIPTION

- 1.1 The application site is located off the north-eastern side of Marden Road. The site is broadly rectangular in shape with a width of approximately 45 metres and extending back from the Marden Road to a depth of approximately 140m.
- 1.2 There are mobile homes stationed in the northern eastern (rear) two thirds of the site with an undeveloped paddock over 50 metres in depth separating the mobile home plots from the site frontage.
- 1.3 Abutting the application site to the west is another Gypsy and Traveller site set back some distance from the road and separated from the site frontage by a large paddock.
- 1.4 The application site lies in open countryside over 800 metres to the west of Staplehurst.

2. PROPOSAL

- 2.1 Planning permission ref: 18/501342 permitted the stationing of 4 mobile homes and 4 tourers for unfettered use by persons qualifying as Gypsy Travellers. It is intended

to station 4 additional mobile homes to meet the further accommodation requirements of the extended family occupying the site. The additional mobile homes will be sited in the area already being used for siting a mobile permitted under ref:18/501342.

- 2.2 The proposal also involves additional native species hedging and tree planting to define the south east extent of the currently area being used for the siting of mobile homes. This landscaping is shown extending along the whole length of the access track running along north west side of the paddock and along the south east side pf the paddock up to the pond set back from Marden Road.
- 2.3 The key points of the supporting statements are summarised below:
- Family members have been forced to go back on the road disrupting children's schooling – proposal will enable provision of a stable base.
 - The homes will only be used by family members – cannot allow children and elders to live elsewhere as no public sites available while insufficient finances to buy additional land.
 - Gypsy and Traveller status has never been in dispute and occupation of additional pitches will be subject to the same restrictions.
 - Contend there is a general unmet need while educational need, lack of five-year supply of land, health and human rights and gypsy status must all be taken into account.
 - Would stress that that members of the settled community can extend their properties as their family circumstances. The Gypsy and Traveller community's only recourse in similar circumstances is to place additional mobile homes on a site.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017 SP17, DM1, DM15, DM30
Staplehurst Neighbourhood Plan
Planning Policy for Traveller Sites (PPTS)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.1 5 representations received from local residents raising the following (summarised) issues:
- Overdevelopment of a small site beyond its capacity.
 - Harm the outlook of and amenity of dwellings overlooking and abutting the site.
 - Over preponderance of Gypsy and Traveller development in the locality.
 - Lack of on site parking.
 - Insufficient provision for waste water treatment – outflow from this will increase flood risk in the locality.
 - Increased fire risk.
 - Increased light pollution.
 - Harm to aural amenity.
 - Lack of screening.
- 4.2 (Officer comment): Fire risk is not a material planning consideration and therefore cannot be taken into account in the determination of this application. The other matters raised by neighbours and other objectors are addressed in the detailed appraisal below.

5 CONSULTATIONS

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

- 5.1 **Staplehurst Parish Council:** objects on the following grounds:
- Contrary to policy DM15 – unsustainably located without good access to amenities.
 - Over intensive development which will be inadequately screened from neighbouring properties.
 - Site not allocated for Gypsy and Traveller development.
 - Proposal will contribute to waste water drainage problems already experienced by properties in Marden Road.

5.2 **EHO:** No objection

5.3 **Kent Highways:** No objection

6.0 APPRAISAL

- 6.1 The application site already has planning permission for the stationing of 4 mobile and 4 touring caravans. The key issues with the current application are
- Principle of development;
 - Need for Gypsy Sites;
 - Supply of Gypsy sites;
 - Gypsy Status
 - Impact on the character and setting of the countryside;
 - Cumulative impacts;
 - Amenity;
 - Highways and;
 - Wildlife considerations.

Principle of development

- 6.2 The site lies in open countryside and the proposal is for Gypsy and Traveller development on an existing Gypsy and Traveller site. As such there is no objection in principle to what is proposed and consideration turns on matters of detail.
- 6.3 The proposal is subject to the following local plan policies and Government Guidance. Policy SP17 states that proposals which accord with other policies in the plan and which do not harm the countryside will be permitted.
- 6.4 Policy DM15 states that planning permission for Gypsy and Traveller development will be granted if it would not result in significant harm to the landscape and rural character of the area. The requirement remains that development should be well related to local services, would not harm the rural character and landscape of an area due to cumulative visual impacts and is well screened by existing landscape features, is accessible by vehicles, not located in an area at risk of flooding and wildlife considerations are taken into account.
- 6.5 Policy DM30 specifically requires , amongst other things, that the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features; that impacts on the appearance and character of the landscape will be appropriately mitigated 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 reflecting the landscape character of the area.
- 6.6 There is also Government guidance contained within 'Planning Policy for Traveller Sites' (PPTS) amended in August 2016. This places an emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.
- 6.7 Issues of need are dealt with below but in terms of broad principle both local plan policies and Central Government Guidance permit Gypsy and Traveller sites to be

located in the countryside as an exception to the general development restraint policies applying in the countryside.

Need for Gypsy Sites

- 6.8 Local Authorities have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012. The GTAA concluded the following need for pitches over the remaining Local Plan period:

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

- 6.9 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the local plan. It is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be a degree lower as a result of the definition change. The current GTAA provides the best evidence of need but each decision must be taken on evidence available at the time of a decision made.
- 6.10 The target of 187 additional pitches is a requirement of Policy SS1 of the Maidstone Borough Local Plan.

Supply of Gypsy sites

- 6.11 Policy SS1 of the adopted local plan identifies a need for 187 new pitches in the plan period 2011-2031 with 41 pitches identified on allocated sites.
- 6.12 As set out below, since 1 October 2011 the base date of the GTAA, a net total of 173 permanent pitches have been granted permission. A further 14 permanent pitches are needed by 2031 to meet the need identified in the GTAA. The following permissions for pitches have been granted (as of March 2019):
- 148 permanent non-personal pitches
 - 25 permanent personal pitches
 - 4 temporary non-personal pitches
 - 37 temporary personal pitches
- 6.13 The PPTS states that local planning authorities should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient for the 10 year period following adoption of the Local Plan. The Local Plan allocates specific sites sufficient to provide 41 additional pitches by 2031.
- 6.14 In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future. There will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can be met over the timeframe of the Local Plan.
- 6.15 A lack of a 5 year supply of Gypsy pitches should be given weight in the consideration of granting temporary consents. The 5 year supply position is reviewed on the 1 April each year. The Council's current position is it can demonstrate a 5.2 year supply of Gypsy and Traveller sites as of the 1st April 2018.

- 6.16 As the Council considers itself to be in a position to demonstrate a 5 year supply the PPTS advice that Councils should consider granting a temporary consent carries little weight.

Gypsy Status

- 6.17 National planning guidance for Gypsy and Traveller development contained in 'Planning Policy for Traveller Sites' (PPTS). Revised guidance is now in force with the planning definition of 'gypsies & travellers' being amended to exclude those who have ceased to travel permanently. The revised definition is as follows; "*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such*".
- 6.18 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition, the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 6.19 In relation to the current application the persons referred to below are all related to the existing site occupants who are part of a long-established Irish traveller family. This is a well-known family and related to most of the larger Irish traveller families across Kent, the UK and Ireland. They attend several horse fairs around the UK including those in: Peterborough, Nottingham, Leicester, Dartford, Kenilworth, Barnsley, Stow on the Wold, Wickham, Appleby, Cambridge, Slough, Staplehurst, New Forest and Somerset.
- 6.20 It is only necessary to demonstrate Gypsy and Traveller status in relation to the occupants of the additional mobile homes. The following has been submitted to address this:
- Mobile Home 1: Two working age adults - one is unable to maintain a nomadic lifestyle due to long term health issues.
 - Mobile home 2: One working age adult with childcare responsibilities for 3 school age children.
 - Mobile Home 3: One working age adult with childcare responsibilities for one pre school child.
 - Mobile Home 4: One working age adult who is unable to maintain a nomadic lifestyle due to long term health issues.
- 6.20 All working age adults live a nomadic lifestyle in the same manner as the existing site occupants except where health, age or childcare commitments preclude this. It is considered the submitted information is sufficient to demonstrate that the mobile home occupants meet the above definition.

Impact on the character and setting of the countryside

- 6.21 The site in its current form is considered to have an acceptable impact on the character and setting of the countryside. Nevertheless a condition was imposed on planning permission ref: 18/501342 requiring native species planting along the south west perimeter of the caravan enclosure and boundaries of the paddock separating the occupied part of the site from the Marden Road frontage.
- 6.22 The additional mobile homes will be sited within the existing compound. The intention is solely to increase the number of mobile homes in this area from 4 to 8. Subject to the condition to secure perimeter landscaping it considered the visual

impact of the existing and additional mobile homes will continue to be contained within the existing site compound.

- 6.23 The impact of the additional mobile homes on the character and setting of the adjoining countryside is acceptable meeting the provision policies SP17, DM15 and DM30.

Cumulative Impacts

- 6.24 Increasing the number of mobile homes on this lawful site for the reasons set out above will have minimal effect on the cumulative impact of existing lawful Gypsy and Traveller development on the locality.

Amenity

- 6.25 Abutting the south east corner of the site is the detached property known as Clara which has a flank elevation facing the application site. The current view from this property is across a paddock.
- 6.26 Subject to a condition ensuring the paddock abutting Clara is not used for the stationing of mobile homes and additional landscaping as proposed, it is considered that the additional mobile homes will not result in any material increase in harm to the outlook for amenity of the occupants of Clara.
- 6.27 Turning to the amenity of the site occupants, the mobile homes are mainly shown looking into small courtyards. The council has no adopted planning standards by which to assess the layouts of Gypsy and Traveller development. However persons living together as a family group are less likely to be concerned by living in close proximity to one another. As such no objection is identified to amenity of the site occupants.
- 6.28 As such subject to conditions relating to lighting and no business use the proposal can be seen to comply with the local plan and is acceptable in its amenity impacts.

Highways

- 6.29 The proposal is considered to be acceptable in its highway impacts and no objection has been received from Kent Highways.

Wildlife

- 6.30 Apart from the areas where the existing mobile homes are sited the remainder of the application site is currently grassed with a pond in the south east corner of the site. The pond, which may make a contribution as a wildlife habitat is not affected by the proposed siting of the mobile homes.
- 6.31 The remainder of the site apart from boundary hedgerows provides little in the way of wildlife habitat. The additional native species planting required to define the south west extent of the compound and to screen the developed part of the site will provide a valuable and proportionate response to wildlife concerns.
- 6.32 The application approved under ref18/501342 required the submission of an ecological scoping survey of the site and surrounding ponds for the presence of Great Crested Newts along with mitigation measures. This condition should be imposed to a future permission.

Other matters

- 6.33 It is contended that the proposal represents unsustainable development remote from local services and is therefore contrary to one of the provisions of policy DM15. However given the mobile homes will be sited in a lawful Gypsy and Traveller site it would be problematic to argue their siting in relation to local services is any worse than that which has already been permitted.

- 6.34 The development needs to be screened as to whether it should have been accompanied by an Environmental Impact Assessment. It is concluded the development is not of a scale or impact justifying an Environmental Impact Assessment. It should be stressed this is a technical assessment which has no bearing on the consideration of the planning merits of the proposed development carried out below.

Conclusions

- 7.1 The key conclusions are as follows:
- The occupants of the mobile homes will satisfy the definition of Gypsy and Traveller;
 - The proposal will not result in any material harm to the character and setting of the countryside;
 - The proposal is acceptable in its amenity impacts;
 - Will result in a windfall contribution towards meeting the demand for Gypsy and Traveller sites set out in policy SS1 of the local plan;
 - The proposal is acceptable in its highways and wildlife impacts.
- 7.2 It is recommended that planning permission is granted subject to conditions.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission; Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. Approved Plans.
- 2) The site shall only be used as a caravan site for Gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015. Reason: To reflect the special circumstances of the application.
- 3) No more than 16 caravans, (of which no more than 8 shall be statics) as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time. Reason: In the interests of the visual amenity.
- 4) The existing and proposed mobile homes shall only be sited in the area and laid out as shown on the plan showing the siting of the proposed mobile homes. Reason: In the interests of visual amenity.
- 5) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter; Reason: In the interest of amenity.
- 6) No commercial or business activities shall take place on the land, including the storage of vehicles or materials or any livery use; Reason: In the interests of amenity.
- 7) Within three months of the date of this decision the method of foul sewage treatment and potable water provision must be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within 3 months of approval of the details and retained as such at all times

thereafter. If the details are not (a) submitted and (b) implemented within the stated periods the use of the site for gypsy and traveller purposes shall cease, the mobile homes, touring caravans any hardstandings and other related development be removed and the site restored to its previous condition. Reason: in the interests of health and safety and to prevent water pollution.

- 8) The native species landscaping/planting scheme shown on the plan accompanying the submitted landscaping statement shall be carried out in the first available planting season following the date of the decision and maintained in accordance with the submitted details. Any specimens which within a period of five years of planting dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation; Reason: To ensure a satisfactory setting and appearance to the development.
- 9) Prior to the additional mobile homes hereby permitted being stationed on the land, an ecological scoping survey of the site and surrounding ponds for the presence of Great Crested Newts shall have been submitted to and approved in writing by the Local Planning Authority. If required, the survey shall inform a detailed mitigation strategy for the carrying out of the development and an enhancement strategy; any enhancement shall be in place in accordance with agreed timescales. Reason: In the interests of biodiversity protection and enhancement.
- 10) Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no temporary buildings or structures shall be erected anywhere on site without the prior permission of the local planning authority. Reason: In the interests of the visual amenity.
- 11) The development shall be carried out in accordance with the site location plan at a scale of 1:1250, plan showing existing site layout and plan showing proposed site layout. Reason: In the interests of amenity.

Informatives:

- (1) The details submitted pursuant to the requirements of condition 5 of this planning permission should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).
- (2) The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of the date of the planning permission. Failure to do so could result in action by the council under the Act as caravan sites cannot operate without a licence. General enquiries about caravan site licences can be emailed to communityprotection@maidstone.gov.uk or by telephoning 01622 602202.
- (3) Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager. Clearance and burning of existing wood or rubbish must be carried out without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from Environmental Enforcement/Protection.

Case Officer: Graham Parkinson

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 25th April 2019**

APPEAL DECISIONS:

1. 17/502997/FULL

Removal of condition 2 of previously approved application MA/12/1793 (An application for permanent use of land as home for a gypsy family within a mobile home, plus touring caravan dayroom and stables as detailed in letter dated 1/10/12 and drawing no. BS-260-01).

APPEAL: Allowed with conditions and award for costs allowed

Maplehurst Paddock
Frittenden Road
Staplehurst
Kent
TN12 0DL

(Delegated)
