

ADJOURNED PLANNING COMMITTEE MEETING

Date: Thursday 23 August 2018
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

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

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

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6. Disclosures by Members and Officers	
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Issued on Friday 17 August 2018

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

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PART II

To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.

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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.

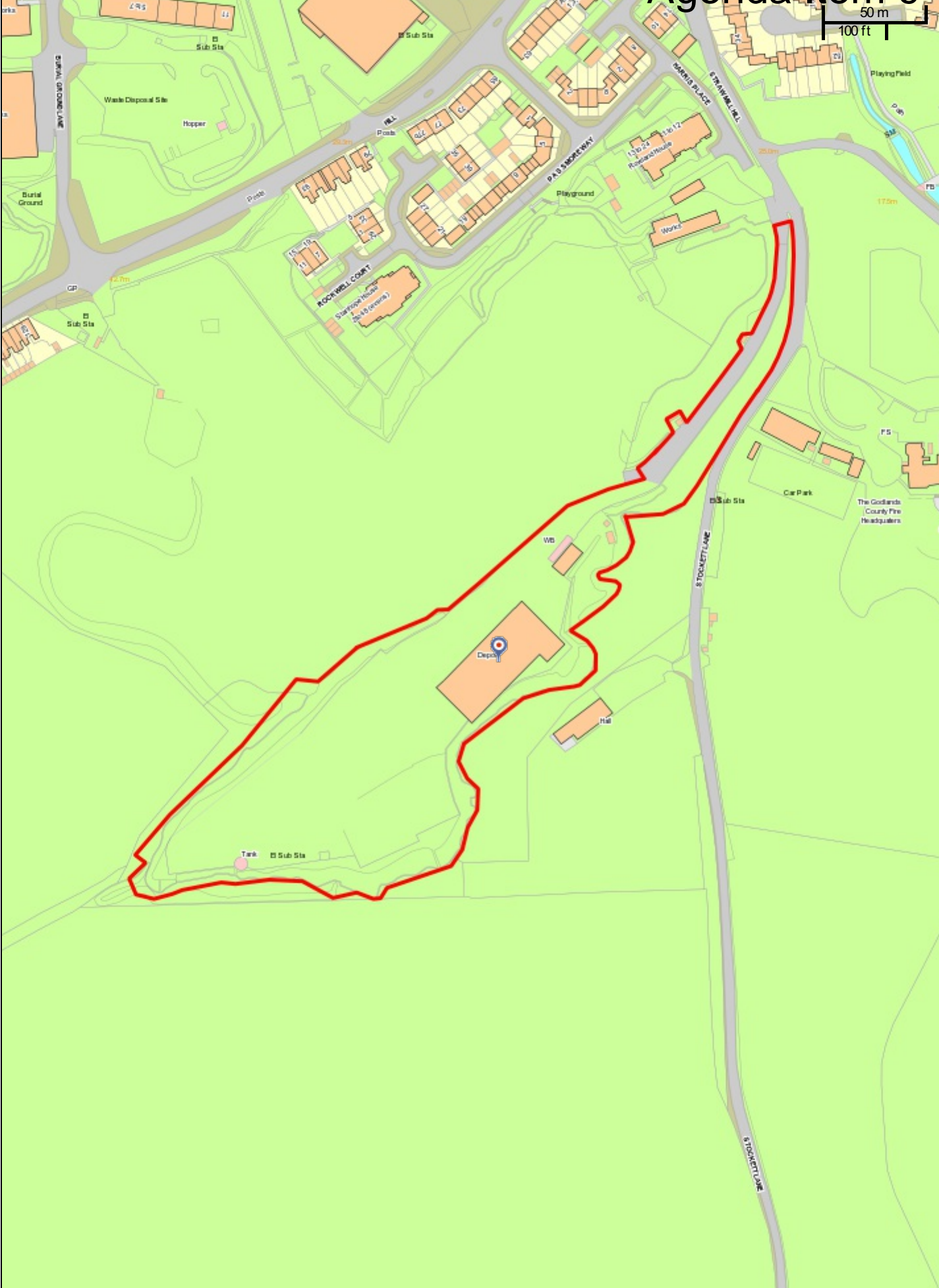
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In order to speak at this meeting, please contact Democratic Services using the contact details above, by 4 p.m. on the working day before the meeting. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note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

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Agenda Item 9



18/502287/REM - Tovil Quarry Site, Straw Mill Hill, Tovil, ME15 6FL

Scale: 1:2500

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REFERENCE NO - 18/502287/REM		
APPLICATION PROPOSAL		
Approval of Reserved Matters following Outline application 15/505441/OUT for a residential development of up to 108 dwellings with associated vehicular access from Straw Mill Hill (Appearance, landscaping, layout and scale being sought).		
ADDRESS Tovil Quarry Site Straw Mill Hill Tovil ME15 6FL		
SUMMARY OF REASONS FOR RECOMMENDATION		
The principle of up to 108 houses with access off Straw Mill Hill has already been approved under the outline consent		
The submitted details of the appearance, landscaping, scale and layout are considered to be acceptable and provide a high quality development in accordance with the outline planning permission and the relevant policies within the Local Plan.		
The reserved matters application is therefore recommended for approval.		
REASON FOR REFERRAL TO COMMITTEE		
Councillor Mortimer called the application into Planning Committee for the reasons set out within the report under the consultation section		
WARD South	PARISH/TOWN COUNCIL Tovil	APPLICANT Pinden Ltd AGENT DHA Planning
TARGET DECISION DATE		PUBLICITY EXPIRY DATE
24/08/18		01/06/18

Planning History (most relevant)

15/505441/OUT

Outline planning application for the erection of up to 108 dwellings with associated vehicular access from Straw Mill Hill, Tovil, Maidstone.

Approved Decision Date: 29.04.2016

86/1675

Industrial waste paper processing building with ancillary office and weighbridge office extension as validated and amended on 6th January 1987 by the agent's letter and accompanying Plan No. 8632/2A dated 5th January 1987

Approved Decision Date: 02.02.1987

88/1338

Alteration of approved ground floor weighbridge office extension (ref MA/86/1675N) and first floor extension over.

Approved Decision Date: 30.10.1988

83/0048

Change of use of part to conversion of waste paper as amended by the letter dated 22/2/83.

Approved Decision Date: 25.03.1983

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site lies to the southwest of Straw Mill Hill & Stockett Lane. The site lies within the defined urban confines of Tovil. To the east of the application site and Straw Mill Hill is the Loose Valley Conservation Area and an area of Local Landscape Value.
- 1.02 The existing access into the site is from Straw Mill Lane, which lies between Cave Hill and the entrance to the Kent Fire & Rescue Services Headquarters. This existing access has limited visibility. The land running to the south of the access is a mix of trees, shrubs and a ragstone wall.
- 1.03 The site is a former quarry with its last lawful use as a waste- paper recycling centre. The use on this site has stopped and all associated buildings have been demolished and the land levelled. As such the former use has long been abandoned.
- 1.04 A sunken access track currently leads off south-westward from Straw Mill Hill leading to the floor of the former quarry. The north western and western site boundary is marked by extensive banking/quarry face in excess of 8m in height that separates the site from the '*Burke's land*' has outline planning permission for a new housing development (reference MA/01/0686 and MA/01/0686/01), that was renewed on 22 November 2012 under ref MA/10/0256. The adjacent site has a right of way through the current application site to Straw Mill Hill.
- 1.05 Land levels within the site, as a former quarry, are also approximately some 10m lower than Straw Mill Hill/Stockett Lane which runs along the eastern site boundary and also along the adjoining land to the south. There are trees on the banked areas surrounding the quarry floor.
- 1.06 Land on the east side of Straw Mill Hill/Stockett Lane lies within the Loose Valley Area of Local Landscape Importance The land associated with 'Godlands' (the HQ of the Kent Fire & Rescue Service) and the former cricket ground to its south, on the eastern side of the above mentioned road, are within the Loose Valley Conservation Area. Tovil Scout Hut is located on higher land to the southeast side of the site (accessed from Straw Mill

Hill/Stockett Lane) and is not visible from the site due to height of quarry face and trees.

- 1.07 Straw Mill Hill/Stockett Lane in the vicinity of the site are narrow roads with a rural character and appearance and are enclosed in part by ragstone walls on both sides of the road, although the wall bounding the application site has been repaired/re-built in the past and includes bricks and cement render over some of its length.

2. PROPOSAL

- 2.01 This is a reserved matters application seeking approval of the layout, appearance, landscaping and scale for the housing of the proposed housing scheme. The new access onto Straw Mill Hill/Stockett Lane has already been approved at the outline stage.
- 2.02 The reserved matters application is for 108 dwellings and utilises the approved access onto Straw Mill Hill in line with the outline application. The proposal provides 22 one bed apartments, 17 two bed houses, 16 three bed houses and 53 two bed apartments. The two & three bedroom houses are a mix of semi-detached and terraced blocks and are predominantly two storey. The apartment blocks are a mix of 2 to 5 storeys, though predominantly four storey, which are entwined into the scheme with the houses, so that the development results in good quality of mix and variety of buildings, heights and vistas throughout the development.
- 2.03 The scheme provides 1 parking space for all one and two bed units (92 in total), 24 parking spaces for the 16 three bed houses and then also provides 22 visitor parking spaces which have been spread across the development site.
- 2.04 The scheme incorporates two open space play areas, as well as providing an access and/or opportunities to link into the adjacent Burke's land to the north. These connections are for pedestrians and cyclist and not intended for vehicular movements.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017 – DM1, DM4, DM5, DM12, SP17 & DM23
Supplementary Planning Documents

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Three representations received from local residents raising the following (summarised) objections:

- Security fence on boundary with the scouts should be provided;
- Water supplies should not be affected as part of this development;
- Increase in traffic movements in a quiet area;
- Increases in noise levels and disturbance;
- Infrastructure was designed for a small community not large housing estates;
- Roads are used for rat run and are narrow;
- New access will cause queueing.

5. CONSULTATIONS

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

- 5.01 **Tovil Parish Council:** Views awaited on amended scheme. Original Parish Council comments below.
- 5.02 Tovil Parish Council does not want to see a management company manage the estate areas, but request that this task is undertaken by MBC because of many problems experienced at other managed developments in Maidstone.
- 5.03 With regards to the angled access road to Burkes quarry, TPC would like to see this moved to the centre of the estate without it being angled, thereby allowing traffic in both directions.
- 5.04 TPC requests that the play area provision is considerably improved.
- 5.05 TPC would like to see an updated review to the ecology survey as this is nearly 3 years old. TPC would like some money allocated for the rag stone wall restoration of Straw Mill Hill and nearby nature conservation area. TPC requests the installation of bat boxes around the development.
- 5.06 TPC would like highways issues examined further, especially with regards to the impact of this development in the context of future adjoining developments.
- 5.07 Unless all these conditions are met, Tovil Parish Council would like to see the application refused.
- 5.08 **Environment Agency:** No comment
- 5.09 **Kent Police:** We have considered this application in regard to Crime Prevention Through Environmental Design (CPTED), in accordance with the

National Planning Policy Framework (NPPF) and Department for Communities and Local Government (DCLG) Planning Practice Guidance – Crime Prevention.

- 5.10 Having reviewed the on line amended plans and documentation, I note the amendments to address my concerns as detailed in my letter dated 22nd May 2018, listed again below, with clarifications in bold. I can also confirm that further verbal clarification has been provided by architects today.
- 5.11 **Kent Flood & Water Management:** We note the proposal would be generally consistent with the details previously reviewed as part of the Flood Risk Assessment & Surface Water Drainage Strategy, RSK, June 2015. This provided a surface water drainage scheme with permeable paving and other attenuation features, discharging to surface water sewers at 5 litres per second.
- 5.12 We recommended a condition on the outline planning permission for the provision of a sustainable drainage scheme and securing details of its future maintenance in our correspondence dated 17th March 2016, however this condition has not been included within the decision notice.
- 5.13 We would recommend that KCC as LLFA is consulted during the discharge of condition 7. Consultation with the sewerage authority may not be sufficient address all matters in relation surface water drainage provision at this proposed development, particularly as sewerage undertakers do not adopt permeable pavement and some attenuation devices.
- 5.14 Notwithstanding these comments, we have no objection in principle to the approval of reserved matters for this application but we would recommend the additional conditions are attached.
- 5.15 **Kent Highways:** This response is additional to the original consultation response of this authority dated 18th May 2018. In preparing this report the following documents and drawings have been reviewed: covering letter from DHA dated 4th July 2018, stage 1 road safety audit dated 31st July 2012, revised design and access statement and the additional or revised drawings and block plans that have been submitted.
- 5.16 *Design: Visibility sight lines:* A further drawing (drawing number: 13102-H-01 Rev P1) has been produced demonstrating the visibility sight lines of the sites internal roads, based upon the intended design speeds and relevant guidance in Manual for Street (MFS) and Kent Design Guide Review: Interim Guidance Note 2 visibility. There are some instances where it appears the soft landscaping proposed, or car parking spaces will conflict with the visibility sight lines. It is recommended that either the landscaping is set back, or of a low growth type to avoid any future conflict.
- 5.17 *Road widths:* It is acknowledged that there are some sections of the development where a road width of less than 4.8 meters will be provided, contrary to the guidance for a major access road (MAR) contained in the

Kent Design Guide. In addition, there are areas where the footways are narrower than the minimum adoptable standard. However, I note from the applicant's covering letter dated 4th July 2018 that it is not proposed to offer the development's internal roads for adoption. As a result, the future upkeep of the road will not be the responsibility of the local highway authority (LHA).

- 5.18 *Parking:* Kent Design Guide Review Interim Guidance Note 3 (IGN3) provides guidance on parking standards for residential developments, dependent upon their location and the number of bedrooms in each dwelling. IGN3 also advises that 0.2 visitor spaces should be provided per unit for developments in an edge of centre location, which would mean 22 visitor parking spaces should be provided in this instance. As requested the applicant has produced a '*parking layout*' drawing (drawing number: 21156B_010) illustrating the parking spaces allocated to the residential units, as well as those allocated for visitors. I note that a total of 138 spaces will be provided, inclusive of 22 visitor spaces in line with IGN3 guidance.
- 5.19 *Turning and servicing arrangements:* Swept path analysis has been undertaken by the applicant for a 7.7-meter fire tender, 11 meter pantechicon and 11.4 meter refuse freighter (drawing numbers 13102-T-02 and 13102-T-01). This analysis shows that all the aforementioned vehicles can circulate around the proposed layout and egress onto the public highway in a forward manner.
- 5.20 *Stage 1 road safety Audit:* A stage 1 road safety (RSA) audit dated 31st July 2012 has been submitted by the applicant. However, this audit relates to the proposed access arrangements and off-site improvement works on Straw Mill Hill and is not an audit of the development's internal layout. I understand from the sites planning history that access, any required off-site highway improvement works and subsequent road safety audit that may have been required was determined as part of the sites outline permission (MBC reference: 15/50441/OUT). Therefore, the road safety audit submitted is of no relevance to the reserved matters application now being considered. As stated at the start of this report it is my understanding that it is not proposed to offer the development's internal roads for adoption. Therefore, in this instance a stage 1 RSA is not required because the sites internal roads will remain private and their maintenance the responsibility of a management company.
- 5.21 *Sustainable transport - Cycle parking:* The applicant has confirmed that a level of cycle parking will be provided in accordance with Supplementary Planning Guidance (SPG4), Kent Vehicle Parking Standards via ground floor cycle stores and on plot storage facilities. This approach is satisfactory to this authority.
- 5.22 *Electric vehicle charging points:* 9 electric vehicle charging points (1 per block) will be provided as shown on drawing '*21156B_010*' titled '*parking layout.*' Kent County Council Highways and Transportation is currently

working on an emerging policy for electric vehicle charging points. As a result, a provision of 1 point per block is acceptable in this instance.

- 5.23 **Summary:** Although there are some elements of the proposed layout that do not meet adoptable standards, the applicant has demonstrated that vehicles will be able to egress onto the public highway in a forward manner and that the level of car parking will be in accordance with IGN3 guidance. Therefore, on this basis I can confirm that I do not wish to raise an objection.
- 5.24 **Parks & Open Spaces:** The Parks and Open Spaces Team have viewed this application and have a number of comments relating to the two play areas proposed.
- 5.25 Firstly with regard to the triangle shaped play area to the West of the site, this appears fairly one dimensional as it is limited to spring equipment. It is suggested that a spinning play kit or agility play kit is used in place of items B and C. There is also a concern about the use of the wooden benches which could be at risk of fire. There is a concern about tree safety for the central tree and it would need to be regularly assessed. Use of thorny trees in the vicinity of a play area is likely to pose a risk to its users.
- 5.26 With regard to the second play area in the centre of the site, the main concern here is the planting as they all produce fruit some of which is non-edible which will drop to floor creating mess, attract wasps and risk children may eat them. The use of hawthorn is also a risk due to the presence of thorns again in vicinity of young children's play area. One species (*Catalpa bignonioides "Aurea"*) is also identified as medicinal and possibly poisonous and therefore not recommended in this location.
- 5.27 **Southern Water:** No comment.
- 5.28 **Landscape Officer:** Views on amended scheme awaited. Original comments stated: The submitted Arboricultural Method Statement produced by Broad oak tree Consultants Limited, dated 27/04/18, is considered to be acceptable.
- 5.29 The submitted Detailed Landscape Proposals scheme (soft landscaping) and Landscape Management Plan also appear to be generally acceptable. I would only comment that 4 of the 7 proposed trees to the south of the access road are not specified (I think it is a problem with the graphics rather than an omission). If the species are confirmed as native trees in line with those specified elsewhere along this entrance route then I would raise no objection to the application on landscape/arboricultural grounds accordingly.
- 5.30 **KCC Heritage:** The site of the application lies within an area of archaeological potential associated with early prehistoric activity, Roman activity and post medieval industrial heritage. The site lies within an area of Hythe Beds which in certain areas can contain remnants of Pleistocene deposits which may contain Palaeolithic remains. To the north of the site lies the recorded location of a Romano-British cemetery and associated remains

may survive in unquarried areas nearby. This quarry was part of a network of quarrying which developed during the post medieval period and possibly before. Although this quarry itself seems to be part of the later 20th century expansion, there may be elements of local industrial heritage which need consideration. In view of the above archaeological interest, I recommend the condition is placed on any forthcoming consent.

- 5.31 **Cllr Mortimer:** Should the officer be minded to approve this application I wish it 'called in' to the committee for the following reasons and will supply further details during the consultation process.
- 5.32 My main concern is that this site is proposed to access onto Straw Mill Hill. It would be more sensible, safer and environmentally friendly to link this site to the former landfill site (Burkes land) and out towards Farleigh Hill. The access onto Straw Mill Hill will be dangerous and cause even more rat running through the Loose Valley area.
- 5.33 There appears to be no SUD's scheme proposed for the site. Due to the nature of the site and its geographical location I would have expected this to be a priority.
- 5.34 There is lack information regarding the location of the site being adjacent to the Loose Valley Conservation area. The valley supports many species of wildlife, especially bats and birds. This was previously reported in the out line application 15/505441 and little provision has been made to support wildlife in this application.
- 5.35 The site has an access route for the Burkes land to the west. This application does not show future use of the proposed access route through the site out to Straw Mill Hill and could jeopardise future development of the Burkes land site that already has outline permission.
- 5.36 The proposed play area is insufficient for the amount of children to enjoy outside play exercise for this size of development.
- 5.37 The blocks of flats will dwarf the houses proposed in the centre of the site. There is also concern that shadowing will occur and that natural sunlight will be obscured at various points within the site.
- 5.38 Contamination within the site from previous uses and from adjacent quarries and landfill remains a concern and this has not been fully addressed.
- 5.39 **Environmental Health:** I have reviewed the details submitted in the context of the previous comments made by environmental protection. These raised concerns about land contamination and air quality recommending conditions to be attached. I have re-stated these below to reflect any changes in guidance since they were requested. The applicant should be aware that the air quality assessment required should take account of cumulative effects of the other recent and permitted developments in this

area particularly on the Burke site. The assessment should also pay particular attention to receptors on College Road.

5.40 *RECOMMENDATIONS*: That the following conditions are attached to the application replacing those requested on the outline permission in 2015.

6. APPRAISAL

6.01 The main issues for Members to consider are as follows:

- Appearance, scale and layout
- Landscaping;
- Highways and parking;
- Linked planning conditions to reserved matters submission;
- Other matters

Appearance, scale and layout

6.02 The outline planning permission granted did not set out any limits or parameters for residential units approved on this brownfield site. As such the site is not bound or restrict in its built form in terms of heights, scale and massing of development. That said, the proposed scheme has been carefully designed to ensure that the form of development sits comfortably within the quarry, without impinging on the wider area.

6.03 The application site is quite unique, with a new access point and internal access road leading into an expansive quarry floor. The quarry floor is relatively level, surrounded on three sides by the quarry walls, which vary in height of between 8 to 10m. Whilst the adjacent "*Burke's land*" lies to the north. The slope of the quarry walls and faces varies, but all feature extensive vegetation and mature tree coverage. Therefore the site is essentially fully enclosed and not visible from any public vantage points outside of the site.

6.04 The heights of the buildings varies from 9m to 15.6m in height (only for two blocks), whilst the scale and massing of the development has been laid out in an aesthetically pleasing manner, with varying heights, vistas, approaches, focal squares, open spaces and key buildings, which all help to shape a good quality layout and sense of place. The unique setting of the site enables the taller buildings to sit comfortably within the site, without causing any visual intrusive or perceived harm to the wider local area.

6.05 The proposed housing development will not be visible from the approved new access onto Straw Mill Hill. The site and also land ownership tapers away from Straw Mill Hill and Stockett Lane, to such a great extent that the site boundary is over 100m the road at its southern corner and separated woodland within different land ownership.

- 6.06 The proposed housing scheme does not lie in close proximity to any adjoining properties and therefore will not result in any loss of residential amenity. The housing scheme has been designed to ensure the future residential amenity of future occupants is acceptable as well, in terms of maintaining suitable separation distances.
- 6.07 Therefore the appearance, scale and layout of the scheme are all appropriate and ensure that a high quality development is created within the quarry floor of this brownfield site. As such the proposal complies with policy DM1 of the MBLP.

Landscaping

- 6.08 The proposed landscaping scheme seeks to retain the existing trees and vegetation on the quarry walls, along its southern, western and northwestern sections. The proposed scheme incorporates extensive tree planting, along with woodland planting for the section of existing access road, which is to be blocked up. Native hedgerow planting is proposed in a number of appropriate locations, as well as naturalised shrub planting. The scheme includes two open play areas, along with numerous areas of wildflower meadows in exposed quarry face areas. Whilst the scheme involves the removal of a number of trees, principally around the new access onto Straw Mill Road and the immediate section of the linked access road, the number of trees to be planted far exceeds those proposed to be removed.
- 6.09 The Landscape Officer raises no objection to the proposed soft landscaping, which provides a high quality backdrop to the proposed housing scheme, given the extensive level of trees and vegetation along the quarry walls. The amended drawings also clarify the species of a small number of trees that the landscape Officer had previously requested.
- 6.10 The reserved matters submission is accompanied by root protection plans, an arboricultural method statement and a long term landscape management plan. These details have been found to be acceptable by our Landscape Officer.
- 6.11 The hard landscaping of the roads, paths, squares and shared space zones is a mix of tarmac, block paving, coated gravel over asphalt and textured slab paving. These materials would be appropriate for this site.

Highways and parking

- 6.12 The main point of consideration here is that the new access and junction onto Straw Mill Hill/Stockett Lane has already been agreed under the outline planning permission. The subsequent internal access road into the development site is not going to be adopted and therefore does not need to comply with the Kent Highways adoption standards. The proposed internal road layout will not result in dangerous egress or ingress movements onto the public highway and therefore the scheme will not result in hazardous

highway condition as a result. It should also be noted that Kent Highways raise no objections to the scheme.

- 6.13 The level of parking spaces for 108 proposed residential units complies within the parking standards as set out in policy DM23 and appendix B of the Maidstone Borough Local Plan.
- 6.14 The applicant has indicated the provision of electric charging points in each of the apartment blocks. This is not technically required by any planning condition, but a welcomed inclusion within the scheme and meets the aspirations of policy DM23 for electric charging.
- 6.15 The applicant has also indicated the provision of cycle stores in each of the apartment blocks. This is also not technically required by any planning condition, but a welcomed inclusion within the scheme and meets the aspirations of policy DM23 for cycle parking facilities.

Linked planning conditions to reserved matters submission

- 6.16 The outline planning permission also includes a number of conditions, which required details to be submitted as part of the reserved matters application. These details relate to fencing, walling, boundary treatment, the play area and pedestrian/cycle route.
- 6.17 The details of the fencing, walling and other boundary treatments, incorporates some high quality boundary treatment within the development site, to create visually engaging, interesting and appropriate forms of boundary treatment within this site. The scheme utilises ragstone walling of various heights, brick & ragstone walling, close board fencing including sections with trellis on top, post & rail fencing and small low level steel hooped fencing. These details will ensure that the proposed development has good quality mix of boundary treatment throughout.
- 6.18 It should be noted details of the ragstone wall to be rebuilt on the Straw Mill Hill/Stockett Lane are indicated with this submission. A 2m high, good quality full ragstone wall has been provided at the frontage of the site as an improvement on the existing random rubble ragstone wall situation. This ragstone wall is also covered by condition 19, which requires the submission of further details, i.e., ragstone sample panel in the future.
- 6.19 The application has been amended to incorporate two play areas, as the first submission only included a single play area at the end of the site, which was considered insufficient. The revised scheme provides a second and much larger play area in the middle of the site and now provides an acceptable level of play space and equipment for this site. However our parks team has raised some concerns over the choice of equipment in one of the areas and the some of the species due to planted adjacent to the play areas. These matters have been raised with the applicant's agent and amended drawings sought to address their concerns. An update will be provided in the urgent update papers.

- 6.20 The proposed details also include a provision of a footpath from within the development site out to the new access onto Straw Mill Hill and then continuing up to the existing access and to the northeast site boundary of the site. The proposal also incorporates the cycle path along the access road, which starts where the cycleway/footpath links in the adjacent Burke's land and then continues up the access road onto Straw Mill Hill and then continuing up to the existing access and to the northeast site boundary of the site, which is acceptable.

Other Matters

- 6.21 A number of concerns raised by the Parish Council and local residents relate to matters of the principle of the development, the increase in traffic movements and the position of the access. These matters have already been previously agreed and accepted when the outline planning permission was granted in April 2016. As such these are not matters that the Planning Committee can consider in determining this reserved matters application.
- 6.22 Equally the future management of the estate is not a matter for the reserved matters application. Also as this is a reserved matters application and that each individual application has to be considered on its own merits, what happens to the future of the adjacent Burke's land and whether or not it comes forward with or without this site is not relevant to the determination of this reserved matters application.
- 6.23 Matters relating to archaeology, contamination and air quality are already covered by planning conditions on the outline planning permission and the submission of additional information in the future.
- 6.24 The development incorporates ecological enhancements in line with condition 4 and an ecological survey. Whilst these details are not required to be submitted under the reserved matters, the applicant has indicated on their landscape masterplan drawing, the inclusion of a series of wildflower meadows adjacent to a number of quarry faces, bat boxes, bird boxes and deadwood habitats for reptiles in the undeveloped areas.
- 6.25 The Scout group has raised concerns over the boundary fence, between themselves and the development site. The applicant has confirmed that the existing railings to the top of the bank forming the boundary with the adjacent Scout's land are to remain and to be made good as necessary in the interests of safety. Furthermore a 1.2m post and rail timber fence has been proposed along the entire site boundary.
- 6.26 Whilst the submission of details of the foul and surface water drainage is covered by a separate planning condition, the applicant has confirmed the scheme has been fully designed to include a sustainable drainage scheme. The current layout was designed around the principles of the RSK scheme submitted as part of the outline planning application, which essentially incorporates modular storage provided under the courtyard and parking areas, as well as detention basins provided in each area of open space. Full

details will be required to be submitted in the future. In addition, Kent Flood & Water Management raises no objection subject to the imposition of two additional conditions, regarding maintenance and verification of the surface water drainage scheme installed.

- 6.27 The proposed housing will not have any impact upon the setting of the adjacent Loose Valley Conservation Area, given that they lie at the closest point, over 50m away, at the bottom of the quarry and screened by extensive trees and vegetation. The impact of the approved access has been accepted and the existing access is to be planted up as small woodland, apart from a creation of a footpath beside the road. In addition, the ragstone wall is to be rebuilt. As such I am satisfied that the proposal would preserve the setting of the adjacent Conservation Area and therefore complies with policy DM4 of the MBLP.

7. CONCLUSION

- 7.01 In light of the above considerations I am satisfied that the reserved matters of the appearance, layout, scale and landscaping are acceptable in this instance. Some matters raised under the consideration of this reserved matters application have resulted in the imposition of additional conditions to address matters, which are now relevant at detailed this stage.

8. RECOMMENDATION

GRANT reserved matters subject to the following conditions:

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

A description of the drainage system and it's key components

- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

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

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 165 of the NPPF and its associated Non-Statutory Technical Standards.

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

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

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 21156B-001A, 21156B-002B, 21156B-003L, 21156B-004J, 21156B-005A, 21156B-006B, 21156B-007B, 21156B-008A, 21156B-009A, 21156B-010, 21156B-018C, 21156B-019C, 21156B-020E, 21156B-021E, 21156B-022D, 21156B-023D, 21156B-024B, 21156B-025B, 21156B-026D, 21156B-027D, 21156B-028D, 21156B-029B, 21156B-030B, 21156B-031B, 21156B-032B, 21156B-033D, 21156B-034D, 21156B-035D, 21156B-036D, 21156B-037D, 21156B-038D, 21156B-040E, 21156B-041G, 21156B-042D, 21156B-043F, 21156B-044C, 21156B-045G, 21156B-046E, 21156B-047E, 21156B-048D, 21156B-050C, 21156B-051C, 21156B-052C, 21156B-060, 21146B-061, 2156B-062, 21156B-063, 21156B-064, MHS142.15-G01 D, 4858-LLB-XX-XX-DRL-0001-S4-P01, 4858-LLB-XX-XX-DRL-0002-S4-P01, J40.76/04 1 of 2, J40.76/04 2 of 2, 12971-H-01, 12971-T-01 and 12971-T-02.

Reason: To clarify which plans have been approved.

Urgent Update – 18/5102287/REM – Tovil Quarry site – Item 21 Adjourned meeting

Landscape Officer: I note the trees have now been labelled as requested. However, there appears to be no detailed landscape specification for the new play area. I guess that this can be dealt with by condition if necessary.

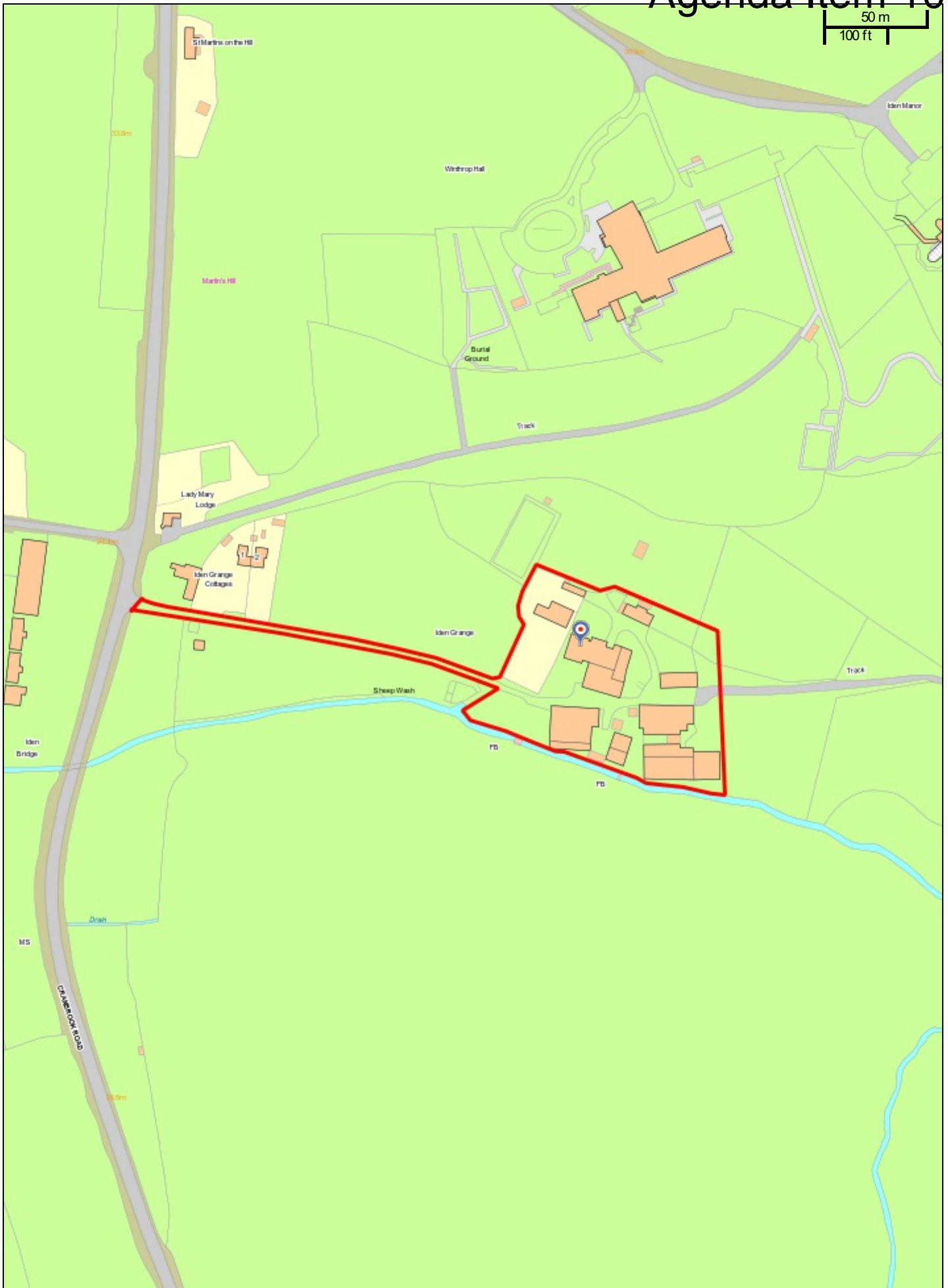
Officer: The applicant has submitted amended drawings in relation to the play areas as detailed in paragraph 6.19 of the main papers to address the type of bench and landscaping. The revised details are now acceptable.

Amend recommendation

Amend Condition 3 to involve the amended drawings:

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 21156B-001A, 21156B-002B, 21156B-003L, 21156B-004J, 21156B-005A, 21156B-006B, 21156B-007B, 21156B-008A, 21156B-009A, 21156B-010, 21156B-018C, 21156B-019C, 21156B-020E, 21156B-021E, 21156B-022D, 21156B-023D, 21156B-024B, 21156B-025B, 21156B-026D, 21156B-027D, 21156B-028D, 21156B-029B, 21156B-030B, 21156B-031B, 21156B-032B, 21156B-033D, 21156B-034D, 21156B-035D, 21156B-036D, 21156B-037D, 21156B-038D, 21156B-040E, 21156B-041G, 21156B-042D, 21156B-043F, 21156B-044C, 21156B-045G, 21156B-046E, 21156B-047E, 21156B-048D, 21156B-050C, 21156B-051C, 21156B-052C, 21156B-060, 21146B-061, 2156B-062, 21156B-063, 21156B-064, MHS142.15-G01 Rev E, 4858-LLB-XX-XX-DRL-0001-S4-P02, 4858-LLB-XX-XX-DRL-0002-S4-P02, J40.76/04 1 of 2, J40.76/04 2 of 2, 12971-H-01, 12971-T-01 and 12971-T-02.

Reason: To clarify which plans have been approved.



17/504412/FULL - Iden Grange, Cranbrook Road, Staplehurst, Kent

Scale: 1:2500

Printed on: 2/8/2018 at 9:44 AM by JoannaW

REFERENCE NO - 17/504412/FULL			
APPLICATION PROPOSAL			
Demolition of storage buildings and erection of 5 detached dwellings, 2 car ports for plots 1 and 5, and 2 two bay car ports for the existing house and the barn conversion approved under 14/505872/FULL			
ADDRESS Iden Grange Cranbrook Road Staplehurst Tonbridge Kent TN12 0ET.			
RECOMMENDATION – APPROVE			
SUMMARY OF REASONS FOR RECOMMENDATION			
Members previously resolved to defer the application and for officers to seek the submission of a strategy for an open, wet Sustainable Urban Drainage system, identifying how it will work and where it will be positioned within the existing layout; and seek modifications to boundary fencing to allow the passage of wildlife. Clarification on these matters has now been sought.			
There have been no other material changes since consideration of the report on 26.4.2018 other than the replacement of the NPPF with the July 2018 version. This however has no material impact on consideration of the application.			
REASON FOR REFERRAL TO COMMITTEE			
Committee deferral			
WARD Staplehurst	PARISH/TOWN Staplehurst	COUNCIL	APPLICANT Mrs Susan Banfield AGENT Peter Court Associates
DECISION DUE DATE 03/11/17	PUBLICITY EXPIRY DATE 14/12/17	OFFICER SITE VISIT DATE 6.4.2018	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/505872	Conversion of a timber framed Kentish barn to form a single dwelling house together with the demolition of associated barns and the erection of a timber framed 2-bay car garage or wood store – Granted	Permitted	27.3.15
96/0349	Rebuilding of the garage and conversion of the first floor to ancillary accommodation – Granted	Permitted	24.4.96

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is approximately 1.02 hectares, and is a rural countryside location off the east side of Cranbrook Road, south of Staplehurst. The host dwelling, Iden Grange is located to the north west of the proposed development, a converted Coach House to the north of the application site, and a Kentish Barn centrally located amongst the group of existing buildings. The rest of the site is occupied by Dutch barn style and tin shed former agricultural buildings.
- 1.02 Further description of the development is available in the original committee report which is appended to this document..

2.0 PROPOSAL

- 2.01 The application proposes the demolition of existing redundant farm buildings and the erection of five detached three storey houses with integral double garages for plot 2, 3 and 4, and detached double open car ports for plots 1 and 5. Also proposed is a 2 bay carport located to the north of plot 2 to serve the Kentish barn (given permission to convert to a dwelling under ref 14/505872/FULL) centrally located within the group of buildings. Each of the five houses has 5 bedrooms. The dwellings are shown of broadly similar design, style and appearance but with differing detail regarding their form, shape, and footprint. All houses feature forward projections, gables, steep roof slopes, hipped roofs, clay tiled roofs, brickwork, tile hanging, render with exposed timber beams, timber windows and doors, and weatherboarding.
- 2.03 The floor area of the proposed dwellings ranges from 408sq m to 440 sq.m. The maximum height of the proposal does not exceed the existing farmhouse, and the layout will follow the loop that is established by the existing buildings.
- 2.04 The proposed access is shown as widened to 3.8m with provision of passing places. The buildings would be sited as per the current arrangement in a loop, with all the buildings facing towards the non-designated heritage asset at the centre of the development. A post and rail fence is proposed on the plot boundary, native hedges are proposed on common boundaries to separate the dwellings. Hard and soft landscaping is shown to the front of the dwellings.
- 2.05 The application is supported by a Phase 1 Habitat Survey, A Flood Risk Assessment and a Land Contamination Survey.
- 2.06 The application was considered by committee on 26.4.2018 and members deferred consideration to seek the submission of a strategy for an open, wet Sustainable Urban Drainage system, identifying how it will work and where it will be positioned within the existing layout; and seek modifications to boundary fencing to allow the passage of wildlife
- 2.07 A copy of the officer's report is appended to this report.

3.0 POLICY AND OTHER CONSIDERATIONS

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

Maidstone Borough Local Plan 2017: Policies SS1, SP5, SP17, SP18, SP20 DM1, DM3 DM4, DM5, DM23, DM30, DM33

4.0 LOCAL REPRESENTATIONS

- 4.01 No representations were received in relation to the original submission, and nothing has been received to date.

5.0 CONSULTATIONS

- 5.01 N/a

6.0 APPRAISAL

- 6.01 Consideration of the submission remains as per the original appended committee report which members considered on 26.4.18. This report will consider the two items which members called for deferral, being submission of a strategy for an open, wet Sustainable Urban Drainage system, identifying how it will work and where it will be positioned within the existing layout; and modifications to boundary fencing to allow the passage of wildlife. In addition, consideration has been made to the provision of an affordable housing contribution.

Sustainable Urban Drainage (SUDs):

- 6.02 The planning application is accompanied by a 65 page technical report regarding drainage matters. This includes a drainage strategy plan (No.SKDR01).
- 6.03 The technical report provides an assessment of development and flood risk; including reference to the SuDS Manual (CIRIA C753) and the non-statutory technical standards for the design, maintenance and operation of sustainable drainage systems.
- 6.04 The report advises that the developed area of the site is located within Flood Zone 1 and the flood risk from all sources is considered to be low or very low. The proposals for the residential development of the site are deemed appropriate according to the principles set out in the NPPF. Proposed finished floor levels are set at a minimum of 300mm to mitigate the residual flood risk.
- 6.05 The existing surface water discharge to the southern watercourse is proposed to be formalised through headwalls and it is calculated that there will be an increase in the surface water runoff rate and discharge volume to the downstream river network due to climate change, despite there being a 27.8% reduction of impermeable area at the site.
- 6.06 The report proposes that the increase is to be mitigated through the use of attenuation SuDS utilising a permeable paving solution to provide sufficient storage to limit the flow from the post development 1 in 100 year storm event to the existing 1 in 2 year storm event runoff rate.
- 6.06 The report states that peak foul water flow rates from the development will be increased over the existing, and a new package treatment plant will need to be installed to manage the foul water discharge, subject to Environment Agency (EA) approval.
- 6.07 The report proposes that the use of proprietary systems within the permeable paving make-up would manage the quality of surface water runoff from the site and would be

compliant with EA guidance and the SuDS manual in terms of water quantity and quality. The site is not located within a Source Protection Zone (SPZ) and no additional pollution control measures are required in this regard.

- 6.08 The report concludes that identified measures that reduce the level of flooding risk to the development have been demonstrated. It is concluded that SuDS measures can be implemented to limit the surface water runoff from the developed site to provide a betterment over the existing runoff management arrangement. Proposals for the redevelopment of the Iden Grange site can be successfully implemented and managed sustainably and there is a reduction in risk to future users and neighbouring properties in regard to flooding over the expected lifetime of the development
- 6.09 The Environment Agency have considered this report, and raised no objection to it. As detailed in the officer's previous report, it would be appropriate for suitable conditions to be attached to secure the provision of acceptable SUDS mitigation if planning permission is given for the development.
- 6.10 At committee on 26.4.2018 members deferred consideration of the application to seek the submission of a strategy for an open, wet Sustainable Urban Drainage system, identifying how it will work and where it will be positioned within the existing layout.
- 6.11 The applicant has made clear that there is no intention to install an open wet sustainable urban drainage system on the site and that this has not been planned for. As detailed above, extensive work was undertaken prior to the submission of the application to deal with surface and foul water matters. The approach to this, as outlined in the technical report, has been found sound and acceptable by the Environment Agency.
- 6.12 On this basis, although the applicant is unwilling to accommodate an open wet sustainable urban drainage system within the scheme, Officers advise that this is not a reason for refusal that could be sustained at appeal given the alternative appropriate and unobjectionable drainage measures that have been proposed.

Boundary fencing to allow the passage of wildlife:

- 6.13 The original planning application is accompanied by a 32 page report on ecology and landscaping. One of the enhancements recommended in the report is the provision of 12cm square gaps under any new fencing to allow hedgehogs access onto all garden areas.
- 6.14 More specifically, drawing No.PD-003A was produced by the applicant at the request of Council Officers to show the location along the fences of access for hedgehogs (125mmx125mm. KCC Biodiversity Officers have assessed this, and advised that sufficient information has been submitted. It is considered that the application is acceptable subject to conditions to secure the ecological enhancements.

Affordable housing

- 6.15 Policy SP20 of the local plan requires that housing sites which have a combined floorspace of greater than 1000sqm (gross internal area) should make a contribution towards the delivery of affordable housing.
- 6.16 The site makes provision for 2104sqm of floor space and therefore triggers the

requirement. Given the exceptional circumstances of the proposal (that the floor space is accommodated by 5 houses), a financial contribution towards off site affordable housing is considered an appropriate means of provision.

- 6.17 The proposal results in the loss of 1886sqm of vacant buildings on brownfield land. The National Planning Practice Guidance states:

'National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace'

- 6.18 It goes on to explain that where there is an overall increase in floorspace in a proposed development, the amount of affordable housing contributions required from the development as set out in the Local Plan should be calculated. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. In this instance, it then applies where a financial contribution is being provided.

- 6.19 The existing floorspace of vacant buildings should be credited against the floorspace of the new development. In this instance, the floorspace of the vacant buildings are 90% of the new floorspace being provided, and therefore 90% credit should be applied to the off site affordable housing figure.

- 6.20 The applicant has accepted the proposed figure of contribution required and is preparing a unilateral undertaking to make this contribution.

- 6.21 On this basis, the proposal would accord with the requirements of Policy SP20 of the Local plan, and would make a policy compliant contribution towards affordable housing provision.

7.0 CONCLUSION

- 7.01 The matters of concern highlighted by members at the previous committee have been fully addressed by the submission of technical reports which have been found acceptable by technical consultees.

- 7.02 As previously considered by committee on 26.4.18, the scheme is acceptable in relation to all other relevant planning matters and would comply with the development plan. On this basis, it is considered that there are no overriding material considerations to justify a refusal of planning permission, and it is recommended that planning permission is granted subject to planning conditions.

8.0 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):

- Offsite affordable housing contribution 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.

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

5527-PD-001
5527-PD-002
5527-PD-003A
5527-PD-004B
5527-PD-005
5527-PD-006
5527-PD-007
5527-PD-008
5527-PD-009
5527-PD-010
5527-PD-011
5527-PD-012
5527-PD-013
5527-PD-014
5527-PD-015

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

- (3) The development shall not commence above DPC level until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

The details and samples of the materials submitted shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units;

Reason: To ensure a satisfactory appearance to the development and interest of ecological enhancement.

- (4) The development shall not commence above DPC level until, details of all fencing, walling and other boundary treatments (to accord with those shown on approved plan No.PD-003A) have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

- (5) The development shall not commence above DPC level until there has been submitted to and approved in writing by the Local Planning Authority a scheme of

landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land and on adjoining sites, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principle's 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 landscaping of the site 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

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

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

- (7) Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: In the interests of the amenities of the area.

- (8) The development shall not commence until details of a scheme of foul and surface water drainage for the site have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure adequate drainage arrangements

- (9) No development shall take place until details of tree and hedgerow protection, for all retained on-site trees and hedgerows, and trees and hedgerows in adjoining properties in proximity to the site boundary, in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained on site must be protected by barriers and/or ground protection.

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

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

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

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

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

- (12) The access shall be completed to a width of 3.7 as approved before the commencement of the use of the land or buildings hereby permitted.

Reason: In the interests of road safety.

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

- (13) No surface water shall discharge onto the public highway.

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

- (14) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

- (15) Prior to the commencement of development hereby approved the applicant, or their agents or successors in title, will secure and implement the following :

(a) an archaeological field evaluation 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.

- (16) Native species hedging, the mix of which shall be agreed in writing before any part of the development reaches eaves level, sited as shown on drawing no: 023-11 rev A shall be planted in the first available planting season following first occupation of any of the dwellings. Any planting becoming dead diseased or dying within 5 years of planting shall be replaced by specimens of the same size, and species in the same location.

Reasons: In the interests of visual amenity.

- (17) Prior to first occupation of any of the houses hereby permitted, biodiversity enhancements including bird nesting and bat roosting boxes as shown on approved plan 5527-PD-003A shall be approved in writing by the local planning authority, and shall be installed and retained as such at all times thereafter.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

- (18) No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity

- (19) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

Reason: In the interests of protecting the health of future occupants from any below ground pollutants

- (20) A Closure Report shall be 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: In the interests of protecting the health of future occupants from any below ground pollutants

INFORMATIVES

- (1) Should works be required in the highway a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web:

www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

- (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.
- (3) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
- (4) As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.
- (5) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (6) The applicant should be aware that the site is in a radon affected area with a 3-5% probability of elevated radon concentrations. If the probability of exceeding the action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments - British Research Establishment code BR211 (2015) and The Building Regulations 2010 England (amendments 2013). If the probability rises to 10% or more, provision for further preventative measures are required in new houses. Test(s) for the presence of radon gas are recommended

Case Officer: Joanna Russell

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

Appendix A: Report to the planning committee meeting on the 26 April 2018

REPORT SUMMARY

REFERENCE NO - 17/504412/FULL			
APPLICATION PROPOSAL			
Demolition of storage buildings and erection of 5 detached dwellings, 2 car ports for plots 1 and 5, and 2 two bay car ports for the existing house and the barn conversion approved under 14/505872/FULL			
ADDRESS Iden Grange Cranbrook Road Staplehurst Tonbridge Kent TN12 0ET.			
RECOMMENDATION – APPROVE			
SUMMARY OF REASONS FOR RECOMMENDATION			
<ul style="list-style-type: none"> • The proposed houses will be built on previously developed land, and will result in an environmental improvement. No objection is identified to the principle of the proposal. • No material harm is identified to the character, appearance or layout of the locality. • No material harm is identified to neighbouring amenity. Is acceptable in design and layout terms • Is acceptable in its highways and wildlife impacts. • Will make a valuable windfall contribution to the provision of housing units within the Borough • The proposal will provide a good standard of residential accommodation. • The proposal is acceptable in relation to flooding and drainage, impact of the proposal on the local highway network and impact on trees and ecology. 			
REASON FOR REFERRAL TO COMMITTEE			
Parish Council Objection			
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mrs Susan Banfield AGENT Peter Court Associates	
DECISION DUE DATE 03/11/17	PUBLICITY EXPIRY DATE 14/12/17	OFFICER SITE VISIT DATE 6.4.2018	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/505872	Conversion of a timber framed Kentish barn to form a single dwelling house together with the demolition of associated barns and the erection of a timber framed 2-bay car garage or wood store – Granted	Permitted	27.3.15
96/0349	rebuilding of the garage and conversion of the first floor to ancillary accommodation – Granted	Permitted	24.4.96

MAIN REPORT

4.0 DESCRIPTION OF SITE

- 1.01 The application site is approximately 1.02 hectares, and is a rural countryside location off the east side of Cranbrook Road, south of Staplehurst. The host dwelling, Iden Grange is located to the north west of the proposed development, a converted Coach House to the north of the application site, and a Kentish Barn centrally located amongst the group of existing buildings. The rest of the site is occupied by Dutch barn style and tin shed former agricultural buildings.
- 1.02 A long access drive leads off eastwards from the Cranbrook Road towards the cluster of buildings and the large existing farmhouse. The farmhouse is a 19th century half timber framed building with an arts and crafts style design with a distinctive tall chimney. A traditional timber

framed Kentish barn sits within the centre of the application plot. This is a non-designated heritage asset and has planning permission to be converted to a single dwelling under ref 14/505872.

- 1.03 The buildings to be demolished are redundant commercial buildings that were formerly used for the storage of historic cars and commercial vehicles (B8 use). The buildings have remained vacant since the cars were sold at auction. The applicant has advised that no farming has been practiced since they bought the farm in 1973. The application is accompanied by Statutory declarations, pictures take from circa 30 years ago and copies taken from a 1989 Veteran Car Club magazine listing many of the vehicles stored at Iden Grange.
- 1.04 Adjoining the site to the north west is Iden Grange Cottages (1&2), to the north is a bluebell woodland which adjoins an NHS treatment centre, and the south and west boundary of the site is bounded by agricultural land.
- 1.05 The site is approximately half a mile from the southern part of the settlement boundary of Staplehurst, and as such is within the countryside for planning purposes.
- 1.06 There is a watercourse that runs to the southern boundary of the site and a Flood Risk Assessment accompanies the application.
- 1.07 The site is roughly rectangular in shape and the ground levels are fairly flat. There are a number of mature trees on the southern boundary of the site. The site is accessed via a long drive taken from Cranbrook Road and is self enclosed with a gated entrance.

5.0 PROPOSAL

- 2.01 The application proposes the demolition of existing redundant farm buildings and the erection of five detached three storey houses with integral double garages for plot 2, 3 and 4, and detached double open car ports for plots 1 and 5. Also proposed is a 2 bay carport located to the north of plot 2 to serve the Kentish barn (given permission to convert to a dwelling under ref 14/505872/FULL) centrally located within the group of buildings. Each of the five houses has 5 bedrooms. The dwellings are shown of broadly similar design, style and appearance but with differing detail regarding their form, shape, and footprint. All houses feature forward projections, gables, steep roof slopes, hipped roofs, clay tiled roofs, brickwork, tile hanging, render with exposed timber beams, timber windows and doors, and weatherboarding.
- 2.02 The floor area of the proposed dwellings ranges from 408sq m to 440 sq.m. The maximum height of the proposal does not exceed the existing farmhouse, and the layout will follow the loop that is established by the existing buildings.
- 2.03 The existing buildings on site occupy a total floorspace of 3232 m² and a volume of 12,387 m³. The proposal would occupy a total floorspace of 3067 m², and a volume of 9363 m³. As such the proposal would result in a reduction in built form on the site.
- 2.04 The proposed access is shown as widened to 3.8m with provision of passing places. The buildings would be sited as per the current arrangement in a loop, with all the buildings facing towards the non-designated heritage asset at the centre of the development. A post and rail fence is proposed on the plot boundary, native hedges are proposed on common boundaries to separate the dwellings. Hard and soft landscaping is shown to the front of the dwellings.
- 2.05 The application is supported by a Phase 1 Habitat Survey, A Flood Risk Assessment and a Land Contamination Survey.

6.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: Policies SS1, SP5, SP17, SP18, DM1, DM3 DM4, DM5, DM23, DM30, DM33

Supplementary Planning Documents:

Staplehurst Neighbourhood Plan: Key visions, Policy PW2 and Objective 11.
Maidstone Borough Landscape Appraisal
Staplehurst Village Design Statement

4.0 LOCAL REPRESENTATIONS

4.01 Local Residents:

Six letters of representation have been received from neighbouring properties. Comments are summarised as follows:

- The three storey houses would be out of keeping with the adjoining properties.
- Increased traffic and highways safety.
- The proposal does not enhance or preserve the special character of the conservation area.
- The site is garden land.
- The ridge heights would dominate the neighbouring properties.
- Loss of privacy, overshadowing and overlooking.
- Parking is not acceptable at the front of the houses.

Staplehurst Parish Council has recommend that the application is refused and have requested that it be referred to MBC Planning Committee. 'Although Councillors noted that the proposal would be brownfield development, they raised several concerns as follows: the development would be outside the village envelope (against Neighbourhood Plan policy PW2); access and exit would be hazardous; there was no suitable footway provision; the refusal of consent for Aydhurst Farm Oast (17/502803) which was smaller in scale but also outside the village envelope created a precedent for refusing this application.'

In response to the submission of amendments, the Parish continue to recommend that the application be REFUSED 'as the new information did not alter their concerns about development outside the village envelope (contrary to Staplehurst Neighbourhood Plan policy PW2) and the lack of footpath provision. Councillors wish the application to be referred to MBC Planning Committee.'

5.0 CONSULTATIONS

5.01 **KCC Highways:** No objection to the proposal subject to the imposition of conditions.

5.02 **KCC Archaeological Officer:** No objection. subject to the imposition of conditions.

5.03 **Kent Ecology:** No objection. subject to the imposition of conditions.

5.04 **The Environment Agency:** No objection to the proposal subject to drainage matters . They have made the following additional comments:

5.05 **Maidstone Landscape Officer** I request that a tree survey and Arboricultural Method Statement in accordance with BS5837:2012 is provided. This should cover tree protection details for demolition as well as construction and include shade arcs in relation to the trees to the south of dwellings 1 and 2.'

5.06 **The Health and Safety Executive:** No objection.

6.0 APPRAISAL

6.01 The key issues for consideration are:

- The principle of development
- Design character and appearance
- Impact on residential amenities

- Impact on non designated heritage asset
- Highways and Parking
- Ecology and landscape
- Flooding
- Renewable Energy

Principle of Development

- 6.02 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 6.03 One of the core planning principles of the NPPF is the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 6.04 Policy SP17 of the Local Plan makes it clear that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and will not result in harm to the character and appearance of the area.
- 6.05 DM5 of the Local Plan states that exceptionally, the residential redevelopment of brownfield sites in the countryside which are not residential gardens, and meet a set of criteria will be permitted provided that the redevelopment will result in a significant environmental improvement, and the site is or can be made accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village. The criteria is that the site is not of a high environmental value, and that the density of the residential development reflects the character and appearance of individual localities and is consistent with policy DM12 (which sets an indicative density of 30 dwellings per hectare on such sites).
- 6.05 Policy PW2 of the Staplehurst Neighbourhood Plan states that proposals for new development in the countryside beyond the extended village envelope will be assessed in terms of the potential impact of the development upon the visual setting and landscape features of the site and its surroundings, the potential impact upon the biodiversity of the area and other relevant planning considerations, such as the impact of traffic and noise. Proposals which fail to demonstrate these impacts can be satisfactorily addressed will not be supported.
- 6.06 Iden Grange is not located within the Staplehurst settlement boundary and as such is within the countryside as defined by the adopted Local Plan. It is not an allocated site and therefore, there is a resistance in principle to its development unless it accords with other policies within the plan and does not result in harm to the character and appearance of the area,
- 6.07 The application site is occupied by built development and extensive hardstanding with a long established B8 use, and as such is a brownfield site of low environmental quality. The proposed houses are shown as entirely contained within the area of existing built development with no spillage onto surrounding greenfield land.
- 6.08 The current buildings on site occupy a total floorspace of 3232 m² and a volume of 12,387 m³, in addition to an extensive amount of hardstanding. The proposal would occupy a lesser total floorspace of 3067 m², with a smaller overall volume of 9363 m³ and would introduce substantial greening within the site which would be visible in the wider landscape.
- 6.09 As such, in accordance with Paragraph 17 of the NPPF, the proposal would represent the effective use of previously developed land and would not result in harm to the character and appearance of the area.
- 6.10 It therefore falls for the development to be considered against DM5 of the Local Plan (development on brownfield land) as outlined above. Paragraph 6.37 of the adopted Local Plan further advises that the Council will consider residential development of brownfield sites in the countryside under exceptional circumstances, and the key considerations will be the level of harm to the character and appearance of an area, the impact of proposals on the

landscape and the environment, any positive impacts on residential amenity, that sustainable travel modes are available or could reasonably be provided, what traffic the present or past use has generated, and the number of car movements that would be generated by the new use.

- 6.11 The proposal would result in the removal of the B8 use buildings, their associated hardstanding and potential usage impact, and their replacement with 5 houses within a landscaped setting. There would be an overall reduction in built form in both area and volumetric terms, along with a restricted height of the proposed development to no greater than the maximum existing height of the adjacent farmhouse. In this respect, the proposal would result in a significant environmental and visual improvement to the site, and within its wider landscape setting.
- 6.12 In terms of the accessibility of the site, although it is outside of the Staplehurst Rural Service Centre, it is in an accessible location on a major road which is served by a regular bus service (Arriva No.5). In addition to this, if the full B8 use of the site were fully facilitated, this current B8 use would have a less sustainable vehicular impact than the current proposal.
- 6.13 The site currently houses two residential properties with permission for a third conversion. The use of the remainder of the site for residential purposes rather than for B8 use would have significantly less impact on residential amenity in terms of both operational activity and traffic movements.
- 6.14 As such, it is considered that in environmental and sustainability terms, the proposal would result in a betterment of the site and represents an exceptional circumstance as considered under policy DM5 (development on brownfield land) as a development which would result in a significant environmental improvement.
- 6.15 Given the low density of the proposal, the resultant improvement to the visual setting of the site and its potential improvement in terms of vehicular movements, the proposal would accord with policy PW2 of the Staplehurst Neighbourhood Plan.
- 6.16 Given the above considerations and the merits of the individual site and proposal, it is concluded that on balance, the principle of the development is supported by national and local policy and is therefore acceptable.

Design, Character and Appearance

- 6.17 Paragraph 56 of the NPPF requires all new development to provide high quality design, and states that good design is a key aspect of sustainable development and is indivisible from good planning, and that it should contribute positively to making places better for people.
- 6.18 Local Plan Policy DM1 seeks to achieve high quality design in all development proposals, and to achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings. The key aspects of a development proposal are its scale, height, materials, detailing, mass, bulk and site coverage. To achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings.
- 6.19 Policy DM 30 of the Local Plan requires all development proposals in the countryside to be of a high quality design. The type, siting, materials, design, mass and scale of development should maintain or, where possible, enhance local distinctiveness. This is reinforced by the adopted Staplehurst Neighbourhood Plan.
- 6.20 The buildings would be in a courtyard layout closely following the pattern of the existing farm buildings. The dwellings are shown as well proportioned and laid out in a manner that respects the former farm buildings. The design, size and scale, bulk, massing detailing, fenestration, and choice of materials is characteristic of the Kent vernacular and is sympathetic to the character of the existing farmhouse and the historic character of the non-designated heritage asset within the farm complex. There is sufficient spacing in between the proposed houses to

reflect the open nature of the former farm yard and respect the spatial quality of the site. The proposal incorporates features and characteristics of Staplehurst local vernacular and complies with guidance in the Staplehurst Village Design Statement (2005).

- 6.21 The proposed dwellings will be 2.5 storey high with the top floor located within the roof space. The height of the 2.5 storey buildings is proportionate in the context of the existing farmhouse and the Kent Barn. The proposed heights also accord with requirements of the Staplehurst Neighbourhood Plan.
- 6.22 A landscaping scheme is proposed which shows extensive greening of the site along with the use of native hedgerows, and a British native wildflower meadow towards the entrance of the site. Further details of landscaping could be required by condition.
- 6.23 Policy DM12 advises that all development proposals should be of a density that is consistent with achieving good design and does not compromise the distinctive character of the area. For all sites within and adjacent to rural service centres, new residential development will be expected to achieve a net density of 30 dwellings per hectare. Taking account of the three dwellings / conversions already on site / consented, the site density would be significantly lower than this at 7.8 dwellings per hectare. However, given the location of the site, and its appearance within the wider landscape, this lower density is considered to be appropriate and acceptable as it would ensure that the proposal would not compromise the distinctive character of the area in which it is located.
- 6.24 Overall, it is considered that the proposed scheme presents a sensitively designed development that reflects Kent Wealden Architecture. The layout and form of the development is sensitively designed to reflect the original courtyard form and layout of buildings, and the vernacular appearance and character of the existing dwellings within the farm complex. The site is not currently of high environmental or visual value, and the proposal would improve this within the site and the wider landscape. The low density of development would be assimilated well into the existing built footprint of the site without detrimental impact on the surrounding countryside. As such the development complies with Local Plan Policies DM1, DM30 and the NPPF.

Impact on residential amenities

- 6.25 The application site is rectangular in shape and is located more than 20 metres from existing dwellings (outside of the site itself). In addition, the site is generally level with no major differences in land levels.
- 6.26 The NPPF states that proposals should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.27 Policy DM1 of the local plan states that proposals should respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development 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.
- 6.28 The inter relationship of dwellings within the development is an important consideration in this case. Whilst a separation distance of approximately 3m is maintained from the common boundaries with adjoining plots the dwellings have been sensitively located such that they are staggered in siting and have been sensitively designed so that there are no windows serving habitable rooms at first and second floor side elevation of each dwelling. All the windows on the first or second floor side elevations of the dwellings serve a toilet/bathroom or landing.
- 6.29 Given the staggered layout of the dwellings, the available separation distance, the orientation of the dwellings to each other, and the detailed design of the dwellings, it is considered that future occupiers of the development will not suffer any harmful overlooking, overshadowing, overbearing impact or loss of light as a result of the development. Given the available

separation distance between the Farmhouse and the converted barns, existing and future occupiers of these buildings will not suffer any loss of residential amenity as a result of the development.

- 6.30 As also previously considered, the use of the site for residential purposes rather than for B8 use would be significantly less impacting on residential amenity in terms of both operational activity and traffic movements.
- 6.31 Turning to the standard of accommodation proposed, each habitable room of each dwelling would have a door and window for natural light and ventilation, and all rooms are of generous room size. In addition, the occupants of the dwellings would have access to reasonably sized individual private gardens. Furthermore, there is a good vehicular and pedestrian access. As such, the development would provide an acceptable standard of living for future occupants in line with policy requirements.
- 6.32 Overall, the proposal would not harm the residential amenity of future occupiers of the dwellings, and existing occupiers of Iden Grange. As such the development is considered acceptable and complies with Local Plan Policy DM1 and Paragraph 17 of the NPPF.

Impact on the non-designated heritage asset

- 6.33 Policy SP18 of the local plan states that 'the characteristics, distinctiveness, diversity and quality of heritage assets will be protected and, where possible, enhanced. This will be achieved by the council encouraging and supporting measures that secure the sensitive restoration, reuse, enjoyment, conservation and/or enhancement of heritage assets'. One of the methods by which this can be achieved is 'through the development management process, securing the sensitive management and design of development which impacts on heritage assets and their settings'.
- 6.34 Policy DM4 of the local plan states that 'applicants will be expected to ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate its setting'.
- 6.35 Paragraph 135 of the NPPF requires that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'
- 6.36 There is a non-designated heritage asset within the application site. Planning permission was given in March 2015 to convert the central Kentish barn into a dwelling under ref 14/505872/FULL.
- 6.37 The development has been carefully designed to respect the appearance and character of this building. By replacing the existing redundant buildings with carefully designed dwellings representing Kent Wealden Architecture, in a pattern to reflect the existing layout, and through enhanced landscaping, the setting of the non-designated heritage asset will be respected and enhanced. As such the development complies with the NPPF and policy DM1 and DM4 of the adopted Local Plan.

Highway Matters and Parking

- 6.38 The application site lies in a sustainable location in reasonable proximity to bus and rail services, and is well served by local facilities and amenities. The proposed development will use an existing vehicular access.
- 6.39 The KCC Highways Engineer initially raised concern regarding the width of the access and advised that the access needs to be a minimum of 3.7m in width. A revised drawing was submitted widening the access and addressing this concern. The Highways Engineer subsequently advised that there is no objection to the proposed highway arrangement subject

to conditions relating to details of vehicle loading and unloading being approved, details of parking facilities for visitors, details of measures to discharge surface water, details showing the provision of wheel washing facilities, provision and retention of parking spaces, and provision and retention of vehicle loading and unloading.

- 6.40 Adopted Local Plan Policy DM23 requires that the level of provision will take account of the type, size and mix of units whilst ensuring parking should be integrated within developments in an attractive manner. Overall, it is considered that having regard to the type of dwellings proposed, the parking provision is adequate and complies with local policy.

Ecology and Landscape

- 6.41 Policy DM1 of the local plan states that proposals should respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy 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 a positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area.
- 6.42 Staplehurst Neighbourhood Plan objective 10 seeks to safeguard the green and rural feel of the approach to Staplehurst from the south. The approach to the village from the south is important as it helps to define and identify Staplehurst as a village set within the countryside. The close proximity of the village's built elements within the surrounding countryside gives this approach a distinctive feel.
- 6.43 As previously discussed, the proposal would result in an improvement within the natural landscape, with the removal of built form and hardstanding, the improvement of spatial quality and the introduction of more soft landscaping.
- 6.44 All existing trees are shown as being retained on site. However insufficient information has been submitted to demonstrate protection measures for them. Permission can be conditioned to require, prior to commencement of development, a tree survey and Arboricultural Method Statement in accordance with BS5837:2012. This should cover tree protection details for demolition as well as construction and include shade arcs in relation to the trees to the south of dwellings 1 and 2.
- 6.45 The NPPF, Local Plan and the Staplehurst Neighbourhood Plan all seek to protect and enhance the natural environment. Local Plan Policy DM3 advises that to enable Maidstone Borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment.
- 6.46 Paragraph 109 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible.
- 6.47 Paragraph 118, the NPPF states that local planning authorities are required to conserve and enhance biodiversity when determining planning applications and take opportunities to incorporate biodiversity in and around developments.
- 6.48 There are mature trees with suitable bat roosting features alongside the stream to the south of the development and these are to be retained. The ecological appraisal submitted with the application has been assessed by KCC Biodiversity Officers who advise that sufficient information has been submitted, and the application is acceptable subject to conditions securing the implementation of ecological enhancements.
- 6.49 In terms of ecology and landscape impact, the proposal would accord with local plan policies DM1 and DM3, the Staplehurst Neighbourhood Plan, and the NPPF.

Flooding

- 6.50 Paragraph 103 of the NPPF states that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems.
- 6.51 There is a watercourse that runs along the southern boundary of the site and a Flood Risk Assessment has been submitted to justify the development. The land closest to the stream is within flood zone 3 (high risk) whilst the majority of the application site is located on Flood Zone 1 (low risk). The proposed finished floor levels of the development is set at a minimum of 300mm above the design flood level so as to mitigate the residual flood risk to minimum levels. SUDS are also proposed to provide a permeable paving solution to provide sufficient storage to limit the flow to acceptable levels. Suitable conditions can be attached to secure the provision of acceptable SUDS mitigation if planning permission is given for the development.
- 6.52 The Environment Agency have considered the submission and the flood risk assessment information and have raised no objection to the proposal. The development will be built to modern standards of design and sustainability to accord with current building regulations. The proposed development would be resilient to climate change and flooding in accordance with the NPPF. Given this, there is no objection to the development on this ground and as such it is considered the proposal could comply with the NPPF policies.

Renewable Energy

- 6.53 The NPPF states that 'planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.' It states that 'local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.'
- 6.54 A condition should therefore secure the use of renewables as part of the proposal. In order to attenuate water run off, surface water drainage can be dealt with via a SUDS, which can also be dealt with by condition

7.0 CONCLUSION

- 7.01 The proposal would represent the effective use of previously developed land and would not result in harm to the character and appearance of the area. The proposal would result in a significant environmental improvement to the site, and within its wider setting. The proposal would be a sustainable form of development and would result in a betterment of the site. This represents an exceptional circumstance under policy DM5 as a development which would result in a significant environmental improvement. On balance, the principle of the development would accord with the NPPF and local plan policies DM5, SP17 and DM12, and the Staplehurst Neighbourhood Plan.
- 7.02 The proposed scheme is sensitively designed in terms of size, scale, bulk and layout, and is well designed, taking account of the context of the site. As such the development complies with Local Plan Policies DM1, DM30 and the NPPF.
- 7.03 The proposal will result in an improvement to the appearance of the site within the wider landscape and can be conditioned to secure appropriate landscaping and tree protection measures. In terms of ecology and landscape impact, the proposal would accord with Policies DM1 and DM3, the Staplehurst Neighbourhood Plan, and the NPPF.

- 7.04 The proposal would enhance the appearance and character of the non-designated heritage asset within the application site in accordance with the NPPF, and policy DM1 and DM4 of the adopted Local Plan.
- 7.05 The proposal would not harm the residential amenity of future occupiers of the dwellings, and would result in an improvement to the amenity of existing occupiers of the site. As such the development complies with the NPPF and Local Plan Policy DM1.
- 7.06 The highways impact and parking provision are acceptable and in accordance with policies DM1 and DM23 of the local plan.
- 7.07 The scheme is acceptable in relation to all other relevant planning matters and would comply with the development plan. On this basis, it is considered that there are no overriding material considerations to justify a refusal of planning permission, and it is recommended that planning permission is granted subject to planning conditions.

8.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS to include

- (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:

5527-PD-001
5527-PD-002
5527-PD-003A
5527-PD-004B
5527-PD-005
5527-PD-006
5527-PD-007
5527-PD-008
5527-PD-009
5527-PD-010
5527-PD-011
5527-PD-012
5527-PD-013
5527-PD-014
5527-PD-015

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

- (3) The development shall not commence above DPC level until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

The details and samples of the materials submitted shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units;

Reason: To ensure a satisfactory appearance to the development and interest of ecological enhancement.

- (4) The development shall not commence above DPC level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

- (5) The development shall not commence above DPC level until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land and on adjoining sites, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principle's 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 landscaping of the site 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

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

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

- (7) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no further development shall take place on the site without the prior written consent of the Local Planning Authority;

Reason: To ensure the appearance and the character of the building is maintained.

- (8) The development shall not commence until details of a scheme of foul and surface water drainage for the site have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure adequate drainage arrangements

- (9) No development shall take place until details of tree and hedgerow protection, for all retained on-site trees and hedgerows, and trees and hedgerows in adjoining properties in proximity to the site boundary, in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained on site must be protected by barriers and/or ground protection.

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

- (10) Prior to any part of the development hereby approved reaching damp proof course details of a decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development shall be submitted for prior approval in writing by the Local

Planning Authority. The approved details will be in place before first occupation of any part the development hereby approved and maintained as such at all times thereafter.

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

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

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

- (12) The access shall be completed to a width of 3.7 as approved before the commencement of the use of the land or buildings hereby permitted.

Reason: In the interests of road safety.

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

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

- (14) Prior to the development commencing, on site provision shall be made (a) for the parking loading/unloading and turning of all construction and site personnel vehicles and (b) wheel washing facilities. These facilities shall be retained throughout the construction phase of the development hereby permitted.

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

- (15) No surface water shall discharge onto the public highway.

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

- (16) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

- (17) Prior to the commencement of development hereby approved the applicant, or their agents or successors in title, will secure and implement the following :

(a) an archaeological field evaluation 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.

- (18) Native species hedging, the mix of which shall be agreed in writing before any part of the development reaches eaves level, sited as shown on drawing no: 023-11 rev A shall be planted in the first available planting season following first occupation of any of the dwellings. Any planting becoming dead diseased or dying within 5 years of planting shall be replaced by specimens of the same size, and species in the same location.

Reasons: In the interests of visual amenity.

- (19) Prior to first occupation of any of the houses hereby permitted, biodiversity enhancements including bird nesting and bat roosting boxes as shown on approved plan 5527-PD-003A shall be approved in writing by the local planning authority, and shall be installed and retained as such at all times thereafter.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

- (20) No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity

INFORMATIVES

- (1) Should works be required in the highway a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
- (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.
- (3) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Case Officer: Joanna Russell

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



17/503237/OUT - J B Garage Doors, Straw Mill Hill, Tovil, Maidstone, Kent, ME15 6FL

Scale: 1:1250

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REPORT SUMMARY

REFERENCE NO - 17/503237/OUT

APPLICATION PROPOSAL

Outline Application (Some Matters Reserved) for erection of residential development providing up to 18 units and provision of parking spaces. Access and scale being sought, with remaining issues to be determined as reserved matters.

Description changed from: Outline Application (Some Matters Reserved) for demolition of existing buildings, and cessation of commercial use on site; Erection of residential development providing 18 No. units, of which 12 x 1 Bed and 6 x 2-Bed. Provision of 16 parking spaces/2 disabled spaces and 4 visitor spaces. Access, Layout and Scale being sought.

ADDRESS J B Garage Doors Straw Mill Hill, Tovil, Maidstone, Kent ME15 6FL.

RECOMMENDATION Grant outline planning permission with conditions and subject to a Section 106 agreement and conditions as detailed in Paragraph 11 of the report.

SUMMARY OF REASONS FOR RECOMMENDATION

- The site lies within the urban area of Maidstone whereby the principle of the scheme is considered to be acceptable subject to other policies.
- The scheme will utilise a brownfield site for a mix of market and affordable homes including those available for market rent.
- The buildings are considered to be of acceptable scale, appropriate to their context and subject to conditions will assimilate within the area without harm to nearby properties.
- The proposed access is acceptable and the indicative parking layout would suggest that there would be sufficient space for parking.
- The scheme is considered acceptable in relation to all other relevant planning matters and will comply with the development plan. On this basis, it is considered that there are no overriding material considerations to indicate a refusal of planning permission, and it is recommended that planning permission is granted subject to planning conditions and legal agreement.

REASON FOR REFERRAL TO COMMITTEE

Councillor Derek Mortimer has said that should officers be minded to recommend approval the application is 'called in' to committee for the following summarised reasons:

Although the application is outline only, more detail needs to be provided at this stage in terms of vehicle assess use and footpath proposals. The proposed parking within the site is totally inadequate, 18 flats with a (questionable) 18 spaces. The local bus service is poor and getting worse and many residents are reluctant to use it because they cannot guarantee getting to their destination at the required time.

- There is a need and demand for one and two bed units but I have serious concerns that some of these units will essentially be bed-sits and not flats.

<ul style="list-style-type: none"> Poor internal layout appears to be confined would be detrimental to any future enjoyment by residents. I support residential development on this site but would like to see a reduction in the amount of units, better design and perhaps omitting the smaller units with the view to providing more parking on the lower level. Surface water run off from anywhere in this area is a major concern. Local flooding regularly occurs at the junction of Straw Mill Hill and Tovil Hill and although regular cleansing takes place the capacity must be increased to cope with any further development in this proximity. 			
WARD South	PARISH/TOWN COUNCIL Tovil	APPLICANT Baker Byrne LLP AGENT SJM Planning And Construction Ltd	
DECISION DUE DATE 28/09/17	PUBLICITY EXPIRY DATE 24/10/17	OFFICER SITE VISIT DATE 21/12/2017	
RELEVANT PLANNING HISTORY (inc appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/506547/PAME ET	Pre application Meeting - Demolition of existing buildings and storage areas. Erection of residential flat development.	CLOSED	27.09.2016
05/0523	Change of use and erection of 10 No. town houses with associated car parking as shown on site layout, block plans and elevational drawings received on 22 February 2005, 9 March & 16 March 2005 and as amended by plans JBGA – 103, 3210 letter dated 26 May 2005 received on 27 May 2005.	PER	19.07.2005
90/0737	Proposed alterations to existing building as validated by agent's plan No. 90-20-03A received 17 October 1990.	PER	16.11.1990
89/0429	Two storey office accommodation.	PER	06.10.1989

MAIN REPORT

1.0 BACKGROUND

- 1.1 This application was deferred at the Committee meeting on 1st February 2018 for the following reasons:

- Investigate the scope for improved pedestrian links from the site entrance to existing footways;
- Seek the advice of Kent Highway Services on the cumulative impact of new development in the area on the highway network;
- Enable a representative of Kent Highway Services to be in attendance when the application is discussed;
- Review the density, design and layout of the scheme having regard to the topography, setting and history of the site and seek to secure the provision of structural landscaping; and
- Discuss with the Council's Parks and Open Spaces Team whether the proposed Open Space Contribution might be spent at other sites within the immediate area subject to CIL compliance checks.

1.2 The original committee report is attached as an appendix.

2.0 ADDITIONAL INFORMATION SUPPLIED

- 2.1 New pedestrian links have been introduced from the site entrance to existing footways.
- 2.2 The location plan has been extended by approximately 5.0 metres to the south, which allows the proposed footpath to meet the footpath that had been included in planning application 15/505441/OUT (Tovil Quarry site - erection of up to 108 dwellings with associated vehicular access from Straw Mill Hill, Tovil).
- 2.3 New red line encompassing the extended footpaths.
- 2.4 New planning forms with revised certificate D to advertise the development proposal taking place on land with unknown ownership.
- 2.5 Comments by KCC Highways have been made with regard to the cumulative impact of residential developments in this area.
- 2.6 The description of the development proposal has been altered to remove references to layout being considered as part of the current application and to allow a range of up to 18 dwellings to be provided.
- 2.7 New public amenity spaces have been identified which could be funded by contributions from the development proposal as the previous contributions towards parks have already secured funding.

3.0 REPRESENTATIONS

- 3.1 No representations from members of the public have been received to date.

CONSULTEE RESPONSES -

- 3.2 Tovil Parish Council
Comments unchanged – object

- 3.3 KCC Highways:
No objection on the amended footpaths provided.
- 3.4 MBC - Parks and Leisure
Contributions for alternative parks have been requested as Woodbridge Drive play area already had sufficient funds allocated to it. The alternative parks suggested are Bridge Mill Way and Hayle Place Nature Reserve.
- 3.5 NHS West Kent have removed their request for contributions since the previous application due to a policy change where they do not seek contributions on applications of less than 20 dwellings.

4.0 APPRAISAL

- 4.1 Following deferral of the application at the committee meeting of the 1st February 2018 on the grounds cited in paragraph 1.1 above, the following changes have been secured to the application:

Proposed pedestrian links

- 4.2 The proposed pedestrian links/footpaths would connect with those included in planning application 15/505441/OUT (Tovil Quarry site - erection of up to 108 dwellings with associated vehicular access from Straw Mill Hill, Tovil). They would extend north along the road stopping short of Cave Hill, and providing a break to accommodate the site access. There is an existing pavement north of the Cave Hill junction, and the existing and proposed pavements would assist in the provision of a safer pedestrian route on Straw Mill Hill. The provision of these pedestrian links would be secured by a S278 agreement with KCC Highways which would be secured via a suggested condition.
- 4.3 The proposed pavements provide safer pedestrian links around the access to the site and would alleviate any highway safety concerns in this regard. This addresses the first concern raised by members.

Cumulative impact of residential development onto highways

- 4.4 KCC Highways have commented on the cumulative impact of the residential developments in this area. In order to provide some insight into this, reference should be made to the more significant Skillcrown Homes application (15/505441/FULL) which is adjacent to the site, as a transport assessment (TA) was provided as part of the application. (This is in contrast to this application site which is not of a scale that requires a transport assessment to be undertaken.)
- 4.5 The transport assessment supplied for Skillcrown Homes took into account the neighbouring site as committed development (a further 275 – 300 dwellings) and established that there will be no significant impact under all development scenarios – including 2025. Furthermore, the Highways response to the TA stated, 'The results of the capacity assessment

demonstrate that the junction operation will satisfactorily accommodate the development traffic in the 2025 design year.

- 4.6 On a wider scale KCC Highways consider that it is likely that many of the additional traffic movements will gravitate to/from the A229 corridor, given that this forms the nearest major road. Consequently there are some concerns regarding the cumulative effects of further traffic on congestion and delays to road users on this route. In this instance however, the Transport Assessment submitted for the Skillcrown Homes development has demonstrated that the scale of any increase will be small and is therefore unlikely to exceed the variations in traffic volumes that occur on a day-to-day basis. The impact is not therefore regarded to be severe when viewed in the context of the current conditions.'
- 4.7 With these comments in mind, it can be concluded that, while there may be some impact on the surrounding area as a result of the cumulative development in this area, this development proposal for up to 18 units would not result in a significant increase in traffic to warrant a refusal on highways grounds.

Density, design and layout of scheme

- 4.8 The description of the development proposal has now been amended. The previous description read:
Outline Application (Some Matters Reserved) for demolition of existing buildings, and cessation of commercial use on site; Erection of residential development providing 18 No. units, of which 12 x 1 Bed and 6 x 2-Bed. Provision of 16 parking spaces/2 disabled spaces and 4 visitor spaces. Access, Layout and Scale being sought.
- 4.9 The current description reads:
Outline Application (Some Matters Reserved) for erection of residential development providing up to 18 units and provision of parking spaces. Access and scale being sought, with remaining issues to be determined as reserved matters.
- 4.10 As can be seen, the current description removes any reference to design and layout, as only the principle of development, access and scale can be assessed. The development relates to 'up to 18 units,' and there are no specifications for sizes/mix etc, therefore the actual number and size/mix of units, in addition to their design and layout, can be assessed as part of a reserved matters application. This said, the indicative plan provides an indication of how layout could be achieved to provide a detached building accommodating up to 18 flats on the site.
- 4.11 The relationship of the development to adjoining land is an important consideration in this case as the site adjoins sites that are occupied or have planning permission for residential development as detailed earlier in this report. The illustrative layout of the development suggests that there would

be a separation distance of approximately 15-20m between the proposed development and the adjoining residential uses to the north and west of the site and as such any impact on the residential amenities of neighbours will be minimised, and not cause harm to the living conditions of neighbouring properties.

- 4.12 To the south of the site, there is an existing belt of trees that fall within the ownership of a neighbouring planning application for the erection of 272 houses currently under consideration referenced 15/509041/REM. Although some of the trees would be removed, a landscape buffer is shown on the drawings to be retained, and reinforced in part, as part of the reserved matters application. The indicative block plan shows the proposed building to be sited approximately 19 metres from this boundary. This, in conjunction with the changes in land levels will minimise any impact to neighbouring occupiers to acceptable levels and demonstrates that an acceptable layout and design can be achieved for a future reserved matters application.
- 4.13 The differences in land levels between this site and adjoining neighbours to the north of the site would result in the proposed development being set at a higher level. However, given the separation distance of approximately 17 metres at the closest point of the development (as set out on the indicative plans) the proposal would pass the light test on both plan and elevational drawings and, as such, it is considered that the potential impact on the flats and the future occupiers of the application site with regard to overshadowing, overbearing and loss of light is to acceptable level. The distance would be sufficient to minimise any issues in terms of issues relating to loss of privacy.
- 4.14 In terms of scale, a condition was added previously in order to restrict the development to a maximum of three storeys on the application site. In numerical terms, the condition is recommended to restrict the development to a height of no more than 11 metres which is similar to the illustrative drawings put before the committee on 1st February 2018. However, in this instance, the description of development has been changed to refer to up to 18 dwellings on the site and would therefore allow for a lower number of units or 18 units to come forward at the reserved matters stage. This would allow for a degree of flexibility in design and layout terms to ensure sufficient privacy distances are maintained to sensitive neighbouring boundaries.

Provision of structural landscaping

- 4.15 Landscaping of the site is reserved for future consideration, and this being the case it means that the submitted landscaping details are for illustration purposes only. The application site is limited in size and there is limited opportunity for soft landscaping, green areas and a communal amenity area for future residents. If structural landscaping is incorporated as requested by members at the previous meeting, then the limited area for soft landscaping would be reduced. However, given that layout is not for consideration at this stage and the footprint of the building is shown on the submitted plans for illustrative purposes only, then I find it reasonable to add wording to the

landscaping condition (condition 2 below) setting out that when the landscaping details are submitted for consideration, that the details shall include a structural landscaping belt along the rear (west) and front (eastern) boundary to help assimilate the development into the landscape setting.

Open space contributions

- 4.16 Following discussions with the Parks team it has been confirmed that the previous requests for funds to be directed to the Woodbridge Drive play area have been revisited as this play area already had sufficient funds allocated to it. Parks have therefore requested contributions of:

£28350 (if 18 units provided) is split 50/50: £1575 per dwelling at the following sites:

£14175 to Bridge Mill Way for improved play and sport facilities
£14175 to Hayle Place Nature Reserve for new tractor store/barn and fencing to allow site to be sustainably managed for continuing public use.

The Parks team have confirmed that the request is in line with CIL 123 requirements in that no more than 5 contributions have been secured to fund these projects.

4.17 Further contributions

- Library Bookstock - There is a requirement for the developer to contribute £48.02 per dwelling and as such a total of £864.28 is required for a development of 18 units.
- Primary Education - Although there is a need for Primary School contributions, due to the current Government's 5 obligation pooling restriction KCC are unable to pursue the request
- Secondary Education - Although there is a need for Secondary School contributions, due to the current Government's 5 obligation pooling restriction KCC are unable to pursue the request

5.0 **CONCLUSION**

5.1 The application relates to an outline application for residential development with access and scale assessed at this stage whilst layout, appearance and landscaping are reserved for future consideration. With this in mind, the subject matter of this application is whether the site is suitable for residential development, whether it could satisfactorily accommodate the proposed number of dwellings, whether the means of access is acceptable, and whether the scale of the development is acceptable.

5.2 On all those points, the application is considered acceptable. In addition, the site specific impacts have been assessed and there are no issues that would suggest the site either would not be suitable for development or that the site cannot accommodate the proposed development.

- 5.3 Previous concerns raised by the Parish Council and neighbours are noted, however, it is considered that the proposal would not result in any unacceptable highway safety issues to warrant refusal of the application on this ground. KCC Highways & Transportation raise no objection to the proposed access and amended pedestrian links.
- 5.4 It is considered that the site accords with the development plan and other material considerations weigh in favour of the development. Therefore it is recommended that outline permission is granted subject to the imposition of the appropriate planning conditions and Section 106 agreement as detailed herein.

6.0 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. The provision of 30% affordable residential units within the application site comprising of indicative targets for tenure of 70% affordable rent/social rent or a mix of the two and 30% intermediate housing
2. Library contribution of £48.02 per dwelling towards libraries to address the demand from the development towards additional book stock and help to replenish it in the Maidstone borough.
3. Open Space Contribution of £1575 per dwelling. This based on off-site provision that cannot be provided onsite to be used towards improvements at the Hayle Place Nature Reserve and Bridge Mill Way recreation area on a 50/50 proportional basis.

Conditions:-

1. The development hereby approved shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:

a) appearance (b) landscaping (c) layout

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

2. The reserved matters application relating to landscaping and in pursuant of condition 1 should including a full landscaping plan and specification which is based upon the opportunities and mitigation measures set out in the Maidstone Landscape Character Guidelines and should include native species and species which are good pollinators for local wildlife. The landscaping scheme shall include a strategic landscape buffer to the east and west of the site in order to assimilate the development into the landscape setting.

Reason: to give clarity on the appropriate type of landscaping which is suitable to the local area and to help assimilate the development into the landscape setting.

3. Landscaping details submitted pursuant to conditions 1 and 2 shall be implemented in the first available planting season following first occupation of the development hereby approved. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority. The details relating to landscaping shall include the retention of the hedge along the western boundary or its meaningful replacement and a landscape scheme 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, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value and include a planting specification, a programme of implementation and a [5] year management plan.

Reason: In the interests of visual amenity.

4. The details submitted in pursuance of Condition 1 shall include details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To ensure an energy efficient form of development.

5. The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - 15.03.2018 2016-024v9-PropEast;
 - 15.03.2018 2016-024v9-PropNorth;
 - 15.03.2018 2016-024v9-PropSouth;

15.03.2018 2016-024v9-PropWest;
28.09.2017 2016-024v9-BlgPos
28.09.2017 2016-024v9-LargeVehicle
18.07.2018 2016-024v9-PropBlock
26.06.2018 2016-024v9-Location plan

Reason: For the purposes of clarity and to ensure the quality of the development is maintained.

6. Prior to the development above slab level details of all external materials (including wearing surfaces for the roads, turning and parking areas), shall have been submitted in writing for the approval of the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

7. The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings by means such as swift bricks, bat tube or bricks and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals prior to occupation and shall be maintained in perpetuity.

Reason: To protect and enhance existing species and habitat on the site in the future and ensure that the enhancement methods can be successfully implemented prior, during or post development. This information is required prior to commencement as any site works have the potential to harm any protected species that may be present.

8. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation. The scheme shall be in accordance with the requirements outlined in the Bat Conservation Trust and Institution of Lighting Engineers documents Bats and Lighting in the UK.

Reason: To protect the appearance of the area, the environment and wildlife from light pollution.

9. Prior to development commencing full details of tree protection shall have been submitted to and approved in writing by the Local Planning Authority. Any trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and 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 areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, 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 high quality development.

10. Prior to development commencing the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a written 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. This information is required prior to commencement as any site works have the potential to harm items of archaeological interest

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

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

12. Before any unit is occupied, details for the storage and screening of refuse 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: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

13. No development shall take place until details of bicycle storage facilities showing a covered and secure space have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage shall be

completed prior to occupation of the development and shall thereafter be retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

14. Development shall not begin until a detailed sustainable surface water drainage design for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage design shall demonstrate that:-
- i. Surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated onsite before being discharged at an agreed rate to the receiving watercourse.
 - ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.
 - iii. Appropriate allowances for climate change have been incorporated into design.

Reason: In the interests of sustainable drainage.

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

Reason: In the interests of sustainability.

16. The development hereby permitted shall be no more than three storeys in height including any roof space which is used as habitable rooms and the ridge height shall not exceed 11.0 metres from normal ground level.

Reason: To ensure conformity with the existing form and character of development in the surrounding area.

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

Reason: To ensure a satisfactory appearance to the development.

18. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:-
- a) 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.

 - b) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

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

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

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

20. On completion of the construction of the properties, a scheme to demonstrate that the internal noise levels within the residential units 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 dwellings and be retained thereafter.

Reason: To protect the amenity of future residential occupiers.

21. Before the commencement of construction, details of the following shall be submitted to, and approved in writing by, the local planning authority:
- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
 - Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
 - Provision of measures to prevent the discharge of surface water onto the highway.
 - Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
 - Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

Reason: In the interests of highway safety and to avoid inconvenience to other road users.

22. No dwellings hereby approved shall be occupied until such time as the highways works to extend the pedestrian links around the site entrance as shown on approved plan 2016-024v9-PropBlock received on 18.07.2018 have been secured and constructed in full as part of a S278 agreement with KCC Highways.

Reason: In the interests of highway safety.

INFORMATIVE

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

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

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County

Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: Jocelyn Miller

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

REPORT SUMMARY

REFERENCE NO - 17/503237/OUT

APPLICATION PROPOSAL

Outline Application (Some Matters Reserved) for demolition of existing buildings, and cessation of commercial use on site; Erection of residential development providing 18 No. units, of which 12 x 1 Bed and 6 x 2-Bed. Provision of 16 parking spaces/2 disabled spaces and 4 visitor spaces. Access, Layout and Scale being sought.

ADDRESS J B Garage Doors Straw Mill Hill, Tovil, Maidstone, Kent ME15 6FL.

RECOMMENDATION Grant outline planning permission with conditions and subject to a Section 106 and conditions as detailed in Paragraph 11 of the report.

SUMMARY OF REASONS FOR RECOMMENDATION

- The site lies within the urban area of Maidstone whereby the principle of the scheme is considered to be acceptable subject to other policies.
- The scheme will utilise a brownfield site for a mix of market and affordable homes including those available for market rent.
- The buildings are considered to be of acceptable layout and scale, well-designed, appropriate to their context and subject to conditions will assimilate within the area without harm to nearby properties.
- The scheme will provide a mix of 1 and 2 bedrooms flats which will provide a good standard of accommodation.
- The proposed access and indicative parking layout complies with policies and the parking SPD.
- The scheme is considered acceptable in relation to all other relevant planning matters and will comply with the development plan. On this basis, it is considered that there are no overriding material considerations to indicate a refusal of planning permission, and it is recommended that planning permission is granted subject to planning conditions and legal agreement.

REASON FOR REFERRAL TO COMMITTEE

Councillor Derek Mortimer has said that should officers be minded to recommend approval the application is 'called in' to committee for the following summarised reasons

- Although the application is outline only, more detail needs to be provided at this stage in terms of vehicle access use and footpath proposals. The proposed parking within the site is totally inadequate, 18 flats with a (questionable) 18 spaces. The local bus service is poor and getting worse and many residents are reluctant to use it because they cannot guarantee getting to their destination at the required time.
- There is a need and demand for one and two bed units but I have serious concerns that some of these units will essentially be bed-sits and not flats.
- Poor internal layout appears to be confined would be detrimental to any future enjoyment by residents.
- I support residential development on this site but would like to see a reduction in the amount of units, better design and perhaps omitting the smaller units with the view to providing more parking on the lower level.

Surface water run off from anywhere in this area is a major concern. Local flooding regularly occurs at the junction of Straw Mill Hill and Tovil Hill and although regular cleansing takes place the capacity must be increased to cope with any further development in this proximity.

WARD South	PARISH/TOWN COUNCIL Tovil	APPLICANT Baker Byrne LLP AGENT SJM Planning And Construction Ltd	
DECISION DUE DATE 28/09/17	PUBLICITY EXPIRY DATE 24/10/17	OFFICER SITE VISIT DATE 21/12/2017	
RELEVANT PLANNING HISTORY (inc appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/506547/PAMEET	Pre application Meeting - Demolition of existing buildings and storage areas. Erection of residential flat development.	CLOSED	27.09.2016
05/0523	Change of use and erection of 10 No. town houses with associated car parking as shown on site layout, block plans and elevational drawings received on 22 February 2005, 9 March & 16 March 2005 and as amended by plans JBGA – 103, 3210 letter dated 26 May 2005 received on 27 May 2005.	PER	19.07.2005
90/0737	Proposed alterations to existing building as validated by agent's plan No. 90-20-03A received 17 October 1990.	PER	16.11.1990
89/0429	Two storey office accommodation.	PER	06.10.1989

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located to the west side of Straw Mill Hill and adjoining the site to the north is a three storey development of flats accessed via Harris Place. To the south and west of the site is a site known as land off Farleigh Hill which has outline planning permission for up to 272 houses or flats as approved under MA/10/0256. Development at the adjoining site has not yet started and the reserved matters have not been approved. There is a further outline planning permission under ref 15/505441/OUT furthest to the south west at the Tovil Quarry for the erection of up to 108 dwellings.
- 1.02 The surrounding built up area in Tovil is predominantly residential. The application site is currently used for commercial purposes as a garage door company. The site has changes in land levels that rise from north to south.
- 1.03 There is a belt of protected trees (TPO No.11 of 1984) on the steep bank to the southern boundary of the application site.
- 1.04 The site is within the urban area of Maidstone and within an area covered by the Council's residents parking scheme that restricts on-street parking to permit holders.

2.0 PROPOSAL

- 2.01 The application proposes the demolition of existing buildings and their replacement with a three storey detached building accommodating a total of 18 flats consisting of 12x one bedroom units and 6 two bedroom units. The application provides 16 car parking spaces and an additional 2 disabled spaces plus 4 visitor parking spaces.

- 2.02 The current application is submitted in outline form, with access, layout and scale being sought at this stage, whilst appearance and landscaping of the site reserved for future consideration.
- 2.03 The indicative detail shows that access will be taken from Straw Mill Hill, and given the rectangular shape of the plot, the building will sit parallel to the plot boundary with the side elevations of the building running parallel to the north and south plot boundary. The frontage of the building would face east.
- 2.04 In terms of scale the submitted indicative drawings show a three storey building with a maximum height of approximately 11 m. Given the differences in land levels the building will be cut into the slope and would have a stepped entrance to the east elevation, and a ramped access to the north elevation of the building.
- 2.04 The submitted indicative drawings show a detached rectangular building designed as two rectangular blocks linked by a stair and circulation area. The flats would be located on either end of the building with a walkway in-between the units. The indicative drawing shows a total of 6 flats on each floor of the building comprising of 2no. two bed flats located to the northern end of the building and 4 one bed flats located to the southern end of the building. This layout is repeated on all three floors of the building.
- 2.05 The external appearance of the building is reserved for future consideration, however, the submitted detail indicates use of a forward projection to mark the front entrance, Juliette balconies, pitched roofs, brick detailing etc. Such matters will be fully assessed at reserved matters stage.
- 2.05 A total of 18 car parking spaces are proposed for residents with an additional 2 spaces provided as disabled parking. There are an additional of 4 spaces provided for visitors. A grassed area is proposed to the north, east and west of the development.
- 2.07 The site area measures approximately 0.16 hectares and the provision of 18 dwellings would result in a density of approximately 113 dwellings per hectare.
- 2.08 An amended layout drawing, and parking layout, together with additional information to demonstrate the accessibility of the proposed vehicular access, and, HGV and refuse collection turning areas were submitted to address concerns raised by the Parish Council and consultees.
- 2.09 The application is supported by a Design and Access statement and the application seeks to integrate the recommendations of this report within the scheme.

3.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF): section 1, 2, 4, 6, 7, 8 and 10
- National Planning Practice Guidance (NPPG)
- Adopted Maidstone Local Plan 2017: DM1, DM2, DM3, DM5, DM11; DM12; DM19; DM20; DM21; DM23; DM24; SP19; and SP20
- Supplementary Planning Documents: SPG4 - Vehicle parking standards (July 2006)

4.0 LOCAL REPRESENTATIONS

No comments received from neighbours.

One objection received from Councillor Derek Mortimer. Concerns raised are summarised as follows:-

- More detail is needed on vehicle use and details of footpath as Star Hill Mill is a narrow road
- Straw Hill Mill is a single track and applicant should demonstrate that the site access is safe
- There will be a conflict between vehicles and pedestrians
- Parking is inadequate and will overspill onto Straw Hill Mill
- Some of the units will be bedsits and not flats
- The proposed internal layout is confined and restricted
- Surface water runoff is a problem in this area.

Tovil Parish Council raised concern regarding the application and recommended refusal for the following reasons:

- Traffic access into Straw Mill Hill is not sufficiently detailed
- The development will lead to loss of the existing commercial use and loss of employment in the area
- Whilst TPC acknowledges that the parking requirement is met by the proposed development, they recommend that the parking allocation must be increased to a realistic number to take into account that additional street parking will not be possible
- A more detailed plan and proposal will highlight these concerns

5.0 CONSULTATIONS

5.01 **Natural England** has no objection to the application

5.02 **UK Power** advise that they have no objection to the proposed works

5.03 **Southern Water** has no objection to the development and advise that if planning permission is given for the development an informative should be attached, requiring an application to be made to Southern Water to make a connection to the public sewerage system.

5.04 **Crime Prevention Design Advisor** advises that the applicant's attention should be drawn to the Kent Design Initiative which will also assist them with Crime Prevention and Community Safety. The following will need to be considered and conditioned if planning permission is given for the development: full audio visual access control system for the main entrance and disabled entrance, access control for other entrances or exits, post delivery, storage of cycles and bins, boundary treatments, use of certified door sets, protection of ground floor windows from a privacy and security aspect.

5.05 **KCC Developer Contributions** advise that the development will have additional impact on the delivery of services which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

They require the provision of high speed fibre broadband connection, and that the developer should make a contribution of £48.02 per dwelling for library book stock, which is a total of £864.28 for 18 units.

5.06 **KCC Flood and Water Management** advise that whilst no drainage strategy has been provided it is recognised that the site is largely impermeable and has some existing drainage infrastructure in place. Therefore there is no objection to the development subject to drainage conditions as recommended.

- 5.07 **KCC Highways & Transportation** initially raised concern regarding the development and requested amended and additional information on the proposed highway arrangement.

Several revised schemes and additional information was received from the agent. The revised scheme and additional detail submitted reviewed the injury crash record, demonstrated how refuse collection vehicles will access the site, and provided full details of the proposed access and after further negotiation KCC advise that they have no objection to the proposed development, that the proposed access is acceptable and that they have no objection to the proposed parking scheme.

- 5.08 **KCC Minerals & Waste** have no objection to the development

- 5.09 **KCC Archaeology** advises that the application site is on land with archaeological potential and as such recommend a condition to be attached (if planning permission is given for the development) requiring securing the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

- 5.10 **Environmental Health** advise that the site has the potential to be contaminated and as such a condition is recommended requiring the submission of a Phase 1 Contaminated Land Study (including potential landfill gas aspect).

- 5.11 **Tree Officer** initially objected to the development on grounds of impact on nearby mature tree belt with a group protection (TPO No.11 of 1984). The scheme was then revised and officers have no objection to the revised siting subject to conditions protecting the existing trees, and conditions requiring submission of a landscaping scheme.

- 5.12 **MBC Parks and Open Spaces Team** advise that there is a requirement to contribute 0.366 ha of open space within this development and given that there is no scope for this to be included within the site there is a request for a contribution of £1575 per property for site improvements to the existing open space. Based on 18 units this would be a total of £28,350. The contribution will be spent on improvements at the Woodbridge Drive Play Area (introduction of imaginative play, upgrading the surface, and improvements to the drainage of the site to improve accessibility).

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration are:-

- The principle of development
- Visual impact
- Residential amenity
- Highways
- Landscaping
- Renewable energy
- Contamination
- Developer contributions

Principle of Development

- 6.02 The site is located within the Maidstone urban area which is considered to be the most sustainable location in the Borough as set out in policy SS1. It is located in

reasonable proximity to bus and rail services and would be well served by local facilities and amenities.

- 6.03 Paragraph 17 of the NPPF lists its core principles and one of them is the need for the effective use of land by re-using land that has been previously developed, provided it is not of high environmental value. Policy DM5 of the Local Plan stresses the necessity of utilising vacant plots to their full potential providing the site is not of high environmental value, and provided the proposed density of housing reflects the character and appearance of individual localities, and is consistent with Policy DM12, unless there is acceptable justification for a change in density.
- 6.04 The application site represents a brownfield site in a sustainable location which fully accords with the strategic objectives of the Local Plan and its policies, policy DM5 in particular. The site is currently used as a car garage/ workshop and as such falls within the definition of previously developed land. There are no policies that restrict loss of the existing commercial uses in this location.
- 6.05 The site is not of high environmental value and the development will reflect the density parameters set out in DM12, and will respect the character of its surroundings, in particular the flattened development to the North on Harris Place. On this basis it is not considered the loss of the existing uses would represent matters on their own which would justify the refusal of the application or would be directly contrary to any policy of the Local Plan. The scheme would accord with Policy DM5 in supporting the reuse of brownfield land.
- 6.06 In addition, NPPF paragraph 50 and Policy SP19 of the Maidstone Local Plan require housing development to deliver a wide choice of high quality homes by having an acceptable housing mix so as to promote sustainable development. The proposed development is for 12 x 1 bedroom and 6 x 2 bedroom flats and as such will make a positive contribution in meeting this target.
- 6.07 For the above reasons it is considered that the proposed quantum of development proposed is considered acceptable, that development would be appropriate in terms of Local Plan Policies, and as such the principle of redeveloping the site to a flattened development of 18 units as proposed is considered to be acceptable.

Visual Impact

- 6.08 Paragraph 56 of the NPPF requires all new development to provide high quality design and that good design is a key aspect of sustainable development and is indivisible from good planning, and that it should contribute positively to making places better for people. Local Plan Policy DM1 seeks to achieve high quality design in all development proposals, and to achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings. The key aspects of a development proposal are its scale, height, materials, detailing, mass bulk and site coverage.
- 6.09 The current scheme follows officers' recommendation made to the applicant at pre-application stage. The layout, and scale have been revised to reflect officer's advice.
- 6.10 The proposed building would measure approximately 34m deep and 11 m wide and would be three storeys in height with a maximum height of 12.5m. The scale and layout of the development are to be assessed at this stage, whilst appearance and landscaping are reserved for future consideration.

- 6.11 Following concerns raised by officers regarding the design of the development, the applicant amended the scheme so that the appearance of the development is reserved for future consideration. Given that appearance is a reserved matter, the submitted elevation detail is for illustration purposes only.
- 6.12 The indicative drawings show a three storey building block sited in a longitudinal form with the front elevation facing to the east of the site on Straw Mill Hill. The siting of the block appears appropriate and that it would make efficient use of the site. The north and south elevations would be key to the success of the scheme and its integration into existing development. These elevations would be the principal elevations of the building and it is expected that, being three storey and easily visible from public vantage points, they should be of high level design with variation and careful choice of materials.
- 6.13 There are residential flats immediately to the north of the site and these are of good standard of design with simple pitched roofs and quality materials, balconies, projecting bays and recesses, pitched roof and projecting balconies. At reserved matters stage, the proposed development would be expected to take cues from the adjoining flatted development to the north of the site, and this can be negotiated and secured by conditions. In addition, the east elevation would be expected to be actively designed so as to provide an attractive and active front elevation addressing Straw Mill Hill.
- 6.14 In terms of density, the scheme would represent 113 dwellings per hectare which would accord with the parameters set out in Policy DM12 of the local plan which considered a range between 45 and 170 dph to be acceptable at this type of location. The scale, layout and approach to the overall design is considered to have taken account of the site context, site levels and the character and scale of the surrounding built form.
- 6.15 Therefore, it is considered the outline scheme can provide good quality design which takes account of its context and would accord with policies DM1 and DM12 of the Local Plan and Section 7 of the NPPF.

Residential Amenity

- 6.16 The application site is a long and narrow fronted plot addressing Straw Mill Hill. In addition, the site has differences in land levels. With neighbours to the north and south on adjoining sites careful consideration needs to be given to creating an appropriate balance between the street scene and context to the development and protecting neighbour amenity.

Paragraph 17 of the NPPF sets out the core planning principles which includes:

'Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'

- 6.17 Policy DM1 of the emerging local plan sets out at para (iv) that proposals shall:

'Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in 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 application is submitted in outline with some matters reserved for future consideration; this said the indicative plan provides an indication of how layout, access and scale could be achieved to provide a detached building accommodating a total of 18 flats on the site.
- 6.19 The relationship of the development to adjoining land is an important consideration in this case as the site adjoins sites that are occupied or have planning permission for residential development as detailed earlier in this report. The submitted layout of the development suggests that there would be a separation distance of approximately 15-20m between the proposed development and the adjoining residential uses and as such any impact on the residential amenities of neighbours will be minimised, and not cause harm to the living conditions of neighbouring properties.
- 6.20 To the north and west of the site, it is considered that a suitable level of separation exists that no significant harm to neighbouring amenity of existing occupiers would result. To the southern elevation the existing belt of trees coupled with the changes in land levels will minimise any impact to neighbouring occupiers to acceptable levels.
- 6.21 Given the differences in land levels between this site and adjoining neighbours a dominant three storey development as proposed could have a harmful impact on the outlook currently enjoyed from the neighbouring flats at Harris Place. However, it is considered that given the separation distance, and the orientation of the new development to the existing Harris Place flatted development, it is considered that such separation will minimise any overshadowing, overbearing and loss of light to acceptable level.
- 6.22 In terms of the standard of accommodation proposed, all flats have rooms that have windows for natural light and ventilation and all of the flats are of good size, and as such will afford all future occupiers a good standard of living.
- 6.23 It is therefore considered that a development of a detached building accommodating a total of 18 flats would not harm the residential amenity of neighbouring dwellings and as such proposed quantum of development proposed is considered acceptable and complies with Policy DM1 and Paragraph 17 of the NPPF.

Highways

- 6.24 The application site lies in a sustainable location in reasonable proximity to bus and rail services, and is well served by local facilities and amenities. Access is to be resolved at this stage and the applicant proposes to use an existing access from Straw Mill Hill. The KCC Highways Engineer advise that the proposal to use an existing access point from Straw Mill Hill is acceptable. They further advise that whilst the revised designated area for refuse storage is a short distance greater than that recommended from the roadside for roadside collection to be undertaken, it is considered that this is not onerous and that refuse collection can efficiently be undertaken via a nearby street.
- 6.25 Indicative parking is shown on the proposed plans; this would predominantly be parallel parking. 16 no, spaces are proposed for residents, an additional 2 is proposed for disabled users and 4 spaces are proposed for visitors.
- 6.26 I note the concerns raised regarding the adequacy of the proposed parking scheme. However, it is considered that this level of parking provision would accord with the Council's parking standards where there is a maximum suggested parking level of 1 space per unit with the advice stating reduced provision is encouraged in support of the efficient use of land and where the site is in a sustainable location. The proximity

of the site to public transport and to the town centre is a positive and justifies the proposed level of parking.

- 6.27 DM23 states the level of provision will take account of the type, size and mix of units whilst ensuring parking should be integrated within developments in an attractive manner. It is considered when having regard to the type of units, the sustainable location and the balance between the constraints of the site and making efficient use of land, it is considered the parking provision is adequate.
- 6.28 Due to the outline nature of the application and the plan being indicative the parking arrangement could be secured by condition. KCC Highways have reviewed the parking provision and have no objections to this. The scheme will also include cycle parking as per the Council's standards and it is recommended planning conditions are imposed to secure both vehicular and cycle parking post development.
- 6.29 Overall it has been demonstrated that a suitable access could be provided and the addition of 18 flats on this plot would not give rise to significant highways implications that would result in the ability to sustain a reason for refusal on highways grounds.

Landscaping and Ecology

- 6.30 Policy DM3 advises that to enable Maidstone Borough to retain a high quality of living and to be able to respond to the effects of climate change, developers should ensure that new development protects and enhances the natural environment by incorporating measures where appropriate to protect trees with significant amenity value as is the case here where the site adjoins trees with a group preservation order (TPO No.11 of 1984).
- 6.31 The retention of boundary planting (mature protected trees TPO No.11 of 1984) at the southern boundary of the site is important to retaining the character of the site. Point (v) of DM1 sets out that development should:-
- 'Respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy 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;'*
- 6.32 Landscaping of the site is reserved for future consideration, and this being the case it means that the submitted landscaping details are for illustration purposes only. The application site is limited in size and there is limited opportunity for soft landscaping, green areas and a communal amenity area for future residents. However, it is recommended that the proposed development should provide a landscaping scheme to soften the appearance and character of the development, and that the scheme should have balconies to provide private amenity space to all future occupiers.
- 6.33 If outline planning permission is given for the development, a landscaping condition should be attached in order to ensure that the development is completed satisfactorily and that would enhance the character of the locality. This should be carefully considered at reserved matters stage.
- 6.34 In regards to ecological matters, the application site has little opportunity for bio diversity enhancements. However, given that the belt of mature trees on southern

boundary will be retained, it is considered that the proposal can be considered acceptable on ecological grounds, subject to appropriate conditions relating to provision of biodiversity enhancements.

- 6.35 As such it is considered the proposed development is capable of securing the necessary mitigation through a robust landscaping scheme, and biodiversity enhancements, and that the future pressure on any retained existing protected trees would not be significant such that the proposed quantum of development proposed is considered acceptable.

Renewable Energy

- 6.36 In accordance with the NPPF development proposals are required to incorporate sources of renewable energy, including solar power where possible. Policy DM2 of the Maidstone Local Plan requires all new homes to meet the Building Regulations optional requirement for tighter water efficiency. In order to maximise carbon efficiency all homes are required to meet the strengthened on-site energy performance standards of Building Regulations. If planning permission is given for the development, a renewable energy condition should be attached in order to ensure that appropriate mitigation measures are incorporated into the development.

Contamination

- 6.37 Given the previous use of the site there is potential for the site to be contaminated. The Environmental Health Officer advises that if planning permission is granted for the development a contamination report should be submitted for consideration and this should be secured by condition.

Other matters

S106 Developer Contributions

Affordable Housing

- 6.38 The Maidstone Strategic Housing Market Assessment supports the seeking of a proportionate of dwellings to be provided on-site for affordable housing needs. Policy SP20 of the Maidstone Local Plan requires a 30% contribution for sites within Maidstone urban Area and that the tenure should be 70% affordable rented housing, social rented housing or a mixture of the two and 30% intermediate affordable housing (shared ownership and or intermediate rent). In addition, all affordable housing should be appropriately integrated within the site. In this case, a total of 6 flats should be affordable units: 4 of these flats being affordable rent and 2 flats being intermediate affordable housing (shared ownership or intermediate rent).

- 6.39 In addition, a development of 18 units will trigger a requirement for financial contributions in order to mitigate the impact of the development and help to deliver necessary infrastructure to accommodate the new development.

Financial contributions

- 6.40 Policy ID1 of the Local Plan sets out that :

'Where development creates a requirement for new or improved infrastructure beyond existing provision, developers will be expected to provide or contribute towards the additional requirement being provided to an agreed delivery programme. In certain circumstances where proven necessary, the council may require that infrastructure is delivered ahead of the development being occupied.'

- 6.41 These contributions can include Affordable housing, Transport, Open space, Public realm, Health, Education, Social services, Utilities, Libraries, Emergency Services and Flood defences.
- 6.42 Policy DM20 re-iterates these points and sets out that where a need for new community facilities is generated these would be secured through appropriate means.
- 6.43 The NPPG sets out that :
'contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)'.
- 6.44 A request for contributions has been received from Maidstone Borough Council Parks and Open Space, and from Kent County Council (KCC) Library Bookstock and they are detailed as follows:-
- Parks and Open Spaces – There is a requirement of 0.366 ha of open space within this development. However, given that there is no scope for this to be included onsite it is requested that a contribution of £1575 per property is made for offsite improvements to existing open space. Based on 18 units this would be a total of £28,350. This request would be used for improvements at the Woodbridge Drive Play Area to provide an imaginative play area, upgrading of the surfacing and improvements to the drainage of the site to improve accessibility.
 - Library Bookstock - There is a requirement for the developer to contribute £48.02 per dwelling and as such a total of £864.28 is required for a development of 18 units.
 - Primary Education - Although there is a need for a Primary School, due to the current Government's 5 obligation restriction KCC are unable to pursue the request
 - Secondary Education - Although there is a need for a Secondary School, due to the current Government's 5 obligation restriction KCC are unable to pursue the request

7.0 CONCLUSION

- 7.01 The application relates to an outline application for residential development with access, scale and layout assessed at this stage whilst appearance and landscaping reserved for future consideration. Given this, the subject matter of this application is whether the site is suitable for residential development, whether it could satisfactorily accommodate the proposed quantum of dwellings, whether the means of access is acceptable, and whether the scale of the development is suitable.
- 7.02 On all those points, the application is considered acceptable as detailed herein. Furthermore, the site specific impacts have been assessed and reviewed by the various stakeholders and departments and there are no issues that would suggest the site is not suitable for development or that the site cannot accommodate the proposed quantum of development.
- 7.03 Concerns raised by the Parish Council and neighbours are noted, however, it is considered that the proposal would not result in any unacceptable highway safety issues to warrant refusal of the application on this ground. KCC Highways & Transportation raise no objection to the proposed access and amended parking arrangement as detailed herein.
- 7.04 It is considered that the site accords with the development plan and other material considerations weigh in favour of the development. Therefore it is recommended that

outline permission is granted subject to the imposition of the appropriate planning conditions and Section 106 agreement as detailed herein.

11.0 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 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. The provision of 30% affordable residential units within the application site (to be a total of 6 affordable units)
2. Library contribution of £48.02 per dwelling (a total of £864.28 for 18 units) is sought towards libraries to address the demand from the development towards additional book stock.
3. Open Space Contribution of £1575 per property totalling £28,350 for 18 units. This based on off-site provision that cannot be provided onsite to be used towards improvements at the Woodbridge Drive Play Area.

Conditions:-

1. The development hereby approved shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:

a) appearance (b) landscaping

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

2. The reserved matters application relating to landscaping and in pursuant of condition 1 should including a full landscaping plan and specification which is based upon the opportunities and mitigation measures set out in the Maidstone Landscape Character Guidelines and should include native species and species which are good pollinators for local wildlife.

Reason: to give clarity on the appropriate type of landscaping which is suitable to the local area.

3. Landscaping details submitted pursuant to conditions 1 and 2 shall be implemented in the first available planting season following first occupation of the development hereby approved. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority. The details relating to landscaping shall include the retention of the hedge along the western boundary or its meaningful replacement and a landscape scheme 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, provide details of on site

replacement planting to mitigate any loss of amenity and biodiversity value and include a planting specification, a programme of implementation and a [5] year management plan.

Reason: In the interests of visual amenity.

4. The details submitted in pursuance of Condition 1 shall include details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.
Reason: To ensure an energy efficient form of development.

5. The development hereby permitted shall be carried out in accordance with the following approved plans:- 2016-024v9-PropEast; 016-024v9-PropFirst; 2016-024v9-PropGround; 2016-024v9-PropNorth; 2016-024v9-PropSecond ; 2016-024v9-PropSouth; 2016-024v9-PropWest; 2016-024v9-BlgPos ; 2016-024v9-LargeVehicle and 2016-0249v9-Parking

Reason: For the purposes of clarity and to ensure the quality of the development is maintained.

6. Prior to the development above damp proof course level details of all external materials (including wearing surfaces for the roads, turning and parking areas), shall have been submitted in writing for the approval of the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

7. The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings by means such as swift bricks, bat tube or bricks and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals prior to occupation and shall be maintained in perpetuity.

Reason: To protect and enhance existing species and habitat on the site in the future and ensure that the enhancement methods can be successfully implemented prior. During or post development. This information is required prior to commencement as any site works have the potential to harm any protected species that may be present.

8. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation. The scheme shall be in accordance with the requirements outlined in the Bat Conservation Trust and Institution of Lighting Engineers documents Bats and Lighting in the UK.

Reason: To protect the appearance of the area, the environment and wildlife from light pollution.

9. Prior to development commencing full details of tree protection shall have been submitted to and approved in writing by the Local Planning Authority. Any trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and 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 areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, 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 high quality development.

10. Prior to development commencing the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a written 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. This information is required prior to commencement as any site works have the potential to harm items of archaeological interest

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

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

12. Before any unit is occupied, details for the storage and screening of refuse 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: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

13. No development shall take place until details of bicycle storage facilities showing a covered and secure space have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to occupation of the development and shall thereafter be retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

14. Development shall not begin until a detailed sustainable surface water drainage design for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage design shall demonstrate that:-

- i. Surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated onsite before being discharged at an agreed rate to the receiving watercourse.
- ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.
- iii. Appropriate allowances for climate change have been incorporated into design.

Reason: In the interests of sustainable drainage.

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

Reason: In the interests of sustainability.

16. The development hereby permitted shall be no more than three storeys in height including any roof space which is used as habitable rooms and the ridge height shall not exceed 12.5m from normal ground level.

Reason: To ensure conformity with the existing form and character of development in the surrounding area.

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

Reason: To ensure a satisfactory appearance to the development.

18. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:-

a) 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.

b) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

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

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

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

20. Prior to the first occupation of the development, a scheme to demonstrate that the internal noise levels within the residential units 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 dwellings and be retained thereafter.

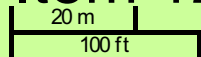
Reason: To protect the amenity of future residential occupiers.

INFORMATIVE

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Case Officer: Thandi Zulu

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



18/501471/FULL - Mid Kent Roofing Yard, Forstal Lane, Harrietsham, Kent

Scale: 1:1250

Printed on: 2/8/2018 at 11:49 AM by JoannaW



REPORT SUMMARY

REFERENCE NO - 18/501471/FULL			
APPLICATION PROPOSAL Erection of a covered dry store. (Resubmission of 17/505103/FULL)			
ADDRESS Mid Kent Roofing Yard Forstal Lane Harrietsham Kent ME17 1LA			
RECOMMENDATION – GRANT subject to planning conditions set out in Section 8.0 of the report.			
SUMMARY OF REASONS FOR RECOMMENDATION The application is for a dry store on the existing site that would have little impact on the surrounding rural and landscape character of the area. It would provide a facility to meet the business needs of the applicant and allow for the removal of the existing visually unsightly temporary storage on the site. The impact of the development on the amenities of neighbouring properties has been considered and found to be acceptable. No works could commence until appropriate landscaping has been submitted for approval by the Council and implemented and it is considered that the proposal could be appropriately mitigated by appropriate planning conditions.			
REASON FOR REFERRAL TO COMMITTEE – The application has been called in by Harrietsham Parish Council on the grounds that the building is of an excessive height and that the proposal contravenes Policy DM37 section 1. The proposed building site is astride the bund designed to protect neighbouring properties from noise etc. and no indication has been given for the provision of drainage or waste disposal.			
WARD Harrietsham And Lenham	PARISH/TOWN COUNCIL Harrietsham	APPLICANT Mr R Smith AGENT Martin Potts Associates	
DECISION DUE DATE 11/05/18	PUBLICITY DATE 26/04/18	EXPIRY	OFFICER SITE VISIT DATE 06/04/18 and 24/07/18
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):			
Current application site			
App No:	Proposal:	Decision	Date:
15/509813/FULL	Retrospective application for new office unit (considering external alterations to previously approved office building).	Approved	12/09/2017
15/507388/NMAM D	Amendment for 6 skylights to west elevation; relocate front door; glaze 1st floor north gable with stairs and access door; patio door to south elevation of planning application 15/502517/FULL.	Refused	28/09/2015
15/502517/FULL	Proposed new office unit	Approved	29/06/20

			15
15/501861/SUB	Submission of details pursuant to Condition 5 - Hard and Soft Landscaping of 14/500358	Approved	22/05/2015
14/500358/FULL	Continued use of Area B as storage for building materials, with car parking.	Approved	24/11/2014
97/0613	Certificate of Lawful Development for the use of the site for the storage and distribution of building materials, wholesale and retail sale of building materials, and ancillary office and toilet block.	Approved	31/10/1997

Land at Avonbank, Holm Mill Lane, Harrietsham, Maidstone, Kent, ME17 1LA

App No:	Proposal:	Decision :	Date:
18/500553/FULL	Demolition of existing dilapidated stable block and adjacent pre-fabricated garage. Change of use and creation of new single-storey link-detached block containing 3no holiday let chalets - Summary of reasons for refusal - 1) Proposal would result in an incongruous development detrimental to the openness of the countryside. 2) Would result in a sub-standard form of development poor outlook to the rear and insufficient provision of amenity space detrimental to future occupiers,	Refused	16/04/2018
10/1080	Change of use of redundant buildings to holiday lets	Approved	31/08/2010

Millfield, Holm Mill Lane, Harrietsham, Maidstone, Kent, ME17 1LA

App No:	Proposal:	Decision :	Date:
16/506875/FULL	Demolition of existing outbuilding and erection of a 3 bed chalet style single storey holiday let with a private access route and designated parking	Approved	21/11/2016

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site covers an area of 4590 square metres located to the east side of and accessed by a track from Forstal Lane (Greenway Lane). The site is 460 metres to the north west of the Harrietsham settlement boundary (junction of Ashford Road and West Street). The site is outside of the Landscape of Local Value designation that is located to the south of the Channel Tunnel Rail Link.
- 1.02 The application site is to the north and to the rear of two residential properties fronting Holm Mill Lane (Hollowdene, Millfield). To the east of the site is a row of single storey former office buildings; planning permission was granted in 2010 (10/1080) for conversion of these buildings to holiday lets (stable oak cottages) with a rise in roof ridge heights to between 3.8 to 4.7 metres. It appears that this adjacent site contains a mixture of holiday lets and stabling for horses. The property called Avonbank is adjacent to Millfield to the east on Holm Mill Lane, the occupier of Avonbank owns the holiday lets and open land to the north of the application site.
- 1.03 In terms of the application site, this is a flat parcel of land that was granted a certificate of lawful development in 1997 (MA/97/0613), for the storage and distribution of building materials, wholesale and retail sale of building materials, and an ancillary office and toilet block. Planning permission was subsequently granted in 2014 for the use of adjacent additional land to be used in connection with the business.
- 1.04 Planning permission was approved in 2015 for a new office building on the application site in connection with the existing roofing business that has a footprint of 8m x 18m and measures 2.9m to the eaves and 6.4m to the ridge. The building has been constructed and is in use and a further retrospective application in 2015 permitted the retention of changes that were made to the previously approved plans.

2.0 PROPOSAL

- 2.01 In regards to this proposal, the application seeks permission for the erection of a dry store on the north east side of the site. The building would measure 30m metres in length, 12 metres in depth at the narrowest part and a maximum of 18m in depth at the widest part. The building has a proposed floor space of approximately 392sqm. In terms of height, the building would measure 3.4m to the eaves with a maximum ridge height of 5.2m. The walls would be timber clad with dark stained weatherboarding with a brick built plinth and imitation slate roof tiles.
- 2.02 The building is required in connection with the business on the site Mid Kent Roofing who require internal storage for materials to protect them from external elements. Two small covered temporary storage units have been erected on the site, one on the south of the site and one to the north of the site without planning permission. The applicant is proposing to remove these temporary structures and replace them with the proposed dry store.

- 2.03 The business is conditioned under application reference 14/500358/FULL to only be open during the hours of 7am to 5pm Mondays to Fridays; and 8am to 12noon on Saturdays, with no opening on Sundays and Bank Holidays. The business currently employs 8 employees. The existing access and parking arrangements would be maintained as at present.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework 2018(NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SP17, SP21, DM1, DM2, DM3, DM30 and DM37

4.0 LOCAL REPRESENTATIONS

LOCAL REPRESENTATIONS

- 4.01 Harriestsham Parish Council (summarised): Object and request application is referred to planning committee.

Of the view that this application contravenes Policy DM37 sections 1 of the Maidstone Borough Local Plan 2017.

No indication on the plan of provision for draining or waste disposal other than a soak away. Understanding that there is a cess pit on site immediately beneath where the new building is proposed.

The proposed building site is astride the bund designed to protect neighbouring properties from noise etc.

Concern with adjacent field being turned into hardstanding and an additional building being erected to accommodate a manufacturing business.

Concern is also raised with previous noncompliance of planning conditions

Rural access and roads are unsuitable for the traffic accessing the site.

- 4.02 Local residents:** 4 representations received from local residents objecting to the proposal on the following grounds (summarised):

- Loss of view to the downs
- Additional hardstanding has caused flooding
- Concern that the building would be let out to other businesses
- Overdevelopment of the site in the setting of the Kent Downs AONB
- Large amount of development has occurred on the site over recent years
- Narrow lanes are not suitable for HGV's
- Harm to the landscape in an SLA
- Impact of noise from the business
- Concern that a furniture manufacturing business has moved to the site

5.0 CONSULTATIONS

- 5.01 KCC Highways: No objection
- 5.02 Environmental Health: No objection

6.0 APPRAISAL

- 6.01 The key issues for consideration therefore relate to:
 - Principle of development
 - Visual impact and landscaping
 - Residential amenity
 - Highways safety

Principle of Development

- 6.02 Policy DM37 of the Local Plan (2017) is relevant and supports the sustainable growth and expansion of rural businesses in the rural area. This is where the new buildings are small scale and appropriate for the location and can be integrated into the local landscape. There is support where the increase in floorspace would not result in unacceptable traffic levels; where the proposal would not result in loss of amenity and where no open storage will be permitted unless adequately screened.
- 6.03 In this instance, the site is located within the countryside, but consists of previously developed land that has been used for the open storage of building materials for a number of years. The proposal does not look to extend the site into the countryside, but is seeking a permanent dry storage area for materials. It is considered that Policy DM37 lends support to the proposal, provided that it can be demonstrated that the building would not cause unacceptable harm to the countryside, landscape and residential amenity. Such impacts are considered in greater detail below.

Visual Impact and Landscaping

- 6.04 The proposed building would be sited within the confines of the existing permitted site, and would replace existing temporary storage constructed from scaffolding that is located towards the middle of the site and a temporary building located on the southern boundary of the site. The proposed building of 392 sqm in floor area and up to 5.2 metres in height would be seen in the context of the existing office building which stands at 6.4m high.
- 6.05 The site is relatively flat and the site is well screened in views from the south and west by trees and buildings. Views of the site from the east are interrupted by buildings. The vista is more open to the north and the site is visible from the Kent Downs AONB and views could be possible from a public footpath to the north east. Such views are at distances of 320-350m and there is currently screening in place. It is highlighted that the additional screening required under the 2015 permission has not been

sufficiently managed and uninterrupted views at a distance are possible without this sufficient mitigation.

- 6.06 At present, the proposed open storage on site is permitted up to 3m in height, which is a similar height to the eaves of the proposed building. The proposed building height is required to allow for internal access by a forklift truck and for the removal of the existing temporary unsightly scaffolding that has been erected on site to provide dry storage.
- 6.07 In landscape terms the site falls within the Leeds Castle Parkland Borough Wide Landscape Character Area under the Maidstone Landscape Character Assessment March 2012 (Amended July 2013). The site is located to the north and east of the landscape character area and the character assessment identifies that the landscape here is heavily influenced by the M20/HS1 corridor, and traffic is both visible and audible and reduces the sense of remoteness.
- 6.08 In terms of built development, this is described as sparsely scattered along the A20 and adjoining roads and to the east near Harrietsham. A notable amount of commercial development is situated along the A20, with a large hotel, caravan park, garden centre, and car cleaning facilities.
- 6.09 The site is located 150m to the east of the Garden of England Mobile Park Home and 460m to the west of Harrietsham village boundary. In my opinion the site falls within the area of built development close to the mobile park home site, on adjoining roads to the A20 close to the village boundary of Harrietsham. In this context the proposed building would be seen in context of this existing built development that is adjacent to the site to the south, east and west.
- 6.10 With the proposal there is scope for further landscaping to the north of the proposed building. The details and implementation of this landscaping could be secured prior to construction taking place as members have sought on other sites. The building is located within the confines of the existing site on land that can already has lawful open storage up to a height of 3m. With suitable landscaping it is considered that the development would largely maintain the existing visible appearance within the landscape and could be satisfactorily integrated as required by criterion 1.i. of policy DM37.

Residential Amenity

- 6.11 To the south, a distance of 75 metres separates the site from neighbouring properties that front on to Holm Mill Lane although it should be noted that the holiday lets at Holm Mill are located approximately 10m to the east. The building would be screened at least in part from these main dwellings by landscaping and a condition seeks further screening through additional landscaping on the east and south boundaries to be implemented before construction commences. Therefore with the distances involved and the additional landscaping, it is not considered that any views of the building from surrounding properties could be considered to be harmful to the outlook. The adjacent holiday lets also face away

from the proposal site to the east and therefore the proposal would not impact upon their outlook.

- 6.12 In terms of noise, concern has been raised in neighbour consultation responses. The application site currently has a lawful use that includes open storage and the hours of opening are also restricted as listed above. The proposed dry store would not contain any machinery and would be used solely for the storage purposes. On this basis it is not considered that the construction of a storage facility would cause significantly more noise than the current lawful use and by enclosing the storage this could contain noise within the building and have a positive impact upon the neighbour's amenity. In addition, a planning condition could be used to ensure that the building is only used for storage to prevent any noise-generating activities taking place within it.
- 6.13 Criterion 1.iii. of Policy DM37 seeks to ensure that new development cause no significant harm to amenity. It is acknowledged that the existing premise causes some disturbance. However it is not considered that the proposed dry store would be likely to cause any additional or unacceptable loss to amenity than what is currently already experienced and the dry store could have a positive impact upon amenity by containing sounds within the building. It is therefore not considered that the proposal would be in conflict with the above policy.

Highways

- 6.14 The proposal seeks to erect a storage facility to store materials that need to be under shelter. Roofing materials are currently already permitted to be stored on site but are currently stored under a temporary scaffolding structure. There is no suggestion in the application that the development would lead to a greater demand for storage and increased vehicle movements and this application is to accommodate the needs of an existing local business. As a result it is unlikely that there would be an increase in vehicle movements associated with the dry store.
- 6.15 KCC Highways and Transportation do not raise any objection to the proposal and in addition a planning condition is proposed to restrict the use of the building to storage only, so that it cannot be used for manufacturing purposes. Forstal Lane and Holm Mill Lane are a short distance from the A20 and although these are country lanes, it has been accepted by the Council through previous planning applications that movements to the application site can be adequately accommodated on the local highway network.
- 6.16 Therefore, it is not considered that the proposal would lead to any significant increase in vehicular movements and it is not considered that there is justification to contradict the advice of KCC Highways and decisions that have previously been made in regards to the site and its impact on the local highway network.

Other Matters

- 6.17 This is an existing commercial site and there no significant ecology or tree related issues here. A condition will be imposed however requesting details of ecological enhancements. On the flooding/drainage issues this is not land liable to flood and there is no reason as to why significant drainage issues would arise here but a condition will be imposed requesting details of drainage to be submitted.
- 6.18 No designated heritage assets are within the vicinity of the proposal site and so no objection is raised on heritage grounds.

7.0 CONCLUSION

- 7.01 The site is located within the countryside where impacts relating to rural and landscape character and matters relating to sustainability often preclude many forms of development. However, in this instance, the proposal would result in an additional building in the context of an existing open storage roofing yard and the proposed building would be within the built apron of the existing premises. With mitigation, the impact on the rural character of the area and the landscape would be limited. The proposal would cater for the business needs of a local employer, providing on site storage facility allowing for the removal of temporary structures. The proposal would not lead to any direct increase in traffic movements as the site area could already currently be used for the open storage up to 3m in height.
- 7.02 It may be possible to pick out the proposed building from surrounding vantage points to the north, however these would be mid to long range views, seen against the context of the existing site and the taller office building. The proposal would not be materially harmful to the visual/landscape amenity or to the outlook of any residential properties in the surrounding area, and any noise or increased activity arising from the proposal would not be of sufficient impact to harm residential or rural amenity.
- 7.03 Taking the above into account, the development would meet the business needs of the operator, with minimal visual impact with mitigation and would not be in conflict with the Local Plan policies identified in the sections above.

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

P846/1 Rev B – Proposed Plans & Elevations
P864/100 – Proposed Dry Store & Existing Office
Site Location Plan – Received on 16/03/2018

Reason: To clarify which plans have been approved.

- (3) The building hereby approved shall only be used for the storage of goods and materials ancillary to the business operating from the main building, and shall not be used for any other purpose.

Reason: To accord with the terms of the application, to ensure that no industrial process is carried out within the building, or any independent occupation of the building without proper consideration through a formal application of any noise or highway related impacts, in the interest of aural amenity and highways safety.

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

Reason: To ensure a satisfactory appearance to the development.

- (5) No development shall commence until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on-site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles, and include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide hedging (native species) to screen the boundaries and protect the surrounding countryside.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. In addition, previous landscaping requirements have not been adhered to and it is essential that no development commences until such time as the landscaping scheme is implemented.

- (6) No development shall commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the first 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 day room, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the

next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. In addition, previous landscaping requirements have not been adhered to and it is essential that no development commences until such time as the landscaping scheme is implemented.

- (7) Any external lighting installed on site shall be in accordance with details that have previously been submitted to and approved in writing by the LPA and shall be maintained as such thereafter.

Reason: In the interests of visual amenity.

- (8) Before development commences, details of any plant (including ventilation, air conditioning and heating) or ducting to be used in pursuance of this permission shall be submitted to and approved in writing by the local planning authority. This shall include details of predicted noise levels, extent of use (whether continuous or intermittent), location of the plant / machinery, and any mitigation measures required for noise control. The plant or machinery shall be installed in full accordance with the approved details, and all approved noise control measures shall be implemented before first use of the building. Following installation, all plant and machinery shall be operated and maintained so as to ensure full compliance with the approved details at all times.

Reason: In order that noise outbreak can be controlled and mitigated where necessary, in the interests of amenity.

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

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

- (10) The development hereby approved shall not commence until, details of the drainage works have been submitted to and approved in writing by the local planning authority and these works shall be completed in accordance with the approved details before the first use of the building;

Reason: To ensure adequate drainage arrangements.

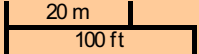
- (11) The existing buildings shown to be removed on drawing number P846/1 Rev B shall be demolished and the resulting materials and debris removed

from the site to the satisfaction of the local planning authority within 3 month(s) of the first use of the building hereby permitted;

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

Case Officer: Adam Reynolds

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



18/503001/FULL - Boxmend Industrial Estate, Cavallino Building, Bircholt Road, Maidstone, ME15 9YG

Scale: 1:1250

Printed on: 2/8/2018 at 11:42 AM by JoannaW

REPORT SUMMARY

REFERENCE NO - 18/503001/FULL		
APPLICATION PROPOSAL Proposed infill extension to existing automotive repair facility.		
ADDRESS Boxmend Ind. Estate, Cavallino Building, Bircholt Road, Maidstone, ME15 9YG		
RECOMMENDATION – APPROVE subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development complies with the policies of the Development Plan and there are no overriding material considerations to indicate a refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE - Maidstone Borough Council is the landowner		
WARD Park Wood	PARISH COUNCIL Boughton Monchelsea	APPLICANT Rumpton Properties LLP AGENT David Mills Architect
DECISION DUE DATE 18/09/18	PUBLICITY EXPIRY DATE 14/08/18	OFFICER SITE VISIT DATE 22/06/18
RELEVANT PLANNING HISTORY:		

- 14/500825 - Proposed car showroom extension to front of building and proposed 3 storey car storage extension to rear of building – Approved (permission not implemented)
- MA/09/2185 - Change of use to B1, B2 or B8 uses – Approved

1.0 SITE DESCRIPTION

1.01 The proposal site, known as the Cavallino building, is an industrial building located at the southern end of Bircholt Road close to the junction with Christen Way. This building is occupied by the Ferrari Centre, and is currently used predominantly as a workshop, with the associated showroom currently occupying the front of the building. There is parking on the site, to the north of the building, and the only access into the site is from Bircholt Road. For the purposes of the Local Plan, the proposal site is within the defined urban area and a designated area of Economic Development.

2.0 PROPOSAL

2.01 The proposal is for an infill extension to the existing automotive repair facility, at its eastern end, effectively squaring off the building. The proposal would add some 200m² of extra floor space to the garage/workshop (existing 1,090 m² - proposed 1,290 m²). The existing vehicle access and parking provision would remain unaffected by the proposal.

3.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP1, SP21, SP22, DM1, DM5
- National Planning Policy Framework (2018)
- National Planning Practice Guidance (2014)

4.0 LOCAL REPRESENTATIONS

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

5.0 CONSULTATIONS

5.01 **Boughton Monchelsea Parish Council:** Raised no objection to proposal.

5.02 **KCC Public Rights of Way Officer:** Commented that PROW KM112 runs along western boundary of site and should not affect the application.

APPRAISAL

Main issues

6.01 As the largest and most sustainable location, the urban area of Maidstone, as defined by the Local Plan, should be the focus for new development. Relevant policies in the Local Plan (as listed above) also seek to ensure the retention, intensification, and regeneration of existing industrial and business estates identified as Economic Development Areas; and that proposals will not result in harm to the character and appearance of the area, or adversely impact upon the amenities of occupiers of residential properties. This is in accordance with the NPPF. This report will set out and consider the visual and residential amenity impacts of the proposal, and then will go on to consider other relevant planning matters.

Visual impact

6.02 The proposal would be noticeably set back from any public vantage point, largely screened by the host building; and it would square off the existing building, whilst respecting the building's height and use of external materials. It is therefore considered that the proposal would not appear visually incongruous or excessive in scale, but very much a development read in context with the character and appearance of the surrounding area.

Residential amenity

6.03 Given the existing industrial use of the site, the context of its industrial estate surroundings and the proposal's separation distance from any residential property, it is considered that the proposal would not have an adverse impact on the living conditions of the occupants of any residential property.

Highway safety implications

6.04 The proposal would not result in a significant intensification of the current use of the site, and it would not put further pressures on parking provision. No objection is therefore raised in terms of highway safety.

Other considerations

- 6.05 The proposal is to extend and refurbish an existing building and so it is not considered necessary to impose any BREEAM standards of build. No objection is raised in terms of land contamination; air pollution; and flood risk.

7.0 CONCLUSION

- 7.01 The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval of the application is made on this basis.

8.0 RECOMMENDATION – APPROVE subject to 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.

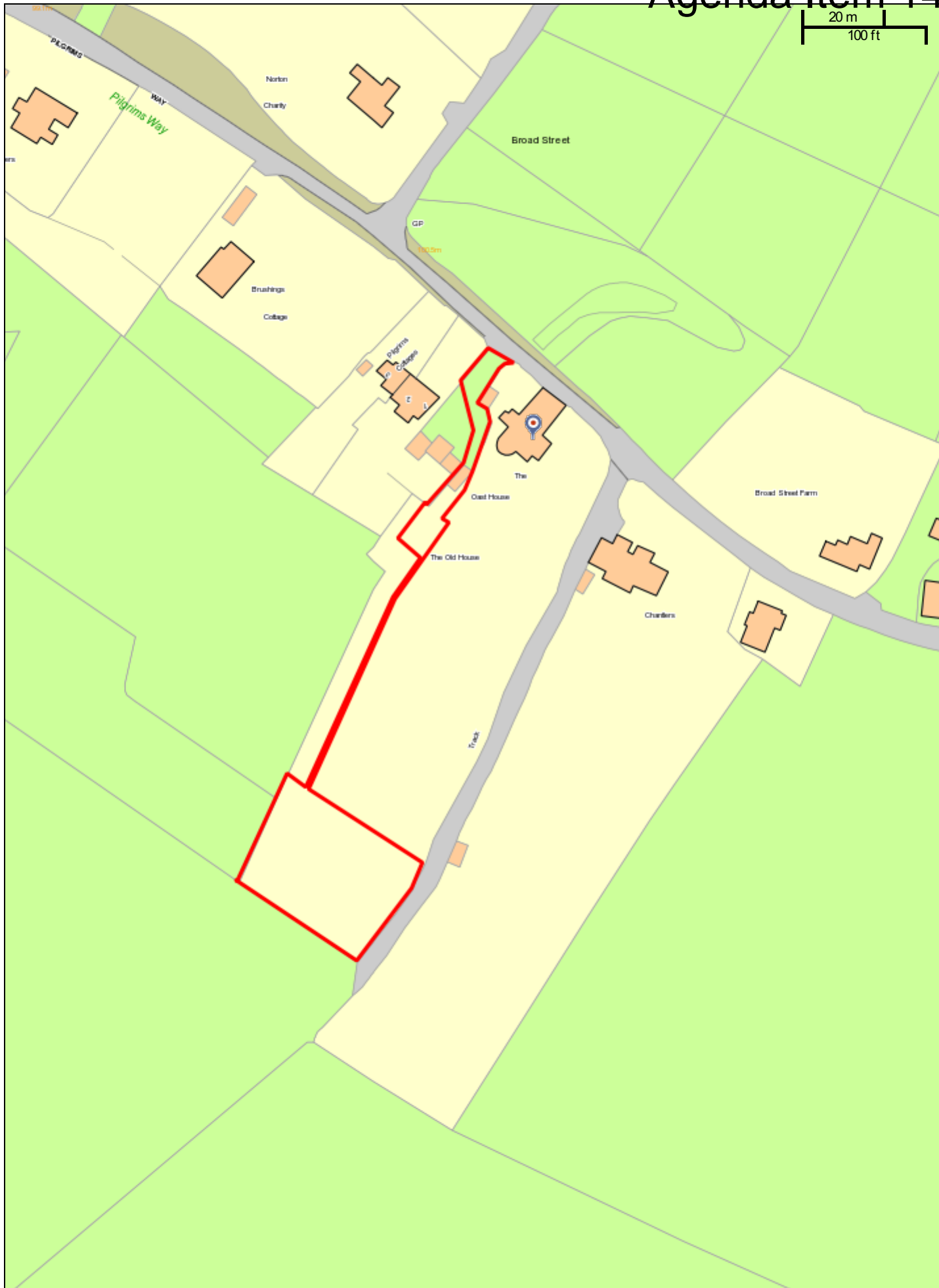
- (2) The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development.

- (3) The development hereby permitted shall be carried out in accordance with the following plans: M206/P01; P02; P03; and P04 received 04/06/18;

Reason: To ensure a satisfactory appearance to the development.

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



REPORT SUMMARY

16 August 2018

REFERENCE NO – 18/502003/FULL			
APPLICATION PROPOSAL – Change of use of part of an area of existing garden to accommodate two Shepherd's Huts providing holiday let accommodation			
ADDRESS – The Oast House, Pilgrims Way, Hollingbourne, Kent, ME17 1RB			
RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION – The principle of the provision of holiday let accommodation within rural locations such as this accords with Government guidance in the NPPF and adopted Local Plan policies which generally support holiday/tourism related development in the rural areas of the borough. The proposed holiday let use in this case is very modest in scale and the site is well screened by existing trees and hedgerows. It is not considered that the proposed holiday let use is likely to impact unacceptably on the visual amenities of the open countryside location, the landscape of the AONB, the amenities of neighbouring residential properties, the setting of the adjoining conservation area and listed buildings, archaeological and ecological interests of the site, or highway safety.			
REASON FOR REFERRAL TO COMMITTEE – The application has been called-in for consideration by the Planning Committee by the Ward Councillor, Councillor Patrik Garten, on the grounds that there is a lot of discontent in the hamlet caused by this application.			
WARD North Downs	PARISH/TOWN COUNCIL Hollingbourne	APPLICANT Mr and Mrs Clare AGENT Kent Design Studio Ltd	
DECISION DUE DATE 21.06.18	PUBLICITY EXPIRY DATE 28.06.18	OFFICER SITE VISIT DATE 28.06.18	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
18/501600/FULL	Erection of a single storey rear extension. Conversion of basement with connecting single storey side extension. Alterations to fenestration along South East elevation. Erection of a detached pool house and detached car port.	Withdrawn by applicant	30.07.18
03/0642	Existing lean-to extension extended along front (north-east elevation).	Approved	04.09.03
02/2277	Demolition of existing buildings and erection of a porch extension and detached garage.	Approved	20.02.03
90/1840	Single-storey extension to dwelling.	Approved	28.01.91
90/1636	Erection of domestic garage building.	Refused	26.04.91

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site forms part of the extensive rear garden area to a detached two-storey residential property located on the south side of Pilgrims Way, approximately 60m to the east of the junction of Broad Street Hill with Pilgrims Way. The extensive rear garden area to the property has an overall depth of some 125m and a width of 40m. The application site comprises mainly the end (southern) part of rear garden and

measures 30m approx. in depth and 40m in width. The application site is adjoined by a tennis court enclosed by fencing within the remaining part of the rear garden area. A Public Footpath (KH132A) runs along the eastern boundary of the site and separates the site from the adjoining residential property to the east of the site at The Old House and its extensive rear garden area. Agricultural land adjoins the site to the south and partly to the west. Residential properties on Pilgrims Way adjoin the remaining (northern) part of the western boundary.

- 1.02 The site forms part of the open countryside of the Kent Downs Area of Outstanding Natural Beauty. The main dwelling and the northern part of the extensive rear garden area to the property are within the Hollingbourne/Broad Street Conservation Area but the main body of the application site is outside. The neighbouring residential properties at The Old House to the east and Pilgrims Cottages to the west are Grade II listed buildings. The site is within an area identified as being of potential archaeological interest.

2.0 PROPOSAL

- 2.01 The application proposes the change of use of the end (southern) part of the extensive rear garden area to the residential property to accommodate the siting of two Shepherd Hut units providing holiday let accommodation. The proposed hut structures have a footprint of 11 sq. m, an eaves height of 2.6m approx., and a maximum height of 3.2m approx. Both huts comprise a kitchen, a toilet with shower, a dining area, and a fold down wall bed. The huts are sited either side of a man made pond at the southern end of the extensive rear garden and will be accessed via a pathway through the remaining rear garden area to the existing main dwelling adjacent to the western boundary. An existing detached double garage building accessed via a driveway to the western side of the existing main dwelling is to be used to provide guest parking for the proposed holiday let accommodation with the pathway access to the proposed holiday let huts continuing southwards beyond the garage.
- 2.02 The submitted Design, Access & Heritage Statement states that the two huts are to be clad with rural style materials. One hut is to comprise corrugated steel sheets (green walls with black roof) and the other is to be natural feather edge boarding with corrugated steel sheet roofing. Both huts will have timber joinery windows and doors. The submitted plan shows the planting of a new native species hedgerow between the proposed holiday let accommodation site and the remaining extensive garden area to the existing main dwelling.
- 2.03 In support of the application, the applicants have stated that they are catering for a maximum of 4 people only at any time, it is likely they will attract walkers and ramblers who can enjoy the many walks and attractions the North Downs has to offer, they will be supporting their guests stay by supplying electric bicycles and giving a personal concierge service to visit attractions such as Chapel Down Vineyard, Leeds Castle, local pubs and restaurants and other points of interest. The applicants further state that access and departure to the holiday let huts will be managed sensitively and within time specified periods.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan 2017: Policies SS1, SP17, SP18, SP21, DM1, DM3, DM4, DM8, DM23, DM30, DM37, DM38

National Planning Policy Framework (NPPF) 2018: Paragraphs 11, 47, 83, 84, 109, 130, 172, 175, 193, 194, 196
National Planning Practice Guidance (NPPG)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** Thirteen representations received from and on behalf of local residents raising the following (summarised) concerns/objections:

- Introducing a commercial use into a residential curtilage is inappropriate.
- A need for the holiday let accommodation in the area has not been demonstrated in the application.
- There are alternative local facilities for holiday makers.
- The proposals will set a precedent for similar development in the area which will change the character of the area.
- The proposals will change Broad Street in a negative way.
- The proposals will remove important garden space in an Area of Outstanding Natural Beauty.
- The site could develop into a full blown holiday camp/camp site with all the associated holiday activity.
- Guests are likely to be less considerate to neighbours than local residents.
- Potential light intrusion and noise pollution will impact on neighbouring residents.
- Property values in the Broad Street hamlet would be negatively affected.
- The proposals will impact on the adjoining public footpath and change its character.
- The provision of holiday let accommodation will increase traffic on Pilgrims Way.
- Use of the shared driveway and the arrival and departure of additional vehicles to the property and additional parking requirements will have a detrimental impact on the quality of life of neighbouring residents.
- A shared driveway used by residents would not support visitor parking.
- Increased use of the shared driveway would impact on the neighbouring Grade II listed cottage.
- Change of use of the garden land could have an adverse impact on the population of bats in the area.
- Incorrect ownership certificates have been submitted with the application and the required notices were not served.

4.02 **Hollingbourne Parish Council:** The Parish Council do not wish to comment/object.

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 **Environmental Health Officer:** No objections to the application.

5.02 **KCC Highways and Transportation:** Comment that the development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

5.03 **KCC Archaeological Officer:** Comments that the application site lies within an area of archaeological potential relating to activity focussed along the routeway of the

Pilgrims Way and that Anglo-Saxon burials have been found in fields within the general area. Recommends a condition be attached to any grant of consent to secure the implementation of a watching brief to be undertaken by an approved archaeologist so that the excavation is observed and items of interest and finds are recorded.

- 5.04 **Kent Downs AONB Unit:** No objection raised to the application. Comment that they would wish to see the use of the huts controlled to ancillary accommodation/holiday lets only and the materials/colours as specified in the Design and Access Statement. Also request that conditions be attached ensuring the retention of existing vegetation along the southern boundary of the site to help filter views from the PROWs to the south and east and that external lighting is strictly controlled to help meet the objectives of the AONB Management Plan policy SD7 which seeks to retain and improve tranquillity in the AONB including the experience of dark skies at night.

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- The principle of holiday let accommodation in the open countryside location
- Visual impact
- Character and appearance
- Residential amenity
- Traffic and parking
- Setting of the conservation area and listed buildings
- Archaeological interests
- Ecology

Principle of development

- 6.02 Government guidance in the National Planning Policy Framework (NPPF) (2018) states (para. 83) that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. The guidance in paragraph 83 further states that planning policies should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 6.03 The NPPF further states (para. 84) that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. The NPPF states that in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
- 6.04 Policy SP21 of the adopted Maidstone Borough Local Plan is supportive of proposals for the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location.
- 6.05 Policy DM37 of the adopted Maidstone Borough Local Plan sets out circumstances where planning permission will be granted for the sustainable growth and expansion

of rural businesses in the rural area. These circumstances include where new buildings are small in scale, appropriate scale for the location and can be satisfactorily integrated into the local landscape; the proposal would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access; and, the new development will not result in an unacceptable loss in the amenity of the area, particularly with regard to the impact on nearby properties and the appearance of the development from public roads.

- 6.06 Policy DM38 of the adopted Maidstone Borough Plan states that proposals for sites for the stationing of holiday caravans and/or holiday tents outside of the defined settlement boundaries will be permitted in certain circumstances. These include where the proposal would not result in an unacceptable loss in the amenity of the area, particularly with regard to the impact on nearby properties and the appearance of the development from public roads, and, the site would be unobtrusively located and well screened by existing or proposed vegetation and would be landscaped with indigenous species. The policy states that a holiday occupancy condition will be attached to any permission, preventing use of any unit as a permanent encampment.
- 6.07 As noted from the Government guidance in the NPPF and adopted Local Plan policies referred to above, holiday/tourism related development in the rural areas of the borough is generally supported by planning policy. In the case of the current proposals, the proposed holiday let use is modest in scale, both in terms of the number and size of the units and the number of guests that could be accommodated, and the site is well screened by existing trees and hedgerows along the rear garden boundaries. The location provides excellent walking opportunities for holiday makers and the applicant has indicated that electric bicycles will be available for guests and a personal concierge service will be provided to visit local attractions which will assist in making the location more sustainable in accordance with the guidance in the NPPF. In light of the above, the principle of the use of the rear garden site for holiday let accommodation is considered acceptable. The specific site considerations are assessed under the relevant headings below.

Visual impact

- 6.08 The rear garden site is well screened by existing trees and hedgerows, both along the rear garden boundaries and generally within the main body of the garden. The proposed holiday let huts are very modest in size and height and in the locations proposed in the application the huts will have minimal visual impact in any views from outside the site, including views from the public footpath which runs along the eastern boundary of the rear garden. One of the proposed holiday let huts is already positioned on the site and is currently used by the applicant incidental to the occupation of the main dwelling. This existing hut is currently only glimpsed from certain points outside the site. The huts are considered appropriate for the rural location in terms of design and elevational treatment and whilst the current screening provided by existing trees and hedgerows will naturally reduce during the winter months, additional planting is proposed within the site as part of the current application, and it is not considered that the two modest sized huts will appear as visually intrusive in any views or will have an unacceptable harmful impact on the visual amenities of the locality.

Character and appearance

- 6.09 The site forms part of the open countryside of the Kent Downs Area of Outstanding Natural Beauty. Government guidance in the NPPF states (para. 172) that great weight should be given to conserving and enhancing landscape and scenic beauty in

National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The NPPF further states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

- 6.10 Given the modest scale of the proposed holiday let accommodation, the modest size and height of the proposed huts, and the screening provided by the existing trees and hedgerows along the site boundaries and within the site generally, it is not considered that the proposals will have a harmful impact on the character, appearance and openness of the landscape of the open countryside of the Kent Downs Area of Outstanding Natural Beauty. The submitted application has been considered by the Kent Downs AONB unit, the unit has confirmed that they have no objection to the proposal in relation to AONB impact.

Residential amenity

- 6.11 The rear garden location for the proposed holiday let huts is some 85 – 95m from the backs of the neighbouring residential properties either side of the site at The Old House to the east and Pilgrims Cottages to the west. As a result of the separation distance and the screening provided by the existing trees and hedgerows, both along the rear garden boundaries and generally within the main body of the garden, and the additional planting proposed as part of the current application, the proposed holiday let huts are unlikely to impact in the outlook to the rear of the neighbouring residential properties. Given the modest scale of the holiday let use (the two huts cater for a maximum of 4 people only at any time) and the separation distance between the site and the neighbouring residential properties, the use of the site and level of activity within the site is unlikely to impact on the residential amenities of the neighbouring occupiers in terms of noise and disturbance.
- 6.12 The increased use of the shared access off Pilgrims Way adjacent to the western side of the main dwelling at The Oast House to provide access to the garage parking for the holiday let guests with the access continuing southwards as a pedestrian access to the holiday let hut accommodation is likely to have some impact on the neighbouring dwellings at Pilgrims Cottages to the west. However, given the modest scale of the development, any additional comings and goings to and from the site via the existing shared access are unlikely to be so significant as to result in unacceptable noise and disturbance to the neighbouring occupiers. Any modest increase in traffic along Pilgrims Way as a result of the proposals is unlikely to impact on residential amenity in the wider area.
- 6.13 The proposed holiday let accommodation is considered to provide prospective users with a good holiday environment.

Traffic and parking

- 6.14 An existing detached double garage building accessed via an existing shared driveway to the western side of the main dwelling at The Oast House is to be used to provide guest parking for the proposed holiday let accommodation. There is pathway access to the proposed holiday let huts continuing southwards beyond the existing garage. The existing two bay garage is considered to provide adequate parking for the two 2-person maximum holiday let huts.
- 6.15 Separate off-road parking for the existing main dwelling at The Oast House is available immediately adjacent to the western side of the dwelling on the Pilgrims Way frontage.

- 6.16 The provision of the two holiday let huts is likely to result in a modest increase in vehicle movements to and from the site via the existing shared access to Pilgrims Way and a similar modest increase in vehicle movements along Pilgrims Way. The modest increases are not likely to raise any overriding highway safety issues in the locality.
- 6.17 The provision of the two holiday let huts is likely to result in a modest increase in vehicle movements to and from the site via the existing shared access to Pilgrims Way and a similar modest increase in vehicle movements along Pilgrims Way. The modest increases are not likely to raise any overriding highway safety issues in the locality.

Setting of conservation area and listed buildings

- 6.18 The main dwelling at The Oast House and the northern part of the extensive rear garden area to the property are within the Hollingbourne/Broad Street Conservation Area but the main body of the application site is outside. The neighbouring residential properties on Pilgrims Way at The Old House to the east and Pilgrims Cottages to the west are Grade II listed buildings.
- 6.19 Given the modest size and scale of the proposed holiday let huts, the separation distance between the proposed huts and the conservation area boundary and neighbouring listed properties on Pilgrims Way to the north, and the screening provided by the existing trees and hedgerows between the proposed huts and the conservation area boundary and listed buildings, it is not considered that the proposed huts will have a harmful impact on the setting of the conservation area or the neighbouring Grade II listed buildings. It is not considered that the significance of the designated heritage assets (conservation area and listed buildings) will be harmed by the proposals.

Archaeological interests

- 6.20 The application site lies within an area of archaeological potential relating to activity focussed along the routeway of the Pilgrims Way. Anglo-Saxon burials have been found in fields within the general area.
- 6.21 Whilst the stationing of the two holiday let huts on the site is unlikely to involve any groundworks of significance which could impact on any archaeological interests within the site, KCC's Archaeological Officer has recommended that a planning condition be attached to any grant of planning permission to secure the implementation of a watching brief to be undertaken by an approved archaeologist so that the excavation is observed and items of interest and finds are recorded. The condition recommended by KCC's Archaeological Officer can be imposed on any planning permission granted and will ensure any archaeological interests at the site are safeguarded.

Ecology

- 6.22 The two holiday let huts proposed are to be sited within the end part of an extensive rear garden area to the residential property at The Oast House on Pilgrims Way. The garden area is well managed and maintained and incorporates a modest sized man made pond. The proposed huts are sited on existing managed grassed areas within the garden area, the existing man made pond is retained and no existing trees or hedgerows are removed as part of the proposals. External lighting to the proposed holiday let huts and within the site generally could impact on any ecological interests

at the site and a condition is recommended to be imposed on any grant of planning permission to secure the submission of details of external lighting for consideration and approval.

Other Matters

- 6.23 One of the issues raised on behalf of local residents with regards to the application relates to the incorrect ownership certificate having been submitted with the application and the required notices not being served on the relevant owners as part of the planning application process. This matter has been resolved.

7.0 CONCLUSION

- 7.01 Government guidance in the NPPF and adopted Local Plan policies are generally supportive of holiday/tourism related development in the rural areas of the borough. In the case of the current proposals, the proposed holiday let use is modest in scale, both in terms of the number and size of the units and the number of guests that could be accommodated, and the site is well screened by existing trees and hedgerows along the rear garden boundaries and within the rear garden site generally. The proposals will not have a harmful visual impact in the area. The character, appearance and landscape of the Kent Downs Area of Outstanding Natural Beauty are similarly not harmed as a result of the proposed use of the site for the siting of the two holiday let huts. The settings of the adjoining Hollingbourne/Broad Street Conservation Area and the neighbouring listed buildings on Pilgrims Way are preserved in the proposals.
- 7.02 Given the modest scale of the holiday let use and the separation distance and existing tree and hedgerow screening between the site and the neighbouring residential properties, the use of the site and level of activity within the site is unlikely to impact unacceptably on the residential amenities of the neighbouring occupiers in terms of noise and disturbance, including that generated by vehicle movements on the existing shared access. The modest increases in the use of the existing shared access and vehicle movements along Pilgrims Way are not likely to raise any overriding environmental or highway safety issues in the locality.
- 7.03 The application does not raise any overriding issues of conflict with the relevant Government guidance in the NPPF (2018) or the policies in the adopted Maidstone Borough Local Plan (2017). The grant of planning permission is recommended subject to the conditions set out below.

8.0 RECOMMENDATION

- 8.01 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/document unless otherwise agreed in writing by the Local Planning Authority:

Drawing numbers 1767 21, Blackdown Shepherd Huts Drawing No. 001 Sheets 1 of 4 and 2 of 4, Design, Access & Heritage 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 construction of the external surfaces of the shepherd hut structures hereby permitted shall be as stated within the submitted Design, Access & Heritage Statement unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity.

- (4) Before the holiday let units hereby permitted are first occupied, a detailed landscaping scheme for the site comprising native species planting, including details of the new hedgerow to the northern boundary of the site and the enhancement of the existing planting to the southern and eastern boundaries, shall have been submitted to and approved in writing by the Local Planning Authority. A plan for the long term maintenance of the landscaping scheme shall also be included in the details submitted. The approved landscaping scheme shall be implemented by the end of the first planting season following the first occupation of the holiday let units.

Any trees or plants which within a period of five years from the implementation of the approved landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: In the interests of the visual amenities of the area and the setting of the completed development.

- (5) Prior to the holiday let units hereby permitted being stationed on the site, details of the surfacing materials to be used in construction of all new hardsurfacing within the site, including the new footpaths shown on the approved plan (Drawing No. 1767 21), shall have been submitted to and approved in writing by the Local Planning Authority. The new hardsurfacing shall comprise permeable material. The new hardsurfacing shall be carried out in accordance with the approved details before the first occupation of the holiday let units;

Reason: In the interests of the visual amenities of the area and the setting of the completed development.

- (6) The two holiday let units hereby permitted shall only be used as holiday accommodation;

Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.

- (7) The two holiday let units hereby permitted shall only be occupied continuously by any persons for a period not in excess of 28 days and not for more than 112 days in total any calendar year. A written record of all lettings shall be kept and made available for inspection by the Local Planning Authority at their reasonable request;

Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.

- (8) The holiday use of the site hereby permitted shall be restricted to the two holiday let units shown on the approved plan (Drawing No. 1767 21) only;

Reason: In the interests of the amenities of the occupiers of neighbouring residential properties and the locality.

- (9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that order with or without modification), no further development, other than that shown on the approved plan (Drawing No. 1767 21), shall take place within the site without the prior written approval of the Local Planning Authority;

Reason: In the interests of the amenities of the occupiers of neighbouring residential properties, visual amenity and the character and appearance of the open countryside location.

- (10) The guest parking shown on the approved plan (Drawing No. 1767 21) shall be provided and maintained available for use for parking purposes by the users of the two holiday let units hereby permitted. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that order with or without modification), shall be carried out within the guest parking area or in such a position as to preclude vehicular access to the guest parking. The holiday let units shall not be occupied without the allocated guest parking being available;

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

- (11) No external lighting shall be installed to the holiday let units or within the site without full details of the lighting having been first submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the details approved and shall be retained and maintained as such thereafter;

Reason: In order to safeguard the night-time rural environment, the ecological interests of the site, and residential and local amenity generally.

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

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with Government guidance in the NPPF (2018).

- (13) Prior to the commencement of the development hereby approved, full details of a scheme of foul and surface water drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in strict accordance with the details approved prior to the first occupation of the holiday let units hereby permitted;

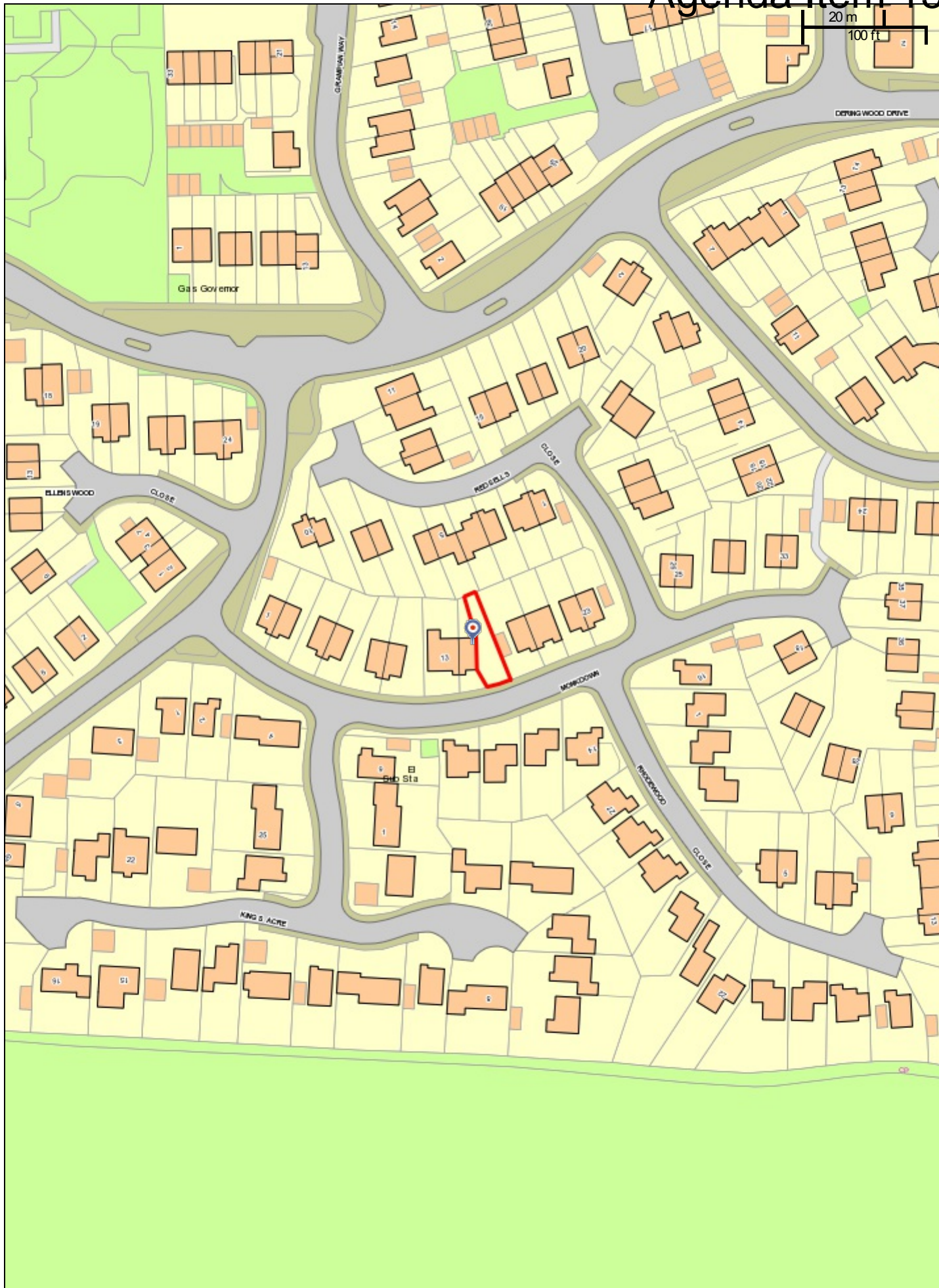
Reason: To ensure that adequate drainage is provided for the development and reduce the potential for flooding and contamination.

Informative:

The Council's Environmental Health Team advise that broad compliance with the Mid Kent Environmental Code of Development Practice is expected in the development.

Case Officer: Jon Barnes

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



18/502748/FULL - 15 Monkdown, Downswood, Maidstone, Kent, ME15 8SP

Scale: 1:1250

Printed on: 2/8/2018 at 10:10 AM by JoannaW



REPORT SUMMARY

16th August 2018

REFERENCE NO - 18/502748/FULL			
APPLICATION PROPOSAL - Demolition of the existing outbuilding and the construction of a two bedroom attached house.			
ADDRESS - 15 Monkdown Downswood Maidstone Kent ME15 8SP			
RECOMMENDATION - GRANT PLANNING PERMISSION subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION – The current proposal being similar to the two-storey side extension approved in April 2018, under reference number 18/500753/FULL is acceptable in terms of scale and design and no material harm will be caused to the character, appearance or layout of the vicinity of the site. The proposal accords with all relevant policies of the development plan (Maidstone Borough Local Plan (2017) and the NPPF and will make a valuable windfall contribution towards the provision of smaller housing units within the Borough.			
REASON FOR REFERRAL TO COMMITTEE – Downswood Parish Council have requested the application is reported to the Planning Committee if Officers are minded to recommend approval.			
WARD Downswood And Otham	PARISH/TOWN Downswood	COUNCIL	APPLICANT Ms Amanda Cooper AGENT Mr Paul Fowler
DECISION DUE DATE 30/07/18	PUBLICITY EXPIRY DATE 12/07/18	OFFICER SITE VISIT DATE 15/06/18	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
18/500753/FULL	Demolishing of existing outbuilding, Erection of a two-storey side extension and extended vehicular cross over.	Permitted	10.04.2018

MAIN REPORT

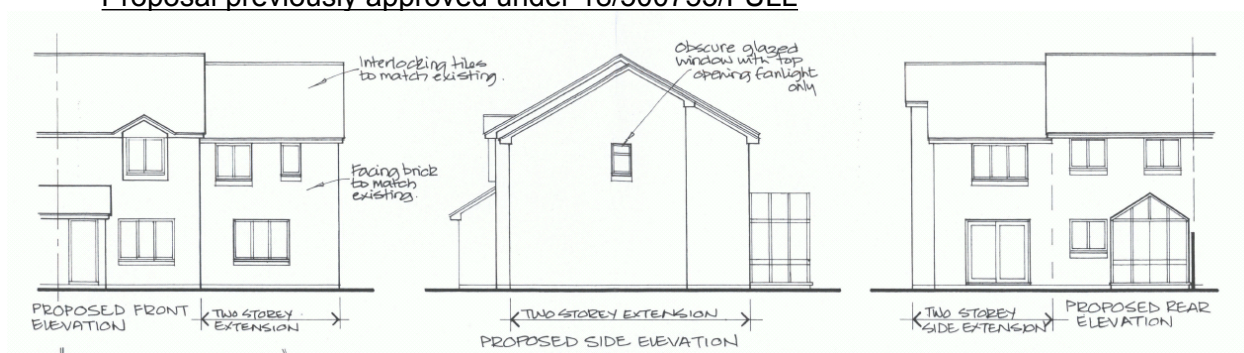
1.0 DESCRIPTION OF SITE

- 1.01 The application relates to an irregular shaped plot of land taken from the side and rear garden of the semi-detached property at no.15 Monkdown that is currently occupied by a timber framed shed. The site lies on the north side Monkdown and forms part of a dense residential development within the settlement of Downswood. The site is located within the defined urban area of Maidstone in the adopted Maidstone Borough Local Plan (2017).
- 1.02 The prevailing character of the street scene is mixed and comprises of detached, semi-detached and terraced properties largely of similar scale, design and age. There are gaps between the properties, especially at first floor level, which vary in scale and maintain a visual break between the properties. Some of these gaps have been infilled over time with the erection of two storey side extensions.
- 1.03 The neighbouring dwelling to the east of the site at no. 17 Monkdown has an outbuilding adjacent to the site which appears to have been converted to living accommodation and has a window to the south (front) elevation.

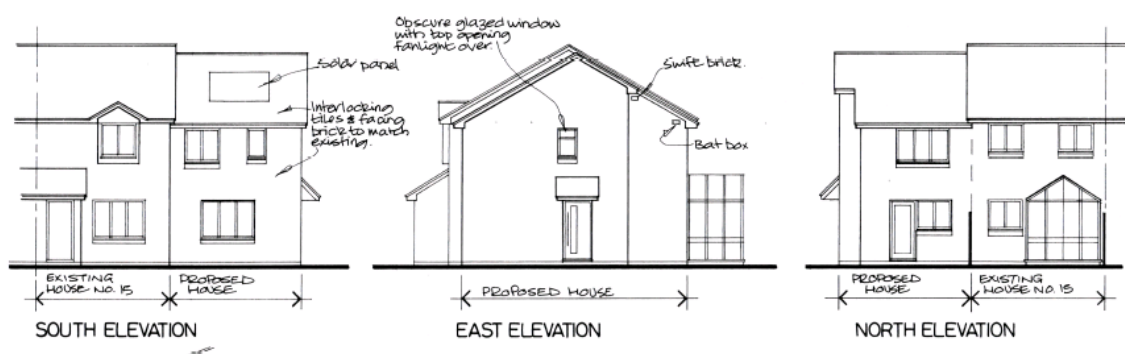
2.0 PROPOSAL

- 2.01 Planning permission was granted on the 4th of April 2018 under application reference number 18/500753/FULL for demolition of the existing outbuilding and erection of a two-storey side extension and extended vehicular cross over.
- 2.02 The current application effectively seeks to convert this approved development into a two bedroom residential dwelling with some minor alterations to fenestration. The current proposal will result in the creation of a three block terrace, and will include a separate curtilage for the dwelling and off street parking. A visual comparison between the previously approved extension and the attached building currently proposed is provided below.

Proposal previously approved under 18/500753/FULL



Current proposal



- 2.03 The new dwelling would have a width of 4.5 metres and a depth of 7.5 metres. The dwelling would be approximately 7 metres above ground level with eaves at a height of just 4.8 metres. The building would be set back from the front elevation by 0.5 metres with the roof set down from the roof of the main dwelling by approximately 0.3 metres.
- 2.04 The proposed new dwelling would retain a gap of 0.5 metres at the narrowest point with the common boundary of the neighbouring dwelling to the east of the site (no.17 Monksdown) widening towards the front part of the site. The gap with this neighbouring dwelling at first floor level would be above 5 metres at its widest point flank to flank.

- 2.05 The application indicates a separate garden for the new dwelling, which extends from the rear of the development to the rear boundary of the site. The existing dwelling and the proposed new dwelling would have open frontages, with the provision of one off street car parking space for each dwelling. Unlike existing dwellings on the street, the front door is located on the east facing elevation, but the fenestration details proposed would be largely similar to those on the existing dwellings within the street.
- 2.06 The ground floor of the new dwelling would provide a living room, kitchen, and downstairs toilet. There would be two bedrooms on the first floor with a separate family bathroom. Materials proposed for the dwelling include facing brickwork and plain roof tiles which reflects those used on the main dwelling and surrounding properties.

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 The National Planning Policy Framework (NPPF): 47, 55, 122, 124, 127 and 128 of the National Planning Policy Framework July 2018
National Planning Practice Guidance (NPPG):
Maidstone Borough Local Plan 2017 SS1, DM1, DM9, DM11, DM12 and DM23

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** No representations have been received from local residents either in support or objecting to this application.
- 4.02 Cllr Gordon Newton has requested that notwithstanding the planning permission granted for the two storey side extension, the current scheme is unacceptable and should be reported to the planning committee if the case officer is minded to approve.
- 4.03 Comments have been received from Cllr Matt Boughton stating that the development as planned due to its proximity to site boundaries and the lack of boundary landscaping is incongruous and harmful to the character and appearance of the surrounding area contrary to policy DM1 of the adopted Local Plan.
- 4.01 Downswood Parish Council objects to the application on the following summarised grounds.
- The site density is not appropriate for a separate residential dwelling.
 - It does not meet the relevant parking standards
 - The proposal is without a boarder and in close proximity to the adjacent building.

5.0 CONSULTATIONS

- 5.01 KCC Highways and Transport: No objections

6.0 APPRAISAL

Main Issues

- 6.01 The application proposes erection of two bedroom attached house to create a three block terrace. The main issues for consideration are;
- The principle of the development

- Impact upon the character of the retained property and the character and appearance of the surrounding area;
- Impact upon the residential amenity of future occupants of the new dwelling.
- The potential impact on the occupiers of surrounding neighbouring dwellings.
- Impact on highways in terms of parking and access.

Principle of development

- 6.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 6.03 Policy SS1 of the adopted local plan sets out the spatial strategy for Maidstone Borough. The Maidstone urban area is the most sustainable location in the hierarchy where new development is firstly directed followed by the rural service centres and the larger villages as defined on the proposals map to the Maidstone Borough Local Plan (2017).
- 6.04 Policy SP1 of the adopted local outlines the Council's objectives of ensuring that the Maidstone urban area remains an attractive place to live and work. In line with this objective, the Council aspires to infill appropriate urban sites in a way that contributes positively to the local distinctive character.
- 6.05 Having regards to the development plan and in considering the approved development at the site which is similar to the current scheme in terms of scale and design, no overriding planning objection can be raised to this currently proposed scheme. The proposed scheme converts the approved extension into a two bedroom self contained dwelling. The submission is consistent with all the relevant provisions of the adopted local and the NPPF and on this basis principle of the development is considered acceptable.

Visual Impact:

- 6.06 Policy DM1 of the adopted local plan addresses the Council's aspiration of achieving high quality design throughout the borough. The policy requires proposals to positively respond to, and where appropriate enhance the character of their surroundings. Additional guidance is set out in policy DM12 of the plan requiring new housing development to be at a density that is consistent with achieving good design without compromising the distinctive character of the area in which it is situated. The proposed density of development that is currently proposed is in line with the character of the site and the surrounding area.
- 6.07 The general street scene is of a mixed character and cannot be argued to have a defined layout, being largely made up of a mixture of detached, semi-detached and terraced properties. The proposed building slightly set back and set down from the height and front elevation of the original building would maintain the character, appearance and proportions of the original building.
- 6.08 The existing semi detached dwellings at 13 and 15 Monkdown are not of uniform or symmetrical appearance, with the host dwelling at no 15 having a Gablet to the front elevation. Therefore the development when seen in the current context of the street is considered sympathetic to the existing dwelling. The proposed building would be sufficiently separated from the two-storey part of the dwelling at number 17 such that it

would not create a terracing effect. The proposal would preserve the character and appearance of the street scene.

- 6.09 The layout of the front of the site has been well designed to include the provision of an off street car parking space which is similar to other nearby dwellings. The layout of the frontage also includes an area for the storage of refuse bins, new landscaping and cycle parking and this is considered an appropriate setting to the new building.
- 6.10 Whilst there are a number of different facing materials used on buildings locally (including red and buff brick) the proposed building will use facing brick and roofing tiles to match the existing building at 15 Monkdown
- 6.11 In summary the proposed new dwelling will respect the character, appearance and layout of the existing dwelling, the general streetscene and surrounding development.

Residential Amenity:

- 6.12 Policy DM1 of the adopted local plan (2017) requires that proposals are assessed in terms of the level of amenity they provide for future occupants and the occupiers of neighbouring residential properties.
- 6.13 The proposed new dwelling would provide a good level of internal floor space for future occupants with adequate levels of natural light and outlook. The outdoor amenity space the proposed dwelling and that retained by the application property are of an adequate size and useable proportions and considered acceptable.
- 6.14 In terms of privacy, the front openings would face south on to the public road with sufficient separation distance across it to properties opposite. To the side (east) elevation, the proposed first-floor window is stated to be obscure glazed with a top opening fanlight only. The main entrance door is on the eastern elevation and would face the blank side extension at no.17 Monkdown. In summary there would be no unacceptable harm to the amenities of neighbours in terms of overlooking or loss of privacy.
- 6.15 In relation to potential neighbour impact there is sufficient separation distance of approximately 19 metres to the properties behind so as to maintain amenity levels. In addition views from the proposed rear openings towards properties at the rear would not be significantly different to views from existing windows in the existing main house. It is highlighted that the changes from the previously approved two storey extension include a reduction in the overall total area of window and door openings in the rear elevation.
- 6.16 In summary the proposed new dwelling will maintain amenity levels for nearby residents whilst providing a good standard of amenity for future occupants of the new accommodation.
- 6.17 It is highlighted that there were no objections received from neighbours or the parish council following the two rounds of public consultation on this application and the earlier application for a two storey side extension.

Parking and highway safety:

- 6.18 The submitted plans indicate the provision of one car parking space in addition to the provision of a cycle stand on site. This provision is consistent with provisions of the development plan. There are no highways issues arising from the extended

crossover, since the site lies within an estate with a 30 mph speed limit, and due to the road layout vehicle speeds are likely to be relatively low.

- 6.19 The proposed new dwelling is likely to generate a marginal increase in vehicular movement to and from the site. This would not be significantly different from the vehicle trips likely to be generated by the additional accommodation provided by the approved extension. It is considered that the resulting traffic increase can be adequately accommodated on the road network without detriment to highway safety or local amenity of the site.
- 6.20 With the sustainable location of the site, absence of highway safety issues, and off street parking that complies with requirements of policy DM23 of the adopted Maidstone Borough Local Plan (2017), the proposal is acceptable in relation to parking, traffic and highway safety.

Ecology:

- 6.21 The proposal site currently forms part of a managed residential garden. The nature, siting and scale of the proposal do not raise any significant ecological issues to consider. The scheme proposes to incorporate swift bricks and bat boxes in the development in accordance with requirements of the NPPF.

7.0 CONCLUSION

- 7.01 The proposed new dwelling has been found to be acceptable in terms of design and appearance, and there are no adverse impacts on the character, appearance and visual amenity of the local area. No adverse impacts are identified to the amenities of occupiers of neighboring dwellings. The proposals are acceptable on in relation to parking and highway safety.
- 7.02 The proposal conforms with all the relevant provisions of the development plan and national planning policy and there are no other material consideration that would support the refusal of planning permission. In the circumstances, I recommend that this application is approved subject to appropriate conditions.

8.0 RECOMMENDATION

- 8.01 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;

A site location plan, proposed site plan, proposed plans and elevations received on 21/05/18;

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

3. The development hereby approved shall not commence above slab level until written details of samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials.

The details of the material shall include swift bricks and bat tubes/boxes to be incorporated into the development.

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

4. 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.

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

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

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

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

7. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no further development shall take place on the site without the prior written consent of the Local Planning Authority;

Reason: To ensure the appearance and the character of the building is maintained.

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

any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification, a programme of implementation and a [5] year management plan.]

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

9. The approved landscaping shall be in place at the end of the first planting and seeding season following completion of the dwelling. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity of the area.

10. Before the development hereby permitted is first occupied, the first floor windows opening on the eastern elevation of the proposed development (as shown on the proposed plans and elevations) shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such:

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

11. 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;

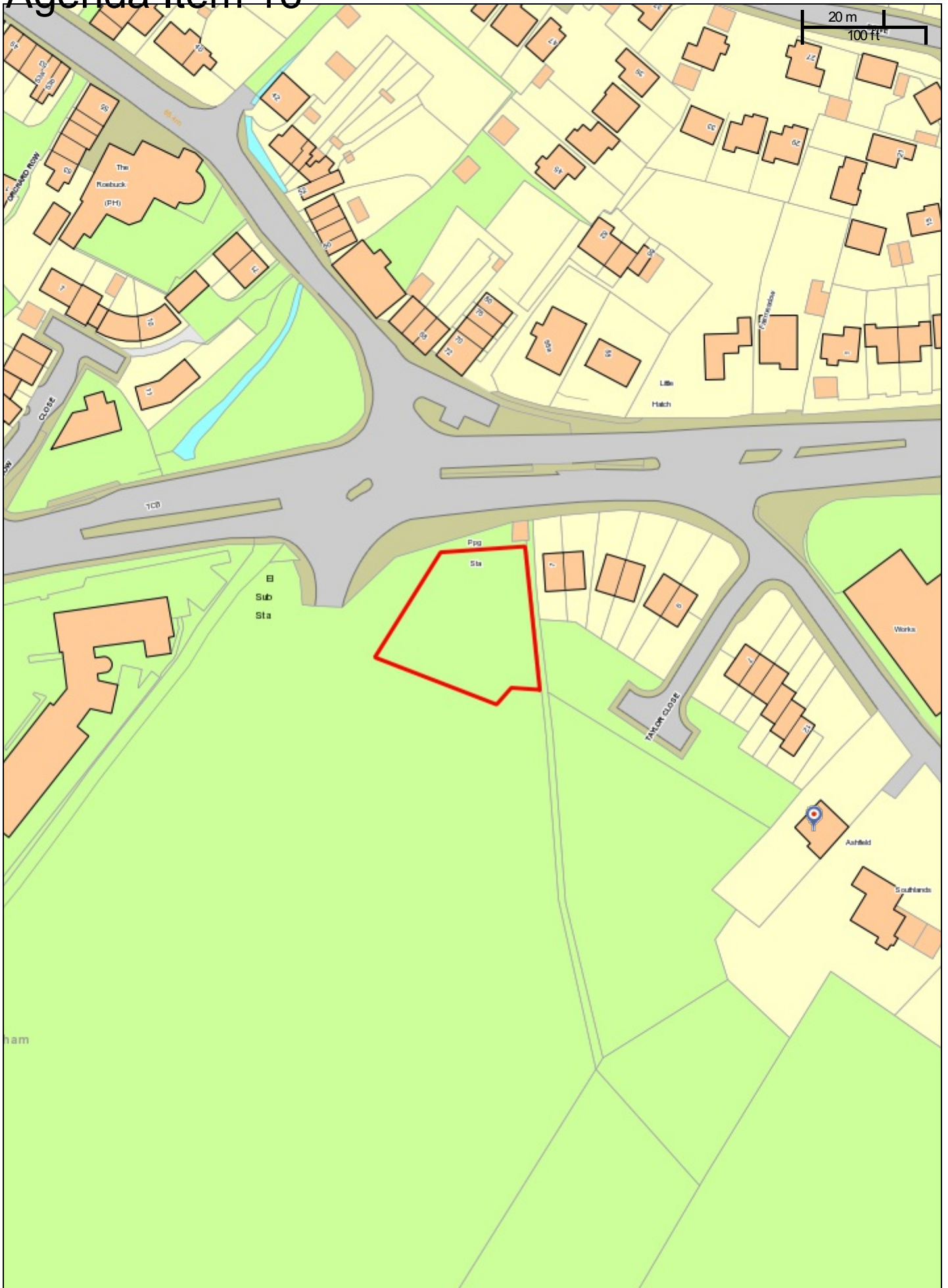
Reason: To ensure a satisfactory appearance to the development, to safeguard the enjoyment of their properties by existing and prospective occupiers and in the interests of wildlife.

INFORMATIVES

- (1) The applicant is advised that in order to avoid nuisance to neighbours thought should be given to restricting that use of plant and machinery used for demolition and construction to between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays. It is advised to restrict vehicles arriving, departing, loading or unloading within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

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

Agenda Item 16



18/501236/FULL - Land South of Ashford Road, Harrietsham, Maidstone, Kent, ME17 1HH

Scale: 1:1250

Printed on: 2/8/2018 at 9:48 AM by JoannaW

REFERENCE NO - 18/501236/FULL			
APPLICATION PROPOSAL Variation of condition 32 (retail opening hours) of permission 14/0828 - The redevelopment of land south of Ashford Road for residential development comprising the erection of 113/114 dwellings, internal access road, landscaped public open space, a LAP, a convenience store and highways works to Ashford Road. Condition 32 to read' The retail use hereby permitted shall only open to customers within the following times: 0700 to 2200 Monday to Sunday, including Public and Bank Holidays'			
ADDRESS Land South Of Ashford Road Harrietsham Maidstone Kent ME17 1HH			
SUMMARY OF REASONS FOR RECOMMENDATION The extension of the opening hours of the retail unit from 8am to 7am and from 9pm to 10pm on Sundays and bank holidays would support the retail function of the unit and would meet local needs in accordance with policies SP5 and SP6 of the Local Plan. Restrictions are in place to manage impact of the use. There are no sustainable objections to the extended opening hours and no objections from consultees regarding traffic or environmental impact.			
REASON FOR REFERRAL TO COMMITTEE – The Parish Council commented that they see no valid reason why the opening hours need to be extended beyond the previously approved times. There are concerns that, by doing this, it will encourage anti-social behaviour in a residential area. If the Planning Officer view differs, the Parish Council have requested that the application be reported to the Planning Committee. Councillors Sams have requested that if minded to grant the application, they would like it to be brought before the planning committee On the grounds of excessive opening hours within a residential setting and the loss of amenity by the impact of noise and light on local residents. They believe the hours should be 7am- 10pm (called prior to change to hours)			
WARD Harrietsham And Lenham	PARISH Harrietsham	COUNCIL	APPLICANT Co- Operative Group Food Limited AGENT Pegasus Planning Group Limited
DECISION DUE DATE 12/06/18		PUBLICITY EXPIRY DATE 02/07/18	

Planning History

14/0828

The redevelopment of land south of Ashford Road for residential development comprising the erection of 113/114 dwellings, internal access road, landscaped public open space, a LAP, a convenience store and highways works to Ashford Road.

Approved

18/502417/ADV

Advertisement Consent for 1no. Set of Non Illuminated Acrylic Text, 2no. Internally Illuminated Co-Op Logos, 4no. Non Illuminated Wall Mounted Flat Aluminium Panels, 1no. Internally Illuminated 4.5m Totem.

Approved Decision Date: 03.07.2018

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The proposal site is located to the south of Ashford Road (A20). Planning permission was granted under application reference 14/0828 for the redevelopment of land south of Ashford Road for residential development comprising the erection of 113/114 dwellings, internal access road, landscaped public open space, a LAP, a convenience store and highways works to Ashford Road. The subject of this application is the retail store which sits adjacent to Ashford Road
- 1.02 The retail unit sits to the east of the access of the site and set back from, and at an angle to the A20. This siting allowed for the provision of landscaping to the site frontage to echo the existing village green to the north of the A20.
- 1.03 The retail unit has an articulated frontage to the A20 which follows the entrance to the site and allows for openness between it and the apartment block. An enclosed courtyard to the rear of the retail unit provides a service and delivery area.
- 1.04 Condition 32 of the permission states:
The retail use hereby permitted shall only open to customers within the following times: 0700 to 2200 Monday to Saturday and 0800 to 2100 on Sundays and Public/Bank Holidays;

Reason: To protect the amenities of the neighbouring occupiers

2. PROPOSAL

- 2.01 Initially, permission was sought to vary condition 32 of the condition to permit the use of the retail premises by customers between the hours of 06.00 and 23.00. The applicant has reduced the proposal to seek permission for the opening of the store from 0700 and 2200 Monday to Sunday, including Public and Bank Holidays(i.e. opening 1 hour earlier and closing 1 hour later on Sundays and Bank Holidays) .

3. POLICY AND CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: Policy DM1, SP5, SP6

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 When the proposed hours were 06.00 – 23.00, representations were received from 3 local residents raising the following (summarised) issues

- Extension of hours should only take place once there is a demand due to detrimental impact on residents.
- The decision to allow the opening of a convenience store 30m from another is ill informed.
- The new business will bring large articulated lorry's all day and night. What restrictions have been put in place to protect residents from this blight?
- Given the limited number of parking spaces, Where will visitors to the shop turn their cars, vans and lorry's?
- Are yellow lines and enforcement camera being put in place as a preventative measure?
- Cars turn on neighbouring drives and mount the pavement currently. This will get worse.
- How will the council prevent casual parking by shoppers on pavements and in front of drivers at the entrance to the estate opposite the store?
- Noise and disturbance impact – delivery lorries and cars turning very early or late at night.
- The added traffic coming into the estate will cause more issues on a dangerous main road
- If children are playing outside this could cause an accident as cars will speed into the estate to use the shop without any due care.

4.02 No responses were received during re-consultation on the reduced opening hours of 7.00 to 22.00.

4.3 Harrietsham Parish Council have requested that the application be refused.

The Parish Council sees no valid reason why the opening hours need to be extended beyond the previously approved times. There are concerns that, by doing this, it will encourage anti social behaviour in a residential area. They requested that if the Planning Officer view differs, that the application be reported to the Planning Committee.

Consultations

Kent Highways

4.4 No objection to the proposal

Environmental protection

4.5 In response to the initial proposal for hours 06.00 to 23.00, Environmental protection raised no objection but suggested that suitable safeguards should be put in place to mitigate any additional noise cause mainly by customers arriving and departing the site.

4.6 In response to the revised hours of 7.00 to 22.00, they have raised no objection to the proposal.

5. APPRAISAL

5.01 The key issues for consideration are:

- The principle of the extended opening hours

- The impact of the extended opening hours

Principle of Proposal

- 5.02 Policies SP5 and SP6 of the Local Plan state that outside the Maidstone urban area, rural service centres are the second most sustainable settlements in the hierarchy to accommodate growth. At the rural service centre of Harrietsham, services will be retained and supported.
- 5.03 It further states that the loss of local shops, community facilities and green spaces will be resisted, and new retail development, community services and open space will be supported to meet local needs in accordance with policy SP5(3).
- 5.04 The applicant has advised that the current opening hours on Bank Holidays and Sundays do not offer the requisite flexibility that the occupier of the unit requires to trade successfully. This needs addressing so it is proposed that the opening hours are extended on Sundays and Bank Holidays to match those permitted on the rest of the week.
- 5.05 The proposed opening hours are reflective of typical opening hours for convenience stores, which provide a top-up role in locations such as in Harrietsham, and reflect the location of the store.
- 5.06 The earlier retail unit opening with the change from 8am to 7am and the later closing with the change from from 9pm to 10pm on Sundays and Bank Holidays would support the retail function of the unit and would meet local needs in accordance with policies SP5 and SP6 of the Local Plan.

Impact of the Proposal

- 5.07 Consultation responses have raised concern about the impact of the revised opening hours in terms of impact on the neighbouring store, disturbance through deliveries and visitors to the store, parking provision, highway safety and anti social behaviour.
- 5.08 Visitor parking is provided for the specific use of the store and would remain available during the extra hours on Sundays and Bank Holidays . With regard to the delivery and visitor traffic disturbance, and highway safety, it is noted the Kent Highways have raised no objection to the proposal. As such, the proposal is considered acceptable in this regard.
- 5.09 The original permission includes conditions to control impacts through restricted delivery times (condition 35), the control of noise and vibration of any plant (condition 36), a service yard management plan, including details of noise mitigation behaviours for vehicle operatives and the provision of heavy duty curtains to loading bays (condition 37), and a restriction on external amplified sound within the service yard (condition 38).

- 5.10 These conditions have all been discharged to the satisfaction of the Environmental Protection Team.
- 5.11 Concerns have been raised about anti social behaviour as a result of the extended opening hours. There is no reason to suggest that the opening of the store between the additional hours of 7-8am and 9-10pm on Sundays and Bank Holidays would result in any additional anti social behaviour. It is not considered that an objection on this basis could be sustained.
- 5.12 Given the existing restrictions in place, the extension of the opening hours of the store on Sundays and Bank Holidays is not considered objectionable and the proposal in this regard is supported.

6. CONCLUSION

The extension of the opening hours of the retail unit from 8am to 7am and from 9pm to 10pm on Sundays and Bank Holidays would support the retail function of the unit and would meet local needs in accordance with policies SP5 and SP6 of the Local Plan. Given this and the existing restrictions in place to manage impact of the use, and the lack of objection from consultees regarding traffic and environmental impact, on balance the proposal is supported.

7. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- (1) The development shall be constructed using the materials approved under application references 15/507926/SUB and 17/505490/SUB unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, and to secure biodiversity enhancements within the development.

- (2) The development shall be undertaken in accordance with the roof overhangs and eaves, window and doors and recesses/reveals and junction of the timber boarding and the brickwork as approved under application reference 16/502634, and maintained as such thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

- (3) Prior to first occupation, the development shall be carried out in accordance with the fencing, walling and other boundary treatment details approved under application reference 17/502628/SUB and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development, safeguard the amenity of future occupiers and prevent harm to biodiversity assets.

- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F and G, Schedule 2, Part 2, Class A, Schedule 2 Part 3 Classes CA, F and IA, and Schedule 2 Part 42 to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of future occupiers.

- (5) The approved details of the parking, and turning areas, together with the anti-social parking prevention measures shown on drawing number 061302-WARD-BS-01 received 27th January 2015, shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (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, garaging and turning provision is likely to lead to parking inconvenient to other road users and detrimental to the interests of road safety.

- (6) Prior to first occupation of the retail unit, cycle storage facilities for the retail unit shall be provided in accordance with the details approved under application reference 16/502634/SUB and maintained as such thereafter.

Reason: In the interests of sustainable travel.

- (7) Any changes to the components of the remediation strategy approved under application reference 15/507926/SUB requires the express written consent of the Local Planning Authority. Otherwise, the scheme shall be implemented in full as approved.

Reason: to prevent pollution to the environment.

- (8) The long-term monitoring and maintenance plan as approved under application reference 17/505974/SUB shall be implemented in full as approved.

Reason: To prevent pollution of the environment and protect controlled waters.

- (9) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a revised investigation and remediation strategy to the Local Planning Authority, undertaken in accordance with the requirements of condition 7 above, detailing how this unsuspected contamination will be dealt with and written approval obtained from the Local Planning Authority. The revised remediation strategy shall be implemented in full as approved.

Reasons: To prevent pollution of the environment.

- (10) External lighting shall only be installed in accordance with the plans approved under application reference number 15/507926/SUB. The lighting shall be installed, maintained and operated in accordance with the approved details and maintained thereafter unless the Local Planning Authority gives its written consent to any variation;

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

- (11) Archaeological work shall be carried out in accordance with the details approved under application reference 15/507162/SUB.

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

- (12) The development permitted by this planning permission shall only be carried out in strict accordance with the approved Flood Risk Assessment prepared by Banners Gate, reference 13179 FRA, received 21st May 2014, and SuDS Methodology Statement prepared by Kirk Saunders Associates, reference 5699-D008 rev A, received 21st November 2014, subject to the details approved in writing in respect of the following:

- i) The development permitted by this planning permission shall not commence until a detailed surface water drainage scheme for the site based on sustainable drainage principles incorporating surface attenuation measures and an assessment of the hydrological and hydrogeological context of the development has been submitted to, and approved in writing by, the Local Planning Authority. Off site discharges should be restricted to greenfield QBAR values for all events up to and including the 1 in 100 year plus climate change event.
- ii) The drainage details submitted to the Local Planning Authority shall:
 - (a) Specify the responsibilities of each party for the implementation of the SUDS scheme;
 - (b) Specify a timetable for implementation;
 - (c) Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for

adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and

(d) Relevant manufacturers' details on all SUDS features should be provided within the Flood Risk Management Plan and the Health and Safety Plan Operation and Maintenance manuals.

The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

- (13) The development shall be carried out in accordance with the details approved under application reference 15/507932/SUB and maintained thereafter unless with the agreement in writing of the Local Planning Authority:

Reason: In the interest of flood prevention and safeguarding biodiversity assets.

- (14) The details approved under application reference 15/507932/SUB shall be in full prior to the first occupation of the development. implemented

Reason: In the interest of pollution and flood prevention.

- (15) Notwithstanding the recommendations of the Noise Assessment prepared by Sharps Redmore, reference 1414270, received 21st May 2014, the development shall not commence until an acoustic report providing details of noise mitigation to dwellings (including private garden areas) which attains acoustic protection for future occupiers in accordance with the recommendations of BS8233:2014 "Guidance on sound insulation and noise reduction for buildings" has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and the mitigation maintained thereafter unless otherwise agreed in writing by the Local Planning Authority;

Reason: In the interest of safeguarding the residential amenity of future occupiers.

- (16) The landscaping of the site and its management thereafter shall be carried out in accordance with the details approved under application reference 17/506192/SUB.

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

- (17) All planting, seeding or turfing comprised in the details of landscaping approved under application reference 17/506192/SUB shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

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

- (18) The development shall be carried out in accordance with the details approved under application reference number 15/507929/SUB and in compliance with the Lloyd Bore Arboricultural Impact Assessment reference 3094_RP_003 received 21st May 2014;

Reason: To ensure retained trees are protected during the course of development and to ensure a satisfactory external appearance to the development.

- (19) The development shall be undertaken in strict accordance with the recommendations of the Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014, subject to the additional information and mitigation required by conditions 21 and 22 below, and maintained thereafter;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

- (20) Notwithstanding the details and recommendations set out in Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014, the development shall be carried out in accordance with the construction environmental management plan approved under application reference 15/507929/SUB unless otherwise agreed in writing by the Local Planning Authority;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

- (21) The development shall only be carried out in accordance with the ecological design strategy approved under application reference 15/507929/SUB.

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

- (22) The approved details of the access, as shown in Appendix E of the Transport Assessment undertaken by DHA Transport reference JSL/10140

received 21st May 2014 shall be completed before occupation of the development and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: In the interests of highway and pedestrian safety and sustainability

- (23) The facilities for the storage of refuse and recycling on the site shall be provided in accordance with the details approved under application reference 17/502628/SUB before the first occupation of the development and maintained thereafter;

Reason: In the interest of amenity.

- (24) The development shall be undertaken in accordance with the details of the materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points as approved under application reference 15/507162/SUB and maintained thereafter;

Reason: To ensure a high quality external appearance to the development, safeguard pedestrian rights of way and in the interests of ecology and biodiversity.

- (25) No works to extinguish the KH276 Public Right of Way will be undertaken prior to the approval in writing of details of, and completion in accordance with the approved details, the alternative route for pedestrians to the south and west of the retail unit hereby permitted. The development shall be carried out in accordance with the approved details and maintained thereafter;

Reason: to prevent harm to pedestrian access to the open countryside and harm to the public rights of way network.

- (26) The Sustainable Travel Measures Action Plan as approved under application reference number 17/506193/SUB shall be implemented in full;

Reason: In the interests of sustainable transport use.

- (27) The development shall be completed strictly in accordance with the levels approved under application reference number 16/502021/SUB

Reason: In order to secure a satisfactory form of development.

- (28) The external meter cupboards, vents, and flues shall be installed only in accordance with the details approved under application reference 16/502021/SUB.

Reason: To secure a high standard of design.

- (29) The building provided for retail use falling within Use Class A1 of the Use Classes Order 1987 (as amended by any order revoking and re-enacting that Order with or without modification) of the unit hereby permitted shall be used for a maximum number of two retail units. Once initially occupied, no change to the number of retail units, including internal subdivision, will be permitted without the agreement in writing of the Local Planning Authority;

Reason: To define the permission and to ensure that any impact upon the village centre is controlled.

- (30) The retail use falling within Use Class A1 of the Use Classes Order 1987 (as amended by any order revoking and re-enacting that Order with or without modification) hereby permitted shall be restricted to the sale of convenience goods, and no display or sale of comparison goods will take place on the site;

Reason: To define the permission and to ensure that any impact upon the village centre is controlled.

- (31) The retail use hereby permitted shall only open to customers within the following times:

0700 to 2200;

Reason: To protect the amenities of the neighbouring occupiers.

- (32) No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls other than in accordance with the details approved under application reference 18/501235/SUB

Reason: In order not to prejudice the visual appearance of the building and in the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.

- (33) Plant and ducting shall only be carried out in accordance with the details approved under application reference 18/501235/SUB and maintained as such thereafter. No new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

Reason: In the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.

- (34) No commercial vehicle may arrive, depart, be loaded or unloaded in association with the use of the retail unit hereby permitted on the general site; nor shall vehicles equipped with refrigeration units be allowed to remain stationary with their refrigeration units in operation in the service yard, except between the hours of 0700 hours and 2200 Mondays to Saturdays and 0800 hours and 1200 hours on Sundays and Bank/Public Holidays;

Reason: To safeguard the amenity of the occupiers of neighbouring dwellings and the character of the surrounding area.

- (35) The scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) as approved under application reference number 18/501235/SUB shall then be installed in accordance with the approved details prior to the first use of the premises and maintained thereafter. The equipment shall be maintained and operated in compliance to the approved scheme whenever it is operation. 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 safeguarding the residential amenity of the occupiers of adjacent dwellings.

- (36) The use of the retail unit shall be carried out in strict accordance with the service yard management plan as approved under application reference number 18/501235/SUB, and maintained thereafter;

Reason: To safeguard the amenity of the occupiers of neighbouring dwellings and the character of the surrounding area.

- (37) There shall be no external amplified sound within the service yard of the development hereby permitted;

Reason: in the interests of protecting the amenities of nearby residential property.

- (38) The retail unit shall achieve at least a Very Good BREEAM Retail rating. The unit shall not be occupied until a final certificate has been issued for it certifying that at least a Very Good BREEAM Retail rating has been achieved;

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

- (39) The construction of the retail unit of the development hereby permitted shall not commence until details of the shop front to the retail unit in the form of large scale drawings (at a scale of 1:20 or 1:50) have been submitted to and approved in writing by the Local Planning Authority; The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

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

drawing numbers : 061302-WARD-06, 061302-WARD-AB-E1, 061302-WARD-AB-P1, 061302-WARD-AC-E1, 061302-WARD-AC-P1, 061302-WARD-AD-E1, 061302-WARD-AD-P1, 061302-WARD-B-P1, 061302-WARD-BCS01, 061302-WARD-BLK4-P1, 061302-WARD-C-E1, 061302-WARD-C-E2, 061302-WARD-C-P1, 061302-WARD-CP01, 061302-WARD-CP02, 061302-WARD-CS01, 061302-WARD-E-E1, 061302-WARD-E-P1, 061302-WARD-G-E1, 061302-WARD-G-P1, 061302-WARDS-GAR01, 061302-WARDS-GAR02, 061302-WARDS-GAR03, 061302-WARDS-GAR04, 061302-WARDS-GAR05, 061302-WARD-J-E1, 061302-WARD-J-P1, 061302-WARD-K-E1, 061302-WARD-K-P1, 061302-WARD-SH01, 061302-WARD-SH02, 061302-WARD-SH03, 3094_DR_001 and 3094_DR_004 all received 21st May 2014; drawing numbers 061302-WARD-A-E4 rev A, 061302-WARD-A-P2 rev A, 061302-WARD-B-E1 rev A, 061302-WARD-BCS02, 061302-WARD-BCS03, 061302-WARD-BLK1-E1 rev A, 061302-WARD-BLK1-E2 rev A, 061302-WARD-BLK1-E4 rev A, 061302-WARD-BLK1-P3 rev A, 061302-WARD-BLK2-E1 rev A, 061302-WARD-BLK2-E2 rev A, 061302-WARD-BLK2-E4 rev A, 061302-WARD-BLK2-P3 rev A, 061302-WARD-BLK3-E1 rev A, 061302-WARD-BLK3-E2 rev B, 061302-WARD-BLK3-E3 rev B, 061302-WARD-BLK3-P3 rev A, 061302-WARD-BLK4-E1 rev A, 061302-WARD-BLK4-E2 rev A, 061302-WARD-BLK4-P2 rev A, 061302-WARD-BLK4-P3 rev A, 061302-WARD-CP03, 061302-WARD-D-E1 rev A, 061302-WARD-D-P1 rev A, 061302-WARD-L-E1, 061302-WARD-L-P1, 061302-WARD-RET-E1 rev A, 061302-WARD-RET-E2 rev A, 061302-WARD-RET-E3 rev A, 061302-WARD-RET-E4, 061302-WARD-RET-P1 rev A, 061302-WARD-SUB01, and 3094_DR_002 rev C received 21st November 2014; drawing numbers 061302-WARD-PLAN1 and 061302-WARD-PLAN2, all received 20th January 2015; and drawing numbers 061302-WARD-00 rev A, 061302-WARD-01 rev B, 061302-WARD-02 rev B, 061302-WARD-03 rev B, 061302-WARD-04 rev B, 061302-WARD-05 rev B, 061302-WARD-A-E3 rev B, 061302-WARD-A-P1 rev C, 061302-WARD-AA-E2 rev B, 061302-WARD-AA-E3 rev B, 061302-WARD-AA-P2 rev C, 061302-WARD-AA-P3 rev C, 061302-WARD-BLK1-E3 rev B, 061302-WARD-BLK1-P1 rev B, 061302-WARD-BLK1-P2 rev B, 061302-WARD-BLK2-E3 rev B, 061302-WARD-BLK2-P1 rev B, 061302-WARD-BLK2-P2 rev A, 061302-WARD-BLK3-E4 rev C, 061302-WARD-BLK3-P1 rev C, 061302-WARD-BLK3-P2 rev A, 061302-WARD-BS-01, 061302-WARD-F-E1 rev A, 061302-WARD-F-P1 rev A, 061302-WARD-H-E1 rev A, 061302-WARD-H-P1 rev A and 061302-WARD-MF-01 rev A, all received 27th January 2015 and drawing numbers 13179/ATR05, 13179/ATR01 A, 13179/ATR02 A, 13179/ATR03 B, 13179/ATR04 B, 13179-110 and 13179-111, and an Arboricultural Impact Assessment (undertaken by Lloyd Bore, reference 3094_RP_003), Archaeological Desk-Based Assessment (undertaken by CgMs Consulting, reference DH/KB/16917), Design And Access Statement, Ecological Appraisal (undertaken by Aspect Ecology, reference ECO3367.EcoApp.dv6), Flood Risk Assessment (undertaken by Banners Gate, reference 13179 FRA), Hard Landscape Materials and Shared Surface Design Guide (undertaken by Lloyd Bore, reference 3094/RP/001), Landscape and Visual Impact Assessment, Noise Assessment (undertaken by Sharps Redmore, reference 1414270), Planning Statement, Reptile Survey Report (undertaken by Aspect

Ecology, reference ECO3367.Rept Survey.dv6), Statement of Community Involvement and Transport Assessment (undertaken by DHA Transport, reference JSL/10140), all received 21st May 2014; and drawing numbers 061302-WARD-PER01 rev A, 061302-WARD-PER02 rev A, 061302-WARD-PER03 rev A, 061302-WARD-SS01 rev A, 061302-WARD-SS02 rev A, 061302-WARD-SS03 rev A, 061302-WARD-SS04 rev A, 061302-WARD-SS05 rev A, and 061302-WARD-SS06 rev A, and a Design and Access Statement Addendum, Planning Statement Addendum, Agricultural Land Assessment (undertaken Tim O'Hare Associates, reference TOHA/RWA), and SuDS Methodology Statement (undertaken by Kirk Saunders Associates, reference 5699-D008 rev A), all received 21st November 2014

As amended by the following plans: 14-45-311 RevP1, 14-45-310 RevP3, 14-45-253 RevC2, 14-45-312 Rev P1, 14-45-251 Rev C2, 14-45-252 OptB Rev C2, 14-45-252 C2 Plot 9 First Floor Opt B, 14-45-252 C2 Plot 9 ground floor, 14-45-308 Rev C1, 14-45-335 Rev C1, 14-45-339 Rev C1, 14-45-342 Rev C1, 14-45-346 Rev C1, 14-45-376 Rev B, 14-45-379 Rev B, 14-45-378 Rev B, 14-45-380 Rev B, 14-45-381 Rev B, 14-45-404 Rev B, 14-45-406 Rev B, 14-45-210 C1, 14-45-211 C2, 14-45-223 C2, 14-45-310 P8, 14-45-341 C1, 14-45-342 C1, 14-45-343 C1

Reason: In the interests of clarity and to ensure the quality of the development is maintained.

Informative(s):

- (1) The lighting scheme provided in accordance with condition 11 should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers.
Bats and Lighting in the UK
Summary of requirements
The two most important features of street and security lighting with respect to bats are:
 1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
 2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.
Tungsten Halogen, if unfiltered, emit a high UV component
Compact Fluorescent (CFL), if unfiltered, emit a high UV component.
Variable

Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output. Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

Lighting should illuminate only ground floor areas -light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

Movement or similar sensors must be used -they must be carefully installed and aimed, to reduce the amount of time a light is on each night; Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

Light must not be directed at or close to bat roost access points or flight paths from the roost -a shield or hood can be used to control or restrict the area to be lit;

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;

Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

- (2) A formal application for connection to the public sewerage system is required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or www.southernwater.co.uk).
- (3) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or www.southernwater.co.uk).
- (4) For the purposes of discharge of conditions 33 and 34:
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 :

1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the night time period. For the purpose of the assessment the Authority will accept 2300 to 0700 hours as covering the night time period.

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 : 1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the day time period. For the purpose of the assessment the Authority will accept 0700 to 2300 hours as covering the night time period.

- (5) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.
- Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.
- Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
- (6) Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.
- Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.
- All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to Environment Agency guidance PPG1 General guide to prevention of pollution, which is available on online at www.environment-agency.gov.uk.
- Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during

remediation and/or land development works are waste or have ceased to be waste.

Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

- (7) No new planting should be introduced within 1m of the KH275 public right of way.
Public rights of way shall not be blocked either permanently or temporarily (including "Heras" or other fencing associated with construction works). Should a Temporary Traffic Regulation Order be required for footpath KH272 whilst works are undertaken, the relevant Authority will need no less than 6 weeks notice for its processing.
- (8) You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk.
- (9) The applicant is advised that the site lies within a Area of Special Control of Advertisements.
- (10) Any swales or basins required in association with the details required in connection with conditions 14 and 15 above should, where possible, be located in the south of the site where they can contribute towards the biodiversity enhancement of the semi-wild public open space and receptor site.

Case Officer: Jo Russell

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

Agenda Item 17

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 16 AUGUST 2018**

APPEAL DECISIONS:

1. ENF/17/500611

Change of use for stationing of 1no. mobile home, 1no. touring caravan with associated works including utility block, hardstanding and cess pool.

APPEAL: ALLOWED

Acers Place
Lenham Road
Headcorn
Ashford
Kent
TN27 9LG

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

16 AUGUST 2018

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

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

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

<p><u>DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> • Investigate the scope for improved pedestrian links from the site entrance to existing footways; • Seek the advice of Kent Highway Services on the cumulative impact of new development in the area on the highway network; • Enable a representative of Kent Highway Services to be in attendance when the application is discussed; • Review the density, design and layout of the scheme having regard to the topography, setting and history of the site and seek to secure the provision of structural landscaping; and • Discuss with the Council's Parks and Open Spaces Team whether the proposed Open Space Contribution might be spent at other sites within the immediate area subject to CIL compliance checks. 	
<p><u>17/504412 - DEMOLITION OF STORAGE BUILDINGS AND ERECTION OF 5 DETACHED DWELLINGS, 2 CAR PORTS FOR PLOTS 1 AND 5, AND 2 TWO BAY CAR PORTS FOR THE EXISTING HOUSE AND BARN CONVERSION APPROVED UNDER 14/505872/FULL - IDEN GRANGE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> • Seek the submission of a strategy for an open, wet Sustainable Urban Drainage system, identifying how it will work and where it will be positioned within the existing layout; and • Seek modifications to boundary fencing to allow the passage of wildlife. 	<p>26 April 2018 adjourned to 30 April 2018</p>
<p><u>18/501158 - PROVISION OF NEW FARM ACCESS TO KNOXBRIDGE FARM FROM THE A229, INCLUDING LANDSCAPING, CROSSING OVER STREAM AND BARRIER (RESUBMISSION OF 16/508630/FULL) - KNOXBRIDGE FARM, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT</u></p> <p>Deferred to seek the submission of (a) further details of the junction layout and (b) additional landscape mitigation measures, in the form of a woodland shaw.</p>	<p>5 July 2018</p>

18/501181 - VARIATION OF CONDITIONS 10, 16 AND 17 OF APPLICATION 16/508659/FULL (DEMOLITION OF EXISTING DWELLING AND ERECTION OF B8 WAREHOUSE BUILDING WITH ANCILLARY OFFICES, DOCK LEVELLERS, ACCESS, PARKING AND LANDSCAPING INCLUDING THE CREATION OF NEW WOODLAND AND ATTENUATION POND) - LAND SOUTH OF REDWALL LANE, LINTON, KENT

26 July 2018

Deferred to enable further negotiations with the applicant regarding the redrafting of condition 10 (formerly 9) to specify a time limit in months when the up to 32 in or out movements is permitted (for example, 1 November to 31 May) with a lower threshold for the months outside this time frame.

Agenda Item 19

By virtue of paragraph(s) 2, 6a, 6b, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Agenda Item 20

By virtue of paragraph(s) 2, 6a, 6b, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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