

# PLANNING COMMITTEE MEETING

Date: Thursday 28 November 2019  
Time: 6.00 p.m.  
Venue: Town Hall, High Street, Maidstone

## Membership:

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

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

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## AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 5 December 2019
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 24 October 2019 1 - 7
11. Presentation of Petitions (if any)
12. Deferred Items 8 - 9
13. 17/504568/FULL - KCC Springfield Library HQ, Sandling Road, Maidstone, Kent 10 - 53

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**Issued on Wednesday 20 November 2019**  
**Over/:**

**Continued**

*Alison Broom*

**Alison Broom, Chief Executive**

14.	17/504579/OUT - Durrants Farm, West Street, Hunton, Kent	54 - 70
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16.	19/501775/FULL - Stocketts, (Also Known As The Spice Lounge), 118 Heath Road, Coxheath, Maidstone, Kent	95 - 111
17.	19/503314/FULL - Land At Scragged Oak Farm, Scragged Oak Road, Detling, Maidstone, Kent	112 - 121
18.	19/503395/REM - Land South Of Sutton Road, Langley, Kent	122 - 133
19.	19/503614/REM - Land South Of Sutton Road, Langley, Kent	134 - 141
20.	19/504105/FULL - Stilebridge Kennels, White House Farm, Stilebridge Lane, Linton, Maidstone, Kent	142 - 147
21.	19/504565/FULL - 34 The Landway, Bearsted, Maidstone, Kent	148 - 155
22.	19/504848/FULL - Bimbury Cottage, Bimbury Lane, Stockbury, Maidstone, Kent	156 - 162
23.	19/503979/TPOA - St. Stephens Churchyard, Church Road, Tovil, Kent	163 - 167
24.	Appeal Decisions	168 - 174
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**PLEASE NOTE**

**DUE TO THE NUMBER OF APPLICATIONS ON THE AGENDA, ONLY THE FOLLOWING APPLICATIONS WILL BE CONSIDERED AT THE MEETING ON 28 NOVEMBER 2019:**

**17/504568/FULL – KCC SPRINGFIELD LIBRARY HQ, SANDLING ROAD, MAIDSTONE, KENT**

**19/501775/FULL – STOCKETTS (ALSO KNOWN AS THE SPICE LOUNGE), 118 HEATH ROAD, COXHEATH, MAIDSTONE, KENT**

**19/503395/REM – LAND SOUTH OF SUTTON ROAD, LANGLEY, KENT**

**19/503614/REM – LAND SOUTH OF SUTTON ROAD, LANGLEY, KENT**

**THE REMAINING APPLICATIONS WILL BE ROLLED OVER TO THE ADJOURNED MEETING SCHEDULED TO BE HELD ON THURSDAY 5 DECEMBER 2019.**

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

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

## **PUBLIC SPEAKING AND ALTERNATIVE FORMATS**

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

In order to speak at this meeting, please contact Democratic Services using the contact details above, by 4 p.m. on the working day before the meeting (i.e. Wednesday 27 November 2019). If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

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

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

#### MINUTES OF THE MEETING HELD ON 24 OCTOBER 2019

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

**Also Present:** Councillors McKay and Newton

#### 110. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Bartlett and Round.

Note: Councillor Wilby entered the meeting prior to the apologies being recorded (6.02 p.m.).

#### 111. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

#### 112. NOTIFICATION OF VISITING MEMBERS

Councillors McKay and Newton indicated their wish to speak on the report of the Head of Planning and Development relating to application 19/501600/OUT (Land West of Church Road, Otham, Kent).

Councillor McKay said that he would be recording the proceedings.

#### 113. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

#### 114. URGENT ITEMS

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

#### 115. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Munford said that, with regard to the report of the Head of Planning and Development relating to application 19/504103/FULL (Mole End, Forsham Lane, Chart Sutton, Maidstone, Kent), the application site

was situated in his ward, but he did not take part in planning meetings locally. He had been asked for advice on procedures applicable to this application, but he had not made up his mind regarding the proposed development, and intended to speak and vote when it was considered.

Councillor Perry said that, with regard to the report of the Head of Planning and Development relating to application 19/504225/FULL (Land to the South of The Gables, Marden Road, Staplehurst, Kent), he was a Member of Staplehurst Parish Council, but he had not participated in the Parish Council's discussions regarding the proposed development, and intended to speak and vote when it was considered.

Councillor Spooner said that, with regard to the report of the Head of Planning and Development relating to application 19/501600/OUT (Land West of Church Road, Otham, Kent), he was a Member of Bearsted Parish Council, but he had not participated in the Parish Council's discussions regarding the proposed development, and intended to speak and vote when it was considered.

116. EXEMPT ITEMS

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

117. MINUTES OF THE MEETING HELD ON 26 SEPTEMBER 2019

**RESOLVED:** That the Minutes of the meeting held on 26 September 2019 be approved as a correct record and signed.

118. PRESENTATION OF PETITIONS

There were no petitions.

119. DEFERRED ITEMS

19/500271/FULL - CHANGE OF USE OF LAND FOR THE STATIONING OF 20 HOLIDAY CARAVANS WITH ASSOCIATED WORKS INCLUDING LAYING OF HARDSTANDING AND BIN STORE - OAKHURST, STILEBRIDGE LANE, MARDEN, TONBRIDGE, KENT

The Major Projects Manager said that he had nothing further to report in respect of this application at present. The application had been deferred for some months so he would ask the Case Officer to bring it to a conclusion.

19/500200/FULL - RETROSPECTIVE APPLICATION FOR A CHANGE OF USE OF LAND AS A GYPSY/TRAVELLER CARAVAN SITE CONSISTING OF ONE PITCH - LITTLE PADDOCKS, STILEBRIDGE LANE, LINTON, KENT

17/504568/FULL - DEMOLITION OF THE REMAINING FORMER LIBRARY BUILDING, ERECTION OF A SIX-TO-SIXTEEN STOREY RESIDENTIAL DEVELOPMENT OF 170 NO. APARTMENTS AND 85 NO. CAR PARKING

SPACES AT THE FORMER KCC SPRINGFIELD LIBRARY SITE, SANDLING ROAD, MAIDSTONE - FORMER KCC SPRINGFIELD LIBRARY HQ, SANDLING ROAD, MAIDSTONE, KENT

The Major Projects Manager said that he had nothing further to report in respect of these applications at present.

120. 19/501600/OUT - OUTLINE APPLICATION FOR UP TO 440 RESIDENTIAL DWELLINGS, WITH ASSOCIATED ACCESS, INFRASTRUCTURE, DRAINAGE, LANDSCAPING AND OPEN SPACE (ACCESS BEING SOUGHT WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) - LAND WEST OF CHURCH ROAD, OTHAM, KENT

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

In presenting the application, the Principal Planning Officer advised the Committee that:

- Further comments had been received that day stating that insufficient notice had been given before the Planning Committee, but he could confirm that the standard five clear working days' notice had been given.
- There was also a late representation regarding a survey not being available. This was a survey in response to KCC Archaeology which had been consulted and raised no objections.
- Written confirmation had been received from Highways England earlier that evening stating that it had reviewed the evidence, considered that there is capacity at Junction 7 of the M20 and had removed its objection.

Ms Skipp, an objector, Councillor Hipkins of Otham Parish Council, Councillor Weeks of Downswood Parish Council, Mr Woodhead, for the applicant, and Councillors Newton and McKay (Visiting Members) addressed the meeting.

**RESOLVED:**

1. That consideration of this application be deferred for further discussions to:
  - Seek to remove the proposed car park for the Church from the scheme;
  - Seek to (a) amend the Parameter Plan to provide a greater amount of wooded open space at the southern end of the site to protect the Ancient Woodland and create a sustainable open space and (b) to amend conditions 4 and 7 to require woodland planting to restore and protect the Ancient Woodland and enhance the landscaping around the Church;

- Seek to resolve the outstanding issues relating to improvements to the Willington Street/Deringwood Drive junction;
  - Give further consideration to the impact of the development on the Spot Lane junction and possible mitigation;
  - Investigate the potential widening of Church Road to the south of the site where this would not involve the loss of Ancient Woodland;
  - Seek to optimise the amount of renewable energy generated on site (to avoid use of fossil fuel heating); and
  - Seek further clarification of the surface water drainage scheme and how it can be satisfactorily accommodated within the development layout.
2. That the Ward Member, Downswood and Otham Parish Councils and the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee are to be involved in these discussions.

Voting:      9 – For      0 – Against      2 – Abstentions

121. 19/500305/FULL - CHANGE OF USE OF LAND FOR THE ERECTION OF 6 NO. ONE-BEDROOM TOURIST LODGES - RIVER WOOD, CHEGWORTH LANE, HARRIETSHAM, KENT

All Members stated that they had been lobbied.

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

In presenting the application, the Major Projects Manager advised the Committee that he wished to add a further condition to any planning consent requiring full details of the proposed foul drainage system to be submitted prior to first occupation of the tourist lodges to ensure that it is adequate in its capacity and that there is an appropriate maintenance regime in place to mitigate the future risk of inappropriate leakage towards the Local Wildlife site.

Councillor Powell, an objector, and Councillor Dean of Harrietsham Parish Council addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members considered that:

The proposal represented an incongruous form of development contrary to the objectives of the Len Valley Local Landscape designation as identified within the Maidstone Landscape Character Assessment;

The proposed development by virtue of the activity of visitors, noise and disturbance and external lighting would have a harmful impact upon the biodiversity value of the area, in particular the adjacent woodland and designated Local Wildlife Site; and

The proposed development by virtue of noise and disturbance and air quality issues would provide poor quality of accommodation and amenity for future occupiers.

**RESOLVED:** That permission be refused for the following reasons:

1. The proposed development, including security fencing, access and parking infrastructure, external lighting and other domestic accoutrements, would represent an incongruous form of development and cause harm to the character and appearance of the countryside and the Len Valley Landscape of Local Value contrary to policies SS1, SP17, DM30 and DM38 of the Maidstone Borough Local Plan 2017.
2. The proposed development by virtue of the activity of visitors, noise and disturbance and external lighting would have a harmful impact upon the biodiversity value of the area, in particular the adjacent woodland and designated Local Wildlife Site contrary to policies DM3 and DM8 of the Maidstone Borough Local Plan 2017.
3. The proposed development by virtue of noise and disturbance and air quality issues would provide poor quality of accommodation and amenity for future occupiers contrary to policies DM1 and DM6 of the Maidstone Borough Local Plan 2017.

Voting:        11 – For        0 – Against        0 – Abstentions

122. 19/504225/FULL - ERECTION OF A REPLACEMENT BARN (REVISED SCHEME TO 19/502397/FULL) - LAND TO THE SOUTH OF THE GABLES, MARDEN ROAD, STAPLEHURST, KENT

All Members stated that they had been lobbied.

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

Mr Viberti, an objector, Councillor Buller of Staplehurst Parish Council and Mr Garrod, the applicant, addressed the meeting.

**RESOLVED:** That consideration of this application be deferred to:

- Seek further evidence to justify the need for the replacement barn; and
- Seek to negotiate (a) a landscaping scheme, including tree planting, to screen the replacement structure particularly in terms of views from the east and (b) the attachment of bird or bat boxes to the replacement structure.

Voting: 11 – For 0 – Against 0 – Abstentions

123. 19/503648/FULL - DEMOLITION OF THE EXISTING DWELLING LOXLEY HOUSE AND THE ERECTION OF REPLACEMENT DWELLING WITH AMENITY SPACE, PARKING, LANDSCAPING AND ACCESS - LOXLEY HOUSE, GRAVELLY BOTTOM ROAD, KINGSWOOD, MAIDSTONE, KENT

All Members stated that they had been lobbied.

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

Mr Hawkins addressed the meeting on behalf of the applicant.

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

Voting: 7 – For 3 – Against 1 – Abstention

124. 19/504103/FULL - PROPOSED SINGLE STOREY SIDE EXTENSION AND NEW CANOPY TO THE NORTH ELEVATION. SINGLE BAY OAK FRAMED EXTENSION TO EXISTING GARAGE (REVISED SCHEME TO 19/500679/FULL) - MOLE END, FORSHAM LANE, CHART SUTTON, MAIDSTONE, KENT

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

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

In presenting the application, the Major Projects Manager advised the Committee that a further submission had been received from the applicant emphasising their role within the community and the importance of the relationship of the property to the farming operation; issues that the Committee could give some weight to. However, the dwelling could be sold on the open market after the grant of planning consent; it was not tied to the agricultural holding. There were personal circumstances, but limited weight could be afforded to these as the building was simply a residential dwelling.

The Major Projects Manager also said that he wished to delete the word "destroy" from the first line of paragraph 7.01 of the report and the second line of the proposed reason for refusal and insert the words "cause significant harm to" as "destroy" was not the correct description of the impact of the proposed development.

Councillor Forknall of Chart Sutton Parish Council and Mr Ward, the applicant, addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to grant permission subject to

conditions. In making this decision, Members had regard to the small scale of the proposed works and their set back from the front façade. They considered that the applicant had sought to minimise the impact of the proposed works to such an extent that they would not have an adverse effect on the significance of the non-designated heritage asset.

**RESOLVED:**

1. That permission be granted subject to the following conditions to make the development acceptable:

Time Limits;

Approval of materials;

Scheme for the incorporation of niches for wildlife (bird and bat boxes etc. and bee bricks for solitary bees); and

Scheme for the inclusion of renewable energy measures.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of the conditions to be attached to the planning consent.

Voting:      11 – For      0 – Against      0 – Abstentions

125. APPEAL DECISIONS

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

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

126. DURATION OF MEETING

6.00 p.m. to 9.30 p.m.

# Agenda Item 12

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

28 NOVEMBER 2019

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

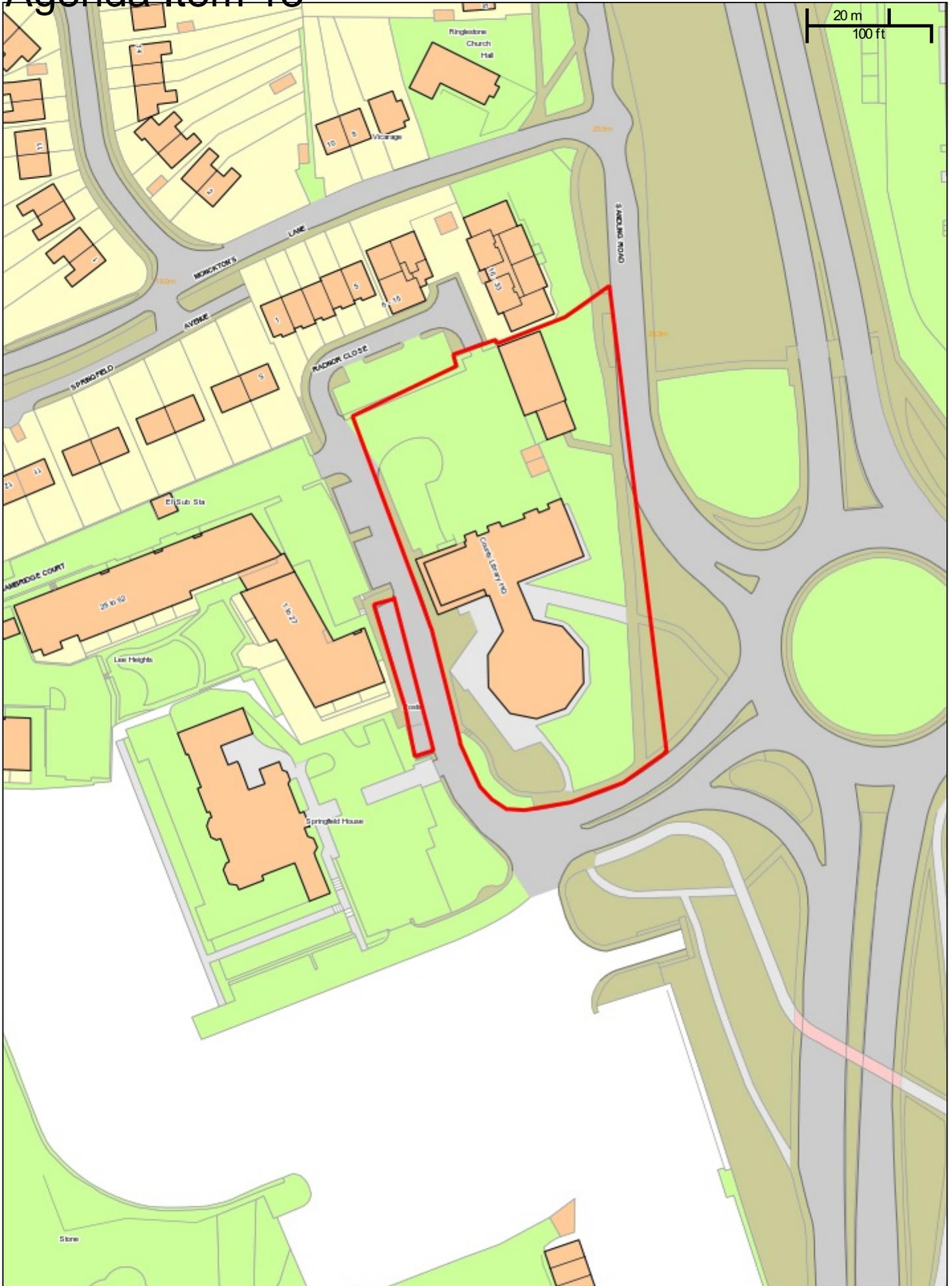
#### DEFERRED ITEMS

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

<b>APPLICATION</b>	<b>DATE DEFERRED</b>
<p><u>19/500200/FULL - RETROSPECTIVE APPLICATION FOR A CHANGE OF USE OF LAND TO BE USED AS A GYPSY/TRAVELLER CARAVAN SITE CONSISTING OF ONE PITCH - LITTLE PADDOCKS, STILEBRIDGE LANE, LINTON, KENT</u></p> <p>Deferred for further negotiations with the applicant to secure a revised site layout/landscaping plan showing parking/hardcore to the entrance of the site and extending inwards with an amenity area towards the rear part of the site which would be suitable for the needs of existing/future occupants.</p>	25 July 2019
<p><u>19/501600/OUT - OUTLINE APPLICATION FOR UP TO 440 RESIDENTIAL DWELLINGS, WITH ASSOCIATED ACCESS, INFRASTRUCTURE, DRAINAGE, LANDSCAPING AND OPEN SPACE (ACCESS BEING SOUGHT WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) - LAND WEST OF CHURCH ROAD, OTHAM, KENT</u></p> <p>Deferred for further discussions to:</p> <ul style="list-style-type: none"><li>• Seek to remove the proposed car park for the Church from the scheme;</li><li>• Seek to (a) amend the Parameter Plan to provide a greater amount of wooded open space at the southern end of the site to protect the Ancient Woodland and create a sustainable open space and (b) to amend conditions 4 and 7 to require woodland planting to restore and protect the Ancient Woodland and enhance the landscaping around the Church;</li><li>• Seek to resolve the outstanding issues relating to</li></ul>	24 October 2019

<p>improvements to the Willington Street/Deringwood Drive junction;</p> <ul style="list-style-type: none"> <li>• Give further consideration to the impact of the development on the Spot Lane junction and possible mitigation;</li> <li>• Investigate the potential widening of Church Road to the south of the site where this would not involve the loss of Ancient Woodland;</li> <li>• Seek to optimise the amount of renewable energy generated on site (to avoid use of fossil fuel heating); and</li> <li>• Seek further clarification of the surface water drainage scheme and how it can be satisfactorily accommodated within the development layout.</li> </ul>	
<p><u>19/504225/FULL - ERECTION OF A REPLACEMENT BARN (REVISED SCHEME TO 19/502397/FULL) - LAND TO THE SOUTH OF THE GABLES, MARDEN ROAD, STAPLEHURST, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> <li>• Seek further evidence to justify the need for the replacement barn; and</li> <li>• Seek to negotiate (a) a landscaping scheme, including tree planting, to screen the replacement structure particularly in terms of views from the east and (b) the attachment of bird or bat boxes to the replacement structure.</li> </ul>	<p>24 October 2019</p>

# Agenda Item 13



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

Scale: 1:1250  
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Printed on: 12/8/2019 at 9:09 AM by JoannaW

<b>REFERENCE NO - 17/504568/FULL</b>	
<b>APPLICATION PROPOSAL</b>	
Demolition of the remaining former Library building, erection of a six-to-sixteen storey residential development of 170 No. apartments and 85 No. car parking spaces at the former KCC Springfield Library site, Sandling Road, Maidstone.	
<b>ADDRESS</b> – Former KCC Springfield Library HQ, Sandling Road, Maidstone ME14 2LG	
<b>RECOMMENDATION</b> – Application Refused	
<b>WARD</b> North	<b>APPLICANT</b> - Peker Holdings Limited <b>AGENT</b> - Barron Edwards Limited
<b>TARGET DECISION DATE</b> 29/03/2019	<b>PUBLICITY EXPIRY DATE</b> 07/03/2019

**REPORT SUMMARY**

<b>REFERENCE NO - 17/504568/FULL</b>
<b>APPLICATION PROPOSAL</b>
Demolition of the remaining former Library building, erection of a six-to-sixteen storey residential development of 170 No. apartments and 85 No. car parking spaces at the former KCC Springfield Library site, Sandling Road, Maidstone.
<b>ADDRESS</b> Former KCC Springfield Library HQ, Sandling Road Maidstone ME14 2LG
<b>UPDATE FOLLOWING DEFERRAL</b>
This application was deferred at the Planning Committee meeting of 22 August 2019, when Committee resolved that consideration of this application be deferred to enable: <ol style="list-style-type: none"> <li>1. <i>The viability information to be published on the Council’s website; and</i></li> <li>2. <i>The Officers to provide details of the S106 funding currently available for community facilities in the area.</i></li> </ol> <p>The report of 22<sup>nd</sup> August is attached at Annex 1.</p> <p>This new report addresses the reasons for deferral together with two further updates on (3) further public consultation responses and (4) updated landscaping proposals. Accompanied by the August report at Annex 1, this update report therefore details:</p> <ol style="list-style-type: none"> <li>1. An update following publication of the viability evidence (paragraphs 2.19 and 6.76 to 6.95 of the August report)</li> <li>2. An update on the s106 funding secured towards community facilities in the area (paragraph 6.95 of the August report)</li> </ol> <p>In addition, this update provides:</p> <ol style="list-style-type: none"> <li>3. A summary of additional comments received following the public re-consultation following the August Committee (paragraph 4.01 of the August report)</li> <li>4. An update on further site landscaping details submitted by the applicant (paragraphs 6.53 to 6.56 of the August report)</li> </ol> <p>The recommendation of your Officers remains unchanged.</p>

<b>RECOMMENDATION</b> Permission be Refused		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>		
<p>The scheme involves the redevelopment of previously developed land within the urban area, however, the site lies outside of the town centre.</p> <p>The site is not allocated for development within the Local Plan.</p> <p>At the request of the Applicant a report recommending the refusal of permission for this application was withdrawn from the Planning Committee agenda of 8 November 2018.</p> <p>The application has been the subject of protracted discussions during which Officers have sought to address concerns relating to both the quality of the proposed development and its viability. However, it has not been possible to secure a scheme of an appropriate scale or quality that would address the significant concerns relating to the scale and density of the development.</p> <p>It is considered that the significant scale and very high density of development results in; adverse impacts upon the environment, the amenity of neighbours and will not result in satisfactory living conditions for future occupants of the scheme.</p> <p>Notwithstanding the expectation that the Council will promote sustainable development, as advocated by the NPPF, through a series of local plan policies such as DM1, 3, 4 and 30, the local plan requires proposals to deliver high quality design.</p> <p>Despite the attempts of both the Applicant and Officers to address the concerns arising, it is not considered that the process has been successful with the resulting building representing an intrusive, incongruous and unacceptable form of development that will adversely impact upon both the immediate and wider townscape.</p> <p>Whilst Officers have offered a period of further discussion in an attempt to explore the opportunity for an acceptable solution, the Applicant considers that it is unlikely that an agreed position could be reached and has requested that the application now before the Council be determined.</p>		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
It is a major / controversial application and following discussions with a Ward Member it is considered that it merits Committee consideration.		
<b>WARD</b> North	<b>APPLICANT</b> Peker Holdings Ltd <b>AGENT</b> Barron Edwards Ltd	
<b>DECISION DUE DATE</b> 29/03/19	<b>PUBLICITY EXPIRY DATE</b> 07/03/2019	<b>OFFICER SITE VISIT DATE</b> Various

## MAIN REPORT

### 1.0 Viability Update

- 1.01 The August report to Committee sets out viability considerations in the context of affordable housing and other relevant infrastructure issues. When deferring this application at the August meeting, the Committee requested that the relevant viability documents be uploaded onto the public website. For the purposes of transparency and in order to allow any parties to comment, this has been done and

a fresh round of public consultation of 21 days commenced on 10<sup>th</sup> October. Committee Members were notified of the uploaded documents on 11<sup>th</sup> October. No responses have been received from third parties commenting upon any specific aspect of the viability material.

1.02 The Council has been advised throughout this planning application process by the Dixon Searle Partnership (DSP). Uploaded 'Viability Document A' on the Council's website provides a 'non-technical' summary of their advice to the Council throughout the consideration of the planning application, together with an update comment on the Applicant's late offer of £250,000 towards a community facility.

1.03 As set out by the Council's advisors when reviewing the Applicant's initial financial appraisal (FVS):

*".....development viability is a measure that may be defined as 'the ability of a development project to meet its costs including the cost of planning obligations, while ensuring an appropriate site value for the landowner and a market risk adjusted return to the developer in delivering that project'.*

*Under normal circumstances where a viability appraisal is provided, if the residual land value (RLV) created by a scheme proposal exceeds the market value or existing or alternative use value then we usually have a positive viability scenario – i.e. the scheme is much more likely to proceed (on the basis that a reasonable developer profit margin is also reached)."*

*....*  
*"The FVS; states that as "the proposed scheme generates a negative Residual Land Value of c. £7.45m" that "The financial viability of the scheme is therefore challenging, and the scheme cannot support any contribution towards affordable housing".*

*"Taken as presented, this large deficit position essentially indicates a non-viable scenario by all usual measures, especially as this indication is provided without the full policy compliant affordable housing offer, and without consideration of the existing land value....."*

1.04 DSL thus concluded that:

*"It seems clear then that the scheme as presented is undeliverable by any normal standards and that it is not the affordable housing or any other planning obligation affecting the viability of the scheme. That said even by reviewing all of the input assumptions and adjusting those as described within this report, it seems improbable that a sufficient surplus could be generated in order to fund a contribution to either on-site affordable housing or a financial contribution.*

1.05 Members should also note the comments of DSL at 2.1.12 of their initial advice that:

*Taken as presented, this large deficit position essentially indicates a non-viable scenario by all usual measures, especially as this indication is provided without the full policy compliant affordable housing offer, and without consideration of the existing land value. At the very least this suggests that is going to be necessary for the applicants to do a significant amount of "value engineering" (i.e. look at significant costs savings and / or value enhancements being achieved in order to bring round the scheme to a much more positive, supportable viable scenario).*

- 1.06 The section underlined above highlights that a scheme with viability risks may need to be subject to value engineering. This can be a sign that at the post planning permission stage, there may be a risk of the quality of materials and overall design quality being reduced. This could be a matter of concern for such a significant development. The Applicant has responded to this by proposing that the materials palette be tied into a s106 agreement in order to ensure that this element is not at risk.
- 1.07 Following this initial advice, both the Council's and the Applicant's advisors sought to agree, where possible, the inputs / variables within the viability appraisal. In addition, the Applicant examined ways to improve the viability of the scheme (see 2.02 – 2.04 of the August report). As a result of this process, the Council's advisors suggested that the viability shortfall could be reduced, but still concluded that:

*"The FVU continues to argue that the scheme could be made viable over time with an assumption of a 25% uplift in sales values over the lifetime of the project but again highlights the significant risk this brings for the applicant.*

*It is our continued opinion that the scheme, as currently presented is unviable by normal measures and therefore the combined package of planning obligations and CIL are greater than can theoretically be shown to be viable at the date of the viability review (which is the date that should be considered for viability purposes). It is noted however that the provision of the package of measures is not dependent on any future level of profitability and appears to be an unconditional offer. Obviously the Council would require mechanisms in place to ensure prompt payment of any agreed contributions."*

- 1.08 Members should note that the process of viability assessment only considers the scheme before Committee and so has not, for example:
- sought to demonstrate that the scale of development proposed is the minimum necessary to deliver the community contribution, the affordable housing or open space contributions that have been proposed, nor;
  - sought to demonstrate whether there are no alternative development options that may deliver affordable housing or other relevant contributions.

## **2.0 Available Community Infrastructure Funding**

- 2.01 At the August meeting, Committee Members requested clarity as to the level of s106 funding available for a community facility in the locality.
- 2.02 In 2005 planning permission was granted for 192 dwellings at 'Springfield Park' (application ref. 05/2350). This was amended in 2016 by way of application 15/506426/MOD106. The s106 legal agreement associated with that amendment secured a sum of £403,476 to be used for the purpose of the provision of a 'Community Facility', defined as "*a community meeting facility and crèche area to be provided within the ground floor retail unit of the Development or such other community facility which directly serves the occupants of the Development.*" (my emphasis)

- 2.03 The Council is currently holding £100,000 from this planning permission which was paid under the amended legal agreement. Part of this amount is for health facilities (£46,523.08) which leaves £53,476.92 that could currently be used towards community facilities. The remaining contribution of £349,999.08 is to be paid in two instalments, 50% paid upon disposal (sale) of the 50<sup>th</sup> dwelling and the remaining 50% to be paid upon disposal (sale) of the 170<sup>th</sup> dwelling. The above payments may be subject to indexation.
- 2.04 The more recent planning permission for Springfield Mill (Redrow scheme) - 17/502432/FULL secured the opportunity to use the listed Rag Room if required, but no financial contribution towards an alternative was secured. The Weston Homes scheme currently under construction provides the opportunity for a small community / retail space, but again makes no financial contribution towards any alternative off-site facility.
- 2.05 The current Peker Holdings application has removed a small on-site community space from within the scheme and in lieu makes an offer of £250,000 towards off-site provision.
- 2.06 In addition to the above, Members should note that CIL funding may be available in the future, either through the Regulation 123 list of strategic priorities and/or through the 15% of CIL that is to be reserved for use at ward level. However, at this stage no specific community projects are currently on the CIL 123 list.
- 2.07 Officers have previously advised that, in-principle, St Faith's on Monkton's Lane could be an appropriate location for a community facility to serve the above developments. Whilst the principle of such a use has been discussed with Officers, we are not aware that any detailed, costed delivery plan has been put forward in association with a request for s106 funding for a community facility at St Faiths. On this basis, your Planning Officers are unable to present any evidence to show that a scheme has been costed in detail, what (non-s106) funding may already be available and whether a set funding gap remains. On this basis, we cannot advise that significant weight could be afforded to this Applicant's financial offer towards such a facility, moreover, the offer of £250 k fails the 3 legal tests to s106 in that there is no detail around what the 'community facilities' amount to and the specific need but crucially no site and work programme identified.
- 2.08 As highlighted in the main report, paragraph 57 of the NPPF states that:

*"Where up to date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable".*

Clearly this is not the case here. The offer of £250,000 for off-site community facilities was only made immediately before publication of the previous report in August; and as well as the impact on viability it needs to be seen against infrastructure policy set out in the adopted Local Plan 2017. Strategic Policy ID1 (Infrastructure Delivery) lists infrastructure priorities for residential development where there are competing demands for contributions (secured through s106 legal agreements). The highest priority is affordable housing, yet none is proposed on site and a below policy off-site, therefore, there is clear policy conflict. CIL is normally the mechanism for securing off site infrastructure but the applicant has

chosen the £250,000 contribution via a s106 legal agreement. As stated above, the 'community facilities' are not identified in the 123 list.

### **3.0 Further Local Representations**

3.01 As identified in Annex 1, prior to the August Planning Committee objections had been received from 12 local residents on the following grounds:

- Overdevelopment of the site, excessive height and density adversely affecting the character of the area. The adjacent scheme is not an appropriate reference
- Poor design
- Inadequate open space
- Additional traffic from the development will exacerbate local conditions and congestion.
- Parking provision is inadequate.
- Loss of privacy due to proximity to properties in Radnor Close.
- The refuse storage area is unneighbourly being adjacent to Radnor Close.
- Loss of daylight/sunlight to properties in Springfield Avenue.
- Likely level of dust and disturbance during demolition and construction.
- Removal of community space from scheme not acceptable
- The proposed residential accommodation does not meet local needs

3.02 Following the most recent public consultation, a further 39 objections have been received (so a total of 51 objections). In addition to repeating a number of the above comments, the additional objections raised include:

- The existing tower should be demolished – evidence of trespass and anti-social activity
- The proposed scheme would adversely impact on the local skyline / townscape
- Harmful impact on the local environment
- Scale not sympathetic – will dwarf neighbours
- Lower scale development would be more appropriate
- The in-combination impact with other new developments is unacceptable
- Local social and health infrastructure is inadequate to support growth
- An alternative scheme should include local services such as a doctors surgery
- The community space removed from the scheme should be replaced by an alternative within 1 mile of the site
- Adverse impact on noise and air quality
- Risk to safety of pedestrians and motorists arising from congestion
- Springfield roundabout should be signalled as local residents struggle to access
- Overlooking of neighbours
- The area is already affected by anti-social parking
- Parking should be provided at 1 space per unit
- Potential loss of wildlife habitat and increased pressures on nearby nature reserves
- Family homes more needed than tower blocks
- Support the previous recommended reasons for refusal

- This is not a 'gateway' site

3.03 No further fresh comments have been received from statutory or other consultees.

#### **4.0 Updated Landscape Strategy**

4.01 Following the August Planning Committee the Applicant has submitted an updated Landscaping Design Strategy, which seeks to provide further clarity on the hard / soft landscaped areas of the site. The eastern frontage to the scheme is referred to as 'parkland' and the areas to the west as a 'landscaped parking court' and 'landscaped arrival areas'. In addition to the layout of the proposed landscaping, the strategy document identifies examples of areas of landscaping within other developments that have inspired the Applicant's approach.

4.02 However, Officers do not consider that these updates overcome the concerns raised in the August report. The usability of the area to the west, as anything but a buffer, remains doubtful due to traffic related impacts, whilst the eastern area still provides very limited areas of soft landscaping and remains an area dominated by car parking and access. The conclusions of the August report are maintained, in that, having regard to the scale and density of the development, the failure to deliver an acceptable setting and area of meaningful and useable public realm and amenity space for occupiers of the scheme is considered to be a further significant weakness in the overall design concept.

### **5 CONCLUSIONS**

5.1 For the reasons set out above, it is considered that the development causes harm to a range of Local Plan policies. Officers have been unable to negotiate an acceptable scheme and the Applicant has requested that the scheme be determined in its present form.

### **6 RECOMMENDATION –**

6.1 The recommendation remains as per the August report, that:

PERMISSION BE REFUSED on the following grounds:

- 1) The proposed development by reason of its scale, mass and siting would be incongruous in its non-immediate and wider context. This incongruity would be visible in medium distance views (such as the western side of the Maidstone river valley) and long distance views (such as the south facing base and scarp of the Kent Downs). There would be cumulative inter-visibility between the proposed development and the under construction tower block to the south, adding significantly to the massing effect and therefore accentuating the incongruity. Both the National Planning Policy Framework and adopted Maidstone Borough Local Plan policy DM1 require good design as a minimum, but given the mass and prominence, this building fails to deliver the "very good design" standard required. It is considered that the design of the building does not have a high quality

standard of architecture, does not employ any genuinely innovative sustainable design features which are integral to its design, is single use (residential), does not create any new linkages nor create or re-inforce any street patterns, creates no functional public open space, fails to enhance or engage with surrounding public realm, has a landscape scheme design based on preserving rather than significantly enhancing, and proposes a ground floor is not considered to be appropriately 'active' in terms of the façade treatment and function. As such the development causes an unacceptable level of harm and is contrary to the NPPF and policies SP1, SP18, DM1 and DM5 of the Maidstone Borough Local Plan 2017.

- 2) The proposal is contrary to the National Planning Policy Framework paragraphs 193-195 (as expanded upon by Planning Policy Guidance section 013) which require great weight to be given to the conservation of designated heritage assets and their setting, and for the implications of cumulative change to be considered. Any harm to the significance of a heritage asset from development within its setting (the surroundings in which a heritage asset is experienced) should require clear and convincing justification. The proposed development by reason of the height, mass and siting of the tower element would result in harm from an overbearing impact on the setting of the principal elevation of Springfield House (Grade II listed) and also when viewed from the open River Medway to the west. The application fails to assess the impact of the development (either in isolation nor cumulatively with the under construction tower block on the land to the south) on the setting and significance of Allington Castle (Grade I) and Park House (Grade II\*). Those listed buildings are both in elevated positions to the north of the application site with panoramic and historically important views towards Maidstone, which are considered to be within their settings and contribute to their significance. The application has therefore failed to demonstrate that the proposed tower element by reason of its height and mass would not result in harm to both these views and hence to their historic landscape settings. For all the heritage assets, the proposal compounds harm from the existing adjacent developments resulting in greater harm to their setting and significance, important local views and the wider historic landscape setting of Maidstone. Moreover, the development does not take the opportunity for enhancing the significance of these heritage assets as required by para 192 of the NPPF. In the absence of a public benefit arising from the development, the proposals are contrary to the NPPF and Policy SP18 and DM4 of the Maidstone Borough Local Plan 2017.
- 3) By virtue of its siting, massing and height, the proposed development is considered to represent an overbearing an unneighbourly form of development that will be harmful to the amenity of neighbouring residents, contrary to the objectives of the NPPF and Policies DM1 and DM5 of the Maidstone Borough Local Plan 2017.
- 4) Having regard to its scale and density, the proposed development fails to provide an adequate level of amenity for the future users of the scheme which could not be overcome through a commuted payment to off-site open space. Further, the development fails to respond to the requirement to enhance the public realm, is likely to adversely affect the amenity of neighbours and is therefore contrary to policies DM1, DM13 and DM19 of the Maidstone Borough Local Plan 2017.
- 5) The quantum of parking provision is significantly below the upper standard set out in Local Plan policy DM23. Evidence has shown that inadequate levels of parking

are a source of on-street parking problem within the immediate vicinity. Whilst the site is situated adjacent to bus routes and, to a lesser extent, Maidstone East railway station can be reached on foot, this is not a town centre location and it is considered that the very low parking provision proposed would be significantly below the likely level of car ownership for a development of this type and location. Further, it is not considered that the travel plan measures submitted would result in an adequate reduction in car ownership and use. As such, the proposal would provide inadequate levels of parking for the occupants of the development, contribute to and exacerbate on-street parking problems and is thus contrary to Policies SP23, DM1 and DM23 of the Maidstone Borough Local Plan 2017.

- 6) Planning obligations have not been submitted or secured which comply with adopted Local Plan policy in relation to affordable housing. It is understood that the reason for this is that the scheme would be unviable with policy compliance, however, paragraph 57 of the revised NPPF (revised February 2019) states that "The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date..." This is an unallocated site and the Local Plan was adopted in October 2017 with an assumption that policy compliant development was viable. The development is therefore contrary to the provisions of the advice in the NPPF, the National Planning Practice Guidance and Policy SP20 of the Maidstone Borough Local Plan 2017.

<b>REFERENCE NO - 17/504568/FULL</b>	
<b>APPLICATION PROPOSAL</b> Demolition of the remaining former Library building, erection of a six-to-sixteen storey residential development of 170 No. apartments and 85 No. car parking spaces at the former KCC Springfield Library site, Sandling Road, Maidstone.	
<b>ADDRESS - Former KCC Springfield Library HQ, Sandling Road, Maidstone ME14 2LG</b>	
<b>RECOMMENDATION - Application Refused</b>	
<b>WARD</b> North	<b>APPLICANT - Paker Holdings Limited</b> <b>AGENT - Barron Edwards Limited</b>
<b>TARGET DECISION DATE</b> 29/03/2019	<b>PUBLICITY EXPIRY DATE</b> 07/03/2019

## REPORT SUMMARY

<b>REFERENCE NO - 17/504568/FULL</b>
<b>APPLICATION PROPOSAL</b> Demolition of the remaining former Library building, erection of a six-to-sixteen storey residential development of 170 No. apartments and 85 No. car parking spaces at the former KCC Springfield Library site, Sandling Road, Maidstone.
<b>ADDRESS</b> Former KCC Springfield Library HQ, Sandling Road Maidstone ME14 2LG
<b>RECOMMENDATION</b> Permission be Refused
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The scheme involves the redevelopment of previously developed land within the urban area, however, the site lies outside of the town centre. The site is not allocated for development within the Local Plan. At the request of the Applicant a report recommending the refusal of permission for this application was withdrawn from the Planning Committee agenda of 8 November 2018. The application has been the subject of protracted discussions during which Officers have sought to address concerns relating to both the quality of the proposed development and its viability. However, it is has not been possible to secure a scheme of an appropriate scale or quality that would address the significant concerns relating to the scale and density of the development. It is considered that the significant scale and very high density of development results in; adverse impacts upon the environment, the amenity of neighbours and will not result in satisfactory living conditions for future occupants of the scheme. Notwithstanding the expectation that the Council will promote sustainable development, as advocated by the NPPF, through a series of local plan policies such as DM1, 3, 4 and 30, the local plan requires proposal to deliver high quality design. Despite the attempts of both the applicant and officers to address the concerns arising, it is not considered that the process has been successful with the resulting building representing an intrusive, incongruous and unacceptable form of development that will adversely impact

upon both the immediate and wider townscape.

Whilst Officers have offered a period of further discussion in an attempt to explore the opportunity for an acceptable solution, the Applicant considers that it is unlikely that an agreed position could be reached and has requested that the application now before the Council be determined.

**REASON FOR REFERRAL TO COMMITTEE**

It is a major / controversial application and following discussions with a Ward Member it is considered that it merits Committee consideration.

<b>WARD</b> North	<b>APPLICANT</b> Peker Holdings Ltd <b>AGENT</b> Barron Edwards Ltd
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<b>DECISION DUE DATE</b> 29/03/19	<b>PUBLICITY EXPIRY DATE</b> 07/03/2019	<b>OFFICER SITE VISIT DATE</b> Various
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**RELEVANT PLANNING HISTORY (including relevant history on adjoining sites):**

App No	Proposal	Decision	Date
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SPRINGFIELD LIBRARY SITE

Note – the permissions detailed below, first granted in 2009, then 2014 and renewed again in 2017 have lapsed and are not capable of implementation

16/507999	Variation of conditions attached to 12/2032 (An application for a new planning permission to replace extant permission 09/0862) - To allow demolition. (Note - reserved matters applications needed to be made by 08/05/17)	Approved	24/02/2017
16/507817	Submission of details to discharge conditions pursuant to 12/2032	Approved	08/03/2017
12/2032	Application for a new planning permission to replace extant permission 09/0862 (outline planning application for 100 flats and 14 houses - all matters reserved)	Approved	08/05/2014
09/0862	Outline planning application for residential development comprising of 100 flats and 14 houses with all matters reserved for future consideration	Approved	24/11/2009

**PERMISSIONS RELEVANT TO THE WIDER FORMER KCC SPRINGFIELD CAMPUS**

17/501503	Minor material amendment to 05/2350 including amendments to internal floor plans, updated housing mix, altered roof form and revisions to the external material palette.	Approved	14/02/2018
17/505581	Non-material amendment to 16/507471 – to include: reduced footprint, amendments to internal layout, unit mix and elevations.	Approved	06/02/2018

16/507471/ FULL	Full planning application for the development of 310 residential units in two buildings ranging between 8 and 18 storeys, including 177sqm of A1/D1/D2 floorspace, associated car parking, public realm and landscaping works.	Approved	23/08/2017
13/2099	Erection of Class A1 retail development (with ancillary cafe), supporting retail (A1-A3), doctors' surgery (Class D1)	Refused	08/05/2014
05/2350	Erection of B1 offices comprising 3 No. buildings, 192 residential units and accommodation for class A1, A3 or community use)	Approved	01/08/2006
01/1356	Demolition of buildings and comprehensive redevelopment to provide offices (B1) and residential, (with offsite affordable housing)	Approved	01/10/2002

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application sites lies within the Maidstone Urban Area, approximately 650m beyond the northern edge of the town centre boundary. Maidstone East Station lies circa 900m walk to the south with the northern-most edge of the retail centre at circa 1,000 – 1,200m.
- 1.02 The application site fronts onto Chatham Rd, which runs parallel to Royal Engineers Road. Vehicular access is taken from an un-adopted estate road which also provides access to a number of additional sites, including the adjacent Weston Homes development sites, the Grade II listed Springfield Mansion and established residential buildings in Radnor Close and Bambridge Court. Vehicular access onto the A229 is gained via the roundabout that also serves the Invicta Park Barracks
- 1.03 The Chatham Road frontage is marked by a group of mature trees, which are protected by TPO. The former rotunda and podium have now been demolished, such that, with the exception of the former library tower, all buildings on the site have now been demolished. Otherwise the site is vacant and hoarded. The remaining library structure is described as being 12-13 storeys in height.
- 1.04 The site is relatively small in size, circa 0.575 ha, and tapers in width from north to south. The significant belt of mature trees on the eastern and southern parts of the site significantly reduce the net developable area. Levels across the site fall by approximately 4.5m from south to north and from the Chatham Road towards Springfield Mansion by circa 2.8m.
- 1.05 Whilst the area of Royal Engineers Road to the east is undeveloped, the site is otherwise relatively tightly contained by built development, with the limited areas of public realm within the immediate vicinity principally comprising narrow estate access routes and areas of car parking. To the west of the site, the listed Mansion House is principally 2 and 3 storeys in height, adjacent to which Bambridge Court, a residential development dating to circa 2000 is predominantly 4 storey in height.

To the north Radnor Close contains a mixture of two-storey houses and three-storey flats which are separated from the application site by a large retaining wall which serves to manage a drop in levels of approximately 2m to 2.5m. The two adjacent Weston Homes developments, which are under construction to the south, will provide 192 and 310 apartments respectively. The element fronting Royal Engineers Way immediately south of the application site will rise from 8 to 18 storeys in height, with the blocks to the rear being 6 storeys.

- 1.06 As assessed below, the constraints of the site size and its surroundings impact upon the ability to successfully resolve the challenges associated with seeking to deliver a large scale and high density development.
- 1.07 In terms of the wider surroundings; to the west of Springfield Mansion the wooded Medway Valley falls away steeply, whilst to the east the townscape is dominated by the A229, beyond which the Barracks are set behind a retaining wall and landscaping. To the north the area comprises mainly suburban low rise housing, whilst to the south, beyond the Weston Homes site; the east of the A229 is characterised by tight grain low rise housing and the west a variety of larger scale building typologies reflecting that area's town centre fringe location and principally commercial and civic scale uses.
- 1.08 The geography of the site location is one where the land rises significantly from the town centre and Medway Valley northwards towards the Kent Downs. As demonstrated by the adjacent building the proposals have the potential to impact not only upon local views, but also longer distance views into and out of the town centre.

## **2.0 THE PROPOSAL / SCHEME EVOLUTION**

- 2.01 The site was acquired by the Applicant with the benefit of an extant planning permission for 114 units, in buildings of between 4 and 6 storeys in height. The design statement accompanying the current application confirms that the architects were briefed to *"..deliver a scheme in the order of 165 residential apartments.."*. Having regard to the site characteristics outlined above, this degree of uplift will be significant.
- 2.02 At the request of the Applicant, a report recommending the refusal of permission for this application was withdrawn from the agenda of the Planning Committee in November 2018. Since that original report was prepared, the application has been substantially amended; initially in December '17 / January '18, with the principal changes involving:
  - a reduction in some elements of the massing of the buildings and the height of parts of the central and lower blocks
  - removal of the proposed community space
  - an increase in the number of residential units from 162 to 170 units
  - an amended unit size mix
  - material changes to the elevational design
  - a reduction in the number of parking spaces from 86 to 85 units

- relocation of some of the basement/undercroft parking to the western area of the site
- relocation of waste storage to an external structure
- rationalisation of the internal layout and improved floorspace efficiencies.

2.03 In addition to the physical changes to the scheme, the applicant has subsequently proposed the following s106 obligations, which were not part of the proposals in 2018:

- an off-site affordable housing contribution of £603,965
- an off-site open space contribution of £251,600
- a community facility contribution of £250,000
- inclusion of design codes

The applicant has also confirmed that the development would be subject to a CIL contribution estimated to be circa £1.3 million.

2.04 In March and April 2019, the applicant proposed further clarification in respect of design details such as fenestration patterns and materials.

When further reviewing the application on the Council's website, Members may wish to refer to the report entitled 'Design Summary, which summarises the above changes and how they have informed the scheme now before Committee.

2.05 Members should also note that the planning application now before them for consideration is materially different to that which was to have been considered in November 2018. For this reason and as the November report was not considered by the Committee, Officers advise that Members should not rely upon the previous report in coming to a decision on this application.

2.06 The planning application now before Members therefore seeks detailed planning permission for the demolition of the remaining circa 13 storey structure and the erection of a residential development ranging between 6 and 16 storeys in height to provide a total of 170 apartments, 85 car parking spaces with access, communal residential amenity areas at ground floor and roof level, cycle parking and refuse storage facilities; together with external hard and soft landscaping.

2.07 The amended building form is based upon the principle of three connected built elements rising in height towards the south. Compared to the original submission, the building blocks have been simplified, the effect of which is to serve to reduce some of the visual complexity associated with the previous scheme and also to reduce massing and the height of parts of the building by up to 8metres. However, as detailed below, these changes to the form have also served to undermine many of the architect's original responses to the design brief and also bring further challenges to the creation of a successful high density scheme. The building layout within the site is broadly unchanged and seeks to maximise tree retention on the Chatham Road frontage, with 32 of the original 38 trees to be retained – an increase when compared to the previous permission on the site.

2.08 The building comprises three built elements which increase in height from 6-storeys at the northern end (circa 21m plus a circa 2 to 3m change in land levels

closest to Radnor Close) up to the maximum 16-storeys in height (approx. 54m) southwards towards the campus access road off the A229 roundabout.

- 2.09 As part of the applicant's response to improving the viability of the scheme the reliance upon basement parking provision has been reduced with an increased level of external surface parking. Basement parking has been reduced from 55 to 42 spaces, with a commensurate increase in ground level parking from 32 to 43 spaces. As detailed below, together with the relocation of the waste storage outside of the main structure, these changes impact upon the quantity and quality of public realm. Cycle parking spaces are proposed in the basement at a ratio of approximately one per unit.
- 2.10 The mix of residential units within the development has altered as a result of the amendments as follows:

	<u>2017 Submission</u>	<u>As Amended</u>
One-bedroom units:	26	18
Two-bedroom units:	113	125
Three-bedroom units:	23	27

Whilst no affordable housing is proposed within the development, as detailed below, the applicant now proposes an off-site affordable housing contribution that they suggest equates to circa 10%.

- 2.11 The design approach of the building has evolved over a protracted period of discussions at both pre-application stage and post submission. The footprint of the amended design maintains the previous separation from the listed Springfield Mansion, whilst at the same time retaining as many as possible of the existing mature trees fronting Chatham Road.
- 2.12 What was originally proposed as five distinct linked blocks rising from north to south has been simplified to one building broken down into three elements each defined by differing heights and palette of materials. The level of rooftop amenity space and surface level soft landscaping has materially reduced as a result of the amendments.
- 2.13 The applicant asserts that the broad approach to scale and massing follows the lead of the permitted U+I (now Weston Homes) scheme to the south. This is addressed in detail within the assessment below. However, in assessing this scheme Members should also have regard to the application site's wider context.
- 2.14 The original submission was reviewed by a Design South East Review Panel in February 2018. In their summary DSE commented:

*"This development has come to design review at the later stages of the planning application process which limits the potential for the review process to improve the scheme. This is another high-density development in this area and as such creates a number of challenges. The development of the design of the building is generally convincing but we have some suggestions for improvements which are detailed below. In particular the design of the ground floor and the public realm to the west of the building needs further work."*

*There is an urgent need to bring landowners and developers together to discuss how the emerging new neighbourhood of the Springfield campus and former Whatman's paper mill could be better connected and managed and how it could therefore develop as a place and achieve its ...."*

With regard to the scheme's density DSE commented:

*"There was some discussion in the panel about whether this proposal is too dense. The question was raised as to why the brief required 50% more units than the previously consented scheme to make it viable. Fewer apartments would certainly make the design issues easier to resolve. The site is over twenty minutes walk from the town centre with poor physical pedestrian connections and public transport. There is a lack of infrastructure, public community and private facilities in the area. There is no strategic plan for common or public space which takes advantage of the outstanding position on the banks of the river Medway. From a strategic point of view, one would expect higher densities to be promoted closer to the town centre and major transport hubs. ...."*

Whilst the Panel acknowledged the precedent set by the adjacent scheme, as Officers identify below, the adjacent permission does not of itself justify any harmful impacts that may arise from the present application.

In terms of the then proposed approach to moderating the building's massing, the Panel asserted

*"The glazed cores between the different 'blocks' are a positive move which will help lighten the overall appearance of the building and make it less wall-like. However we were not convinced from the elevations and CGIs that this transparency will be expressed strongly enough."*

In contrast to the Panel's advice, the glazed links referred to above, have been removed rather than enlarged as part of the amendments to the scheme. With regard to public realm the Panel supported the scheme's approach to maximising the retention of mature trees, but raised the following concerns:

*"We were less convinced by the public realm on the western side. The large drop off area seems unnecessary and, given the likely pressures on parking, will probably end up as an informal parking area. There is a need for more generous and better connected amenity space on this more-private side of the building as it is likely that some residents will not use the rooftop gardens. We feel the scale of proposed landscape intervention to the west should seek to match the status of the retained treed edge to the east and not appear too piecemeal and small scale."*

Whilst the application initially responded to this advice, the more recent amendments, which have introduced more external parking and refuse storage, in effect reintroduce a number of the Panel's original concerns.

- 2.15 The proposed materials and external finishes have evolved as the scheme has progressed. Brickwork features strongly across each of the three elements, with the brick colour and textures referencing, for example, those used on the adjacent listed mansion. Aluminium windows screening panels and balconies will incorporate colours such as bronze and champagne to complement the tones of the

brickwork elements. The building design strategy seeks to ensure that services that require external openings, such as boiler flues, will not be readily visible on the external walls, preventing the marring of the overall quality of the building.

2.16 The Applicant also proposes that the Design Code will form part of a s106 agreement in order to ensure the quality of the scheme is not diluted at a later stage.

2.17 In terms of soft landscaping, at ground level the majority of this comprises the retained mature trees on the eastern and southern parts of the site. Due to the limited space available, only two narrow beds of planting are proposed on the site's western frontage, where the main entrance is located. A roof garden is proposed, although this has reduced in scale from the original submission as a result of (i) the inclusion of rooftop PV and (ii) the viability engineering of the scheme.

2.18 The application is supported by a suite of reports, including:

- Design & Access Statement & Design Code
- Planning Statement
- Heritage Impact Assessment
- Townscape and Visual Impact Assessment
- Sustainability Statement
- Energy Statement
- Daylight and Sunlight Assessment
- Air Quality Assessment
- Transport Statement and Travel Plan
- Economic Impact Report

2.19 The application has also been supported by Viability Assessment (**Confidential**) which has been updated through the timeframe of the application and reviewed on behalf of the Council by independent assessors.

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

3.01 The following Maidstone Borough Local Plan policies are considered to be relevant to this application:

- SS1 Spatial strategy
- SP1 Maidstone urban area
- SP18 Historic environment
- SP19 Housing mix
- SP20 Affordable housing
- SP23 Sustainable transport
- ID1 Infrastructure delivery
- DM1 Design Quality
- DM2 Sustainable design
- DM4 Development affecting heritage assets
- DM5 Brownfield land
- DM6 Air quality
- DM12 Density
- DM19 Open space

- DM20 Community facilities
- DM21 Transport impacts
- DM23 Parking standards

3.02 The National Planning Policy Framework (NPPF) 2019 introduces a number of relevant considerations, including:

- Sustainable development (7-11)
- Weight on the local plan (47)
- Housing supply / meeting housing needs (59-76)
- Promoting sustainable transport (102+/108+)
- Parking standards (105-106)
- Effective use of land (117+)
- Density of development (122-123)
- Design Quality (124-132)
- Climate change (149+)
- Historic environment (184+)

National Planning Practice Guidance (NPPG) supplements the NPPF and relevant guidance is assessed below.

#### **4.0 LOCAL REPRESENTATIONS**

4.01 Throughout the various iterations of the application representations have been received from 12 local residents raising the following (summarised) issues

- Overdevelopment of the site, excessive height and density adversely affecting the character of the area. The adjacent scheme is not an appropriate reference
- Poor design
- Inadequate open space
- Additional traffic from the development will exacerbate local conditions and congestion.
- Parking provision is inadequate.
- Loss of privacy due to proximity to properties in Radnor Close.
- The refuse storage area is unneighbourly being adjacent to Radnor Close.
- Loss of daylight/sunlight to properties in Springfield Avenue.
- Likely level of dust and disturbance during demolition and construction.
- Removal of community space from scheme not acceptable
- The proposed residential accommodation does not meet local needs

#### **5.0 CONSULTATIONS**

5.01 **Kent County Council Highways:** Have confirmed that they have assessed the submitted Transport Statement and considered the development in combination with existing and approved/committed development on the Springfield Campus. Subject to the detailed comments of KCC summarised below, they raise no in-principle objections subject to a number of conditions, informatives and a s106 obligation relating to a Travel Plan monitoring fee of £5K.

Site access: The proposed access arrangements which include the retention of the existing mini-roundabout and use of the private internal site road are consistent with the previous approval on the site and compatible with the extant consents on the adjacent land within the Springfield Campus. Swept path analysis has been undertaken and shows the development can be served by refuse vehicles.

KCC do note the high level of on-street parking on the access road to the A229 and mini-roundabout, advising that this is not in the overall interest of highway safety and in the absence of preventative measures and management, consider that this situation is likely to continue.

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

(Officer Note – Members should note that in terms of trip generation, the previous scheme is not a material consideration as it has expired. KCC has been asked to clarify if this view therefore changes – a verbal update will be provided)

Parking and Layout: The parking ratio of 0.5 spaces/unit is higher than the 2009/2012 scheme (0.41 spaces/unit). Parking spaces are unallocated, and no specific allowance has been made for visitor parking, it is stated however, that this approach is consistent with IGN3. A car park management plan should also be considered.

(Officer Note – Members should again note that the previous scheme is not a consideration as it has expired. KCC has been asked to clarify if this view therefore changes – a verbal update will be provided)

Sustainable Travel: KCC consider that the site is well placed in relation to key services and facilities, which are within a 1.2km preferred maximum walking distance of the site, along a segregated route with a bridge over the A229. The site is also immediately adjacent to National Cycle Network Route 17.

Minor changes are encouraged to provide further enhancement and encouragement for sustainable modes of travel, including:

- The existing traffic signals north of the Springfield/Invicta Park and White Rabbit/Stacey Street roundabouts should be upgraded to Puffin Crossings.
- Improvements to existing bus stops on Royal Engineers Road adjacent to the site (bus boarders timetable displays and on the northbound (towards Medway) stop a bus shelter) are also proposed and consistent with improvements secured under the 2009/2012 schemes.

KCC advise that these measures and the proposed pedestrian island on the main Campus access road should be provided through a s278 agreement.

The submitted Travel Plan shows an initial 5-year target for car use that is 6% lower than 2011 Census journey to work data for this part of Maidstone. This would be achieved by several incentives including one-year car club membership and a travel pack for the occupiers of each unit and overseen by the appointment of a Travel Plan Coordinator. KCC Highways advise that the Travel Plan should be formally approved prior to commencement of the development and registered with KCC. Noting that survey and review of the Travel Plan will take place annually, KCC indicate that remediation measures should also be on an annual, rather than a three-yearly basis, as indicated in the current draft of the Plan. KCC have also requested £5,000 to fund KCC's Travel Plan advisor to review monitoring reports and work with the Travel Plan coordinator.

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

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

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

**5.05 Kent County Council Economic Development:** The list of contributions sought by Kent County Council to offset the provision of additional demand for KCC provided services arising from the development is as follows:

- **Primary Education:** £154,224.00 Towards the new North Maidstone Primary School
- **Secondary Education:** £139,944.00 Improvements at Maplesden Noakes School
- **Community Learning:** £4972.84 Towards St Faiths Adult Education Centre Jewellery Studio accessibility improvements
- **Youth Service:** £1374.61 Towards additional equipment for the Maidstone Youth Service
- **Libraries:** £7778.56 Towards Kent History & Library Centre additional equipment
- **Social Services:** £8728.56 Towards Trinity Foyer Sensory Garden, Maidstone

(Officer Note - Members should note that since these comments were submitted, the Council's CIL regime has come into force and all of the matters listed above would be considered through the CIL process.)

- 5.06 **Environment Agency:** No objections, subject to conditions relating to the submission of a contamination remediation strategy and subsequent verification report, no infiltration of surface water into the ground except as approved by the LPA, no use of piling or penetrative foundations except as approved by the LPA due to the potential risk of contaminants affecting controlled waters and groundwater. Several informatives are also suggested relating to drainage, soakaways and piling and disposal of construction waste.
- 5.07 **Southern Water:** Request that a condition requiring details of disposal of foul water to be submitted and approved prior to commencement of the development should be imposed on any consent that is granted. They have, however, confirmed that there is an available public surface water sewer in the vicinity of the site, and that a formal application for connection should be made by the developer. Nevertheless, they have requested that details of both foul and surface water disposal are secured by means of an appropriate condition.
- 5.08 **Kent Constabulary: Crime Prevention Design Officer:** Is concerned that the applicants have made no reference to crime prevention in the Design and Access statement, and that furthermore the applicant/agent have made no contact to discuss this issue or Secure by Design generally.
- 5.09 **Kent Constabulary Developer Contributions:** Consider that the development will give rise to a need for 5 additional Police Constables and the necessary supporting infrastructure. They have requested a sum of £1,110,470 to meet this additional need.
- 5.10 **MBC Landscape Officer:** Confirms that the Arboricultural Impact Assessment (AIA) produced by the applicant's consultant is considered to be acceptable. The arboricultural and landscape principles are sound and therefore there are no objections that can be raised, subject to landscape conditions and a condition requiring compliance with the AIA.
- 5.11 **MBC Conservation Officer:** Considered that the existing Library building should be retained and included within a revised scheme, given the quality of the building.
- 5.12 **MBC Parks and Open Spaces:** Advise that there is a deficit of some 3.05ha of open space when compared to the total of 3.22ha required pursuant to adopted policy DM19 of the Local Plan. A contribution of £239,760 (£1480/unit x 162) taking into account the provision that is made on-site for use to improve Whatmans Park (improve footpaths and accessibility on the east side of the park connecting with Springfield Mill via footbridges, improve treetop walk), Moncktons Lane/Foxglove Rise (improve accessibility to natural open space including work on towpath and footways) and the Chillington Street Open Space (fencing, benches and improvements to footpaths).  
(Officer Note – as the number of residential units has increased from 162 to 170, the above required contribution would need to be increased commensurately).

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

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

Air Quality: The Methodology in the Air Quality Assessment is accepted. The site is a suitable location for new sensitive development, as the properties are well below the air quality objectives.

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

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

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

Suggested conditions:

- 1: Contamination assessment and remediation scheme and closure report.
- 2: Limiting noise from plant and equipment at the site.
- 3: A scheme ensuring internal noise levels and externally in garden/amenity areas conform to BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.
- 4: Calculation of pollutant emissions costs form the vehicular traffic generated by the development.
- 5: 1 electric vehicle rapid charging point/10 units.
- 6: Submission and approval of a Construction Practice and Management Plan.

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

(Officer Note - Members should note that since these comments were submitted, the Council's CIL regime has come into force and all of the matters listed above would be considered through the CIL process.)

## 6.0 APPRAISAL

### Principle of Development

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is a core principle of Government policy that the planning system must be plan-led. The MBLP 2017 is the principal Development Plan Document for the District. It is up-to-date and must be afforded significant weight.
- 6.02 The National Planning Policy Framework (NPPF) provides the national policy context for the proposed development and is a material consideration in the determination of the application. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this again means approving development that accords with the development plan. Members should note that the NPPF also states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. It states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
- 6.03 In addition, it should be noted that despite the NPPF's presumption in favour of sustainable development and the emphasis upon the use of brownfield land, it also states that .... *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities "* It is therefore clear that good design is an essential requirement of any scheme that seeks to deliver sustainable development.
- 6.04 Policy SS1 of the Local Plan sets out the broad sustainable development strategy for the District and states that the Maidstone urban area will be the principle focus for development, with the best use made of available sites. It also states that the town centre will be the focus for regeneration. The site does not lie within the defined town centre boundary. Policy SP1 provides further guidance for the urban area. In seeking to promote the area as a good place to live, it requires inter alia that development should contribute positively to a locality's distinctive character.
- 6.05 Members should note that Policy SP1 seeks to respect and deliver the 'Spatial Vision' set out in the Local Plan. The Spatial Vision states that sustainable growth should be delivered alongside:
- protection of the Borough's built assets
  - creating an enhanced and exceptional urban environment
  - enhancement of heritage assets
  - securing high quality sustainable design and construction
  - ensuring that development is of a high quality design and makes a positive contribution to the area.
- 6.06 The site does not form part of a site allocation, nor is it part of the broad location for housing growth in the town centre as defined under Policy H2(1). As such it is not required in order to deliver identified Local Plan growth targets for this area of the Borough. Members should note that whilst the adjacent site allocation promotes higher densities, this reflected that site's greater footprint and closer adjacency to the town centre boundary. Members should also note that the

adjacent site allocation H1(11) suggested densities of circa 180 dph, compared to the current application's 293 dph.

6.07 Nevertheless, the site comprises previously developed land within the defined urban area of Maidstone. As such, the principle of residential development is acceptable and in general accordance with the provisions of the Development Plan and the NPPF, but is also subject to the wider consideration of the scheme against the development plan as a whole, including those objectives set out above which include the quality of the built environment. The ability of the application to address these wider requirements is assessed below.

6.08 One such consideration is density. Policy DM5, which supports the development of brownfield land states: *"If the proposal is for residential development, the density of new housing proposals reflects the character and appearance of individual localities, and is consistent with policy DM12 unless there are justifiable planning reasons for a change in density."*

6.09 The supporting text to Policy DM5 also lists further considerations that will inform as to the acceptability of brownfield development, including:

- The level of harm to the character and appearance of an area;
- The impact of proposals on the landscape and environment;
- Any positive impacts on residential amenity;
- What sustainable travel modes are available or could reasonably be provided;
- What traffic the present or past use has generated; and
- The number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives.

6.10 As the assessment below demonstrates, the proposed development is considered to fail when considered against a number of these key principles.

### **Design and Visual Impact**

6.11 Both the NPPF and Local Plan emphasise that good quality design is central to the successful delivery of sustainable growth. In particular the NPPF make clear it's expectations in respect of design quality:

*"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

It further emphasises that in taking planning decisions the Council should, for example, ensure that development:

- a) will function well and add to the overall quality of the area;
- b) is visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) is sympathetic to local character and history, including the surrounding built environment and landscape setting;

- d) establishes a strong sense of place and creates attractive places to live;
- e) in optimising the potential of any site to accommodate development should provide an appropriate scale and mix of development and include necessary green and other public space.

6.12 In particular the NPPF emphasises that:

*"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"*

6.13 The Local Plan is entirely consistent with the NPPF. It's Spatial Vision / Objectives, together with Policies SP1 and SP18 emphasise that sustainable growth should be delivered alongside protection of the built environment and heritage assets.

6.14 The Local Plan sets out clear expectations in respect of design quality, stating that "Proposals which fail to take opportunities to secure high quality design will be resisted". Policy DM1 sets out a number of design-led tests including:

- the need to respond to local character, including scale, mass and bulk,
- the creation of high quality public realm
- the need to respect the amenity of neighbours
- delivering high quality design which responds to townscape and heritage settings

6.15 The application site was not identified for development within the adopted Local Plan given that there was an acceptable scheme previously approved (114 units). However, the sites to the south (both Redrow and Weston Homes) are the subject of a single Local Plan allocation namely policy H1(11).

6.16 There is much design guidance on 'tall' buildings and of note is Historic England's 'Tall Buildings' (Historic England Advice Note 4 December 2015) and 'Guidance on tall buildings' (2007) by English Heritage and CABI. Both documents are similar with inter alia design principles set out. They acknowledge that tall buildings in the right place, which are well designed, can make a positive contribution to the townscape; however, tall buildings which are not in the right place and not of appropriate design quality, by virtue of their size and widespread visibility, can seriously harm the quality of the townscape. Whilst it is accepted that a tower block of considerable scale and mass is being constructed adjacent, this represents simply part of the immediate context, whereas it is necessary to consider a proposed building of this significant scale within a much wider context. Further, the existing library building whilst 'tall' in height is of a much lesser scale and mass than the application proposal.

6.17 Whilst there are no local 'tall building' policies, basic contextual design principles can be employed. For example, in the early part of this century riverside developments were permitted and built out but these clearly respected the wider skyline using the topography of being alongside the river Medway to reduce their prominence. Secondly, there are arguments in favour of locating 'tall buildings' next to transport hubs so that public transport opportunities are maximised and

such schemes lend themselves more to mixed uses. However, the proposal does not benefit from neither an appropriate topographical context nor a transport hub.

- 6.18 The design statements supporting the planning application appear to principally rely upon a gateway relationship with the Weston Homes scheme, however, as stated this simply represents part of the immediate context only. The adjoining Weston Homes scheme forms part of a site allocation H1(11) where higher density development was envisaged. Clearly, higher densities (especially when measured in terms of residential units per hectare as opposed to rooms per hectare) can be achieved in many forms such as terracing or a combination of built forms as with the Redrow development at Springfield Mill which is considered to be sympathetic to both the immediate and moreover wider context. The application site does not form part of the site allocation; it is a transitional site that sits between the site allocation and the suburban area to the north. Its immediate context and setting includes relatively low rise residential buildings and a sensitive heritage asset. It is considered that the scale and density of development proposed development fails to have regard to and respect this wider context.
- 6.19 The site retains one remnant of the previous library complex in the form of a structure that equates to circa 12-13 storeys in height. This again is a strong element in the immediate context but clearly less so in the wider context but, moreover, it is of a significantly lesser scale and mass than that proposed and if the applicant had employed a 'tall and elegant' design philosophy then this may have been more acceptable. Similarly, the illustrative scheme approved as per the outline permission is clearly acceptable as it was successfully demonstrated that a scheme of a certain mass and scale and density was appropriate. Both of these alternatives would result in less residential units and the subsequent associated impacts would also be lesser.
- 6.20 The density of the scheme is very high at almost 300 dph. As the site is not identified for development in the Local Plan there is obviously no stated density (as opposed to site allocations). The proposed high densities are considered to be out of context with the site's wider setting. Rather than take a reference from the neighbouring Weston scheme, it is considered that the scale and density of development should be an output of more contextual and qualitative considerations such as:

Locational suitability / sustainability: for example, does the site have access to services and transport of a quality that supports the density of the scheme? Whilst the site is on an approach to the town centre, services and amenities within the immediate vicinity are limited. The group of buildings within which the site sits offer limited amenities, with only a small level of community space planned in the Weston Homes building and no retail, service or leisure facilities. This suggests that very high densities cannot be supported.

Environmental setting and impacts: The site has a complex relationship with the wider townscape and impacts upon not only the surrounding streetscape, but also longer distance views into and out of the town. There is no justification within the MBLP for such a significant intervention in terms of scale and height.

Does the scale and density facilitate innovative high quality design: This consideration is central to Officers concerns, in that whilst the materiality of the scheme has improved, the simplicity that has come from the most recent design review has not served to elevate the quality of the scheme to a level necessary to justify the height and density proposed.

Quality of amenity: A key consideration is the quality of accommodation that is offered to future occupiers. The high density of development proposed is supported by limited amenity space and challenges to public realm associated with the dominance of parking provision and refuse arrangements, which do not enhance the setting of the building.

Does the building engage with / enhance the public realm: The most recent amendments have led to parking provision bleeding out from beneath the building onto the limited area of public realm to the west, which renders this area no more than effectively a parking and drop-off area. The area between the site and the offices / residential to the west requires enhancement in order to provide the building with a positive setting, but this is not achieved. On the eastern frontage, the building footprint is designed to minimise tree loss. Whilst this is welcomed, it suggests that the footprint and resulting open space is responsive to this particular constraint rather than an integral element of the overall design approach to create a positive engagement with the ground level and public realm.

A challenge for this scheme is that due to the small site footprint there is limited setting around it, no useable public realm and no engaging connection between the building and the ground.

- 6.21 A further expectation of higher density developments is that they secure a mix of uses and contribute to delivering a wider sustainable neighbourhood. Together with the adjoining site there will be circa 650 new households within the two emerging developments, which will add to the significant number of existing properties in Bambridge Court and Radnor Close. The building is solely residential in use, the previous community use having been removed for viability reasons. It is not considered that a community of this scale density should have to rely solely on modest proximity to the town centre. It is not considered that the proposal contributes towards creating a sustainable community.
- 6.22 In order for tall buildings to be successful, they must be of the highest quality. It is not considered that the design of this building meets this test. Whilst the building form has evolved through discussions and the simpler form now proposed improves upon the previous designs, the resulting form is not considered to be of such exceptional quality that a building of this scale can be justified. The lack of quality in the design is reinforced by the scheme's failure to recognise and respond to its wider sensitive setting and context and the building is considered to be incongruous and harmful to the immediate townscape.
- 6.23 It is therefore considered that the proposed building fails to respond to a number of key design-led expectations that would be necessary in order to justify a development of this scale, including:
- architectural quality / design credibility

- contextually driven scale, form and massing
- successful public realm / place-making
- a high quality of amenity for future residents and neighbours
- impact on the local environment
- respect of heritage assets and their setting

6.24 In addition to immediate impacts, a development of this scale also has the potential to impact upon the wider setting of an area. Key consideration will include, for example, the topography of a site and the impact of a building upon the skyline and wider townscape / landscape panorama. As identified above, the application site sits on rising ground, within the context of views into and out of the town centre and its wider rural setting. The visual relationship between the town and the surrounding landscape is an important planning consideration.

6.25 The application is accompanied by a townscape impact assessment which assesses the visual impact of the development from a number of viewpoints. Officers consider that this assessment underplays the visual impact of the development, including potential cumulative impacts with other development. It is considered that the proposals represent an incongruous form of development that would be visible not only in immediate views, but also in medium distance views (such as the western side of the Maidstone river valley) and long distance views (such as the south facing base and scarp of the Kent Downs). There would be cumulative inter-visibility between the proposed development and the under construction tower block to the south, adding significantly to the massing effect and therefore accentuating the incongruity.

6.26 In conclusion, it is considered that the site is in a prominent location on rising land east of the banks of the river Medway and would be of a very significant scale and mass. It will be incongruous with both the skyline of the townscape and the crest of the North Downs escarpment when viewed from the west of the river Medway, in particular roads which have a west east axis such as Queens Road and in longer distance views from the scarp slope of the North Downs whereby the development would be seen against the northern townscape of Maidstone. This incongruity is accentuated by the proximity of the Weston Homes tower block under construction which is of a considerable mass and can be clearly seen in its wider context and demonstrates that this scale of development struggles to be integrated into the townscape.

### **Residential Amenity**

6.27 The potential impact of the development on the amenities of the occupiers of adjoining properties is a key planning consideration and an essential element of defining acceptable design. Such impacts may include sunlight and daylight, noise, privacy and overlooking and the general scale and physical relationship of new development to its neighbours. As identified in the NPPF, it is also relevant to consider the amenities of future occupiers of the proposed dwellings.

6.28 At paragraph 127(f) the NPPF confirms that developments should ensure “high standard of amenity for existing and future users. Policy DM1 (iv) of the MBLP reinforces this requirement”.

6.29 Concerns have been raised by nearby residents about the scale and density of the development, the impacts upon privacy and loss of daylight and sunlight. Each of these considerations are assessed below:

#### Daylight / Sunlight

6.30 Daylight and sunlight tests were undertaken by the applicant in accordance with the Building Research Establishment (BRE) guidance ‘Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice’, Second Edition, 2011. This exercise assessed nearby dwellings at 1-33 Radnor Close and 1-27 Bambridge Court and no.5 Springfield Avenue and the not yet occupied Weston Homes tower.

6.31 In terms of daylighting, three potential tests are set out in the BRE guidance, a Vertical Sky Component (VSC) test, a No Sky Line/Daylight Distribution (NSL) test and thirdly, an Average Daylight Factor (ADF) test. The latter is undertaken if the first two provide inconclusive results and is more detailed. In addition, as there are potential limitations in the first two tests the more detailed Average Daylight Factor (ADF) test can be used as an additional method, to provide a more quantitative assessment.

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

6.33 The ADF results show that all the habitable rooms of the properties tested for ADF are fully compliant with the target values recommended by the BRE Guidelines. Only one bedroom at Nos. 6-15 Radnor Close fell marginally short of the recommended target value. In conclusion, the Applicant’s report advises that the occupants of these properties are unlikely to notice the degree of changes in internal light levels in the ‘post’ development scenario and therefore advises that the habitable rooms of the affected properties will retain acceptable levels of daylight, in accordance with the BRE Guidelines.

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

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

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

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

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

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

Other potential impacts affecting the amenity of neighbouring residents

- 6.37 Development has the potential to impact upon the amenity neighbours by virtue of its relative scale, for example, development can appear unduly overbearing by virtue of its proximity and scale (both height and massing). Section 1 of this report describes the scale of surrounding developments, which to the west and north comprise residential properties of between 2 and 4 storeys in height. That description also identifies that there is limited public realm surrounding neighbouring developments and that neighbouring residential sites sit on lower ground.
- 6.38 As identified above, the limited developable footprint available on the application site limits the ability to move the proposed footprint away from neighbouring dwellings, with the resulting building positioned on the northern boundary adjacent to Radnor Close and towards the western boundary. The Applicant states that this is principally in order to maximise the retention of existing mature trees.
- 6.39 The proposed development seeks to manage the impact of massing principally through two design responses, firstly the 'zig zag' footprint, albeit that this is again primarily driven by the relationship to existing trees; and secondly, the variation in height of the proposed built elements.
- 6.40 In assessing these relationships, it is important to understand the relative scale of existing and proposed buildings. The application proposal ranges in height between 6 and 16 storeys, whilst existing and occupied residential neighbours vary between 2 and 4 storeys. In addition the application site is sited higher than both neighbouring plots.

- 6.41 The occupiers of Radnor Close in particular, will see a major change in impact in terms of their aspect given the close proximity of the new development to the site's northern boundary, its significantly greater scale and the differences in land levels. The change in site levels between the site and Radnor Close is circa 2 to 2.5m (almost one storey). This is marked by an abrupt retaining wall and there is no effective existing or proposed vegetation between the two sites.
- 6.42 In contrast to the 2 and 3 storey heights of Radnor Close, the proposal, which is sited immediately adjacent to the boundary will rise to six storeys, plus the additional impact of the higher ground levels. Due to the constraint of the existing trees, the proposed building fails to respect any existing building lines and its massing steps forward of Radnor Close, further emphasising its overall massing. When viewed from Radnor Close it is considered that the proposed development will appear excessively overbearing and out of context.
- 6.43 The retention of mature trees is not considered to be an appropriate justification for this degree of harm to residential amenity as, for example, the location, height and massing of the development could have been considered in a manner that satisfactorily addressed both constraints.
- 6.44 In respect of Bambridge Court, the degree of separation from the proposed development varies due to the zig zag nature of the footprint. The degree of separation is such that direct overlooking between windows should not result in a loss of privacy. However, despite the building spacing exceeding best practice guidelines for traditional low rise housing, the proposed development will contrast in scale dramatically with that of Bambridge Court. In contrast to the twoer under construction, which is sited away from residential neighbours, the proposed building will be up to 12 storeys taller than Bambridge Court and will appear oppressive in the context of its neighbour. There will be no meaningful landscaping on the application site to mitigate any impacts.
- 6.45 It is therefore considered that the proposed development has failed to adequately consider or mitigate the impact upon the amenity of neighbouring residents of and is contrary to the objectives of the NPPF and policies DM1 and 5 of the MBLP.

### **Highways and Sustainable Travel**

- 6.46 Kent County Council as the highway authority raised no objections to the original application. In reaching this decision in terms of impact on the network, KCC Highways assessed the potential traffic generation from the proposed development against existing and committed development on the wider Springfield campus and concluded that the development would not substantially increase the cumulative impact on the local network to a level that requires additional mitigation. However, this assessment was based upon a compared to that which would otherwise have arisen if an earlier permitted scheme on the site had been implemented. However, Members should note that the previous permission has lapsed and is no longer a fallback. Officers have therefore requested that KCC consider whether their advice still stands and it is intended that a verbal update will be provided to Members.

6.47 A number of the objections received relate to a perceived lack of parking provision within the scheme. A number of complaints have been received during the construction period of the adjacent site relating to the impact of displaced parking from the construction site. A characteristic of the area is the limited capacity for on-street parking within the vicinity of the site. Both the established residential schemes and the emerging Weston Homes development (60%) provide levels of parking that are below the upper limits set out in parking standards and this has and will result in increased pressures for parking. The application scheme, at 50% of the upper standard is considered likely to exacerbate these existing / emerging parking pressures.

6.48 The site is classed by KCC as an edge of centre site for the purposes of IGN3 and where maximum provision on a non-allocated basis, such as proposed here, is recommended at 1 space/unit. However, in considering what may be an acceptable level of parking, regard must be had not only to existing conditions, but also the character and location of the development.

6.49 The application asserts that:

- Royal Engineers Road is served by Arriva bus services 155 (hourly service) and 101 (12min daytime frequency) to and from the Town Centre past the site. Service 150 provided by Nu Venture is a two-hourly service between Maidstone and Walderslade and Lordswood that also passes the site. It is also possible to travel directly to and from Kings Hill/West Malling Station on Arriva service X1 (via the M20) which stops at Maidstone East to/from the Town Centre which is an hourly service.
- Bus stops are sited either side of Royal Engineers Road adjacent to the campus access road, and a footbridge over the A229 enables safe pedestrian access over the highway to the Maidstone-bound services, as well as the footpath along Sandling Road towards Maidstone East and the Town Centre.
- Maidstone East Railway Station, within the defined Town Centre Boundary in the adopted Local Plan, is located approximately 850m (11 Minute walk) south of the site.
- The site has direct access to National Cycle Route 17, which runs between Rochester and Ashford. Access to the Aylesford/Barming cycle path along the River Medway is available within 600-700m of the site via Moncktons Lane and Kerry Hill Way. This is also a pedestrian route.

6.49 Despite these options, a development of this character would appeal to a range of households, with a mix of 1, 2 and 3 bedroom units. This will include families, couples and older households who enjoy not only proximity to the town centre, but also the easy access to the strategic road network. Notwithstanding the site's proximity to the town centre and the availability of bus routes, this is not a town centre site and the distances and routes involved, with gradients and traffic dominated conditions are not considered to be likely to encourage high levels of pedestrian movement.

6.50 The applicant has not submitted any evidence to suggest that car ownership and usage levels would be meaningfully below averages for the area

- 6.51 The applicants are seeking to improve the accessibility into and from the site through minor works to existing pedestrian and cycle crossing facilities in the area and to bus stops on Royal Engineers Road and Chatham Road are proposed. This will improve access to and from the development by sustainable modes of transport, and assist in terms of improving pedestrian and cycle safety. These works can appropriately be secured through a s278 agreement with the highway authority.
- 6.52 A framework Travel Plan has been provided as part of the application that has a preliminary target of reducing car use by 6% from the 2011 Census Travel to Work baseline over a five-year period by a number of targeted measures overseen by a Travel Plan coordinator. However, having regard to the above assessment Officers do not consider that this would ensure that car ownership and useage would be compatible with the low level of parking proposed within the development.

### **Landscaping, Open Space and Ecology**

#### Landscaping

- 6.53 The development footprint is principally defined by the objective of retaining a significant proportion of the existing (protected) trees on the site, in particular, the retention of the existing Wellingtonia trees that front the access road and which provide framing for the northern side of the main pedestrian and vehicular access to the Springfield campus. This approach aids the assimilation of the development into the immediate streetscape on the eastern elevation. However, it does little to manage longer distance views of the site.
- 6.54 The Landscape Officer has assessed the proposals and confirms that the arboricultural principles are sound and therefore raises no objection subject to a condition requiring compliance with the Arboricultural Impact Assessment.
- 6.55 However, the western elevation, of the scheme is a significant contrast. As identified in Section 1 above, the existing quality of the public realm is very poor and in accordance with Policy DM5, any development of the site should seek to enhance the setting of the site. The weakness of the application's public realm strategy on the western part of the site was identified by the Design South East Panel as an area that should be addressed. However, rather than responding to this in a positive manner, the cost-engineering approach of the most recent scheme amendments has resulted in this already unacceptable area becoming increasingly dominated by car parking, hard surfacing and facilities such as waste storage.
- 6.56 As a result, this key element of the development contains no more than two narrow planting beds, which offer no positive contribution to the design of the scheme or it's setting. Having regard to the scale and density of the development, the failure to deliver an acceptable setting and area of public realm is considered to be a further significant weakness in the overall design concept and

#### Open Space

- 6.57 The NPPF advises that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions". It is an established principle of good design and in particular for higher density development, that a high quality public realm is provided, not only to enhance the setting of a development, but to also enhance the quality of life of occupiers through the provision of, for example, amenity open space, playspace and an enhanced setting for more intense uses of land. Policy DM3 requires that publicly accessible open space is incorporated as an integral part of any development whilst DM19 defines the levels of open space that may be required.
- 6.58 As identified above, this site lies within an area where there is limited existing public open space within the immediate vicinity and where the existing public realm is very poor. Despite this, the public realm and open space proposed as part of the development is extremely limited. To the west and south, the environment is defined by the busy A229, a heavily trafficked road where noise levels and a sense of traffic pollution would discourage the use of the open space beneath the retained trees. It is considered that this edge of the development offers little or no recreational or amenity value for the majority for the occupiers of the scheme.
- 6.59 The western edge of the scheme is dedicated to access and parking and again offers no amenity opportunity for residents. The scheme does propose a rooftop amenity area, the size of which has been significantly reduced in order to reduce the costs of the scheme. Whilst this element of the scheme is seen as a positive contribution in itself, the significant reduction in communal rooftop amenity space is a regrettable change in the development.
- 6.60 Whilst the standards set in DM19 have to be considered on a site by site basis, particularly in relation to sites within the urban area, they nevertheless identify the amount and character of open space that may be necessary to support a development. When originally submitted, the 162 unit provided 0.175 ha of open space, compared to a requirement of 3.22. The Applicant has not provided updated figures following the scheme amendments, but with an increase to 170 units and a net reduction in amenity areas, this deficit will have only increased further.
- 6.61 Policy DM19 allows for consideration to be given to the provision of off-site open space and this figure is £251,600. However, the provision of off-site open space contributions is only permitted where, for example, the open space cannot be accommodated on site due to the housing delivery expectations on allocated sites. The development does not meet this test and whilst the development of brownfield sites is to be welcomed, the scale of development proposed is not necessary to meet the Council's housing targets. As such, there is no competing policy objective that in itself justifies this development facilitating inadequate open space.
- 6.62 The site is located within an area that has an existing deficit of open space and poor public realm. The scale and density of development will serve to further exacerbate rather than address such conditions. The A229 severs the site from the area to the east, whilst there is no direct access to the river. Non-roadside routes to amenity areas are not available within the immediate vicinity.

6.63 Whilst the Council's parks team has identified schemes to which a contribution could be directed, it is not considered that these would address the site specific failures of the scheme, nor would they address the wider design deficiencies identified above. As such, it is considered that the development fails to provide an adequate level of amenity for the future users of the scheme which could not be overcome through a commuted payment to off-site open space. Further, the development fails to respond to the requirement to enhance the public realm and is therefore contrary to policies DM1, DM13 and DM19 of the MBLP 2017.

#### Ecology

6.64 The KCC ecology teams have considered the submitted information and have confirmed that they agree there is no requirement for specific protected species surveys to be undertaken. They have requested that additional bird and bat boxes are provided in order to further enhance biodiversity. These are measures that can be secured by means of an appropriate condition. However, having regard to the scale of the development, such measures are considered to be likely to have a limited impact upon biodiversity enhancement.

6.65 Whilst no objections are raised to the proposals on the basis of their impact upon existing ecology, it is considered that the development fails to offer a material level of biodiversity enhancement and therefore fails to respond to Policy DM3.

#### **Heritage Impact**

6.66 The site lies adjacent to the Grade II listed Springfield Mansion. Having regard to its visual impact, it is also has the potential to affect the setting of wider heritage assets. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.67 The National Planning Policy Framework indicates that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The National Planning Policy Framework defines the setting of a heritage asset as the surroundings in which it is experienced.

6.68 A Heritage Impact Assessment (HIA) accompanies the application, which assesses the proposals in the context of the adjacent designated heritage asset Springfield Mansion (Grade II), as well as the existing and committed development. This report assesses that the overall setting of Springfield Mansion has been compromised over the years including by the former KCC library complex and more recent changes such as the construction of Bambridge Court most recently the Weston Homes development. In the context of this existing setting, the applicant concludes that the impact of the application will be neutral.

6.69 The NPPF requires the local planning authority, when assessing this application to 'identify and assess the particular significance of any heritage asset that may be affected by the proposal. Officers accept that the original setting of the listed

building has changed over the years, particularly with the increasing scale of built development that has taken place surrounding the mansion. The construction of the original KCC library complex was a significant element of this process of change, although it could be argued that the clearance of much of the application site has served to partly address the impact of built development on the application site in enclosing the Mansion.

6.70 Whilst past impacts and the retention of the library tower must be recognised, the proposed development will introduce a significant scale of development within the immediate setting of the development, that is of a form alien to the character of the Mansion. By virtue of its proximity and scale, the development will also result in a significant degree of visual enclosure and encroachment upon the Mansion. As such, Officers consider that there is a level of harm arising that is 'less than substantial'

6.71 The NPPF requires that when considering the impact of a proposal on a heritage asset, the Council should consider whether the development has sought to minimise any impacts through its design. Whilst the application refers to the importance of addressing constraints such as existing trees and, for example, reduces its height closer to residential neighbours, there is no evidence that the setting of the listed building has informed the design process. This is evidenced by the fact that, for example:

- the tallest elements of the development sit directly in front of the listed building,
- by seeking to avoid trees the tower element sits closer to the listed building
- the development fails to address / exacerbates the poor quality of the public realm between it and the Mansion.

Officers are not convinced that the applicant has demonstrated that the massing of the development and its overall height has been informed by the adjacency and setting of the listed building. Height cues appear to be taken from the Weston tower to the south, rather than being informed by an assessment of how the harm to the setting of the listed building could be minimised through, say a reduction in height and massing.

6.72 Paragraph 196 of the NPPF advises that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal ...*" This requirement is echoed by policy DM4 of the MBLP. The NPPG sets out that public benefits should be of a scale and nature that benefit the public at large. It is considered that the delivery of housing to meet local needs could be considered to be such a benefit. However, having regard to the concerns that the Council has regarding the quality of the residential development proposed and its local and wider impacts, together with the Council's healthy housing supply and trajectories; it is considered that limited weight should be afforded to the housing provision made by this scheme.

6.73 In summary it is considered that the development has failed to demonstrate that through design the impact upon the setting of the listed Springfield Mansion has been minimised and, that the development causes a degree of harm to its setting

which, in the absence of a public benefit arising from the development, means that the proposals are contrary to the NPPF and Policy DM4 of the MBLP 2017.

### **Drainage**

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

### **Affordable Housing, and Infrastructure**

#### Affordable Housing

- 6.76 The NPPF sets out that the Governments aspiration for sustainable development include creating "*strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations*". Need includes a range of housing tenures including affordable housing, which the NPPF states that it should be met on-site unless:
- off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
  - the agreed approach contributes to the objective of creating mixed and balanced communities.
- 6.77 Policy SP20 identifies that in this location 30% of the scheme should provide for affordable housing(20% on the neighbouring Springfield site allocation) and states that off-site provision should only be provided in exceptional circumstances and identifies an order of preference should off-site provision be proposed of:
- a) the delivery of an identified off-site scheme
  - b) the purchase of dwellings off-site
  - c) a financial contribution

Policy SP20 (6) also notes that "*Where it can be demonstrated that the affordable targets cannot be achieved due to economic viability, the tenure and mix of*

*affordable housing should be examined prior to any variation in the proportion of affordable housing”.*

6.78 The proposals do not include any affordable housing within the development; the applicant contending that it's viability cannot sustain such a requirement. When first submitted the application included no alternative affordable housing offer, although in parallel with amendments to the form of the proposed development, the Applicant has made an updated offer of a financial contribution towards off-site affordable housing of £603,965, which the Applicant asserts equates to 10% provision. The Applicant has not identified an alternative scheme or purchase strategy, but has simply offered the off-site sum. It is understood that the sum offered equates to 10% shared ownership properties, with the financial offer being based upon the difference in residual land value between that and a 100% market scheme (the difference in RLV being the AH financial contribution).

6.79 The NPPF provides guidance on the consideration of viability:

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

6.80 As required by the NPPF, the adopted Local Plan makes clear the type and level of affordable housing (and other contribution) that will be expected from development and this was evidenced through the viability testing of the Local Plan undertaken prior to submission and assessed at examination.

6.81 Where there is departure from the affordable policy requirements the onus is therefore on the applicant to demonstrate why the scheme is not policy compliant in terms of affordable housing. To evidence this, the applicants have indicated that they consider there are two reasons why in their view it would not be appropriate to require an affordable housing contribution.

6.82 Firstly, it is argued that affordable provision relating to the site was effectively made when the Kent Library and History Centre development at James Whatman Way was completed as this incorporated the affordable housing element for both the existing library HQ site (the permission for redevelopment thereof did not make any affordable provision) and the new Library site. The applicant's justification for this is as follows:

*'In summary, under the 2009 consent no affordable housing was delivered on this specific site which was for 114 market units as the wider development to include the site at James Whatman Way was providing the replacement library together with 60 affordable dwellings alongside a 57-unit extra care proposal within the*

*affordable housing sector. The new development on the former library site was therefore granted without any affordable on site as this was secured on a nearby site as part of a comprehensive scheme. Accordingly, it can be argued that the necessary contribution towards affordable housing has already been secured under the terms of the 2009 approval and is therefore not justified under this new proposal as that would result in double counting of compliance.'*

- 6.83 Throughout discussions on the application Officer have maintained that they do not consider that this justification carries weight. The earlier outline permission for the 114 units on the Springfield Library site has been allowed to lapse by the applicant and as such, there is no longer a fall-back position. It is therefore considered that the current application must be considered on its merit and in accordance with the development plan and should thus provide 30% affordable housing (51 units), unless in accordance with the criteria in Policy SP20, it is clearly demonstrated and evidenced that this is not economically viable.
- 6.84 As detailed above, the recent series of amendments to the application were in-part in order to address its viability. As a result, the applicant has submitted a revised viability assessment alongside a CiL / s106 offer which includes the financial payment identified above. This revised appraisal has been independently assessed on behalf of the Council by Dixon Searle Partnership.
- 6.85 Dixon Searle have examined in detail both the methodology and inputs into the applicant's viability appraisal. Such inputs have included factors such as; construction costs, sales income, professional fees and finance costs. It should be noted that the applicant has not asserted that there are any site specific conditions that would result in, for example, abnormal construction costs.
- 6.86 Following further interrogation of the viability inputs Dixon Searle's advice to the Council concludes that with the inclusion of the affordable housing contribution and the other infrastructure contributions set out below, the development would not be profitable and that the applicant is relying upon significant future growth in sales values in order to achieve profit. However, it should be made clear that the applicant's proposed affordable housing contribution is not dependant upon any future level of profitability, but would be made unconditionally. Clearly should planning permission be granted for any scheme, it would be necessary to ensure that secure mechanisms are in place to receive the payment.
- 6.87 It should also be noted that in order to balance the applicant's affordable housing offer, they propose that there would be no future review mechanism. Dixon Searle advice that on the basis that the scheme appears unviable even without any affordable housing offer, the absence of a review mechanism seems reasonable.
- 6.88 As identified above the NPPF advises that "*The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case...*". In this case, a number of considerations arise, for example:
- is the development otherwise compliant with the development plan,
  - would it contribute positively to achieving sustainable development,
  - does it cause other harm ?

As identified within this report, there are considered to be a number of significant shortcomings in respect of the scheme and specific levels of harm. The provision of a lower than policy level of affordable housing, despite being supported by the viability evidence, does not carry sufficient weight to make the scheme acceptable and it would be necessary for all other aspects of the development to be acceptable and to outweigh the affordable housing shortfall in order for any scheme to be, on balance acceptable.

6.89 As Councillors will be aware, s38(6) of the Planning & Compulsory Purchase Act 2004 directs that where regard is had to the provisions of the Development Plan decisions should be made in accordance with the Development Plan unless there are material considerations that indicate otherwise.

6.90 Without any agreed s106 planning obligations being delivered the development could be considered unacceptable in planning terms as the proposals are not policy compliant as there would be no secure affordable housing provision to meet a clearly identified need that exists in the Borough. Such a stance would be in line with the provisions of the Development Plan and the advice contained in the NPPF which advises that the weight to be given to a viability assessment is a matter for the decision maker.

#### Infrastructure

6.91 The Council commenced CIL (Community Infrastructure Levy) charging on 1<sup>st</sup> October and with the exception of affordable housing provision and an open space requirement (which pursuant to policy DM19 it is a policy requirement to provide a financial contribution in lieu of open space, where it cannot be provided in full, on or off site), which would be secured under any s106 agreement, the remaining infrastructure would be funded by CIL.

6.92 The revisions to the scheme and the updated viability assessment submitted by the applicant now reflect a full CIL payment being made of circa £1.3m. On this basis the scheme will comply with the infrastructure funding requirements of the Local Plan.

6.93 As detailed elsewhere in this report, the application is also accompanied by a revised offer to contribute towards off-site open space. The Council's Parks & Open Spaces Team have identified the following works:

- Whatman Park – improvements to footpaths and accessibility on eastern side of Park connecting with Springfield Mill via footbridges. Improvements to treetop walk.
- Monktons Lane / Foxglove Rise – improving accessibility to the natural open space including work on the towpath and pathways
- Chillington Street Open Space – improvements to fencing, installation of benches and footpaths to make the site more accessible and usable for local residents.

- 6.94 However, as identified within this report, such works are not considered to overcome or outweigh the site specific deficiencies of the scheme.
- 6.95 Shortly prior to the Committee report being published, the applicant proposed a financial contribution of £250,000 towards local community facility provision. This is intended to mitigate the removal of community use floorspace from the scheme and to respond to policy DM20. The sum is not attached to a particular scheme or organisation and therefore Officers consider that little weight should be attached. Should Members wish to consider the proposed contribution, it would be necessary to demonstrate that it meets the relevant CIL Regulation tests.

## **7 CONCLUSIONS**

- 7.1 For the reasons set out above, it is considered that the development causes harm to a range of Local Plan policies. Officers have been unable to negotiate an acceptable scheme and the applicant has requested that the scheme be determined in its present form.

## **8 RECOMMENDATION –**

PERMISSION BE REFUSED on the following grounds:

- 1) The proposed development by reason of its scale, mass and siting would be incongruous in its non-immediate and wider context. This incongruity would be visible in medium distance views (such as the western side of the Maidstone river valley) and long distance views (such as the south facing base and scarp of the Kent Downs). There would be cumulative inter-visibility between the proposed development and the under construction tower block to the south, adding significantly to the massing effect and therefore accentuating the incongruity. Both the National Planning Policy Framework and adopted Maidstone Borough Local Plan policy DM1 require good design as a minimum, but given the mass and prominence, this building fails to deliver the “very good design” standard required. It is considered that the design of the building does not have a high quality standard of architecture, does not employ any genuinely innovative sustainable design features which are integral to its design, is single use (residential), does not create any new linkages nor create or re-inforce any street patterns, creates no functional public open space, fails to enhance or engage with surrounding public realm, has a landscape scheme design based on preserving rather than significantly enhancing, and proposes a ground floor is not considered to be appropriately ‘active’ in terms of the façade treatment and function. As such the development causes an unacceptable level of harm and is contrary to the NPPF and policies SP1, SP18, DM1 and DM5 of the Maidstone Borough Local Plan 2017.
- 2) The proposal is contrary to the National Planning Policy Framework paragraphs 193-195 (as expanded upon by Planning Policy Guidance section 013) which require great weight to be given to the conservation of designated heritage assets and their setting, and for the implications of cumulative change to be considered.

Any harm to the significance of a heritage asset from development within its setting (the surroundings in which a heritage asset is experienced) should require clear and convincing justification. The proposed development by reason of the height, mass and siting of the tower element would result in harm from an overbearing impact on the setting of the principal elevation of Springfield House (Grade II listed) and also when viewed from the open River Medway to the west. The application fails to assess the impact of the development (either in isolation nor cumulatively with the under construction tower block on the land to the south) on the setting and significance of Allington Castle (Grade I) and Park House (Grade II\*). Those listed buildings are both in elevated positions to the north of the application site with panoramic and historically important views towards Maidstone, which are considered to be within their settings and contribute to their significance. The application has therefore failed to demonstrate that the proposed tower element by reason of its height and mass would not result in harm to both these views and hence to their historic landscape settings. For all the heritage assets, the proposal compounds harm from the existing adjacent developments resulting in greater harm to their setting and significance, important local views and the wider historic landscape setting of Maidstone. Moreover, the development does not take the opportunity for enhancing the significance of these heritage assets as required by para 192 of the NPPF. In the absence of a public benefit arising from the development, the proposals are contrary to the NPPF and Policy SP18 and DM4 of the Maidstone Borough Local Plan 2017.

- 3) By virtue of its siting, massing and height, the proposed development is considered to represent an overbearing an unneighbourly form of development that will be harmful to the amenity of neighbouring residents, contrary to the objectives of the NPPF and Policies DM1 and DM5 of the Maidstone Borough Local Plan 2017.
- 4) Having regard to its scale and density, the proposed development fails to provide an adequate level of amenity for the future users of the scheme which could not be overcome through a commuted payment to off-site open space. Further, the development fails to respond to the requirement to enhance the public realm, is likely to adversely affect the amenity of neighbours and is therefore contrary to policies DM1, DM13 and DM19 of the Maidstone Borough Local Plan 2017.
- 5) The quantum of parking provision is significantly below the upper standard set out in Local Plan policy DM23. Evidence has shown that inadequate levels of parking are a source of on-street parking problem within the immediate vicinity. Whilst the site is situated adjacent to bus routes and, to a lesser extent, Maidstone East railway station can be reached on foot, this is not a town centre location and it is considered that the very low parking provision proposed would be significantly below the likely level of car ownership for a development of this type and location. Further, it is not considered that the travel plan measures submitted would result in an adequate reduction in car ownership and use. As such, the proposal would provide inadequate levels of parking for the occupants of the development, contribute to and exacerbate on-street parking problems and is thus contrary to Policies SP23, DM1 and DM23 of the Maidstone Borough Local Plan 2017.
- 6) Planning obligations have not been submitted or secured which comply with adopted Local Plan policy in relation to affordable housing. It is understood that the reason for this is that the scheme would be unviable with policy compliance,

however, paragraph 57 of the revised NPPF (revised February 2019) states that "The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date.." This is an unallocated site and the Local Plan was adopted in October 2017 with an assumption that policy compliant development was viable. The development is therefore contrary to the provisions of the advice in the NPPF, the National Planning Practice Guidance and Policy SP20 of the Maidstone Borough Local Plan 2017.



<b>REFERENCE NO - 17/504579/OUT</b>		
<b>APPLICATION PROPOSAL</b> Outline application for the demolition of existing buildings and the erection of 8no. dwelling houses with 'Access', 'Layout', 'Scale' and 'Appearance' to be considered at this stage with 'Landscaping' reserved for future consideration		
<b>ADDRESS</b> Durrants Farm West Street Hunton ME15 0RY		
<b>RECOMMENDATION</b> Grant Planning Permission subject to planning conditions.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>		
<ul style="list-style-type: none"> <li>• The proposal involves the removal of an unneighbourly and unconstrained commercial development.</li> <li>• The site is well enclosed, and the proposed housing will result in an inward looking and self-contained development acceptable in design terms while not resulting in any material impact on the rural and landscape character of the area.</li> <li>• The proposal will bring about improvements to the setting of an adjoining heritage asset.</li> <li>• The proposal is acceptable in relation to amenity, highways and wildlife impacts while making a windfall contribution towards meeting housing supply in the Borough.</li> <li>• As a result of these conclusions, the balance of issues fall significantly in favour of granting planning permission for the proposed development.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Recommendation contrary to the views of Hunton Parish Council		
<b>WARD</b> Coxheath And Hunton	<b>PARISH/TOWN COUNCIL</b> Hunton	<b>APPLICANT</b> Mr M Stevens <b>AGENT</b> MKA Architects LTD
<b>TARGET DECISION DATE</b> 16/12/19 (EOT)		<b>PUBLICITY EXPIRY DATE</b> 22/08/19

### **Relevant planning history**

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

### **MAIN REPORT**

#### **1.0 SITE DESCRIPTION**

- 1.1 The application site, which is set back just over 120 metres from West Street, is approached by narrow access track. At its northern end it is occupied by Durrants Farm, in residential use, to the west and south of which is a yard and a number of buildings of industrial size and character which have lawful use rights as workshops, secure covered and open storage for plant, machinery and materials in connection with their use as a demolition contractor's yard.
- 1.2 To the south west of the main grouping of buildings is an open area partly used for open storage in the proximity of the buildings but currently open for much of its length of just under 100 metres.

- 1.3 There is dense tree and hedgerow cover along the north and south west site boundaries with an area of orchard to the south east. Abutting the site to the north west is Durrants House, a Grade II Listed Building (LB). In a wider context the application site lies in open countryside.

## **2.0 PROPOSAL**

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

## **3.0 POLICY AND OTHER CONSIDERATIONS**

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

## **4.0 LOCAL REPRESENTATIONS**

- 4.1 19 neighbouring properties consulted – no representations received in connection with the proposal as originally submitted.
- 4.2 2 representations received in connection with the amended proposal are summarised below:
- 8 large houses excessive being located within our small, rural village and harm openness of countryside.
  - Although house design improved still too large and obtrusive while harming the character and setting of nearby listed buildings.
  - Result in substantial increase in development and encroach into open countryside well in excess of the commercial area acknowledged by the lawful development certificate.
  - No provision for affordable housing.
  - Disputes accuracy of the viability assessment.
  - Potential health hazard risks to residents due to site contamination.
  - Design and layout too suburban and does not maintain or enhance the village character of Hunton.
  - Proposed do not meet the need of Hunton – Hunton Plan identified a need for small units.

## **5.0 CONSULTATIONS**

- 5.1 **Hunton PC:** Objected to the proposal as originally submitted on the following summarised grounds:
- Site put forward for housing in two 'call for sites' procedures as part of local plan preparation but rejected on both occasions– from this it must be concluded the site was deemed unsuitable for development as the site has not been allocated for housing.
  - The Council is able to demonstrate a 5 year supply of housing land – as such no housing justification for proposed development.
  - No commercial business operating from the site which should not be considered a brownfield site.
  - The proposed development replaces a number of old barns, sheds and enclosures with 8 houses with the stated footprint increasing from 925m<sup>2</sup> to 1,568m<sup>2</sup> creating a more substantial built development.
  - The formalised layout of the houses, giving the impression of a cul de sac, does not reflect the sporadic nature of the dwellings in the area.
  - The modern design of the dwellings is suburban and would not blend in with the dwellings of mixed character in the locality.
  - The development would be intrusive and out of keeping with the rural landscape and detrimental to the character and appearance of the local countryside.
  - Proposal would significantly intensify built development within the open countryside having a significant urbanising effect upon the site and substantially change its character.
  - The proposed design of the houses would be out of character with, and not enhance, the local, natural and historic character of the area.
  - Proposal represents unsustainable development as the site is located in a relatively isolated location, outside of any defined built up area in open countryside.
  - Hunton does not have any shops, a doctors surgery, a dentist or other services normally found in sustainable locations in areas identified for housing growth in the Local Plan.
  - Occupants of the proposed housing would be heavily reliant on cars to access facilities and services on a day to day basis as Coxheath, Yalding, and Maidstone not easily accessible by public transport.

- Site area well in excess of the commercial area identified in the lawful development certificate.
- Site not capable of accommodating more than 4 dwellings without causing harm to rural character of the area.

6.2 Following receipt of revised plans continue to raise objection on the following grounds:

- Note the site plan no longer includes the cherry orchard and open field which extended well southwards from the location of the southern boundary of houses 7 and 8.
- However concerned the site still extends further to the south of the boundary of the approved demolition yard with units 5, 6, 7 and 8, outside the approved site area.
- Accepts the four houses numbered 1 to 4 as a replacement for the demolition contractor's yard.
- House designs more appropriate for a rural area representing a positive move but large houses do not meet identified need for small units in the Parish. concerned that the size of houses does not match the needs of the area.

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

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

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

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

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

Relevant guidelines and mitigation:

- Consider the generic guidelines for the Low Weald in the Maidstone Landscape Character Assessment 2012
- New development should respect the local vernacular in scale, density and materials
- Conserve orchards and the traditional small scale field pattern
- Conserve the largely undeveloped rural landscape and the remote quality of existing development
- Conserve the rural setting of traditional buildings and farmhouses

- Conserve the undeveloped character of the landscape
- Soften the impact of agricultural buildings and fruit growing equipment storage areas with native planting
- Increase habitat opportunities around water bodies and ditches by promoting a framework of vegetation in these areas
- Soften the visual prominence of large agricultural barns through native planting

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

6.6 **KCC Ecology:** The ecological survey advised there is a need for bat and reptile surveys to be carried out. Government guidance advises that the recommended surveys should be carried out prior to determination to ensure that the LPA understand what protected species are present and if appropriate mitigation can be implemented.

- Advise that Government Guidance makes clear that carrying out such surveys after planning permission is granted should only be permitted in exceptional circumstances and that what constitutes exceptional circumstances is a planning and not ecological consideration.
- Have reviewed the worst case scenario mitigation strategy submitted with the planning application and advise it is likely to be sufficient to mitigate the impact on bats and reptiles from the loss of habitat associated with the proposed development.
- It confirms there is sufficient space within the applicant's ownership to create an offsite reptile mitigation area and bat barn.
- Note the submitted information states that mitigation may be reduced following the results of the ecological surveys.
- Notwithstanding if Council is minded to grant planning permission the proposed works should be implemented in full not only to secure mitigation but also to secure ecological enhancements.
- If consent granted bat and reptile surveys and an updated detailed mitigation and enhancement strategy informed by the bat and reptile surveys should be secured by condition.

## 7.0 APPRAISAL

7.1 The key issues in the determination of this application are principle, impact on the character and setting of the countryside, design and layout, heritage, amenity, highways and wildlife.

### **Principle:**

7.2 It has been contended that as the site is not allocated for housing development and as the Council is able to demonstrate a 5 year supply of housing land there is no justification for the proposal. The assessment carried out as part of an earlier 'call for sites' process has also been raised.

7.3 Dealing first with the 'call for sites' issue, the Parish Council are correct that Durrants Farm was considered as part of this process in connection with the preparation of the local plan. However the affected land not only included Durrants Farm, the land the subject of the lawful use as a workshop and secure covered and open storage for plant, machinery and materials in connection with a demolition contractor's yard but also significant areas of adjoining farmland.

- 7.4 It was concluded that development of the site for housing would result in unacceptable intensification of development adjacent to the existing housing while causing harm to the character of the countryside. Furthermore it would result in considerable expansion of Hunton as a settlement which was devoid of essential community facilities.
- 7.5 The site area of the current planning application is significantly reduced in size only affecting the area covered by the lawful development certificate and curtilage of Durrants Farm.
- 7.6 As only redevelopment of previously developed or brownfield land is being proposed the proposal bears no material resemblance to the site rejected as part of the 'call for sites' process. Furthermore as development on brownfield land is being proposed the proposal falls to be considered under policy DM5 of the local plan.
- 7.7 Assessment of the proposal therefore turns on detailed planning considerations and whether it satisfies the criteria for acceptable windfall development set out in policy DM5 of the local plan.
- Brownfield land:**
- 7.8 The contention has been made that the application site is no longer in commercial use and such cannot be considered as a brownfield site. There are numerous sites lying dormant or otherwise underused to which such a claim could be made.
- 7.9 Unless (a) there is clear evidence of a use being abandoned (which is extremely hard to substantiate in planning terms and could not be supported in this case, or (b) that the use has been superseded by an implemented planning permission which also does not apply) it follows the application site constitutes a brownfield site to which policy DM5 can be applied.
- 7.10 The pre-ambles to policy DM5 states amongst other things that a number of brownfield sites in current or previous economic use are located in the countryside. Such sites are outside of the settlement boundaries, and countryside restraint policies apply. Exceptionally, the council will consider proposals for residential development on brownfield sites in rural areas. Key considerations will include:
- The level of harm to the character and appearance of an area;
  - The impact of proposals on the landscape and environment;
  - Any positive impacts on residential amenity;
  - What sustainable travel modes are available or could reasonably be provided;
  - What traffic the present or past use has generated; and
  - The number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives.
- 7.11 Policy DM5 goes on to state, amongst other things, that "Exceptionally, the residential redevelopment of brownfield sites in the countryside which are not residential gardens and which meet the following criteria will be permitted provided the redevelopment will also result in a significant environmental improvement and the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village. i. The site is not of high environmental value; and ii. If the proposal is for residential development, the density of new housing proposals reflects the character and appearance of individual localities, and is consistent with policy DM12 (relating to housing density) unless there are justifiable planning reasons for a change in density".

- 7.12 The lawful use of the application site being the use of the land and buildings as a workshop and secure covered and open storage for plant, machinery and materials in connection with a demolition contractor's yard is self evidently not a use of high environmental value. Furthermore though the use may be running at a low level or be dormant, if the use was resurrected and running as a going business, given the size of the site and nature of the lawful use it has the capacity to cause significant ongoing visual and environmental harm including being a significant generator of inappropriate HGV traffic along narrow country roads.
- 7.13 As such it is considered that significant environmental benefits could be secured by an appropriate form of redevelopment resulting in removal of unsightly buildings, open storage and yard areas, reducing the potential for noise and disturbance, removal of HGV's from inappropriate rural roads while improving the wildlife potential of the site. There is also the impact of the current use of the site on the character and setting of Durrants a Grade II LB, abutting the site to the west. The proposal therefore also brings the opportunity for improving the character and setting of this heritage asset in accordance with the provisions of policy DM4 of the local plan.
- 7.14 Regarding whether the site can reasonably be made accessible by sustainable modes to the Maidstone urban area, a rural service centre or larger village. The nearest centre of any significance is Yalding just over 1.63km to the west. It is not considered there are any feasible physical works that could be carried out to address this.
- Landscape Impacts:**
- 7.15 The site is located within the Yalding Farmlands landscape character area, as defined in the Maidstone Landscape Character Assessment. The Maidstone Landscape Capacity Study: Sensitivity Assessment - January 2015 assesses the area as being of high overall landscape sensitivity and sensitive to change.
- 7.16 The MBC landscape advisor considers the proposed development fails to reflect the Maidstone Landscape Character Assessment principles for the Yalding Farmlands landscape character area. However this comment needs to be placed in context. The application site and surrounding area is largely level with the application site set back just over 120 metres from West Street and approached by narrow access track. There is dense tree and hedgerow cover along the north and south west site boundaries with an area of orchard to the south east. The intention is also to supplement boundary screening.
- 7.17 Apart from long range views from West Street there are no footpaths or other vantage points enabling public views of the site. As such the site occupies an enclosed and inward looking setting. Subject therefore to the proposed development being low profile it is considered development of the application site can take place without harming the wider landscape.
- 7.18 Turning to Low Weald in the Maidstone Landscape Character Assessment 2012 the guidelines relevant to this application are considered to be as follows: *New development should respect the local vernacular in scale, density and materials*
- 7.19 The traditional pitched roof design of the houses now being proposed means no conflict identified with this guideline.
- 7.20 *Conserve orchards and the traditional small scale field pattern* - Retention of the existing substantial orchard abutting the site to the south east is proposed - retention of existing field patterns are not relevant to this proposal.

- 7.21 *Conserve the rural setting of traditional buildings and farmhouses* The current use and nature of the buildings occupying the site means this is not relevant to this application. There is a Listed Building abutting the western site boundary and the impact of the proposed development on this will be assessed later in this report.
- 7.22 *Conserve the undeveloped character of the landscape* - The proposal concentrates development. This will minimise the impact of development on the locality compared to the existing more diffuse commercial activity currently being carried out. A further consideration is that though current commercial operations are low key there is no guarantee this will remain the case.
- 7.23 *Increase habitat opportunities around water bodies and ditches by promoting a framework of vegetation in these areas.* - There is what is referred to as a small pond on the site. However the submitted ecological appraisal refers to this as a single depression heavily overgrown with nettle and bramble scrub and supported approximately 1cm of water at the time of survey (August 2018) .It is proposed that this will rebuilt to form a water body on the proposed roundabout.
- 7.24 It is reiterated the site has an enclosed nature not easily visible from any public vantage point. It is therefore considered the opportunity exists for the site to be redeveloped without causing harm to the rural character of the area or wider landscape.
- Design and layout:**
- 7.25 One of the key tests of in satisfying the terms of policy DM5 is whether the proposal can secure significant environmental improvements. Design and layout are aspects of this assessment.
- 7.26 This is an outline proposal with now access, layout, scale and appearance to be considered at this stage with only landscaping left as a reserved matter.
- 7.27 Dealing first with scale, concern has been raised the proposed development will exceed the footprint of existing buildings occupying the site. While this is acknowledged, the proposal also results in the removal of an existing potentially unneighbourly use, all open storage (which can currently take place in an unregulated manner in terms of height and location) and all hardstandings. Loss of all these elements represent significant planning benefits and can be taken into account in determining the amount of building appropriate for this site.
- 7.28 In relation to scale, the proposed units are now traditional pitched roof units. Taking into account existing and proposed landscaping and set back from West Street to the north, it is considered there is likely to be little indication of built mass outside the immediate application site area.
- 7.29 Turning to design and appearance, the proposed dwellings now represent a traditional approach. As such there is considered to be no objection to their design. In addition, the proposed dwellings are not likely to be easily visible from outside the site while the development will be inward looking and self contained. The site therefore has its own micro environment divorced from its surroundings enabling the development to be insinuated into the area without causing material harm to the rural or landscape character of the area.
- 7.30 Concern has been raised that the proposal does not constitute an informal landscape dominated layout. The applicant responded to this concern as follows:

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

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

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

**Heritage considerations:**

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

**Amenity**

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

**Highways**

7.35 Though there may only be low level commercial activity currently being carried out the use is unconstrained in planning terms. It could therefore expand without seeking further permission resulting in additional HGV and employee traffic using narrow country lanes.

7.36 When compared to this traffic generated by 8 dwellings is likely to result in a reduced number of HGV and car movement to and from the site. Consequently the proposal could be viewed as bringing a betterment to local highway conditions and in the absence of objection from Kent Highways is considered acceptable in its highways impacts.

- 7.37 Kent Highways have requested a condition to secure a construction management plan. Guidance makes clear that planning conditions should not seek to control matters falling outside the remit of planning or addressed by other legislation. Such a condition would fail this test though there is no reason why Kent Highways concerns raised cannot be addressed by informative.

**Sustainability:**

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

**Wildlife**

- 7.42 The submitted ecology survey identified within the site a number of habitats for protected species. No evidence of badgers, dormice, great crested newts were found. However there was evidence of bat roosts and nesting birds along with the need for additional reptile and bat surveys.
- 7.43 Mitigation measures include the need to design lighting to be bat sensitive and to avoid disturbance to breeding birds. Ecological enhancements are proposed with the provision of bird/ bat boxes a wildlife friendly planting scheme and log and brush piles.
- 7.44 KCC Ecology have raised concerns regarding planning permission being granted before further survey work is undertaken which should only be permitted in exceptional circumstances.
- 7.45 It nevertheless it accepts there is sufficient land within the applicant's ownership to secure an offsite reptile mitigation area and bat barn.
- 7.46 Sufficient space to enable translocation of protected species within the same or close to the area to their original habitats means the density of local fauna will not be affected while ensuring an acceptable replacement habitat is secured. It is considered this represents a case of sufficiently compelling exceptional circumstances enabling additional reptile and bat surveys to be secured by condition.
- 7.47 In addition while KCC Ecology notes the applicants only seek to secure mitigation proportionate to what the surveys reveal it contends that all the mitigation specified is necessary to secure ecological enhancements which is specified below:

- A range of bird boxes erected onto any buildings and trees to be installed on sheltered aspects close to vegetation at a height of 2-3m, preferably on north, north-east or north-west facing elevations.
- The installation of bat boxes installed in suitable locations would increase the site's potential for roosting bats. These boxes should be installed at a height of 3m or more at eaves height on sunny, sheltered aspects, away from direct illumination by artificial lighting and in a location, which ensures connectivity to foraging habitats within the wider landscape.
- The incorporation of a wildlife-friendly planting using native plant species benefitting invertebrates, birds and bats.
- Construction of log and brash piles on the site boundaries; and within the retained habitats in the south of the site would provide places of refuge for wildlife.
- Any tree and hedgerow planting should be undertaken using native species such as pedunculate oak, small leaved lime *Tilia cordata*, black poplar *Populus nigra*, wild service tree *Sorbus torminalis* or similar.

7.48 In the circumstances it is considered the interests of wildlife is sufficiently safeguarded in accordance with provisions of the NPPF and policy DM3 of the local plan.

**Community infrastructure contributions and affordable housing**

7.49 Requests for contributions towards S106 legal agreements must be assessed in accordance with Regulation 122 of the Act with any obligations being seen to meet the following requirements being they should be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

7.50 In this case the relevant requirement relates to the provision of Affordable Housing (AH) in accordance with Policy SP20 of the local plan. This requires that 40% of housing schemes in the countryside should be affordable unless it can be demonstrated that AH targets cannot be achieved due to economic viability.

7.51 The application has been accompanied by a viability appraisal which concluded that the development would not be viable if financial contributions towards securing AH were sought.

7.52 Independent assessment of the applicant's viability appraisal supports this conclusion that the scheme cannot support any contributions towards AH though suggesting a 'clawback' mechanism in the event sales values increase due to an uplift in the housing market.

7.53 Such a 'clawback' would be delivered via a S106 legal agreement. The applicants have since confirmed their agreement to a 'clawback'.

**Other matters**

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

7.55 The proposal needs to be 'screened' as to whether it should have been accompanied by an Environmental Impact Assessment (EIA). As the site does not fall within an AONB nor does it exceed any of the Schedule 2 thresholds set out in

the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 no requirement for an EIA is identified. It should be stressed this conclusion does not imply support for the proposal or set aside the need to assess the proposal applying normal planning criteria.

#### **CONCLUSIONS/BALANCING EXERCISE**

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

**8.0 RECOMMENDATION** –The Head of Planning and Development BE GRANTED DELEGATED POWERS TO GRANT planning permission subject planning conditions and the prior completion of a legal agreement to provide the following:  
a 'clawback' mechanism to secure contributions towards the provision of affordable housing in the event sales values increase  
(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):

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-a. Landscaping. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

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

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

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

Reason: To ensure a satisfactory appearance to the development.

4. Prior any part of the development hereby approved reaching damp proof course details of both hard and soft landscape works designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity, where possible), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

5. The development hereby approved shall not commence until details of an Arboricultural Method Statement (which shall include tree protection measures) prepared in accordance with the current edition of BS 5837:2012 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

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

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

7. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:
  - 1) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.

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

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

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

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

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

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

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

Reason: To enhance the sites biodiversity assets.

10. Prior to the development hereby approved commencing bat and reptile surveys as detailed within the Preliminary Ecological Appraisal (Greenspace Ecological Solutions dated Aug 2018) must be submitted to the Local Planning Authority for prior approval in writing. The work shall only be carried out in accordance with the approved details.

Reason: In the interests of wildlife.

- 11 Prior to the development hereby approved commencing an updated mitigation and enhancement strategy informed by the bat and reptile surveys shall be submitted to and approved in writing by the Local Planning Authority which shall be in accordance with the mitigation and enhancements proposed within the Projected Mitigation Strategy for Reptiles and Bats (Greenspace Ecological Solutions; September 2018).

Reason: In the interests of wildlife.

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

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

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

Reason: In the interests of privacy and visual amenity.

13. The development hereby approved shall be carried out in accordance with the following plans nos: 2009/01B, 02E, 05B, 06B and 10, DAT/9.0A sheets 1 and 2 (site survey) 9.1 sheets 1 and 2 (outline elevations).

Reason: In the interests of amenity.

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

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

15. Prior to first occupation of individual dwellings cycle storage and bin storage shall be in place that is in accordance with details that have previously been submitted to and approved in writing with the approved storage retained thereafter.

Reason: In the interests of amenity.

**INFORMATIVES:**

- (1) You are advised before beginning the development to address the following concerns.
  - (a) Routing of construction and delivery vehicles to / from site
  - (b) Parking, turning and unloading areas for construction and delivery vehicles and site personnel and visitors.
  - (c) Timing of deliveries
  - (d) Provision of wheel washing facilities
  - (e) Any necessary temporary traffic management /signage.
  - (f) Measures to prevent the discharge of surface water onto the highway.
- (2) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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

Transportation to progress this aspect of the works prior to commencement on site.

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

Case Officer: Graham Parkinson

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



19/500271 - Oakhurst

Scale: 1:2500

Printed on: 21/5/2019 at 10:54 AM by ElyH

<b>REFERENCE NO:</b> 19/500271/FULL		
<b>PROPOSAL:</b> Change of use of land for stationing of 18 holiday caravans with associated works including laying of hardstanding and bin store.		
<b>ADDRESS:</b> Oakhurst Stilebridge Lane Marden Tonbridge Kent TN12 9BA		
<b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> 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.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> - Councillor Burton has called application in given level of local resident interest		
<b>WARD:</b> Marden	<b>PARISH COUNCIL:</b> Marden	<b>APPLICANT:</b> Mr & Mrs P Body <b>AGENT:</b> Graham Simpkin Planning
<b>TARGET DECISION DATE:</b> 13.01.2020		<b>PUBLICITY EXPIRY DATE:</b> 08.11.19

## MAIN REPORT

### 1.0 BACKGROUND INFORMATION

1.01 This planning application was presented to Planning Committee on 30<sup>th</sup> May 2019 and the original report and urgent update is found in APPENDICES A and B. Members resolved to defer the application for the following reasons (taken from the published minutes):

- *Seek further information to assess the visual impact, the potential level of harm, the details of the mitigation and the benefits arising, this to include:*
- *Details of layout including hard & soft landscaping and associated facilities & lighting;*
- *Details of scale and design parameters;*
- *Details demonstrating both local & longer distance views & how it can be mitigated;*
- *More details in terms of landscaping, including net gain for biodiversity with incorporation of hedgerow trees reflecting Council's Landscape Character Assessment Guidance in proposed mixed native hedgerow along northern boundary of site, extension of Ancient Woodland buffer westward to provide habitat link to pond and ditch network on road frontage and fencing along AW buffer;*
- *Details of lighting strategy; and*
- *Clarification in terms of sustainability (role of rural tourism), economic benefits and business model, including identification of need for this type of use, model for occupation (i.e. whether these would be short-let units managed by site owners) and information about how site and landscape and ecology elements would be managed.*

1.02 The applicant has submitted the following:

- *Amended site location plan reducing the area of the planning unit*
- *Amended layout plan showing proposed caravans and associated works kept to the western (roadside) half of the site. Layout has reduced number of caravans to 18 instead of 20; and it shows an extension of new planting along the southern and northern boundaries*
- *Written statement responding to certain issues raised by Members*
- *Visual Impact Assessment (VIA)*
- *Business Plan*
- *Updated Surface Water Drainage Strategy*

## 2.0 RECONSULTATION RESPONSES

- 2.01 **Local representations:** 10 further representations received raising concerns over:
- *Impact upon character of area*
  - *Flood risk*
  - *Surface water drainage and foul sewage disposal*
  - *Inaccuracy of submitted plans*
  - *Validity of submitted Business Plan*
  - *Location not appropriate for proposed use/no demand for tourist use here*
  - *Potential development to eastern half of site*
  - *Site will be used as permanent residential*
  - *Highway safety/traffic generation*
  - *Biodiversity impacts*
- 2.02 **Councillor Burton:** No further comments have been received.
- 2.03 **Marden Parish Council:** Has reviewed additional information and still wishes for application to be refused. In summary their further views are:
- *Residents have expressed concern relating to water run-off and flooding risk*
  - *Site is in flood zone 1/2, on narrow country lane known to flood*
  - *Business Plan does not appear sufficiently robust to support application*
  - *Development is contrary to Policy DM38 of Local Plan*
- 2.04 **KCC Highways:** Has no further comment to make.
- 2.05 **Environment Agency:** Has no further comment to make.
- 2.06 **Environmental Protection Team:** No additional comments to make.
- 2.07 **KCC SUDS:** Raise no objection subject to previously recommended conditions.
- 2.08 **Landscape Officer:** Raises no objection.
- 2.09 **Biodiversity Officer:** Has reviewed further information and continues to advise sufficient information has been provided to determine the planning application.
- 2.10 **Natural England:** Continue to raise no objection.
- 2.11 **Agricultural Advisor:** Has no further comment to make.
- 2.12 **Southern Water:** Previous comments remain unchanged and valid.
- 2.13 **Kent Police:** Extended planting zone and new native hedgerow will offer additional defensive planting once established - Previous comments remain valid.

## 3.0 ASSESSMENT

### Details of layout

- 3.01 The agent has submitted an amended site location plan and proposed block plan that definitively sets out the application site and the proposed layout, including the static caravans; hardstanding/parking; the bin store location; landscaping; and where external lighting will be positioned. The amended layout also shows 18 caravans and not 20 as previously proposed.

- 3.02 As can be seen, the application site has been reduced in size (from 2ha to 1.18ha), with the paddock area to the east no longer part of the proposal's planning unit.
- 3.03 To be clear, any future development outside the red outline would require planning permission. The proposed layout would now restrict development to the front of the site, preventing the sprawl of development across the site and retaining a sense of openness at the rear. The level of hardstanding has been restricted to the access road and the caravan bases, with all parking areas being of grasscrete to further soften the appearance of the development. The layout also provides a significant buffer from the proposal to the Ancient Woodland beyond (over 65m). For these reasons, the layout is considered to be acceptable.
- 3.04 No details of a lighting strategy have been submitted. However, the agent has confirmed the location of the external lighting and stated that it would be of low level lighting bollards (125mm high). With more information submitted, the Environmental Protection Team and the Biodiversity Officer continue to raise no objection on this matter, and there is no reasonable justification to refuse the application on this matter. As previously recommended, and to safeguard the character and appearance of the countryside, as well as to mitigate against the potential adverse effects on bats, specific details of external lighting can be appropriately controlled by way of condition.

*Details of scale and design parameters*

- 3.05 The additional information that has been submitted confirms that the proposed static caravans would not exceed the definition of a caravan as set out in the lawful definition of a caravan, under Section 29 of the Caravan Sites and Control of Development Act 1960. To reiterate, a caravan under this definition can be up to 20m in length and 6.8m in width; with the overall height being 3.05m. Provided the static caravans meet this definition, planning application is only required for the change of use of the land in this respect, and so it is not justified to request further plans/details of the static caravans.
- 3.06 An additional informative will also be imposed reminding the applicant that any additions to the caravans, such as decking and verandas, would take the caravans out of the lawful definition of a caravan, under Section 29 of the Caravan Sites and Control of Development Act 1960, and planning permission would be required for each structure.

*Details of landscaping and ecological enhancements*

- 3.07 As set out in the original committee report, the Biodiversity Officer has advised that sufficient information has been provided to determine the planning application; and they continue to raise no objection to the proposal in biodiversity terms (subject to appropriate conditions as previously recommended in terms of external lighting, precautionary measures for reptiles and Great Crested Newts, and ecological enhancements).
- 3.08 As well as the already proposed additional planting along in the 15m buffer to the Ancient Woodland, the proposal has now removed the eastern part of the site from the planning unit, and it has extended the area of new planting along the southern boundary of the site. The now left out paddock to the east of the site, and this new planting will be managed by appropriate timber post and rail fencing to deter public access in this area. This not only goes above and beyond what is required to protect the adjacent Ancient Woodland, but creates a wildlife corridor around the boundary

that also extend westwards to provide a habitat link to the pond and ditch network on the road frontage. With the planted buffer zone along the eastern and southern boundaries, the retained front boundary hedge, and the new native hedge along the northern boundary, the connectivity around the whole site for wildlife is a significant enhancement. The proposal will still also include the retention of the mature Oak trees close to the southern boundary; and it is considered reasonable to request a detailed landscaping scheme by way of an appropriate condition. The Landscape Officer is also of the view that the proposed soft landscaping is an improvement on the original scheme.

Further details in terms of visual impact and mitigation

- 3.09 As stated in the original committee report:  
*"The site benefits from a mature, well-established hedgerow to the roadside boundary; the southern boundary also benefits from a well-established hedge and several individual trees; and the eastern (rear) boundary is entirely enclosed by Ancient Woodland. To the north, the site is largely screened by Oakhurst and its associated outbuildings; existing hedgerows; and by more Ancient Woodland and Stilebridge Caravan Park. In general terms, the surrounding road network is also lined with hedges/trees; existing built development provides some screening; and no public footpath comes within 200m of the proposal site. As such, it is considered that views of the proposal would be limited to short range views, particularly when passing the site along Stilebridge Lane; and any medium to long distance views of the development from any other public vantage point would be glimpsed."*
- 3.10 The now submitted Visual Impact Assessment (VIA) concludes that the proposal would have a minimal impact on the landscape from public vantage points, and this conclusion is accepted. The Landscape Officer is satisfied that the VIA is an appropriate level study for this proposal. Whilst some of the landscape details in the VIA are not up to date, as it is not intended to be a full LVIA and only an assessment of public viewpoints, the Landscape Officer considers it to be an acceptable submission on this basis.
- 3.11 In addition, the amended layout further safeguards the visual amenity of the countryside, by keeping the static caravans and associated built works away from the rearmost part of the site, where the land level does rise; by reducing the number of caravans; and by showing a more comprehensive landscaping scheme (as explained above) to further mitigate the visual impact of the development.
- 3.12 With everything considered, it remains the view that the proposal would not appear prominent or visually intrusive, and it would not result in significant harm to the appearance of the landscape and the rural character of the countryside hereabouts.

Viability of proposal and sustainability

- 3.13 Whilst relevant policy and guidance does not require applicants to set out the future commercial viability of such a proposal, key points taken from the submitted Business Plan are as follows:
- 5 caravans will be sold to private owners in order to recoup capital spend
  - 13 caravans will be owned and operated as hire fleet by site owner
  - Caravans to be sold on 50yr leasehold for which there will be annual service charges of £3,000 per caravan (to cover maintenance and management)
  - Layout will be in accordance with fire regulations and site licencing
  - In terms of marketing and managing, site owners will be assisted by Hoseasons

- *Visit Britain believes tourism sector will grow at annual rate of 3.8% through to 2025*
  - *Holiday parks had strong years of trading given improvements in wider economy*
- 3.14 Furthermore, in terms of the local market, the Business Plan argues that within Kent there is an obvious demand for tourist facilities. The proposal site is in proximity to Tunbridge Wells, Tonbridge and Maidstone that all have their own draw; the site is also close enough for visitors to explore the High Weald AONB and the Kent Downs AONB if they so wish; and there is also a wide range of outdoor leisure activities in the locality, such as golf courses; public rights of way; fishing; horse riding facilities etc. The Business Plan also understands there to be limited sites in close proximity to the proposal site that offers high quality self-catering accommodation. The Business Plan then calculates development potential over a 3yr period, and this predicts a capital return on development in 2yrs, with the annual rental income for the site being circa. £375,000 once established by year 3. There is no clear evidence to dispute the findings of the Business Plan and it is considered unreasonable to object to the proposal on these grounds, particularly when applicants are not required in policy terms to set out the future viability of such tourist uses in the countryside.
- 3.15 It should be stressed again that Local Plan policy seeks to support small scale employment opportunities to support the rural economy; and the Council is committed to supporting and improving the economy of the borough and providing for the needs of businesses, by supporting the expansion of existing tourism related businesses in the countryside.
- 3.16 The site is also not considered to be so unsustainable, in terms of its location, given that it is only some 0.5miles from the A229; and the NPPF does state that planning decisions should recognise that sites to meet local business 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 is also clear that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside, which this proposal is considered to do.

Other matters

- 3.17 The additional information has confirmed the layout of the static caravans, and has seen a reduction in the number of static caravans on the site to 18 (that will still remain in situ). The Highways Authority has reviewed the new information and continues to raise no objection on highway safety grounds, subject to the retention of the shown turning area and the imposition of their previously recommended conditions.
- 3.18 There also remains no objection to the proposal in terms of residential amenity, and in terms of flood risk and surface water drainage; and the finished floor levels of the 4/5 caravans in Flood Zone 2 will still be raised 150mm above surrounding ground levels. To clarify, KCC as the Lead Local Flood Authority has reviewed the amended Surface Water Drainage Strategy Report by 'Ambiental' (dated October 2019 and received 24/10/19), which updates the strategy to reflect the latest proposed block plan, and has no objections to make subject to the previously recommended conditions that have been duly imposed. All other matters raised in the original committee report remain relevant and acceptable.

- 3.19 The representations received from Marden Parish Council and local residents, as a result of reconsultation, have been considered in the assessment of this application. It should be noted here that the proposal has been considered on its own merits, based on the submission details for a tourism use. If approved and there is a reported breach of the permission, then it would be a matter for the Planning Enforcement Team to investigate at that time.

#### **4.0 CONCLUSION**

- 4.01 It is considered that the proposal's location is appropriate, and its scale (in terms of its reduced site area and number of static caravans), is acceptable. The proposal will now also provide further, more comprehensive, landscaping that will benefit both the amenity and biodiversity of the site and the surrounding area. It is still considered that the proposal would not have an unacceptable impact upon the living conditions of local residents; and no objection continues to be raised in terms of highway safety; flood risk; and in terms of Ancient Woodland protection. A holiday occupancy condition will also be attached to any permission, preventing use of any unit as a permanent encampment. In accordance with Local Plan policy DM38, the proposal would not result in unacceptable loss in amenity of area; and it would be unobtrusively located and well screened by existing and proposed native planting. So, with everything considered, the proposal is still considered to be 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 this application is therefore made on this basis.

#### **5.0 RECOMMENDATION – GRANT planning permission 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. No more than 18 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time;

Reason: To safeguard the character and appearance of the countryside and in the interests of highway safety.

3. The site shall not be open to touring caravans and tents at any time;

Reason: To safeguard the character and appearance of the countryside and in the interests of highway safety.

4. All caravans permitted at the site shall be occupied for holiday purposes only. No such accommodation shall be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners/occupiers of individual accommodation units on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority with details of the relevant contact at the operators of the caravan park (name, position, telephone number, email address and postal address) who will keep the register and make it available for inspection submitted to the local planning authority ([planningenforcement@maidstone.gov.uk](mailto:planningenforcement@maidstone.gov.uk)) prior to first occupation

of any of the approved caravans with the relevant contact subsequently kept up to date at all times;

Reason: In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), and except for what is shown on the approved plans, no fencing, walling and other boundary treatments shall be erected within or around the site;

Reason: To safeguard the character and appearance of the countryside.

6. If the use hereby approved ceases, all caravans, buildings, structures, hardstanding, and equipment brought on to the land, and all works undertaken to it in connection with the use, shall be removed within 2 months of cessation of the use, and the land shall be restored to its condition before the development took place;

Reason: To safeguard the character and appearance of the countryside.

7. The finished floor level of the caravans shall be no less than 150mm above surrounding ground levels;

Reason: In order to reduce the risk to occupants from flooding.

8. In accordance with drawing ref: 2763 05 E (received 24/10/19) and prior to the first occupation of any caravan on the site, details of a scheme of hard and soft landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long-term management, shall be submitted to and approved in writing by the Local Planning Authority. The site falls within Landscape Area 44 (Staplehurst Low Weald), and the landscaping scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment (2012) and shall include:

- a) Location, species (to include Oak) and size of all new native trees and shrubs to be planted within the 15m buffer zone to the ancient woodland and the extended planting zone as shown on submitted plans;
- b) Retention of existing hedgerows along western and southern boundaries of site;
- c) Retention of existing trees within site as shown on the submitted plans;
- d) Details of a mixed native hedgerow that includes Hazel, to be planted in a double staggered row (45cm between plants in row and 30cm between rows) along the northern boundary of site;
- e) Details of grasscrete and how it would be laid for all of the parking spaces on site.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details;

Reason: To safeguard the character and appearance of the countryside and to safeguard the protection of existing trees and ancient woodland.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of any caravan. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme;

Reason: To safeguard the character and appearance of the countryside and to safeguard the protection of ancient woodland.

10. Prior to the first occupation of any static caravan, all of the fencing (as shown on drawing reference: 2763 05E) shall be erected and retained as such for the duration of the development hereby approved;

Reason: To protect existing trees, new planting, and ancient woodland; and in the interests of biodiversity.

11. The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS5837:2012 has been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No caravans, equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas or within the 15m buffer zone from the ancient woodland (as shown on drawing ref: 05 Rev D); and no alterations shall be made to the siting of the barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site;

Reason: To ensure the protection of existing trees and hedges and to avoid compaction of ground within the 15m buffer zone.

12. The development hereby approved shall not commence until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of at a rate of 1.7l/s (unless otherwise agreed with the Local Planning Authority and Lead Local Flood Authority) and without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

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

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the

risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

13. Prior to the first occupation of any caravan on the site, details of a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, shall be submitted to and approved by the local planning authority. This report shall demonstrate the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

14. Prior to the first occupation of any caravan on the site, details of the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal, shall be submitted to and approved in writing by the local planning authority. These details shall include the size of individual cess pits and/or septic tanks and/or other treatment systems, and shall also specify exact locations on site plus any pertinent information as to where each system will discharge to;

Reason: To safeguard against ground/water course pollution, and to protect the interest features of the River Beult Site of Special Scientific Interest and the adjacent Ancient Woodland.

15. Prior to the first occupation of the caravans hereby approved, details of the external lighting scheme (temporary and/or permanent), shall be submitted to and approved in writing by the local planning authority. These details shall include:
  - a) Measures to shield and direct light from light sources so as to prevent light pollution;
  - b) Identification of those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance to routes used to forage and commute;
  - c) Show where external lighting will be installed (in accordance with drawing ref: 2763 05 E) so that it can be clearly demonstrated that areas to be lit will not disturb bat activity.

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

Reason: To safeguard the character and appearance of the countryside and to mitigate against potential adverse effects on bats.

16. Prior to the commencement of the development hereby approved (including site clearance), details of precautionary measures for reptiles and great crested newts (GCN), including habitat manipulation and creating/improving reptile and GCN habitat, shall be submitted to and approved by the local planning authority. The approved details will be implemented prior to the occupation of the caravans and thereafter retained as such thereafter;

Reason: To safeguard protected species.

17. Prior to the commencement of the development hereby approved (including site clearance), a Site Management Plan (SMP) shall be submitted to and approved in writing by the local planning authority. The SMP shall include details of:
- (a) Routing of construction and delivery vehicles to and from the site
  - (b) Parking and turning areas for construction and delivery vehicles and site personnel
  - (c) Timing of deliveries, with special provision for the proposed caravans
  - (d) Provision of wheel washing facilities
  - (e) Temporary traffic management/signage

The development shall be carried out in accordance with the approved details;

Reason: In the interests of highway safety.

18. The vehicle parking spaces and turning facilities as shown shall be permanently retained for parking and turning and shall not be used for any other purpose;

Reason: In the interest of highways safety and parking provision.

19. Any gates at the vehicular access to the site must be set back a minimum of 5 metres from the highway boundary;

Reason: In the interests of highway safety.

20. Prior to the first occupation of the caravans hereby approved, the first 5 metres of the vehicle access from the edge of the highway shall be of a bound surface and shall be maintained as such thereafter;

Reason: In the interests of highway safety.

21. The development hereby permitted shall be carried out in accordance with the following approved plan references: 2763 05 E received 24/10/19 and 2763 01 A received 14/10/19; and Ambiantal Surface Water Drainage Strategy received 24/10/19;

Reason: To safeguard the character and appearance of the countryside, in the interests of protecting biodiversity, existing trees and ancient woodland, in the interests of highway safety and drainage, and to safeguard the enjoyment of their properties by existing and prospective occupiers.

## INFORMATIVES

1. In order to protect future occupants at times of flood risk, the applicant is strongly advised to sign up to the Environment Agency's flood warning service prior to the occupation of any caravan on the site. This can be done via the following link: <https://www.gov.uk/sign-up-for-flood-warnings>
2. 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 present on the application site and are to be assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent and has shown that nesting birds are not present.
3. In terms of lighting and to mitigate against potential adverse effects on bats, the applicant is advised to refer to the Bat Conservation Trust's Bats and Lighting in the UK guidance.
4. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
5. The applicant is advised to consult a local Designing Out Crime Officer (DOCO), or suitably qualified security specialist to help design out the opportunity for crime, fear of crime, Anti-Social Behaviour (ASB), nuisance and conflict.
6. 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>
7. The applicant is reminded that any additions to the caravans, such as decking and verandas, would then take the caravans out of the lawful definition of a caravan, under Section 29 of the Caravan Sites and Control of Development Act 1960, and planning permission would be required for each structure.

Case Officer: Kathryn Altieri

<b>REFERENCE NO:</b> 19/500271/FULL		
<b>APPLICATION PROPOSAL:</b> Change of use of land for the stationing of 20 holiday caravans with associated works including laying of hardstanding and bin store.		
<b>ADDRESS:</b> Oakhurst Stilebridge Lane Marden Tonbridge Kent TN12 9BA		
<b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> 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.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> - Councillor Burton has called application in given level of local resident interest		
<b>WARD:</b> Marden	<b>PARISH COUNCIL</b> Marden	<b>APPLICANT</b> Mr & Mrs P Body <b>AGENT</b> Graham Simpkin Planning
<b>TARGET DECISION DATE:</b> 03/06/19		<b>PUBLICITY EXPIRY DATE:</b> 30/01/19

### Relevant planning history

- MA/11/1037 – Keeping of horses & erection of stable block & hay barn - Approved

### 1.0 Site description

- 1.01 Oakhurst is a detached residential property located on the eastern side of Stilebridge Lane, close to the junction with Tilden Lane. The proposal site is an area of land to the immediate south of Oakhurst (some 2.3ha in area), with road access into the site from the south-western corner.
- 1.02 The western (front) part of the proposal site is currently used by the Caravan and Camping Club (its website states that the site can accommodate up to 5 caravans or motorhomes and up to 10 trailer tents or tents). The eastern part has been used for horse grazing. The road side (western) boundary is in Flood Zone 2 and the eastern boundary is adjacent to Ancient Woodland. The River Beult (Site of Special Scientific Interest), is some 335m to the north of the site. For the purposes of the Maidstone Local Plan (2017) the proposal site is within the countryside.

### 2.0 Proposal

- 2.01 This application is for the change of use of the land for the stationing of 20 holiday caravans, with associated works including hardstanding and parking. The 20 caravans will be moved on to the site and remain in situ, and so guests will not be towing caravans; and no other caravans, touring caravans, or tent pitches will go on the site. The Caravan Site Licence will deal with all of the health and safety requirements under separate legislation.
- 2.02 The application states that the 20 caravans will fall within the lawful definition of a caravan, under Section 29 of the Caravan Sites and Control of Development Act 1960, and no further plans/details are required in this respect. For reference, a caravan under this definition can be up to 20m in length and 6.8m in width; with the overall height being 3.05m (measured internally from the floor at the lowest level to the ceiling at the highest level). Any additions to the caravans, such as verandas, would then take the caravans out of this definition and planning permission would be required for each structure.

### 3.0 Policy and other considerations

- Maidstone LP: SS1, SP17, SP21, DM1, DM3, DM8, DM30, DM37, DM38
- National Planning Policy Framework (2019)
- National Planning Practice Guidance
- Natural England Standing Advice
- Maidstone Landscape Character Assessment & Maidstone Landscape Capacity Study: Sensitivity Assessment

**4.0** Local representations: 15 representations received raising concerns over:

- *Caravans being lived in permanently;*
- *Flood risk/surface water drainage/foul sewage disposal;*
- *Highway safety/traffic generation;*
- *Light pollution/impacts upon ecology*
- *Impact upon trees/ancient woodland*
- *Commercial viability of business/need for such development;*
- *Visual impact;*
- *Not a sustainable location;*
- *Impact upon residential amenity (noise, odours, general disturbance);*
- *Impact upon setting of Grade II listed building (Little Tilden Farm)*
- *Loss of agricultural land*

**5.0 Consultations**

5.01 **Councillor Burton:** Wishes to see application reported to Planning Committee if recommendation is for approval;

5.02 **Marden Parish Council:** Wish to see application refused but has not requested for it to be reported to Planning Committee. In summary their views are as follows:

- *Introduction of vulnerable usage in Flood Zone 2*
- *Proposal would result in adverse impact on highway safety*
- *Would have adverse visual impact on countryside*
- *Noise and light pollution resulting from use would be detrimental to amenity of the area*

*If minded to approve, Cllrs recommend following conditions:*

- *To prohibit any permanent occupancy;*
- *To provide low level lighting scheme;*
- *Provide further information and mitigation of protected species;*
- *Provide specific and detailed method of foul water disposal;*
- *Provision of landscaping scheme;*
- *Provision of ecology assessment;*
- *Applicant to demonstrate adequate access arrangements and vision splays.*

5.03 **KCC Highways:** Raise no objection.

5.04 **Environment Agency:** Raise no objection.

5.05 **Environmental Protection Team:** Raise no objection in terms of noise, air quality, sewage and land contamination.

5.06 **KCC SUDS:** Raise no objection.

5.07 **Landscape Officer:** Raise no objection.

5.08 **Biodiversity Officer:** Advises sufficient information has been provided to determine planning application.

5.09 **Natural England:** Raise no objection.

5.10 **Agricultural Advisor:** Raise no objection.

5.11 **Southern Water:** Raise no objection.

5.12 **Kent Police:** Raise no objection.

## 6.0 Appraisal

### Main issues

- 6.01 Local Plan policy SS1 seeks to support small scale employment opportunities in appropriate locations to support the rural economy; and policy SP21 sets out that the Council is committed to supporting and improving the economy of the borough and providing for the needs of businesses, by (inter alia): *Supporting proposals for expansion of existing economic development premises in the countryside, including tourism related development, provided scale and impact of development is appropriate for its countryside location, in accordance with policy DM37.*
- 6.02 Local Plan policy DM37 also supports the expansion of existing businesses in the rural area provided certain criteria are met; and Local Plan policy DM38 allows for holiday caravan sites in the countryside provided they:
- i. Would not result in unacceptable loss in amenity of area. In particular, impact on nearby properties and appearance of development from public roads will be of importance; and*
  - ii. Site would be unobtrusively located and well screened by existing or proposed vegetation and would be landscaped with indigenous species.*
- 6.03 The proposal is also subject to the normal constraints of development in the countryside under the Maidstone Local Plan. Local Plan policy SP17 states that new development in the countryside will not be permitted unless it accords with other policies in the Local Plan, and would not result in harm to the character and appearance of the area or in terms of residential amenity. Local Plan policy DM30 states (inter alia) that new development should maintain, or where possible, enhance the local distinctiveness of an area; and ensure that associated traffic levels are acceptable.
- 6.04 Furthermore, Local Plan policy seeks new development to respect the amenities of occupiers of neighbouring properties; and avoid inappropriate development within areas at risk from flooding (LP policy DM1); and to protect areas of Ancient Woodland from inappropriate development and avoid significant adverse impacts as a result of development. Indeed, policy DM3 relates to how development should protect areas of Ancient Woodland from inappropriate development and to avoid significant adverse impacts as a result of development.
- 6.05 Please note that the proposal site could be used for camping (without restriction of numbers) for 28 days in total of any calendar year without requiring planning permission under Class 4, Part B of the GPDO.
- 6.06 The key issues for this application are considered to be what impacts the proposal would have upon the character and appearance of the area (including Ancient Woodland impacts); its highway safety and residential amenity impacts; flood risk; and what impact it would have upon the adjacent ancient woodland and biodiversity. Other material planning considerations will then also be addressed.
- ### Visual impact
- 6.07 Within the Maidstone Landscape Capacity Study: Sensitivity Assessment, the proposal site is in the Staplehurst Low Weald landscape character area (44) that is considered to be sensitive to change. This assessment also states that development in this area could support existing rural enterprises, although extensive, large scale or visually intrusive development would be inappropriate.
- 6.08 It is accepted that the proposal would change the character of what is an open field. However, the site benefits from a mature, well-established hedgerow to the roadside boundary; the southern boundary also benefits from a well-established hedge and several individual trees; and the eastern (rear) boundary is entirely

enclosed by Ancient Woodland. To the north, the site is largely screened by Oakhurst and its associated outbuildings; existing hedgerows; and by more Ancient Woodland and Stilebridge Caravan Park. In general terms, the surrounding road network is also lined with hedges/trees; existing built development provides some screening; and no public footpath comes within 200m of the proposal site. As such, it is considered that views of the proposal would be limited to short range views, particularly when passing the site along Stilebridge Lane; and any medium to long distance views of the development from any other public vantage point would be glimpsed.

- 6.09 To further safeguard the character and appearance of the countryside, a suitable condition will also be imposed to secure the retention of the existing hedgerows along the southern and western boundaries of the site; for the retention of the existing trees within the site, as shown on the submitted plan; for further native planting within the 15m buffer zone to the ancient woodland; and for a mixed native hedge to be planted along the northern boundary of the site.
- 6.10 In accordance with the Maidstone Landscape Capacity Study, the proposal would conserve the existing Oak trees on the site; the landscaping scheme would seek new Oak tree planting; and existing hedgerows would be retained. External lighting could also be appropriately controlled by way of condition.
- 6.11 It is therefore considered that the proposal would not appear prominent or visually intrusive in a landscape that is sensitive to change, and would not result in significant harm to the appearance of the landscape and the rural character of the countryside hereabouts.

Highway safety implications

- 6.12 The Highways Authority has reviewed the application and considered the vehicle movements associated with such uses as permissible, notwithstanding the limitations that the nature of Stilebridge Lane presents.
- 6.13 The Highways Authority states a significant factor in considering the change of use of the site would be to recognise that towing caravans/motorhomes would no longer be coming and going from the site, as the accommodation will already be in situ; and that this can be ensured by way of an appropriate condition. This would leave only private cars using Stilebridge Road in association with the proposal and the Highways Authority confirm that they would have no grounds to object to the application in this respect. There will of course be an initial exception with the caravans coming onto the site, but the Highways Authority is satisfied that the impact of this could be feasibly mitigated by a Site Management Plan.
- 6.14 The Highways Authority has considered the nature of Stilebridge Lane, in terms of available passing widths and forward visibility; and they have also noted that the road is served at both ends by junctions which fall below current highway standards. However, despite the limitations this presents to current road users, the personal injury accident record (which provides KCC's evidence base in such judgements) does not suggest that these issues present an overbearing impact on road safety or that they will be significantly exacerbated by the proposals as they stand. No objection is raised in terms of parking provision.
- 6.15 With everything considered, the Highways Authority raise no objection to the proposal on highway safety grounds subject to the imposition of conditions including for the submission of a Site Management Plan.

Residential amenity

- 6.16 The applicant lives at Oakhurst, the property to the immediate north of the site. The next nearest residential property is Ellmacy. Whilst there is extant planning permission for the erection of an annexe to the north of Ellmacy, the main house is more than 40m from the south-western corner of the site, and the main garden area for this property is to the south of the house, more than 50m away from the proposal site. Beyond this is Stilebridge Barn; the caravans on Stilebridge Lane Caravan Site are some 120m to the north-east of the site; and no other residential property would be within 200m of the site.
- 6.17 When considering the intended use of the site and the separation distances from it and any residential property, the noise generated by the proposal (including vehicle movements to and from the site) will be acceptable in residential amenity terms, and the Environmental Protection Team has also raised no objection in terms of noise. It is also considered that most of the vehicle movements to and from the site would be by private motor vehicles only, coming from the A229 to the north-east of the site and not passing the nearest houses to the site. No objection is therefore raised to the proposal in terms of general noise and disturbance, and there is no reason to believe that odours from the site would create an unacceptable living environment for any local resident.

Flood risk/surface water drainage

- 6.18 The western (front) boundary of the site is within Flood Zone 2; and the proposed layout shows 4/5 of the caravans within this, with the rest of the site being in Flood Zone 1. In accordance with the revised NPPF and its Technical Guidance, sites used for holiday caravans are classified as 'More Vulnerable'. Such development in Flood Zone 2 is acceptable subject to a specific warning and evacuation plan; and subject to the Sequential and Exception Tests being applied. Furthermore, local planning authorities should also ensure that flood risk is not increased elsewhere, and should only consider development in flood risk areas to be appropriate where informed by a site-specific Flood Risk Assessment (FRA).
- 6.19 The applicant has submitted a Flood Risk Assessment (FRA), and a further letter (from Ambiental Environmental Assessment) has provided further flood risk information. The submitted details confirm that the floor levels of the caravans will be raised 150mm above surrounding ground levels, and this can be secured by way of an appropriate condition.
- 6.20 In terms of the Sequential and Exception Tests, whilst no alternative sites have been discussed as part of this application, the Environment Agency has reviewed the submitted details and they are satisfied that the proposal would not pose a risk to property; and that future occupants would remain safe for the development's lifetime without increasing flood risk elsewhere (when allowances for climate change are taken into consideration). Furthermore, the development would provide a small scale employment opportunity to help support the rural economy; and it must be stressed again that the majority of the site falls within Flood Zone 1, where these tests are not required.
- 6.21 It is noted that the surrounding access roads to the site are located within Flood Zones 2/3; and with regards to a specific warning and evacuation plan, the application states that the applicant will sign up to the EA Flood Warning/Alert Service. This would ensure that future occupants of the site would be safe and have time to evacuate the site if necessary, avoiding the need of emergency egress and access. Furthermore, the majority of the site falls outside Flood Zones 2/3 and the floor levels of the caravans would be raised as accepted by the Environment Agency, so there is also the potential for future occupants to safely 'sit-out' any flood event.

6.22 The application also includes a Surface Water Drainage Strategy and as the lead local flood authority, KCC have reviewed the application. No objection is raised to the proposal, subject to appropriate pre-commencement conditions requiring a detailed sustainable surface water drainage scheme for the site, and a verification report pertaining to the surface water drainage system. With this all considered, the balanced view is that the proposal is acceptable in flood risk terms.

*Biodiversity and ancient woodland implications*

6.23 The Biodiversity Officer has advised that sufficient information has been provided to determine the planning application and they have raised no objection to the proposal in biodiversity terms. This is subject to appropriate conditions for details to be submitted of any external lighting scheme to mitigate against potential adverse effects on bats; of precautionary measures for reptiles and Great Crested Newts, including habitat manipulation and creating/improving reptile and GCN habitat; and of what ecological enhancements are to be incorporated into the scheme.

6.24 The Biodiversity Officer and the Landscape Officer both highlighted the need to protect the ancient woodland to the east of the proposal site. The submission details show the required 15m buffer-zone that is to be planted with native shrub species. Appropriate conditions can be imposed to ensure this buffer-zone planting is carried out and that public access should be prevented in this area.

*Other matters*

6.25 There is no indication that any agricultural business would be affected by the current proposal. The Agricultural Advisor, having regard to the relatively small extent of the land; its current use; and its likely quality, considers that the proposal would not involve a significant loss of agricultural land in planning policy terms, and so no objection is raised in this respect.

6.26 Foul sewage will be disposed of via a package treatment plant. Southern Water has raised no objection to the proposal; and the Environmental Protection Team also raise no objection in this respect subject to the submission of its details. Natural England has also raised no objection but comment that without appropriate mitigation the proposal could harm the interest features for which the River Beult Site of Special Scientific Interest (SSSI) has been notified. With this considered and in order to mitigate against potential adverse effects in relation to foul sewage disposal, a suitable condition will be imposed requesting further details.

6.27 No objection is raised in terms of refuse storage, air quality, and land contamination; the proposal would not have a harmful impact upon the setting of any listed building, given its scale, nature and the separation distances; and the proposal is not Environmental Impact Assessment development.

6.28 The issues raised by Marden Parish Council, Councillor Burton, and local residents have been considered in the determination of this application. It should also be noted that potential future breaches of planning would be investigated by the Planning Enforcement team as and when necessary; and the future commercial viability of the proposed business is not a material planning consideration in the assessment of this application.

6.29 Please note that the applicant has agreed to the imposition of all of the pre-commencement of works conditions.

## **7.0 Conclusion**

- 7.01 The proposal would not be obtrusive and would not result in an unacceptable loss in the amenity of the area, in terms of its visual impact and its impact upon the living conditions of local residents; and existing landscaping will be retained and the site will be enhanced by further native planting. Furthermore, no objection is raised in terms of highway safety; flood risk; biodiversity; and in terms of Ancient Woodland protection. A holiday occupancy condition will also be attached to any permission, preventing use of any unit as a permanent encampment. As such, 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 this application is therefore made on this basis.

## **8.0 Recommendation - GRANT planning permission 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. No more than 20 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time;

Reason: To safeguard the character and appearance of the countryside.

3. The site shall not be open to touring caravans and tents at any time;

Reason: To safeguard the character and appearance of the countryside and in the interests of highway safety.

4. All caravans permitted at the site shall be occupied for holiday purposes only. No such accommodation shall be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners/occupiers of individual accommodation units on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority;

Reason: In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fencing, walling and other boundary treatments shall be erected within or around the site;

Reason: To safeguard the character and appearance of the countryside.

6. If the use hereby approved ceases, all caravans, buildings, structures, hardstanding, and equipment brought on to the land, and all works undertaken to it in connection with the use, shall be removed within 2 months of cessation of the use, and the land shall be restored to its condition before the development took place;

Reason: To safeguard the character and appearance of the countryside.

7. The finished floor level of the caravans shall be no less than 150mm above surrounding ground levels.

Reason: In order to reduce the risk to occupants from flooding.

8. Prior to the first occupation of any caravan on the site, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long-term management, have been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment (2012) and shall include:
- a) Location, species (to include Oak) and size of all new trees and shrubs to be planted;
  - b) Native planting within the 15m buffer zone to the ancient woodland (as shown on drawing ref: 05 Rev A);
  - c) Details of how the buffer zone will be delineated to prevent public access;
  - d) The retention of the existing hedgerows along the western and southern boundaries of the site;
  - e) The retention of the existing trees within the site (as shown on drawing ref: 05 Rev A);
  - f) Details of a mixed native hedgerow along the northern boundary of the site.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details;

Reason: To safeguard the character and appearance of the countryside and to safeguard the protection of existing trees and ancient woodland.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of any caravan. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme;

Reason: To safeguard the character and appearance of the countryside and to safeguard the protection of ancient woodland.

10. The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS5837:2012 has been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No caravans, equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas or within the 15m buffer zone from the ancient woodland (as shown on drawing ref: 05 Rev A); and no alterations shall be made to the siting of the barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site;

Reason: To ensure the protection of existing trees and hedges and to avoid compaction of ground within the 15m buffer zone.

11. The development hereby approved shall not commence until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of at a rate of 1.7l/s (unless otherwise agreed with the Local Planning Authority and Lead Local Flood Authority) and without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):
- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
  - appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

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

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

12. Prior to the first occupation of any caravan on the site, details of a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, shall be submitted to and approved by the local planning authority. This report shall demonstrate the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

13. Prior to the first occupation of any caravan on the site, details of the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal, shall be submitted to and approved in writing by the local planning authority. These details shall include the size of individual cess pits and/or septic tanks and/or other treatment systems, and shall also specify exact locations on site plus any pertinent information as to where each system will discharge to;

Reason: To safeguard against ground/water course pollution, and to protect the interest features of the River Beult Site of Special Scientific Interest.

14. Prior to the first occupation of the caravans hereby approved, details of the external lighting scheme (temporary and/or permanent), shall be submitted to and approved in writing by the local planning authority. These details shall include:
- a) Measures to shield and direct light from the light sources so as to prevent light pollution;
  - b) Identification of those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance to routes used to forage and commute;
  - c) Show where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bat activity.

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

Reason: To safeguard the character and appearance of the countryside and to mitigate against potential adverse effects on bats.

15. Prior to the commencement of the development hereby approved (including site clearance), details of precautionary measures for reptiles and great crested newts (GCN), including habitat manipulation and creating/improving reptile and GCN habitat, shall be submitted to and approved by the local planning authority. The approved details will be implemented prior to the occupation of the caravans and thereafter retained as such thereafter;

Reason: To safeguard protected species.

16. Prior to the first occupation of the caravans hereby approved, details for a scheme for the enhancement of biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the caravans and all features shall be maintained thereafter.

Reason: In the interests of biodiversity enhancement.

17. Prior to the commencement of the development hereby approved (including site clearance), a Site Management Plan (SMP) shall be submitted to and approved in writing by the local planning authority. The SMP shall include details of:
- (a) Routing of construction and delivery vehicles to and from the site
  - (b) Parking and turning areas for construction and delivery vehicles and site personnel
  - (c) Timing of deliveries, with special provision for the proposed caravans
  - (d) Provision of wheel washing facilities
  - (e) Temporary traffic management/signage

The development shall be carried out in accordance with the approved details;

Reason: In the interests of highway safety.

18. The vehicle parking spaces and turning facilities as shown shall be permanently retained for parking and turning and shall not be used for any other purpose;

Reason: In the interest of highways safety and parking provision.

19. Any gate(s) at the vehicular access to the site must be set back a minimum of 5 metres from the highway boundary;

Reason: In the interests of highway safety.

20. Prior to the first occupation of the caravans hereby approved, the first 5 metres of the vehicle access from the edge of the highway shall be of a bound surface and shall be maintained as such thereafter;

Reason: In the interests of highway safety.

21. The development hereby permitted shall be carried out in accordance with the following approved plan references: Site location plan (01);

Reason: To safeguard the character and appearance of the countryside, in the interests of protecting biodiversity, existing trees and ancient woodland; and to safeguard the enjoyment of their properties by existing and prospective occupiers.

#### INFORMATIVES

1. In order to protect future occupants at times of flood risk, the applicant is strongly advised to sign up to the Environment Agency's flood warning service prior to the occupation of any caravan on the site. This can be done via the following link: <https://www.gov.uk/sign-up-for-flood-warnings>
2. 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 present on the application site and are to be assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent person and has shown that nesting birds are not present.
3. In terms of lighting and to mitigate against potential adverse effects on bats, the applicant is advised to refer to the Bat Conservation Trust's Bats and Lighting in the UK guidance.
4. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
5. The applicant is advised to consult a local Designing Out Crime Officer (DOCO), or suitably qualified security specialist to help design out the opportunity for crime, fear of crime, Anti-Social Behaviour (ASB), nuisance and conflict.
6. 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>

Case Officer: Kathryn Altieri

Item 17, Pages 59-71

Oakhurst, Stilebridge Lane,  
Marden, TN12 9BA

Reference number: 19/500271/FULL

- **Amend condition 4 to read:**

*All caravans permitted at the site shall be occupied for holiday purposes only. No such accommodation shall be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners/occupiers of individual accommodation units on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority **with details of the relevant contact at the operators of the caravan park (name, position, telephone number, email address and postal address) who will keep the register and make it available for inspection submitted to the local planning authority (planningenforcement@maidstone.gov.uk) prior to first occupation of any of the approved caravans with the relevant contact subsequently kept up to date at all times;***

*Reason: In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.*

- **Amend condition 8 to read:**

*Prior to the first occupation of any caravan on the site, details of a scheme of **hard and soft** landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long-term management, have been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (2012) and shall include:*

- a) Location, species (to include Oak) and size of all new trees and shrubs to be planted;*
- b) Native planting within the 15m buffer zone to the ancient woodland (as shown on drawing ref: 05 Rev A);*
- c) Details of how the buffer zone will be delineated to prevent public access;*
- d) The retention of the existing hedgerows along the western and southern boundaries of the site;*
- e) The retention of the existing trees within the site (as shown on drawing ref: 05 Rev A);*
- f) Details of a mixed native hedgerow along the northern boundary of the site;*
- g) Scaled plan showing the extent and type of hardsurfacing within the site.***

*The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details;*

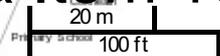
*Reason: To safeguard the character and appearance of the countryside and to safeguard the protection of existing trees and ancient woodland.*

- **Amend condition 13 to read:**

*Prior to the first occupation of any caravan on the site, details of the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal, shall be submitted to and approved in writing by the local planning authority. These details shall include the size of individual cess pits and/or septic tanks and/or other treatment systems, and shall also specify exact locations on site plus any pertinent information as to where each system will discharge to;*

*Reason: To safeguard against ground/water course pollution, and to protect the interest features of the River Beult Site of Special Scientific Interest **and the adjacent Ancient Woodland.***

**Recommendation remains unchanged.**



19/501775/FULL - Spice Lounge

Scale: 1:1250

Printed on: 19/11/2019 at 15:24 PM by StevieH



<b>REFERENCE NO - 19/501775/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of existing restaurant and erection of 14 no. retirement apartments for over 55 year old persons with associated parking turning and amenity space. (Resubmission of 18/503194/FULL)		
<b>ADDRESS</b> Stocketts (also known as The Spice Lounge) 118 Heath Road Coxheath Maidstone ME17 4PN		
<b>RECOMMENDATION</b> Grant Planning Permission subject to planning conditions.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>		
<ul style="list-style-type: none"> <li>- There is no objection to the proposal will not result in the loss of the current use given the incidence of other similar uses in the locality.</li> <li>- The proposal represents redevelopment of previously developed land and is of an appropriate scale to Coxheath identified as being capable of taking limited growth.</li> <li>- Will assist in meeting the critical need for elderly persons accommodation identified in Government guidance.</li> <li>- The site represents an optimum location for elderly persons accommodation being close to public transport, local amenities and health provision.</li> <li>- Is acceptable in size, design and siting and will assist in providing a sense of place and enclosure to this part of Coxheath.</li> <li>- Will bring about a substantial uplift in the appearance of the site while safeguarding the outlook and amenity of nearby residents future occupants of the approved accommodation.</li> <li>- Is acceptable in its heritage and highways impacts.</li> <li>- Redevelopment for the type of housing proposed which will also bring a significant housing windfall in accordance with the provisions of policy SS1 of the local plan.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Called in by Cllr Parfitt-Read on the grounds that the proposal will result in the loss of an important community facility, harm the street scene and character and setting of the listed church, lacks on site car parking There is no need for additional retirement flats, taking into account the lack of uptake for similar completed developments..		
<b>WARD</b> Coxheath And Hunton	<b>PARISH/TOWN COUNCIL</b> Coxheath	<b>APPLICANT</b> Mr. C Dickens on behalf of Clarus Homes <b>AGENT</b> Graham Simpkin Planning
<b>TARGET DECISION DATE</b> 16/12/19 (EOT)		<b>PUBLICITY EXPIRY DATE</b> 19/06/19

Relevant Planning History

**18/503194/FULL:** Demolition of existing restaurant and erection of 14no. two bed retirement apartments providing Assisted Living for over 55 year old persons, with associated parking, turning and amenity space. Refused 24.09.2018 for the following summarised reasons:

1. *The proposal would appear isolated, incongruous and out of scale in its setting unrelated to existing development fronting Heath Road to the west and failing to*

*contribute in providing a sense of enclosure or sense of place to this part of Coxheath. Furthermore maintaining large areas of car parking fronting Heath Road will add further to the harmful visual impact of the development. The proposal will therefore have an unacceptable visual impact on the character and setting of Coxheath failing to improve the character and quality of the area and the way it functions.*

2. *Failure to demonstrate the development is incapable of making provision for affordable housing.*

**04/1241:** Demolition of existing public house and erection of 6No. two bed flats and 5No. three bed terraced dwellings and provision of ancillary car parking. Refused 11.11.2004 for the following summarised reasons:

1. *Insufficient evidence to demonstrate existing public house unviable*
2. *Out of character with surroundings harm street scene and setting of Listed Building.*
3. *Failure to demonstrate proposal would not be adversely affected by road traffic noise*
4. *Failure to make contribution towards local education provision.*

## **MAIN REPORT**

### **1. SITE DESCRIPTION**

- 1.1 The application site has an area of approximately 0.12 hectares and is located on the south side of Heath Road approximately 300 metres to the east of the centre of Coxheath. The site is within Coxheath that is designated as a 'larger village' by the adopted Local Plan. The site has a frontage onto Heath Road of just over 40 metres and is occupied by a detached building used as a restaurant known as the Spice Lounge.
- 1.2 This building occupies an isolated central position on the site and is set just under 10 metres back from Heath Road, just under 15 metres from the west site boundary and just under 10 metres from the east site boundary. The whole area in front of the building fronting Heath Road is used for car parking.
- 1.3 Abutting the site to the east is the access leading to the housing development of Clockhouse Rise. Immediately to the east of this access is Holy Trinity Church, a Grade II Listed Building (LB) and its grounds fronting Heath Road.
- 1.4 On the opposite side of Heath Road there is open space and playing fields. Immediately abutting the application site to the west is a funeral parlour forming the eastern end of a parade of shops forming part of the Coxheath District Retail Centre.
- 1.5 Abutting the site to the south is a health centre and ambulance service complex.

### **2. PROPOSAL**

- 2.1 The proposal involves demolition of the existing restaurant building and its replacement with a two storey L shaped block (with accommodation in the roof space) to provide 14 no: 1 and 2 bedroom apartments for private retirement housing for the over 55's ranging in floor area from 44 square metres to just under 70 square metres.
- 2.2 All units will be self-contained. At rear of the block at ground floor level is an office and what is described as an owners lounge is also proposed. A rectangular shaped private communal amenity area is sited immediately to the rear of the proposed building.

- 2.3 Site access is proposed from Clockhouse Rise serving a parking area for 14 residents parking spaces, a warden's space, cycle parking along with an enclosed bin store.
- 2.4 Soft landscaping is proposed along the Heath Road frontage and the return Clockhouse Rise frontage.
- 2.5 External materials are specified comprising a mix of red and yellow facing brick, plain grey roof tiles and Terracotta Tile Hanging.
- 2.6 The application is accompanied by a heritage statement, technical transport note and a statement of community involvement.
- 2.7 *In June 2019 site owner closed the restaurant and the following explanation set out the background to this event:*
- *Opened in November 2007 with focus on restaurant dining with takeaway service providing a secondary income and collection only.*
  - *Early years saw a huge demand from Coxheath residents and surrounding villages - 90% of turnover from dining customers.*
  - *Takeaway mainly from customers unable to be accommodated in the restaurant due to popularity of the restaurant.*
  - *Planning permission gained in 2010 to extend seating into the garages and a function room was created for parties and the general overflow of customers on Friday and Saturday evenings.*
  - *From 70 Covers, the restaurant capacity expanded to approximately 100 covers*
  - *With the residential developments in Coxheath expectation was demand for the restaurant would remain strong.*
  - *In the last 2 years significant decline in the use of the restaurant.*
  - *Previously averaged over 100 covers on a Saturday night – dropped to 40/50 covers on a Saturday night.*
  - *Takeaway service has increased in popularity, with turnover in takeaway being much greater than dining in customers.*
  - *Takeaway turnover in the first half of 2019, equating to over 50% of the turnover.*
  - *Spice Lounge site is too large just to operate a takeaway service – the building has high operating costs, and is not viable any longer to operate as a restaurant.*
- 2.8 The owner reopened the restaurant in October 2019 citing the high costs involved with the development and to stand any chance of benefitting from the lead up to the Christmas trade.

### **3. POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017 SP13, SP18, SP20, DM1, DM2, DM4, DM9, DM20, DM21 and DM23

### **4. LOCAL REPRESENTATIONS**

- 4.1 25 representations received from local residents raising the following (summarised) issues:
- Insufficient parking – will result in overspill parking on local roads to the detriment of the free flow of traffic and highway safety.
  - No evidence of demand for over 55's accommodation particularly as vacant accommodation in nearby properties already serving this use.
  - Future occupants will almost certainly use cars adding to congestion in area to the detriment of highway safety and the free flow of traffic.
  - Coxheath already under excess development pressure which is putting strain on local services and which will only be exacerbated by this proposal.

- Represents an example of overdevelopment and poor design harmful to the character of the area and character and setting of the Listed Church.
- Is far to large - will dwarf and appear completely overbearing in relation to existing development close to and abutting the site.
- The building to be demolished is iconic and historic – its loss will further erode what remains of the existing character of Coxheath.
- Site not allocated in local plan for development.
- Too close to Heath Road– needs to be set back with additional landscaping in front.
- Will result in loss of a valuable community asset as there are no other venues in Coxheath available for nigh time socialising – consideration should be given to a replacement of this facility within the proposed development.
- Not convinced that the proposal is viable leading to pressure to redevelop the site for general housing.

## 5. CONSULTATIONS

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

### 5.1 **Coxheath PC:** Objects for the following summarised reasons:

- Do not wish to see this loss of amenity – the restaurant is very popular with local residents and residents of neighbouring areas and do not accept argument that it is a less than prosperous business.
- Car park always is full indicating the facility is very well used.
- Not convinced there is a need for assisted living accommodation in this location as similar proposals were abandoned on a site a few hundred metres along the road because the housing association involved determined that such a facility was not viable.
- Have other assisted living accommodation in the village run by both Golding Homes and a private care home provider, which are now available to people of all ages, many not requiring assisted living.
- Due to, amongst other things, lack of demand development will become a market housing facility.
- Design out of keeping with the area and too large – will dominate the the appearance of the village at this end and character and setting of the protected church.
- Insufficient parking resulting in overspill parking on nearby roads harmful to highway safety and the free flow of traffic.

### 5.2 **Hunton PC:** Objects on the following summarised grounds:

- Does not overcome objections to development of this site set out in application ref: 18/503194
- With the closure of the licensed restaurant the following policies are relevant being NPPF "Supporting a Prosperous Rural Economy" paragraph 83 ",planning decisions should enable... especially subparagraph d) "the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open spaces, cultural buildings, public houses and places of worship.
- NPPF "Promoting Healthy and Safe Communities" paragraph 92 "...planning policies and decisions should...especially subparagraph c) "guard against the unnecessary loss of valued facilities and services..." and d) "ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community"
- Maidstone Local Plan 2017 Policies SP11 "Larger Villages" paragraph 2, and SP13 "Coxheath" paragraph 4, both say " the loss of shops, community facilities and green spaces will be resisted....."
- Policy DM17 " the Council will seek to maintain and enhance the existing retail functions and support community uses in... sub-paragraph iii. Heath Road, Coxheath"

- Policy SP22 introductory paragraph 4.150 ".....It has not been proven through the submission of a viability report that there is no realistic prospect of its commercial reuse continuing.
- 5.3 **Kent Highways:** No objection subject to conditions to secure a construction management plan and on site parking turning and access. The proposed access has been repositioned to secure the necessary separation between access points while acceptable sight lines can be achieved based on the anticipated vehicle speeds for those turning in from Heath Road. While parking provision is slightly less than the guidance requirements insufficient to justify refusal on highway grounds particularly given the additional cycle parking and provision of 2 electric vehicle charging point.
- 5.3 **KCC Archaeology:** No objection subject to condition to secure a watching brief The development lies adjacent to the site of the Maidstone Union Workhouse and there is potential for remains associated with the workhouse to survive.
- 5.4 **Historic England:** No comments
- 5.4 **MBC Heritage:** No objection Acknowledges impact on views of the listed church from the west but does not amount to an objection to the scheme which is generally a good response to the context with a positive response at the corner of the building. Generally the top floor scales back and is accommodated within the roof space apart from the gabled corner 'tower' which forms a good end stop to the development and this part of the street. The overall scale is commensurate with the church but is separated sufficiently that it should not compete.
- 5.5 **KCC Developer Contributions:** Appreciate CIL payments mean that contributions cannot be requested through S106 agreement. Nevertheless contend the development will have an impact on existing capacity placing unfunded pressure on KCC services requiring contributions towards community learning (£429.80) Libraries (£672.28) and Social Care (£889.84).
- 5.6 **MBC Landscape:** No objection. The site is located within landscape character area 28, Coxheath Plateau, as designated in the Maidstone Landscape Character Assessment. The Maidstone Landscape Capacity Study: Sensitivity Assessment - January 2015 considers this area to have an overall landscape sensitivity of moderate.

The study assesses the Coxheath Plateau as being of moderate overall landscape sensitivity, which has scope for change with certain constraints. It goes on to say that housing development potential should be focussed within and immediately adjacent to existing settlements in keeping with existing. Other development could be considered to support existing rural enterprises, although extensive, large scale or visually intrusive development would be inappropriate. It gives the following advice in respect of guidelines and mitigation:

- New development should respect the local vernacular in scale, density and materials
- Conserve and reinforce enclosing roadside vegetation. In the context of landscape character and biodiversity any 'greening' of this area would be beneficial.

However, in screening terms, the provision of a small area of landscaping along the Heath Road frontage is unlikely to be adequate to mitigate the effect of the development. Considers the effects of the scheme cannot be fully understood without the provision of a landscape and visual appraisal.

- 5.7 **Southern Water:** No objection Requires a formal application for connection to the public foul sewer and this should be drawn to the applicant's attention.

- 5.8 **EHO:** No objection subject to conditions to address site contamination and secure controls over hours of working

## **6.0 APPRAISAL**

- 6.1 The key issues in relation to this proposal are (a) principle (b) impact on the character and setting of the locality (c) amenity (d) heritage (d) highways and (e) developer contributions.

### Principle:

- 6.2 The site is located a short distance from the centre of Coxheath immediately abutting a retail parade. The site currently occupied by a restaurant use falls within the definition of previously developed land.
- 6.3 Coxheath is identified as a 'larger village' in the local plan and is subject to the provisions of policy SP11 and SP13. These policies make it clear that Coxheath can accommodate limited growth. This growth will include minor development such as infilling, and redevelopment of appropriate sites.
- 6.4 Policy SP11, states that new development will be focused within the larger villages where it involves redevelopment of previously developed land and is of a size appropriate to the role, character and scale of the village. Policy SP11 states that the loss of local shops, community facilities and green spaces will be resisted, whilst supporting new retail development, community services and green spaces to meet local need.

### Loss of existing restaurant use as a community facility:

- 6.5 Though the restaurant occupying the site closed (but has now re-opened for Christmas 2019) it is evident from the representations received that it is perceived as an important local facility whose loss should be resisted as being contrary to policy.
- 6.6 Such concerns are acknowledged in the preamble to policy DM20 of the local plan relating to community facilities where it states, amongst other things, that in order to build well functioning, sustainable communities, it is essential that adequate community facilities are provided. It goes on to state that community facilities encompass educational, cultural and recreational facilities, including schools, libraries, places of worship, meeting places, cultural buildings (such as museums and theatres) and sports venues.
- 6.7 Furthermore policy DM20 states amongst other things that; "Proposals which would lead to a loss of community facilities will not be permitted unless demand within the locality no longer exists or a replacement facility acceptable to the council is provided"
- 6.8 The key questions are therefore firstly whether a licensed restaurant can be considered to represent a community facility and secondly whether there is demand or similar alternative facilities available locally.
- 6.9 Under the Localism Act, a parish council or other voluntary group can nominate a building to the council to consider whether it should be made an 'Asset of Community Value'. There have been 5 nominations previously accepted by Maidstone Council; 4 of these have been for public houses with the 5th for Teston Bridge County Park. There have been 3 unsuccessful applications that include The Medical Centre in Coxheath, The Railway Tavern Public House Staplehurst and the shop and post office in Sutton Valence.

- 6.10 Whilst there is no requirement under policy DM20 for a building to be listed as an asset, the definition in the Localism Act is considered useful in assessing whether The Spice Lounge restaurant is a community facility.
- 6.11 An Asset of Community Value is defined as: "*A building or other land is an asset of community value if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community and could do so in the future. The Localism Act states that 'social interests' include cultural, recreational and sporting interests*".
- 6.12 The loss of a public house can be resisted where it can be seen to provide a key element in the social fabric of a locality. It is evident that objectors are giving the same community status to this licensed restaurant as if it were a public house.
- 6.13 Whilst there is no indication that a nomination has, or is about to be made in this case, in theory using the above definition the existing use on the application site could potentially be viewed as a community facility. In making this judgment whether the use can be a community asset, the information received from the applicant also needs to be considered.
- 6.14 The applicant states that there has been a significant drop in customer trade and a change in custom with the main business now consisting of a take away use. This take away use does not require all the space in a large restaurant, with the restaurant as a result not viable as a business in the long term. It is difficult to argue that a take away use "...would further the social wellbeing or social interests of the local community..." as a community facility and the applicant has cast doubt on whether the restaurant use "...could do so in the future".
- 6.15 Coxheath as a designated larger village has the range of facilities that make it a sustainable location and focus for new development after Maidstone Urban Area and the Rural Service Centres. A search of the Coxheath area shows that Heath Fish and the Coxheath Tandoori takeaway are both located nearby. In addition, a survey carried out by the applicant shows other restaurants/takeaway premises in the village including a tandoori takeaway in Westerhill Road, the Coxheath Café on the south side of Heath Road and Coxheath Kebab and Pizza restaurant adjacent to the café. There is also a Chinese takeaway (Phoenix House) on the corner of Westerhill Road and Heath Road.
- 6.16 Though these local similar uses may not exactly replicate the function of the Spice Lounge it is nevertheless considered that the locality would continue to be well served by restaurant/takeaway facilities in the absence of the Spice Lounge.
- 6.17 In the circumstances that have been outlined with the range of facilities available locally, the main use changing to a take away business and the serious doubt about the long term viability of the restaurant use, the submitted proposal is in line with the provisions of policies SP11, SP13 and DM20 of the local plan.
- Use of site for housing:
- 6.18 Both policies SP11 and SP13 make clear that Coxheath can accommodate limited growth and that new development will be focused on infill development and the redevelopment of previously developed land that is of a size appropriate to the role, character and scale of the village.
- 6.19 The Strategic Housing Market Assessment (SHMA) was carried out in January 2014. The SHMA confirmed that in line with trends nationally the number of older people in the borough is set to increase significantly and there is a generalised need for housing suitable for this group. In addition, paragraph 61 of the NPPF makes it clear

that provision must be made for all groups, including older people in formulating housing policy.

- 6.20 National Planning Policy Guidance (NPPG) states there is a critical need to provide housing for older people reflecting the fact that people are living longer and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million.
- 6.21 Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking.
- 6.22 NPPG also refers to the different types of specialist housing for older people requiring to be provided including age-restricted general market housing being housing is generally for people aged 55 and over and the active elderly. It may include some shared amenities such as communal gardens but does not include support or care services.
- 6.23 The applicants also provide the following background.

*"A Government report published on 9th February 2018 "Housing for Older People Second Report of Session 2017 to 2019" in response to concern about the provision of housing for an aging population the need for a national strategy setting out policy on housing for older people.*

*Survey evidence revealed that between a quarter and a third of older people are interested in moving home, that about a quarter are interested in retirement housing, and they want to buy it with two bedroom units proving most popular. Furthermore this also revealed that 55% highlighted a lack of smaller homes on the market as being a barrier to moving and it is estimated that the current shortfall is estimated at around 15,000 to 25,000 units a year limiting housing options available to older people and the opportunity to derive the health and well being benefits linked to specialist homes. The conclusions are there should be greater encouragement to provide housing for older people. and ensuring sites are available for a wider range of developers".*

- 6.24 Consultation responses have expressed concerns regarding 'oversupply' of accommodation for the elderly in the locality. With the backdrop of the high demand that has been set out above it is not considered that arguments based on overprovision can be supported with other reasons behind what appears as a lack of demand on other sites.
- 6.25 Meeting the demands for an increasingly diverse aging population is a material planning consideration that should be given significant weight in the determination of this proposal. The proposed development, will make a windfall contribution towards meeting housing supply set out in policy SS1 while making provision for a sector of the population where there is an acknowledged need. The development will be subject to the Community Infrastructure Levy that is designed to mitigate the additional pressure on local resources as a result of the development.

Suitability of site for over 55's accommodation:

- 6.26 The aging process can be associated with mobility and health issues. It is therefore important that sites used for over 55's accommodation are close to, and within easy

flat walking distance of good public transport, local amenities, health services and town centres.

- 6.27 With the proximity of the application site to the centre of Coxheath and its other facilities (including health provision), the application site represents an optimal location for this type of accommodation.

Design and impact on the character and setting of the locality:

- 6.28 The current application site is occupied by an isolated building set back from road with boundary to boundary hardstanding providing a large area of unrestricted car parking. The site is in a prominent location close to the centre of Coxheath but is of a poor design in terms of streetscape with a poor building setting. The site makes a negative contribution to the street scene failing to provide any sense of place or enclosure to this part of Coxheath.
- 6.29 The key consideration is whether the current proposal addresses the above concerns and whether by so doing contributes to and enhances the sense of place and enclosure to Coxheath.
- 6.30 Dealing first with siting, it is acknowledged that the proposed block is close to the Heath Road frontage. However this reflects the existing grain and character of the area reflecting the development abutting the site to the west which also comes close to Heath Road. The proposed development is not closer to Heath Road than this existing development.
- 6.31 It is acknowledged that the plans show the roof 'ridge' height of the block exceeding that of the buildings abutting the site to the west. However the roof eaves height and building storey heights line through with this building. While the roof bulk is greater the impression of overbearing roof bulk is diminished due to the roof slope.
- 6.32 Concerns have also been raised that the block will have overbearing impact on the Heath Road street scene. It is considered that the design and scale of the building façade is successful in fitting into the streetscene. The articulated façade has a number of full height two storey forward projecting additions all capped by pitched roofs, break lines and reveals emphasising the vertical elements of the block and breaking it up into identifiable segments. The frontage has further interest provided by the size, design and siting of doors and windows and use of materials.
- 6.33 Where the block comes close to the corner with Heath Road and Clockhouse Rise it rises up to address the corner before dropping down again where it fronts Clockhouse Rise. Such a 'turning' feature is considered appropriate in enabling the block to transition smoothly from the Heath Road to the Clockhouse Rise street scenes.
- 6.34 With the design, siting, detailing and use of materials the proposal represents a 'bespoke' response to the site and its context which was wholly absent from the previously refused proposal. The design and layout also enable car parking and other 'service' elements to be hidden from general view which is considered a substantial benefit. The current proposal will significantly improve the character and quality of the area with a new building that removes the large area of car parking and provides a building that addresses the streetscene and the site context.

Landscaping:

- 6.35 The views of the MBC Landscape officer are noted. The site is located and embedded within the built confines of Coxheath and though there is open space opposite the site, the immediate locality is urban in character. As such it is not considered the proposal will have an effect on or materially impact on the character and setting of the rural area abutting/falling outside the confines of Coxheath.

6.36 Regarding the need for additional landscaping to mitigate the impact of the development on Heath Road this would require setting the development further back into the site. It is considered this will erode the sense of place and enclosure that the development seeks to achieve. Consequently, while landscaping is often seen as beneficial, in the context of this proposal setting the block further back into the site to secure additional frontage landscaping would undermine the wider townscape benefits identified in connection with this proposal.

Amenity:

6.37 Concerns have been raised relating to bulk, impact and loss of view. Given the size, design and siting of the block and distance from nearby housing the proposal is acceptable in relation to the potential impact on neighbour amenities including overlooking, loss of daylight or sunlight. The proposal will maintain sufficient outlook for neighbouring occupiers. The proposal is in accordance with the provisions of policy DM1. As set out above and when compared to the current appearance and condition of the site, the area will experience a significant uplift in the appearance of the site and the streetscene.

6.38 Turning to the amenity of the future residents of the development, all flats are internally of usable size and proportions. An external area of communal amenity space is proposed at the rear of the building. This amenity area, though small, is of usable size and proportions and will provide a private space for residents.

6.39 The remaining issue is aural amenity. The site is located close to the centre of a large village and whilst it benefits from easy access to facilities and services, the location also has the normal associated background noise levels from traffic and activity. With a planning condition requiring an acoustic appraisal and sound attenuation and ventilation the development can secure an acceptable internal noise environment for future residents

Heritage:

6.40 The existing building to be demolished is not considered to possess any architectural or historic merit. As such there is no objection to its loss on heritage grounds as a consequence

6.41 The Holy Trinity Church, a Grade II listed building is located to the east of the site with the church grounds fronting Heath Road. The application site in its current form is considered to have an adverse impact on the character and setting of this Listed Building.

6.42 Significant separation will be retained between the listed church and the proposed buildings. As such and given the comments of the heritage advisor along with the current appearance of the application site, it is considered the proposal will bring about a significant uplift to the character and setting of the listed church. The proposal is therefore considered to accord with the provisions of policy DM4 of the local plan.

Highways:

6.42 A restaurant use on site operating at full capacity has the potential to generate significant traffic, especially given the large areas of car parking on the open areas of the site. The site has two access points on to Heath Road, both provided with good driver sight lines

6.43 The proposal includes a single access off Clock House Rise serving the development. The proposed access arrangement enables the design integrity of the block to be maintained.

6.44 Given the nominal peak hour traffic generation associated with the proposed development and access improvements, Kent Highways are satisfied the proposal will not result in any material harm to the free flow of traffic or highway safety on local roads while raising no objection to the level of parking.

6.45 The proposal is acceptable in relation to traffic generation, access arrangements and parking provision and there has been no objection from Kent Highways.

Community infrastructure contributions and affordable housing

6.46 Requests for contributions towards S106 legal agreements must be assessed in accordance with Regulation 122 of the Act with any obligations being seen to meet the following requirements being they should be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

6.47 The proposed development is liable for the Community Infrastructure Levy (CIL) and as a result the council would not seek the s106 contributions sought by KCC. With affordable housing not covered under CIL in this case a s106 would be required to secure the provision of Affordable Housing in accordance with Policy SP20 of the local plan.

6.48 Policy SP20 states that schemes providing retirement housing/extra care homes should provide 20% of the accommodation as affordable unless it can be demonstrated that this cannot be achieved due to economic viability. The current application was accompanied by a viability appraisal which concluded that the development would not be viable if financial contributions were sought.

6.49 Independent assessment of the applicant's viability appraisal supports its conclusion that the scheme in current market conditions cannot support any contributions towards affordable housing.

6.50 The independent assessment suggests a 'clawback' mechanism in the event sales values increase due to an uplift in the housing market. The applicants have responded by stating the development would require an unprecedented uplift in the market for this type of unit (in the order of 55%) to be in a position to make contributions towards affordable housing.

6.51 Whilst review mechanisms have been successfully used on other sites in the borough the uplift in sales value required to deliver an affordable housing contribution in this case is clearly unrealistic. As such it is accepted the case for a review mechanism in the circumstances of this application cannot be justified.

Other matters:

6.52 Surface water drainage will be dealt with by a condition that requires submission and approval of a Sustainable Urban Drainage Scheme.

6.53 There is also an expectation that proposals should provide biodiversity enhancements. The site in its current commercial form has little/no wildlife potential and a planning condition is recommended to seek biodiversity enhancements on the site.

6.54 Kent Highways have requested a condition to secure a construction management plan while the EHO seeks to control hours of working, also by condition. Guidance makes clear that planning conditions should not seek to control matters falling outside the remit of planning or addressed by other legislation. This applies to both conditions though there is no reason why the concerns raised cannot be addressed by informative.

Environmental Impact Assessment

- 6.55 The development needs to be 'screened' to assess whether an Environmental Impact Assessment (EIA) is required.
- 6.56 As the site does not fall within an Area of Outstanding Natural Beauty nor does it exceed any of the Schedule 2 thresholds set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 no requirement for an EIA is identified. It should be stressed this conclusion does not imply support for the proposal or set aside the need to assess the proposal applying normal planning criteria.

**7.0 CONCLUSIONS/BALANCING EXERCISE**

7.1 The key conclusions are considered to be as follows:

- The existing licensed restaurant does not constitute loss of a community facility contrary to policy particularly given the incidence of other similar uses in the locality.
- The proposal represents redevelopment of previously developed land and is of an appropriate scale to Coxheath identified as being capable of taking limited growth.
- The proposal will assist in meeting the need for elderly persons accommodation identified in Government Guidance.
- The site represents an optimum location for elderly person accommodation being close to public transport, local amenities and health provision.
- The proposal is acceptable in size, design and siting terms and assist in providing a sense of place and enclosure to Coxheath at this end.
- The proposal will bring about a substantial uplift in the appearance of the site while safeguarding the outlook and amenity of nearby residents and that of the future occupants of the site.
- The proposal is acceptable in its heritage and highways impacts.

7.2 As such there is no objection to the loss of the existing use and the redevelopment of the site for the type of housing proposed. The proposal will bring a significant housing windfall in accordance with the provisions of policy SS1 of the local plan. In conclusion, the balance of issues fall significantly in favour of the proposal and that planning permission should be granted as a consequence.

**8. RECOMMENDATION**

GRANT planning permission subject to the following conditions:

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

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

2. The development hereby permitted shall only be occupied by persons of 55 years or older and their dependents.

Reason: To reflect the critical need to provide and retain housing for older people identified in National Guidance.

3. Prior to any part of the development hereby approved reaching slab level details of all external materials including those to be used for all hardsurfacing, parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the

approved details.

Reasons: In the interests of visual amenity.

4. Before any part of the development hereby approved reaches eaves height an acoustic appraisal assessing the impact of noise emissions from traffic using Heath Road on the aural amenity of the future residents shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed before first occupation of any flat to which they relate and retained as such for the life of the development.

Reason: In the interests of aural amenity.

5. Prior to first occupation of any part of the development hereby permitted the following shall be provided and retained for the life of the development without any impediment to their intended use.

- (a) Access, car and cycle parking and turning areas and driver visibility splays shown on drawing no's: BDS-1529-100 rev B and 105 rev A.
- (b) No obstructions more than 0.6 metres above the carriageway level shall be placed any where within the approved driver visibility splays.

Reason: In the interests of highway safety and the free flow of traffic and to encourage the use of sustainable transport.

6. The gradient of the site access shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter and a bound surface shall be used for the first 5 metres of the access from the edge of the highway.

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

7. Before first occupation of the development hereby permitted 2 electric vehicle charging points shall be provided and retained for the life of the development.

Reason: To reduce carbon emissions in the interests of sustainable development.

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

- 1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: In the interests of health and safety.

9. A Closure Report is submitted to the Local Planning Authority upon completion of the works. The closure report shall include full verification details as set out in 3 above. 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.

10. Prior to first occupation of the development hereby approved details shall be submitted to and approved in writing of biodiversity enhancements including a timetable for provision and management of bird nesting boxes and native species planting. The installation of the bird nesting boxes shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity.

11. Prior to commencement of development a landscaping scheme (including protection measures in accordance with BS5837:2012, and long term management) shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012.

Reason: In the interests of visual amenity.

12. The approved landscaping scheme shall be carried out in the first available planting season following first occupation of the development hereby permitted. Any planting which fails to establish or becomes dead dying or diseased within 5 years shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

Reason: In the interests of visual amenity.

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

11. The development hereby approved shall be constructed at the levels shown on drawing no: BDS-1529-102 rev C.

Reason: In the interests of amenity.

12. The bin store shown on drawing no: BDS-1529-100 rev B shall be provided prior to first occupation of any dwelling and retained as such for the life of the development.

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

13. The development hereby approved shall be carried out in accordance with the following approved nos: BDS-1529- 100B, 101A, 102C and 105A.

Reason: In the interests of amenity.

**INFORMATIVES**

- (1) The proposed development is CIL liable. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- (2) You are advised that demolition/construction activities should be restricted to 0800 - 1800 hours (Monday to Friday), 0800 to 1300 hours (Saturdays) with no working on Sunday or Bank Holiday.
- (3) Before carrying out the development you are advised to address the following matters:
  - (a) Routing of construction and delivery vehicles to / from site
  - (b) Parking and turning areas for construction and delivery vehicles and site personnel
  - (c) Timing of deliveries
  - (d) Provision of wheel washing facilities
  - (e) Temporary traffic management / signage
  - 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.
- (4) 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](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>
- (5) Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.
- (6) The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- (7) 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.
- (8) Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (9) 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>

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

Case Officer: Graham Parkinson

# Agenda Item 17



20 m  
100 ft

<b>REFERENCE NO - 19/503314/FULL</b>			
<b>APPLICATION PROPOSAL</b> Demolition of existing buildings within the site and erection of three residential dwellings with associated access, parking, drainage and landscaping.			
<b>ADDRESS</b> Land at Scragged Oak Farm, Scragged Oak Road, Detling, Maidstone, ME14 3HJ			
<b>RECOMMENDATION</b> REFUSE PLANNING PERMISSION			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
<ul style="list-style-type: none"> <li>• Development proposal is in an unsustainable location;</li> <li>• Development proposal would result in an adverse impact on the character of the AONB.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
<ul style="list-style-type: none"> <li>• Detling Parish Council support the application as they consider that the proposal would result in an overall improvement to a rundown site.</li> <li>• No concerns have been raised by neighbouring property owners; therefore the Parish Council has no objections to the approval of this application.</li> </ul>			
<b>WARD</b> Detling	<b>PARISH/TOWN COUNCIL</b> Detling Parish Council	<b>APPLICANT</b> <b>Designer Homes</b> <b>AGENT</b> DHA	<b>Heritage</b>
<b>TARGET DECISION DATE</b> 06.12.2019 (EOT)		<b>PUBLICITY EXPIRY DATE</b> 14.08.2019	

**Relevant Planning History**

18/504632/PAMEET Pre-Application Advice: Demolition of agricultural storage buildings and derelict yard, and replacement with up to 5 new dwellings.

(NB: The applicant's Planning Statement incorrectly includes planning history for the site also called Scragged Oak Farm in Scragged Oak Road but in Hucking, ME17 1QU)

**MAIN REPORT**

**1. DESCRIPTION OF SITE**

- 1.01 The application site covering 1.33 hectares is located in the countryside and in the Kent Downs Area of Outstanding Natural Beauty. The site is outside the areas that adopted policy states are the focus for new development in the borough (in order of preference these are the urban area of Maidstone, the local service centres and larger villages).
- 1.02 There is currently a collection of buildings to the front corner of the site with and open land with a number of trees on the remaining parts of the site and some vegetation along the south-west boundary.

- 1.03 The existing agricultural type buildings consist of stables, workshops and sheds and are mainly of timber and blockwork construction. These buildings have pitched roofs and ridge heights of up to 4.2 metres. There is also a two storey brick and tile farmhouse with a pitched roof with a ridge height of up to 7.5 metres at the highest point.
- 1.04 There is an ancient woodland (Newlands Wood) adjacent to the rear (south west) of the site with a narrow strip of ancient woodland also included within the red line application site boundary. A wildlife site (Cox Street Valley Woods Yalsted) is also located adjacent to the rear site boundary.
- 1.05 The access onto Scragged Oak Road has a gate onto a rough track in the northwest corner of the application site. A public right of way (KH52A) begins on the opposite side of Scragged Oak Road to the northwest of the site. There are no street lighting or pavements provided along this stretch of road.
- 1.06 There are a number of dwellings in the vicinity of the site, including Woodside and Rabbit Farm to the south west the grade II listed, Scragged Oak Farmhouse to the north east.

## **2. PROPOSAL**

- 2.01 The proposal is for the demolition of the existing buildings and residential property on the site, and the erection of three detached residential dwellings and garage block with associated access, parking, drainage and landscaping. The proposed layout of the site includes buildings across the front of the site with domestic gardens and then an 'ecology meadow' across the rear of the site. The ecology meadow is provided with a separate vehicle 'maintenance access' from Scragged Oak Road.
- 2.02 The three new units and garage block would be located in a uniform position set back from the front of the site by approximately 18 metres at the nearest point and partially screened by the proposed landscaping scheme.
- 2.03 Plot one would be two storeys with a pitched roof hipped in on both sides and incorporating a catslide on the flank elevation and it would be served by a double garage. The ground floor would comprise an open plan kitchen, breakfast and family room with a separate utility room, dining hall, drawing room, study and WC. The first floor would comprise five bedrooms, a family bathroom, three en suites and a dressing room. The amenity space would be located to the rear of the property.
- 2.04 Plot two would be two storeys in height with a pitched roof hipped in on both sides and a catslide roof on the front elevation. The ground floor would comprise an open plan kitchen/diner with a separate utility room, living room, family room, study and WC. The first floor would comprise five bedrooms, a family bathroom and three en suites. The amenity space would be located to the rear of the property, and it would be served by a double garage.
- 2.05 Plot three would be two storeys in height with a pitched roof hipped in on one side and catslide roofs on the front and side elevations. The ground floor would comprise an open plan kitchen/breakfast room with a separate dining room, utility room, living room, study and WC. The first floor would comprise five bedrooms, a family bathroom and two ensuites. The amenity space would be located to the rear of the property, and it would be served by an integral double garage.
- 2.06 The development proposal would result in the loss of 700 square metres of outbuildings on the application site. The existing dwelling on the site is part single/part two storey with a floor area of approximately 124 square metres. The

proposal includes three dwellings and garage buildings with a total floor area of approximately 1,050 square metres.

Table 1: Comparison between existing and proposed roof heights

	Existing house	Existing stables and workshops	Plot 1	Plot 2	Plot 3	Garage block
Roof ridge	7.5	4.0	9.5	9.6	9.7	7.1
Roof eaves	5.2	2.5	5.0	2.6	4.8	2.5

### 3. **POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017  
SS1 Spatial strategy  
SP17 Countryside  
DM1 Principles of good design  
DM2 Sustainable design  
DM3 Natural environment  
DM5 Development on brownfield land  
DM23 Parking standards  
DM30 Design principles in the countryside  
DM32 Rebuilding and extending dwellings in the countryside  
Supplementary Planning Documents  
Maidstone Landscape Character Guidance  
AONB Management Plan

### 4. **LOCAL REPRESENTATIONS**

#### **Local Residents:**

- 4.01 No representations were received from local residents either in support or against the proposal.

### 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)

#### Kent Downs Area of Outstanding Natural Beauty Unit

- 5.01 Objects to the application. Concerned that the 3 proposed residential units in this location, outside any recognised settlement boundary, would fail to be in keeping with existing established settlement pattern of the Kent Downs AONB, introducing further domestication of what is essentially a rural open countryside location.
- 5.02 Furthermore, the existing buildings on the site that it is proposed to replace are small scale and, as such, are not particularly visible either in localised views or in the wider landscape. While the proposed new buildings would be of a high quality design, they are much larger in overall mass and scale than the buildings they would replace.
- 5.03 Furthermore, the proposal requires the removal of a section of hedgerow along the site's frontage, further opening up views of the site.
- 5.04 As such, we consider the proposal to be contrary to the Kent Downs AONB Management Plan, in particular policies SD2 and SD9, as well as not complying with landscape character objectives identified for the Mid Kent Downs Local Character Area, as identified in the Landscape Design Handbook, page 48, including conserving the remote quality of the countryside, controlling urban fringe pressures and managing hedgerows.

#### Environmental Services

5.05 No objection subject to contamination conditions and informatives.

KCC Ecology

5.06 No objection subject to the following conditions covering the following mitigation measures for Local Wildlife Site, ancient woodland, hazel dormice, badgers, nesting birds and semi-improved neutral grassland. Details of a lighting scheme to avoid impacts to foraging, commuting and roosting bats and to hazel dormice. Ecological enhancements and management conditions.

Southern Water

5.07 No objection. Requested SUDS drainage details to be submitted to the Local Planning Authority including the following specifications: The responsibilities of each party for the implementation of the SUDS scheme, A timetable for implementation, A management and maintenance plan for the lifetime of the development. An informative was also requested.

Trees and Landscape

5.08 Landscape conditions would be required should this application be granted.

Conservation Officer

5.09 Good quality submission – no further information required.

Environment Agency

5.10 No objection subject to contamination, drainage and restrictive foundation design conditions

KCC Highways

5.11 Development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. Informative requested.

Detling Parish Council

5.12 No objection. Members feel that the proposals are an improvement to the existing site which is in a rundown state. No concerns raised by neighbouring property owners.

## **6. APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to:
- Design, layout and visual impact on the countryside and the AONB;
  - Housing land supply and sustainability
  - Brownfield Land;
  - Natural environment, biodiversity and ancient woodland
  - Setting of the listed building
  - Neighbour amenity
  - Highways, access and parking
  - Groundwater Source Protection Zone
  - Community Infrastructure Levy

### **Design, layout and visual impact on the countryside and the AONB**

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

6.03 In relation to the AONB, policy SP17 advises '*Great weight should be given to the conservation and enhancement of the Kent Downs Area of Outstanding Natural*

*Beauty...* The supporting text advises that the council will ensure proposals, conserve and enhance the natural beauty, distinctive character and biodiversity of the AONB.

- 6.04 The local planning authority has a legal duty to take account of the purposes of AONB designation in determining planning applications within the AONB; these purposes are the conservation and enhancement of the area's natural beauty.
- 6.05 The Kent Downs AONB Landscape Design Handbook sets out the overall Landscape Character Objectives for the area of the current application site as follows:
- To manage and restore hedgerows, trees and woodlands, especially in the valleys.
  - To seek to conserve the small scale of the roads and villages and the remote quality of the countryside.
  - To maintain the existing diversity of orchards, hop gardens, parkland and farmland, and control urban fringe pressures.
- 6.06 The AONB Management Plan is adopted by all the local authorities in Kent as their policy for the management of the AONB and for the carrying out of their functions in relation to it. The recently updated national Planning Policy Guidance confirms that AONB Management Plans can be a material consideration in determining planning applications.
- 6.07 Policy SD2 of the AONB Management Plan states that the local character, qualities and distinctiveness of the Kent Downs AONB will be conserved and enhanced in the design, scale, setting and materials of new development.
- 6.08 Policy SD9 of the AONB Management Plan advises that the locally distinctive character of rural settlements and buildings of the AONB will be maintained and strengthened. New developments will be expected to complement local character in form, setting, scale, contribution to settlement pattern and choice of materials.
- 6.09 Local Plan policy DM30 (Design principles in the countryside) states that the type, siting, materials and design, mass and scale of development and the level of activity should maintain, or where possible, enhance local distinctiveness including landscape features. Policy DM1 seeks high quality design, stating that the Council expects that proposals to positively respond to and, where appropriate, enhance the character of their surroundings.
- 6.10 The existing outbuildings on the site are single storey in height, and the proposed buildings will be up to 2 metres higher than the existing two storey dwelling and have a larger scale, mass (see comparison table after paragraph 2.05).
- 6.11 The buildings have been designed in materials including timber weatherboarding, render and clay tiles. The proposed buildings now span across the entire site with the loss of the current visual break with the neighbouring property called Woodside. The proposal includes site and hedgerow clearance, including forming an additional site vehicle access in a central location in the Scragged Oak Road boundary.
- 6.12 The proposed buildings now span across the entire site with the loss of the current visual break with the neighbouring property called Woodside. The proposal includes site and hedgerow clearance, including forming an additional site vehicle access in a central location in the Scragged Oak Road boundary.
- 6.13 The current buildings on the site are small in scale and not particularly visible either in localised views or in the wider landscape. In addition to the impact from the scale and massing of the new buildings, the prominence of the buildings will be increased by the proposed new access. The new buildings due to their scale and massing and with the clearer views into the site generally the development would have an

adverse impact on the character of this sensitive countryside location. The AONB unit considers that the proposal will result in the domestication of the current rural open countryside location.

- 6.14 The uniform layout and design of the dwellings with little relief between the proposed buildings and the suburban appearance would fail to reflect the sporadic rural layout of the surrounding area. This suburban appearance evident in the scale of the buildings and the hardstanding areas necessary for vehicular access results in a development that would be harmful to the character and local distinctiveness of this area, contrary to Local Plan policies SP17 and DM30.
- 6.15 The proposal is contrary to policies SD2 and SD9 of the Kent Downs AONB Management Plan. The proposal fails to comply with landscape character objectives identified in the Kent Downs Landscape Design Handbook, for the Mid Kent Downs Local Character Area. These objectives include conserving the remote quality of the countryside, controlling urban fringe pressures and managing hedgerows.

#### **Housing land supply and sustainability**

- 6.16 Para 4.29 (Land availability) states, 'The studies show that the local housing target can be met from within the existing built up area and on sites with the least constraints at the edge of Maidstone, the rural service centres and the larger villages'. The council currently has housing land supply for the next supply of 6.3 years (figures relate to 1 April 2019). In the context of the up to date housing figures, the council is achieving a sufficient supply of homes (NPPF paragraph 59).
- 6.17 The adopted Local Plan directs new housing to the most sustainable locations in the borough which provide easy access by sustainable modes to the facilities, goods and services essential for daily life. The Maidstone Urban Area is the preferred location for new development, followed by the designated rural service centres and then the larger villages. The current application site is not within any of these locations or within easy access of any of these areas.
- 6.18 A public transport journey from the site to the centre of Maidstone takes 1 hour 41 minutes and would require a 34 minute walk along unlit country roads to Bredhurst and then two separate buses (source: Traveline Southeast). In this context, and the absence of local facilities the application site is in an unsustainable location where future occupants would not be provided with any sustainable travel choice and would be dependent on the private car for their daily needs.

#### **Brownfield Land**

- 6.19 Policy DM5 (Development of brownfield land) states that, '*Exceptionally, the residential redevelopment of brownfield sites in the countryside which are not residential gardens...will be permitted provided the redevelopment will also result in a significant environmental improvement and the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village*'.
- 6.20 The redevelopment of brownfield sites as advised by policy DM5 will be permitted where the site is not of high environmental value and where residential density reflects the local area. In addition to domestic gardens, agricultural buildings are also excluded from the definition of brownfield land.
- 6.21 The majority of the application site is open land, and this open land and the curtilage of the existing residential property falls outside the definition of brownfield land. The application will involve the removal of a number of small-scale buildings that are agricultural in appearance. Whilst there is no record of any planning permission, the applicant describes these existing buildings in the planning statement as "*...sheds, stables and storage buildings used for industrial and storage purposes*". On the basis of this information from the applicant, the footprint of these buildings

and associated access that covers around 15-20% of the total application site area would be considered brownfield land.

- 6.22 The application site is considered to be of high environmental value due to the designated Kent Downs AONB but it is also acknowledged that the existing buildings on the site are in a poor state of repair. This rural location including the existing buildings on the site have a sporadic low density rural character.
- 6.23 The current proposal fails to reflect this character and local layout with four large formal buildings proposed across the site frontage. It is considered that due to the scale and layout of the proposed buildings they fail to reflect local character and therefore would not result in a significant environmental improvement. The application site is not accessible by sustainable modes to Maidstone urban area, a rural service centre or a larger village. In this context the proposal is contrary to local plan policy DM5.

#### **Natural environment, biodiversity and ancient woodland**

- 6.24 Local Plan policy DM3 encourages development which protects and enhances the natural environment by incorporating measures to protect positive landscape character, areas of Ancient Woodland, trees of significant amenity value. Development should enhance, extend and connect designated sites of importance for biodiversity, priority habitats and fragmented ancient woodland.
- 6.25 Information was submitted with the current application with regard to habitats on the site and mitigation measures to alleviate any potential impact on the wildlife. The current application includes an ecology meadow across the rear of the site. This ecology meadow provides a 30 metre buffer between the new houses and the ancient woodland at the rear of the application site.
- 6.26 KCC Ecology found the submitted information acceptable and had no objections to the development proposal subject to planning conditions. In the event that planning permission were approved KCC Ecology recommended conditions relating to mitigation measures for the local wildlife site, ancient woodland, hazel dormice, badgers, nesting birds. Conditions would be required in relation to providing semi-improved neutral grassland and details of a lighting scheme to avoid impacts to foraging, commuting and roosting bats and to hazel dormice. Ecological enhancements and management conditions were also requested.

#### **Setting of the listed building**

- 6.27 Local Plan policy DM4 sets out that new development would be expected to conserve and where possible enhance the significance of the heritage asset and, where appropriate, its setting. Development proposals would be expected to respond to the historic environment by taking into account any heritage assets and their settings that could reasonably be impacted by the proposed development, the significance of those assets and the scale of the impact of the development.
- 6.28 The Scragged Oak Farmhouse grade II listed building would be located approximately 20 metres to the northeast of the proposed properties. The current site access retained to provide maintenance access to the ecology meadow running between the buildings.
- 6.29 The council's conservation officer has stated that in terms of the potential heritage impact the development proposal had been well designed. There are no objections with regard to the potential impact of the proposal on the setting of the listed building.

#### **Neighbour amenity**

- 6.30 Policy DM1 seeks to respect the amenities of occupiers of neighbouring properties and provide adequate residential amenities for future occupiers by ensuring that

development does not result in, or is exposed to excessive noise, 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.

- 6.31 The nearest property, Scragged Oak Farm, would be approximately 20 metres from the development proposal. Plot 3 would have no fenestration on the flank wall other than a ground floor kitchen window. The distance in conjunction with the orientation of the property would ensure that the relationship between the properties is acceptable in relation to neighbour amenity.
- 6.32 In relation to amenities for future occupants, the proposed plots on the application site are located a sufficient distance from each other and orientated in such a way that any a good standard of accommodation would be provided.

#### **Highways, access and parking**

- 6.33 The application site is located in an unsustainable area with no public transport links and would therefore generate additional vehicle movements on local roads. It is considered that there is sufficient capacity on the local road network to accommodate the additional traffic generated by the proposed houses.
- 6.34 Each proposed property would have two garage spaces with two further spaces available in front, this is adequate provision for five bedroom dwellings.
- 6.35 Details of cycle parking and electrical vehicle charging infrastructure would need to be included as part of the development, but this could be dealt with by condition.
- 6.36 With the removal of sufficient areas of hedge to provide the necessary sightlines for drivers, the new access in the site frontage would be considered acceptable in relation to highway safety.

#### **Groundwater Source Protection Zone**

- 6.37 DM3 (Natural environment) states that pollution should be controlled to protect ground and surface waters. There is a need to mitigate against adverse impacts on Groundwater Source Protection Zones.
- 6.38 In order to take account of this issue, Environmental Services and the Environment Agency have requested contamination, drainage and restrictive foundation design conditions should permission be approved.

#### **Community Infrastructure Levy**

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

### **7. CONCLUSION**

- 7.01 The proposed development would result in an extensive increase in built development in a sensitive rural area, resulting in a detrimental impact by virtue of the bulk, massing, scale and height of the proposal.
- 7.02 The development of the site for residential properties in this unsustainable location would constitute an inappropriate form of development that would result in a reliance on the use of a private motor vehicle by future occupants for day to day living.

**8. RECOMMENDATION**

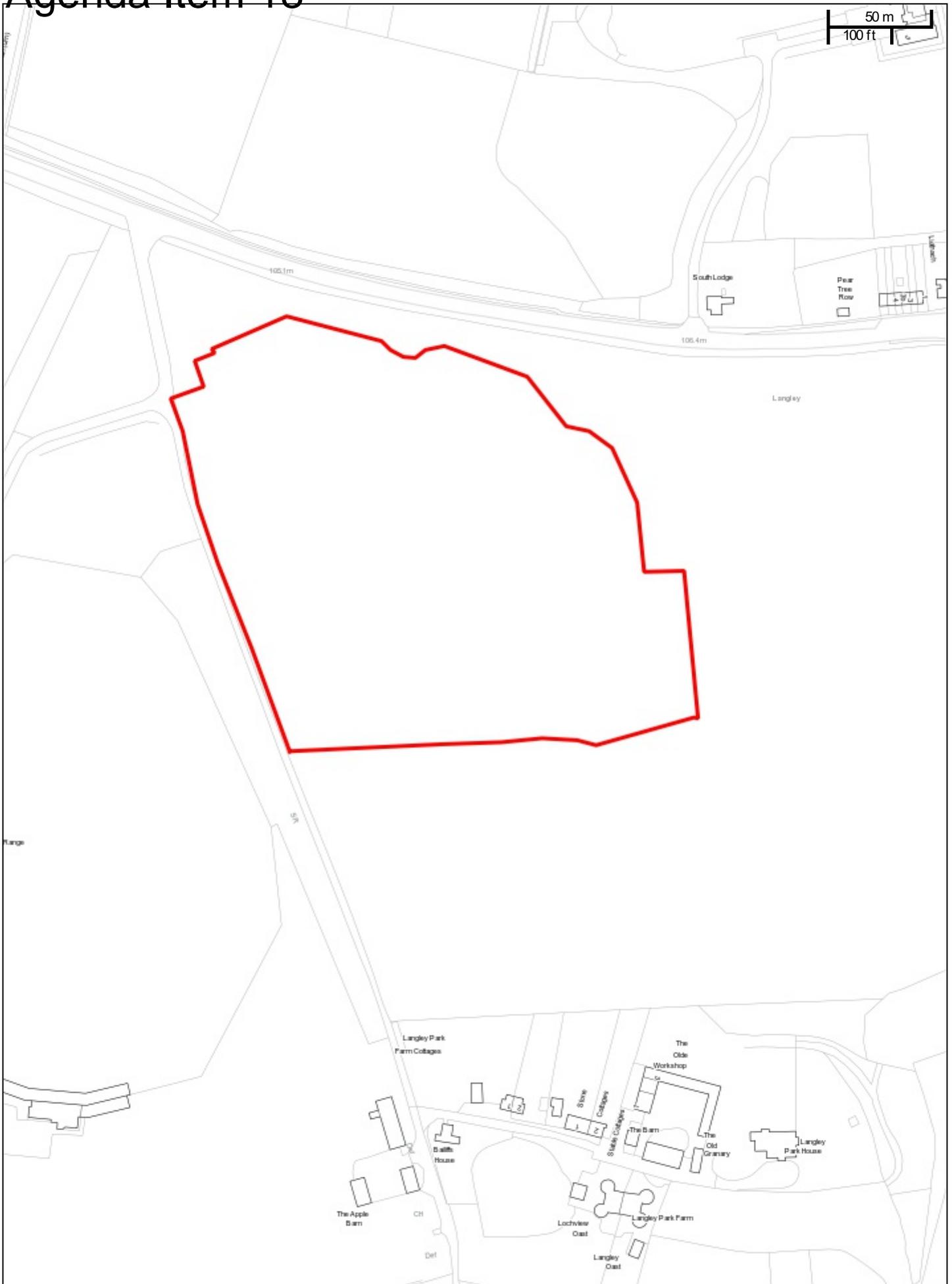
REFUSE planning permission for the following reasons:

- 1) The development, due to its height, size, design and siting of buildings, the excessive hard surfacing at the front of the site and the partial removal of the hedgerow, would result in poorly integrated form of development that has a suburban appearance that would be detrimental to the character of the rural area and Kent Downs Area of Outstanding Natural Beauty. As such, it would be contrary to policies SP17 (Countryside), DM1 (Principles of good design), DM30 (Design principles in the countryside) of the Maidstone Borough Local Plan 2017 and policies SD2 and SD9 of the Kent Downs AONB Management Plan.
- 2) The proposal involving provision of new housing in an unsustainable location would result in an over reliance on the private motor vehicle by future occupants in meeting daily needs. As such, it would be contrary to policies SS1 (Spatial Strategy) DM1 (Principles of good design), DM5 (Development of brownfield land), DM30 (Design principles in the countryside) of the Maidstone Borough Local Plan 2017.

**INFORMATIVES**

You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

# Agenda Item 18



19/503395/REM - Land South of Sutton Road

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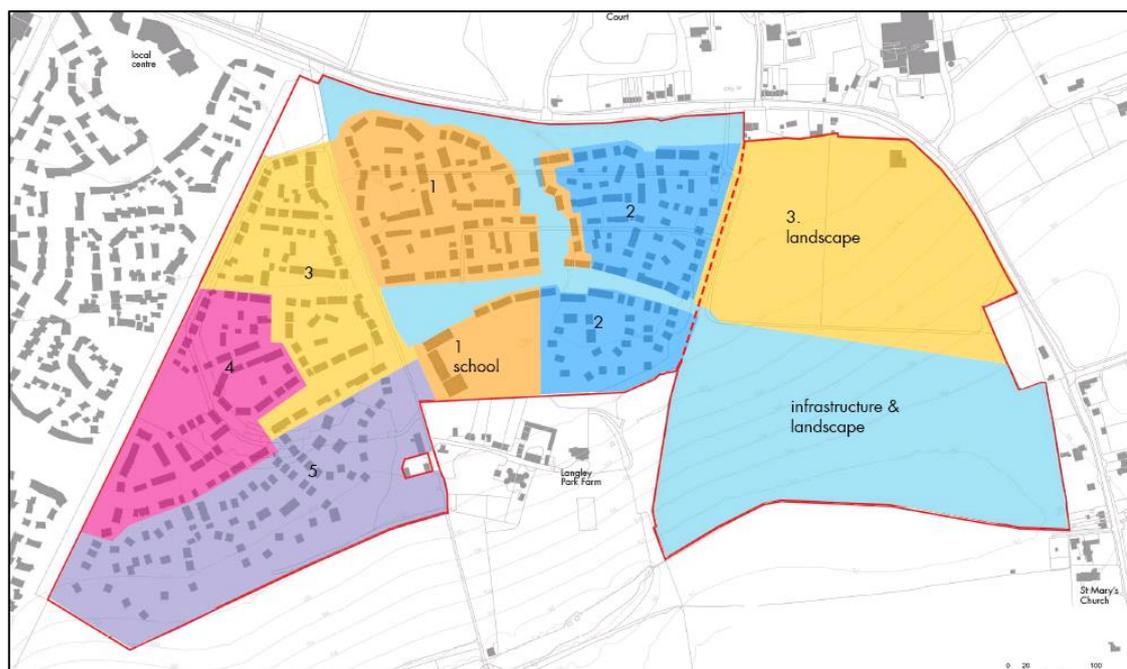
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<b>REFERENCE NO - 19/503395/REM</b>			
<b>APPLICATION PROPOSAL</b>			
Approval of Reserved Matters of phase 1 of outline planning permission 15/509015/OUT, for the erection of 173 dwellings, and associated highways works and landscaping. (Appearance, landscaping, layout and scale being sought).			
<b>ADDRESS</b> Land South Of Sutton Road, Langley, Kent			
<b>SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS)</b>			
<ul style="list-style-type: none"> <li>• The site forms part of the wider housing allocation for 800 houses in the Local Plan under policy H1(10), and benefits from outline planning permission.</li> <li>• The proposals comply with the relevant criterion under policy H1(10), other relevant policies within the Local Plan, and parameters of the outline permission.</li> <li>• The development is considered to be of a high quality in terms of its design, layout, materials, and landscaping.</li> <li>• Permission is therefore recommended.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Langley Parish Council wish to see the application refused and reported to Planning Committee for the reasons set out below.			
<b>WARD</b> Park Wood	<b>PARISH COUNCIL</b> Langley	<b>APPLICANT</b> Countryside Properties <b>AGENT</b> DHA Planning	
<b>DECISION DUE DATE</b> 06/12/19		<b>PUBLICITY EXPIRY DATE</b> 20/09/19	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/509015	Outline application for residential development (up to 800 houses), together with non-residential uses (including potentially A1, A3, A4, D1(a), D1(b), or B1, up to 0.4 ha of land reserved for C2 (residential care), the reservation of 2.1 ha of land for primary education (use class D1), public open space in the form of natural green space, allotments, play facilities and informal open space together with landscaping, parking, footpath and cycle links and the necessary servicing, drainage and the provision of necessary utilities infrastructure, with all matters reserved for future consideration with the exception of access.	APPROVED	18.04.18

18/505429	Reserved matters for the associated infrastructure pursuant to outline application 15/509015.	APPROVED	19.11.19
19/503614	Approval of Reserved Matters of appearance, landscaping layout and scale for the erection of four dwellings (that will be used as a temporary sales area) following the approval of outline planning permission ref. 15/509015.	PENDING	

## 1.0 DESCRIPTION OF SITE

1.01 The application relates to the housing associated with Phase 1 of the approved development of 800 houses. Phase 1 is within the northwest corner of the wider site and fronts Sutton Road with the private access way to the Langley Park Farm hamlet to the west. A separate 'infrastructure and landscape' application has been approved including structural landscaping across the frontage with Sutton Road, the roundabout access, and main spine road into the site. Phase 1 would be set inside the structural landscaping and accessed off the main spine road as can be seen on the Phasing Plan below.



Phasing Plan

## 2.0 PROPOSAL

2.01 The application seeks permission for the reserved matters of appearance, landscaping, layout and scale for 173 dwellings with roads linking off the main spine road. A mix of detached, semi-detached, and terrace houses, and some apartment blocks are proposed with 2, 3, and 3.5 storey heights.

The layout and design will be discussed in more detail in the assessment below.

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

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP3, SP19, SP20, SP23, H1, ID1, H1(10), DM1, DM2, DM3, DM6, DM8, DM12, DM19, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- MBC Air Quality Planning Guidance (2018)
- MBC Public Art Guidance (2018)

### **4.0 LOCAL REPRESENTATIONS**

4.01 **Local Residents:** 2 representations received raising the following (summarised) points:

- Frontage houses should not be 3 storeys.
- Does not blend in with existing housing or countryside.
- Style should reflect traditional Kentish rural buildings.
- Impervious surfaces.
- Lack of green space.
- Traffic and congestion.

4.02 **Langley Parish Council:** Raise the following (summarised) points:

*"Langley Parish Council acknowledges the height parameter plan agreed under reference 15/509015, however, we would still wish to uphold our objections especially in relation to the urban design."*

- Strongly object to three storey houses fronting the development along the main road as they houses create an oppressive 'urban feel' and therefore becomes an extension of Maidstone and not that of going into rural Langley.
- If this three storey frontage is allowed it is likely to follow along the length of the A274
- A more 'rural Kentish' design be applied to the housing (white weather boarding, Kent peg tiles (or similar), ragstone wall features).
- The 'diaper' criss cross pattern is not in keeping with the countryside.
- Apartment block 138-158 has an overbearing impact on the site.
- The overall design and layout is very urban.
- The tree planting schemes in the development are commendable, but there is a lack of green pockets of open public space for play areas/meeting points and to sustainably encourage wildlife.
- The vast amount of hard standing throughout the development does little to soften this feel concern in respect of rain water absorption and its subsequent disposal.
- To summarise, we would wish to see the height of the houses reduced to an absolute maximum of 2 1/2 storeys generally, reducing to 2 storeys along the frontage, to minimise visual impact.

## **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 **Historic England:** No comments and defer to Conservation Officer.

5.02 **Conservation Officer:** No objections. *"This phase has little impact in terms of conservation issues. The site is remote from St Mary's church Langley and will not have a harmful impact on Langley Park Farm. There is no reason to raise any objection on conservation grounds."*

5.03 **Highways England:** No objections.

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

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

5.06 **KCC Highways:** No objections.

5.07 **KCC PROW:** No objections.

5.08 **KCC Lead Local Flood Authority:** No objections.

5.09 **KCC Ecology:** No objections.

5.10 **KCC Archaeology:** No objections.

5.11 **MBC Environmental Health:** No objections.

## **6.0 APPRAISAL**

6.01 The principle of housing development at the site has been accepted under the outline consent and the site is allocated in the Local Plan for housing under policy H1(10). The key issues to consider are the following:

- Design, layout, scale, landscaping and compliance with the site allocation policy and outline permission.
- Highways, ecology and other matters.

### Design & Layout

6.02 The site allocation policy does not have any criterion specifically relevant to the layout in Phase 1. The outline permission was accompanied by five Parameter Plans relating to density, heights, strategic landscaping, access/movement, and land use. These Parameters Plans were accepted at the outline stage and secured under condition 41. Reference to these plans will be made where relevant.

- 6.03 The layout is made up of a number of perimeter blocks of housing with different character areas. Along the frontage, the housing is set well back (34m) from Sutton Road as there is an area of strategic landscaping in front which has been approved under the separate 'infrastructure' reserved matters application. Here the housing is in blocks of 2 or 3 properties at three storeys so as to create a strong building line which addresses Sutton Road and overlooks the pathways within the strategic landscaping. Views of these buildings would be broken by the strategic landscaping area which varies in height and it's planting. Similar buildings would continue alongside the roundabout and into the site along the east boundary where housing fronts the main spine road that was approved under the 'infrastructure' application. In the southeast corner three storey apartments and townhouses would front the spine road providing a higher density and creating a sense of arrival as advocated by 'Maidstone Building for Life 12'. Along the south boundary would be a strong line of terrace and semi-detached houses that would front a large green approved under the 'infrastructure' application.
- 6.04 Within the development would be a small central 'square' where the two main internal roads meet, which is created through the off-setting buildings lines to open up the space, the use of different surface materials, and additional space to provide for tree planting. This creates a wayfinding feature and sense of arrival in the centre of this phase as advocated by 'Maidstone Building for Life 12'. The density lowers towards the west edge with detached properties and a more rural character created by narrower shared surface roads that would have 'softer' surfaces and more room for landscaping referred to as 'rural lanes'. Development is also set back from the west boundary to allow space for landscaping which adds to the rural character. There would be two 'Mews' character areas at the southern end together with the apartment blocks which are characterised by tight building angles, hard surfaces and enclosure, creating a tighter urban character. The internal roads would not be adopted which allows for more varied surface materials and shared surface streets as advocated by 'Maidstone Building for Life 12'.
- 6.05 More generally, the layout provides strong street scenes with houses addressing all roads, and buildings turning corners with architectural detailing and/or windows. Buildings are positioned to provide end stops to views within the layout, for example, the apartments which address the main spine road, and the terrace row at the west side of the central square. The layout ensures good vehicular, pedestrian, and cycle connectivity to the main spine road and strategic areas of open space, along with future phases of the development to the west in accordance with policy DM1 of the Local Plan.
- 6.06 The approved density Parameter Plan allows for a mix of densities across this Phase ranging from 30 dwellings per hectare (dph) in the northern part, and up to 40dph across the southern part. The average density is slightly above this at 42dph but is not significantly greater nor does it result in a harmful development. In the northern and western parts of the site with lower density, buildings are set back from the roads with landscaped

front gardens so that parking is not dominant. The southern part is denser with an urban character so more use of hard surfacing.

- 6.07 The Parish Council comment that there is a lack of green public space within this Phase. Strategic open space has been approved along the site frontage with Sutton Road adjacent to this Phase and a large 'village green' is approved immediately to the south. This Phase needs to be viewed in the context of these areas which would provide sufficient open space in close proximity to Phase 1.
- 6.08 In terms of parking, the provision generally lines up with the adopted standards. The scheme provides a total of 237 (excluding garages and car ports), and 43 visitor spaces. There is tandem parking proposed for some of the 4 bedroom properties but this allows more space for landscaping and an overprovision of visitors parking has been provided to deal with any overspill parking. Overall, I consider the approach here strikes the right balance between adequate provision and securing an attractive layout as per policy DM23.
- 6.09 Overall, the layout is considered to be of high quality creating a number of clear character areas, well defined and quality streets and spaces, good connectivity and legibility, as advocated by 'Maidstone Building for Life 12' policy DM1 of the Local Plan.

#### Appearance & Scale

- 6.10 The site policy has no specific requirements for appearance and scale but policy DM1 seeks high quality design and positive responses to local character. Condition 39 of the outline permission limits heights to those shown on the approved 'Building Heights Parameter Plan', which allows for 3 storey heights across the entire site and 3.5 storeys in the southeast corner.
- 6.11 The proposed buildings are mainly of a more contemporary style than say the more 'traditional' and common housing styles found in the recent developments to the west on Sutton Road, and indeed on many other housing estates. This is through simple and uncluttered buildings with the use of strong gables that front onto streets as a recurring theme, in rows of houses to emphasise the gables and create rhythm. This creates a distinctive character as advocated by 'Maidstone Building for Life 12'.
- 6.12 The finish of the buildings would be crisp with minimal facias to emphasise the gables and create clean lines to the roofs. A key to achieving this is to ensure that any paraphernalia such as meter boxes and guttering is positioned to limit its impact which can be secured by condition. Detailed brickwork features around and between windows to break up elevations would be used including diaper patterned brickwork, hit and miss raised brickwork, and striped brickwork to provide interest. Additional brickwork features have been negotiated on more prominent buildings and will be secured by condition. To ensure quality detailing and finishes a condition will be attached to require specific details of windows, guttering, gable verges, facias, soffits, porches, and brickwork.

- 6.13 The apartment blocks would also use the strong gables to create rhythm to the buildings and their height and massing would be broken up with the use of diaper pattern brickwork, projecting bays, fenestration and juliet balconies. Additional diaper brickwork has been negotiated on the apartments to provide further interest and will be secured by condition.
- 6.14 More traditional styles are proposed on the western side where the density is lower and gables are side on rather than fronting streets. Black composite weatherboarding would be used here to provide a softer, more 'rural' appearance.
- 6.15 Materials would include a range of contrasting stock bricks for the main parts of the buildings, soldier courses, feature panels, and diaper work, and whilst of a more contemporary style, clay tiles and quality semi-composite slate to the roofs would be used to provide vernacular materials. These would be formally approved via samples under condition 17 of the outline consent.
- 6.16 Langley Parish Council does not consider the design and appearance is in keeping with the countryside, is too urban, and should be more 'rural Kentish'. The wider site is within the defined urban area of Maidstone (not the countryside), Phase 1 adjoins existing development, and the outline permission allows for higher density in this part of the site. As such, this phase does not form a transition with the countryside and so a more contemporary and urban style is entirely acceptable. I would also suggest that provided a design is of sufficient quality in itself, and is not within a strongly protected area such as a Conservation Area, there is no need to slavishly follow a pastiche.
- 6.17 The building heights range from 3 storey houses along the Sutton Road frontage, 3 to 3.5 storeys for the apartments in the southeast corner, and 2 storeys on the western edge. Within the site there is a mix of 2 and 3 storey heights. Importantly, 3 storey heights (up to 13m) have been accepted in principle by the Local Planning Authority across the entire site when the outline permission was approved with the 'Building Heights Parameter Plan'. This also allows for 3.5 storeys (up to 13.5m) in the southeast corner where the apartments are proposed. The proposals are within these parameters.
- 6.18 Langley Parish Council, whilst acknowledging the approved Parameter Plan, objects to 3 storey houses along Sutton Road and anything above 2.5 storeys. Notwithstanding the fact that these are allowed under the outline permission, the buildings fronting Sutton Road would be set well back from the road (34m) with strategic landscaping in front. As such the heights (around 11m) would be entirely appropriate and in proportion with the width of Sutton Road, and the distance from it. The taller apartment blocks (13.3m) would be facing onto the main spine road which, with landscaping and public realm, would vary in width from 30-40m. This width to height ratio would be suitable to accommodate the taller buildings here without being oppressive. The apartments themselves would be broken up through variations in roof heights, projections, recesses and materials. The variation

in heights also provides interest and character as advocated by policy DM1 of the Local Plan and 'Maidstone Building for Life 12'.

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

#### *Surfacing & Boundary Treatments*

6.20 Surfacing would reflect the different character areas. The central square would have block paving with a hoggin surface, the north and west edges would have grey block paving, the 'rural lanes' would have buff coloured paving, and one of the 'mews' areas would be block paved. Parts of the central road would use tarmac but the scheme would in the main have block paving of varying colours. Exposed boundary treatments would be brick walling but some more prominent along the main spine road and west boundary would be ragstone. Houses and gardens would be laid out to ensure sufficient privacy and outlook and the development. Overall, I consider these details would provide a high quality appearance to the development in accordance with policy DM1 of the Local Plan.

#### Landscaping & Ecology

6.21 The landscaping scheme also reflects the character areas with tight groups of ornamental trees around the central square to provide a clear focal point; an avenue of trees along the north/south central road to provide architectural interest and a formal avenue; flowering native trees within grass verges, hedges, and wildflower planting are used within the 'rural lanes' to the west; and the use of specimen trees (pear, hawthorn, cherry) to create green 'pinch points' within the more urban 'mews' areas. Front gardens feature a mix of shrubs, trees and hedging. The species are largely native but some ornamental species are used, to tie in with the design concept. The principles of the landscaping would create a high quality environment and the precise planting specifications and plant schedules would be provided under condition 4 of the outline consent.

6.22 KCC Ecology advises that the proposals align with the parameters at outline stage and therefore the ecological appraisals at the time. The applicant has submitted a review and update of existing survey data which outlines changes from the previous survey results being a tree with bat roost potential along the western boundary (which will be retained), and a potential badger sett within the middle of the Phase 1 site, although surveys have yet to be completed to find out whether it is active. Whilst no proposals have been put forward for a replacement badger sett, KCC Ecology are satisfied this information is not required as part of this application because there is sufficient space to create a sett within the wider site, if necessary. Enhancements within Phase 1 would include swift bricks and bat boxes integral to buildings, and wildlife friendly gullies, which is suitable.

#### Highways

6.23 The vast majority of this phase will not be adopted by the Highways Authority, however, KCC have provided advice on the layout which has been subject to an independent Stage 1 Safety Audit. The phase involves large amounts of shared surface roads, and through review with KCC, speed attenuation measures and increased visibility has been provided. KCC have confirmed they have no objections to the proposed road layout.

#### Other Matters

##### *Affordable Housing*

6.24 Affordable housing would be provided at 30% of which 65% would be affordable rent and 35% shared ownership. This tenure split was accepted at the outline stage and is confirmed in the legal agreement. The unit sizes are generally in accordance with the current need. The housing would be provided in two clusters in the southeast corner and on the western edge which is acceptable.

##### *Surface Water Drainage*

6.25 The strategy to deal with surface water from Phase 1 is via the 'strategic' drainage system for the wider site. This scheme involves intercepting water where it falls by means such as permeable paving, runoff then conveyed to a series of swales and retention areas which act to slow down the rate of runoff, and then finally to the wetland area in the south east corner of the wider site as approved under the 'infrastructure' application, where it is managed through a series of three water storage features and discharges to the Loose Stream. In Phase 1, street-based source control features such as permeable paving would be used with surface water collected in a pipe system where it will be conveyed to the wetland area in the south east corner. The fine details of the SUDs schemes (pipe sizes etc.) will be approved under condition 33 of the outline consent.

##### *Renewables*

6.26 Condition 30 of the outline consent requires that 10% renewable energy production is achieved over the entire site. For Phase 1 this will be through PV panels on the apartments, and this would be discharged separately under the condition. Condition 36 requires charging points for dwellings with dedicated off-street parking so would ensure these are provided on this phase.

## **7.0 CONCLUSION**

7.01 For the above reasons the layout, appearance and landscaping proposals are considered to be acceptable and provide a high quality development in accordance with site policy H1(10), and other relevant policies within the Local Plan. The scale of the development is acceptable and in accordance with the height Parameter Plan already approved under the outline consent. Permission is therefore recommended subject to the following conditions.

## 8.0 RECOMMENDATION

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

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the most recent revised plans as shown on the Drawing Register received on 15/11/19.

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

2. No development above slab level shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority:
  - a) Details of fenestration, cills, and recesses/reveals (in the form of large scale drawings (at a scale of 1:20 or 1:50)).
  - b) Details of gable verges, facias and soffits to be minimal in size to reflect the approve plans (in the form of large scale drawings (at a scale of 1:20 or 1:50)).
  - c) Details of porch overhangs (materials, junctions, supports).
  - d) Details of balconies (materials and fixings).
  - e) Details of gutters and downpipes (materials) and their locations, which shall be positioned to limited their visibility from public vantage points.

Reason: To ensure a high quality design and finish.

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

Reason: To ensure a high quality design.

4. No development above slab level shall take place until details of additional hit and miss raised brickwork panels on prominent buildings, and additional diaper brickwork on the apartment blocks have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

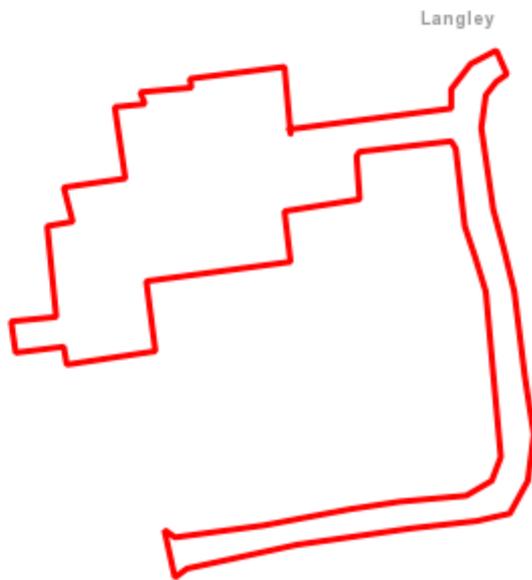
Reason: To ensure a high quality design.

5. The approved details of the vehicle and cycle 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.

# Agenda Item 19



<b>REFERENCE NO - 19/503614/REM</b>			
<b>APPLICATION PROPOSAL</b>			
Approval of Reserved Matters of appearance, landscaping layout and scale for the erection of four dwellings (that will be used as a temporary sales area) following the approval of outline planning permission ref. 15/509015/OUT.			
<b>ADDRESS</b> Land South Of Sutton Road, Langley, Kent			
<b>SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS)</b>			
<ul style="list-style-type: none"> <li>• The site forms part of the wider housing allocation for 800 houses in the Local Plan under policy H1(10), and benefits from outline planning permission.</li> <li>• The proposals comply with the relevant criterion under policy H1(10), other relevant policies within the Local Plan, and parameters of the outline permission.</li> <li>• The development is considered to be of a high quality in terms of its design, layout, and materials.</li> <li>• Permission is therefore recommended.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Langley Parish Council wish to see the application refused and reported to Planning Committee for the reasons set out below.			
<b>WARD</b> Park Wood	<b>PARISH COUNCIL</b> Langley	<b>APPLICANT</b> Countryside Properties <b>AGENT</b> DHA Planning	
<b>DECISION DUE DATE</b> 06/12/19		<b>PUBLICITY EXPIRY DATE</b> 20/09/19	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/509015	Outline application for residential development (up to 800 houses), together with non-residential uses (including potentially A1, A3, A4, D1(a), D1(b), or B1, up to 0.4 ha of land reserved for C2 (residential care), the reservation of 2.1 ha of land for primary education (use class D1), public open space in the form of natural green space, allotments, play facilities and informal open space together with landscaping, parking, footpath and cycle links and the necessary servicing, drainage and the provision of necessary utilities infrastructure, with all matters reserved for future consideration with the exception of access.	APPROVED	18.04.18

18/505429	Reserved matters for the associated infrastructure pursuant to outline application 15/509015.	APPROVED	19.11.19
19/503395	Approval of Reserved Matters of phase 1 of outline planning permission 15/509015/OUT, for the erection of 173 dwellings, and associated highways works and landscaping. (Appearance, landscaping, layout and scale being sought).	PENDING	

## **1.0 DESCRIPTION OF SITE**

1.01 The application relates to 4 dwellings that will be used as a temporary sales area in association with the approved development of 800 houses. The houses are within the centre of the site fronting Sutton Road. A separate 'infrastructure and landscape' application has been approved including structural landscaping across the frontage with Sutton Road, the roundabout access, and main spine road into the site. The 4 dwellings would be to the southeast of the roundabout.

## **2.0 PROPOSAL**

2.01 The application seeks permission through reserved matters of appearance, landscaping, layout and scale for 4 dwellings. The dwellings would be used as a temporary sales area in the first instance before being used as market houses within Phase 2 of the scheme, once the overall development has been completed. The 4 dwellings would be served from a temporary access from the main spine road with car parking to the front on a temporary basis for 2 years or until the adjacent spine road and its associated pedestrian links become operational.

2.02 The houses would follow the design theme of Phase 1 with two sets of gable fronted buildings of 2 and 3 storey height linked by a garage.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP3, SP19, SP20, SP23, H1, ID1, H1(10), DM1, DM2, DM3, DM6, DM8, DM12, DM19, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- MBC Air Quality Planning Guidance (2018)
- MBC Public Art Guidance (2018)

## **4.0 LOCAL REPRESENTATIONS**

4.01 **Local Residents:** 1 representation received raising the following (summarised) points:

- Frontage houses should not be 3 storeys.
- Does not blend in with existing housing or countryside.
- Style should reflect traditional Kentish rural buildings.
- Impervious surfaces.
- Lack of green space.
- Traffic and congestion.

4.02 **Langley Parish Council:** Raise the following (summarised) points:

*"Langley Parish Council acknowledges the height parameter plan agreed under reference 15/509015, however, we would still wish to uphold our objections especially in relation to the urban design."*

- Plots 176 and 177 are too high and have the appearance of 'urban' town houses. The 'diaper' pattern on the frontage also does not enhance the property with a rural feel.
- Plots 174 and 175 the 'diaper' pattern is not in keeping with the countryside.
- We would like to see the height of the houses reduced to a maximum of 2 1/2 storeys and a more 'rural Kentish' design be applied to the housing (white weather boarding, Kent peg tiles (or similar), ragstone wall features).

## **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 **KCC Highways:** No objections subject to the visitor parking area having temporary permission.

## **6.0 APPRAISAL**

6.01 The principle of housing development at the site has been accepted under the outline consent and the site is allocated in the Local Plan for housing under policy H1(10). The key issues to consider are the following:

- Design, layout, scale, landscaping and compliance with the site allocation policy and outline permission.
- Highways matters.

### Design & Layout

6.02 The site allocation policy does not have any criterion specifically relevant to the layout in this part of the site. The outline permission was accompanied by five Parameter Plans relating to density, heights, strategic landscaping, access and movement, and land use. These Parameters Plans were accepted at the outline stage and secured under condition 41. Reference to these plans will therefore be made where relevant.

- 6.03 The siting of the four houses follows that of the housing within Phase 1 with a similar set back from the main spine road and Sutton Road. The houses suitably address the roundabout, spine road, and Sutton Road providing a focal building on the entrance to the site. The north flank wall of the houses would have windows and diaper pattern brickwork to ensure this elevation is animated towards Sutton Road. The positioning of the houses would allow for further development within Phase 2 that would be consistent with the layout approach on Phase 1, and so would ensure a high quality development in accordance with policy DM1 of the Local Plan.
- 6.04 A temporary parking area for the sales units is proposed to the front but once removed a large landscaped area would remain which would provide an appropriate frontage.

#### Appearance & Scale

- 6.05 The site policy has no specific requirements for appearance and scale but policy DM1 seeks high quality design and positive responses to local character. Condition 39 of the outline permission limits heights to those shown on the approved 'Building Heights Parameter Plan', which allows for 3 storey heights at this part of the site.
- 6.06 The proposed houses follow the same design concept as Phase 1 with a more contemporary style than say the more 'traditional' and common housing styles found in the recent developments to the west on Sutton Road, and indeed on many other housing estates. This is through simple and uncluttered buildings with the use of strong gables that front onto streets as a recurring theme, in rows of houses to emphasise the gables and create rhythm. This creates a distinctive character as advocated by 'Maidstone Building for Life 12'.
- 6.07 The finish of the buildings would be crisp with minimal facias to emphasise the gables and create clean lines to the roofs. A key to achieving this is to ensure that any paraphernalia such as meter boxes and guttering is positioned to limit its impact which can be secured by condition. Detailed brickwork features around and between windows to break up elevations would be used including diaper patterned brickwork, hit and miss raised brickwork, and striped brickwork to provide interest. Additional brickwork features have been negotiated on more prominent buildings and will be secured by condition. To ensure quality detailing and finishes a condition will be attached to require specific details of windows, guttering, gable verges, facias, soffits, porches, and brickwork.
- 6.08 Materials would include a range of contrasting stock bricks for the main parts of the buildings, soldier courses, feature panels, and diaper work, and whilst of a more contemporary style, clay tiles and quality semi-composite slate to the roofs would be used to provide vernacular materials. These would be formally approved via samples under condition 17 of the outline consent. Hit and miss brickwork has been negotiated to the garage fronting the entrance road to provide interest on this elevation.

- 6.09 Langley Parish Council does not consider the design and appearance is in keeping with the countryside, is too urban, and should be more 'rural Kentish'. The wider site is within the defined urban area of Maidstone (not the countryside) and the site fronts Sutton Road. As such, this area does not form a transition with the countryside and so a more contemporary style is entirely acceptable. I would also suggest that provided a design is of sufficient quality in itself, and is not within a strongly protected area such as a Conservation Area, there is no need to slavishly follow a pastiche.
- 6.10 The building heights are 2 storeys for the pair closest to Sutton Road and 3 storeys for the other pair. Importantly, 3 storey heights (up to 13m) have been accepted in principle by the Local Planning Authority in this part –of the site when the outline permission was approved with the 'Building Heights Parameter Plan'. The proposals are within these parameters.
- 6.11 Langley Parish Council, whilst acknowledging the approved Parameter Plan, objects to 3 storey houses along Sutton Road and anything above 2.5 storeys. Notwithstanding the fact that these are allowed under the outline permission, the 3 storey buildings are set well back from the main spine road (22m) with strategic landscaping in front. As such the heights would be entirely appropriate and in proportion with the width and set back from the spine road.
- 6.12 The exposed garden boundary on the north side would be brick walling and the houses and gardens would be laid out to ensure sufficient privacy and outlook. Space to the front of the houses is provided for grass/landscaping with the precise planting specifications and plant schedules provided under condition 4 of the outline consent.
- 6.13 Overall, I consider the appearance and scale of the buildings to be to a high standard and in accordance policy DM1 of the Local Plan.

#### Highways

- 6.14 The visitor parking for the sales houses will be temporary for 2 years until such time that a permanent access to the houses has been submitted under Phase 2 of the development. The visitor parking would not be acceptable on a permanent basis as it represents a poor visual feature at the main entrance to the site. Kent Highways also consider there would be a conflict with pedestrians once the spine road and pavement are in use. Therefore, a condition requiring its removal is necessary. Permanent access to the houses would be provided under a future Phase 2 application which the applicant advises will be submitted within 18 months. Parking for the houses is in accordance with the adopted parking standards. KCC raise no objections subject to the sales parking being for a temporary period only.

## **7.0 CONCLUSION**

- 7.01 For the above reasons the layout, appearance and landscaping proposals for these four houses are considered to be acceptable and consistent with Phase 1, and therefore provide a high quality development in accordance with site policy H1(10), and other relevant policies within the Local Plan.

The scale of the development is acceptable and in accordance with the height Parameter Plan already approved under the outline consent. Permission is therefore recommended subject to the following conditions.

## **8.0 RECOMMENDATION**

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

### Conditions:

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

18-2845-200A, 18-2845-201E, 18-2845-202D, 18-2845-204D, 18-2845-205D, 18-2845-206, 18-2845-210, 18-2845-211C, 18-2845-215.

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

2. No development above slab level shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority:
  - a) Details of fenestration, cills, and recesses/reveals (in the form of large scale drawings (at a scale of 1:20 or 1:50)).
  - b) Details of gable verges, fascias and soffits to be minimal in size to reflect the approved plans (in the form of large scale drawings (at a scale of 1:20 or 1:50)).
  - c) Details of porch overhangs (materials, junctions, supports).
  - d) Details of balconies (materials and fixings).
  - e) Details of gutters and downpipes (materials) and their locations, which shall be positioned to limited their visibility from public vantage points.

Reason: To ensure a high quality design and finish.

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

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

4. The temporary sales visitors parking area and temporary footpath as shown hatched on drawing no. 18-2845-201E shall be removed within 2 years of the date of this permission, or prior to any residential use of the spine road and pavements approved under application 18/505429/REM (whichever is the sooner), and restored in accordance with a scheme approved in writing by the Local Planning Authority. Details of the scheme for the restoration of the temporary parking and path areas shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this permission.

Reason: The permanent retention of the sales parking area/paths is not acceptable from a visual amenity aspect, and is not compatible with the residential use of the spine road from a highway safety aspect.

# Agenda Item 20



<b>REFERENCE NO -</b> 19/504105/FULL		
<b>APPLICATION PROPOSAL</b> Variation of condition 2 of 17/506297/FULL (Stationing of temporary mobile home on land forming part of White House Farm in association operation of Stilebridge Kennels.) to allow the mobile home to be occupied for an additional 2 years until 19th March 2023.		
<b>ADDRESS</b> Stilebridge Kennels, White House Farm, Stilebridge Lane, Linton, Maidstone, Kent, ME17 4DE		
<b>RECOMMENDATION</b> Grant planning permission subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>The need for this accommodation in this location for a temporary period of an additional 2 years is considered justified, in order to allow the applicant time to find suitable accommodation and to allow the existing viable business to continue at full capacity, whilst allowing Mr and Mrs Freeman to remain in the existing house.</li> <li>The proposal would also not appear visually harmful within its countryside setting and no other objections have been raised regarding any other material planning consideration. As such, given the personal circumstances of this application, it is considered that 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 therefore made on this basis.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Contrary to the views of the Parish Council that are set out in the consultation section.		
<b>WARD</b> Coxheath and Hunton	<b>PARISH/TOWN COUNCIL</b> Linton	<b>APPLICANT</b> Mrs Sarah Fiddes  <b>AGENT</b> Mr Alex Bateman
<b>TARGET DECISION DATE</b> 03/12/2019		<b>PUBLICITY EXPIRY DATE</b> 20/09/2019

**Relevant Planning History**

17/506297/FULL - Stationing of temporary mobile home on land forming part of White House Farm in association operation of Stilebridge Kennels.

**MAIN REPORT**

**1 DESCRIPTION OF SITE**

1.02 White House Farm is a property set within relatively large grounds, located on the southern side of Stilebridge Lane. The A229 is to the west of the site and the surrounding area is largely characterised by agricultural land and sporadic built development, including a number of gypsy and traveller sites to the north-east of the site.

- 1.03 The site and the existing access it will be served by are within Flood Zone 1; and the River Beult to the south of the site is designated as a Site of Special Scientific Interest. A public footpath (KM129) runs along the river.
- 1.04 For the purposes of the Maidstone Local Plan, the proposal site is within the designated countryside.

## **2. PROPOSAL**

- 2.01 The application seeks the variation of condition 2 of 17/506297/FULL (Stationing of temporary mobile home on land forming part of White House Farm in association operation of Stilebridge Kennels.) to allow the mobile home to be occupied for an additional 2 years until 19th March 2023.
- 2.02 The structure itself would remain the same, the application simply seeks the extension of the temporary condition.

## **3. POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF):Section 12 – Achieving well-designed places

Maidstone Borough Local Plan 2017:

SP17 – Countryside

SP21- Economic development

DM1 – Principles of good design

DM30 – Design principles in the countryside

DM34 – Accommodation for agricultural and forestry workers

DM37 – Expansion of existing businesses in rural areas

## **4. LOCAL REPRESENTATIONS**

### **Local Residents:**

- 4.01 No representations were received from the three neighbouring properties consulted.

## **5. CONSULTATIONS**

### Linton Parish Council

- 5.01 The current application seeks to extend this for another 2 years until 2023. There is no explanation as to why this is necessary and therefore it is difficult to assess whether this is an appropriate request or not.
- 5.02 Given that the approval was for a temporary mobile home for 3 years, there should be a strong reason for this to be extended, otherwise it is getting into the realm of a more permanent dwelling.
- 5.03 Due to the lack of information justifying this request, the Parish Council objects to this application and therefore wishes to see this planning application refused and reported to the Planning Committee.

## **6. APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to:
- Principle of development
  - Design / impact on character of area
  - Residential amenity
  - Highways issues

**Principle of development**

- 6.02 Policy SP17 states that development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.
- 6.03 Policy DM34 of the local plan allows for the siting of caravans or other forms of temporary housing for an agricultural or forester worker outside the boundaries of the settlements.
- 6.04 Paragraph 79 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside except in certain circumstances, one of which is that there is an essential need for rural worker to live permanent at or near their place of work in the countryside.
- 6.05 Paragraph 81 states that planning policies should "be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.
- 6.06 The proposal seeks permission to extend the temporary permission of the mobile home on the application site for an additional two years. The reasons for this are two fold, one the personal circumstances regarding the children's ages mean that they would be moving schools at the exact same time of trying to find suitable accommodation elsewhere, and two, to allow for the applicant to remain in close proximity to the existing viable business, allowing it to continue to operate at full capacity.
- 6.07 Information submitted by the agent acting on behalf of the application indicates the business continues to remain profitable.
- 6.08 It is considered that the need for this accommodation in this location for a temporary period of an additional 2 years is considered justified, in order to allow the existing viable business to continue at full capacity, whilst allowing Mr and Mrs Freeman to remain in the existing house.

**Design/impact on character of area**

- 6.09 The mobile home is set back more than 100m from Stilebridge Lane and sited more than 250m from Loose Road to the west of the site. The mobile home is also sited immediately next to a mature hedge (on its eastern side), which provides a strong visual buffer of the development from these public vantage points. Whilst there may be glimpse of the mobile home from Stilebridge Lane, the setback, the existing hedgerow, and other existing built/landscape features, would provide acceptable levels of screening.
- 6.10 There is a public footpath that runs in a general east/west direction to the south of the site, and views of the mobile home from this path are possible. However, these views are short-range only, and given the separation distance, existing boundary planting, and additional planting along the southern boundary of the site (to be secured by condition), it is considered that the proposal does not appear adversely incongruous or dominant from this public vantage point.
- 6.11 So whilst the proposal is not immediately grouped with existing buildings at White House Farm, it is single storey, it is sited next to a strong visual buffer, it is for a temporary period, and not so far removed from other buildings to be considered

isolated. It is therefore considered that this proposal does not cause unacceptable harm to the character and appearance of the countryside hereabouts.

**Other Issues**

- 6.12 The proposal site is not considered to be in a wholly sustainable location, in terms of being predominantly reliant on the private motor vehicle to access basic amenities and services. However, given the personal circumstances of the proposal, including the desire to support an existing rural business and the fact that the applicant would be living at their place of work, no objection is raised on these grounds in this instance.
- 6.13 The proposal would make use of an historic vehicle access and the proposal is not considered to harmfully intensify the use of this access. There is also ample parking provision on the site. As such, no objection is raised in terms of the proposal's impact upon highway safety and the local road network.
- 6.14 Given the separation distances from any neighbouring property, no objection is raised in terms of its potential impact upon the residential amenity of any local resident.
- 6.15 The proposal makes use of a septic plant; and the site is in Flood Zone 1. With this considered, no objection is raised in terms of foul sewage disposal, surface water drainage and flood risk.
- 6.16 The River Beult to the south of the site is designated as a Site of Special Scientific Interest. However, given the temporary nature of the proposal and its intended use, it is not considered necessary to request further ecological information prior to the determination of this application.

**Conclusion**

- 6.17 In this instance, the need for this accommodation in this location for a temporary period of an additional 2 years is considered justified, in order to allow the existing viable business to continue at full capacity, whilst allowing Mr and Mrs Freeman to remain in the existing house.
- 6.18 The proposal would also not appear visually harmful within its countryside setting and no other objections have been raised regarding any other material planning consideration. As such, given the personal circumstances of this application, it is considered that 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 therefore made on this basis.

**7. RECOMMENDATION**

Grant Permission subject to the following conditions

- 1) The residential unit hereby permitted shall be occupied only by Mr and Mrs Fiddes and their resident dependants in connection to the adjacent Stilebridge Kennels business, and shall be for a limited period being the period of an additional two years from the previous permission up until 19/03/23

Reason: To allow the existing viable business to continue on site whilst allowing Mr and Mrs Freeman to remain in the existing house.

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

Application for removal or variation of a condition following grant of planning permission.  
Block Plan  
Site Location Plan  
Decision Notice 2018  
Planning Statement

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

- 3) When the site ceases to be occupied by those named in Condition 1 above, or at the end of the date detailed in Condition 1, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, and all works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place;

Reason: To safeguard the character and appearance of the countryside.

- 4) No more than 1 static caravan or mobile home, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the land at any one time;

Reason: To safeguard the character and appearance of the countryside.

- 5) No fencing, walling and other boundary treatments shall be erected within the application site

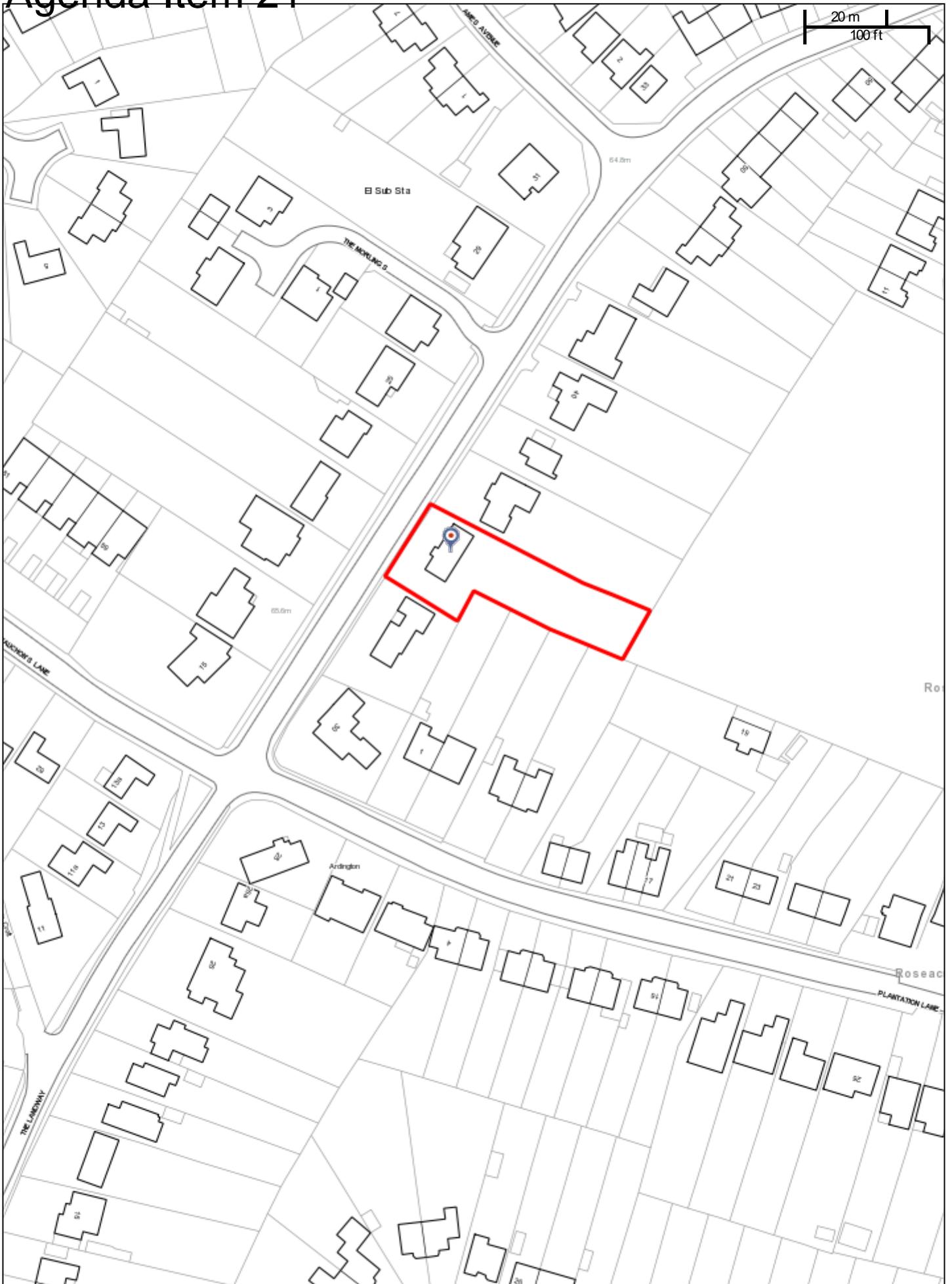
Reason: To safeguard the character and appearance of the countryside.

- 6) No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

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

Case officer: William Fletcher

# Agenda Item 21



20 m  
100 ft

B Sub Sta

THE MORLING'S

ROSEAC

Ardington

Roseac

PLANTATION LANE

THE LANDWAY

19/504565/FULL - 34 The Landway

Scale: 1:1250

Printed on: 19/11/2019 at 15:00 PM by StevieH

<b>REFERENCE NO -</b> 19/504565/FULL		
<b>APPLICATION PROPOSAL</b> Renovation of existing dwelling, including erection of a two storey rear extension, alterations to front elevation, and erection of a part first floor, part two storey front extension to garage.		
<b>ADDRESS</b> 34 The Landway, Bearsted, Maidstone, Kent ME14 4BE		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION subject to planning conditions set out in Section 8.0		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  The proposed development accords with the policies and guidelines relating to domestic extensions.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>  Ward Councillor has requested that the application be considered by the Planning Committee if Officers are minded to recommend approval, due to concerns about bulk, loss of privacy, light and amenity to neighbouring properties.		
<b>WARD</b> Bearsted	<b>PARISH/TOWN COUNCIL</b> Bearsted	<b>APPLICANT</b> Mr & Mrs Donoghue <b>AGENT</b> Mr Pail Briner
<b>TARGET DECISION DATE</b> 05.12.2019		<b>PUBLICITY EXPIRY DATE</b> 18.10.2019

### Relevant Planning History

74/1212 – Replacement garage and rear extension

75/0625 - Extension to form garage, utility room, bedroom and cloakroom

02/2043 - Erection of rear conservatory, detached garage including creation of new access and other alterations

### MAIN REPORT

#### **1. DESCRIPTION OF SITE**

1.01 The application site comprises a detached 2-storey house located on The Landway. The dwelling is within Maidstone's urban area boundary as shown in the councils adopted local plan policies map. The Landway is a relatively busy road that can be accessed via the A20 (Ashford Road) from the south and the majority of the properties are larger scale, detached dwellings of various designs. The site is not subject to any other land designations and does not form part of a conservation area or AONB and is not listed.

#### **2. PROPOSAL**

2.01 The application seeks permission to renovate the existing dwelling incorporating, the erection of a two storey rear extension, alterations to the front elevation and alterations to the existing garage to raise the eaves and roof level.

- 2.02 In terms of design the two storey rear extension will have a maximum depth of 4.1 metres and will extend the full width of the existing property. The eaves height of the extension will be 5 metres with a maximum overall height of 8 metres. The alterations to the front elevation will not go beyond the existing building line and will incorporate two pitched roofs at two storey either side of the entrance.
- 2.03 The depth of the garage will increase by 5 metres towards the principle elevation of the main dwelling. The proposal seeks to increase the height of the eaves from 1.9 metres to 3.2 metres and increase the overall height from 4.6 metres to 6.6 metres with a hipped roof. The garage is not proposed to be demolished but extended and it is important to note that although the garage will have a first floor it will not be two storey.
- 2.04 The materials proposed are white painted render, split faced slate panels, grey framed windows and doors and Marley Birkdale tiles.
- 2.05 The plans show four parking spaces to be retained and a garage to accommodate one car.
- 2.06 The appearance of the dwelling would significantly change due to the design, materials and fenestration.

### **3. POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017:

DM1 – Principles of good design

DM9 - Residential extensions, conversions and redevelopment within the built up area.

SPG 4 - KCC Parking Standards (2006)

Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (2009)

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

- 4.01 Two representations from neighbouring properties have been received raising the following objections (summarised):
- Significant extension to the existing property
  - Overshadowing/reduction in natural light
  - Bulk of extension resulting in loss of privacy and overlooking
  - Proposed tiles will not look out of character for the area
  - Visual impact
  - The garage will result in an oppressive structure
  - Impact the outlook
  - Eyesore
  - Not in keeping with the surrounding area
  - Impact to existing trees

Councillor Springett raised concerns regarding the overall bulk of the proposal compared to the existing building and the loss of privacy and potential loss of light and amenity to neighbouring properties.

There were no representations in support of the application.

## **5. CONSULTATIONS**

### **5.01 Bearsted Parish Council**

The parish council raise concerns in regards to the size, mass, loss of privacy and out of character with neighbouring properties.

### **5.02 KCC Highways**

No comments

## **6. APPRAISAL**

### **Main Issues**

6.01 The key issues for consideration relate to:

- Design and visual impact of the proposal
- The potential impact upon the amenities of neighbouring householders.

### **Design and visual impact**

6.02 Policy DM9 of the Maidstone Borough Local Plan (2017) is supportive of extensions to dwellings within urban areas provided that the scale, height, form and appearance and siting of the proposal would fit unobtrusively within the existing building and the character of the street scene/or its context. In advising on side extensions, the Residential Extensions SPD (2009) notes that the acceptable depth and height of a rear extension will be determined by the ground levels, distance from the boundaries and size of the neighbouring garden/amenity space. In normal circumstances, the SPD advocates that rear extension on a detached property should generally extend no more than 4 metres from the rear elevation.

6.03 Policy DM9 further states that in a street of traditional detached and semi-detached houses, the infilling of the spaces between with two storey extensions could create a terraced appearance at odds with the rhythm of the street scene when the gaps, often with associated landscaping or allowing longer views are important elements. A side extension built flush with the existing front elevation of the house may also affect the symmetry of a pair of semi-detached properties with adverse impact on the street scene.

6.04 The existing maximum depth of the property (northern elevation) is 9 metres. The rear extension seeks to increase this depth of the dwelling to a maximum of 13.2 metres, an increase of a little over 4m. For the size of the plot and the scale of the existing property I would not consider the proposed depth to be an excessive increase. The garden area to be retained would be approximately 45 metres.

6.05 The extension to the existing garage would measure 5 metres in depth but would still be set back from the principal elevation by approximately 0.6 metres and would

be significantly set down from the apex of the main dwelling. It would therefore be in accordance with the residential extension SPD for side extensions.

- 6.06 Although I do agree that the proposal would significantly change the appearance of the existing dwelling, it is not considered that the property is of such high visual amenity value that the change in design would result in significant harm. The application site is not restricted in terms of being located in a conservation area or AONB and is not listed.
- 6.07 The Landway is a mixed street scene with variety in the design and height of buildings and it is considered that, in its context, the proposed development would not appear significantly out of place or out of character with its surroundings. Cumulatively the proposed extensions would almost double the size of the existing property however; the majority of the development would not be visible from the highway and would sit comfortably within the site.
- 6.08 The front building line of the property would not extend further forward than that of the existing building, the alterations to the front elevation would however amend the design to incorporate two front projections maintaining the position of the existing front wall with the entrance recessed centrally.
- 6.09 The materials proposed are white painted render, split faced slate panels, grey framed windows and doors and Marley Birkdale tiles. Although these materials would not match the existing dwelling, they would appear sympathetic within the mixed street scene where a variety of different materials exists. It is not uncommon for properties within the urban area of Maidstone to have similar materials to the ones proposed and therefore the property would not detract from the characteristics within the vicinity or the wider area.
- 6.10 Overall it is considered that the proposed extensions and alterations would not significantly harm the visual character of the street scene or surrounding area and would be in accordance with current policy and guidance.

### **Impact on neighbouring amenities**

- 6.11 Policy DM9 specifically states that residential extensions will be supported provided that the privacy, daylight, sunlight and maintenance of a pleasant outlook of the adjoining residents would be safeguarded. This requirement is also observed in the Residential Extensions SPD (2009) where it is noted that the design of residential extensions should not result in windows that directly overlook the windows or private amenity spaces of any adjoining properties and should also respect daylight, sunlight and outlook.

### 36 The Landway

- 6.12 The application site is located forward of this neighbouring property by approximately 5.5 metres. In terms of residential amenity impact, the extension to the garage would be sufficiently set away from No.36 The Landway to not result in a loss of light or outlook. The proposed rear extension towards the north of the application site would be approximately 1.5 metres from the neighbouring boundary at its closest point.
- 6.13 No. 36 has two windows at ground floor and one window at first floor in the flank elevation, with a glazed conservatory to the rear of the property. Any impact on the neighbouring property would be to the flank wall as the proposed extensions would not extend beyond the rear elevation of the neighbouring property. The windows in this elevation are secondary windows with limited existing outlook, as such it is not considered that the proposed extensions would cause significant loss of light, outlook, overshadowing or be overbearing on the amenity of the neighbouring occupiers.

- 6.14 Windows are proposed in the first floor side elevation of the extension, however these would serve two bathrooms and a secondary window to the bedroom. These could be conditioned to be obscure glazing and non-opening above 1.7 metres to mitigate any potential harm.
- 6.15 The first floor windows proposed in the rear elevation is fairly large, however due to the siting and orientation of the properties, the retained gap to the boundary and the current fenestration to the rear of the application site I would not consider the proposal to result in any additional impact to this neighbouring property in terms of overlooking or loss of privacy.

### 32 The Landway

- 6.16 The main concern raised by this neighbouring property is in relation to the extension to the existing garage. Currently the garage is located towards the rear boundary of No.32 The Landway and is 4.6 metres in height and has a depth of 6.2 metres. There is an existing fence that runs along the boundary and the agent has confirmed that that the fencing is not planned to change or be removed. The proposal seeks to increase the height of the eaves from 1.9 metres to 3.2 metres and increase the overall height from 4.6 metres to 6.6 metres with a barn-hipped roof.
- 6.17 The neighbouring dwelling benefits from a fairly large garden that extends to the south of the property where it also increases in depth. The current outlook along the northern boundary towards No.34 is the flank brick wall and a hipped roof of the existing garage. The outlook of this property to the north is already compromised by the existing garage and that the proposal would not create any additional harm. There maybe some additional bulk and massing close to the boundary however the presence of the existing fencing and barn-hipped roof design will help soften the view. The garden of the neighbouring property extends beyond this small area next to the northern boundary and as such the amenity of the property would not be significantly compromised by the additional height of the proposed garage extension.
- 6.18 No.32 The Landway has windows in the rear facing elevation, with the closest ground floor window serving a study. In terms of loss of light, the 45 degree light test indicates that on plan the garage may cause some loss of light, however the existing garage would fail the same test and when assessed with the elevational test it would pass and concludes that it would not result in loss of light. On balance, the proposal would not result in any significant loss of light to the neighbouring property due to the path of the sun, orientation of the buildings, the existing garage relationship and the 45 degree test being passed on the elevational drawings.
- 6.19 No windows are proposed in the side elevation of the garage, therefore I do not consider the extended garage to result in a loss of privacy or overlooking.
- 6.20 The proposal would not detrimentally impact other neighbouring properties in terms of loss of light, outlook, overlooking or loss of privacy due to the siting and orientation of application site.

### **Other Matters**

- 6.21 KCC Highways state within their residential parking standards that a property with 4+ bedrooms should be allocated at least 2 independently accessible spaces within a suburban area. I would consider the amount of space retained on the private forecourt to accommodate 2+ cars and would therefore be in accordance with policy DM9 and KCC Highways recommendation for properties of this size.

6.22 Concerns were raised in regards to the 4 large trees sited in the rear garden of the application site. These trees are not subject to tree preservation orders and as stated in the above assessment the site is not within a conservation area.

6.23 The Tree and Conversation Officer has made the following comments in regards to the trees in question:

*Whilst there are a number of significant trees adjacent to the area proposed for redevelopment they are sufficiently distant, with due care, to avoid potential adverse effects. I therefore raise no objection on arboricultural grounds subject to the addition of a standard pre-commencement tree protection condition.*

The agent has agreed to a pre commencement condition to ensure retention and protection of the trees in the rear garden.

## **7. CONCLUSION**

7.01 The above assessments indicate that the extensions and alterations to 34 The Landway accord with the relevant policies and guidelines on residential extensions. On balance, this is an acceptable development and approval is therefore recommended subject to conditions.

## **8. RECOMMENDATION**

GRANT planning permission subject to the following conditions:

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

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

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

Householder Application

19-61002 REV P1 Existing elevations (received 09/10/2019)

19-61004 REV P1 Proposed elevations (received 09/10/2019)

19-61001 REV P1 Location, site plan and existing floor plans (received 09/10/2019)

19-61003 REV P1 Location, site plans and proposed floor plans (received 09/10/2019)

19-61010 Pro map overlay (received 09/10/2019)

Reason: To ensure the quality of the development is maintained and to prevent harm to the character, appearance and visual amenity of the area.

3) The external facing materials to be used in the construction of the extension hereby permitted shall be those specified on the approved drawings;

Reason: To ensure a satisfactory appearance to the development.

4) Before the development hereby permitted is first used, the proposed windows in the first floor northern elevation to the extension shall be obscure glazed to not less than

the equivalent of Pilkington Glass Privacy Level 3, and these windows 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 prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

- 5) The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. The trees situated to the rear of the property to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

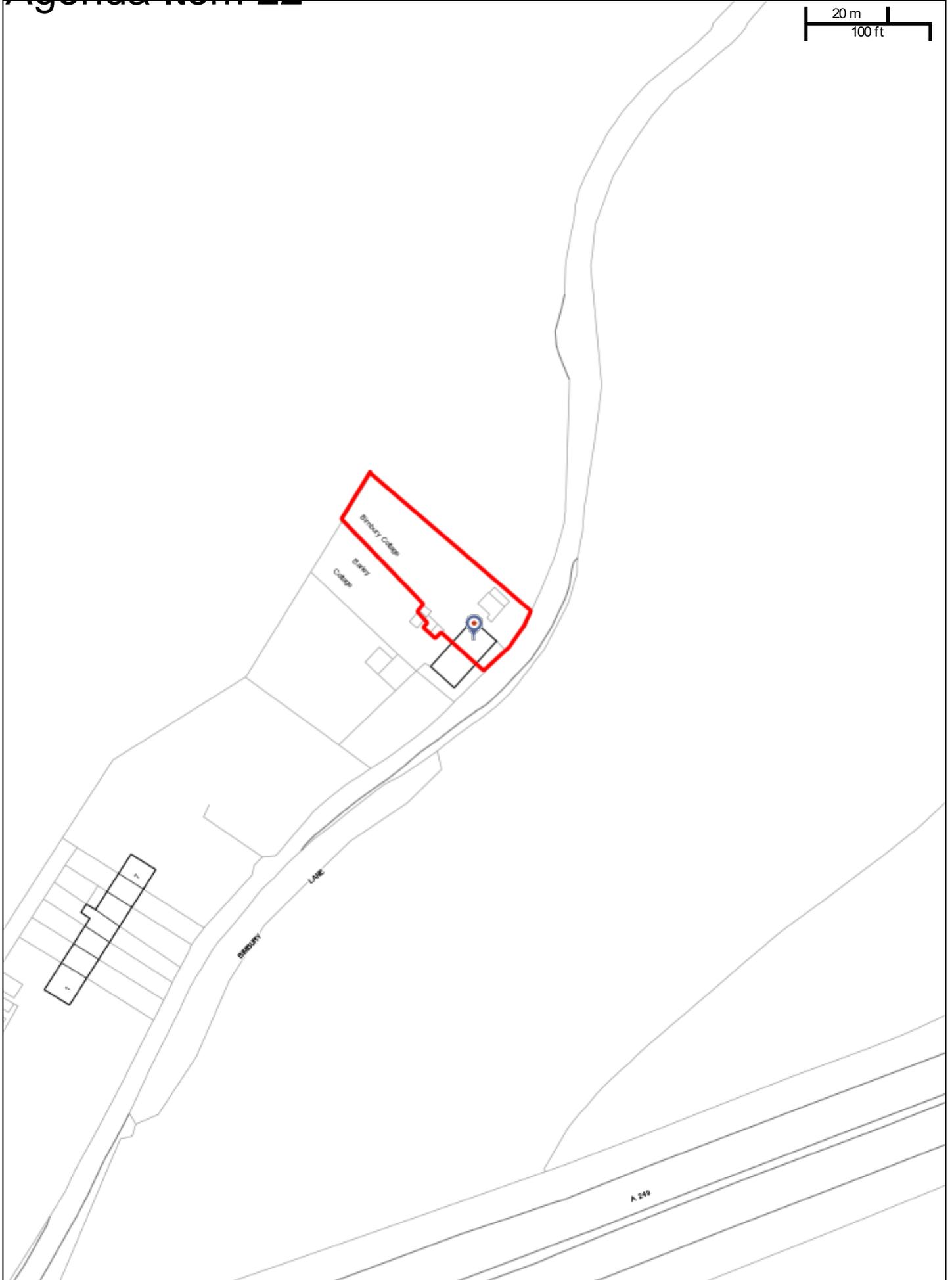
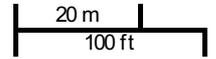
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 6) The extensions 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 either integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks, or through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles and hedgerow corridors. 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.

Case Officer: Sophie Bowden

# Agenda Item 22



<b>REFERENCE NO -</b> 19/504848/FULL		
<b>APPLICATION PROPOSAL</b> Single storey rear extension and two storey side extension incorporating cladding at first floor (part retrospective)		
<b>ADDRESS</b> Bimbury Cottage, Bimbury Lane, Stockbury, Maidstone, Kent ME14 3HX		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION subject to planning conditions set out in Section 8.0		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  The proposed development would accord with the policies and guidelines relating to residential extensions. The extensions would not harm the character or appearance of the countryside or Area of Outstanding Natural Beauty and would not harm residential amenity or impact on any other material planning considerations.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>  Stockbury Parish Council has requested that the application be considered by the Planning Committee if Officers are minded to recommend approval on the grounds of the proposed materials and inadequate parking.		
<b>WARD</b> North Downs	<b>PARISH/TOWN COUNCIL</b> Stockbury	<b>APPLICANT</b> Mrs J Elliott <b>AGENT</b> Mr R Baker
<b>TARGET DECISION DATE</b> 09.12.2019		<b>PUBLICITY EXPIRY DATE</b> 21.11.2019

### Relevant Planning History

19/503781/FULL - Installation of painted larch boarding to the first floor. (Retrospective)  
- Withdrawn

15/501101/FULL - Proposed two storey side extension and part single storey and two storey rear extension. PER

### MAIN REPORT

#### **1. DESCRIPTION OF SITE**

- 1.01 The application site comprises a semi-detached 2-storey cottage located to the North West side of Bimbury Lane. Bimbury Lane is located within the Kent Downs Area of Outstanding Natural Beauty (AONB) and outside any settlement boundaries and thus is considered as countryside. The site benefits from a detached garage to the east of the property and a private forecourt for approximately 4 cars. The application site is not subject to any other land designations and is not listed.
- 1.02 Planning permission was granted in 2015 for the same extensions as proposed in this application. This earlier consent was not implemented and has now time expired. The applicant has recently added horizontal weatherboarding to the upper floor of the front of the original dwelling, this has been subject to an enforcement case and subsequent withdrawn planning application. Planning permission is required for the cladding of the property as it lies within the AONB.

#### **2. PROPOSAL**

- 2.01 The application seeks permission to add a two storey side extension and single storey rear extension. The extension will extend the width of the property by 3.8 metres; it will have a depth of 8.5 metres and will be set in from the principle elevation by 3.3 metres. The eaves height of the two storey side extension will be 4.1 metres with an overall height of 5.7 metres with a pitched gable roof that will be set down from the original apex by 0.8 metres. The two storey side extension will extend beyond the rear wall of the original dwelling by 3.5 metres.
- 2.02 The proposed single storey rear extension will have a depth of 3.5 metres and a width of 7.1 metres. The eaves height of the extension would be 2.2 metres and will have an overall height of 3 metres with a mono-pitch roof.
- 2.03 Internally, the proposal will provide an extended dining and kitchen area on the ground floor and an additional bedroom at first floor with an en-suite. The proposal seeks to increase the amount of bedrooms from three to four. There will be one proposed window in the first floor side elevation.
- 2.04 The external finishes of the proposal will comprise grey slate tiles to match existing roof, larch feather edged board cladding painted black, white PVCU double glazed windows and doors and facing brickwork to match existing. The larch feather edged board cladding has already been erected on the front elevation of the original dwelling.

### **3. POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017:  
DM1 – Principles of good design  
DM30 – Design principles in the countryside  
SP17 – Countryside

Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (2009)

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

- 4.01 No representations have been received from local residents as a result of the consultation process.

### **5. CONSULTATIONS**

- 5.01 Stockbury Parish Council

We feel that this application should be refused as the vertical cladding is shown as Black Feather Edge boarding which has already been the subject of enforcement resulting in a retrospective planning application that was objected to by the Parish Council which stated that the vertical cladding should be clay tiles to match existing adjacent attached property. The existing boarding to the front elevation has been erected without planning consent from MBC.

The Parish Council also has concerns regarding the inadequate parking at the site, as regularly vehicles associated with property are parked on the blind corner causing a danger to other road users.

## **6. APPRAISAL**

### **Main Issues**

6.01 The key issues for consideration relate to:

- Design and visual impact of the proposal
- The potential impact upon the amenities of neighbouring householders.

### **Design and visual impact**

- 6.02 The application site falls within the Kent Downs Area of Outstanding Natural Beauty. The Council's local plan describes this area as 'a visually prominent landscape that contributes significantly to the boroughs high quality of life. It is an important amenity and recreation resource for both Maidstone's residents and visitors and forms an attractive backdrop to settlements along the base of the Kent Downs scarp.'
- 6.03 Policy SP17 states that the countryside is a sensitive location within which to integrate new development and the Council will expect proposals to respect the high quality and distinctive landscapes of the Borough in accordance with policy DM30. New development in the AONB should demonstrate that it meets the requirements of national policy. This will require high quality designs as set out in policy DM30.
- 6.04 DM30 states that the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features. Policy DM32 also states that a proposal is well designed and is sympathetically related to the existing dwelling without overwhelming or destroying the original form of the existing dwelling.
- 6.05 Paragraph 4.39 of the Residential Extensions supplementary planning document states that "An extension should not dominate the original building or the locality, and should be subservient to the original dwelling"
- 6.06 Paragraph 4.41 continues "A range of devices are available to subordinate an extension such as set backs, lower roofs, changes in materials or detailing."
- 6.07 Paragraph 5.15 of the Residential Extensions supplementary planning document states that 'where an extension is acceptable in principle, its form should be well proportioned and present a satisfactory composition with the house. Roof shape is critical to creating a successful built form. The pitch of extension roofs should normally be as, or similar to, the main house roof pitch.'
- 6.08 In terms of design, I would consider the proposal to be of a reasonable scale that would not overwhelm or destroy the original characteristics of the main dwelling which is currently an attractive, periodic building.
- 6.09 The two storey side extension will be set down from the original apex and set back from the principle elevation. As a result, the extension would not appear visually incongruous and would be sympathetic to the existing form of the dwelling and the surrounding area.

- 6.10 Bimbury Lane is a mixed street scene with variety in the design of buildings and it is considered that, in this context, the proposed extension would not appear significantly out of place or out of character with its surroundings.
- 6.11 In regards to the proposed materials (in particular the proposed weatherboarding) the Parish Council have raised concerns regarding the use of vertical boarded as erected. For clarification the weatherboarding erected is horizontal in design.
- 6.12 The landscape and conservation officers both confirm that although the materials would be different to the adjoined neighbouring property, the Kent Downs AONB has a rich tradition of half-timbered and weather-boarding properties and that the larch feather edged board cladding in black would be of a good quality design, colour and material that would not detract from the character of the area and would not be detrimental to the AONB. The Kent Downs Management Plan 2014-2019 also reinforces this assessment.
- 6.13 I would therefore consider the proposal to comply with policies and guidelines within the residential extension SPD and would be acceptable in terms of design and materials.

#### **Impact on neighbouring amenities**

- 6.14 In terms of the two storey side extension, due to the siting and orientation of the application site the proposal would not result in any adverse impacts in terms in terms of loss of daylight or outlook in relation to the neighbouring property to the south west 'Barley Cottage'.
- 6.15 The single storey rear extension will project from the original rear elevation of the dwelling by 3.5 metres. The neighbouring property to the south west has an existing glazed single storey rear extension that runs along the boundary of both properties.
- 6.16 As the neighbouring property to the south west has an existing extension and the orientation of the sunlight faces west I would not consider the proposed single storey rear extension to detrimentally impact 'Barley Cottage' in terms of outlook or loss of light.
- 6.17 The application site is sufficiently set away from other neighbouring properties to not result in a detrimental impact to residential amenities.
- 6.18 The proposed window in the first floor side elevation will not overlook any adjacent properties and therefore I would not consider it necessary to condition the window to be obscure glazed and non-opening above 1.7 metres.

#### **Other Matters**

- 6.19 In regards to the parking, this will not change as a result of the extension. KCC Highways state that properties of 4+ bedrooms should provide 2+ parking spaces on the private forecourt. This property would have ample parking on the private forecourt to comply with this policy. The proposed extension would not create any additional harm to highway safety as the location of parked cars will not change. Therefore, this would not be a justifiable reason to refuse the application.
- 6.20 No trees will be detrimentally impacted as a result of the proposed development.
- 6.21 Policy DM1 of the local plan sets out at point viii that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.'

- 6.22 Due to the nature of the proposal and the residential use of the site and the continued residential use, it is not considered appropriate/necessary to require any ecological surveys in this case. However, due to the loss of garden space when compared to the footprint of original dwelling, it is considered appropriate to attach a condition requesting that on-site mitigation/enhancement is provided in the form. These can be either provided integral to the proposed extensions or within the site curtilage.

## **7. CONCLUSION**

- 7.01 The above assessment indicates that the proposed two storey side extension and single storey rear extension to Bimbury Cottage accord with the relevant policies and guidelines within the residential extensions SPD and there have been no objections from the neighbouring householders. On balance, this is an acceptable development and approval is therefore recommended subject to conditions.

## **8. RECOMMENDATION**

GRANT planning permission subject to the following conditions:

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

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

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

Householder Application  
Location plan and block plan  
2816/1B Existing and proposed plans and elevations

Reason: To ensure the quality of the development is maintained and to prevent harm to the character, appearance and visual amenity of the area.

- 3) The external facing materials to be used in the construction of the extension hereby permitted shall be those specified on the approved drawings;

Reason: To ensure a satisfactory appearance to the development.

- 4) The extensions 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 either integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks, or through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles and hedgerow corridors. 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.

Case Officer: Sophie Bowden



19/503979/TPOA - St Stephens Churchyard

Scale: 1:1250

Printed on: 20/11/2019 at 9:26 AM by StevieH

## REPORT SUMMARY

<b>REFERENCE NO - 19/503979/TPOA</b>			
<b>APPLICATION PROPOSAL</b> TPO Application - Crown Lift to 6.5m T2 , T4, T5 and T6 (Limes) and Crown Lift to 5m T10 (Sycamore)			
<b>ADDRESS</b> St. Stephens Churchyard Church Road Tovil Kent			
<b>RECOMMENDATION</b> Permit subject to standard of works condition			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposed works are necessary and appropriate arboricultural management.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> This is an application by an Officer of the Council			
<b>WARD</b> South	<b>PARISH/TOWN COUNCIL</b> Tovil	<b>APPLICANT</b> Nigel Holman <b>AGENT</b> Caroline Everest	
<b>DECISION DUE DATE</b> 23/10/19	<b>PUBLICITY EXPIRY DATE</b> 19/09/19	<b>OFFICER SITE VISIT DATE</b> 11/09/19	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
17/505620/TPO	TPO application for works to 1 Ash – fell, 5no. Lime – remove epicormic growth and lift to 3m, 1 no. Sycamore – reduce south side lateral limbs by 3m and blend, 1no. Ash – reduce south stem of tree by 2-3m.	Permitted	18/12/2017

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The trees are growing on the former St Stephens Church site owned by Maidstone Borough Council. The site is situated between Church Road, Church Street and St Stephens Square. The Lime trees are located on the northern boundary, overhanging Church Road. The Sycamore tree is located on the southern boundary, overhanging St Stephens Square.
- 1.02 The trees are subject to Tree Preservation Order No.3 of 1984, designated as individual trees T2 Lime, T3 Lime, T5 Lime, T7 Lime and T8 Sycamore in the Order (numbered as T6, T5, T4, T2 and T10 respectively in the application). For simplicity, the numbering used in the application is used throughout this report.

### 2.0 PROPOSAL

- 2.01 The proposed work is crown lifting (removal and pruning of lower branches) to give a clearance of 6.5 metres above ground level for the Lime trees and 5m above ground level for the Sycamore.

- 2.02 Note that the application also included crown lifting and monolithing of T3 Sycamore (T6 in the TPO). Inspection revealed that the condition of the tree, which is in a severe state of decline, was so poor that the applicant was informed that the proposed works may be carried out under the exceptions to the tree preservation regulations, specifically works urgently necessary to remove an immediate risk of serious harm.
- 2.03 Note that the application form also included crown lifting works to other trees that are not subject to the Tree Preservation Order. They are not discussed in this report.

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

3.01 Government Policy:

National Planning Policy Framework February 2019

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

3.02 Local Policy:

Maidstone Borough Local Plan October 2017 - Policy DM 3

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

3.03 Compensation:

In some circumstances, a refusal of consent to carry out works to trees subject to a Tree Preservation Order can result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The application form does not indicate that any loss or damage is anticipated if the application is refused and as Maidstone Borough Council is the applicant, a compensation claim would not arise as a direct result of refusal.

### **4.0 LOCAL REPRESENTATIONS**

- 4.01 No comments received

### **5.0 CONSULTATIONS**

- 5.01 No responses received

### **6.0 APPRAISAL**

#### **Main Issues**

- 6.01 The key issue for consideration relates to:

- Whether the proposed works are appropriate management

### **Appraisal of the trees**

- 6.02 T2 Lime, T4 Lime, T5 Lime and T6 Lime on application form.

Contribution to public visual amenity:  
Good – clearly visible to the public

Condition:  
Fair – showing minor signs of deterioration and/or defects

Useful life expectancy:  
Long - with an estimated remaining life expectancy of at least 20 Years

- 6.03 The Limes are large, mature trees reaching up to 25m in height, with large stem diameters estimated between 60cm and 90cm. Radial crown spread of the trees is about 7m, resulting in a significant overhang of Church Road to the North. Low branches currently hang to about 2m above highway level. Ground level in the churchyard is notably higher than highway level, by an estimated 1.5m. No significant defects or decay were noted during inspection. A recent failure of a piece deadwood from T5 and some minor dieback and deadwood were noted, but this is considered normal for Lime trees of this age and size. The Limes exhibit basal growth typical of the species and some have ivy-clad stems, which hinder inspection, but in general the trees appear to be in good health and condition.

- 6.04 T10 Sycamore on application form.

Contribution to public visual amenity:  
Good – clearly visible to the public

Condition:  
Good – no significant defects noted

Useful life expectancy:  
Very Long - with an estimated remaining life expectancy of at least 40 Years

- 6.05 The tree is a large, mature Sycamore of good form reaching approximately 20 metres in height, with an estimated main stem diameter of 90cm and radial crown spread of 6 metres, resulting in a significant overhang of St Stephens Square to the South. Low branches currently hang to about 2m above highway level. It appears to be in good health and condition with no significant defects noted during inspection. It is growing amongst a group of Ash and Sycamore trees and is partially obscured from view as a result.

### **Impact of the proposed works**

- 6.06 The proposed crown lifting works will not result in unacceptably large pruning wounds. The extent of the crown lifting proposed equates to less than one quarter of current tree height, will be restricted to where trees overhang highways only and as such is well within maximum recommended limits. The trees are generally healthy and should recover well from the pruning proposed. The works are necessary to prevent highway obstruction and to avoid damage to the trees from high sided vehicles. The proposed work is therefore considered to be appropriate arboricultural management and accord with current good practice recommendations for tree works. It is not considered that the works will be detrimental to their contribution to amenity.

## **7.0 CONCLUSION**

- 7.01 The proposal is unlikely to be detrimental to the long term health of the trees or their contribution to amenity. It is considered to be necessary and appropriate arboricultural management.

## **8.0 RECOMMENDATION**

PERMIT Subject to the following condition:

(1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

### **INFORMATIVES**

(1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

Case Officer: Nick Gallavin

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

# Agenda Item 24

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 28<sup>th</sup> November 2019**

### **APPEAL DECISIONS:**

- 1. 19/501517/FULL Demolition of existing garage and erection of a pair of semi detached 1 1/2 storey dwellings with a covered parking space each.**

**APPEAL: DISMISSED**

Land Rear Of 48  
Beaconsfield Road  
Tovil  
Kent

(Delegated)

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- 2. 19/500162/FULL Erection of a dwelling with associated landscaping.**

**APPEAL: DISMISSED**

Cherry Tree  
Court Lodge Farm  
The Street  
Boxley  
Kent  
ME14 3DX

(Delegated)

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- 3. 19/501591/FULL Demolition of existing building and erection of a single storey dwelling.**

**APPEAL: DISMISSED**

Land At St Luke's Avenue  
Maidstone  
Kent  
ME14 5AL

(Delegated)

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- 4. 15/505138/FULL**      **Change of use of land to gypsy caravan site to extend existing site to accommodate stationing of 5 additional mobile homes, including laying of hardstanding, landscaping and erection of a day room.**

**APPEAL: ALLOWED**

Chart Hill Paddock  
Chart Hill Road  
Staplehurst  
Kent  
TN12 0DE

(Delegated)

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- 5. 18/505721/FULL**      **Erection of a two bedroom detached chalet bungalow and detached double garage.**

**APPEAL: DISMISSED**

Summer Place  
Caring Lane  
Bearsted  
Maidstone  
Kent  
ME14 4NJ

(Delegated)

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- 6. 18/505924/FULL**      **Removal of large stable block and replace with 2no single unit mobile homes on existing Gypsy & Traveller site for family members.**

**APPEAL: ALLOWED**

1 Chart View  
Chart Hill Road  
Chart Sutton  
Maidstone  
Kent  
ME17 3EX

(Delegated)

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**7. 19/500635/FULL**

**Erection of bicycle storage facility for four bicycles (Retrospective)**

**APPEAL: DISMISSED**

30 Holtye Crescent  
Maidstone  
Kent  
ME15 7DB

(Delegated)

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**8. 19/500534/FULL**

**Erection of 5 ft overlapping fence between hedge, consisting of 6 x 5 ft panels with 6 inch base boards and supporting posts (Retrospective)**

**APPEAL: DISMISSED**

Holtye Cottage  
Headcorn Road  
Staplehurst  
Tonbridge  
Kent  
TN12 0BU

(Delegated)

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**9. 19/501075/OUT**

**Outline application with all matters reserved for the erection of a 3 bedroom single storey static pre-fabricated dwelling.**

**APPEAL: DISMISSED**

The Estate Builders Yard  
Chart Hill Road  
Chart Sutton  
Maidstone  
Kent  
ME17 3RQ

(Delegated)

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**10. 18/502416/FULL**

**Erection of 4 storey apartment block compromising 17 units with associated car and bicycle parking, refuse storage and communal amenity area above the car park.**

**APPEAL: DISMISSED**

102 Upper Stone Street  
Maidstone  
Kent  
ME15 6HD

(Delegated)

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**11. 18/506601/OUT**

**Outline application for the erection of two detached self-build chalet bungalows with two detached garages and construction of new access and associated parking (Access being sought, all matters reserved).**

**APPEAL: DISMISSED**

Land South East Of Bassetts Bungalow  
Staplehurst Road  
Marden  
Kent

(Delegated)

---

**12. 18/503485/OUT**

**Outline application for the erection of a four storey building comprising eight 1-bedroom flats with access, layout, scale and appearance to be determined and landscaping reserved for subsequent**

**approval as shown on drawing references:  
2037/1 Rev D and 2037/2 Rev D received  
29/06/18; and site location plan received  
06/07/18;**

**APPEAL: ALLOWED**

2-6 Brunswick Street  
Maidstone  
Kent  
ME15 6NP

(Delegated)

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**13. 18/505661/FULL**

**Demolition of existing stable building and erection of a building to be used for classes in sushi making and the japanese tea ceremony. Erection of a single storey side extension to existing coach house and change of use to an artists' studio/workshop.**

**APPEAL: DISMISSED**

Amberley  
South Green  
Sittingbourne  
Maidstone  
Kent  
ME9 7RR

(Delegated)

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**14. 19/502218/FULL**

**Extension of existing agricultural access opening by 4m, including installation of a new electric gate to match existing.**

**APPEAL: DISMISSED**

The Oast House  
Thornhill Farm  
Headcorn Road  
Sutton Valence  
Maidstone  
Kent  
ME17 3EL

(Delegated)

- 
- 15. 19/501505/FULL**      **Erection of dwelling to rear of 102 Plains Avenue (Resubmission of 18/506201) as shown on drawing references: 1907 E 001; P100; P110; P120; and P121.**

**APPEAL: DISMISSED**

102 Plains Avenue  
Maidstone  
Kent  
ME15 7AY

(Delegated)

- 
- 16. 18/505200/LBC**      **Listed Building Consent for proposed replacement of 3no. window at the front of the property.**

**APPEAL: DISMISSED**

Lake Farm  
Green Lane  
Chart Sutton  
Maidstone  
Kent  
ME17 3ES

(Delegated)

- 
- 17. 18/506491/FULL**      **Erection of a detached dwelling.**

**APPEAL: DISMISSED**

3 Kingsbroom Court  
Kingswood  
Maidstone  
Kent  
ME17 3ST

(Delegated)

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

28<sup>TH</sup> November 2019

#### REPORT OF HEAD OF PLANNING AND DEVELOPMENT

Report prepared by Sue King

#### **1. FORMAL ENFORCEMENT ACTION TRACKER**

##### 1.1 Report content

1.1.1 The Enforcement tracker report is intended to be brought to Planning Committee each quarter. The report provides the current status of enforcement cases that have had formal notices served.

1.1.2 The report sets out the case reference, address and brief description of the breach. The notice type column indicates the type of formal action carried out and three key dates:

**Issue date** – Date Notice was served

**Effective date** – Date the Notice takes effect from

**Compliance date** – Date the Notice is due to be complied with. This may change according to an appeal being lodged, which if the appeal is dismissed and the Notice is upheld the Inspector will impose a new compliance period from the date of the decision.

1.1.3 A legend is supplied which shows five levels of status, being:

**Blue** – Cases closed since the previous tracker due to compliance

**Red** – In assessment and/or preparation for the next step of formal action;

**Amber** - Awaiting planning application/appeal decisions and compliance dates on Notices served;

**Green** - Awaiting appeal start dates, and

**White** - Contentious cases that are being monitored i.e. sites with injunctions.

## FORMAL ENFORCEMENT ACTION TRACKER

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
17/500427/OPDEV	SUKI	Broomfield	Land at Forge House, Ashford Road, Broomfield	Storage/stationing of vehicles	EN	23/01/2018	23/02/2018	23/08/2018	Successful prosecution - 2yr suspended sentence and £2.4k costs - Vehicles are currently being removed - liaison with solicitor and owner.
18/500716/OPDEV	SUKI	Broomfield	Land at Forge House, Ashford Road, Broomfield	Engineering works to extend Motocross	TSN	26/04/2019	26/04/2019	26/04/2019	
16/500656/OPDEV	CLCU	Chart Sutton	Land Known as The Willows Lucks Lane, Chart Sutton	Unauthorised change of use G&T site	EN	07/03/2018	04/04/2018	appeal in progress	Appeal allowed - EN upheld but site development scheme not received.
14/500525/OPDEV	SUKI	Chart Sutton	Horseshoe Paddock Lucks Lane, Chart Sutton	Unauthorised change of use G&T site	EN	16/02/2018	23/03/2018	appeal in progress	Appeal allowed - EN Quashed but site development sceme not received.
17/500629/CHANGE	SUKI	Coxheath	Broken Tree - Land opp 36 Forstal Lane, Broken Tree, Coxheath	Unauthorised change of use G&T site	EN	11/10/2018	15/11/2018	appeal in progress	Appeal lodged 13/09/2019 - awaiting start date
18/500234/OPDEV	DAPR	Coxheath & Hunton	Riverside Hse, West Street, Hunton	unauthorised raised platform	EN	28/08/2019	02/10/2019	appeal in progress	Appeal lodged 02/10/2019 - awaiting start date
15/500395/CHANGE	SUKI	Detling	Roseacre, Scragged Oak Road, Detling	Unauthorised change of use G&T site	EN	26/01/2018	02/03/2018	3 months	
19/500346/CHANGE	DAPR	Fant Ward	Plot 12 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500347/CHANGE	DAPR	Fant Ward	Plot 13 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500350/CHANGE	DAPR	Fant Ward	Plot 15 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500351/CHANGE	DAPR	Fant Ward	Plot 16 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500352/CHANGE	DAPR	Fant Ward	Plot 17 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500354/CHANGE	DAPR	Fant Ward	Plot 19 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500356/CHANGE	DAPR	Fant Ward	Plot 20 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500357/CHANGE	DAPR	Fant Ward	Plot 21 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	1 month	

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
19/500361/CHANGE	DAPR	Fant Ward	Plot 24 Riverside Area Off Unicum Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500366/CHANGE	DAPR	Fant Ward	Plot 26 Riverside Area Off Unicum Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500367/CHANGE	DAPR	Fant Ward	Plot 27 Riverside Area Off Unicum Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500369/CHANGE	DAPR	Fant Ward	Plot 28 Riverside Area Off Unicum Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500370/CHANGE	DAPR	Fant Ward	Plot 29 Riverside Area Off Unicum Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500371/CHANGE	DAPR	Fant Ward	Plot 30 Riverside Area Off Unicum Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
17/500721/CHANGE	CLCU	Harrietsham	Stede Row, Stede Hill, Harrietsham	Trees being felled, possibly clearing site for stationing of mobile homes	INJ	27/10/2017	27/10/2017	27/10/2017	Injunction remains on the land - Monitor
19/500330/BOC	SUKI	Harrietsham	Chestfields, Marley Road, Harrietsham	Unauthorised change of use G&T site	EN	17/09/2019	18/10/2019	appeal in progress	Appeal lodged 16/10/19- awaiting start date
16/501199/CHANGE	SUKI	Headcorn	Land rear of The Meadows Lenham Road Headcorn	Expired temporay permission and expansion of G&T site	EN	16/08/2018	20/09/2018	appeal in progress	Appeal lodged 06/09/18 - awaiting start date
17/500611/OPDEV	CLCU	Headcorn	Acers Place, Lenham Road	Unauthorised change of use G&T site	EN	04/10/2017	15/11/2017	02/08/2019	
15/500712/OPDEV	SUKI	Headcorn	Little Newhouse Farm, New House Lane, Headcorn	Bungalow being built in garden.	EN	05/01/2018	07/02/2018	19/05/2019	Appeal dismissed - Notice upheld, full demolition required
16/501028/CHANGE	CLCU	Headcorn	Smiths View, Love Lane, Headcorn	Unauthorised G&T development	EN	07/02/2018	14/03/2018		Allowed on appeal - EN Quashed
18/500101/OPDEV	CLCU	Headcorn	Faithfield, Love Lane, Headcorn	Unauthorised change of use G&T site	EN	16/02/2018	23/03/2018		Allowed on appeal - EN Quashed
16/501028/CHANGE	CLCU	Headcorn	Smiths View, Love Lane, Headcorn	Unauthorised G&T development	EN	07/02/2018	14/03/2018		Allowed on appeal - EN Quashed
18/500001/CHANGE	CLCU	Headcorn	Smiths Cottage, Lenham Road, Headcorn, Kent, TN27 9LG	Unauthorised siting of two additional caravans	EN	16/10/2018	20/11/2018	appeal in progress	a/w start date
16/501147/OPDEV 16/501251/OPDEV 17/500291/CHANGE	SUKI	Marden	Tanner Farm Caravan Park Goudhurst road Marden Kent TN12 9ND	Change of use of land for holiday/residential	EN	17/10/2018	21/11/2018	appeal in progress	Questionnaire completed - a/w start date
16/500866/BOC	SUKI	Linton	Little Paddocks Stilebridge Lane Linton Kent ME17 4DE	Unauthorised siting of two additional caravans and associated hardstanding	EN	16/10/2018	20/11/2018	appeal in progress	a/w start date

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Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
17/500032/BOC	DAPR	Loose	Filmers Farm, Salts Lane, Loose, Kent, ME15 0BD	Condition 2 and Condition 4 not met 16/500762/FULL	BCN	25/07/2018	25/07/2018	22/08/2018	
ENF/8320	SUKI	Marden	Monk Lakes, Staplehurst Road, Marden, Kent	Unauthorised development consisting of engineering, mining and building operations and unauthorised COU of land to recreational fishing lakes	EN	30/04/2008	30/04/2008	27/05/2008	a/w planning decision
ENF/11798	SUKI	Marden	Monk Lakes, Staplehurst Road, Marden, Kent	Erection of new dwelling in the woodland	EN	19/05/2016	23/06/2016		Application to use lodge as rest qtrs for manager - REFUSED. Legal advice requested.
15/501259/BOC	SUKI	Otham	Bramley, Otham Street, Otham, ME15 8RL	Extension on North Elevation not being built in accordance with planning permission.	EN	06/11/2017	11/12/2017	16/07/2019	EN partially complied with. Pre-app advice sought with planning & conservation officer regarding rebuild or alterations - a/w outcome of planning application
16/500847/OPDEV	SUKI	Sandway	Sunny Hill View Equestrian Stables Sandway Road Sandway Kent ME17 2LU	Stationing of two mobile homes and equestrian use.	EN	23/05/2018	27/06/2018	29/08/2022	Temporary planning granted for 3 yrs
17/500529/OPDEV	CLCU	Staplehurst	Perfect Place Frittenden Road Staplehurst	Unauthorised change of use G&T site	EN	09/02/2018	09/03/2018	30/07/2019	planning appeal allowed - EN upheld to remove development in excess of the permission granted by end of Nov.
18/500802/BOC	DARP	Staplehurst	Hen and Dukchurst Farm, Marden Road, Staplehurst, Kent, TN12 0PD	Unauthorised access	BCN	19/02/2019	19/02/2019	19/03/2018	Planning application approved.
17/500911/CHANGE	SUKI	Ulcombe	Little Willows, Eastwood Road, Ulcombe	Unauthorised change of use G&T site	EN	07/08/2018	11/09/2018	11/12/2018	awaiting Planning application decision
					INJ	12/01/2018	12/01/2018	12/01/2018	Injunction remains on the land - Monitor
18/500572/BOC	CLCU	Ulcombe	Caravan 2 Hawthorn Farm, Pye Corner, Ulcombe	Unauthorised change of use G&T site	EN	11/10/2018	15/11/2018	15/05/2019	
19/500384/CARAVN	CLCU	Ulcombe	Land to the rear of Neverend Farm, Ulcombe	Unauthorised change of use G&T site.	INJ	21/05/2019	21/05/2019	Ongoing	Injunction remains on the land - Monitor
					TSN	07/05/2019	07/05/2019	21/05/2019	Planning application refused 03/10/19
16/500815/BOC	CLCU	Yalding	Green Tops Symonds Lane Yalding	PP expired - 10/0504 for occupation of the site for 3 years only.	EN	27/04/2017	01/06/2017	01/08/2017	
15/500852/OPDEV	SUKI	Yalding	The Three Sons, Hampstead Lane, Nettlestead Kent, ME18 5HN	Unauthorised G & T development in Green Belt	EN	02/10/2015	06/11/2015	01/06/2017	EN allowed 5yr consent on part of the site. Two planning applications a/w appeal start dates.
					INJ	24/07/2019	24/07/2019	Ongoing	Remaining part of the site in breach of EN
14/500560/BOC	CLCU	Yalding	The Stables, Wagon Lane, Paddock wood, Tonbridge	Breach of personal occupancy condition	EN	03/07/2018	07/08/2018	07/11/2018	

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
19/500469/OPDEV	DAPR	Yalding	Land west of Benover Road, Yalding	Unauthorised preparation for change of use to a G&T site.	TSN	07/06/2019	07/06/2019	07/06/2019	

	Decision reached - case closed
	Awaiting appeal start dates
	Awaiting planning application/appeal decisions/compliance dates
	Consideration as to whether to proceed to the next step of formal action
XXXXXXXXXX	Cases that are being monitored i.e. sites with injunctions and BCNs