

# ADJOURNED PLANNING COMMITTEE MEETING

Date: Monday 29 April 2019  
Time: 6.00 p.m.  
Venue: Town Hall, High Street, Maidstone

## Membership:

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

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

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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 Items withdrawn from the Agenda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. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
6. Disclosures by Members and Officers
7. Disclosures of lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. 18/506223/FULL - Parkwood House, West Street, Harrietsham, Maidstone, Kent 1 - 21
10. 18/505561/FULL - Bentletts Scrap Yard, Claygate Road, Yalding, Maidstone, Kent 22 - 38
11. 19/500399/FULL - Meadow View, Marden Road, Staplehurst, Tonbridge, Kent 39 - 48

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**Issued on Friday 26 April 2019**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

## **PLEASE NOTE**

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

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

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

## **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).

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



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

### Relevant Planning History

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

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

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

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

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

## **2.0 PROPOSAL**

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

## **3.0 POLICY AND OTHER CONSIDERATIONS**

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

#### **4.0 LOCAL REPRESENTATIONS**

##### **Local Residents:**

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

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

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

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

#### **5.0 CONSULTATIONS**

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

##### MBC Environmental Services

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

##### Harrietsham Parish Council

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

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

##### KCC Drainage

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

##### Helen Whately MP

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

##### MBC Trees and landscaping

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

Environment Agency

5.06 No objection – permit issued 20 February 2019

MBC Archaeology

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

**6.0 APPRAISAL**

**6.01 Main Issues**

The key issues for consideration are:

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

**Background and need for the proposal**

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

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

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

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

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

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

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

**Potential visual impact including openness of the countryside.**

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

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

**Potential impact on the amenities of neighbouring properties.**

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

**Potential natural environment impact, trees, ecology and water pollution**

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

**Other matters**

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

**7.0 CONCLUSION**

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

**8.0 RECOMMENDATION**

GRANT planning permission subject to the following conditions:

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

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

Case Officer: Jocelyn Miller

# Permit with introductory note

The Environmental Permitting (England & Wales) Regulations 2016

CareTech Community Services Limited

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

Permit number

**EPR/LB3798VP**

# Sewage treatment plant and infiltration system serving Parkwood House Permit number EPR/LB3798VP

## Introductory note

### This introductory note does not form a part of the permit

The main features of the permit are as follows.

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

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

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

End of introductory note

# Permit

## The Environmental Permitting (England and Wales) Regulations 2016

Permit number

**EPR/LB3798VP**

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

**CareTech Community Services Limited** (“the operator”),

whose registered office is

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

company registration number 02804415

to operate a groundwater activity at

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

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

<b>Name</b>	<b>Date</b>
<b>Mark Hutchinson</b>	<b>20/02/2019</b>

Authorised on behalf of the Environment Agency

# Conditions

## 1 Management

### 1.1 General management

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

## 2 Operations

### 2.1 Permitted activities

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

### 2.2 The site

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

### 2.3 Operating techniques

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

## **3 Emissions and monitoring**

### **3.1 Emissions to water or land**

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

### **3.2 Emissions of substances not controlled by emission limits**

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

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

### **3.3 Monitoring**

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

## **4 Information**

### **4.1 Records**

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

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

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

### **4.2 Reporting**

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

### **4.3 Notifications**

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

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

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

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

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

Where the operator is a registered company:

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

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

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

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

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

## **4.4 Interpretation**

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

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

## Schedule 1 – Operations

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

## Schedule 2 – Waste types, raw materials and fuels

Schedule 2 not in use.

## Schedule 3 – Emissions and monitoring

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

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

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

## Schedule 4 – Reporting

Schedule 4 not in use.

## Schedule 5 – Notification

These pages outline the information that the operator must provide.

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

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

### Part A

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

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

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

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

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

<b>Name*</b>	
<b>Post</b>	
<b>Signature</b>	
<b>Date</b>	

\* authorised to sign on behalf of the operator

## Schedule 6 – Interpretation

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

"annually" means once every year.

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

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

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

“emissions to land” includes emissions to groundwater.

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

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

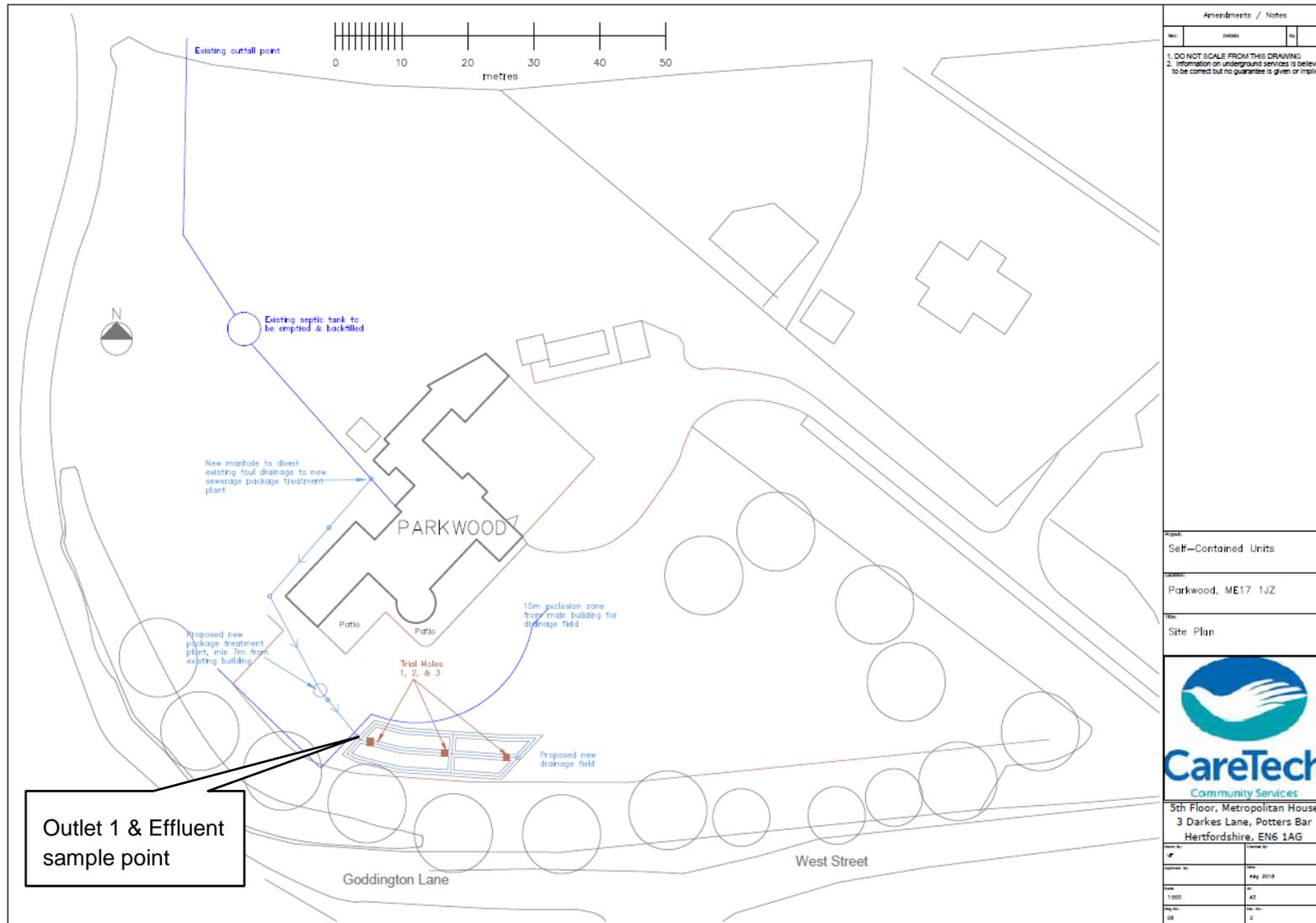
"quarter" means a calendar year quarter commencing on 1 January, 1 April, 1 July or 1 October.

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

“year” means calendar year ending 31 December.

# Schedule 7 – Site plan

21



END OF PERMIT

Permit number  
EPR/LB3798VP



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

**Relevant Planning History**

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

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

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

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

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

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

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

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

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

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

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

This planning permission expires in July 2020.

## **MAIN REPORT**

### **1. SITE DESCRIPTION**

1.1 The application site is occupied by an established HGV depot/scrap yard located within the open countryside off Claygate Road. The site has an area of approximately 2.5ha. The site in its original form included large areas of hardstanding and a number of sheds of industrial appearance mostly located in the eastern section of the site. A further building is located more centrally within the site at 90 degrees to the southern boundary. The majority of the site was used for open storage of HGVs and scrap materials. Sporadic trees planting defines the north and south site boundaries.

1.2 Abutting the site to the north, south and west of the site is open open countryside. To the east of the site there is a short linear development of residential properties fronting onto Claygate Road. Located to the east of the vehicle entrance to the scrapyards is the Pest House, a Grade II LB. The site access lies in close proximity to this building. The main part of the site is located in Flood Zone 1 with part located in Flood Zone 2.

1.3 Short to mid-range views of the site are available from several points along Claygate Road; including the site entrance; between the houses to the east of the site, and across the agricultural fields.

### **2. PROPOSAL**

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

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

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

Ditch along north site boundary:

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

Condition of Claygate Road

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

Site junction /access

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

Additional Homes

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

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

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

#### **4. LOCAL REPRESENTATIONS**

##### **Local Residents:**

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

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

#### **5. CONSULTATIONS**

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

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

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

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

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

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

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

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

## **6. APPRAISAL**

### **Main Issues**

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

**Impact on rural character and landscape:**

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

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

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

#### **Layout / Design**

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

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

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

**Amenity**

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

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

**Heritage Impacts**

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

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

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

**Highways / accessibility**

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

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

**Community infrastructure contributions and affordable housing**

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

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

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

**Biodiversity considerations:**

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

**Other matters**

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

**CONCLUSIONS**

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

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

**8. RECOMMENDATION:**

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

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

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission; Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Finished floor levels for non-sleeping and sleeping accommodation shall be a minimum of 300mm and 600mm respectively above the estimated flood level for the site. Reason: To avoid flood risk.
3. A bound surface shall be used for surfacing for the first 5 metres of the access from the edge of the highway and provision for cycle parking shall be as shown on the approved plans. Reason: In the interest of the free flow of traffic and highway safety and to encourage the use of sustainable transport.
4. No access to serving individual properties or groups of properties shall be used until vision splays of 2m x 2m x 45° between the driveway and the back of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter. Reason: In the interests of highway safety and the free flow of traffic.
5. Before first occupation of any identifiable development phase a Closure Report shall be submitted for prior approval in writing by the Local Planning Authority which shall include full verification details including details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean; Reason: In the interest of health and safety.
6. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and

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

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

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

15. The approved landscaping scheme shall be carried out in the first available planting season following first occupation of any identified development phase of the development hereby permitted. Any seeding or turfing which fails to establish or any trees or plants which, within 5 years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation. Reason: To ensure a satisfactory landscaped setting for the development.
16. The boundary details shown on drawing no: LN35-1200.07 rev P2 shall be implemented prior to first occupation of the dwelling/s to which they relate and retained as such at all times thereafter. In addition openings of sufficient size shall be provided in garden fences between dwellings to allow free movement of wildlife between gardens and the adjoining countryside. Reason: In the interests of amenity and wildlife.
17. The development hereby approved shall be constructed at the levels shown on drawing nos: LN35-810.01 P2 & LN35\_810.02 P2. Reason: In the interests of amenity.
18. No external lighting shall be placed anywhere within the site without first obtaining the prior consent in writing from the Local Planning Authority. The submitted details shall include details of the type of luminaire and output, measures to shield and direct light and illuminance contour plots showing both vertical and horizontal components. Lighting shall only be installed in accordance with the approved details. Reason: In the interest of amenity.
19. The refuse strategy and collection details shown on drawing no: LN35\_1200.05 P1 shall be implemented prior to first occupation of any dwelling to which they relate. Reason: In the interests of amenity, the free flow of traffic and highway safety.
20. The development hereby approved shall be carried out in accordance with the provisions of the Tree Survey carried out by LaDellWood dated September 2018 in particular drawing no:2537/17/B/2 rev A. Reason: To ensure a satisfactory external appearance to the development and to safeguard the trees on site.
21. Prior to the occupation of the dwellings hereby permitted, a minimum of one electric vehicle charging point shall be installed at every residential dwelling with dedicated off street parking, and shall thereafter be retained for that purpose. Reason: To secure improvements in air quality.

22. Prior to first occupation of the any dwelling, the provisions set out in the energy and sustainability statement dated September 2018 and prepared by Briary Energy shall be implemented and maintained at all times thereafter. Reason: To ensure an energy efficient form of development.
23. The development hereby permitted shall be carried out in accordance with the following approved plans:
- LN35\_1100.01 Rev P1 – House Type 202
  - LN35\_1100.02 Rev P2 – House Type 304
  - LN35\_1100.03 Rev P1 – House Type 401
  - LN35\_1100.04 Rev P1 – House Type 401
  - LN35\_1100.05 Rev P2 – House Type 401
  - LN35\_1100.06 Rev P1 – House Type 402
  - LN35\_1100.07 Rev P1 – House Type 402
  - LN35\_1100.08 Rev P1 – House Type 402
  - LN35\_1100.09 Rev P1 – House Type 404
  - LN35\_1100.10 Rev P1 – Double Garage
  - LN35\_1100.11 Rev P1 – Single Garages
  - LN35\_1100.12 Rev P1 – Substation
  - LN35\_1100.13 Rev P1 – House Type 304
  - LN35\_1200.01 Rev P2 – Site Location Plan
  - LN35\_1200.02 Rev P2 – Planning Layout
  - LN35\_1200.03 Rev P2 – Planning Layout – House Types
  - LN35\_1200.04 Rev P2 – Planning Layout – Storey Heights
  - LN35\_1200.05 Rev P1 – Planning Layout – Refuse Strategy
  - LN35\_1200.06 Rev P1 – Planning Layout – Fire Strategy
  - LN35\_1200.07 Rev P2 – Planning Layout – Boundary Treatments
  - LN35\_1200.08 Rev P3 – Site Entrance & Access Plan
  - LN35\_1200.09.01 Rev P1 – Street Scenes (Sheet 1 of 2)
  - LN35\_1200.09.02 Rev P1 – Street Scenes (Sheet 2 of 2)

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

LN35 800.01 Rev P2 and 810.02 Rev P2.

T15166\_Collier\_02R1 – Topographical Survey 1 of 5 – Rev A  
T15166\_Collier\_02R1 – Topographical Survey 2 of 5 – Rev A  
T15166\_Collier\_02R1 – Topographical Survey 3 of 5 – Rev A  
T15166\_Collier\_02R1 – Topographical Survey 4 of 5 – Rev A  
T15166\_Collier\_02R1 – Topographical Survey 5 of 5 – Rev A

Reason: In the interests of amenity.

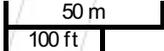
### **INFORMATIVES**

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

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

3. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
4. The site has a population of variegated archangel, an invasive non-native species listed on schedule 9 of the wildlife and countryside act 1981 (as amended) which makes it an offence to plant or otherwise cause it to grow in the wild. Planning consent for a development does not provide a defence against prosecution under this act. Measures will need to be undertaken to ensure that the plant is eradicated prior to commencement of development to ensure that no offences may occur.  
Enhancement

Case Officer: Graham Parkinson



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

### Relevant Planning History

18/501342/FULL

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

Approved Decision Date: 30.07.2018

### MAIN REPORT

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

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

#### **2. PROPOSAL**

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

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

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

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

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

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

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

### **5 CONSULTATIONS**

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

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

5.2 **EHO:** No objection

5.3 **Kent Highways:** No objection

## 6.0 APPRAISAL

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

### **Principle of development**

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

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

**Need for Gypsy Sites**

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

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

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

**Supply of Gypsy sites**

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

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

**Gypsy Status**

- 6.17 National planning guidance for Gypsy and Traveller development contained in 'Planning Policy for Traveller Sites' (PPTS). Revised guidance is now in force with the planning definition of 'gypsies & travellers' being amended to exclude those who have ceased to travel permanently. The revised definition is as follows; "*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such*".

- 6.18 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition, the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.

- 6.19 In relation to the current application the persons referred to below are all related to the existing site occupants who are part of a long-established Irish traveller family. This is a well-known family and related to most of the larger Irish traveller families across Kent, the UK and Ireland. They attend several horse fairs around the UK including those in: Peterborough, Nottingham, Leicester, Dartford, Kenilworth, Barnsley, Stow on the Wold, Wickham, Appleby, Cambridge, Slough, Staplehurst, New Forest and Somerset.

- 6.20 It is only necessary to demonstrate Gypsy and Traveller status in relation to the occupants of the additional mobile homes. The following has been submitted to address this:

- Mobile Home 1: Two working age adults - one is unable to maintain a nomadic lifestyle due to long term health issues.
- Mobile home 2: One working age adult with childcare responsibilities for 3 school age children.
- Mobile Home 3: One working age adult with childcare responsibilities for one pre school child.
- Mobile Home 4: One working age adult who is unable to maintain a nomadic lifestyle due to long term health issues.

- 6.20 All working age adults live a nomadic lifestyle in the same manner as the existing site occupants except where health, age or childcare commitments preclude this. It is considered the submitted information is sufficient to demonstrate that the mobile home occupants meet the above definition.

**Impact on the character and setting of the countryside**

- 6.21 The site in its current form is considered to have an acceptable impact on the character and setting of the countryside. Nevertheless a condition was imposed on planning permission ref: 18/501342 requiring native species planting along the south west perimeter of the caravan enclosure and boundaries of the paddock separating the occupied part of the site from the Marden Road frontage.

- 6.22 The additional mobile homes will be sited within the existing compound. The intention is solely to increase the number of mobile homes in this area from 4 to 8. Subject to the condition to secure perimeter landscaping it considered the visual

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

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

**Cumulative Impacts**

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

**Amenity**

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

**Highways**

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

**Wildlife**

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

**Other matters**

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

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

### **Conclusions**

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

## **8. RECOMMENDATION**

GRANT planning permission subject to the following conditions:

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

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

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

Informatives:

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

Case Officer: Graham Parkinson

