

PLANNING COMMITTEE MEETING

Date: Thursday 25 February 2021

Time: 6.00 p.m.

Venue: Remote Meeting - The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website

Membership:

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

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

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 4 March 2021
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 21 January 2021 1 - 8
11. Presentation of Petitions (if any)
12. Deferred Items 9 - 10

Issued on Wednesday 17 February 2021
Over/:

Continued

Alison Broom

Alison Broom, Chief Executive

13.	20/505321/FULL - Stilebridge Caravan Site, Stilebridge Lane, Marden, Kent	11 - 17
14.	20/505195/OUT - Land at Woodcut Farm, Ashford Road, Hollingbourne, Kent	18 - 47
15.	20/505182/REM - Land at Woodcut Farm, Ashford Road, Hollingbourne, Kent	48 - 69
16.	20/505274/FULL - Two Acres, Park Lane, Boughton Monchelsea, Maidstone, Kent	70 - 80
17.	20/505422/FULL - Masons Barn, Queen Street, Paddock Wood, Tonbridge, Kent	81 - 89
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19.	20/505312/FULL - Maplehurst Paddock, Frittenden Road, Staplehurst, Kent	98 - 117
20.	20/503651/FULL - River Wood, Chegworth Lane, Harrietsham, Kent	118 - 146
21.	21/500117/HEDGE - Land South of Marden Road, Staplehurst, Kent	147 - 154
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PLEASE NOTE

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

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

For full details of all papers relevant to the reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection; please follow this link: <https://pa.midkent.gov.uk/online-applications/>

PUBLIC REPRESENTATIONS AND ALTERNATIVE FORMATS

In order to make a submission to the Committee, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 24 February 2021. You will need to tell us which agenda item you wish to make representations on. Please note that slots will be allocated for each application on a first come, first served basis.

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE REMOTE MEETING HELD ON 21 JANUARY 2021

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

Also Councillors Mrs Gooch and Harper
Present:

449. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from
Councillors Brindle and Wilby.

450. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Young was substituting for Councillor Brindle.

451. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Gooch indicated her wish to speak on the reports of the
Head of Planning and Development relating to applications
20/501773/FULL (Land Off Oakapple Lane, Barming, Maidstone, Kent) and
20/504551/FULL (River Barn, Tutsham Farm, West Farleigh, Maidstone,
Kent).

Councillor Harper indicated his wish to speak on the report of the Head of
Planning and Development relating to application 20/501773/FULL (Land
Off Oakapple Lane, Barming, Maidstone, Kent).

452. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

453. URGENT ITEMS

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

454. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood said that he was a Member of Boxley Parish Council.
However, he had not participated in the Parish Council's discussions

regarding application 19/505816/SUB (Lordswood Urban Extension, Gleaming Wood Drive, Lordswood, Kent), and intended to speak and vote when it was considered.

Councillor Perry said that he was a Member of Staplehurst Parish Council. However, he had not participated in the Parish Council's discussions relating to application 20/503700/FULL (The Three Sons, Park Wood Lane, Parallel Track, Staplehurst, Kent), and intended to speak and vote when it was considered.

Councillor Vizzard said that he was a Member of Barming Parish Council. However, he had not participated in the Parish Council's discussions regarding application 20/501773/FULL (Land Off Oakapple Lane, Barming, Maidstone, Kent), and intended to speak and vote when it was considered.

455. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

Item 13.	20/503700/FULL - THE THREE SONS, PARK WOOD LANE, PARALLEL TRACK, STAPLEHURST, KENT	Councillors Kimmance, Parfitt-Reid and Perry
Item 14.	20/501773/FULL - LAND OFF OAKAPPLE LANE, BARMING, MAIDSTONE, KENT	Councillors Adkinson, English, Eves, Harwood, Kimmance, Munford, Parfitt-Reid, Perry, Powell, Spooner, Vizzard and Young
Item 15.	19/505816/SUB - LORDSWOOD URBAN EXTENSION, GLEAMING WOOD DRIVE, LORDSWOOD, KENT	Councillors Harwood and Kimmance
Item 16.	20/505320/FULL - WATER LANE CARAVAN SITE, WATER LANE, HARRIETSHAM, KENT	Councillors Adkinson, Eves, Kimmance, Parfitt-Reid, Perry, Powell, Spooner, Vizzard and Young
Item 19.	20/504551/FULL - RIVER BARN, TUTSHAM FARM, WEST FARLEIGH, MAIDSTONE, KENT	Councillors English, Kimmance, Munford, Parfitt-Reid, Vizzard and Young

456. EXEMPT ITEMS

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

457. MINUTES OF THE MEETING HELD ON 17 DECEMBER 2020

RESOLVED: That the Minutes of the meeting held on 17 December 2020 be approved as a correct record and signed.

458. PRESENTATION OF PETITIONS

There were no petitions.

459. DEFERRED ITEMS

19/500271/FULL - CHANGE OF USE OF LAND FOR THE STATIONING OF 18 HOLIDAY CARAVANS WITH ASSOCIATED WORKS INCLUDING LAYING OF HARDSTANDING AND BIN STORE - OAKHURST, STILEBRIDGE LANE, MARDEN, TONBRIDGE, KENT

20/504386/FULL - CHANGE OF USE OF THE LAND FOR THE SITING OF 3 NO. STATIC CARAVANS AND 3 NO. TOURING CARAVANS FOR GYPSY/TRAVELLER OCCUPATION (REVISED SCHEME TO 18/506342/FULL) - THE ORCHARD PLACE, BENOVER ROAD, YALDING, KENT

The Development Manager advised Members that he had nothing further to report in respect of these applications at present.

460. 20/501773/FULL - ERECTION OF 181 DWELLINGS, TOGETHER WITH ASSOCIATED WORKS FOR ACCESS, PARKING, INFRASTRUCTURE, OPEN SPACE, EARTHWORKS, SURFACE WATER DRAINAGE SYSTEMS AND LANDSCAPING - LAND OFF OAKAPPLE LANE, BARMING, MAIDSTONE, KENT

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

Mr Jones (an objector) addressed the meeting by video link on behalf of the "Give Peas a Chance Group".

Councillor Mrs Gooch (Visiting Member) read out statements on behalf of Barming and Teston Parish Councils.

The Chairman read out a statement on behalf of Ms Wilford, agent for the applicant.

Councillors Harper and Mrs Gooch (Visiting Members) addressed the meeting.

RESOLVED:

1. That subject to:

- A. Further negotiations in consultation with a Delivery Group comprising the Chairman and Vice-Chairman of the Planning Committee, Councillors Mrs Gooch, Kimmance and Vizzard (Local Members), the Planning Committee Political Group Spokespersons, a representative of Barming Parish Council, representatives of KCC Highways and the applicant, and Officers to address the following issues:

- On-site open space and its treatment, including the exact nature of the use and operation, landscaping and demarcation of the green spaces, and ecological enhancements and connectivity; and the potential for off-site biodiversity enhancements; and
- Transportation, permeability of the site and links with the existing highway network, including public transport, emergency access arrangements and the potential for a 20 mph Traffic Regulation Order;

AND

- B. The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure the Heads of Terms set out in the report,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informative set out in the report and the additional condition set out in the urgent update report, and to be able to settle, add or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation, as resolved by the Planning Committee and with the express details on those specific matters as set out above negotiated in consultation with the Delivery Group.

2. That in the event of majority agreement not being reached on the issues to be negotiated in consultation with the Delivery Group, these issues must be reported back to the Planning Committee for resolution.

Voting: 6 – For 3 – Against 3 – Abstentions

461. 20/504551/FULL - AMENDED PROPOSAL SEEKING PART RETROSPECTIVE PLANNING PERMISSION FOR A REPLACEMENT BARN AS 4/5 BEDROOM DWELLING INVOLVING REDUCTION IN FENESTRATION, ADDITION OF BARN DOORS, RAGSTONE PLINTH, REMOVAL OF GARDEN WALLS, REDUCED GARDEN AND PARKING AREA WITH NEW RAGSTONE PIERS, NATIVE HEDGEROWS AND STRUCTURAL LANDSCAPING AT RIVER BARN, TUTSHAM FARM - RIVER BARN, TUTSHAM FARM, WEST FARLEIGH, MAIDSTONE, KENT

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

Councillor Mrs Gooch (Visiting Member) read out a statement on behalf of Teston Parish Council.

Mr Hawkins, agent for the applicant, addressed the meeting by video link.

Councillor Mrs Gooch (Visiting Member) addressed the meeting.

The Development Manager suggested that if Members were minded to give delegated powers to the Head of Planning and Development to grant permission, condition 1 (Permitted Development) should be amended to refer to Class A of Part 2 of Schedule 2 as well.

RESOLVED:

1. That subject to:

- A. The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure the Heads of Terms set out in the report; and
- B. The conditions set out in the report, as amended by the urgent update report and by the Development Manager at the meeting, and the additional condition set out in the urgent update report with:

The amendment of condition 2 (External Lighting) to specify that the only external lighting shall be a porch light;

The amendment of condition 3 (ii) (Landscaping Scheme) to specify that (a) the hardstanding shall be replaced by a wildflower meadow instead of grass; (b) the landscaping scheme shall include larger trees such as Lime/Oak; and (c) the proposed Cobnut Plat shall comprise Kentish Cobnut trees;

The amendment of condition 4 (Implementation of Landscaping Scheme) to refer to a ten-year maintenance scheme;

An additional condition requiring the incorporation of biodiversity enhancements within the development (bird boxes (with provision for owls), bat tubes and bee bricks etc.);

An additional condition requiring the installation of Solar PV on the south facing roof slope or an alternative form of renewable energy generation within the development; and

An additional condition requiring the provision of an electric vehicle charging point,

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

2. That the details to be submitted pursuant to condition 3(ii) (Landscaping Scheme) are to be agreed in consultation with Ward Members and the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee.

Voting: 8 – For 4 – Against 0 – Abstentions

462. 20/503700/FULL - CHANGE OF USE OF LAND TO RESIDENTIAL FOR AN ADDITIONAL GYPSY TRAVELLER FAMILY TO INCLUDE THE STATIONING OF 2 NO. STATIC CARAVANS AND ASSOCIATED HARDSTANDING (PART RETROSPECTIVE AND TO INCLUDE A RE-ORGANISATION OF THE WHOLE SITE LAYOUT). (THIS GIVING A TOTAL OF 4 NO. STATIC CARAVANS, 2 NO. TOURING CARAVANS, A UTILITY/STABLE BLOCK AND ASSOCIATED HARD STANDING WITHIN THE PLANNING UNIT) - THE THREE SONS, PARK WOOD LANE, PARALLEL TRACK, STAPLEHURST, KENT

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

The Chairman read out a statement on behalf of Staplehurst Parish Council.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with:

The deletion of the words "previously approved" from the sixth line of condition 4 (i) (Site Development Scheme);

The further amendment of condition 4 (i) to (a) require a physical barrier to prevent access into the buffer area of the Ancient Woodland, (b) specify that the biodiversity enhancements within the buffer area shall include bird and bat boxes (with provision for owls), bee bricks and a bug hotel, and (c) specify that the landscape scheme shall be in accordance with the Landscape Character Assessment; and

An additional condition requiring the provision of electric vehicle charging points for the two additional static caravans.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and additional conditions and to amend any other conditions as a consequence.
3. That the Head of Planning and Development be requested to submit a report to the Committee on compliance with the requirements regarding the relocation of the septic tanks and the removal of the buildings and associated hardstandings from the buffer area of the Ancient Woodland within no later than six months.

Voting: 6 – For 4 – Against 2 – Abstentions

463. 19/505816/SUB - SUBMISSION OF DETAILS PURSUANT TO CONDITION 5 (MATERIALS), CONDITION 7 (WOODLAND MANAGEMENT PLAN), CONDITION 8 (PROPOSED BOUNDARY TREATMENT), CONDITION 10 (ECOLOGY), CONDITION 11 (CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN : BIODIVERSITY) AND CONDITION 17 (BIRD BOXES) IN RELATION TO PLANNING APPLICATION 15/503359/OUT AND APPEAL

REFERENCE APP/U2235/W/15/3132364 FOR RESIDENTIAL DEVELOPMENT (APPROX 89 DWELLINGS) PLUS OPEN SPACE, BIOMASS PLANT AND ACCESS ROAD (PLUS EMERGENCY ACCESS) - LORDSWOOD URBAN EXTENSION, GLEAMING WOOD DRIVE, LORDSWOOD, KENT

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

RESOLVED: That the details be approved with the informatives set out in the report.

Voting: 11 – For 1 – Against 0 – Abstentions

464. 20/505320/FULL - REMOVAL OF THE EXISTING TIMBER FRAMED WASH-ROOM FACILITIES SERVING 14 PLOTS AND REPLACEMENT WITH TRADITIONAL STYLE CONSTRUCTION ON EXISTING FOOTPRINTS. RENEWAL OF THE MAINS WATER AND MAINS ELECTRICAL FOR DIRECT BILLING. REPAIR OF THE FOUL WATER DRAINAGE SYSTEM (CESSPIT AND PUMPING STATION). REPLACING 6 LIGHTING COLUMNS AND ADDING AN ADDITIONAL LIGHTING COLUMN - WATER LANE CARAVAN SITE, WATER LANE, HARRIETSHAM, KENT

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

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report with an additional condition requiring the incorporation of biodiversity enhancements within the development.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional condition and to amend any other conditions as a consequence.

Voting: 12 – For 0 – Against 0 – Abstentions

465. 20/504061/FULL - ERECTION OF SECURITY GATES AND GALVANIZED BARBICAN FENCING - UNIT 1, GUARDIAN INDUSTRIAL ESTATE, PATTENDEN LANE, MARDEN, TONBRIDGE, KENT

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

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with additional conditions requiring (a) the submission of details of a suitable landscaping scheme for approval and (b) implementation of the approved scheme to soften the impact of the utilitarian fencing.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional conditions and to amend any other conditions as a consequence.

Voting: 12 – For 0 – Against 0 – Abstentions

466. 20/505894/TPOA - TPO APPLICATION - T1 ACER TO REAR OF PROPERTY. LIFT TO 4M PROPERTY SIDE AND PRUNE OVERHANG. WORKS ARE TO ADDRESS CUSTOMER ENQUIRY WHILST STILL LEAVING A TREE WITH HIGH AMENITY VALUE. REASON FOR WORKS: TREE IS ENCROACHING ONTO PROPERTY - 1 LEAMINGTON DRIVE, MAIDSTONE, KENT

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

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

Voting: 10 – For 1 – Against 1 – Abstention

467. APPEAL DECISIONS

19/501600/OUT and 19/506182/FULL – LAND WEST OF CHURCH ROAD, OTHAM, KENT

The Chairman suggested that consideration of this item be deferred until information relating to the costs awarded against the Council is available.

RESOLVED: That consideration of this item be deferred until information relating to the costs awarded against the Council is available.

468. DURATION OF MEETING

6.00 p.m. to 10.00 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

25 FEBRUARY 2021

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

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

APPLICATION	DATE DEFERRED
<p><u>19/500271/FULL - CHANGE OF USE OF LAND FOR THE STATIONING OF 18 HOLIDAY CARAVANS WITH ASSOCIATED WORKS INCLUDING LAYING OF HARDSTANDING AND BIN STORE - OAKHURST, STILEBRIDGE LANE, MARDEN, TONBRIDGE, KENT</u></p> <p>Deferred to seek:</p> <ul style="list-style-type: none"> • Details of the design of the caravans; • Details of electric vehicle charging points; and • A detailed landscaping plan. 	26 November 2020
<p><u>20/504386/FULL - CHANGE OF USE OF THE LAND FOR THE SITING OF 3 NO. STATIC CARAVANS AND 3 NO. TOURING CARAVANS FOR GYPSY/TRAVELLER OCCUPATION (REVISED SCHEME TO 18/506342/FULL) - THE ORCHARD PLACE, BENOVER ROAD, YALDING, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> • Negotiate a reconfiguration of the site layout to achieve better landscaping of the pond/woodland area to enable ecological and flood amelioration; and • Seek the advice of the Environment Agency specifically relating to this site. <p><u>Note:</u> The Development Manager confirmed that when the application is reported back to the Committee the additional conditions recommended by the Officers and the suggestions made by Members during the discussion regarding (1) the provision of (a) bin and cycle storage and (b) bug hotels and bat tubes in the eaves of the wooden</p>	17 December 2020

buildings and (2) the exclusion of Sycamore trees from the landscaping scheme and the use of non-plastic guards for trees and hedgerows will be included.	
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20 m
100 ft



Ordnance Survey - data derived from OS Premium



20/505321/FULL - Stilebridge Caravan Site

Scale: 1:1417

Printed on: 17/2/2021 at 9:06 AM by StevieH

REFERENCE NO - 20/505321/FULL		
APPLICATION PROPOSAL Refurbishment of the existing concrete block wash-room facilities on each plot and overcladding in external wall insulation with a rendered finish. Renewal of the mains water and mains electrical services for direct billing and repair of the foul water drainage system. Replacing the lighting columns.		
ADDRESS Stilebridge Caravan Site Stilebridge Lane Marden TN12 9BJ		
RECOMMENDATION Application Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION The works proposed are necessary upgrades to out of date and/or poor quality facilities and should be supported. The proposals are considered to accord with relevant national and local planning policies.		
REASON FOR REFERRAL TO COMMITTEE Maidstone Borough Council is the applicant.		
WARD Marden And Yalding	PARISH/TOWN COUNCIL Marden	APPLICANT Maidstone Borough Council AGENT Faithorn Farrell Timms
TARGET DECISION DATE 09/04/21		PUBLICITY EXPIRY DATE 11/02/21

Relevant Planning History

95/0592

Regulation 3 application from Kent County Council for the demolition and rebuilding of 6 No. double and 2 No. single amenity blocks. .

No Objection Decision Date: 11.05.1995

94/0285

Regulation 3 Application - replacement of existing sewage treatment works with a new sewage treatment works and associated works. .

No Objection Decision Date: 13.04.1994

86/0202

Provision of underground sewage treatment plant and associated security fence

No Objection Decision Date: 01.04.1986

76/1202

Permanent consent for gypsy caravan site

Approved Decision Date: 24.01.1977

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site has a site area of 1.06 ha and is set in a countryside location to the north of Marden. It is surrounded by farmland and woodland

1.02 It is set along a single width road, 350 m west from the junction with Linton Hill. It is surrounded by woodland and farmland.

- 1.03 The existing site is a Council run Gypsy and Traveller Caravan Park accommodating 16 active pitches and 1 disused.
- 1.04 There are 10 “semi-detached” wash-room facilities; each occupies a footprint of approximately 12.5 sqm. The existing amenity buildings are of a concrete blockwork construction with an exposed finished concrete floor. Each Amenity Building serves two pitches: each pitch has its own entrance door thus maintaining a private entrance per pitch.
- 1.05 The site lies in Flood Zone 2.

2. PROPOSAL

- 2.01 The 10 existing amenity blocks are considered to be in a fair structural condition. However, they need to be refurbished to bring the insulation and required ventilation to current Building Regulations compliance. Currently the heating is insufficient in colder weather, the lack of insulation and poor ventilation of the units has resulted in some of the blocks suffering from condensation issues.
- 2.02 The proposal is that they be refurbished and overclad with external wall insulation with a rendered finish which will increase the thermal efficiency and also greatly improve the aesthetical appearance of the blocks. The existing artificial slate roofs will be retained,
- 2.03 The intended works include a new mains electricity and water supply to each pitch with meters to allow direct billing with the suppliers.
- 2.04 The foul water drainage is an existing drainage treatment plant (existing system and pipework is being retained) and the work will be limited to repairs. There is no existing surface water system so existing water course and existing soakaways are in use. Any additional surface water drainage system that might be necessary will be a separate planning proposal.
- 2.05 There are 6 existing light columns on the site and it is intended to replace them with new galvanised lighting columns with LED luminaries, integrated photocells and time clocks. The height revised to 5m height (as existing). Lighting units will be residentially suited Kirium Eco Mini: they will be conditioned to have a yellow tone colour temperature of 2,200K.
- 2.06 The Flood Risk Assessment that is necessitated by the location in FZ2 concludes that no records of fluvial, tidal or surface water or artificial flooding incidents have been identified at or in the vicinity of the site; the development will not result in greater impermeable surface so will not impact on local flood risk; Flood resilient materials and construction methods to be used; will subscribe to the EA Flood Warnings Direct service; safe egress to FZ1 is within the site boundary; FFL will remain as existing.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 SP17; DM1; DM3; DM30
Neighbourhood Plans: Marden 2020
Kent Minerals and Waste Local Plan 2016
Supplementary Planning Documents
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 n/a

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)

Marden PC

5.01 Support

Environment Agency

5.02 Referred to Standing Advice for issues of Flood risk, Groundwater and contaminated land, Waste, Ecology and Environmental Permitting Regulations.

KCC Minerals

5.03 No objections

Natural England

5.04 No objection

Southern Water

5.05 The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation. Any SuDS should have good management to avoid flooding which may result in the inundation of the foul sewerage system.

KCC (Flood and Water Management)

5.06 Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment and regard the development as low risk

5.07 Environmental Protection

- The site had previously been derelict land used by the Maidstone Rural District Council as a refuse disposal tip from 1951 until March 1962. The Minister of Housing and Local Government granted permission for the use as a permanent caravan site for gypsies and other travellers was granted in 1963.
- Two site investigations were conducted at the site in 1985 and 1991 and gas monitoring wells were installed; no elevated gases concentrations were recorded. Fill was encountered at depths of less than 2m below ground level (bgl)
- Contamination consultants SLR were employed to undertake an environmental assessment in 2008.
- Some heavy metal exceedances were recorded, in particular lead.
- Since most of the site is covered by hard standing and there is no plant uptake in terms of home grown produce, the use of the site is not a typical residential end use
- The risk of landfill gas is low in terms of there not being a vapour pathway due to the off ground nature of the caravans.
- Any future planning applications involving drainage assessment and potential excavation should include a review and update of any contamination risk assessments based on current guidance.
- I have been informed that the current foul drainage system is a package treatment plant, on which investigations will be carried out to determine whether it needs repairing or upgrading. With regards to surface water there is no existing system per se, except for existing water course and soakaways. Any

additional drainage system proposals will be in a separate planning application, since no final scheme has been devised yet.

- It should be noted that no infiltration-based sustainable drainage systems (SuDS) should be constructed on land affected by contamination, as contaminants can remobilise and cause groundwater pollution.
- No objections subject to watching brief on contamination.

6. APPRAISAL

Main Issues

- The key issues for consideration relate to:
- Countryside Location
- Design and Appearance
- Groundwater Protection
- Contamination

Countryside Location

- 6.01 The site is subject to policy SP17 which states that development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.
- 6.02 The works proposed in terms of visual structures is the recladding of the amenity buildings and replacement of lamp columns generally similar to those in situ and within an enclave of an established relatively densely developed caravan site. I therefore consider that in the context of the general like-for-like aspect of the proposals, there is no harm to the character and appearance of the area and no breach of SP17 or national policies that protect the countryside for its own sake.

Design and Appearance

- 6.03 Policies DM1 and DM30 relate to the need for high quality design. The re-cladded amenity blocks and lamp columns are appropriate in form, scale and materials to their immediate location. The replacement lamp columns being 5m tall respects the residential setting.

Groundwater Protection

- 6.04 Non-mains drainage is not ideal. Policy DM3 of the MBLP requires control of pollution to protect ground and surface waters where necessary and to mitigate against the deterioration of water bodies and adverse impacts on Groundwater Source Protection Zones.
- 6.05 The site is not located on a Source Protection Zone and this application only includes potential repair of an existing package treatment system. If it transpires that upgrade works are necessary, this would be the subject of a separate application on which the views of the Environment Agency would need to be sought.
- 6.06 Due to the history of the site, surface water drainage must not be allowed to cause contaminants to remobilise and hence result in groundwater pollution. Informatives are suggested to highlight this.

Other Matters

- 6.07 The location in Flood Zone 2 is not directly relevant to the proposal as the amenity blocks are being refurbished in situ. However, the conclusions of the FRA should be

followed and this will be the subject of a condition in order to comply with paragraph 163 of the NPPF.

- 6.08 The new lamp columns are to be on photocell timers and the LEDs will be the lowest colour temperature which suited to a rural area and is least harmful to wildlife. A condition on Biodiversity Net Gain is suggested. Local Policy DM3 or national policies on these issues are not breached.
- 6.09 The changes to allow for water and electricity metering are not considered to have any impacts in land use terms but the EP officer has carried out a detailed assessment of risk from past use of the site and a condition on encountering unforeseen contamination needs to be imposed.
- 6.10 The Minerals Safeguarding is not affected by the replacement of existing structures.
- 6.11 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

PUBLIC SECTOR EQUALITY DUTY

- 6.12 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 The works proposed are necessary upgrades to poor quality facilities and should be supported. The proposals are considered to accord with relevant national and local planning policies.

8. RECOMMENDATION

- 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 shall be carried out in accordance with the following drawings:

6 A Light Column

T1-5254 4 Proposed Layout and Elevations

Reason: For the avoidance of doubt.

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

Reason: To ensure a satisfactory appearance to the development.

- 4) The external lighting to roadways shall be 6 no. Kirium Eco Mini lighting columns of 5m height with colour temperature of 2200K and shall be retained as such thereafter.

Reason: In the interests of rural character and biodiversity.

- 5) The development shall be carried out in accordance with the recommendations of the Flood Risk Assessment by STM Environmental dated 08.01.21 hereby approved.

Reason: In the interests of the site being resistant and resilient to flooding.

- 6) The development hereby permitted shall not commence above dpc level until details and a timetable to secure biodiversity net gain have been submitted to and approved in writing by the Local Planning Authority. The measures must be implemented as approved thereafter.

Reason: In the interests of ecological enhancement.

- 7) (i) If during construction/demolition works, evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

(ii) If remediation scheme referred to in (i) is necessary, upon completion of the building works, a closure report shall be submitted for the approval in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

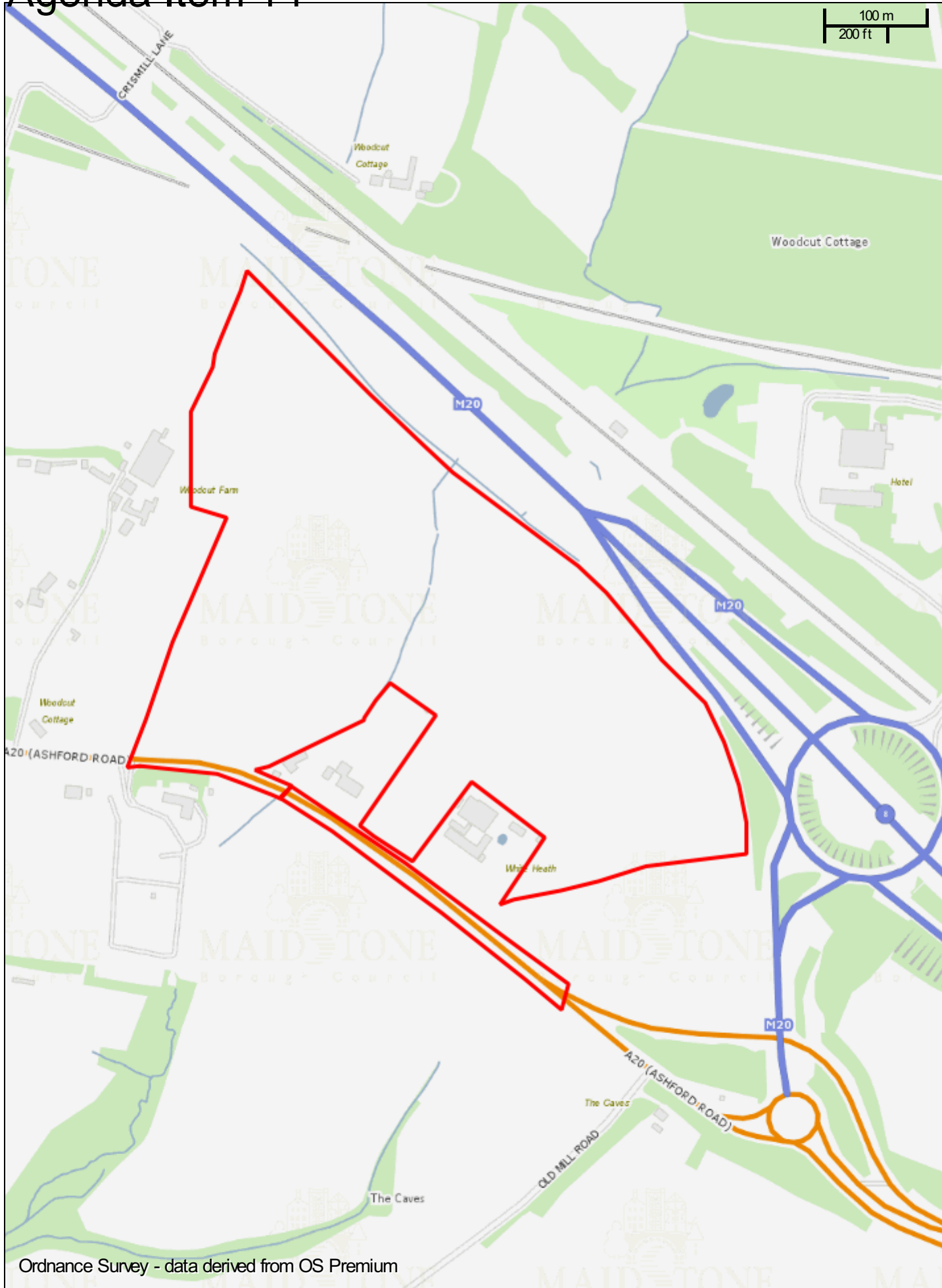
Reason: In the interests of protecting the health of operative and future occupants from any below ground pollutants.

INFORMATIVES

- 1) You are advised that any future changes to the foul drainage strategy should be discussed with the Environment Agency prior to submission of a planning application.
- 2) You are advised that any future proposed changes to the surface water drainage should be discussed both with KCC (Flood and Water Management) and the Environmental Protection section of Maidstone BC.

Case Officer: Marion Geary

Agenda Item 14



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 20/505195/OUT
<p>APPLICATION PROPOSAL</p> <p>Section 73 application for:</p> <ul style="list-style-type: none"> • Variation of Condition 3 to allow buildings on the eastern part of the site to have a footprint up to 10,000sqm, and • Variation of Condition 4 to allow buildings on the western part of the site to have a footprint up to 4,800sqm, a ridge height up to 10.5m, and to remove the requirement for buildings to be orientated end-on to the M20 motorway <p>In connection with application 17/502331/OUT (Outline application for a mixed commercial development comprising B1(a), B1(b), B1(c) and B8 units, with a maximum floor space of 45,295 square metres (access approved))</p>
ADDRESS Land at Woodcut Farm, Ashford Road, Hollingbourne
RECOMMENDATION – APPROVE WITH CONDITIONS
<p>SUMMARY OF REASONS FOR RECOMMENDATION</p> <ul style="list-style-type: none"> • The proposed changes to the height, building sizes and orientation would have a slightly greater impact above the approved permission and mean less scope to provide landscaping within the built areas of the site, and it is unlikely to be possible to achieve clear visual separation between buildings with landscaping as required as part of the site policy and part of condition 8 of the outline permission. • However, it is considered these changes would not make any obvious noticeable difference in views from the AONB due to the distance and/or the effect of intervening landform and vegetation. In more localised views to the south, the changes would be more apparent but would not make such a difference that the impact upon the landscape and local area would be unacceptable in the context of the site being allocated and the extant permission. • The proposals nonetheless represent conflict with the building size limits for criteria 5, the size, height and orientation for criteria 6, and part of criteria 1 of site policy EMP1(4). • This conflict with the Development Plan is considered to be acceptable because the proposed changes would not result in a materially different impact from the approved permission or one that would result in a significant adverse impact upon the setting of the AONB in accordance with policy SP17 of the Local Plan. This is considered to represent a material consideration to justify a decision that is not strictly in accordance with parts of criterion 1, 5, and 6 of the site allocation policy EMP1(4). • It is considered that the harm to the landscape is not at a level to outweigh the extensive public benefits of the application which arise from the economic benefits. • The changes would not result in a materially different impact upon Woodcut Farmhouse (GII) or Leeds Castle (GI listed) and its associated Registered Park and Gardens (GII*).

- Otherwise, the proposed changes would not have any additional impacts above the approved permission.
- Permission is therefore recommended subject to the conditions and heads of terms.

REASON FOR REFERRAL TO COMMITTEE

- Councillor Garten has requested the application is considered by the Planning Committee for the reasons set out in his comments.
- Hollingbourne Parish Council recommend refusal and request the application be considered by Planning Committee.
- The recommendation is contrary to the provisions of the Development Plan namely parts of criterion within the site allocation policy.

WARD North Downs	PARISH COUNCIL Hollingbourne	APPLICANT Maidstone Investment Holding Ltd AGENT Savills
DECISION DUE DATE: 24/02/21	PUBLICITY EXPIRY DATE: 02/02/21	SITE VISIT DATE: 16/02/21

RELEVANT PLANNING HISTORY

App No	Proposal	Decision	Date
17/502331	Outline application for a mixed commercial development comprising B1(a), B1(b), B1(c) and B8 units, with a maximum floor space of 45,295 square metres (Access being sought) (Resubmission of 15/503288/OUT)	APPROVED	20/07/18
20/505182	Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale) for Phase 1 being landscaping, infrastructure work required to create development platforms across the site, and 22,884sqm of flexible Use Class B1(c)/B8 employment floorspace comprising of 7no. units on Plot A totalling 5,444sqm (Units A3- A9) and 4no. units on Plot B totalling 17,440sqm (Units B1-B4) pursuant to 17/502331.	PENDING	

1.0 DESCRIPTION OF SITE

1.01 The application site relates to the Woodcut Farm employment allocation within the Local Plan. It is an irregular shaped parcel of arable farmland with an area of approximately 19 hectares immediately west of junction 8 (J8) of the M20 motorway. The application also includes two areas of land outlined

in blue (being adjoining land within control of the applicant). One is to the northwest which is defined as a 'landscape area' in the Local Plan and another to the west which is not within the allocation but would also provide a landscaped area.

- 1.02 Along the northern boundary is the M20 with the High Speed railway (HS1), J8 service station and the Ashford to Maidstone railway line beyond; to the eastern boundary is the J8 roundabout and its slip roads; along the south eastern boundary is Musket Lane, a narrow track which provides agricultural access to the site; along the southern boundary is the A20 (Ashford Road) and two residential properties; and along the west boundary is further farmland and a number of residential properties including the Woodcut Farm complex of buildings.
- 1.03 The two dwellings adjoining the south edges of the site are 'Chestnuts' and 'White Heath' and there is a car wash/garage facility that adjoins part of the south boundary. To the north west is the Woodcut Farm complex, set at a higher level with a private driveway (over which PROW KH641 runs) providing access from the A20. There are also around six other dwellings here including Woodcut Farmhouse a Grade II listed dwelling.
- 1.04 There are no local landscape designations affecting the site. The Kent Downs Area of Outstanding Natural Beauty (AONB) is north of the M20 and the Ashford to Maidstone railway line. At its closest point the AONB is within approximately 120m of the application site. It is considered that the application site falls within the setting of the AONB. There is also a local nature reserve to the north of the railway line around 130m from the site boundary at its closest point.
- 1.05 The site does not contain any designated heritage assets but there are a number within the vicinity, the closest being the Grade II listed Woodcut Farmhouse 80m to the west of the site. The Hollingbourne/Eyhorne Street Conservation Area, which features a number of listed buildings is around 710m to the east, and Leeds Castle (Grade I) and its Grade II* listed grounds (which features other listed buildings) are around 2km and 1km to the south east respectively. There are 5 protected trees (Oak and Scots Pine) along the south east boundary of the site with Musket Lane.

2.0 BACKGROUND

- 2.01 Outline planning permission was granted under application 17/502331 for a mix of B1(a), B1(b), B1(c) and B8 units with a maximum floor space of 45,295m². This application included the access to the site off the A20 and so up to 45,295m² of floorspace with access has been approved. The permission is subject to numerous conditions and a section 106 legal agreement.

3.0 PROPOSAL

- 3.01 This is a section 73 application to vary conditions 3 and 4 of outline permission 17/502331 which both control the size, height and orientation of buildings on the east and west parts of the site.

Condition 3 states as follows:

On the eastern part of the site (east of the existing stream), there shall be no units with a footprint of over 5,000m², no buildings shall exceed a ridge height of 12 metres, and buildings shall be orientated end-on to the M20 motorway.

Reason: To ensure a satisfactory appearance to the development.

Condition 4 states as follows:

On the western part of the site (west of the existing stream), there shall be no units with a footprint of over 2,500m², no buildings shall exceed a ridge height of 8 metres, and buildings shall be orientated end-on to the M20 motorway.

Reason: To ensure a satisfactory appearance to the development.

- 3.02 The application seeks changes to the size of buildings on the east part of the site; and changes to the size, height and orientation of buildings to the west as follows (changes highlighted in bold):

Condition 3:

*On the eastern part of the site (east of the existing stream), there shall be no units with a footprint of over ~~5,000m²~~ **10,000m²**, no buildings shall exceed a ridge height of 12 metres, and buildings shall be orientated end-on to the M20 motorway.*

Reason: To ensure a satisfactory appearance to the development.

Condition 4:

*On the western part of the site (west of the existing stream), there shall be no units with a footprint of over ~~2,500m²~~ **4,800m²**, no buildings shall exceed a ridge height of ~~8~~ **10.5** metres, ~~and buildings shall be orientated end-on to the M20 motorway.~~*

Reason: To ensure a satisfactory appearance to the development.

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP17, SP18, SP21, SP23, EMP1, EMP1(4), ID1, DM1, DM2, DM3, DM4, DM6, DM8, DM21, DM23, DM30
- Kent Waste and Minerals Plan (amended 2020)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- MBC Air Quality Guidance
- Kent Downs AONB Management Plan (2014-2019)

5.0 LOCAL REPRESENTATIONS

5.01 Local Residents: 14 representations received raising the following (summarised) points:

- Contrary to Local Plan and permission and no justification to ignore policy.
- No evidence of justification for proposed changes and a lack of need for larger buildings.
- Less scope to provide landscaping between buildings.
- Plot B should be lowered.
- Site is not suitable for 'big box units'.
- Further harm to AONB and landscape.
- Landscaping will take 15-20 years.
- Changes will focus primarily on B8 uses rather than a mixed employment site.
- B8 uses provide less employment than suggested by the applicant.
- Question applicant's employment figures.
- More potential for B8 uses and the associated impacts on residential amenity (noise, vibration, odour, air pollution).
- Harm to residential amenity from noise, smells and disturbance.
- Concern over lighting impact and photo provided.
- Concern over air quality for future workers at the site from M20 and A20 and impact from development.
- Spoils approach to Leeds Castle.
- Flood risk.
- Will 10,000m² of B1(a)(b) uses still be ring-fenced.
- 24/7 use will be unacceptable.
- Access is not suitable.
- Access arrangements have not been agreed apart from location in and out of the site and sightlines have not been taken into account.
- Traffic impact.
- Timetables are needed for highways works.
- There needs to be sufficient parking to avoid overspill off-site.
- Musket Lane cannot accommodate emergency access.
- If building heights are not increased we would be left with empty buildings that are not fit for purpose.
- MBC have missed out in potential CIL monies.
- S106 agreement is tame having regard to the impact of the development.

5.02 Hollingbourne Parish Council: **Request the application is refused** and referred to Committee if minded to approve as the Parish Council feels that the new proposals for the height and orientation of the buildings will be even more detrimental to the area.

5.03 Councillor Garten requests the application is considered by the Planning Committee, *"because it is a major development of significant public interest"*.

5.04 Kent Downs AONB Unit: **Strongly objects** to the application and concludes by saying: *"Taking the above matters into account, it is considered that the proposed variation of conditions would result in an exacerbation of harm to the landscape that would neither conserve nor enhance this part of*

the setting of the AONB. No overriding justification exists for the proposal which if permitted would wholly undermine the Local Plan process. We consider the application to be contrary to paragraphs 170 and 172 of the NPPF, policies EMP1 and SP17 of the adopted Maidstone Borough wide Local Plan as well as the Kent Downs AONB Management Plan, in particular policy SD8."

5.05 CPRE (Maidstone): Raises objections as changes will make buildings even more intrusive and will undermine the local plan process.

5.06 'Locate in Kent': Support the proposed changes for the following (summarised) reasons:

- Changes will allow a full range of unit sizes up to 50,000sqft (4,645m²), whilst preserving all the landscape and visual protections.
- Flexibility is important as the current outline permission means it is currently not possible to develop a mid-range of buildings 15,000-40,000sqft (1393m²-3716m²), a size we know the market needs.
- The proposed changes will broaden the site's appeal as a location and create a more successful mixed business park.
- Locate in Kent have received 43 enquiries for 15-40ksqft industrial space with an interest in Maidstone.
- Only 6 industrial properties on the market in the MBC area between 15-40,000sqft.
- Vacant provision in Maidstone is in semi-rural sites without direct access to the M20 and less well served with public transport.
- Restrictions limit opportunity for local businesses to grow on site and they would have to look elsewhere.
- Applicant has a clear track record of successful business park development.
- As Maidstone's communities grow to meet housing targets developing new types of commercial space in parallel becomes increasingly important.
- Locate in Kent is working with a pipeline of global investors and small local employers that will consider the Woodcut Farm site, as a strategic location should this scheme be approved.
- The proposed scheme contributes to futureproofing Kent's employment needs and will augment Maidstone's existing vibrant local economy.

6.0 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)

6.01 Natural England: Raise objections as they consider the proposals will have a significant impact on the purposes of designation of the Kent Downs Area of Outstanding Natural Beauty and fail to meet the criteria for planning permission to be granted as set out in the adopted Maidstone Local Plan - Policy EMP1(4).

6.02 Historic England: No objections. *"We think it is unlikely that the proposed increase in building heights would cause an additional level of harm over and above that described in the outline consent..... Historic England has no*

objection to the application on heritage grounds provided that the variation covered in the Section 73 application and the additional building heights proposed in the reserved matters application do not result in a higher level of harm than was suggested by the outline application."

- 6.03 **Highways England: No objections** subject to a condition excluding 'last mile delivery/parcel distribution uses' as it is considered that such users have a different traffic impact which must be assessed.
- 6.04 **Environment Agency: No objections** subject to conditions covering land contamination and to prevent pollution of the underlying aquifer and groundwater (as per original application).
- 6.05 **KCC Highways: No objections.**
- 6.06 **KCC SUDs: No objections** subject conditions.
- 6.07 **KCC Minerals & Waste: No objections.**
- 6.08 **KCC Archaeology: No objections** subject to condition.
- 6.09 **KCC Ecology: No objections** subject conditions.
- 6.10 **MBC Conservation Officer:** *"We have previously commented on earlier iterations of this development in relation to applications 15/503288 and 17/502331/OUT, which we considered would result in less than substantial harm to the setting and significance of Woodcut Farm (grade II listed) by encroaching on the farmhouse's historically open and rural setting. The amendments proposed in the current application would not in my view result in a materially different impact on the setting of the listed building and therefore I maintain our position as outlined above."*
- 6.11 **MBC Landscape Officer:** Advises that the general principles and methodology for the Landscape and Visual assessment accords with current guidelines. Advise that despite the proposed amendments the assessment summary considers there to be no new landscape or visual effects or any increases to the significance of those effects and reaches the same conclusions as the Environmental Statement 2017. On the basis that the principles and methodology are considered to be acceptable and clearly lead through to the conclusion, I believe the assessment remains sound.
- 6.12 **MBC Environmental Health: No objections** subject to previous conditions being attached.
- 6.13 **HSE: No objections.**
- 6.14 **Southern Water: No objections.**
- 6.15 **Kent Police:** Recommend various measures to 'design out crime'.
- 6.16 **MBC Economic Development:** Support the application and state that, *"Ensuring Key employment sites are delivered, and that local commercial and*

inward investment is increased are strategic priorities for the Council as set out in the councils adopted Strategic Plan 2019-2045. 'Embracing Growth and Enabling Infrastructure' and 'A Thriving Place'. This position is also reflected in the councils adopted Economic Development Strategy 2015 – 2031."

Advise that, "The Borough remains attractive for inward investment enquiries but is hampered to a certain extent by the supply of available modern fit for purpose commercial units and employment sites close to strategic transport networks."

And that, "The proposed variation on flexibility to the development at Woodcut Farm could assist in landing future enquiries providing much needed jobs and investment in the Borough."

7.0 APPRAISAL

7.01 Outline permission has already been granted for commercial development at the site and this application proposes to make changes to conditions 3 and 4 only. In line with section 73 of the Town and Country Planning Act 1990, for such applications the local planning authority can only consider the proposed changes to those conditions and cannot re-visit the principle of the development or any other matters relating to the outline permission. As such the report focuses on the changes to the conditions and an assessment of the impacts they would have.

7.02 The EIA Regulations still apply to such applications and this is why the applicant has provided a new Environmental Statement (ES) to sit alongside the proposals. This is a lengthy document which in effect re-appraises the whole development as it must. However, I reiterate that the focus of the assessment must be on the effect of the proposed changes to the conditions.

7.03 The site allocation policy under criterion 5 and 6 state as follows:

5. Larger footprint buildings will be accommodated in the field to the east of the stream up to a maximum unit size of 5,000m² with building ridge heights not to exceed 12m. Units should be orientated end-on to predominant views to and from the AONB.

6. Development on the field to the west of the stream comprises smaller units of up to 2,500m² footprint. Graded building heights will take account of the site's topography with building ridge heights not to exceed 8m. On the highest part of the site at and above the 55m contour line as shown on the policies map, building footprints will be limited to 500m². The siting, scale and detailed design of development must have regard to the preservation of Woodcut Farmhouse (Grade II) and its setting.

7.04 The proposals would conflict with the building size for criteria 5 and the size, height and orientation for criteria 6. As such the impacts of such changes need to be carefully considered and the main issue is the impact upon the landscape and setting of the AONB. Impacts upon heritage and local amenity also need to be considered.

Applicant's Reasons for Changes

- 7.05 Whilst a decision must be made as to whether the proposed changes are acceptable or not with the main consideration being the landscape impact, the applicant has set out their reasons for the proposed changes which can be considered in the balance.
- 7.06 They outline that, *"allowing the B-units (to the east) to have increased footprints of up to 10,000sqm will provide greater flexibility in the range of unit sizes that can be provided. The buildings have been designed to allow internal subdivision, which will provide greater flexibility to respond to tenant requirements to expand or contract by moving internal walls."* They refer to the comments from MBC Economic Development, which recorded 7 live enquiries for Maidstone in September 2020, of which 5 were over 5,000sqm and state that, *"without the proposed amendments, the enquiries over 5,000sqm could not be accommodated at Woodcut Farm."*
- 7.07 They also consider the floorspace restrictions mean that there is no ability to develop mid-range units of around 1,400m² - 3,250m². They could obviously be provided on the east part of the site where up to 5,000m² can be allowed and 10,000m² is being sought but this is likely to be the location for the largest buildings. They state that they have had two enquiries for this medium size of building and that any successful business that outgrows the smaller buildings limit up to 2,500m² would need to leave the site. This is not strictly correct as larger buildings can be provided to the east but the applicant's general point is to seek a mix of building sizes across the site which is confirmed by the comment that, *"the requested changes to the size restrictions would enable the development to meet all the identified requirements. Allowing a range of unit sizes is also important to creating an ecosystem and providing options for businesses to scale up and down."*
- 7.08 In terms of heights, they consider that, *"by modern standards, the proposed unit sizes are not large. The 12m high B-units will provide an internal clear height of 10m and the 10.5m A-units would provide a clear internal height of 8.5m. To reduce the heights of the buildings would place the units at a competitive disadvantage."*
- 7.09 The Council's Economic Development (ED) section support the application and comment that,
- "The Borough remains attractive for inward investment enquiries but is hampered to a certain extent by the supply of available modern fit for purpose commercial units and employment sites close to strategic transport networks. 'Locate in Kent' the Counties Inward Investment Agency continue to receive demand and interest from businesses wishing to relocate or expand in the Borough. 'Locate in Kent's' September 2020 demand enquiries for Maidstone based on maximum size requirements record 7 enquiries between 3,200m² and 9,200m². The proposed variation on flexibility to the development at Woodcut Farm could assist in landing future enquiries providing much needed jobs and investment in the Borough."*

7.10 The information provided by ED reveals that five enquiries were for buildings exceeding the 5,000m² restriction and two above the 2,500m² restriction in place on the west part of the site. I consider this does demonstrate some need for middle size and larger footprint buildings in the locality but as stated previously it is the impact of the changes which is the main consideration.

7.11 'Locate in Kent' also support the application to provide flexibility and a full range of unit sizes and consider the proposal will broaden the site's appeal as a location and create a more successful mixed business park.

Landscape Impact

Building Height Increase of 2.5m on West Part of Site (up to 10.5m)

7.12 Clearly the height of the buildings is important in terms of landscape impact but just as important are the land levels on which the buildings are set. Levels were not set under the outline permission by condition as the site policy only refers to heights. The information accompanying the outline application did set out the indicative finished floor levels (FFLs) of the buildings on the 'Building Heights' parameter plan and these were used for the Landscape and Visual Impact Assessment (LVIA). Being indicative the FFLs had a +/-1m variance.

7.13 The table below shows a comparison between the FFLs in the west part of the site as shown on the original outline application and those now being proposed.

Area of West Part of Site	Original Outline indicative FFLs	Proposed FFLs	Difference
South Area near to A20	51.30m	51.30m	0m
Middle Area	52.45m	51.50-52.75m	-0.95m to +0.05m
North Area	52.60m	52.20-53.20m	-0.40m to +0.60m

7.14 This shows that FFLs in the south area would remain the same as previously envisaged and in the middle and northern areas they would be lower in places and higher in others.

7.15 Following submission of the application, discussions were held with the applicant to see whether lower FFLs were achievable to reduce any impact and so the applicant reviewed their cut and fill exercise. This resulted in slightly lower FFLs than originally proposed which are those as set out in the table above. The applicant has advised that the levels have be lowered as far as is possible before reaching a point that requires the introduction of retaining walls, a mechanical drainage design and considerable uplift in the amount of ground material that would need to be taken off site.

7.16 Whilst it cannot be said that the FFLs shown within the original outline application were not achievable, it seems that through more extensive design

work mainly relating to the road layout and drainage (carried out in connection with their reserved matters application), the FFLs are as low as is reasonable. It is therefore considered appropriate to require the development to be carried out in accordance with these levels should the proposals be considered acceptable.

Building Size Increases and Orientation

7.17 On the west part of the site buildings are proposed up to 4,800m² (as opposed to 2,500m²) and without a requirement to be orientated end of to the M20. On the east part of the site buildings are proposed up to 10,000m² (as opposed to 5,000m²). Paragraph 4.232 of the Local Plan states that, *"The flatter area of the site, to the east of the stream, is better able to accommodate larger footprint buildings up to 5,000m².... to the west of the stream the land rises and is suited to smaller footprint buildings of up to 2,500m²...."*

7.18 This is the only explanation for the building sizes in the Local Plan. The west part of the site is in the main lower and was proposed to be set lower than the east so it is not entirely clear why smaller and lower buildings are more appropriate here but it is more confined by the land rising steeply to the west and is nearer to Woodcut Farmhouse (GII listed). However, limiting building sizes is likely to lower the impact on the landscape as buildings/roofs could potentially be better broken up. The orientation was defined to have the narrower 'end' of buildings facing north so helping to reduce the impact of buildings in views from the AONB. It is also my recollection that the building sizes and heights were part of a negotiation with the applicant during the course of the planning applications from 2015 and 2017 and through the Local Plan Examination process in order to limit the impact as far as possible, which culminated in the adopted Local Plan policy and the eventual planning permission.

Appraisal of Landscape Impact from Proposed Changes

7.19 Since the previous decision the NPPF and national guidance has been updated. The NPPF's statements relating to AONBs have not changed greatly and refer to development within them so are not directly relevant. National guidance refers to the setting of AONBs and states, *"land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account."*

7.20 Section 85 of the Countryside and Rights of Way Act 2000 requires a relevant authority, when exercising any functions in relation to, or affecting land in, an AONB to have regard to the purpose of conserving or enhancing the natural beauty of the AONB.

- 7.21 Turning to the impact of the proposed changes, the applicant outlines that under the original LVIA a maximum height of 68.2m AOD was assessed and that the proposed changes would remain well below this by 4.5m which is correct. The Council agreed with the findings of the LVIA and this is a material consideration but notwithstanding this, the Council still decided to specifically limit heights of the buildings as per the condition and site policy with which the proposals would conflict.
- 7.22 The original LVIA concluded that after mitigation, impacts would be minor from the AONB and other longer views from the south east due to the intervening distance or the effect of intervening landform and vegetation. Closer views from the footpath to Woodcut Farm to the west and adjacent properties would be greater and these were considered to cause major to moderate impacts upon the landscape. The Council previously agreed with these conclusions as set out in the 2017 application committee report which stated, *"whilst views from the AONB and Pilgrim's Way National Trail are sensitive, due to the distance and/or the effect of intervening landform and vegetation, I would not consider the development to be overly intrusive from the AONB. Importantly, the detailed criterion required by the allocation policy would help to mitigate this impact to an acceptable level."*
- 7.23 The current application assesses the impacts of the increased height and building sizes in a new LVIA which uses the same viewpoints as the original and an additional viewpoint from the A20 flyover to the southeast of the site. The LVIA concludes that the changes do not result in any greater adverse impact. Having observed the site from viewpoints in the AONB one again, I would agree that in longer distance views from the AONB, due to the distance and/or the effect of intervening landform and vegetation, the increase in height and orientation would not make any obvious noticeable difference from that already approved. Indeed, much of the site is screened by rising land and the development would not be highly visible or prominent from the AONB.
- 7.24 The effect of the building footprint changes would mean less scope to provide landscaping within the built areas of the site and it would be unlikely to achieve clear visual separation between buildings and parking with landscaping as required as part of criteria 1 of the site policy and condition 8 of the permission. This would particularly be the case for the east part of the site where the larger buildings are proposed. This 'breaking up' of the buildings in my view would only provide any meaningful mitigation benefit from higher ground where it could be seen and so in the main from the AONB to the north. Again, I consider that in longer distance views from the AONB, due to the distance and/or the effect of intervening landform and vegetation, the impact of these changes would not be materially more harmful or intrusive from the viewpoints beyond the original permission. The strategic areas of landscaping on the outsides of the development, and tracts of landscaping through the site along the stream and on the east side of the site would still be achievable.
- 7.25 As was concluded previously, it is in more localised views from the A20, M20, the access to the Woodcut Farm complex, (over which PROW KH641 runs), and Old Mill Lane around 400m to the south where the development

inevitably has a significant impact and from here the proposed changes would be more apparent and have more of an impact. However, it is still considered that the proposed changes would not make such a difference that the impact upon the landscape and local area would now be unacceptable. This is largely because the key strategic landscaped areas on the outskirts of the development would still be provided and these would suitably mitigate the impact of the development as illustrated in the verified photomontages provided with the application.

- 7.26 The verified photomontages submitted under the LVIA (which follow current best practice) are intended to present an accurate representation of the development from 15 viewpoints. They show the development before any landscaping is provided, after 5 years, and then when the landscaping is at full maturity during summer months. They show that in long distance views the development would not be any more harmful or intrusive from the AONB beyond the original permission and is not highly visible or prominent. In more localised views they demonstrate how important the strategic landscaping is to screen and/or break views of the development which will once more will be secured by condition.
- 7.27 Taking into account the proposed changes, it is concluded once again that there would be minor impacts in views from the AONB and more significant impacts in closer views around the site, to the south, and towards the AONB. Such impacts are inevitable this being a major allocation of employment floorspace and these would be significantly mitigated by the strategic landscaping that will be secured by condition once more. So whilst the increase in height and building sizes/orientation would have a some further impact and represent a clear conflict with the site allocation policy, the actual effects of these changes would not be significant or be to such a degree that would make the impact of the development on the AONB setting or the local landscape unacceptable in the context of the site being allocated for up to 49,000m² of employment floorspace.
- 7.28 Natural England (NE) and the Kent Downs AONB Unit have raised objections in terms of the impact upon the AONB outlining the proposed changes would not be in accordance with current local plan policy; that they consider the increase in footprint and height cannot be accommodated without significant landscape impacts on the AONB and they will increase the developments visibility particularly from higher viewpoints; they do not agree with the conclusions of the LVIA; and given the landscape impacts on the AONB from the proposed changes, the proposal fails to conserve or enhance the natural beauty of the AONB, as required by both national and local policy. It is acknowledged that the changes will have a slightly greater impact but for the reasons outlined above, it would not be of a magnitude that would result in a materially different impact from the AONB or one that would have a significant adverse impact on the setting of the AONB in accordance with policy SP17. This is considered to represent a material consideration to justify a decision that is not strictly in accordance with parts of criterion 1, 5 and 6 of the site allocation policy EMP1(4).
- 7.29 Clearly, the employment needs and benefits were weighed against the landscape harm when the site was allocated and the proposed changes do

not make a significant or unacceptable difference to the landscape impact from the original outline approval. It is still considered that the level of harm is not sufficient to outweigh the extensive public benefits of the application which arise from the economic benefits through the creation of between 765 to 1260 FTE jobs once operational; net additional value to the economy of some £28 to £47 million each year in Maidstone Borough, and it would provide a significant contribution to the identified employment needs of the Local Plan/Borough (up to 8%) at a strategic employment allocation.

- 7.30 In having regard to the purpose of conserving or enhancing the natural beauty of the AONB under Section 85 of the Countryside and Rights of Way Act 2000, it is considered that the proposed changes would not be of a magnitude that would result in a materially different impact to the setting of the AONB as the approved permission or to what policy EMP1(4) of the Local Plan seeks. The proposals would also not have a significant adverse impact on the setting of the AONB in accordance with policy SP17.

Heritage

- 7.31 Under the original application it was concluded that the harm to the setting of Woodcut Farmhouse (GII listed) to the west would be minimal and 'less than substantial' and the public benefits of the development far outweighed this level of harm.
- 7.32 It is considered that the proposed height and building footprint changes are not so significant as to result in a materially different impact upon the setting of Woodcut Farmhouse and this impact would still be 'less than substantial'. This level of harm as before must still be given great weight in the balance but it is not so great as to tip the balance against the proposed changes. It is still considered that the significant public benefits from the proposals outweigh this impact in accordance with the NPPF and policy DM4 of the Local Plan. These public benefits are primarily the significant economic benefits as outlined at paragraph 7.29 which attract substantial weight. The Council's Conservation Officer also considers that, *"the amendments proposed in the current application would not in my view result in a materially different impact on the setting of the listed building."*
- 7.33 In terms of Leeds Castle (GI listed) and its associated Registered Park and Gardens (GII*), under the original application Historic England considered that the development would have a negligible visible presence from the castle grounds and that once landscaping is established it would not be seen. They considered that any harm would be negligible. Under this application they raise no objection but say this is provided the additional buildings heights do not result in a higher level of harm than was suggested by the outline application. They also state that, *"we think it is unlikely that the proposed increase in building heights would cause an additional level of harm over and above that described in the outline consent."* I concur with Historic England that the proposed changes would not result in any obvious noticeable difference or cause an additional level of harm from the castle grounds. For this reason, it is still considered that the significant public benefits from the proposals outweigh this negligible impact in accordance with the NPPF and policy DM4 of the Local Plan.

Residential Amenity

- 7.34 As before, the main impacts from the development would be on nearby dwellings through the introduction of noise and disturbance from a 24-hour site from road traffic, vehicles and HGV's accessing the site, reversing, loading and manoeuvring within loading yard areas. The proposed changes to the building heights and sizes would not result in any different impacts in this respect nor do they allow more of certain types of uses than was previously assessed. Nor would the changes result in any materially different impact upon privacy, light or outlook. As before, subject to the noise mitigation measures, the proposals are considered to be in accordance with policy DM1 of the Local Plan.

Access and Highways

- 7.35 Highways England consider that the increase in floorspace to 10,000m² could mean that 'high intensity parcel delivery' users (companies such as DPD) may occupy the site and say they are aware of such delivery companies seeking units of around 10,000m² as sub regional delivery hubs. They consider such users generate larger quantities of trips across the day, would potentially have a very different distribution to a typical B8 use and larger parking requirements. On this basis, they recommend either a condition excluding 'high intensity parcel delivery' users on the basis that the impact of such users has not been assessed, or the applicant assesses the potential impact to demonstrate they can be accommodated on the strategic road network. They are not opposed to such users but consider they need to be assessed to determine if the impact is acceptable. If either option is not taken, they object to the application.
- 7.36 All storage and distribution/warehouse uses fall under use class B8 and there is no sub-class for 'parcel delivery'. The Government therefore do not distinguish between such uses and so it could be said that there is no justification for preventing certain types of operators who fall within a B8 use. Highways England have therefore been asked for evidence that such users generate more traffic and have provided some examples from SE England which do show that such users generate more movements than a standard B8 use.
- 7.37 It is considered that there is some merit in the case being put forward by Highways England this being a well-located site next to the M20 and whilst the applicant has outlined how they do not consider the site is suitable mainly because of the limited space available, they do not disagree that such uses generate more traffic. On this basis, I consider that there is the potential for a greater traffic impact from such users with larger buildings being allowed on site. The applicant is not proposing to assess this impact and has confirmed that a condition is acceptable to them. A condition has been agreed with Highways England that would prevent 'high intensity parcel delivery uses' (where the primary activity of the business is the storage, packaging and delivery of parcels to residential and business users for and on behalf of multiple independent sellers as distinct from a retail warehouse and distribution centre). This would apply to any buildings over 5,000m².

- 7.38 The access into the site was accessed by KCC Highways and approved under the original application and is not being changed under this application. The off-site improvements including bus stops, pedestrian refuges and improvements to the footway on the north side of the A20 would be secured once again, as would the financial contributions to increase bus frequency at peak times to half hourly.
- 7.39 KCC Highways have requested a financial contribution of £120,000 towards the planned junction improvement scheme at the A20/Willington Street junction. Under the original permission the improvement necessary for this development (widening on westbound the A20 arm) was secured via condition. In view of a wider strategic improvement to the junction now being more advanced by KCC, I consider a financial contribution would be more appropriate. The applicant has also confirmed they are agreeable to this. Such a contribution to strategic infrastructure would normally be via CIL but commercial development has been specifically exempted from CIL by the Council. There could be an argument that the development should not pay s106 monies because the Council have exempted CIL payments, however, in view of there being an extant permission that specifically secured an improvement to the junction it is considered suitable to do so in this case. The amount has been requested as it is based on the costs of the works that are specifically required by this development. It is therefore considered to be necessary, directly related to the development and reasonable in accordance with the CIL Regulations. The applicant will provide a legal agreement (unilateral undertaking) directly with KCC to secure these monies, which is acceptable.

Other Matters

- 7.40 The proposed changes do not have any different implications for ecology, archaeology, flood risk and drainage, lighting, air quality, or any other matters. Nor has anything materially changed in planning policy or guidance or at the site/in the locality to warrant a different conclusion on any of these matters. As before conditions will be attached to mitigate and address these issues.

Representations

- 7.41 Issues raised that are not considered in the assessment above relate to views that the changes will focus primarily on B8 uses rather than a mixed employment site and questioning of the applicant's employment figures. The changes would provide for larger buildings but the outline permission limits B8 uses to no more than 22,455m² so the site cannot be occupied entirely by such uses without seeking permission to do so. The Council's ED Section have referred to the applicant's employment forecasts in their comments and have not raised any issues with them.

Conditions & Legal Agreement

- 7.42 An approval results in a new planning permission so all conditions will be attached once more. The 'use class order' has changed since the previous

consent and so the B1 uses now fall within a wider commercial/business use 'Class E'. The relevant conditions will be amended to still restrict the permission to office, research and development, and light industry and a new condition will prevent any changes to other uses within the new Class E such as retail and recreation.

- 7.43 For the reasons outlined at paragraph 7.24, the increased building sizes mean less scope to provide landscaping within the built areas of the site and it is unlikely to be possible to achieve clear visual separation between buildings and parking areas with landscaping. This is specified under the second paragraph of condition 8 (landscaping) and so this is proposed to be amended to reflect the changes to the building sizes (changes in bold).

*Substantial tracts of planting extending into the body of the development to achieve clear visual separation between **development areas. individual buildings and between parking areas.***

- 7.44 As assessed at paragraph 7.24, whilst this change would be contrary to part of criteria 1 of the site policy, it is not considered to result in a materially difference impact upon the setting of the AONB or the local landscape or a significant adverse impact on the setting of the AONB, and this represents a material consideration to justify a conflict with this part of the policy.

- 7.45 The s106 legal agreement accompanying the original permission has a clause (9.3) which ties the covenants and provisions of the s106 to any subsequent section 73 application and so a new legal agreement is not required. A new legal agreement to secure the £120,000 to the A20/Willington Street will be secured.

8.0 CONCLUSION

- 8.01 The proposed changes to the height, building sizes and orientation would have a slightly greater impact above the approved permission. However, it is considered the changes would not make any obvious noticeable difference in views from the AONB due to the distance and/or the effect of intervening landform and vegetation. In more localised views to the south, the changes would be more apparent but would not make such a difference that the impact upon the landscape and local area would be unacceptable in the context of the site being allocated and the extant permission.

- 8.02 The effect of the building footprint changes would mean less scope to provide landscaping within the built areas of the site and it is unlikely to be possible to achieve clear visual separation between buildings and parking area with landscaping as required as part of criteria 1 of the site policy and condition 8 of the permission. It is considered that the loss of this 'breaking up' of buildings would again not make any obvious noticeable difference in views from the AONB due to the distance and/or the effect of intervening landform and vegetation. The strategic areas of landscaping on the outsides of the development, and tracts of landscaping through the site along the stream and on the east side of the site would still be achievable.

- 8.03 The site allocation inevitably has a harmful impact upon the local landscape but the changes would not take this to a level that is now unacceptable. The proposals nonetheless represent conflict with the building size limits for criteria 5, and the size, height and orientation for criteria 6, and part of criteria 1 of site policy EMP1(4). However, this conflict with the Development Plan is considered to be acceptable because the proposed changes would not actually result in a materially different impact from the approved permission or one that would result in a significant adverse impact upon the setting of the AONB in accordance with policy SP17 of the Local Plan. This is considered to represent a material consideration to justify a decision that is not strictly in accordance with parts of criterion 1, 5 and 6 of the site allocation policy EMP1(4).
- 8.04 It is considered that the harm to the landscape is not at a level to outweigh the extensive public benefits of the application which arise from the economic benefits through the creation of between 765 to 1260 FTE jobs once operational; net additional value to the economy of some £28 to £47 million each year in Maidstone Borough, and it would provide a significant contribution to the identified employment needs of the Local Plan/Borough (up to 8%) at a strategic employment allocation.
- 8.05 The changes would not result in a materially different impact upon Woodcut Farmhouse (GII) or Leeds Castle (GI listed) and its associated Registered Park and Gardens (GII*). For these reasons, it is still considered that the significant public benefits from the proposals outweigh the 'less than substantial' harm to Woodcut Farmhouse and the negligible impact on Leeds Castle and its grounds in accordance with the NPPF and policy DM4 of the Local Plan.
- 8.06 In accordance with Highways England's advice, a new condition would prevent 'high intensity parcel delivery uses' over 5,000m² to ensure the impact of such users is fully assessed should the applicant pursue this.
- 8.07 Otherwise the proposed changes would not have any additional impacts above the approved permission.
- 8.08 Permission is therefore recommended subject to the conditions and heads of terms set out below.

9.0 RECOMMENDATION

Subject to:

The conditions set out below, and the prior completion of a legal agreement to secure the heads of terms set out below;

the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION** (and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee).

Heads of Terms

1. A financial contribution of £120,000 to be used towards the proposed A20/Willington Street junction improvements to mitigate the impact of the development.

Conditions:

1. Any phase of the development (as approved under the phasing plan submitted and approved under condition 13 below) shall not commence until approval of the following reserved matters have been obtained in writing from the Local Planning Authority for that phase:-

a. Layout b. Scale c. Appearance d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before 20th July 2023. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

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

2. The details of layout submitted pursuant to condition 1 shall show no more than 40% of the site being covered by buildings.

Reason: To ensure a satisfactory appearance to the development.

3. On the eastern part of the site (east of the existing stream), there shall be no units with a footprint of over 10,000m², no buildings shall exceed a ridge height of 12 metres, and buildings shall be orientated end-on to the M20 motorway.

Reason: To ensure a satisfactory appearance to the development.

4. On the western part of the site (west of the existing stream), there shall be no units with a footprint of over 4,800m², and no buildings shall exceed a ridge height of 10.5 metres.

Reason: To ensure a satisfactory appearance to the development.

5. On the highest part of the site at and above the 55m contour line, as shown on the Local Plan policies map, there shall be no buildings with a footprint of over 500m².

Reason: To ensure a satisfactory appearance to the development.

6. The details of appearance submitted pursuant to condition 1 shall follow the principles of the original Design & Access Statement and include:

- Curved roof forms.

- Green roofs and walls on smaller footprint buildings (500m² and below).
- Non-reflective materials and sensitive colouring.
- Glazed frontages to buildings and active frontages addressing both the A20 and M20.
- The use of vernacular materials including ragstone on buildings and in boundary treatments.
- High quality surfacing materials.
- Sensitive lighting.
- The use of photovoltaic cells incorporated into the design of the roofs.

Reason: To ensure a satisfactory appearance to the development.

7. The details submitted pursuant to condition 1 shall provide for vehicle and cycle parking spaces in line with the Council's adopted standards.

Reason: In the interests of highway safety and to promote sustainability.

8. The details of landscaping submitted pursuant to condition 1 shall be designed in accordance with the principles of the Council's landscape character guidance. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan. The programme of implementation shall include site boundary planting and the 9ha of woodland/wooded pasture being established under the first phase of any development. The landscape scheme shall specifically address the need to provide:

- Substantial tracts of planting extending into the body of the development to achieve clear visual separation between development areas.
- Dense woodland planting along the A20 frontage at the south western edge of the site in excess of 25m width including a planted bund.
- A 30m native woodland belt with understorey shrubs and grasses along the western edge of the site to help secure the setting of Woodcut Farmhouse.
- Planted landscape buffer zones to the west north and east of Chestnuts and White Heath adjacent to the site to help protect the amenity of these properties.
- Retention of the protected trees along Musket Lane, augmented with hedgerows and a new native woodland shaw at least 15m in depth to Musket Lane.
- Creation of a circa 38m-70m landscape buffer between any development and the M20 which includes the gas pipe easement.
- A woodland shaw along the northern boundary and the M20 of at least between 10-24m width.
- The gas pipe easement corridor managed as long grass with indigenous wild flora.
- Tracts of structural landscaping extending into development areas of at least 15m in width.
- An avenue of tree planting along the access road.
- An area of heavily treed native woodland planting in the north west corner of the site of approximately 2.5ha and an area of wooded pasture within

the land outlined in blue to the northwest of the application site of approximately 6.6ha (total of at least 9ha).

- Tree planting within the area the land outlined in blue to the west of the application site (approximately 2.4ha).
- An area of tree planting within the land outlined in blue to the west of the application site.
- Swales and balancing ponds including the provision of shallow areas, and deeper, cooler areas, as well as the planting regimes.

Reason: To ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

9. The details submitted pursuant to condition 1 shall include at least 10,000m² of Use Class E(g)(i) (offices) or (ii) (research and development) floorspace or a combination of the two.

Reason: To comply with the site allocation policy.

10. The details submitted pursuant to condition 1 shall not exceed the following floorspaces (unless made subject to further assessment):

Use Class E(g)(i)(ii) uses - 10,000m²

Use Class E(g)(iii) uses - 12,840m²

B8 uses - 22,455m²

Reason: To comply with the floorspace amounts assessed under the Environmental Statement.

11. The details submitted pursuant to condition 1 shall be designed so that any impact with regards to noise is reduced to a minimum in accordance with national policy and the design of the development shall aim to meet the levels defined by the Noise Rating Curve 35 at the existing noise sensitive properties. The final design and noise mitigation applied shall take into account the prevailing noise environment, the nature and extent of any residual impact as well as its economic cost and benefit.

Reason: In the interests of residential amenity.

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

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

13. No development shall take place until a phasing plan for the whole site has been submitted to the Local Planning Authority and agreed in writing. The approved phasing plan shall be followed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a suitable development of the site.

14. No development shall take place until the specific details of the off-site highway improvements to the A20 including the site access junction, pedestrian refuges, footway/cycleway enhancements, and bus stops have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The subsequently approved details shall be carried out in full prior to the occupation of any of the development.

Reason: In the interests of highway safety and to promote sustainability.

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

The code shall include:

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

Reason: In view of the scale of the development and in the interests of highway safety and local amenity.

16. The development shall be carried out in accordance with the Great Crested Newt mitigation strategy approved under application 20/505159/SUB and thereafter maintained.

Reason: In the interests of biodiversity.

17. The development shall be carried out in accordance with the Landscape and Ecological Management Plan (LEMP) approved under application 20/505159/SUB.

Reason: In the interests of biodiversity.

18. The development shall be carried out in accordance with the ecological design strategy (EDS) approved under application 20/505159/SUB and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity.

19. The development shall be carried out in accordance with the method statement for ecological mitigation approved under application 20/505159/SUB and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

20. The construction of the development shall be carried out in accordance with the construction environmental management plan (CEMP: Biodiversity) approved under application 20/505159/SUB.

Reason: In the interests of biodiversity.

21. The development shall be carried out in accordance with the precautionary reptile mitigation strategy approved under application 20/505159/SUB.

Reason: In the interests of biodiversity.

22. No development shall take place a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport and building related air pollutant emissions of the development when in occupation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy - using the planning system to reduce transport emissions January 2010.

Reason: In the interests of pollution reduction.

23. No development shall take place until the following details have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details:

- (i) 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 maximise the use of infiltration and shall demonstrate that both the rate and volume of run-off leaving the site post-development will be

restricted to that of the existing site, with the rate of runoff not exceeding 80.1l/s for any rainfall event (up to and including the climate change adjusted 100 year critical storm).

- (ii) Development shall not begin until it has been appropriately demonstrated that the existing on-site surface water flow-routes and accumulation points will not be altered in such a way that the development places adjacent properties at risk of flooding during any rainfall event, up to and including the climate change adjusted critical 100 year storm.
- (iii) 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.

24. No phase of development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
 - 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with

documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

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

25. The development shall be carried out in accordance with the archaeological field evaluation works and specification approved under application 20/504216/SUB. Following on from the evaluation, and prior to the commencement of development on any phase, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable shall be submitted to and approved in writing by the Local Planning Authority.

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

26. No phase of the development shall take place until details of the proposed slab levels of the buildings which shall follow those set out on the Building Heights Parameter Plan (PL4.2 RevB) together with existing site levels relating to that phase have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

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

27. The development shall be carried out in accordance with the Arboricultural Impact Assessment (AIA) approved under application 20/505159/SUB.

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

28. No phase of the development above damp proof course level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces relating to that phase have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The materials shall follow the principles of the Design & Access Statement.

Reason: To ensure a satisfactory appearance to the development.

29. No phase of the development above damp proof course level shall take place until details of all fencing, walling and other boundary treatments relating to that phase have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance

with the approved details before the first occupation of the building(s) or land and maintained thereafter. The boundary treatments shall follow the principles within the Design & Access Statement and include the use of ragstone walling.

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

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

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

31. No phase of the development shall take place above damp proof course level until details of facilities for the charging of electric vehicles within that phase have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided before the first use of the building(s) or land, should conform to the latest standards and conform to best practice, and be thereafter retained.

Reason: In the interests of sustainable transport use, pollution reduction and local amenity.

32. The approved details of the access to the site as shown on drawing no. PL_4.3 RevB shall be completed prior to the occupation of the site and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

33. Prior to first use of any premises, in respect of noise, details of the anticipated operation of the various units shall be submitted to and approved in writing by the Local Planning Authority. In particular, the details shall compare the anticipated operation with that assumed in the Environmental Statement (ES) to show that the level of noise impact and effect would continue to comply with national policy. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity.

34. Notwithstanding the implementation of wider site boundary planting being established under the first phase of any development under condition 8, all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season (October to February) with seeding or turfing in the first seeding and turfing season (March to September) following the occupation of the phase that the landscaping

scheme relates to. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of that phase or from planting of the wider site boundary planting, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

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

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

36. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority;

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

37. All buildings shall achieve a Very Good BREEAM UK New Construction 2014 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM UK New Construction 2014 rating has been achieved within 6 months of the first occupation of each building.

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

38. The precautionary bat mitigation as detailed within the Bat Report dated 28 October 2020 prepared by Lloyd Bore shall be strictly adhered to unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of biodiversity.

39. Details of the proposed location and design of any electricity substation(s) shall be submitted to and approved in writing by the Local Planning Authority. The design should aim to maximise the distance between the sub-station and existing noise sensitive properties and shall aim to meet the levels defined by the Noise Rating Curve 35 at the existing noise sensitive properties. The final design and noise mitigation applied shall take into account the prevailing noise environment, the nature and extent of any residual impact as well as its economic cost and benefit. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity.

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

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

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

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

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

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

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

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

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

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

45. Any buildings and associated land shall be used only for Use Class E(g)(i)(ii)(iii) or Use Class B8 and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: To comply with the site allocation policy and in order to deliver the specific types of employment the site was allocated for.

46. In respect of the approved access from the A20 to a position 40 metres into the site only, the development hereby permitted shall be carried out in accordance with drawing no. 13-0596.110 (Site Access Visibility Splays), and Illustrative Site Layout Plan 11257/FE_125 (Rev A).

Reason: For the purposes of clarity.

47. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any statutory instrument revoking and re-enacting the Order, the Use Class B8 premises hereby approved on Plot B as defined on the Illustrative Site Layout Plan 11257/FE_125 (Rev A) shall exclude occupation by any use for 'High Intensity Parcel Delivery Service' for any unit of 5,000sqm or more.

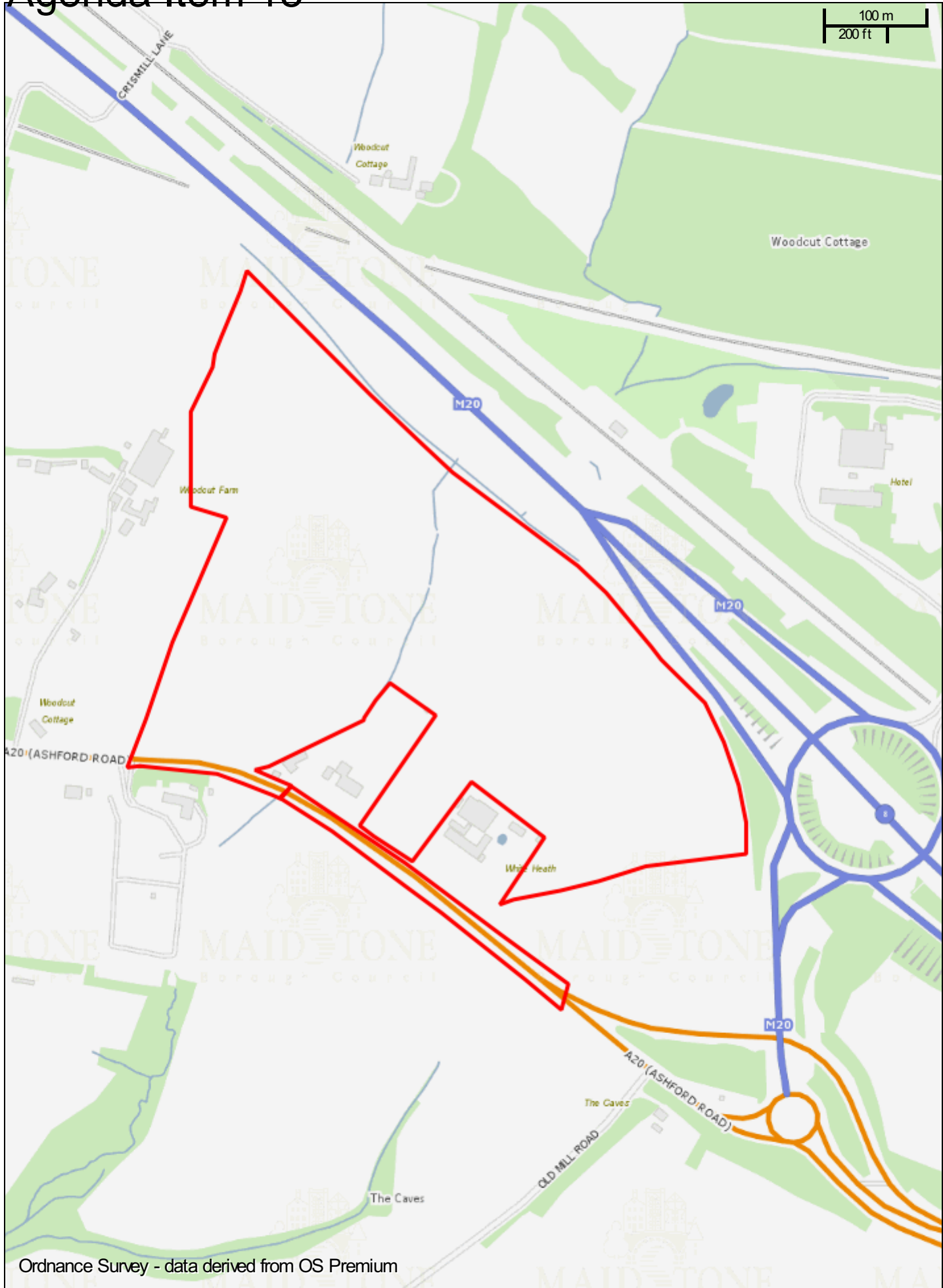
'High Intensity Parcel Delivery Service' means that the primary activity of the business is the storage, packaging and delivery of parcels to residential and business users for and on behalf of multiple independent sellers as distinct from a retail warehouse and distribution centre where the packaging and distribution is consequential to the retail sale of their own goods or goods for which they have a franchise.

Reason: To ensure, taking account of the material difference in traffic generation and impacts of high intensity parcel delivery compared to more traditional B8 uses, the traffic impact of which has not been assessed on the surrounding road network, that the M20 continues to be an effective part of the national system of routes for through traffic and to satisfy the reasonable requirements of road safety.

Informative

The Section 106 agreement accompanying the original permission 17/502331/OUT contains a clause (9.3) which ties the covenants and provisions of the legal agreement to this permission.

Agenda Item 15



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 20/505182/REM
<p>APPLICATION PROPOSAL</p> <p>Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale) for Phase 1 being landscaping, infrastructure work required to create:</p> <ul style="list-style-type: none"> • Development platforms across the entire site • 22,884sqm of flexible Use Class B1(c)/B8 employment floorspace comprising of - • 7no. units on Plot A totalling 5,444sqm (Units A3- A9) • 4no. units on Plot B totalling 17,440sqm (Units B1-B4) <p>Pursuant to 17/502331/OUT (Outline application for a mixed commercial development comprising B1(a), B1(b), B1(c) and B8 units, with a maximum floor space of 45,295 square metres (access approved)</p>
ADDRESS Land at Woodcut Farm, Ashford Road, Hollingbourne
RECOMMENDATION – APPROVE WITH CONDITIONS
<p>SUMMARY OF REASONS FOR RECOMMENDATION</p> <ul style="list-style-type: none"> • The proposed layout follows the agreed Master Plan in terms of the development parcels and ensures that all the strategic landscaping around the outside of these areas is provided in accordance with the site policy EMP1(4). • The layout complies with all the site policy and outline permission requirements apart from a lack of substantial tracts of landscaping of at least 15m in width to provide clear visual separation between individual buildings and parking areas. <p>This represents a conflict with part of criteria 1 of the site policy and part of the landscaping requirements of the outline permission (condition 8) but for the reasons outlined in the assessment, on balance, this is not considered to result in a development that would be unacceptable or result in a materially different impact from the AONB or local landscape, or have a significant adverse impact on the setting of the AONB in accordance with policy SP17. This is considered to represent a material consideration to justify a decision that is not strictly in accordance with part of criteria 1 of site policy EMP1(4).</p> <ul style="list-style-type: none"> • The proposals would appropriately minimise the impact of the development on the setting of Woodcut Farmhouse (GII listed) and would not have any harmful impact on any other heritage assets. • The building designs are of good quality for the proposed industrial and warehouse buildings with interest provided through the variation of materials and colours, and active frontages in accordance with policy DM1. The landscaping scheme is comprehensive with species that are predominantly native. • The proposed levels strike an acceptable balance between lowering buildings and development to limit its impact upon the setting of the AONB and local landscape, and having suitable levels changes in and around the site.
REASON FOR REFERRAL TO COMMITTEE

<ul style="list-style-type: none">• Councillor Garten has requested the application is considered by the Planning Committee for the reasons set out in his comments.• Hollingbourne Parish Council recommend refusal and request the application be considered by Planning Committee.• The recommendation is contrary to the provisions of the Development Plan namely part of criteria 1 of the site allocation policy.			
WARD North Downs		PARISH COUNCIL Hollingbourne	APPLICANT Maidstone Investment Holding Ltd AGENT Savills
DECISION DUE DATE: 24/02/21		PUBLICITY EXPIRY DATE: 02/02/21	SITE VISIT DATE: 16/02/21
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
17/502331	Outline application for a mixed commercial development comprising B1(a), B1(b), B1(c) and B8 units, with a maximum floor space of 45,295 square metres (Access being sought) (Resubmission of 15/503288/OUT)	APPROVED	20/07/18
20/505195	Section 73 - Application for Variation of Condition 3 to allow buildings on the eastern part of the site to have a footprint up to 10,000sqm, and variation of Condition 4 to allow buildings on the western part of the site to have a footprint up to 4,800sqm, a ridge height up to 10.5m, and to remove the requirement for buildings to be orientated end-on to the M20 motorway pursuant to application 17/502331/OUT	PENDING	

1.0 DESCRIPTION OF SITE

1.01 The application site relates to the Woodcut Farm employment allocation within the Local Plan. It is an irregular shaped parcel of arable farmland with an area of approximately 19 hectares immediately west of junction 8 (J8) of the M20 motorway. The application also includes two areas of land outlined in blue (being adjoining land within control of the applicant). One is to the northwest which is defined as a 'landscape area' in the Local Plan and another to the west which is not within the allocation but would also provide a landscaped area.

1.02 Along the northern boundary is the M20 with the High Speed railway (HS1), J8 service station and the Ashford to Maidstone railway line beyond; to the eastern boundary is the J8 roundabout and its slip roads; along the south

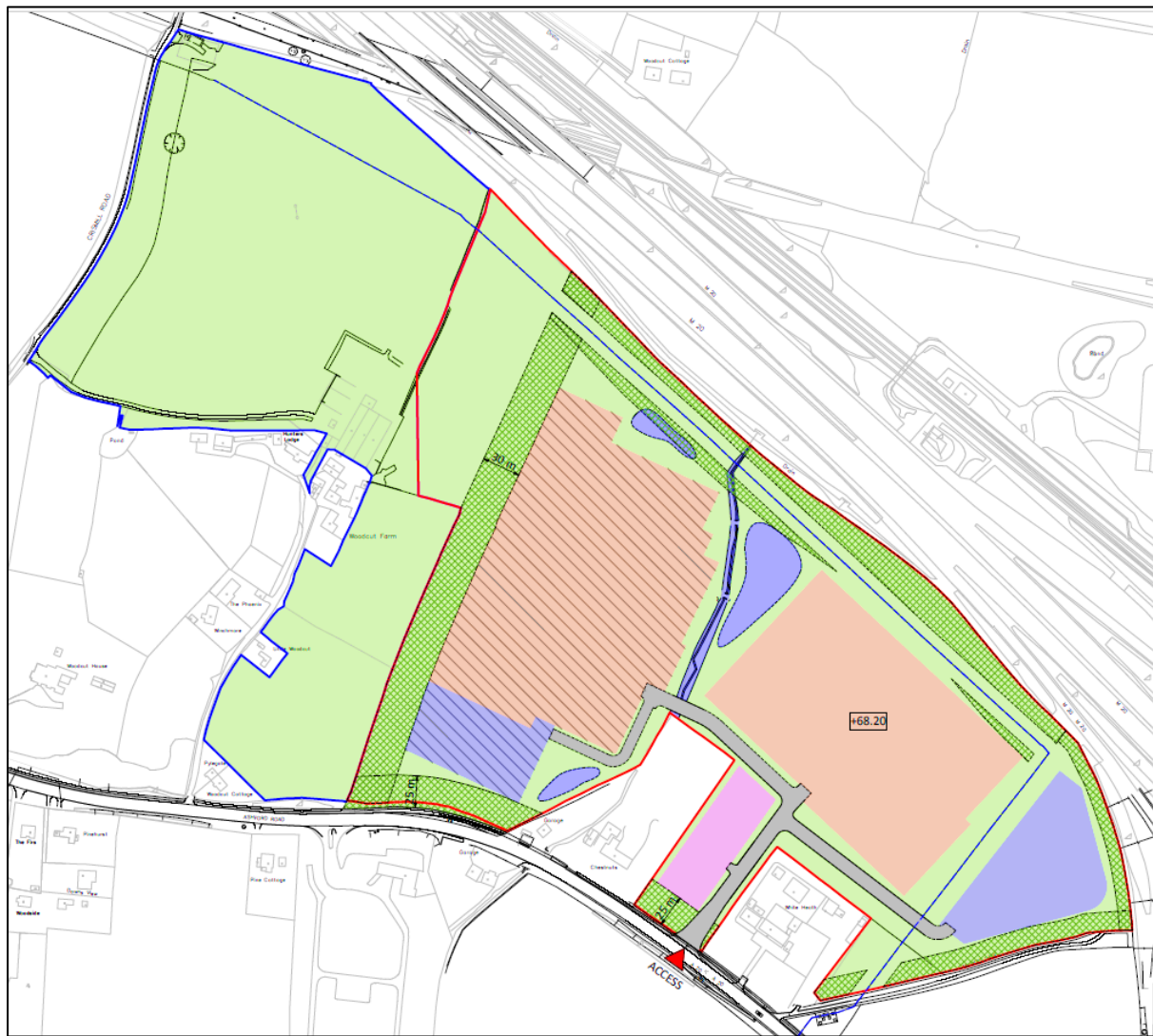
eastern boundary is Musket Lane, a narrow track which provides agricultural access to the site; along the southern boundary is the A20 (Ashford Road) and two residential properties; and along the west boundary is further farmland and a number of residential properties including the Woodcut Farm complex of buildings.

- 1.03 The two dwellings adjoining the south edges of the site are 'Chestnuts' and 'White Heath' and there is a car wash/garage facility that adjoins part of the south boundary. To the north west is the Woodcut Farm complex, set at a higher level with a private driveway (over which PROW KH641 runs) providing access from the A20. There are also around six other dwellings here including Woodcut Farmhouse a Grade II listed dwelling.
- 1.04 There are no local landscape designations affecting the site. The Kent Downs Area of Outstanding Natural Beauty (AONB) is north of the M20 and the Ashford to Maidstone railway line. At its closest point the AONB is within approximately 120m of the application site. It is considered that the application site falls within the setting of the AONB. There is also a local nature reserve to the north of the railway line around 130m from the site boundary at its closest point.
- 1.05 The site does not contain any designated heritage assets but there are a number within the vicinity, the closest being the Grade II listed Woodcut Farmhouse 80m to the west of the site. The Hollingbourne/Eyehorne Street Conservation Area, which features a number of listed buildings is around 710m to the east, and Leeds Castle (Grade I) and its Grade II* listed grounds (which features other listed buildings) are around 2km and 1km to the south east respectively. There are 5 protected trees (Oak and Scots Pine) along the south east boundary of the site with Musket Lane.










2.0 BACKGROUND

- 2.01 Outline planning permission was granted under application 17/502331 for a mix of B1(a), B1(b), B1(c) and B8 units with a maximum floor space of 45,295m². This application included the access to the site off the A20 and so up to 45,295m² of floorspace with access has been approved. The permission is subject to numerous conditions and a section 106 legal agreement.
- 2.02 As part of the approval of the outline permission, the legal agreement required the applicant to agree a 'Master Plan' for further development of the site. This involved a specified group of Councillors and officers and this was carried out and approved over summer 2020. The Master Plan includes high level parameters of phasing, layout of the main built areas and roads, strategic landscaping, general building design, form and scale, and materials. It essentially guides how the site should be developed and the main plan is shown on the following plan.

Approved Master Plan



KEY:

 B1(c) / B8	 POTENTIAL TO INCREASE BUILDING HEIGHTS SUBJECT TO PLANNING CONSENT	 GENERAL LANDSCAPE
 B1(a/b)	 STRUCTURAL LANDSCAPE PLANTING STRIP	 WATERCOURSE / PONDS
 B1(a/b) + POSSIBLE AMENITY SPACE SUBJECT TO SEPARATE PLANNING PERMISSION		 PROPOSED ROADS
		 GAS MAIN

3.0 PROPOSAL

3.01 The application seeks permission for the reserved matters of appearance, landscaping, layout and scale for 'Phase 1' of the development. This includes the following:

- Engineering works to create the ground levels across the entire site.
- The man internal roads and the surface water drainage scheme.

- 7 buildings on part of the west side of the site (Units A3- A9) including access and parking areas.
- 4 buildings on part of the east side of the site (Units B1-B4) including access and parking areas.
- A total of 22,884m² for Class B1(c) (light industry) and/or B8 (storage and distribution) would be provided within the 11 buildings. At present end users are unknown so the buildings could be used for B1(c) or B8 uses and the permission allows up to 12,840m² of B1(c) and 22,455m² of B8 across the whole site.
- All strategic landscaping around and through the main development areas and within the building areas proposed under this application.

3.02 These proposals will be discussed in more detail in the assessment below. The EIA Regulations apply to reserved matters applications and so an Environmental Statement Addendum has been submitted alongside the proposals.

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP17, SP18, SP21, SP23, EMP1, EMP1(4), ID1, DM1, DM2, DM3, DM4, DM6, DM8, DM21, DM23, DM30
- Kent Waste and Minerals Plan (amended 2020)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- MBC Air Quality Guidance
- Kent Downs AONB Management Plan (2014-2019)

5.0 LOCAL REPRESENTATIONS

5.01 **Local Residents:** 12 representations received raising the following (summarised) points:

- Some conditions have not been fully addressed by the applicant.
- Lack of details on lighting and concern it will spill.
- Access arrangements have not been agreed apart from location in and out of the site and sightlines have not been taken into account.
- Timetables are needed for highways works.
- There needs to be sufficient parking to avoid overspill off-site.
- KCC have not commented on parking.
- Object to block of woodland coppice as properties are already screened and it would unnecessarily overshadow properties.
- Mature trees should be used so mitigation is achieved early on and the timings for planting are contradictory.
- Mix of uses is not clear.
- Plot B should be lowered.
- Black cladding will not sit well in the landscape.

- Concern over noise impact and evidence.
- Lacing of signage details.
- Neighbouring resident suffers from respiratory issues; proposals will offer little protection from noise and air pollution; and roads should be moved further away from property.
- Where is long-term management plan for landscaping.

5.02 **Hollingbourne Parish Council: Request the application is refused** and referred to Committee if minded to approve as the Parish Council feels the works proposed within this application will be detrimental for the area.

5.03 **Bearsted Parish Council** (neighbouring): *"Recommend approval of the landscaping within the site boundaries. Reserve BPC's right to comment on the ingress and egress of traffic flow surrounding the site. BPC to make contact with KCC and Highways England on traffic matters."*

5.04 **Councillor Garten** requests the application is considered by the Planning Committee, *"because it is a major development of significant public interest"*.

5.05 **Kent Downs AONB Unit: Strongly objects** and does not consider the reserved matters details comply with the requirements of the site policy and conditions of the permission particularly relating to landscaping, building colours, and lighting. They conclude by saying: *"It is considered that the proposals submitted under the Reserved Matters application would neither conserve nor enhance this part of the setting of the AONB. We consider the application to be contrary to paragraphs 170 and 172 of the NPPF, policies EMP1(4) and SP17 of the adopted Maidstone Borough Local Plan as well as the Kent Downs AONB Management Plan, in particular policy SD8."*

5.06 **CPRE (Maidstone):** Make the following (summarised) points:

- The proposed blue colours are jarring and very difficult to screen.
- Green walls and roofs should be used.
- Mature trees and hedging should be used.
- Welcome the inclusion of PV.
- Light pollution.
- Concern of lorries parking off-site.

6.0 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)

6.01 **Natural England:** Strongly recommends that any advice provided by the Kent Downs AONB unit on the appearance, landscape and layout is given full consideration.

6.02 **Historic England: No objections.**

6.03 **Highways England: No objections.**

6.04 **Environment Agency: No objections.**

6.05 **KCC Highways: No objections** subject to conditions.

6.06 **KCC SUDs: No objections**

6.07 **KCC Minerals & Waste:** No comments on the reserved matters.

6.08 **KCC Archaeology:** No comments on the reserved matters.

6.09 **KCC Ecology: No objections.**

6.10 **MBC Conservation Officer:** *"The submitted details provide some reassurance that the structural planting at the west of the site would partially screen the development from the listed building at Woodcut Farm. However, this does not address our ongoing concerns that the historically open and rural setting of the farmhouse would be negatively impacted by the development."*

6.11 **MBC Landscape Officer: No objections** in terms of impacts upon trees and the proposed landscaping scheme. A long-term management plan for the planting will be required.

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

6.13 **HSE: No objections.**

6.14 **Southern Water: No objections.**

6.15 **Kent Police:** Refers to measures outlined and strongly recommends the use of the 'Secured by Design (SBD) Commercial 2015' initiative for this development with regard to all security specifications and design etc.

6.16 **HS1 Limited:** Has no comments on the application.

7.0 APPRAISAL

7.01 The principle of up to 45,295m² of commercial development at the site has been accepted under the outline consent and the site is allocated in the Local Plan for such development under policy EMP1(4). The access onto the A20 including the access road extending 40m into the site has also already been approved as part of the outline permission. The key issues to consider are the following:

- Layout, landscaping, scale and design and compliance with the site allocation policy and outline permission.
- Heritage
- Highways
- Other matters

Layout & Landscaping

7.02 The site allocation policy and outline permission both have various requirements to guide the layout and landscaping, which can be summarised as follows:

- Substantial internal landscaping, including tracts of planting extending into the development to achieve clear visual separation between individual buildings and parking areas.
- Buildings not to cover more than 40% of the site.
- Landscape buffers around the outsides of the development (with minimum depths and planting typology specified in some cases).
- An open woodland area to the northwest and tree planting to the west of the development area.
- Avenue tree planting along the access road.
- Swales and balancing ponds.

7.03 As outlined earlier in the report, a Master Plan has been approved which is a material consideration and this sets a high-level layout to the scheme being the development areas and strategic landscaping. This complies with all the above requirements where relevant.

7.04 Turning to the plans submitted under this application, the proposed layout is shown on the following plan.



7.05 The development areas follow the Master Plan and ensure that all the strategic landscaping around the outside of the development is provided. This includes the requirements of the outline permission as follows:

- Dense woodland planting along the A20 frontage at the south western edge of the site in excess of 25m width including a planted bund.
- A 30m native woodland belt with understorey shrubs and grasses along the western edge of the site to help secure the setting of Woodcut Farmhouse.
- Planted landscape buffer zones to the west north and east of 'Chestnuts' and 'White Heath' adjacent to the site.
- Retention of the protected trees along Musket Lane, augmented with hedgerows and a new native woodland shaw at least 15m in depth to Musket Lane.
- Creation of a circa 38m-70m landscape buffer between any development and the M20 which includes the gas pipe easement.
- A woodland shaw along the northern boundary and the M20 of at least between 10-24m width.

- The gas pipe easement corridor managed as long grass with indigenous wild flora.
- An avenue of tree planting along the access road.
- An area of heavily treed native woodland planting in the north west corner of the site of approximately 2.5ha and an area of wooded pasture within the land outlined in blue to the northwest of the application site of approximately 6.6ha (total of at least 9ha).
- Tree planting within the area the land outlined in blue to the west of the application site (approximately 2.4ha).
- An area of tree planting within the land outlined in blue to the west of the application site.
- Swales and balancing ponds including the provision of shallow areas, and deeper, cooler areas, as well as the planting regimes.

7.06 Between the development areas the layout also provides for substantial tracts of landscaping including from south to north along the line of the stream between 34m to 95m in width, which separates the Plot A and B development areas. Also, around a 30m wide landscaped space is provided between Plots B and C.

7.07 The site policy and permission also require, *"substantial tracts of planting extending into the body of the development to achieve clear visual separation between individual buildings and between parking areas, and tracts of structural landscaping extending into development areas of at least 15m in width."* The applicant's approach is to provide substantial landscape areas between the larger plot areas rather than between individual buildings and parking areas and they state,

"There is not sufficient space between buildings to provide structural planting. To plant between buildings would not be practical due to the likely future impacts of tree roots interfering with building foundations and building maintenance. There would also be significant risks to trees being damaged by vehicle movements and other operational activities, which would not work in the best interest of enhancing biodiversity and achieving a long-lasting high-quality development."

7.08 Some of the practical points raised by the applicant are reasonable. I also consider that if tracts of planting of at least 15m in width were required between every building this would greatly reduce the amount of employment floorspace within the development areas, and the outline permission is already 3,700m² below the site allocation. Nonetheless, the lack of such tracts of landscaping within the development areas represents a clear conflict with part of criteria 1 of the site policy and part of the landscaping requirements of the outline permission (condition 8).

7.09 In looking at the consequences of this, I do not consider the lack of such areas would result in a development that would cause a significant amount of harm above a scheme which including such landscaping. This is because the benefit of these landscaped areas would be somewhat limited in long

range views from the AONB largely because of the distance but also because these areas would be between buildings and so generally would not be highly visible. In closer views to the south, which are in the main at a lower level, it is the strategic landscaping proposed on the outside of the development that would serve to minimise and mitigate the impact the greatest.

- 7.10 The verified photomontages provided with the application (which follow current best practice) are intended to present an accurate representation of the development from 15 viewpoints. They show the development before any landscaping is provided, after 5 years, and then when the landscaping is at full maturity in the summer months. They show that in long distance views the development would not be significantly harmful or intrusive from the AONB. In more localised views they demonstrate that the strategic landscaping outside of the development would largely screen and/or break views of the development. So again, whilst a clear conflict, I do not consider the consequence of this renders the proposed layout as being unacceptable or to result in a materially different impact from the AONB or one that would have a significant adverse impact on its setting in accordance with policy SP17.
- 7.11 The applicant has however proposed some additional tree planting to break up the development area on Plot A (that forms part of this application), which whilst not a 15m wide area, would serve to provide relief to the built area here.
- 7.12 The landscaping scheme includes native dense 'forestry planting' with a woodland seed mix below around the west, north and east sides of the development. A grass and wildflower mix would be provided along the gas easement (where trees cannot be planted) and this would be flanked by a dense native mid-level screening/scrub mix. Within the development areas would be native species hedgerows and trees lining the internal roads. Around the houses 'Chestnuts' and White Heath' would be dense tree belts of varying widths. The balancing ponds would include aquatic planting, a water margin meadow mix and 'wet' woodland planting around. The land outside the site to the northwest and west would be planted as woodland pasture with groups of trees and three ponds are also proposed. An area of coppice planting would also be provided across the west boundary.
- 7.13 The proposed species are predominantly native and based on the Council's landscape officer's advice are considered to be acceptable.
- 7.14 A landscape and ecological management plan (LEMP) has been approved separately under condition 17 (application 20/505159/SUB) in consultation with KCC Ecology. Separate woodland management plans are required via the section 106 agreement for the open woodland areas but for consistency, these are also included within the LEMP. The LEMP includes a 5-year management plan, which would be repeated for the lifespan of the approved development (or in perpetuity for the woodland and open woodland areas as per the Section 106 agreement) and a 30-Year Coppicing Plan.
- 7.15 Representations consider that mature trees and plant should be used so the landscaping establishes quickly. The applicant's landscaping consultant

considers that that wholesale planting of mature trees will not result in the optimum landscape scheme and that forestry transplants and feathered trees will be used as they establish and grow quickly and are far better at adapting to site conditions than semi-mature trees. Large numbers of more mature 'advanced nursery stock' trees are specified at key locations, including the extensive avenue planting extending throughout the site. This is considered to be acceptable and the planting is secured to be carried out as part of Phase 1 under condition 8 of the outline permission. Condition 8 also requires a 10 year management plan.

7.16 The layout also leaves sufficient space for the required 2,500m² of office floorspace to the west and 7,500m² to the east, which would have all necessary services (including drainage and electrical power) provided to the boundary of the plots in line with the legal agreement and criterion 8 and 9 of the site policy.

7.17 Overall, the layout follows the agreed masterplan in terms of the development areas and ensures that all the strategic landscaping around the outside of these areas is provided. The layout complies with all the policy and permission requirements apart from a lack of substantial tracts of landscaping of at least 15m in width to provide clear visual separation between individual buildings and parking areas. This represents a conflict with part of criteria 1 of the site policy and part of the landscaping requirements of the outline permission (condition 8) but for the reasons outlined at paragraphs 7.09 and 7.10, on balance, this is not considered to result in a development that would be unacceptable or result in a materially different impact from the AONB or local landscape, or have a significant adverse impact on the setting of the AONB in accordance with policy SP17. The landscaping proposals are also considered to be acceptable.

Appearance, Scale & Site Levels

7.18 The site policy and permission set out buildings design requirements as follows:

- Limit visual impact including through use of curved roofs, non-reflective materials, sensitive colouring, green roofs and walls on smaller footprint buildings (500m² and below), and sensitive lighting proposals.
- Buildings should include active frontage elements incorporating glazing, and address both the A20 and M20.
- The use of vernacular materials including ragstone on buildings and in boundary treatments.
- High quality surfacing materials.
- The use of PV panels incorporated into the design of roofs.

Building Designs

7.19 The building height and floorspace sizes comply with the site policy and permission requirements being 12m and 5,000m² on the east part of the site and 8m and 2,500m² to the west.

- 7.20 In terms of design, the smaller units proposed on the west part of the site are more likely to be for B1(c) uses (light industry), and the larger units for B8 (warehousing) to the east. Both uses by their nature require a functional open space with limited glazing in contrast to office uses for example. Therefore, such commercial buildings will inevitably be relatively utilitarian in form and so under pre-application discussions the focus was on improving their appearance through using varied good quality materials and colours.
- 7.21 The 7 units on Plot A (west part of site) would be split into 3 blocks and would all have the same form with curved roofs as per the site requirements. The frontage of the buildings that would be visible within the scheme, would feature hardwood timber cladding from the base to eaves which would cover a large part of elevation and wrap around the corner of buildings. It would include glazing at first floor within the timber and to the ground floor. This will provide a good quality material and an active frontage to these units. Otherwise, profiled metal cladding would be used but with a variation of grey colours and profile lines to break up the expanse of cladding and provide some interest. These industrial buildings are considered to be of good quality in accordance with policy DM1 of the Local Plan. Materials are required to be submitted for approval under condition 28.
- 7.22 The curved roof would be made up of light weight profiled sheet cladding and a 'moorland green' (a light green colour) is proposed. Unlike the sides of the buildings that will largely be screened by landscaping, the roofs will remain visible from the AONB albeit at a significant distance away. The AONB Unit consider the green colour is too pale and a darker colour would be more recessive and blend better into the landscape. They make reference to their guidance document on the use of colours in the AONB which includes a section on setting. I have reviewed this document and agree that the pale green could stand out more in the landscape and so a darker toned green will be more appropriate which can be secured by condition.
- 7.23 Rooflights are proposed but will be constructed of GRP or polycarbonate which is not as reflective as glass. They will still cause some reflection, however, they are necessary to provide adequate light within the buildings without using artificial lighting and will be acceptable.
- 7.24 The 4 units on Plot B (east part of site) would be much larger as they are likely to be used for storage and distribution uses and again would have curved roofs. They would be finished with the same profiled metal cladding and variation of grey colours but in view of the larger expanse of some of the flanks of the building, additional black cladding panels with glazing would be used to break up the elevations. The south elevations facing the internal road and north elevations facing the M20 would have full height black cladding panels with large amounts of glazing covering around half the elevation and wrapping around the corner of the building. This would ensure interest and a more 'active' part to the warehouse buildings. Again, rooflights are proposed. PV panels would be provided on the entire south facing curve of the roofs on all four buildings which will prevent any reflection from the AONB. These industrial buildings are considered to be good quality in accordance with policy DM1 of the Local Plan.

7.25 Cycle sheds and substations across the site will be finished with ragstone and with green roofs. Ragstone will also be used around the site as walling framing the entrance from the A20, bridge walling over the stream, and for site signage to each plot. This will provide a quality local material throughout the site. Details of the ragstone finish will be secured by condition.

7.26 A BREEAM pre-assessment has been carried out which shows the buildings will achieve a 'Very Good' standard as required by the outline permission.

Surfacing Materials, Boundary Treatments & Lighting

7.27 The main roads would be tarmac and the service yards/lorry turning areas would be concrete as is necessary. Large amounts of car parking would be block paved to provide a variation in materials and the footways around the site would be resin bound gravel which would provide a quality finish. As already stated, ragstone walls would be provided. Full details of the bridge over the stream have not been provide and this can be secured by condition. Lighting details are required to be submitted separately under condition 30.

Site Levels

7.28 The site policy states that the proposals should respect the topography of the site by minimising the need for site excavation. This would serve to reduce any harsh variation in levels but lowering the development would reduce the impact of the buildings so it's important to strike the right balance. To reiterate, the application is seeking permission to carry out works to create the ground levels across the entire site even where buildings are not currently proposed.

7.29 To achieve a development platform for the west part of the site (Plot A), existing ground levels would be lowered over the north section in the main by around 1-2m. In the northwest corner the lowering would increase to around 4m where the land begins to rise. The south section would be raised up by around 2.75m. Finished floor levels would range from 52.75 AOD to the south and 53.20 AOD to the north. A 1.75m raised bund would be provided adjacent to the A20 as required by the site policy and permission. These works are not considered to result in any severe level changes and will ensure the buildings are set as low as possible as the applicant has stated that anything further would require the introduction of retaining walls, a mechanical drainage design and considerable uplift in the amount of ground material that would need to be taken off site. In time they would also be softened by the proposed landscaping.

7.30 For the middle section of the site (Plot B), levels would be raised by up to 3.5m on the west side and lowered by up to 2m towards the northeast corner. Finished floor levels would range from 54.25 AOD to the west and 55.5 AOD to the east.

7.31 For the far eastern section (Plot C), levels would need to be lowered by up to 1.75m to the north and raised by up to 1.75m to the south which would be acceptable. For the entrance to the site (Plot D and the access) level would

largely be lowered by up to 1m and a 0.5m planted raised bund would be provided to the frontage to provide screening/softening.

- 7.32 The excess excavated material would be retained on site and used for the bunds to the A20 frontage already referred to but also along the west boundary and northwest corner as the land rises (up to 2m); along part of the north boundary (up to 2m); and towards the southeast corner and around 'White Heath' (up to 1m). These bunds would not be excessive in height, would have relatively shallow slopes, and importantly would be covered with the woodland planting and so in time would not be visible/noticeable.
- 7.33 The site policy and permission state that on the highest part of the site at and above the 55m contour line, which is in the northwest corner, building footprints should be limited to 500m². Part of the most northerly building on Plot A (which totals 2,202m²) would extend beyond this contour line but the ground level of the building would be set below this at 53.2m and so it would not have an unacceptable impact especially bearing in mind the strategic landscaping to the west and north.
- 7.34 Overall, the levels strike an acceptable balance between lowering buildings and development to limit its impact upon the setting of the AONB and local landscape, and having suitable levels changes in and around the site.

Heritage

- 7.35 The site allocation policy requires a 30m landscape buffer along the west boundary "to help secure the setting to Woodcut Farmhouse (GII listed)" and that "the siting, scale and detailed design of development must have regard to the preservation of this listed building and its setting". The 30m landscape buffer is provided as a wooded area and increases towards the northwest corner of the site. This will be in addition to the area of open woodland with groups of trees to the west. The proposed buildings would be lower and have smaller footprints on the west part of the site and the trees will in time screen/soften their impact. The assessment under the outline application acknowledged that development at the site would cause some minimal harm to the setting of Woodcut Farmhouse and this would be 'less than substantial' as it would not be possible to hide the entire development. However, in providing significant landscaping between the site and the listed building the proposals would minimise this impact in line with paragraph 190 of the NPPF and it remains the case that the public benefits of the proposals which are primarily the significant economic benefits would outweigh this less than substantial harm in accordance with the NPPF and policy DM4 of the Local Plan.
- 7.36 In terms of Leeds Castle (GI listed) and its associated Registered Park and Gardens (GII*), under the original application Historic England considered that the development would have a negligible visible presence from the castle grounds and that once landscaping is established it would not be seen. They considered that any harm would be negligible. Under this application they raise no objection. I agree with Historic England that the proposals would not result in any harm to the castle or its grounds.

7.37 For these reasons, it is considered that the proposals would appropriately minimise the impact of the development on the setting of Woodcut Farmhouse and would not have any harmful impact on any other heritage assets.

Highways & Parking

7.38 Despite the views in some representations, the access to the site from the A20 has already been fully assessed in terms of its suitability and safety and approved under the outline application and is not being considered. Whilst the internal road network will not be adopted, KCC Highways have reviewed this to ensure it does not result in any detriment to road safety on the public highway. They raise no objections subject to a parking management controls to ensure vehicles do not park on internal roads and restrict manoeuvring something the applicant has confirmed will be carried out. A 'Code for the Management of Estate Roads' can be secured by condition to provide the finer details of such management. KCC also refer to their being no emergency access but this was not a requirement of the Council or KCC under the outline application (where access was being considered) and Kent Fire & Rescue have clarified once more that one is not required.

7.39 In terms of parking, condition 7 requires vehicle and cycle parking to be in line the Council's adopted standards which are the Kent (maximum) standards from 2006. The proposals provide 388 car parking spaces and 138 cycle spaces. The proposals seek flexible permission for B1(c) and B8 uses and the precise amounts and end users are not known at this stage and would be interchangeable in the future. To provide some analysis the applicant has set out the proposed parking in the table below with assumptions for Plots A and B. This is on the basis of Plot A being smaller units suited more to light industry and Plot B larger units for warehousing.

Area	Proposed Spaces	Parking Standard	Total Floorspace	Assumed Maximum Parking	Compared to Standard
Plot A	169	1 space per 35m ² Use Class B1(c)	5,444m ²	155 spaces (assuming all B1(c))	+14
Plot B	219	1 space per 110m ² Use Class B8	17,440m ²	202 spaces (assuming 8% offices)	+17
Total	388		22,884m²	357	+31

7.40 This shows a slight overprovision of parking. Whilst the proposals exceed the parking standards, I do not consider this is objectionable in that it is unlikely to influence travel behaviour significantly (so more people drive to the site), the areas used for parking are not suitable for landscaping and any landscaping would not greatly alter the impact of the development, and it does help to ensure parking does not occur on internal roads or in the local area. KCC Highways also advise that an objection on the grounds of excessive provision would be difficult to sustain.

- 7.41 In the case of goods vehicles, for the B8 element the standards seek a maximum of 58 spaces and the proposals provide for 17 dedicated HGV spaces for Plot B. The applicant considers this is sufficient based on experience but there is also space for additional parking and staging of HGVs in Plot B to manage any vehicles arriving unplanned. On this basis and being a maximum standard, the HGV parking is considered acceptable. For Plot A no larger HGV parking spaces are proposed. The apron area is designed to be large enough to accommodate an HGV delivery with the parking layout designed for smaller lorries and vans. Motorcycle parking spaces are not specifically laid out but there is ample parking proposed so there would be space for motorcycles to park. Disabled parking bays would also be included (19 spaces) which is in accordance with the standards.
- 7.42 Electric charging points would be provided for 15% of all the car parking spaces (58) which is a suitable level of provision in the absence of a specific policy requirement. Two thirds of these would be fast charging (combinations of 3.6kW and 7.2kW speeds) and the remaining third would be superfast charging (combinations of 11kW and 22kW speeds). Passive infrastructure would be installed to facilitate EV charging points at all the HGV parking spaces. Cycle parking will be provided within the proposed cycle shelters slightly in excess of with current standards (35 for the Plot A buildings and 105 for Plot B). The pavements around the site would be 3m wide to allow for pedestrian and cycle use.

Other Matters

Ecology

- 7.43 Ecological impacts were assessed at the outline application stage and the site does not have a high ecological value due to it mainly being arable farmland. There was a low population of common lizards and slow worms, breeding birds and low-moderate levels of bat foraging/community recorded. Conditions 16, 17, 18 and 19 relate to the need for an updated GCN survey, LEMP, Ecological Design Strategy and Method Statement and have all been approved under separate conditions application 20/505159/SUB. The updated survey revealed a low population of GCN in a nearby pond to the west but away from the proposed development. Works on the site will be carried out under a licence to ensure if any GCN are found they will be moved to the northwest wooded pasture area near to the existing pond and where new ponds are being created. Otherwise, the proposed layout ensures that the significant biodiversity enhancements across the site from the new landscaping areas and water bodies can be provided.

Residential Amenity

- 7.44 The impact upon residential amenity was assessed at the outline stage with the Noise Assessment concluding that acoustic fencing/barriers would be required. The occupier of 'White Heath' has stated that his son has respiratory issues and has his living accommodation within 4 metres of the western boundary of the site adjacent to the proposed entrance and exit of the development. The representation considers that the mitigation will offer little protection/reduction in noise or air pollution and roads should be moved

further away. The applicant has provided a Noise Assessment based on the proposed layout and confirmed that a 2.4m acoustic barrier would be provided along the northwest boundary between 'White Heath' and the main access into the site, and a 3.75m barrier along the north east boundary, which is consistent with that originally recommended at the outline stage. An assessment in line with Condition 11 has been carried out which demonstrates that this mitigation would ensure that any noise impacts would not be unacceptable to 'White Heath' and Environmental Health raise no objections. Other properties would not require any mitigation. This is in accordance with policy DM1 of the Local Plan.

7.45 In terms of air quality, again this was assessed at the outline stage and the Air Quality Assessment predicted there to be no significant increases in pollution concentrations where changes in traffic flows are greatest, such as close to the site access and this was accepted by Environmental Health. An additional Air Quality Assessment has been submitted based on the proposals and it concludes the same and Environmental Health once again raise no objections. Condition 15 requires measures to mitigate air quality impacts during construction. On this basis, the impact on the air quality of nearby properties would not be unacceptable.

7.46 In terms of privacy, outlook and light, it is considered that the proposed roads and buildings would be a sufficient distance away from any neighbouring properties not to cause any unacceptable impacts. In addition, substantial landscaping around 'Chestnuts' and 'White Heath' would also soften/screen views of the development once mature. Representations consider that the proposed coppice woodland will overshadow properties but at over 50m from any houses this is not considered to be the case. This is in accordance with policy DM1 of the Local Plan.

Surface Water Drainage

7.47 The surface water drainage scheme will be approved under condition 23 of the permission to which KCC LLFA have raised no objections and they have confirmed the proposed layout is acceptable to achieve suitable drainage at the site.

Representations

7.48 Issues raised and not addressed in the assessment of matters above relate to a lack of some condition details and timings of highway works. There is no requirement to provide details that are reserved by condition such as lighting at this stage. Condition 14 requires that the access, footway/cycleway enhancements, bus stops, and improvements to the A20 at the Willington Street junction are in place prior to any occupation.

8.0 CONCLUSION

8.01 The proposed layout follows the agreed masterplan in terms of the development areas and ensures that all the strategic landscaping around the outside of these areas is provided in accordance with the site policy EMP1(4).

- 8.02 The layout complies with all the policy and permission requirements apart from a lack of substantial tracts of landscaping of at least 15m in width to provide clear visual separation between individual buildings and parking areas. This represents a conflict with part of criteria 1 of the site policy and part of the landscaping requirements of the outline permission (condition 8) but for the reasons outlined in the assessment, on balance, this is not considered to result in a development that would be unacceptable or result in a materially different impact from the AONB or local landscape, or have a significant adverse impact on the setting of the AONB in accordance with policy SP17. This is considered to represent a material consideration to justify a decision that is not strictly in accordance with part of criteria 1 of site policy EMP1(4).
- 8.03 The building designs are of good quality for the proposed industrial and warehouse buildings with interest provided through the variation of materials and colours, and active frontages in accordance with policy DM1. Local stone would be used on smaller buildings and walls and good quality surface materials would be used. The landscaping proposals and species are predominantly native and considered to be suitable. The proposed levels strike an acceptable balance between lowering buildings and development to limit its impact upon the setting of the AONB and local landscape, and having suitable levels changes in and around the site.
- 8.04 The proposals would appropriately minimise the impact of the development on the setting of Woodcut Farmhouse (GII) and would not have any harmful impact on any other heritage assets.
- 8.05 The proposals would not result in any unacceptable impacts upon residential amenity in accordance with policy DM1.
- 8.06 Permission is therefore recommended subject to the conditions and heads of terms set out below.

9.0 RECOMMENDATION

Approve the Reserved Matters detail subject the conditions set out below:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the plans listed on the 'Reserved Matters Drawing List' (excluding any illustrative plans/views) and plan nos. PL_CY_001 P1, PL_CY2_001 P1, PL_S1_001 P1, and PL_S2_001 P1.

Reason: To clarify which plans have been approved, to ensure a high-quality development, and to protect residential amenity.

2. The development hereby permitted shall be carried out in accordance with external building materials as shown on the approved plans including the use of ragstone on buildings and in walling as shown on drawing no. PL_102 RevB.

Reason: To ensure a high-quality development.

3. The development hereby permitted shall be carried out in accordance with surface materials shown on drawing no. PL_101 RevB.

Reason: To ensure a high-quality development.

4. Notwithstanding the details submitted and prior to any development above slab level taking place, an alternative darker green colour for the roofs of the buildings, shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented and thereafter retained.

Reason: To ensure an appropriate colour in the context of the AONB setting and local landscape.

5. No development in connection with the bridge over the stream shall take place until full details of the structure including the use of ragstone in any retaining walling has been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

Reason: To ensure a high-quality appearance.

6. No development above slab level for the cycle stores, substations or stone walling shall take place until details of a sample panel of the ragstone for the walling and buildings, including mortar mix details, has been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

Reason: To ensure a high-quality appearance.

7. No building shall be occupied until the EV charging points as detailed on page 11 of the Energy and Sustainability Report prepared by Hannan Associates and as shown on the approved plans have been installed in connection with that building and made available for use. The charging points shall be maintained thereafter.

Reason: To reduce impacts upon air quality.

8. The development shall not be occupied until a 'Code for the Management of Estate Roads' with a strategy to ensure vehicles do not park on internal roads has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate parking takes place and to prevent obstructions which could lead to highway safety issues.

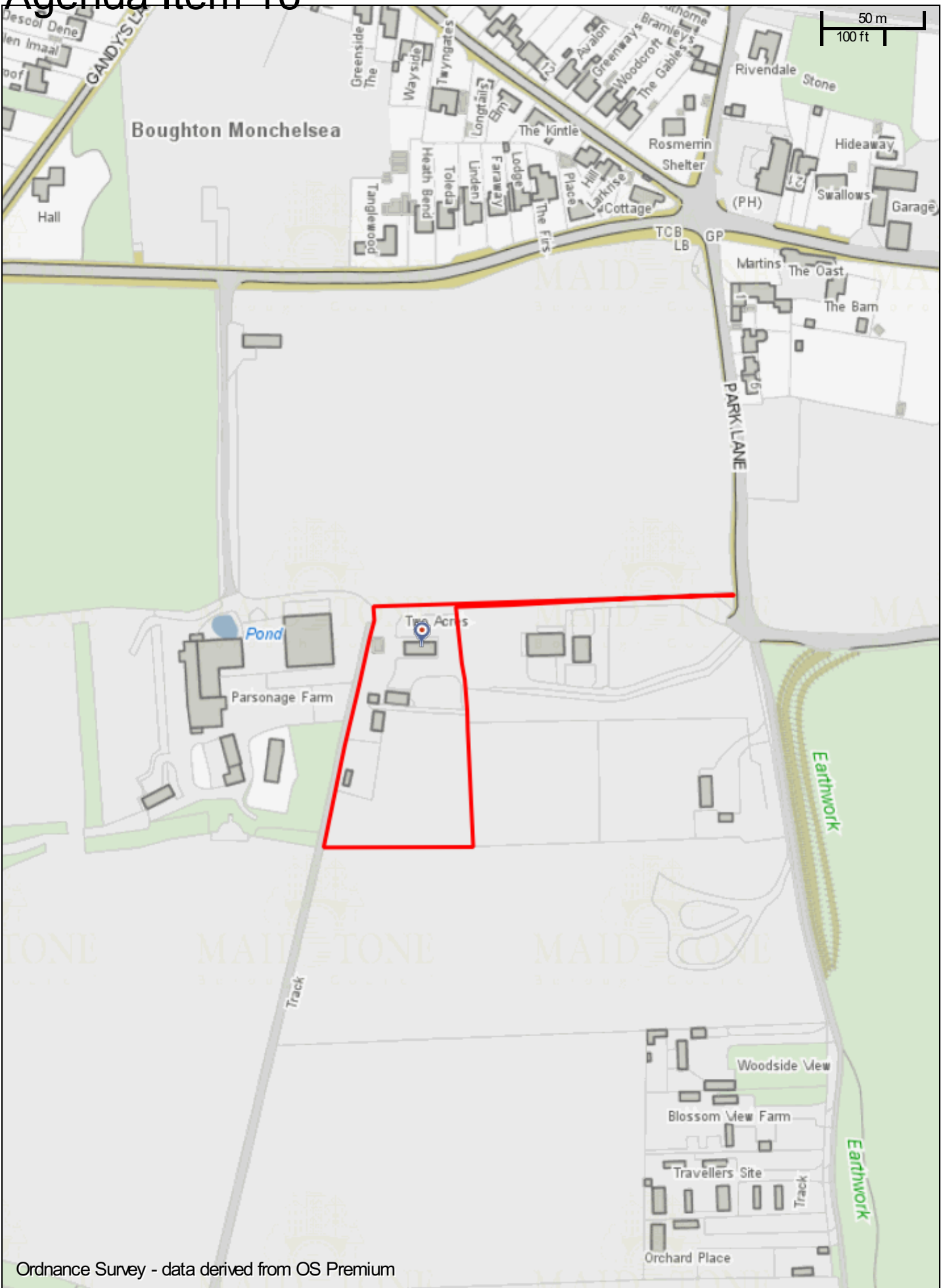
9. The development shall not be occupied until passive infrastructure has been installed to facilitate EV charging points for all HGV spaces identified on plan 11257PL_100 Rev B.

Reason: To reduce impacts upon air quality.

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

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

Agenda Item 16



REFERENCE NO: 20/505274/FULL		
APPLICATION PROPOSAL: Extension to existing Gypsy site, including retention of 1(no) static mobile home (as approved under MA/97/0349); and siting of 3 additional residential static mobile homes for a Gypsy family, and erection of dayroom.		
ADDRESS: Two Acres, Park Lane, Boughton Monchelsea Maidstone, Kent, ME17 4JJ		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
<p>SUMMARY OF REASONS FOR RECOMMENDATION: In Local Plan policy terms, there is resistance to residential caravans in the countryside. As an exception to this general policy constraint, Local Plan policy DM15 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met; and policies SP17 and DM30 allow for development provided it does not result in harm to the character and appearance of the area.</p> <p>In this instance, Two Acres is in part an authorised (unrestricted) Gypsy site, with permission for one mobile home, and this development will extend the site and see an additional three mobile homes placed on the site. It has also been established that the adult occupants of the site meet the Government's planning definition of a Gypsy as set out in the PPTS, and there is no reasonable justification to object to the development on sustainability grounds in terms of location and reliance on the private motor vehicle to access day to day needs. Furthermore, the development is not considered to cause unacceptable harm to the character and appearance of the countryside hereabouts, subject to supplementary boundary planting.</p> <p>With everything considered, the development is therefore acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. In consequence of this finding, a permanent permission will be granted and restricted only by a gypsy and traveller occupation condition.</p>		
REASON FOR REFERRAL TO COMMITTEE: Boughton Monchelsea Parish Council has requested that the planning application is considered by the Planning Committee if officers are minded to approve planning permission. This request is made for the reasons outlined in the consultation section below.		
WARD: Boughton Monchelsea & Chart Sutton	PARISH COUNCIL Boughton Monchelsea	APPLICANT: Mr Matthews AGENT Keith R Hammond LTD
TARGET DECISION DATE: 01/03/21		PUBLICITY EXPIRY DATE: 28/12/20

RELEVANT PLANNING HISTORY

- 20/502887 - Removal of mobile home and erection of dayroom. Stationing of 4 mobile homes for gypsy pitches – Refused:
 - *Proposal failed to demonstrate occupants of proposed mobile homes meet planning definition of 'gypsies & travellers', as set out in Annex 1 of the Government's PPTS (2015).*
 - *Development harmfully consolidated sporadic and urbanising development in countryside, causing unacceptable harm to character and appearance of area hereabouts. This inappropriate development, for which there is no overriding justification for.*
- MA/02/2188 - Erection of oak framed garage and store – Refused
- MA/02/1487 - Provision of second mobile home to form separate residence to be occupied by children of gypsy family occupying existing mobile home – Approved (Permission was personal to Stacey Scott and dependants and not current occupants)
- MA/02/1426 - Erection of oak framed garage and store – Refused
- MA/97/0349 – Re-siting of caravan for gypsy family – Refused (Allowed at appeal)

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.01 Two Acres is located on the western side of Park Lane, accessed by way of an existing track some 135m in length; and currently on site are two mobile homes and a number of outbuildings (see below for what is considered to be lawful on the site in planning terms). In between the proposal site and the road is a yard/storage area and New Barn Farm which are not in the ownership of the applicant. To the west of the site there is a Grade II property known as Parsonage Farmhouse and what appears to be some industrial units; and to the south is some type of wood yard. Beyond Parsonage Farm, is Boughton Monchelsea Place, a Grade II registered Park and Garden. For the purposes of the Local Plan, the site is located in the designated countryside; and the site also falls within an Area of Archaeological Potential and a KCC Minerals Safeguarding Area.

2.0 PROPOSAL

- 2.01 This proposal was described as: *Removal of 1 mobile home and erection of dayroom. Stationing of 3 mobile homes for gypsy pitches. (Re-sub of 20/502887).*
- 2.02 When the planning history is looked into, it is apparent that there is a lawful (unrestricted) permission for a single static mobile home for Gypsy accommodation on a smaller site area than now proposed. This was granted under MA/97/0349.
- 2.03 Furthermore, under approval MA/02/1487 condition 2 states:

Mobile home hereby permitted shall only be occupied by Stacey Scott and her dependants (if any) (gypsies as defined by Sec 16 of Caravan Sites Act 1968). In event of the mobile home no longer being required for occupation by Stacey Scott it, together with any ancillary development permitted by virtue of Classes A & B, Part 5, Schedule 2, Article 3 of Town and Country Planning GPDO 1995 (or statutory instrument revoking and re-enacting those Orders with or without modification), shall be removed from site and land restored to its former condition within a period of 3 months.

Reason: To control intensity of the use, as if site were to be occupied by more than one gypsy family it may adversely affect character and appearance of countryside.

- 2.04 There is no other planning history relating to the siting of mobile homes after this (except for the recent refusal); and it is understood from the submission that Mr and Mrs Matthews purchased the site some years ago. With this all taken into account, it is considered that Two Acres only has lawful permission for one mobile home (as the occupant is not Stacey Scott and her dependants). Furthermore, the proposal site appears to be larger than what has previously been authorised, extending southwards.
- 2.05 With this considered, it was suggested to the agent to amend the description of this application to: *Extension to existing Gypsy site, including retention of 1(no) static mobile home (as approved under MA/97/0349); and siting of 3 additional residential static mobile homes for a Gypsy family, and erection of dayroom.* This has been agreed by the agent.
- 2.06 As previously set out, the two mobile homes on the site are occupied by Mr and Mrs Matthews and their children, and Mr Matthew's mother. The proposal would see one unit occupied by Mr and Mrs Matthews and their two younger children; one unit occupied by Mr Matthew's mother; and the other two units occupied by the three eldest children (14yrs old, 18yrs old; and 20yrs old).

- 2.07 The mobile homes are shown to measure some 12.5m x 6m (75m²) with plywood panelled elevations and a felt/glass fibre roof. The proposed dayroom is shown to measure some 13.5m x 8m in footprint (108m²), and with its hipped roof it would stand some 4.4m in height. The external materials of the day room are shown to be facing brick and plain roof tiles.
- 2.08 For clarification, the main differences between this application and that refused under 20/502887 are as follows:
- This application proposes one less mobile home.
 - Proposed mobile homes are positioned further north in the site.
 - Footprint of dayroom has been reduced by 36m²; and its height has been reduced from nearly 6m to approx. 4.4m.
 - Information on gypsy and traveller status of applicant has been submitted.

3.0 POLICY & OTHER CONSIDERATIONS

- Local Plan (2017): SS1; SP17; SP18; GT1; DM1; DM4; DM8; DM15; DM30
- National Planning Policy Framework (2019) & National Planning Practice Guidance
- Landscape Character Assessment (2013) & Supplement (2012)
- Landscape Capacity Study: Sensitivity Assessment (2015)
- Boughton Monchelsea Neighbourhood Plan (Submission version: Mar 2020): PWP2 (Priority Local Landscape); PWP10 (Lighting); PWP11 (Planting native tree & hedge species); PWP12 (Biodiversity); and RH9 (Provision for gypsies & travellers)
- Planning Policy for Traveller Sites (2015)
- Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)
- Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (2012)

4.0 CONSULTATION RESPONSES

- 4.01 **Boughton Monchelsea Parish Council:** Wish to see application refused and reported to Planning Committee if officers are minded to recommend approval. Their comments have been summarised as follows:

Proposal represents unacceptable intensification of site and would harmfully consolidate sporadic and urbanising development in countryside, causing unacceptable harm to character & appearance of area; and only change from 20/502887 appears to be addition of 3 mobile homes rather than 4.

- 4.02 **KCC Highways:** Proposal does not meet the criteria to warrant their involvement.

- 4.03 **KCC Archaeology:** No representations received.

- 4.04 **Local residents:** No representations received.

5.0 APPRAISAL

Main issues

- 5.01 Local Plan policy DM15 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met; and policies SP17 and DM30 allow development provided it does not result in harm to the character and appearance of the area. The site falls within the Boughton Monchelsea to Chart Sutton Plateau (Area 29) Within the Council's Landscape Character Assessment. The landscape guidelines for this area are to 'IMPROVE'.
- 5.02 The Examiner's final report for the Boughton Monchelsea Neighbourhood Plan (BMNP) has recommended that the once modified, this Neighbourhood Plan can proceed to referendum. As it has passed examination, this plan becomes a significant material

consideration in decisions. Within the BMNP, the proposal site falls within the 'Proposed Priority Local Landscape'.

5.03 Government guidance set out in the Planning Policy for Traveller Sites (PPTS) places emphasis on the need for increased gypsy and traveller site provision, supporting self-provision (as opposed to local authority provision). The site is some 3km to the east of Coxheath, and in terms of broad principles, Local Plan policies and central government guidance both permit gypsy and traveller sites to be located in the countryside as an exception to policies which otherwise seek to restrain development. It would therefore be considered unreasonable to object to the application on sustainability grounds in terms of its location.

5.04 So, in accordance with the relevant policies of the Maidstone Local Plan and central Government guidance, the main issues for consideration are gypsy status in planning terms; what the need and supply of gypsy sites are; and the proposal's visual impact.

Gypsy status/personal circumstances

5.05 The Government's PPTS (August 2015) sets the planning definition of 'gypsies & travellers', and this excludes those who have ceased to travel permanently. The current definition is as follows (Annex 1):

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

5.06 On this matter, the following relevant (summarised) details have been submitted:

- Letter from researcher for Gypsy and Traveller Accommodation Assessment, who interviewed family in May 2020. This states information provided led them to believe family 'Travels for Work' and therefore fits planning definition. Letter states it was confirmed during interview Mr Matthews travels for his work, carrying out groundworks and does civil engineering which requires him to stay away; and it is understood that working gun dogs are bred and this requires travelling to deliver them to their new owners. Furthermore, it states the two eldest daughters future husbands do groundworks and trade horses.
- Letter from General Manager of Parkdean Resorts confirms Mr Matthews has worked on Highfield Grange Holiday Park as sub-contractor for over last 8yrs; and has worked on many parks throughout UK since 2012 and stayed on site with family whilst working in Kent, Essex and Northumberland as examples.
- Letter from Hi-Tec Rail confirms Mr Matthews has worked and stayed on site whilst working for them at various places throughout UK.
- Letter from primary school confirms two youngest children are registered there as Gypsy/Roma and that family request authorised absences for travelling and attending fairs.
- Letter from primary school confirming all children have attended this school at some point, with one child still there. Children were/are registered as Gypsy Roma Travellers; and school is fully aware family often travel for work purposes, attending horse fairs, and officially granted leave of absence for this is permitted.
- Photographs show the family attending various Gypsy/Traveller/Romany gatherings and functions supporting their nomad ethnicity; and details have been submitted of horse fairs and other Gypsy assemblies that are attended by the family throughout the year.
- Letter from Mr Matthews confirms he has lived on site for 16yrs, taking over from his parents/uncle; and living here allows family to keep nomadic lifestyle to Romany traveller tradition and culture. Letter also confirms he frequently travels for work and whilst family travels with him, it is considered important to have settled base for children to attend school; and family are living in overcrowded conditions. Mrs Matthews also has health problems and relies on their children for help day to day; and day room would make life easier in this respect.
- Mr and Mrs Matthews are a known Gypsy family in the borough with local family connections and there is a desire to maintain their traditional style of living.

- 5.07 With everything considered, it is reasonable to say that the occupants of the site continue to travel for work purposes to make a living. It is therefore accepted that the Gypsy status has been met in accordance with the provisions of the Government's PPTS.

Need

- 5.08 The Maidstone Local Plan is adopted and there are policies relating to site provision for Gypsies and Travellers. Local planning authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans, and the Gypsy & Traveller and Travelling Showpeople Accommodation Assessment: Maidstone (Jan 2012) provides the evidence of the need for Gypsy and Traveller pitches in the borough for the Local Plan period (October 2011 to March 2031). 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 need 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 need may prove to be somewhat 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.

- 5.09 GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016 - 105 pitches

Apr 2016 – March 2021 - 25 pitches

Apr 2021 – March 2026 - 27 pitches

Apr 2026 – March 2031 - 30 pitches

Total: Oct 2011 – March 2031 = 187 pitches

- 5.10 The target of 187 additional pitches is included in policy SS1 of the Maidstone Local Plan; and the GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the adopted Local Plan. Please note that a new GTAA is progressing to support the Council's Local Plan Review, but this has been interrupted due to Covid-19.

Supply

- 5.11 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Local Plan Policy DM15 accepts that subject to certain criteria, this type of accommodation can be provided in the countryside. Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (as of 31st January 2021):

Permanent non-personal – 211

Permanent personal – 32

Temporary non-personal – 4

Temporary personal – 39

- 5.12 A total of 243 pitches have been granted permanent consent since October 2011. These 243 pitches exceed the Local Plan's 187 pitch target. This illustrates that the rate at which permanent permissions have been granted in the first 9 years of the plan period is actually ahead of the rate of need by the GTAA. Furthermore, sites allocated through policy GT1 in the Local Plan will also provide an additional 29 pitches; sites granted permanent permissions on suitable windfall sites (in accordance with policy DM15); and pitch turnover on the two public Gypsy & Traveller sites in the borough, will continue to increase the number of pitches in the borough.

- 5.13 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight when considering the expediency of granting consent on a temporary basis. The Council's position is that it can demonstrate 8yrs worth of supply of Gypsy and Traveller sites at the base date of 1st April 2020. As the Council considers itself to be in a position to demonstrate more than a 5 year supply, paragraph 27 of the PPTS would not apply in the determination of this application and the direction to positively consider the granting of a temporary consent does not apply.

Visual impact

- 5.14 Guidance in the Planning Policy for Traveller Sites (PPTS) states that local planning authorities should very strictly limit new traveller development in the countryside but goes on to state that where sites are in rural areas, considerations are that sites do not dominate the nearest settled community and do not place undue pressure on local infrastructure. No specific reference to landscape impact has been outlined however this is addressed in the relevant Local Plan policies and the NPPF. Specifically, policy DM15 of the Local Plan allows for Gypsy accommodation in the countryside provided certain criteria are met. This includes allowing development that does not result in significant harm to the landscape and rural character of the area.
- 5.15 Existing development at Two Acres is modest and mostly located at the northern end of the site, adjacent to other buildings on neighbouring sites; and the existing outbuildings along the western boundary are low-key in nature. The rest of the application site is largely undeveloped. To the north is agricultural land; to the east there is a storage building and bungalow; to the south a wood yard; and to the west there are industrial units. There are also other Gypsy sites in the vicinity of the site.
- 5.16 The proposal would introduce a dayroom and additional mobile homes onto the site. Unlike what was previously proposed under 20/502887, the proposal would be better grouped with existing development on the site, allowing the southern end of the site to remain open in feel. As such, the proposal would no longer result in new development sprawling across the whole site. Furthermore, the proposed mobile homes themselves are of a typical style and appearance; they appear to fall within the definition of a caravan (Section 29 of the Caravan Sites and Control of Development Act 1960); and the palette of external materials is not objectionable.
- 5.17 In terms of the proposed dayroom, whilst the principle of ancillary buildings can be acceptable, this is subject to all material planning considerations; the buildings must still appear subordinate and ancillary to the main living space on a site; and protection should still be given to the rural character of the borough's countryside. Although superseded by the PPTS, the Government's: *Good Practice Guide on Designing Gypsy and Traveller Sites (2008)* is a useful comparison in that it sets out what was considered reasonable accommodation at the time. It states amenity buildings must include basic amenities/services (as a minimum): Hot & cold water supply; electricity supply; separate toilet and hand wash basin; bath/shower room; kitchen/dining area; secure storage space for harmful substances/medicines; enclosed storage for food, brooms, washing, cleaning items etc; & space for connection of cooker, fridge/freezer & washing machine.
- 5.18 In this instance, the proposed dayroom would measure some 13.5m by 8m (108m²), which is a significant 25% reduction in floor area when compared to the day room previously refused; the height of the building has been noticeably reduced from nearly 6m to 4.4m; and the building is shown to provide the family with basic amenities/services that are considered proportionate for a large family occupying four mobile homes. On this basis, the day room is considered to be reasonably necessary in this instance, and it provides a justified level of accommodation to serve

this large family; and overall it would no longer appear to harmfully dominate the main living accommodation of the four mobile homes.

- 5.19 In terms of the wider area, the site is set back some 130m from Park Lane, and given the significantly reduced scale of the day room and the proposed location of the mobile homes being better grouped with existing development in and around the site, it is considered that the proposal would not appear visually dominant or incongruous from the road. The proposal would also not appear visually harmful from any other public vantage point, given separation distances and existing landscaping/built form in the area. Furthermore, the site already benefits from well-established conifer hedges along part of its eastern and western boundaries, and there is also a recently planted Laurel hedge along the eastern boundary. Whether a proposal is visually dominant from any public vantage point or not, the NPPF is clear that planning decisions should contribute to and enhance the natural and local environment by (inter alia), recognising the intrinsic character and beauty of the countryside. In this instance, the scale, design and layout of the proposal is considered acceptable; the undeveloped character of the site to the south would be retained; and there is ample scope for new planting to further soften and positively integrate the development into the surrounding landscape.
- 5.20 It is considered that the proposed development would not harmfully consolidate sporadic and urbanising development in the countryside, and would not cause unacceptable harm to the character and appearance of the area hereabouts. In visual amenity terms, the proposal is therefore considered to be in accordance with the relevant policies of the Local Plan; the examined Boughton Monchelsea Neighbourhood Plan; the aims of the NPPF; and the guidance within the Maidstone Landscape Character Assessment.

Other matters

- 5.21 A residential use is not generally a noise generating use and this development does not increase the number of occupants on the site. As such, it is considered that the application would not have an adverse impact upon the living conditions of any neighbouring occupant, including in terms of general noise and disturbance. The proposal is not considered to result in an adverse impact upon the setting and significance of any near-by heritage asset; and given that the KCC Archaeology Officer has not responded to consultation, it is assumed they raise no objection on archaeology grounds.
- 5.22 The site falls within Flood Zone 1 and no objection is raised in terms of flood risk; the site will make use of an existing access and no highway safety objection is raised; and there are no arboriculture issues. Given the current use and well maintained nature of the site, it is not considered necessary to require further ecological details prior to the determination of this application. Notwithstanding this, one of the principles of the NPPF is that *"...opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity"*. If the application were to be approved, a suitable condition would be imposed requesting details of biodiversity enhancement on the site.
- 5.23 No further information is required in terms of land contamination and air quality; further details in terms of external lighting, if necessary, could be dealt with by way of an appropriate condition; and foul sewage disposal would be via a sewage package treatment plant and surface water disposal would be via soakaway, which is considered acceptable. The site falls within a KCC Minerals Safeguarding Area, but given the nature of the proposal no objection is raised to it on mineral and waste safeguarding grounds. The comments from Boughton Monchelsea Parish Council has been considered in the assessment of this application; and the development,

when considered cumulatively with other lawful gypsy sites in the vicinity, would not result in it having an unacceptable impact upon, or dominating, the nearest settled community and local infrastructure, as the number of mobile homes has not increased.

- 5.24 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home. Furthermore, the courts have held that the best interest of the children shall be a primary consideration in all decisions concerning children including planning decisions. In addition to this, race is one of the protected characteristics under the Equality Act and ethnic origin is one of the things relating to race. Romany Gypsies and Irish Travellers are protected against race discrimination because they are ethnic groups under the Equality Act. This application has been considered with regard to the protected characteristics of the applicant and the Gypsies who occupy the caravans, and it is considered that the requirements of the PSED have been met and approving this development would not undermine the objectives of the Duty.

6.0 CONCLUSION

- 6.1 In Local Plan policy terms, there is resistance to residential caravans in the countryside. As an exception to this general policy constraint, Local Plan policy DM15 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met; and policies SP17 and DM30 allow for development provided it does not result in harm to the character and appearance of the area.
- 6.2 In this instance, part of the site benefits from permission for a single static mobile home for Gypsy accommodation; Gypsy status has been established, in accordance with the Government's planning definition; and there is no reasonable justification to object to the development on sustainability grounds in terms of location and reliance on the private motor vehicle to access day to day needs. Furthermore, the development is not considered to cause unacceptable harm to the character and appearance of the countryside hereabouts, subject to supplementary boundary planting. For clarification, the application has overcome the previous reasons for refusal under 20/502887.
- 6.3 With everything considered, the development is therefore acceptable with regard to the relevant provisions of the Development Plan, the submission version of Boughton Monchelsea Neighbourhood Plan, the NPPF and all other material considerations such as are relevant. In consequence of this finding, a permanent permission is recommended and restricted only by a gypsy and traveller occupation condition.

7.0 RECOMMENDATION - GRANT planning permission subject to following conditions:

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

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

- (2) The site shall not be used as a caravan site by any persons other than Gypsies or Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015 (or any subsequent definition that supersedes that document);

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.

- (3) No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the application site at any time;

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

- (4) Prior to the construction of the day room building above damp-proof course level, written details and samples of the materials to be used in the construction of the external surfaces of this building shall be submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials and maintained as such thereafter.

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

- (5) The external materials to be used for the mobile homes hereby approved shall be in accordance with the details as shown on drawing reference: 140620/03 and maintained as such thereafter.

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

- (6) Prior to any new mobile home being brought on to the site details of a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, details of any planting to be retained, and long-term maintenance of existing and proposed planting, 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 and the landscaping of the site and its management shall be carried out in accordance with the approved details thereafter;

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

- (7) All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the caravans hereby approved, or following the commencement of the works associated to the day room hereby approved, whichever is the sooner. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

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

- (8) Prior to any new mobile home being brought on to the site, a scheme for the enhancement of biodiversity on the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and all features shall be maintained as such thereafter.

Reason: In the interests of ecological enhancements.

- (9) No external lighting, whether temporary or permanent, shall be placed or erected within the application site, unless details are submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: To safeguard the character and appearance of the countryside and in the interests of residential amenity.

- (10) No commercial activities shall take place on the land, including the storage of materials;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside and in the interests of residential amenity.

- (11) No vehicles over 3.5 tonnes in unladen weight shall be stationed, stored or otherwise parked on the application site at any time;

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

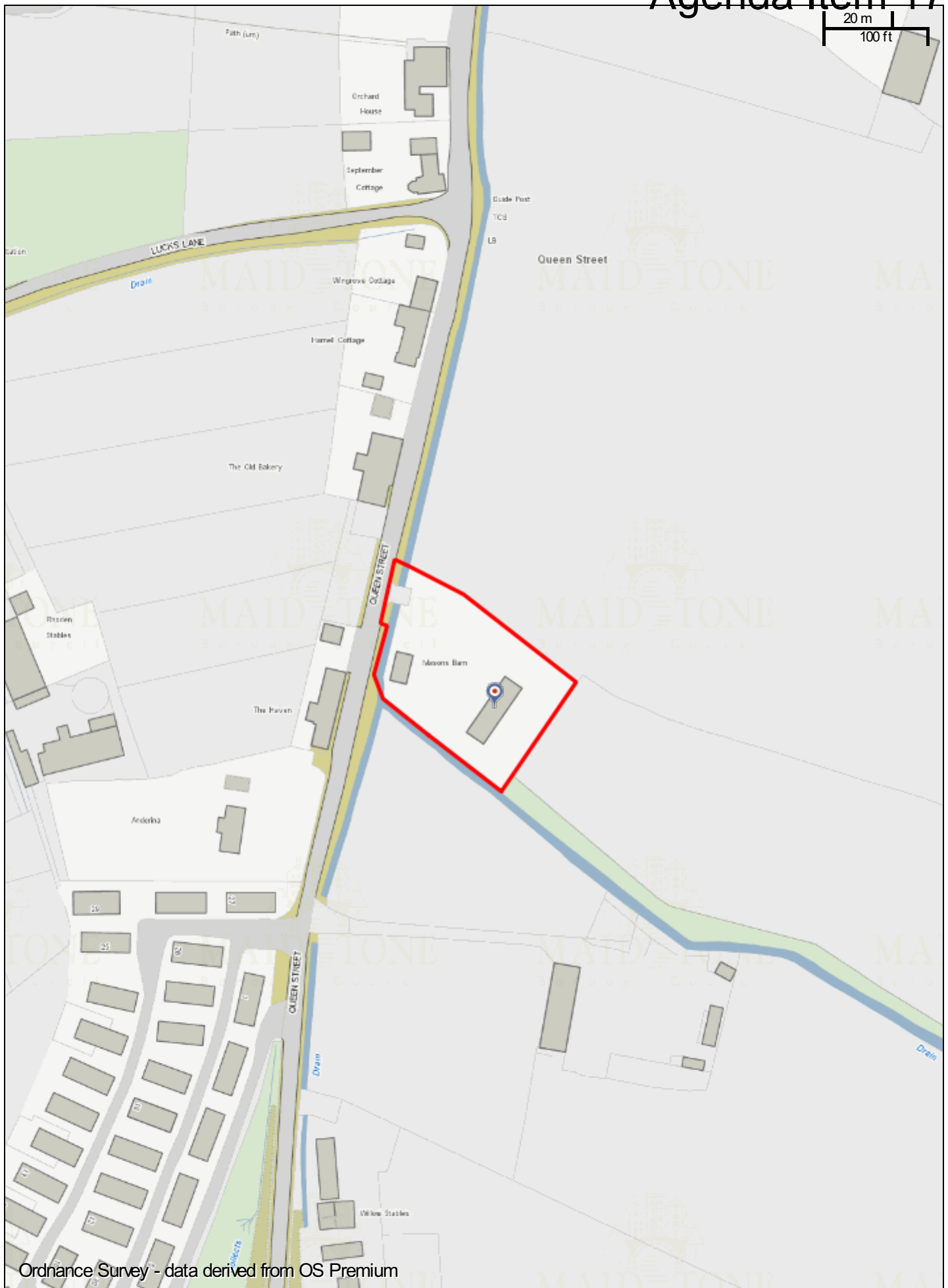
- (12) If the lawful use of the site ceases, all caravans, structures, equipment and materials bought onto the land for the purposes hereby permitted including hardstandings and buildings shall be removed within two months from the date of the use ceasing;

Reason: To safeguard the character and appearance of the countryside and in the interest of amenity.

- (13) The development hereby permitted (including the site layout and the scale and appearance of the mobile homes and day room) shall be carried out in accordance with the following plans: Site location plan (1:1250); 140620/01B; 03; 09 (proposed layout); 05; and 10B.

Reason: For the avoidance of doubt.

Case Officer: Kathryn Altieri



Ordnance Survey - data derived from OS Premium

REFERENCE NO: 20/505422/FULL		
APPLICATION: Change of use of existing building to holiday let with erection of detached garage (part retrospective).		
ADDRESS: Masons Barn Queen Street Paddock Wood Tonbridge Kent TN12 6PH		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The main building is lawful in planning terms and Local Plan policy DM31 seeks to support the commercial reuse of existing buildings in the countryside subject to certain criteria. The submission is considered to meet the criteria of this policy; it is not considered to cause unacceptable harm to the countryside; and it is acceptable in flood risk, highway safety and residential amenity terms. With everything considered, the development is therefore acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Yalding Parish Council has requested the application is considered by the Planning Committee if officers are minded to approve planning permission. This request is made for the reasons outlined in the consultation section below.		
WARD: Marden & Yalding	PARISH COUNCIL: Yalding	APPLICANT: Ridgewell AGENT: DHA Planning
TARGET DECISION DATE: 01/03/21		PUBLICITY EXPIRY DATE: 11/01/21

RELEVANT PLANNING HISTORY

- 20/501954 – Existing LDC for erection of timber framed building – Approved:
It has been demonstrated, on balance of probability, building has been on site for a continuous period in excess of 4yrs looking back from the date when the application was validated.
- 19/505639 – Retention of existing building and use of this building as dwelling and retention of existing garage- Refused:
 - *Development would represent a new dwelling far removed from local services and facilities resulting in future occupants being reliant on the private motor vehicle to travel for access to day to day needs. This reliance on private motor vehicle would be contrary to the aims of sustainable development as set out in LP policies SS1, SP17 and NPPF (2019).*
 - *Development, by virtue of associated domestic paraphernalia associated to residential use of building would consolidate sporadic and urbanising development in rural landscape, causing unacceptable harm to character and appearance of countryside hereabouts. Development would neither maintain nor enhance local distinctiveness of countryside hereabouts, contrary to LP policies SS1, SP17, DM1 and DM30 and NPPF (2019).*
 - *Development would represent an isolated dwelling in countryside for which there is no overriding justification or need and this is contrary to NPPF (2019).*
 - *Taking into account development site falls in Flood Zone 3, as shown on EA's designation maps; in applying the NPPF's guidance on avoiding inappropriate development in areas at risk of flooding by directing development away from areas at highest risk; and in applying the Sequential Test to the extent of the surrounding area, where the EA maps clearly show Flood Zone 3 extending across a considerable area, it cannot be said that there are no other sites in the locality that are at less risk of flooding than the application site. Development therefore fails to pass Sequential Test and is contrary to LP policy DM1 and NPPF (2019) and its Guidance.*
 - *Application fails to demonstrate that every reasonable attempt has been made to secure suitable business re-use for building and this is contrary to Policy DM31 of Local Plan.*
- 19/502112 - CLD to establish occupation of existing building as dwelling – Refused
- MA/11/0952 - Stationing of mobile for gypsy family – Refused (allowed at appeal)
- MA/03/1109 - Outline for dwelling to replace demolished mission room – Refused
- MA/01/1805 - Prior approval for erection of barn for agricultural storage – Approved

- MA/01/0402 - Prior approval for erection of agricultural storage building – Refused
- MA/00/0877 - Prior approval for erection of agricultural storage building – Refused
- MA/89/1495 - Stationing of a caravan on land – Refused
- MA/80/1977 - Twin unit mobile home (or outline for bungalow) – Refused

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.01 The application site is located on the eastern side of Queen Street, some 100m to the south of Lucks Lane. The site is on the very edge of Maidstone borough, and is within the countryside for the purposes of the Maidstone Local Plan. Currently on the site is a timber framed building that was the subject of 20/501954 (see above); and a detached garage that is unlawful and the subject of this application. The Environment Agency has previously confirmed that the application site is within Flood Zone 3(a) and not functional floodplain.

2.0 PROPOSAL

- 2.01 The development is for the change of use of the existing building to a (4-bed) holiday let, and for the detached garage already on the site which is currently unlawful in planning terms.

3.0 POLICY & OTHER CONSIDERATIONS

- Maidstone Local Plan (2017): SS1, SP17, SP21, DM1, DM8, DM23, DM30, DM31
- Landscape Character Assessment (2013) & Supplement (2012)
- Landscape Capacity Study: Sensitivity Assessment (2015)
- National Planning Policy Framework (2019)
- National Planning Practice Guidance

4.0 CONSULTATION RESPONSES

- 4.01 **Yalding Parish Council:** Wish to see application refused and for it to be reported to Planning Committee if minded to recommend approval. Their comments are summarised as follows:

- *Property illegally occupied as dwelling and it is questioned how use would be enforced.*
- *Development is in floodplain and proposal would require seasonal occupancy as any potential holidaymakers could not be guaranteed safe access and egress at times of flooding.*
- *Increasing number of buildings in flood plain should not be permitted.*

- 4.02 **Environment Agency:** Considers permission could be granted in flood risk terms.

- 4.03 **Environmental Protection Team:** Raise no objection in terms of: Noise; amenity; air quality; contamination; asbestos; radon; lighting; odour; accumulations; sewage; and private water supplies.

- 4.04 **MBC Culture & Tourism:** No representations received.

- 4.05 **Tunbridge Wells Borough Council:** No representations received.

- 4.06 **Kent Police:** Has no comments to make.

- 4.07 **Neighbour responses:** One representation received considers submission to be well designed and sympathetic to surrounding; and its use to be appropriate.

6.0 APPRAISAL

Main issues

- 6.01 The application is subject to the normal constraints of development in the designated countryside under the adopted Local Plan. Local Plan policies state (inter alia) that new development in the countryside will not be permitted unless it accords with other policies in the Plan; would not result in harm to the character and appearance of the area; and would not have an adverse impact upon living conditions of any neighbouring property. Furthermore, Local Plan policy DM1 seeks to avoid inappropriate new development within areas at risk from flooding, or provide suitable mitigation (integral to the design of buildings); and the NPPF also states that (para 155): Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).
- 6.02 Local Plan policy SS1 states small scale employment opportunities will be permitted at appropriate locations to support the rural economy in order to support the rural economy. Local Plan policy SP21 also states the council is committed to supporting and improving the economy of the borough and providing for the needs of businesses; and that this would be achieved through the allocation of specific sites and through (inter alia): *Prioritising the commercial re-use of existing rural buildings in the countryside over conversion to residential use, in accordance with policy DM31.* Against the general themes of countryside restraint policies, Local Plan policy DM31 allows for the commercial conversion/re-use of rural buildings provided certain criteria are met.
- 6.03 It is also not unusual to find tourist accommodation in rural areas, and whilst visitors will be reliant on the private motor vehicle, the benefits to the rural economy weighs in favour of such development. It should be added here that Local Plan policy does not require an applicant to submit a business/marketing plan and/or a viability assessment to justify the need for new tourist accommodation.

Visual impact

- 6.04 The application site is on the eastern side of Queen Street, which is largely characterised by undeveloped flat fields within the vicinity of the site; and whilst the western side of the road is more built-up, it still retains a rural feel. There are also a number of mobile homes in the local vicinity, but this is not typical of the general surroundings.
- 6.05 The main building is of permanent, substantial and sound construction, and it is capable of conversion without major or complete reconstruction, and no external alterations are proposed. Furthermore, the building is in situ and lawful in planning terms, and so its visual impact must be accepted. Turning to the detached garage, this is located to the front of the site with public views largely limited to its roof top, given the mature hedgerow and wall along the roadside boundary. The garage is also relatively low key, standing less than 3.5m in height; and it is of a simple design, built in traditional materials.
- 6.06 Unlike new dwellinghouses in the countryside, there is general Local Plan policy support for tourism in such locations, and whilst the development would in some ways have an urbanising impact on the site, the proposed use would bring other benefits to the rural economy; and such uses tend to be of a more functional nature, typically having less associated paraphernalia and therefore having a lesser impact upon the countryside and rural character. Furthermore, the erection of any new building in the future would require planning permission and so its potential impact would be considered on its own merits at the time; a landscaping condition will be imposed to secure existing and additional (appropriate) planting to further help

soften and integrate the development into the landscape; and permitted development rights will be removed to restrict the erection of more hard boundary treatments, in the interests of visual amenity. With everything taken into account, it is therefore considered that the development would not have an adverse impact upon the character and appearance of the area hereabouts.

Flood risk implications

- 6.07 The application site is within Flood Zone 3, and the proposed use is considered to be 'more vulnerable'. As such, in accordance with the NPPF's Guidance, a flood risk assessment (FRA) is required. The NPPF states (para. 155 & 163):

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, development should be made safe for its lifetime without increasing flood risk elsewhere.

When determining planning applications, LPAs should ensure flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific FRA. Development should only be allowed in areas at risk of flooding where, in light of this assessment it can be demonstrated that:

- a) within site, most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) development is appropriately flood resistant and resilient;*
- c) incorporates SUDS, unless clear evidence this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access/escape routes included, as appropriate, as part of emergency plan.*

- 6.08 The Environment Agency has raised no objection and has commented as follows:

Based on the submitted information we consider that planning permission could be granted for the development. The site is located within Flood Zone 3, however site levels provided show the majority of the site to be above the 1-100year flood level. The FRA uses model flood data from the Paddock Wood modelling. Flood levels are also available from the Medway Model. This gives slightly higher flood levels, however we are satisfied finished floor levels at site have been raised high enough to mitigate flood risk.

- 6.09 The building is existing and lawful in planning terms; whilst in Flood Zone 3, the majority of the site is above the 1-100year flood level; the finished floor level mitigates the flood risk and a condition can be imposed to secure this; and the Environment Agency has raised no objection.
- 6.10 In terms of safe access and egress to and from the site during a flood event, which is not within the Environment Agency's remit, the potential rescue implications should also be considered. The immediate road network is within Flood Zones 2/3, with Queen Street falling within Flood Zone 1 some 600m to the south of the site. This is a balanced issue, but in this instance it is considered that if the operator of the holiday let signed up to the Environment Agency's Flood Warning service, they would be able to notify future occupants at the earliest opportunity, so that they would have time to evacuate the site if necessary prior to any flood event, keeping them safe and avoiding the need of emergency egress and access. This action will be secured by way of an appropriate condition. It should also be noted again that the building is in situ and lawful; and the finished floor level is acceptable, so future occupants could also potentially safely 'sit-out' any flood.
- 6.11 The application is for the change of use of an existing building and as such, in accordance with paragraph 164 and footnote 51 of the NPPF, the submission is not subject to the sequential or exception tests. With everything considered, it is accepted that the development would be safe for its lifetime and it would not unacceptably increase flood risk elsewhere, and so no objection is raised in terms of flood risk.

Residential amenity

- 6.12 When considering the siting of the development; its separation distance from any residential unit; and its scale and intended use, it would not have an unacceptable impact upon the living conditions of any local resident when trying to enjoy their own property. Furthermore, the amenity of future users would not be harmed by the proximity of farm uses or buildings.

Highway safety

- 6.13 The development would make use of an existing and suitable vehicle access; there is sufficient room within the site for vehicle parking/turning associated to the proposed use, mostly screened from the road by the existing boundary treatment; and the traffic generated by one holiday let would not result in the unacceptable erosion of roadside verges. It is therefore considered that the proposed use of the site would not raise a highway safety objection.

Other considerations

- 6.14 In order to ensure proper control of the use of the holiday let and to prevent the establishment of permanent residency, a holiday occupancy condition will be imposed, preventing the use of the building as a sole or main residence.
- 6.15 It is accepted that there is unlikely to be any protected species on the site and there are no arboricultural issues in this instance, and as such no further details are required in these respects, prior to the determination of this application. Notwithstanding this, one of the principles of the NPPF is that *"...opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity"*. A suitable condition will therefore be imposed requesting details of biodiversity enhancement on the site.
- 6.16 The Environmental Protection Team has raised no objection to the application on environmental health matters, and they are satisfied that no further details are required in terms of air quality; noise; and land contamination. The site disposes of surface water via an existing water course and foul sewage disposal is via mains sewer, and no further details are required on these matters. The Environmental Protection Team has recommended a condition relating to hours of construction work, but given the expected level of construction works required (given the buildings are already in situ), this is not considered necessary or reasonable to impose.
- 6.17 In accordance with Local Plan policy, and in the interests of sustainability, a suitable condition will be imposed to secure the development provides a minimum of one electric vehicle charging point for low-emission plug-in vehicles. Given the scale and nature of the development, no further details are required in terms of refuse storage/collection.
- 6.18 Whilst the site once benefited from permission for the stationing of a mobile home for a Gypsy family, the site was never lived on in accordance with this permission and the permission has expired. The development now under consideration does not therefore result in the loss of an existing residential pitch for a Gypsy or Traveller family.
- 6.19 In accordance with national planning policy, the issue of intentional unauthorised development has been a material consideration in the determination of this part retrospective application and this does weigh against the development.

- 6.20 The representations received by Yalding Parish Council and one other person has been considered in the assessment of this application. Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application would not undermine the objectives of the Duty.
- 6.21 The development is CIL liable. The Council adopted a Community Infrastructure Levy in October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time if planning permission is granted or shortly after.

7.0 CONCLUSION

- 7.1 For the reasons set out above, the submission is considered to be acceptable with regard to the relevant policies of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval of this application is therefore made on this basis.

8.0 RECOMMENDATION - GRANT planning permission subject to following conditions:

1. The use of the site as a holiday let 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. Prior to the first occupation of the holiday let, details of a landscaping scheme, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long-term management, shall be submitted to and approved in writing by the Local Planning Authority. The site falls within Landscape Area 44 (Staplehurst Low Weald), and the landscaping scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (2012) and shall include:

- a) Location, species and size of all new planting;
- b) Retention of existing hedgerow along western (front) boundary of the site;

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

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

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

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

4. Prior to the first occupation of the holiday let, a scheme for the enhancement of biodiversity on the site shall be submitted to and approved in writing by the local planning authority. Prior to the first occupation of the holiday let, the approved details shall be implemented and all features shall be maintained a such thereafter.

Reason: In the interests of ecological enhancements.

5. Prior to the first occupation of the holiday let, details of an external lighting scheme (temporary and/or permanent), shall be submitted to and approved in writing by the local planning authority. This scheme shall include measures to shield and direct light from light sources so as to prevent light pollution; show where external lighting will be installed; and details of illuminance. Prior to the first occupation of the holiday let, the approved details shall be implemented and all features shall be maintained a such thereafter.

Reason: In the interest of residential and visual amenity.

6. The finished floor level of the building shall be a minimum of 14.99m AOD and maintained as such thereafter.

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

7. Prior to the first occupation of the holiday let, the operators of the site shall sign up to the Environment Agency's Flood Warning Service, and shall remain registered thereafter. Evidence of this registration shall be made available at all reasonable times upon request to the local planning authority.

Reason: To protect future occupants at times of flood risk.

8. Prior to the first occupation of the holiday let hereby permitted, a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles shall be installed on the site. The charging point shall be thereafter retained and maintained as such for that purpose.

Reason: To promote reduction of CO₂ emissions through use of low emissions vehicles.

9. The vehicle parking spaces as shown on the approved plans shall be permanently retained for parking and shall not be used for any other purpose;

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

10. The development hereby permitted shall be occupied for bona fide holiday purposes only and no such accommodation shall be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names, main home addresses and the duration of stay of all future occupants, and this information shall be made available at all reasonable times upon request to the local planning authority. Relevant contact details (name, position, telephone number, email address and postal address) of the operators of the site, who will keep the register and make it available for inspection, shall also be submitted to the local planning authority (planningenforcement@maidstone.gov.uk) prior to the first occupation of the building with the relevant contact details subsequently kept up to date at all times;

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

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

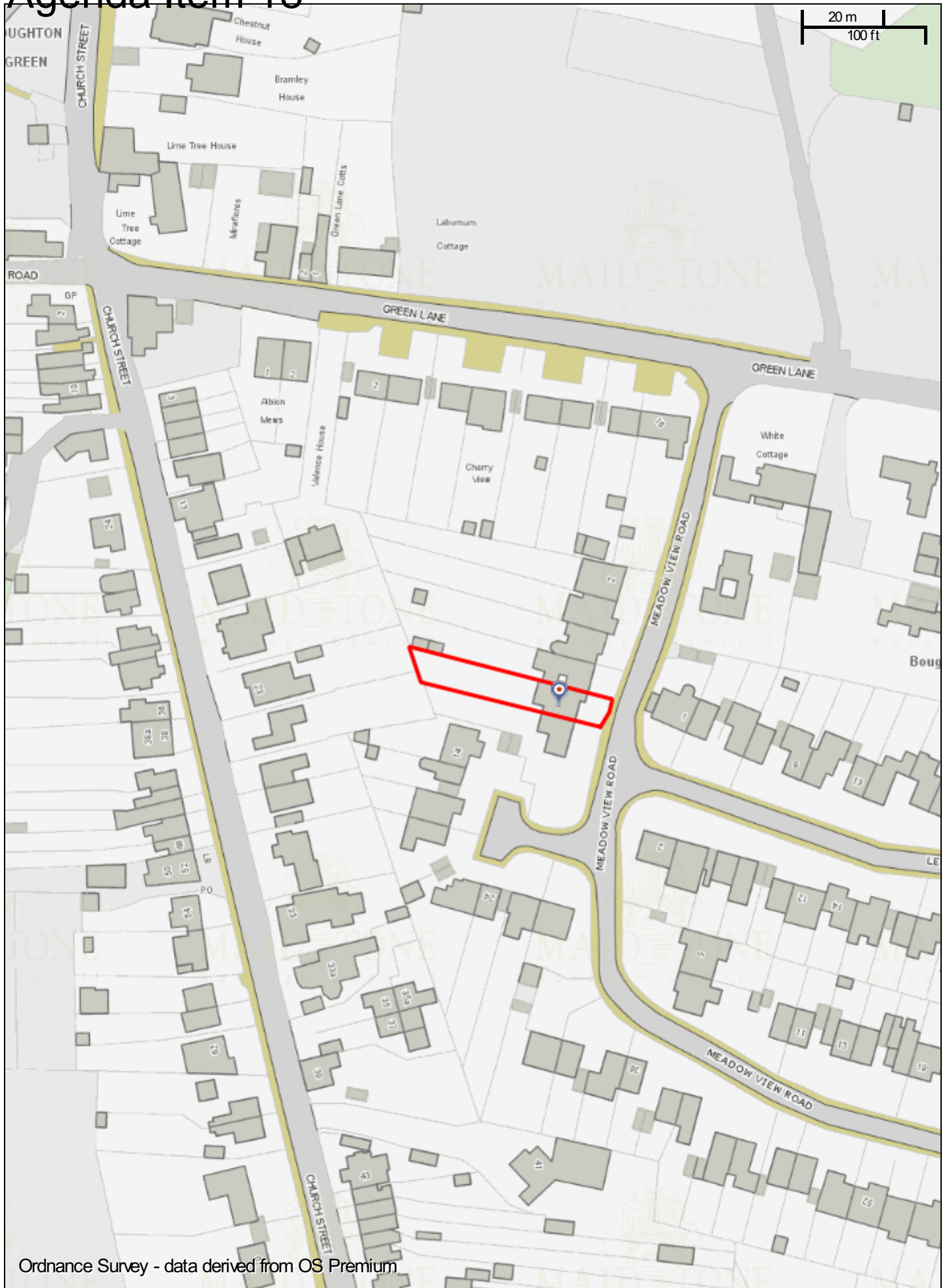
Reason: To safeguard the character and appearance of the countryside.

12. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan (1:1250); ground floor plan; and drawing ref DR/002.

Reason: For the avoidance of doubt.

Case Officer: Kathryn Altieri

Agenda Item 18



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 20/505546/FULL		
APPLICATION PROPOSAL Construction of a first floor side extension. (Resubmission of 20/504292/FULL)		
ADDRESS 10 Meadow View Road, Maidstone, Kent ME17 4LH		
RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed extensions and alterations to 10 Meadow View Road would accord with the relevant policies and guidelines on residential extensions. On balance there would not be significant harm to visual or residential amenity, nor other material planning considerations such that this is an acceptable development and approval is therefore recommended subject to conditions.		
REASON FOR REFERRAL TO COMMITTEE Boughton Monchelsea Parish Council has requested that the application be considered by the Planning Committee if Officers are minded to recommend approval due to the impact on neighbouring amenity and street scene.		
WARD Boughton Monchelsea	PARISH/TOWN COUNCIL N/A	APPLICANT Lee Gardham AGENT Cb Planning
TARGET DECISION DATE 01.03.2021 (EOT)		PUBLICITY EXPIRY DATE 08.01.2021

Relevant Planning History

13/0183- Erection of a single storey side and rear extension and retrospective conversion of garage to additional habitable accommodation -Permitted

20/504292/FULL - First floor side/rear extension – Refused

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site comprises a semi detached 2-storey house located on Meadow View Road. The property benefits from a private drive way which could potentially park two vehicles and a large rear garden of approximately 33 metres in length. The dwelling is within Boughton Monchelsea larger village as shown in the councils adopted local plan policies map. The majority of properties surrounding the application site are of a similar scale with many benefiting from front, side and rear extensions. The site is not subject to any other land designations.

2. PROPOSAL

- 2.01 The application seeks permission to extend the existing dwelling incorporating, the construction of a first floor side extension.
- 2.02 In terms of design the first floor extension would have a width of 2.7 metres, depth of 7.8 metres, eaves height of 4.8 metres and an overall height of 6.6 metres with a gable end roof.
- 2.03 The materials proposed are to match the existing materials of the property.

- 2.04 The block plan shows space to park vehicles on the front private forecourt and the retention of the garden/amenity area to the rear of the property.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017:

DM1 – Principles of good design

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

SPG 4 - KCC Parking Standards (2006)

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

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 One representation from a neighbouring property has been received raising the following objections (summarised):

- Overhanging/encroachment
- Prevent having the same extension in the future
- Loss of light/overshadowing
- Boundary issues

There were no representations in support of the application.

5. CONSULTATIONS

- 5.01 Boughton Monchelsea Parish Council-

- The side wall of the extension appears to be constructed on the boundary between numbers 8 and 10. Any projections from this boundary wall such as flues, windows and roof overhang would be encroaching onto neighbouring property.
- Constructing and maintaining the proposal would not be possible without access onto neighbouring property
- If this proposal were approved then it would take away the right of the neighbour to do a similar extension without turning the properties into a terrace
- We are concerned at the detrimental effect of the proposal on the private amenity of the neighbouring property, eg lack of light

6. APPRAISAL

- 6.01 The key issues for consideration relate to:

- Design and visual impact of the proposed development in relation to the dwelling and the streetscene.
- The potential impact upon the amenities of neighbouring householders.

6.02 Policy Context

- 6.03 The Maidstone Borough Local Plan was adopted in October 2017. Policy DM1 sets out the principles of good design. In particular, proposals should respond positively to local character and particular regard should be paid to scale, height, materials, detailing mass and bulk.
- 6.04 More specifically, Policy DM9 sets out the criteria for domestic extensions. Within the defined boundaries of the urban area, rural service centres and larger villages, proposals for the extension, conversion or redevelopment of a residential property which meet the following criteria will be permitted if:
- i. The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;
 - ii. The traditional boundary treatment of an area would be retained and, where feasible, reinforced;
 - iii. The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and
 - iv. Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.
- 6.05 The Supplementary Planning Document Residential Extensions (2009) (SPD) states that extensions should respond sensitively to the positive features of the area which contribute to the local distinctive character and sense of place in terms of scale, proportion and height. It is also desirable that the form, proportions, symmetry and detail of the original building should be respected. The scale, proportion and height of an extension should not dominate the original building, should be subservient to the original house and should fit unobtrusively with the building and its setting. The form of an extension should be well proportioned and present a satisfactory composition with the house. Extensions should respect the amenities of adjoining properties in respect of daylight and sunlight and maintain an acceptable outlook from a neighbouring property.
- 6.06 Paragraph 4.41 of the residential extension supplementary document states that a range of devices are available to subordinate an extension such as set backs and lower roofs. In normal circumstances, a proposal of this nature would be required to be set down from the apex of the original roof and set back from the principle elevation to ensure the extension is subservient and less obtrusive in relation to the existing dwelling.
- 6.07 In the context of policy provisions set out above, the key issues for consideration in this submission are the impact of the proposal on the character and appearance of the existing property and streetscene together with the impact on the amenities of neighbouring occupiers.

Design and visual impact

- 6.08 Policy DM9 of the Maidstone Borough Local Plan (2017) is supportive of extensions to dwellings within urban areas provided that the scale, height, form and appearance and siting of the proposal would fit unobtrusively within the existing building and the character of the street scene/or its context. In advising on side extensions, the Residential Extensions SPD (2009) notes that the acceptable depth

and height of a rear extension will be determined by the ground levels distance from the boundaries and size of the neighbouring garden/amenity space.

- 6.09 The proposed side extension is not an uncommon extension within sub-urban areas of Maidstone and it is evident that many properties of this style and age throughout the borough have similar additions. It is not considered that the proposed first floor side extension would be of an excessive scale or unsympathetic design that it would be detrimental to the visual amenity of the property as seen from the highway.
- 6.10 The proposal would be assessed against policies DM1 and DM9 in the adopted local plan and The Councils Residential Extensions SPD. Within the SPD it states that 'other than in areas with significant spacing between dwellings, there should normally be a minimum gap of 3 metres between the side wall of a two storey side extension and the adjoining property for the full height of the extension.' The gap retained between No. 10 and No. 8 will be approximately 2.9 metres. Although this is 100mm less than recommended, it is considered on balance, that the retained gap would be sufficient to comply with this guideline.
- 6.11 It is important to confirm that should an application be submitted by the neighbouring property for another first floor side extension, such a proposal could be refused on the grounds of terracing. Indeed, similar applications that result in terracing have been refused in the past and upheld at appeal.
- 6.12 There are also no policies to suggest that a property cannot erect an extension that would comply with the local plan and relevant SPD because it may set precedence for other properties to erect a similar extension within a vicinity that does not currently have a specific type of extension. We have to look at the property and neighbouring situations as it currently stands when the application is submitted, otherwise this risks owners in this estate not being able to extend their properties like other areas in Maidstone. As stated previously this is not an uncommon extension in sub-urban Maidstone. Each proposal must be considered on its own merits at the time of submission.
- 6.13 Meadow View Road is predominately made up of two storey semi-detached dwellings of a similar design to the application site and chalet style bungalows built in a similar period. It is considered that, in its context, the proposed development would not appear significantly out of place or out of character with its surroundings.
- 6.14 It is not considered that the property is of such high visual amenity value that the minor change in character would result in significant harm. The application site is not restricted in terms of being located in a conservation area or AONB and is not listed.
- 6.15 The proposal would be set down from the original apex and set in from the principal elevation which assimilates a subservient extension that would not overwhelm the existing property and reduces the mass and bulk to appear sympathetic within the street scene.
- 6.16 The materials proposed are to match the existing property which will be in keeping and would appear sympathetic within the street scene.

Impact on neighbouring amenities

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

- 6.19 It is agreed that there may be a risk of having a terraced effect if this neighbouring property wanted to extend in the same manner in the future, however, I would not consider this to be a reason for refusal as every property is judged on its own merits and in this case there will be a gap of 2.9 metres retained. The Councils Residential Extensions SPD states that 'other than in areas with significant spacing between dwellings, there should normally be a minimum gap of 3 metres between the side wall of a two storey side extension and the adjoining property for the full height of the extension. Albeit the extension falls short 100mm but in terms of visual impact this would not be detrimental to the street scene or character of the area and would not change the situation regarding this neighbouring property. There would be no policy basis for a refusal on grounds of potential future terracing.
- 6.20 The residential extension guideline states that a 45 degree angle light test should be carried out on the elevations and floor plan of a proposed development in relation to neighbouring habitable windows in this case it would be No 8 Meadow View Road. When carrying out this test on the application site in relation to the adjacent neighbour, the proposal passes on the floor plan and passes on the elevational drawings. As the window in the side elevation of this neighbouring property is non-habitable it cannot be assessed for loss of light/overshadowing however the window will still receive a sufficient amount of light and there will only be a degree of overshadowing for part of the day. The proposal passes the BRE light test as set out in the Residential extension SPD and I am satisfied that the extension will not result in a loss of light or overshadowing.
- 6.21 Concerns were also raised in regards to encroachment. The plans show the extension wholly within the boundary and the applicant would have to build this in accordance with the plans to avoid enforcement action in the future. Informatives would be placed on any decision relating to encroachment and party wall issues.
- 6.22 This neighbouring property has one window in the side elevation closest to the proposed development which I assume is a non-habitable room (hallway). Therefore, due to the nature, scale and location of the proposal, due to the existing situation at this neighbouring property in terms of extensions, the first floor window closest to the development to the rear serving a bathroom, I do not consider, on balance, there to be any significant residential amenity issues in terms of outlook that would warrant a refusal on this ground.
- 6.23 There are no windows proposed in the flank elevation of the extension and it is considered that due to the siting and orientation of the proposed windows in the front and rear elevations it is unlikely that the extension would result in overlooking or loss of privacy.
- 6.24 12 Meadow View Road
- 6.25 The residential extension guideline states that a 45 degree angle light test should be carried out on the elevations and floor plan of a proposed development in relation to neighbouring habitable windows in this case it would be No 12 Meadow View Road. When carrying out this test on the application site in relation to the adjacent neighbour, the proposal passes on the floor plan and passes on the elevational drawings. The proposal passes the BRE light test as set out in the Residential extension SPD and I am satisfied that the extension will not result in a loss of light or overshadowing.
- 6.26 Due to the siting and nature of the extension it would not result in a detrimental impact to the outlook of this neighbouring property and would not appear overbearing within the vicinity.
- 6.27 It is not considered that the proposed windows would result in overlooking or loss of privacy for this neighbouring property.

- 6.28 On balance, it is considered that the proposal would not result in significant residential amenity impacts and that the consequences of the low quality design would directly discord with the requirements of policies DM1 and DM9 and the residential extension SPD by virtue of the resulting impact on the outlook and loss of light/overshadowing of the adjacent neighbouring properties.

Other Matters

- 6.29 KCC Highways state within their residential parking standards that a property with 4+ bedrooms should be allocated at least 2 independently accessible spaces within a suburban area. I would consider the amount of space retained on the private forecourt to accommodate 2+ cars and would therefore be in accordance with policy DM9 and KCC Highways recommendation for properties of this size.
- 6.30 There are no significant trees in close proximity to the site that will be detrimentally impacted by this development.
- 6.31 Policy DM1 of the local plan sets out at point viii that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.'
- 6.32 A biodiversity condition has been imposed to enhance on-site biodiversity.

7. CONCLUSION

- 7.01 The above assessments indicate that the extensions and alterations to 10 Meadow View Road, on balance, accord with the relevant policies and guidelines on residential extensions. On balance, this is an acceptable development and approval is therefore recommended subject to conditions.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

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

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

Householder Application

CB-001	Existing East and West Elevations
CB-003	Existing Ground Floor Layout
CB-003	Existing North and South Elevations
CB-004	Existing 1st Floor Layout
CB-005	Proposed East and West Elevations
CB-006	Proposed North and South Elevations
CB-007	Proposed Ground Floor Layout
CB-008	Proposed 1st Floor Layout
CB-009	Block Plan

Reason: To clarify which plans have been approved.

- 3) The external facing materials to be used in the construction of the extension hereby permitted shall match those used on the existing building;

Reason: To ensure a satisfactory appearance to the development.

- 4) The extensions hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through either integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks, or through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles and hedgerow corridors. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

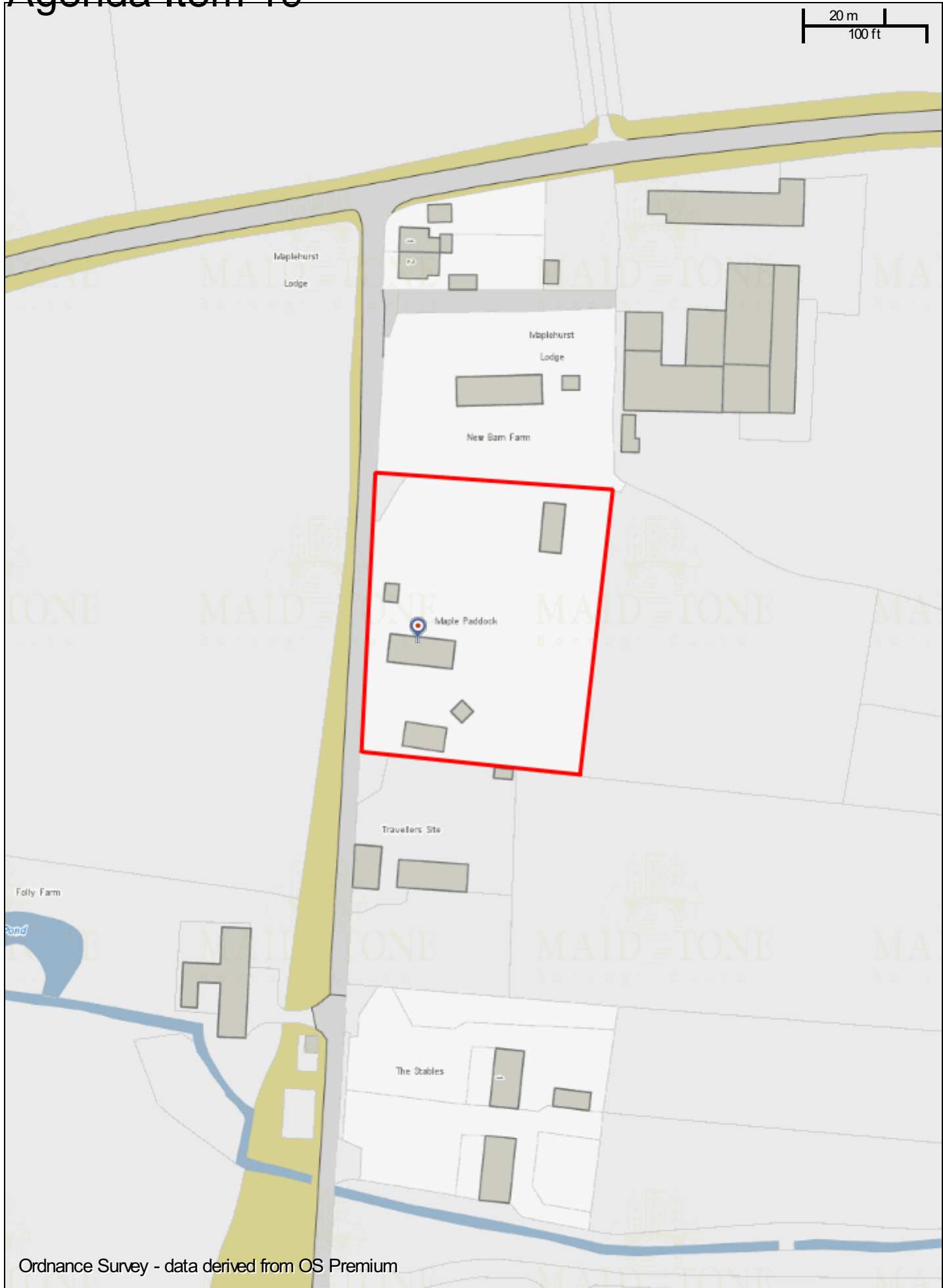
Reason: To protect and enhance the ecology and biodiversity on the site in the future.

INFORMATIVES

The grant of this permission does not convey any rights of encroachment over the boundary with the adjacent property in terms of foundations, eaves, guttering or external cladding, and any persons wishing to implement this permission should satisfy themselves fully in this respect. Regard should also be had to the provisions of the Neighbour Encroachment and Party Wall Act 1995 which may apply to the project.

Case Officer: Sophie Bowden

Agenda Item 19



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 20/505312/FULL		
APPLICATION PROPOSAL Erection of 2no. day rooms to serve mobile homes approved under 20/502182/FULL.		
ADDRESS Maplehurst Paddock, Frittenden Road, Staplehurst, Tonbridge, Kent, TN12 0DL		
RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is acceptable in relation to the potential impact on Frittenden Road, (as well as the access road), the development would have an acceptable impact visually, and would not cause any loss of amenity to neighbouring properties nor would any detrimental highways impact occur.		
REASON FOR REFERRAL TO COMMITTEE Staplehurst Parish Council have requested that the planning application is considered by the Planning Committee if officers are minded to approve planning permission, this request is made for the reasons outlined at paragraph 5.01		
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr John lee AGENT Martin Potts Associates
TARGET DECISION DATE 26/02/2021 (EOT)		PUBLICITY EXPIRY DATE 21/12/2020

Relevant Planning History

12/1793 - An application for permanent use of land as home for a gypsy family within a mobile home, plus touring caravan dayroom and stables. – Approved subject to conditions making the permission personal to the applicant and for “No more than one static residential caravan (double unit), as defined in Section 24(8) of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 or the existing 'mobile structure' stationed on the site, and one touring caravan, which shall not be used for habitation purposes, shall be stationed on the site at any one time”.

14/0521 - Replacement and relocation of day/utility room – Approved subject to conditions requiring the removal of an existing shed on site and materials details.

15/503360 – Variation of condition 1 of 12/1793 to allow an increase in the number of caravans from two to four – Refused 28/7/15 on the grounds that there was not an over-riding need for the development as there is no creation of an additional household justifying an exception to policy. –The development is not necessary or reasonably required such that it would fall within one of the permitted exceptions of policy ENV28 or to override any other relevant policies of the Maidstone Borough Wide Local Plan 2000.

17/502997/FULL - Removal of condition 2 of previously approved application MA/12/1793 (An application for permanent use of land as home for a gypsy family within a mobile home, plus touring caravan dayroom and stables– Refused 12/10/2017 on the following grounds:

Notwithstanding frontage landscaping the generally exposed and open nature of the locality, landscaping is insufficient to mitigate the visual harm caused by the individual and cumulative visual impacts of the current use of the site as a gypsy and traveller plot. Furthermore the presence of nearby unlawful Gypsy and Traveller development fronting Maplehurst Lane has resulted in cumulative visual harm further eroding the appearance of Maplehurst Lane from its former substantially open and undeveloped rural character. Relaxation of the condition as sought would therefore preclude any possibility of the site returning to its former substantially open and undeveloped rural condition resulting in harm in perpetuity to the special landscape quality and rural character of the area contrary to the provisions of policies ENV28 and ENV34 of the adopted local plan and policies SP17 and DM15 of the emerging local plan and Policy PW2 of the Staplehurst Neighbourhood Plan. Appeal (ref: 3197191) Allowed 09/04/2019

A costs award was made against the Council in respect of continued defence of the appeal under ref: 3197191. The Inspector found that the Council had no reasonable chance of defending the refusal decision '...as it would have been clear the cumulative effects had already been judged to be acceptable within the context of other appeals'. Please see Appendixes 1 & 2.

20/502182/FULL - Change of use of land to use as a residential caravan site for 3 Gypsy families, including the siting of 6no. caravans, with no more than 3no. static caravans/mobile homes, and laying of hardstanding. – Approved subject to conditions requiring additional landscaping to be planted.

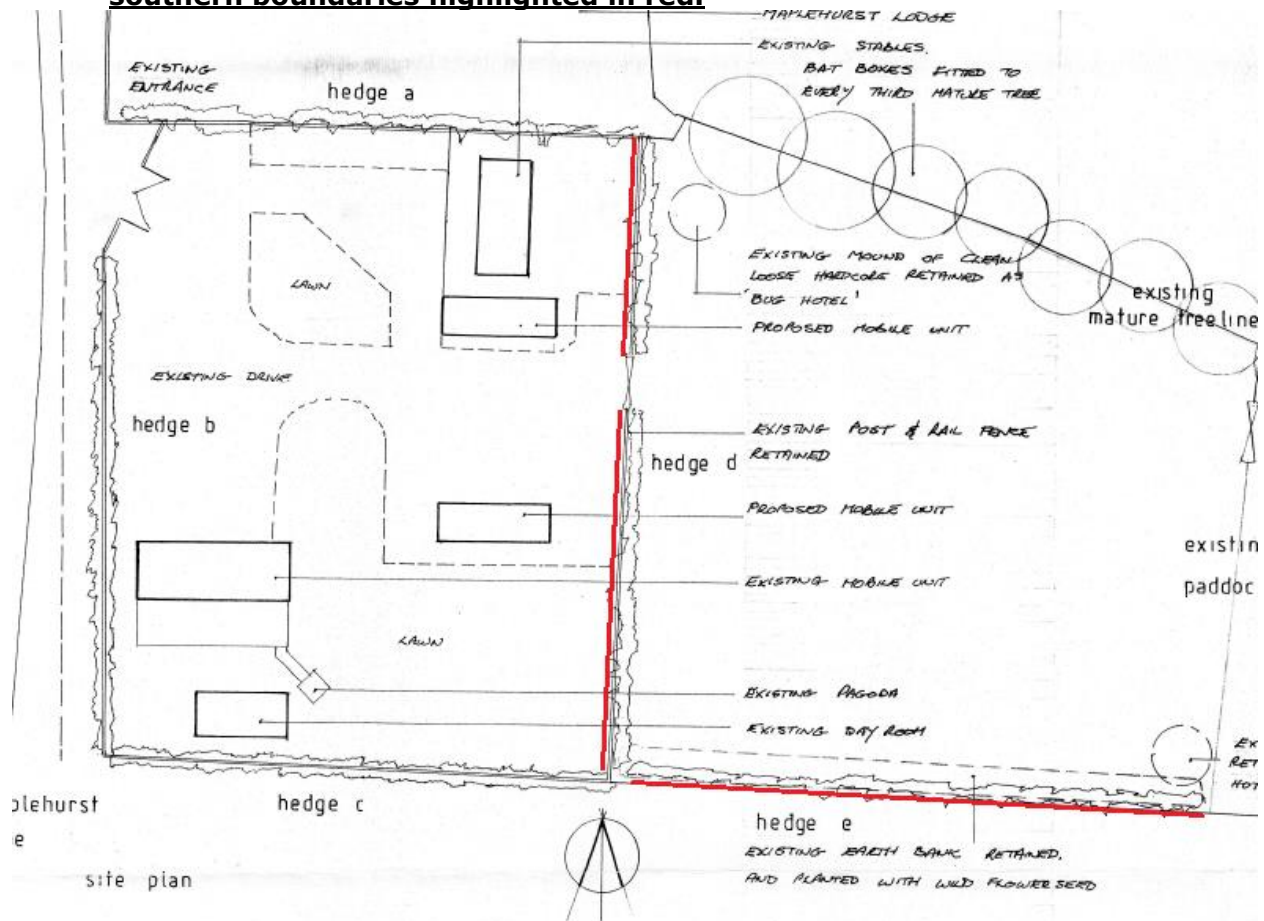
20/505173/SUB - Submission of details pursuant to condition 4 (landscaping details) of application 20/502182/FULL. Approved

1 DESCRIPTION OF SITE

- 1.01 The application site is located on the east side of Maplehurst Lane a short distance to the south of its junction with Frittenden Road. Maplehurst Lane comprises a narrow un-adopted track flanked by mainly open countryside to the south of Frittenden Road.
- 1.02 The application site itself is rectangular in shape extending back from Maplehurst Lane in an easterly direction by 58 metres. Beyond the application site is an additional plot of land owned by the applicant stretching east by a further 67metres. This second plot is laid out as horse paddocks.
- 1.03 Currently fronting Maplehurst Lane is a dense native species hedgerow approximately 2 metres in height behind which is a close boarded fence. Fencing approximately 1.8 metres in height also defines the north and south site boundaries for just over 50 metres back from Maplehurst Lane. The entrance to the site is in the north western corner, access is restricted by a wrought iron gate.
- 1.04 In the south west corner of the site and set just over 5 metres back from Maplehurst Lane is the mobile home occupied by the applicant. A short distance to the north is a child's playhouse with a further store building to the north of this. To the south of the mobile home is an existing dayroom with another shed sited a short distance to the north of this and what appears to be another child's playhouse erected close to the southern site boundary. Close to the north site boundary and set back just over 40 metres from Maplehurst Lane is a stable block.

- 1.05 Existing Gypsy and Traveller development is evident in the area, in the wider context the application site is located in countryside identified as a Landscape of Local Value, The Sherenden Wooded Hills within the Low Weald.
- 1.06 As a result of the most recent planning permission 20/502182/FULL additional landscaping will be planted along the site boundaries. This landscaping will provide further screening of the site from surrounding sites and in effect further separating the paddock from the application site.

Site layout approved under 20/505173/SUB (condition attached to 20/502182/FULL) note the additional landscaping along the eastern and southern boundaries highlighted in red.



2. PROPOSAL

- 2.01 The application seeks to erect two day rooms to serve the additional mobile homes permitted under application 20/502182/FULL.
- 2.02 To clarify there would be a total of 3 static caravans and 3 tourers on site (no increase to the caravans approved under 17/502997/FULL and 20/502182/FULL) and then 3 day rooms (two additional dayrooms to the single dayroom approved by 17/502997/FULL) as well as the existing stables and other structures.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

SP17 – Countryside

DM1 – Principles of good design

DM15 – Gypsy, Traveller and Travelling Showpeople accommodation

DM30 – Design principles in the countryside

Staplehurst Neighbourhood Plan 2016:

Policies PW2, PW4

The National Planning Policy Framework (NPPF):

Section 12 – Achieving well-designed places

Supplementary Planning Guidance:

Planning Policy for Traveller Sites' (PPTS)

Maidstone Landscape Character Assessment (amended 2013)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No representations were received from neighbouring properties.

5. CONSULTATIONS

Staplehurst Parish Council (Summarised)

- 5.01 Objection: Councillors were very concerned about the continued urbanisation of the site as the application site is within an area designated as a Landscape of Local Value (LLV) which Policy SP17 (6) of the Local Plan states is to be conserved and enhanced.
- The application does not comply with Policy DM15 of the Local Plan, notably sections 1(ii)(a) and 1(ii)(b), relating to the impact on the character of the local landscape and the cumulative impact of all the caravans in the area, as well as in its propensity to flood (section 1(iv)).
 - The application is incompatible with Staplehurst Neighbourhood Plan policies PW2 (development of the countryside) and PW4 (consideration for historic landscape). Councillors were unclear about why there was a need for additional day rooms if the existing homes were of a habitable nature.
 - The development is not in accordance with conditions 2 and 8 associated with the previous permission (20/502182/FULL).

KCC Gypsy Unit

- 5.02 No representations received.

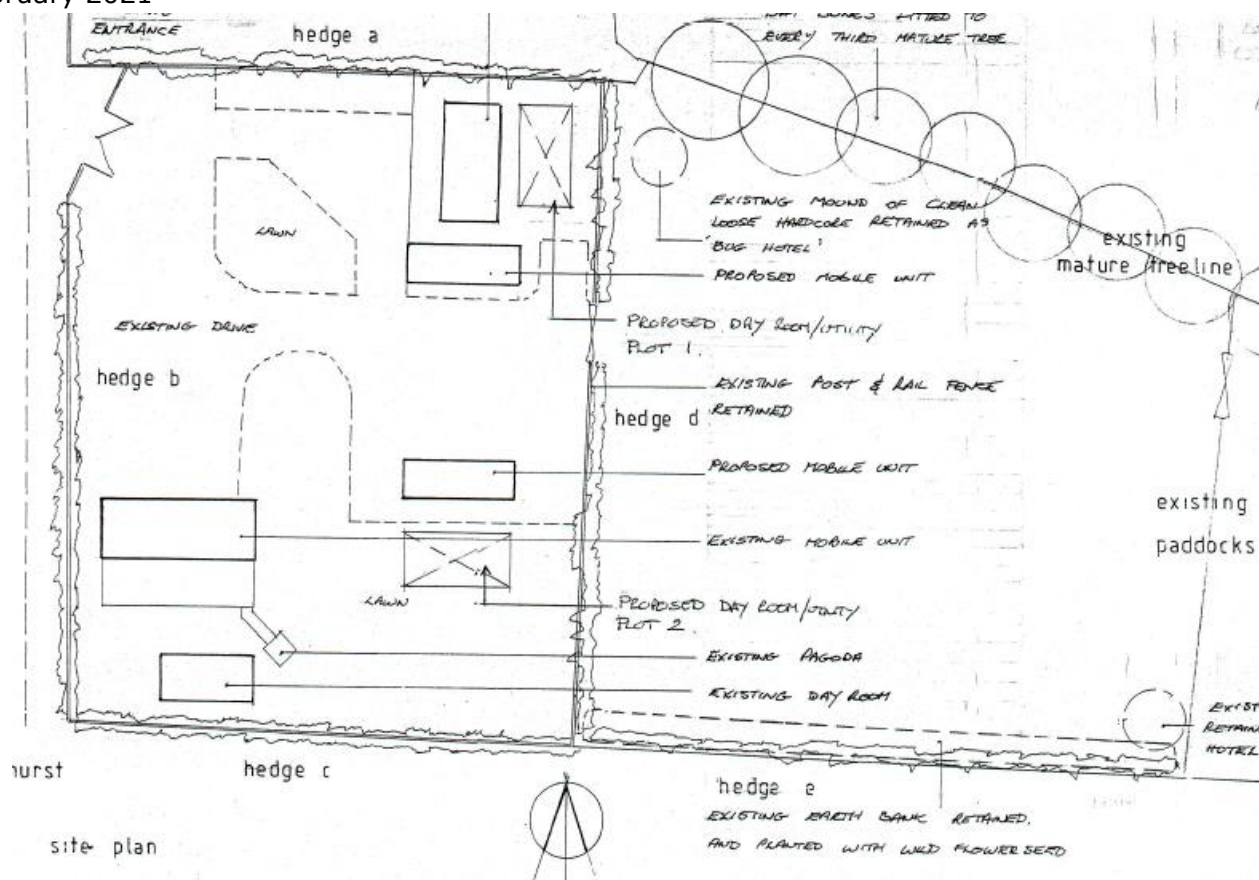
6. APPRAISAL

Main Issues

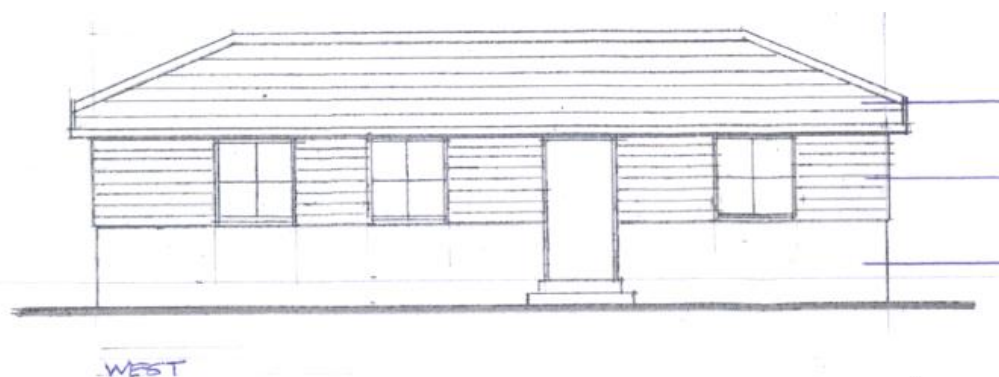
- 6.01 The key issues for consideration relate to:
- Design and landscape impact
 - Ecology
 - Amenity Impact
 - Highways
 - Flooding

Design and landscape impact

- 6.02 Policy SP17 states that development proposals in the countryside will not be permitted unless they accord with other policies in the Borough Plan and they will not result in harm to the character and appearance of the area.
- 6.03 Policy DM1 states that development must respond positively to, and where possible enhance the character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage – incorporating a high quality design approach. Policy DM30 requires, amongst other things, that development maintain, or where possible, enhance local distinctiveness including landscape features; that impacts on the appearance and character of the landscape will be appropriately mitigated.
- 6.04 Policy DM15 states that Gypsy and Traveller development must not result in harm to the local landscape character and that development should be well screened by existing landscape features.
- 6.05 Policy PW2 of the Staplehurst Neighbourhood Plan States “Proposals for new development in the countryside beyond the extended village envelope will be assessed in terms of the potential impact of the development upon the visual setting and landscape features of the site and its surroundings, Proposals which fail to demonstrate these impacts can be satisfactorily addressed will not be supported.”
- 6.06 Policy PW4 continues stating that new development within Staplehurst must have regard to the wider landscape.
- 6.07 The application site is located in countryside identified as a Landscape of Local Value, The Sherenden Wooded Hills within the Low Weald. In terms of elements of this landscape that are relevant to this application the Landscape Character Assessment frequently references the hedgerows stating that “Typically views are interim and contained by the tall thick hedgerows, woodlands and majestic hedgerow trees.” It also recommends that these hedgerows be conserved and restored where lost.
- 6.08 Presently Frittenden Road features dense hedgerows along the roadside and the access road also has dense vegetation along front boundaries. There is substantial screening all around the site, with the site only visible from neighbouring traveller sites and when standing immediately in front of the access gate.
- 6.09 Following the previous permission to establish additional mobile homes on site, further landscaping will be planted around the southern boundary of the paddock area and eastern boundaries of the application site which separates the pitch from the paddock area. As such the site, once the landscaping has matured, will be even further screened from neighbouring plots.
- 6.10 In terms of the proposal, the application would place two day rooms upon the application site, one located immediately to the east of the stables and another located south of proposed unit located south of the stables.



- 6.11 Both day rooms have the same appearance with the lower part of the building with a brick finish and the upper part of the building clad with dark weather boarding. The single storey buildings have a tiled hipped roof design.



- 6.12 The application site is located outside the settlement boundary of Staplehurst in an area with a mix of traveller sites and the settled community. Views of the site are most prominent from immediately in front of the access.
- 6.13 As site photos indicate, whilst the land within the ownership of the applicant is open it is bordered to the rear by large mature trees. There are no public rights of way within the immediate vicinity of the application site. The existing mobile is located to the southern end of the site and the stable block is at the back of the site at the southern

end. The access gate allows views into the site. The driveway apron and within the site is finished in shingle with a substantial well maintained lawn. The site is enclosed by a close board fence stained dark brown, with substantial vegetative screening along the access road. It has previously been assessed by planning officers on a number of occasions as well as the planning inspectorate that this is a well screened site, once additional landscaping as a result of previous approvals matures this site will be even further screened.

- 6.14 Whilst it is accepted that the development would result in a more 'intensively' occupied site, in terms of its landscape impact this is not development within an open, visible countryside location and the day rooms are restricted to the existing curtilage, this is not seeking to expand the site in terms of its scale. The proposed day rooms would be seen in the context of the existing Gypsy and Traveller development on site, one of the mobile homes would be located behind the stables block and would be of a very limited visibility.
- 6.15 The day rooms are of similar bulk to the mobiles homes previously proposed, although as the plans above indicate are of slightly greater depth. In terms of their day room/utility buildings views are very limited and they are located close to existing buildings in accordance with policy DM30.
- 6.16 In summary, the appeal inspector in the decision letter allowing the appeal under reference 3197191 describes the current application site as follows (paragraph 10): *"The site is well screened from views at its frontage. The dense hedge, which is referred to in previous application documents, has obviously matured over time. This and the close-boarded fence to the rear of the hedge means that the site has little visual effect for the most part, adjacent to its frontage. The access point allows views into the site but it must be accepted that this is from a very restricted area on the road, just outside the access".*
- 6.17 The appeal inspector goes on to state *"In addition, paragraph 26 of the Planning Policy for Traveller Sites (PPTS) indicates that it is undesirable to create the impression that sites and its occupants are deliberately isolated from the rest of the community. I accept that some views of the site are available from the south and north but these are very limited in their extent and I consider that the structures on the site do not dominate the views from these areas and represent only glimpses. Therefore, I consider that the visual effects of the site are very limited and only have an effect when adjacent to the access point. In relation to the requirements of Policy DM 15, I consider that this does not represent significant harm".*
- 6.18 Officers concur with this view, views onto the site will be even further restricted once landscaping associated with application 20/502182/FULL has matured. It is difficult to argue that an additional two day rooms on this well screened site with very limited public views will have a harmful impact upon the character and appearance of the area or the wider landscape.
- 6.19 A concern has been expressed that the development does not accord with design policies within the Maidstone Borough Local Plan as well as within the Staplehurst Neighbourhood Plan. There needs to be some balance in this situation with regards to previous planning permissions as well as appeal decisions in the area.
- 6.20 As the above report has highlighted this is a well screened site of which views into are limited to "glimpses". As a result of the previous permission, further landscaping will be introduced to the boundaries of the site, which will restrict views described as

"glimpses" even further. This development would not have an impact upon the wider landscape and is well contained within the 'confines' of the existing site. To conclude, in light of the above considerations, it is difficult to suggest what harmful impact this development would have upon the character and appearance of the area or the wider landscape. The development is in accordance with local and national planning policies and there are no design grounds to refuse this development upon.

Cumulative impact

- 6.21 Policy DM15 states that development must not result in significant harm to the landscape and rural character of the area. Impact on these aspects will be assessed with particular regard to: b) "Cumulative effect – the landscape impact arising as a result of the development in combination with existing lawful caravans;" and c) that the development should be well screened by existing landscape features. (my emphasis).
- 6.22 The number of permissions in the area is detailed within the site description section. In terms of the number of mobile homes and ancillary buildings that have permission in the area, that is to say sites along the access road, including 'Perfect Place' and 'Parkwood Stables'.
- Static Caravans: 16
 - Tourers: 14
 - Day Rooms: 6
 - Stables: 2
- 6.23 The acceptability of two additional mobile homes on the application site has previously been considered acceptable and the current application seeks to add two additional day rooms to be used in association with these two approved mobiles. This proposal is not seeking to expand residential use onto additional land owned by the application to the east. Were mobile homes or other buildings to be proposed on this additional land owned by the applicant in the future, the impact of these caravans would need to be assessed under a separate planning application.
- 6.24 The assessment of applications against policy DM15 requires an assessment of potential cumulative impact from the proposal purely on the basis of 'landscape impact'. As set out earlier in this report and confirmed by an appeal inspector the application site is currently well screened by natural landscape features and will eventually be screened by even more landscaping. This situation is in accordance with paragraph 1.c policy of DM15 and does not further intrude into the open countryside to the east of the site.

Ecology

- 6.25 The application site is a managed, grass covered field with an area of hardstanding, and as a result it is unlikely to provide a suitable habitat for any species. In this context there is no requirement for any ecological surveys.
- 6.26 The planning permission under reference 20/502182/FULL was subject to a condition requiring the submission of biodiversity enhancements. An application to discharge this planning condition that included details of these enhancements has been submitted and approved. A further condition is recommended requiring integrated wildlife enhancements within the two dayrooms proposed as part of the current application.

Amenity Impact

- 6.27 Policy DM1 states that applications must respect the amenity of neighbouring properties and that development must not result in overlooking, visual intrusion, loss of privacy or light enjoyed by nearby properties.
- 6.28 The closest property, 'New Barn Farm' is a mobile unit located 25m north of the stables building upon application site. In terms of the amenity impact on this dwelling it was previously considered by planning officers under application previous applications that the development for mobile homes would not have a detrimental impact. The two day rooms now proposed would be seen in the context of the previously approved caravans and would not cause a detrimental impact. The same is conclusion is also reached with regards to No's 1 & 2 Maplehurst Lodge the two storey semi-detached pair of houses which are approximately 40 metres to the north.
- 6.29 When considering the distances involved the development would not cause any loss of light or overbearing impact on neighbouring properties.

Highways

- 6.30 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements. DM30 also continues this theme stating that proposals must not result in unacceptable traffic levels on nearby roads or unsympathetic changes to the character of rural lanes.
- 6.31 It was previously assessed under application 20/502182/FULL that vehicle movements generated by two additional families on the site would be easily accommodated on the local road network. With the two day rooms associated with the previously approved caravans it is considered that the current proposal would not increase vehicle movements to and from the site.

Flooding

- 6.32 The application site is located adjacent Flood Zone 2 & 3 (although not within)
- 6.33 In the appeal decision relating to the existing mobile home on the application site, the inspector concluded '*the available evidence (on flooding) is not sufficiently strong to justify withholding permission for this reason alone*'. The same conclusion was reached during the assessment of the subsequent application for two additional caravans and three tourers on the site.
- 6.34 The day rooms unlike the previously approved caravans do not provide any sleeping accommodation and do not increase the number of occupants on the site. Whilst it is accepted that buildings do impede the passage of floodwater, the application site is not actually located in the area at risk from flooding. On these grounds that have been outlined there are no grounds to refuse permission in relation to flooding issues.

Other Issues

- 6.35 The parish council have highlighted two restrictive planning conditions that were attached to the earlier planning permission (20/502182/FULL) stating that the current proposal fact would be in breach of these conditions (2 and 8).
- 6.36 These two conditions secured the number and location of the approved caravans on the site and introduced a requirement for planning permission for any temporary buildings that may be proposed in the future. Neither of these conditions are relevant to the current application which is for two permanent buildings to be used as dayrooms.

Human Rights and Equality

- 6.43 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home.
- 6.44 Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.

Conclusion

- 6.37 The proposal would have no significant visual impact on Frittenden Road, (as well as the access road), or cause any loss of amenity to neighbouring properties nor would any detrimental highways impact occur.
- 6.38 The development and its cumulative impact would not have a harmful impact upon the character and appearance of the wider countryside, nor would the development cause any increase in flooding. The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations. A recommendation of approval of the application is therefore made on this basis.

7. RECOMMENDATION

Grant 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 and information:

Application for Planning Permission
Red Line Site Location Plan
Site Plan (as permitted)
P938/2 Rev A Proposed Site Plan
Day Room 1 Plan and Elevations
Day Room 2 Plan and Elevations
Design and Access Statement

Reason: To clarify which plans have been approved.

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

Reason: To ensure a satisfactory appearance to the development

- 4) The dayrooms hereby approved shall only be used in connection with the caravans approved under application 20/502182/FULL and the buildings shall not provide

sleeping accommodation and shall not be used as self-contained units of accommodation.

Reason: To safeguard the visual amenity, character and appearance of the open countryside location.

- 5) No bonfires or incineration of rubbish or organic material or vegetation shall take place on the site.

Reason: In order to safeguard residential and local amenity generally.

- 6) Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land other than as expressly permitted by this decision;

Reason: To safeguard the visual amenity, character and appearance of the open countryside location.

- 7) No external lighting shall be put in place or operated on the site at any time other than that which has been previously submitted to and approved in writing by the Local Planning Authority.

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

- 8) No commercial activities shall take place on the land at any time, including the storage of materials and/or livery use. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and not more than four vehicles shall be stationed, stored or parked on the site at any one time.

Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of

- 9) The buildings hereby approved shall not be occupied until details for a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the provision of bug hotels. The development shall be implemented in accordance with the approved details prior to occupation of the caravans and all features shall be maintained thereafter.

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

Case officer: William Fletcher

Appeal Decision

Hearing Held on 12 March 2019

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 9 April 2019

Appeal Ref: APP/U2235/W/18/3197191

Maplehurst Paddock, Frittenden Road, Staplehurst, Kent TN12 0DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr John Lee against the decision of Maidstone Borough Council.
- The application Ref 17/502997/FULL, dated 5 June 2017, was refused by notice dated 12 October 2017.
- The application sought planning permission for permanent use of land as a home for a gypsy family, with a mobile home, touring caravan, dayroom and stables without complying with a condition attached to planning permission Ref MA/12/1793, dated 19 September 2013.
- The condition in dispute is No 2 which states that: *"The use hereby permitted shall be carried on only by Mr Lee, his wife and children"*.
- The reason given for the condition is: *"Due to the lack of alternative sites available to meet the applicant's personal needs"*.

Decision

1. The appeal is allowed and planning permission is granted for permanent use of land as a home for a gypsy family, with a mobile home, touring caravan, dayroom and stables at Maplehurst Paddock, Frittenden Road, Staplehurst, Kent TN12 0DL in accordance with the application Ref 17/502997 dated 5 June 2017, without compliance with condition number 2 previously imposed on planning permission Ref MA/12/1793 dated 19 September 2013 and subject to the conditions set out in Schedule 1 of this decision.

Application for costs

2. At the Hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the planning application was refused by the Council in June 2017, it has adopted the Maidstone Borough Local Plan (LP) on 25 October 2017. The main parties have agreed that some of the policies referred to in the decision notice within the previous local plan are no longer relevant.
4. I undertook an unaccompanied site visit to the area prior to the Hearing. It was agreed by all at the Hearing that this was sufficient to enable me to properly consider the appeal.

5. The Council accepts that the appellant satisfies the definition of a gypsy.

Main Issue

6. The main issue in this appeal is the effects of the proposal on the character of the surrounding area.

Reasons

7. The appeal site comprises around 1.4 hectares of land on the east side of Maplehurst Lane, which is a single track road leading from Frittenden Road. The site is about 1.2km to the east of Staplehurst. The site contains a mobile home, a day room and a stable building, located on the western part of the site.
8. Access to the site is gained from Maplehurst Road at the northern end of its frontage. Hedges with close-boarded timber fences behind enclose the west (road frontage), north and south boundaries.
9. Policy DM 15 of the LP states that planning permission for gypsy and traveller accommodation will be granted if the site is allocated for that use or if a number of criteria are met; these include, most relevant to this appeal, that there is no significant harm to the landscape or rural character; the Council confirmed at the Hearing that the other criteria are not contested. In relation to the effects on landscape, the policy makes reference to the cumulative effects of existing lawful caravans and to screening of the development by existing landscape features.
10. The site is well screened from views at its frontage. The dense hedge, which is referred to in previous application documents, has obviously matured over time. This and the close-boarded fence to the rear of the hedge means that the site has little visual effect for the most part, adjacent to its frontage. The access point allows views into the site but it must be accepted that this is from a very restricted area on the road, just outside the access. In addition, paragraph 26 of the Planning Policy for Traveller Sites (PPTS) indicates that it is undesirable to create the impression that sites and its occupants are deliberately isolated from the rest of the community. I accept that some views of the site are available from the south and north but these are very limited in their extent and I consider that the structures on the site do not dominate the views from these areas and represent only glimpses. Therefore, I consider that the visual effects of the site are very limited and only have an effect when adjacent to the access point. In relation to the requirements of Policy DM 15, I consider that this does not represent significant harm.
11. I have taken account of the presence of other gypsy and traveller development nearby as Policy DM 15 requires an assessment of any cumulative effect. However, it should be born in mind that the development at the appeal site has been in place for a number of years and pre-dates these other sites. In addition, I can see that the cumulative effect was taken into account, and found to be acceptable, when permission was given for land nearby. Furthermore, the existing planning permission at the appeal site would allow the site to be occupied by the appellant/wife/children and it must be accepted that this could see the site occupied in this manner for several decades, a point acknowledged by the Council at the Hearing. Therefore, regardless of the

outcome of the current appeal, the site could be occupied lawfully for many years to come. I consider that this must add weight in favour of the appeal.

Other Matters

12. There was some discussion at the Hearing in relation to the supply of gypsy and traveller sites within the Borough and whether the Council can demonstrate a suitable supply. I have concluded that the proposal would be in accordance with the provisions of the development plan and is acceptable, regardless of the supply of such sites in the Borough. Therefore, there is no need to examine the detail of the demand and supply of such sites as, it would either be a neutral factor or weigh in favour of the appeal, and so would not affect its outcome in this case.

Conditions

13. I have taken account of the advice in the Planning Practice Guidance in relation to the use of conditions. The effect of allowing the appeal is to create a separate planning permission and so the imposition of a full spectrum of conditions is necessary, rather than simply removing/omitting the condition in dispute. So that the use of the land accords with the provisions of Policy DM 15 it is necessary to include a condition which restricts the occupiers to gypsy and travellers as defined in the PPTS. In order to limit the effects of the development on the area conditions relating to the number of caravans, lighting and no commercial activities are justified. The hedge at the frontage has been planted and maintained so that it forms an effective screen; a condition requiring that it is maintained to a minimum height of 3m is justified so that it remains so. I shall include a condition which identifies the approved plan so that the scope of the permission is clear.
14. There was discussion in relation for the need for a condition which restricts permitted development within Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This covers various temporary structures and uses and, in my view, would not be relevant or strictly applicable to this development. Therefore, I shall not include such a condition.

Conclusion

15. I have concluded that the proposal would have no significant effects on the character of the area and in all other respects, complies with Policy DM 15. It is notable that, even in the absence of this appeal, the site could be legitimately occupied in the same manner for several decades to come. I find that the proposal would give rise to no harm and the appeal is successful.

S T Wood

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

P Brown...Planning Consultant
J Lee...Appellant

FOR THE LOCAL PLANNING AUTHORITY:

G Parkinson...Senior Planning Officer

INTERESTED PERSONS:

J Perry...Borough and Parish Councillor
S Forward...Parish Councillor

DOCUMENTS

- 1 Plan showing development in the surrounding area

SCHEDULE 1, CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan as received by the Council on 7 June 2017.
- 2) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
- 3) No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.
- 4) No commercial activities shall take place on the land, including the storage of materials.
- 5) No additional external lighting shall be erected at the site unless details have previously been submitted to and approved in writing by the local planning authority. Any additional lighting shall be erected in accordance with the approved details and retained in that manner thereafter.
- 6) The existing hedgerow fronting Maplehurst Lane shall be allowed to grow and be maintained to a height of no less than 3m. Any part of the hedgerow which becomes dead, dying, diseased or removed shall be replaced within the first available planting season with plant(s) of the same species.

Costs Decision

Hearing Held on 12 March 2019

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 9 April 2019

Costs application in relation to Appeal Ref: APP/U2235/W/18/3197191 Mapplehurst Paddock, Frittenden Road, Staplehurst, Tonbridge, Kent TN12 ODL

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr John Lee for a full award of costs against Maidstone Borough Council.
- The hearing was in connection with an appeal against the refusal of planning permission for permanent use of land as a home for a gypsy family, with a mobile home, touring caravan, dayroom and stables without complying with a condition attached to planning permission Ref MA/12/1793, dated 19 September 2013.

Decision

1. The claim for Costs is allowed.

The submissions for the appellant

2. The Council has been unreasonable in relying on the cumulative effects of the proposal, along with unlawful development nearby, when Policy DM 15 refers to other lawful development. The Council have also maintained an objection to the appeal proposal when permanent and non-personal permissions have been granted on sites nearby. It should have been clear that the Council had no reasonable prospect of success at the appeal.
3. The Council have acknowledged that the current occupation of the site could lawfully continue for many years to come, irrespective of the outcome of the appeal. Furthermore, the Council's stated aim to hope for the reinstatement of the site to some rural form would not be achieved as they have not imposed any condition on the original permission which requires it. Their position is unrealistic and unreasonable.

The response by the Council

4. The Council have provided evidence in the statement and during discussions at the Hearing to support its case. The issue of the effect on the character of the area is highly subjective and the Council has offered its legitimate view.
5. The Council accept that the site can be occupied for some time but the prospect of reinstatement is a real one.

6. With reference to the 2 recently allowed schemes nearby, this reinforces the Council's case in relation to cumulative effects. The reference to unlawful developments in the reasons for refusal was legitimate as they were there and had an effect. The Council's case is a legitimate one and is reasonable.

Reasons

7. The national Planning Practice Guidance (PPG) states that parties will normally be expected to meet their own costs in relation to appeals and costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
8. The terms of Policy DM 15 are clear; in relation to the cumulative effects of development it states that this relates to "...the landscape impact arising as a result of the development in combination with existing lawful caravans...". Not only is this abundantly clear but it is entirely logical as the future of any unlawful development would be uncertain and there is a possibility that unlawful development could be absent within a short time period. Therefore, I agree that to take specific account of unlawful development in this case is clearly unreasonable.
9. In relation to the nearby development that then became lawful as a result of appeals (Refs APP/U2235/W/17/3177144 and 3177145) the matter of the cumulative effects on the locality were considered. This apparently also took account of the presence of the existing development at the appeal site. Within the appeal decision the Inspector refers to the Council accepting that the sites in question (just a very short distance to the south) did not make any contribution to the landscape qualities of the surrounding wider area. In addition, the Inspector concluded that the sites in question at that time cannot be viewed as having the level of sensitivity attributable to other parts of the locally designated landscape. It was stated further in the decision by the Inspector that the combined effects are not significantly harmful. The site which is the subject of the appeal now before me is referred to as a lawful site to the north. Therefore, even with the prospect of the continued occupation of the site which I am now considering, my fellow Inspector determined that the cumulative effects of the development were acceptable.
10. In my view, the Council should have had regard to this in their consideration of the current appeal. Even though the appeals relating to the other sites post-dated the Council's refusal of the current scheme, they had ample opportunity to re-visit their position, which they did not do. In my judgement, if they had done so the only reasonable outcome would have been to discontinue their resistance to the appeal scheme as it would have been clear that the cumulative effects had already been judged to be acceptable within the context of the other appeals.
11. The fact that that the appeal site could be occupied in its current state regardless of the outcome of the appeal for several decades to come provides considerable additional weight to the appellant's position.
12. For the above reasons, I consider that the Council has acted unreasonably and has sought to prevent development which should have been allowed. Therefore, in respect of the matters identified above, their actions have meant

that the appellant has incurred unnecessary expense and an award of costs is justified.

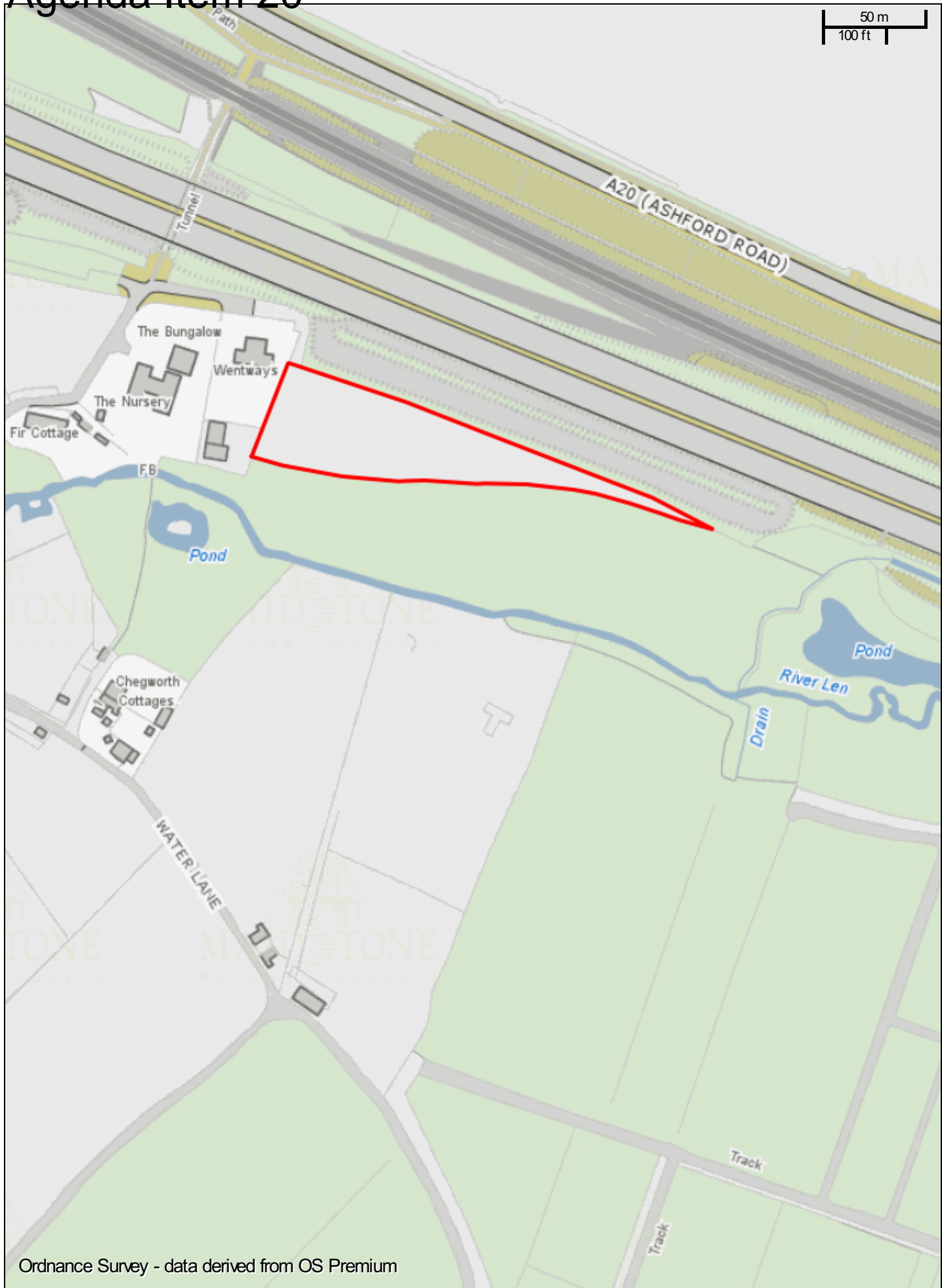
Costs Order

13. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Maidstone Borough Council pay to Mr John Lee, the costs of the appeal proceedings described in the heading of this decision.
14. The applicant is now invited to submit to Maidstone Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

S T Wood

INSPECTOR

Agenda Item 20



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 20/503651/FULL			
APPLICATION PROPOSAL Construction of 6no. one bedroom tourist lodges (Resubmission of 19/500305/FULL).			
ADDRESS River Wood, Chegworth Lane, Harrietsham, Kent			
RECOMMENDATION – GRANT PLANNING PERMISSION subject to planning conditions			
SUMMARY OF REASONS FOR RECOMMENDATION <p>The provision of tourist lodge accommodation within rural locations such as this accord with Government guidance in the NPPF and adopted Local Plan policies which are supportive of the principle of holiday/tourism related development in the rural areas of the borough.</p> <p>The proposed tourist lodge development is modest in scale, both in terms of the number and size of the units and the number of guests that could be accommodated on the site. The site is well screened from public views by existing trees, hedgerows and woodland and the new proposed planting proposed will provide further screening.</p> <p>The access arrangements to and from the site are suitable for the modest scale tourist lodge development proposed. The access arrangements within the site make provision for vehicle parking and for vehicles to turn and enter and leave the site in a forward gear.</p> <p>With the measures outlined in this report (including the use of a cesspit), the potential for adverse impact on wildlife habitats both on the application site and within the adjoining woodland and Local Wildlife Site from the proposal is negligible.</p> <p>The application provides an opportunity to improve the Local Wildlife Site by re-introducing coppicing back into the woodland that is owned by the applicant. With a proposed wildlife area at the eastern end of the application site, the proposal provides an opportunity to provide new wildlife habitat and increase species diversity.</p> <p>The application does not raise any overriding issues of conflict with the relevant Government guidance in the NPPF (2019) or the policies in the adopted Maidstone Borough Local Plan (2017).</p>			
REASON FOR REFERRAL TO COMMITTEE Harrietsham Parish Council wish to see the planning application refused and request the application be reported to committee if officers are minded to approve for the reasons set out in paragraph 5.01 of this report.			
WARD Harrietsham and Lenham	PARISH/TOWN Harrietsham	COUNCIL	APPLICANT Mr J Dixon AGENT Martin Potts Associates
TARGET DECISION DATE 04/03/21 (extended target date)		PUBLICITY EXPIRY DATE 04/11/20	

Relevant planning history

- 19/500305/FULL "Change of use of land for the erection of 6no. one-bedroom tourist lodges" refused planning permission (committee decision) on the 31 October 2019 for the following reasons:
 - 1) (character and appearance of the countryside) The proposed development, including security fencing, access and parking infrastructure, external lighting and other domestic accoutrements, would represent an incongruous form of development and cause harm to the character and appearance of the countryside and the Len Valley Landscape of Local Value contrary to policies SS1, SP17, DM30 and DM38 of the Maidstone Borough Local Plan 2017.

- 2) (biodiversity value of the area) The proposed development by virtue of the activity of visitors, noise and disturbance and external lighting would have a harmful impact upon the biodiversity value of the area, in particular the adjacent woodland and designated Local Wildlife Site contrary to policies DM3 and DM8 of the Maidstone Borough Local Plan 2017.
 - 3) (quality of accommodation and amenity for future occupiers) The proposed development by virtue of noise and disturbance and air quality issues would provide poor quality of accommodation and amenity for future occupiers contrary to policies DM1 and DM6 of the Maidstone Borough Local Plan 2017.
- An appeal against the refusal of permission was considered by a Planning Inspector appointed by the Secretary of State. The appeal was allowed, with this decision made on the basis that there was a lack of sufficient information to assess the potential impact on ecology (further details below). The summarised conclusions of the Inspector in a decision letter dated 12 June 2020 are set out below (appeal decision letter also included as an appendix). The conclusions of the appeal Inspector are material to the consideration of this subsequent planning application.

Reason for refusal 1: Character and appearance of the countryside

- *"...due to its secluded nature ..., it is not open to notable public views beyond more distant glimpses through woodland from a footpath. As such, the sensitivity of the site in wider landscape terms is relatively low...In visual impact terms, the proposed lodges and associated development would be relatively modest in scale"(Paragraphs 4 and 5).*
- *"...in light of the nature of the development and the site, it's lack of impact on the wider landscape, and the potential for visual screening, a refusal of permission on the basis of its impact on the character and appearance of the area and the wider landscape is not justified and the proposed development is not judged to be contrary to the requirements of Policy SP17 of the Local Plan" (Paragraph 6).*
- *"Due to the secluded nature and screening provided by existing features on and close to the site, the proposal would not have wider landscape implications for the AONB, including on its setting" (Paragraph 7).*
- Inspector's conclusion: impact on the character and appearance of the countryside not justified as grounds for refusal.

Reason for refusal 2: Impact upon the biodiversity value of the area

- *"The woodland adjoining the appeal site forms part of a locally designated wildlife site... Notwithstanding the appellant's assessment that the site itself offers negligible wildlife and wider biodiversity value, by virtue of its position in relation to the woodland and the nature of the activity proposed, there is a likelihood that the development would have wider impacts on biodiversity, in particular local wildlife. It is therefore important that the proposal is supported by adequate information to effectively evaluate the impacts and conclude on the likely affects" (Paragraphs 9 and 10).*
- *"...by virtue of its position in relation to the woodland and the nature of the activity proposed, there is a likelihood that the development would have wider impacts on biodiversity, in particular local wildlife. It is therefore important that the proposal is supported by adequate information to effectively evaluate the impacts and conclude on the likely affects" (Paragraph 11).*
- *"...the information provided does not demonstrate that the proposal would not have a harmful effect on biodiversity. Consequently, I find conflict with policies in the Local Plan, in particular Policies DM3 and DM8 which includes requirements to incorporate measures into new developments to avoid direct or indirect adverse effects on sites of importance for biodiversity and a presumption against external lighting proposals close to local wildlife sites" (Paragraph 16).*

- Inspector's conclusion: insufficient information available as part of the appeal submission to properly assess the impact on the biodiversity value of the area.

Reason for refusal 3: Quality of accommodation and amenity for future occupiers

- Whilst the Inspector noted *"The Council's concerns relating to the standard of accommodation that would be provided given the proximity of the proposed development to the motorway..."*, the Inspector highlighted that *"...the proposed accommodation would be temporary"* (Paragraph 17).
- The Inspector concluded *"...the proposal would not have a harmful effect on future occupants of the proposed lodges in terms of noise disturbance and air quality. As such, I do not find conflict with policies in the Local Plan including DM1 and DM6 in relation to standards of accommodation and air quality"* (Paragraph 18).
- Inspector's conclusion: The reason for refusal on the grounds of air quality and noise and disturbance was unjustified due to the limited evidence available to support the Council's reason for refusal.

Fig 1: Application site context.



MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located in the countryside between Harrietsham (Harrietsham Primary School 0.5 miles to the east) and Leeds Castle (0.9 miles to the west). The triangular parcel of land, assessed via Chegworth Lane, is in a secluded location at the end of a single track, unsurfaced lane.
- 1.02 The site is located adjacent to a cluster of existing residential dwellings that include the applicant's home (The Nursery). The property called 'Wentways' is located immediately to the west of the application site with The Nursery immediately beyond 'Wentways'.
- 1.03 The 30 metre wide, M20 motorway embankment which is heavily planted with dense trees and shrubs is located along the northern application site boundary. The railway line and the A20 (Ashford Road) are located further north beyond the elevated M20 carriageway.

[illegible]

2.01 The application proposes six one-bedroom detached single storey tourist lodges at the western end of the 0.85 hectare application site.

2.02 The existing vehicle access in the north-western corner of the site from the track off Chegworth Lane is continued into the site along the southern edge of the embankment to the M20 motorway. The six detached tourist lodges are sited, west to east along the new access within the application site.

- 2.03 The insulated timber weatherboard clad one bedroom lodges have a 8 metre by 5 metre footprint, including a covered veranda to the southern side. The buildings incorporate a shallow pitched felt roof with an overall height of approximately 4 metres above ground level.
- 2.04 A total of nine parking spaces are proposed within the site for the six one-bedroom tourist lodges, with three of these parking spaces designed to accommodate those with disabilities. A vehicle turning facility is proposed at the eastern end of the accessway within the site.
- 2.05 The eastern part of the application site which is separated from the lodges by the new fence and hedge is to remain undeveloped as a new wildlife area. The submitted plans show the provision of new hedgerow planting and fencing to the northern boundary (railway embankment), to the eastern boundary (new wildlife area) and to the southern boundary (woodland and Local Wildlife Site) of the western section of the site where the proposed tourist lodges are located.
- 2.06 After the previous refused planning application (19/500305/FULL) and the appeal the following changes have been made to the proposal:
- The weld mesh fence and native hedge that was previously proposed at the foot of the motorway embankment to the north of the site has been extended. A weld mesh fence and native hedge are now additionally proposed to the east and southern site boundaries that will separate the site from the adjacent wildlife site.
 - Method of dealing with foul water has been revised. Foul water is now collected in a sealed cesspit and taken off site for disposal.
 - Vehicle tracking information has been submitted that shows access arrangements. After assessment by KCC Highways these details are satisfactory.
 - The resubmitted application is supported by a Preliminary Ecological Assessment (as opposed to the less detailed Walk Over Ecology Survey that was previously considered by members and the appeal Inspector).
 - Details of proposed lighting have been provided.
 - The application includes a noise impact assessment and air quality assessment. These assessments which have been considered by the environmental health team and found to be acceptable.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: Policies SS1, SP17, SP21, DM1, DM3, DM4, DM6, DM8, DM23, DM30, DM37, DM38
KCC Minerals Plan
Maidstone Landscape Character Assessment
Kent and Medway Structure Plan 2006 Supplementary Planning Guidance (SPG4): Vehicle Parking Standards.

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Three representations received from local residents and one on behalf of a local resident have been received raising the following (summarised) issues:

Noise and air quality

- The location is not considered an ideal holiday destination.
- Road and railway noise will negatively impact on the users of the cabins.
- Hundreds of local residents and the local MPs have asked for an assessment to be made of noise levels on the M20 between junctions 8 and 9.
- It is essential for a noise assessment and air quality assessment to be conducted in relation to the current planning application.

(Officer comment: a noise assessment and air quality assessment have been carried out in support of this application. These assessments have been considered acceptable by the Council's Environmental Health Officer).

Wildlife impact – access to the local wildlife site

- The Planning Inspector advised that the earlier proposal was not supported by adequate information on ecology and this has not been addressed in relation to the revised application and there is an onus on the applicant to provide this.
- The proposal is considered contrary to policies DM3 and DM8.
- It is accepted that the site itself may have limited value, but it joins highly valuable biodiverse habitat.
- There are no detailed assessments relating to any of the protected species in the adjacent wildlife site and therefore the impact of this development remains unknown.
- KCC Ecology have given some degree of support for the application based on enhancements the site owner will make yet does so on the basis that no visitors to the site will be able to enter the adjacent woodland. It is not clear to me how this will be prevented.
- The design and access statement and the ecological assessment contradict each other in relation to the access to the local wildlife site.
- It has been stated that the River Len is not fishable in these stretches, as it is too narrow.

(Officer comment: The resubmitted application is supported by a Preliminary Ecological Assessment (as opposed to the less detailed Walk Over Ecology Survey that was previously considered members and the appeal Inspector). The applicant has confirmed that access will be restricted from the site by a metal fence and native hedge around the site of the lodges, and the submitted documents are now consistent on this point).

Wildlife impact – sewage

- The 'sewage proposals' for the tourist accommodation including the discharge will have a harm impact on the River Len, on water quality, on fish, mammals and birds on the pond in Chegworth and on the Leeds Castle moat.

(Officer comment: The submitted proposal has been revised and now includes a sealed cesspit which will be emptied by a specialist contractor with no foul water discharge from the proposed use)

Wildlife impact – lighting

- The Planning Inspector advised that there is a presumption against external lighting proposals close to local wildlife sites.
- Policy DM8 of the Local Plan states that lighting proposals that are near enough to significantly affect wildlife sites will only be permitted in exceptional circumstances.
- The minor adjustments briefly referred to in the ecological appraisal are insufficient to overcome the Planning Inspector's findings, therefore this application still conflicts with Policy DM8 of the Local Plan.

(Officer comment: The proposed lighting is not near enough to significantly affect the wildlife site and the lodges will be behind a native hedge (with measures in place to screen whilst the hedge is growing. The submitted proposal now includes details of proposed lighting that have been considered by KCC Ecology with no objection raised. A planning condition is also recommended in relation to securing suitable lighting on the site.

Wildlife impact – general

- The applicant's previous actions demonstrate a poor approach to wildlife and the environment.
- The biodiversity enhancements proposed by the applicant are considered inadequate.

(Officer comment: The proposed biodiversity enhancements have been considered by KCC Ecology and found to be adequate).

Aquatic Consultancy Service - Freshwater ecology and fisheries management (instructed by a nearby resident)

- Preliminary Ecological Survey did not undertake a survey of species located on or near the site relying on a desk study of the species found in the area.
 - The River Len in this area is unsuitable for large numbers of anglers. I note there is a pond in the area of the woods and must assume this is being developed for the recreational fishing.
 - The proposed septic tank has no mechanism for phosphate removal and this will cause eutrophication in the aquatic environment, causing degradation of the water quality and frequently leading to Cyanobacterial (blue green algae) blooms, which are extremely toxic to mammals, including humans.
 - There is potential for harm to the fish and other aquatic wildlife from ammoniacal contamination from the septic tank discharge.
 - There is concern arising from the biological oxygen demand (BOD) and the suspended solids (s.s.) being discharged from the Klargest treatment unit.
 - The Klargest treatment unit has no means of stripping the water of either prescription or recreational drugs.
- (Officer comment: the revised proposal does not include a septic tank or Klargest treatment unit that is referred to in these comments. Sewage will be stored in a sealed cesspit for collection by specialist contractors)*

- 4.02 The above matters raised by neighbours are discussed in the detailed assessment below.

5. CONSULTATIONS

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

Harrietsham Parish Council

- 5.01 Objection and wish to see the planning application refused for the following reasons:
- Important biodiversity issues have been overlooked or ignored and the submission does not demonstrate that there would not be any harmful effect on the biodiversity of the adjacent woodland.
 - It is considered that development will have an adverse impact on kingfishers and protected species recorded in the wildlife site including dormice and bats.
 - The application fails to provide the biodiversity information that the appeal inspector said was missing with no surveys completed with the onus on the applicant to provide this evidence.
 - The proposal conflicts with DM3 and DM8 of the local plan.
 - The adjacent wildlife site covering 17 acres is at risk as the applicant intends to provide recreational (for hunting, fishing and cycling) access to this area and there is a duty to protect this area.
 - It is considered that the suggested biodiversity enhancements are not adequate, and the enhancements agreed with KCC were not supported by the appeal inspector.
 - The application omits the fact that the outfall point is in the middle of the local wildlife site, not outside it.
 - The sewage outfall point directly opposite a neighbouring property would discharge 10 times the recommended maximum levels of ammonia into the river.
 - The application acknowledges the eutrophication risk to the River Len & Biological Oxygen Demand, without realising these levels are highly toxic to fish and all aquatic life around the river. Additionally, this risk extends to the Leeds Castle moat.
 - The appeal inspector notes that there is a presumption against external lighting proposals close to local wildlife sites in conflict with Policy DM8.
- (Officer comment: Following the comments from the appeal inspector a number of changes have been made to the proposal (listed at para 2.06 of this report)*

including measures to restrict access to the adjacent wildlife site, the removal of onsite sewage treatment, the removal of the outfall pipe from the proposal and further details of lighting).

Kent Wildlife Trust

5.02 Objection to the application on the following grounds:

- The previous grounds for refusal have not been addressed.
- The proposal will lead to unacceptable visitor disturbance to the adjacent Local Wildlife with a measurable net loss of biodiversity in contravention of NPPF paragraphs 170 and 175.
- The sewage treatment arrangements will have an unacceptable detrimental impact on the water quality in the River Len and adjacent Local Wildlife Site
- The proposed mitigation measures will only maintain existing habitats and will not provide any net biodiversity gain.

(Officer comment: The submitted proposal has been revised and now includes a sealed cesspit which will be emptied by a specialist contractor with no foul water discharge from the accommodation. The measures to provide a net biodiversity gain are outlined in this report).

Campaign to Protect Rural England (CPRE)

5.03 Objection to the application on the following grounds:

- The submitted ecology survey does not overcome the Inspectors reason for refusal, particularly in relation to foul water disposal and as a result the proposal is contrary to NPPF paragraph 175.
- With the separation distance the proposal will cause light disturbance to the edge of the Local Wildlife Site.
- The noise and air quality effects must be considered. We would strongly suggest that measurements are arranged to be taken for both issues.

(Officer comment: The proposal now includes a sealed cesspit. The applicant has provided details of lighting that have been assessed by KCC Ecology. The applicant has provided an air quality assessment and a noise impact assessment).

Natural England

5.04 No comments to make on the application.

KCC Ecological Advice Service

5.05 No objection subject to conditions on the implementation of a sensitive lighting design, biodiversity method statement, ecological enhancement strategy, and ecological management plan with the following comments.

- The footprint of the proposed development site is regularly mown/grazed grassland and therefore there is limited potential for protected/notable species to be permanently present within that area.
- The proposed development site is directly adjacent to the River Len Alder Carr, Harrietsham Local Wildlife Site and the submitted Preliminary Ecological Appraisal (PEA) has assessed the proposed development has the potential to impact the LWS due to the following:
- Appropriate measures can be implemented to avoid or acceptably minimise impact in relation to *dust contamination during development and light disturbance*.
- The recommendations from the Bat Conservation Trust and the Institution of Lighting Professionals, titled 'Guidance Note 8 Bats and Artificial Lighting', should be considered, when designing any lighting scheme for the proposed development. We advise that lighting is kept to a minimum and the adjacent LWS is not directly illuminated. We advise that these details are secured as a condition of any granted planning application.
- *It is noted that* various measures are proposed to protect the adjacent Local Wildlife Site (LWS) from recreational disturbance during the operational stage of the development. These include the planting of hedgerows and installation of hedgerows as to prevent public access into the LWS. We accept that these measures

will be achievable, however, recommend that the finer details (including type, location, species used etc.) are secured as a condition of any granted planning application.

Environment Agency

- 5.06 No objection subject to a planning condition relating to dealing with any contamination that may be found during the construction phase and an informative on surface water drainage.

KCC Lead Local Flood Authority

- 5.07 No objection – the development proposal is below the threshold where the LLFA would get involved and the development is considered low risk.

Environmental Health Officer

- 5.08 No objection, subject to planning conditions to deal with any contamination that is encountered in the ground during construction works and on external lighting (to avoid harm to the wildlife site).

- 5.09 After consideration of the site context, the submitted air quality assessment and noise impact assessment, the submitted planning application is considered acceptable in relation to air quality and noise impact on the basis that the proposal provides holiday accommodation.

KCC Highways

- 5.10 No objection raised subject to conditions relating to the submission of a construction management plan, provision of measures to prevent the discharge of surface water onto the highway prior to commencement of work on site and for the duration of construction and the use of a bound surface for the first 5 metres of the access from the edge of the highway.

Highways England

- 5.11 No objection raised subject to a condition requiring the metal fence shown on the plans to be in place prior to first occupation of the proposed buildings and retained thereafter.

Kent Fire and Rescue

- 5.12 No objection off-site access requirements of the Fire and Rescue Service have been met.
- 5.13 On-site access is a requirement of the Building Regulations 2010 Volume 1 and 2 and must be complied with to the satisfaction of the Building Control Authority who will consult with the Fire and Rescue Service once a building Regulations Application has been submitted.

Network Rail

- 5.14 No objection.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Provision of tourist lodges in the countryside,
 - Visual impact,
 - Ecology and biodiversity,
 - Residential amenity,
 - Access, parking and traffic,
 - Heritage

Provision of tourist lodges in the countryside

- 6.02 Government guidance in the National Planning Policy Framework (NPPF 2019) states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 6.03 The NPPF advises that planning policies should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 6.04 The NPPF advises that planning decisions should recognise that sites to meet local business needs in rural areas may have to be adjacent to, or beyond existing settlements, and in locations that are not well served by public transport. The NPPF states that in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads.
- 6.05 Policy SP21 of the adopted Maidstone Borough Local Plan is supportive of proposals for the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location.
- 6.06 Local Plan policy DM37 sets out circumstances where planning permission will be granted for the sustainable growth and expansion of rural businesses in the rural area. These circumstances include where new buildings are an appropriate scale for the location and can be satisfactorily integrated into the local landscape. A proposal should not result in unacceptable traffic levels on nearby roads. New development should not result in an unacceptable loss in the amenity of the area, particularly with regard to the impact on nearby properties and the appearance of the development from public roads.
- 6.07 There is no adopted policy that directly relates to the type of tourist accommodation that is proposed as part of this application, however the requirements set out in policy DM38 (‘holiday caravans and/or holiday tents’) are considered relevant.
- 6.08 Local Plan policy DM38 states that proposals for the stationing of holiday caravans and/or holiday tents outside of the defined settlement boundaries will be permitted in certain circumstances. These include where the proposal would not result in an unacceptable loss of local amenity, particularly with regards to the impact on nearby properties and the appearance of the development from public roads.
- 6.09 Policy DM38 requires a site to be unobtrusively located and well screened by existing or proposed vegetation and landscaped with indigenous species. The policy states that a holiday occupancy condition will be attached to any permission, preventing use as permanent accommodation.
- 6.10 As noted by the appeal Inspector the current application site is in a secluded location. The site is accessed by way of a single track access and is well screened by existing vegetation. The site is outside a defined settlement boundary, but to the west of the Harrietsham village settlement. Harrietsham is a designated rural service centre in the adopted Local Plan (just below Maidstone Urban Area in the sustainability hierarchy). Harrietsham village provides a range of key services and with good public transport connections to Maidstone and other retail centres.
- 6.11 In summary, holiday/tourism related development in the rural areas of the borough is generally supported by both national and local planning policy subject to a number of other criteria that are considered below.

Fig 3: Internal view within the application site looking east, with M20 embankment on the left hand side.



Visual impact

- 6.12 Local Plan policy SP17 seeks to prevent harm to the character and appearance of the countryside and states that the distinctive landscape character of the Len Valley will be conserved and enhanced as a landscape of local value.
- 6.13 The application site is located at the end of a single track lane that forms a dogleg at the end of Chegworth Lane. It appears that the single track lane, which is owned by Highways England, was historically part of the A20 before the M20 was built.
- 6.14 The densely landscaped embankment on the southern side of the M20 motorway rises to the north of the open grassed application site. There is an area of woodland to the south and to the east of the red line application site boundary, with this woodland mostly in the applicant's ownership. Trees and a hedgerow are along the boundary with the neighbouring residential property of 'Wentways' to the west of the application site.
- 6.15 There is a Public Right of Way located to the west of the application site. This Public Right of Way runs between Fir Cottage and 'The Bungalow' and then turns south. At the closest point, the Public Right of Way is 45 metres from the application site boundary. With intervening buildings, trees and boundary treatment the proposed tourist lodges will not adversely impact the views from the Public Right of Way.
- 6.16 As detailed above with the narrow access at the end of a single track lane, the woodland, other hedgerows on the boundary and landscaped embankment, the application site is enclosed and secluded. This situation is acknowledged within the landscape character assessment which advises that "*Views are generally restricted by intervening vegetation throughout this landscape...*" (Para 49.7).

- 6.17 There is a duty under section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The Kent Downs Area of Outstanding Natural Beauty (AONB) is 0.4 miles to the north east of the application site and to the north of the motorway embankment.
- 6.18 The application site is in a sheltered location and is screened by existing features on and close to the site, with the application proposal providing additional screening with the proposed hedging. In this context the proposal would not have wider landscape implications for the AONB, including on its setting.
- 6.19 In the consideration of the appeal made against the earlier decision to refuse permission the Inspector concluded that *"...due to its secluded nature..., it is not open to notable public views beyond more distant glimpses through woodland from a footpath. As such, the sensitivity of the site in wider landscape terms is relatively low...In visual impact terms, the proposed lodges and associated development would be relatively modest in scale"* (Paragraphs 4 and 5) and that *"Due to the secluded nature and screening provided by existing features on and close to the site, the proposal would not have wider landscape implications for the AONB, including on its setting"* (Paragraph 7).
- 6.20 The Inspector found that *"...in light of the nature of the development and the site, it's lack of impact on the wider landscape, and the potential for visual screening, a refusal of permission on the basis of its impact on the character and appearance of the area and the wider landscape is not justified and the proposed development is not judged to be contrary to the requirements of Policy SP17 of the Local Plan"*. (Paragraph 6).
- 6.21 In summary, it is concluded that the proposal is acceptable in relation to visual landscape harm. This conclusion is reached due to the modest scale of the proposal, the enclosed nature of the site which is well screened in views from the surrounding area by existing trees, hedgerows and woodland. The proposed additional hedgerow to the north, south and east of the lodges will provide further screening with the proposal found to be in accordance with policy SP17.

Ecology and biodiversity

- 6.22 The area of woodland to the south of the application site is a designated 'Local Wildlife Site'. This linear shaped Local Wildlife Site follows the River Len which runs east to west through the woodland roughly parallel with southern boundary of the application site. There is currently little to restrict access from the application site to the Local Wildlife Site with the boundary marked with sheep netting and a relatively low, barbed wire fence.
- 6.23 The main biodiversity and ecology issues for consideration in relation to the construction and future occupation of the proposed holiday accommodation are as follows:
- a) Potential impact regarding the loss of any habitat on the application site,
 - b) Potential impact on the adjacent local wildlife site.
 - c) Mitigation, enhancement and net biodiversity gain.
- 6.24 The three issues identified above as the main biodiversity and ecology issues are considered in detail below:
- a) Potential impact regarding the loss of any habitat on the application site
- 6.25 Policy DM3 of the Local Plan states *"...Where appropriate, development proposals will be expected to appraise the value of the borough's natural environment through the provision of an ecological evaluation of development sites and any additional*

land put forward for mitigation purposes to take full account of the biodiversity present, including the potential for the retention and provision of native plant species”.

- 6.26 The resubmitted planning application is supported by a Preliminary Ecological Assessment carried out by a qualified and experienced ecologist. This assessment submitted with the current application is more detailed than the Walk Over Ecology Survey that was submitted with the earlier planning application and subsequently considered by members and the appeal Inspector.
- 6.27 The Preliminary Ecological Assessment includes details of a habitat survey of the application site. This is in accordance with policy DM3 which advises that ‘where appropriate’, *“Development proposals will be expected to be supported by an initial survey of on-site assets”.*
- 6.28 The habitat survey of the application site found no evidence of protected species on the application site or habitat that would support protected species. The Preliminary Ecological Assessment has been considered by the Council’s specialist ecology consultee KCC Ecology. KCC Ecology consider that the extent of the Preliminary Ecological Assessment adequately assesses ecology matters.
- 6.29 In summary, the proposed tourist lodges are sited within an open field of regularly mown grassland. There is limited potential for protected or notable species to be present on the application site. This situation on the application site is confirmed in the submitted report from the qualified and experienced ecologist. The situation is confirmed in the consultation response from the Council’s specialist advisors, the KCC Ecology team, and by the appeal Inspector when considering the earlier proposal.
- b) Potential impact on the adjacent local wildlife site.
- 6.30 Policy DM3 of the Local Plan states that *“...developers will ensure that new development protects and enhances the natural environment by incorporating measures where appropriate to...avoid damage to and inappropriate development considered likely to have significant direct or indirect adverse effects on...locally designated sites of importance for biodiversity (and)...enhance...(and) extend...designated sites of importance for biodiversity”.*
- 6.31 The proposed development has the potential to have an impact on the adjacent wildlife site through i) the construction phase, ii) access by future occupiers of the holiday accommodation, iii) artificial lighting and (iv) wastewater. These areas are considered in turn below.
- i) The construction phase.
- 6.32 The applicant has confirmed that during construction works, the application site will be isolated from the local wildlife site by Heras fencing which will prevent any physical access. The applicant has confirmed that a dust minimisation system will be used to reduce the risk of dust being blown from the application site.
- 6.33 It is considered that any potential impact on the adjoining woodland and Local Wildlife Site from the construction phase, can be appropriately controlled and minimised through the use of a planning condition. A planning condition is recommended seeking the submission and approval of a construction management plan that includes details of measures to restrict access and dust minimisation measures.
- ii) Access by future occupiers of the holiday accommodation
- 6.34 In contrast to the earlier proposal considered by members and the appeal Inspector, measures are now provided to protect the adjacent Local Wildlife Site from recreational disturbance during the future occupation of the proposed lodges.

- 6.35 These measures, preventing public access into the Local Wildlife Site, involve the planting of native hedgerows to the north, east and south of the lodges with the hedgerows strengthened by fencing. It is proposed that the hedgerows planted with native broad-leaves species (Hawthorn, Blackthorn, Hazel, Dogwood, Field Maple and Hornbeam) will be grown to a height of 2 metres. An updated Design and Access Statement is now consistent with the ecological assessment in relation to these arrangements.
- 6.36 The measures have been considered by KCC Ecology and found to be acceptable. In line with the KCC Ecology comments and normal landscape practice a planning condition is recommended seeking further hedgerow details including planting densities.
- iii) Lighting
- 6.37 Policy DM 8 advises that external lighting will be permitted where it can be demonstrated that the minimum amount of lighting necessary to achieve its purpose is proposed. Lighting proposals that are within, or are near enough to significantly affect Local Wildlife Sites will only be permitted in exceptional circumstances.
- 6.38 Lighting can be detrimental to roosting, foraging and commuting bats. In this context the recommendations from the Bat Conservation Trust and the Institution of Lighting Professionals, titled Guidance Note 8 Bats and Artificial Lighting`, need to be considered, when designing a lighting scheme for the proposed development.
- 6.39 The boundary of the Local Wildlife Site is located between 12 and 24 metres to the south of the proposed lodges and the applicant has confirmed that there will be no lighting on the intervening land. As set out later in this report, the boundary with the Local Wildlife Site will be marked with a native hedge and a fence that will provide screening of the Local Wildlife Site.
- 6.40 The submitted ecological assessment states that *"On the southern boundary of the development there will initially be a close bordered fence to reduce illumination of the woodland from the building. This will be retained until a hedgerow develops to the south..."*.
- 6.41 No lighting information was provided with the earlier planning application that was considered by members and the appeal inspector. The ecological assessment submitted with the current application now includes the following information on the proposed lighting:
- Light fittings will be set back into the middle of the rooms to the rear of the buildings, avoiding fittings adjacent to windows.
 - Lighting installed within the parking areas (located to the north of the lodges) will be on timers/sensors to minimise the lighting within the development site and will consist of Zone E27 bollards fitted with 12 W LED lights. These should have a warm white spectrum (ideally <2700Kelvin).
 - The verandas of the lodges will be illuminated with Halbury E27 lanterns fitted with LED lights. These should have a warm white spectrum (ideally <2700Kelvin). These are fitted with movement sensors and timers set to illuminate paths for a maximum of 5 minutes after use.
- 6.42 In assessing the proposal against Policy DM8, the minimum amount of lighting that is necessary to meet safety and security requirements has been proposed. With the separation of the lodges from the Local Wildlife Site, and the design of the lighting scheme, the proposed lighting is not close enough to significantly affect the Local Wildlife Site in line with policy DM8. In line with the recommendation from KCC Ecology a planning condition is recommended seeking further details of all lighting

to ensure that the lighting meets Bat Conservation Trust and the Institution of Lighting Professionals guidelines for this type of location.

iv) Wastewater

- 6.43 Policy DM3 of the Local Plan states "...developers will ensure that new development protects and enhances the natural environment by incorporating measures where appropriate to...control pollution to protect ground and surface waters where necessary and mitigate against the deterioration of water bodies and adverse impacts on Groundwater Source Protection Zones". The proposed development site is within source protection zone 3 and as a result controlled waters are particularly sensitive in this location.
- 6.44 The original proposal included an onsite sewage treatment plant that would have discharged treated wastewater into the River Len, with an outfall pipe running through the Local Wildlife Site.
- 6.45 The proposal has been revised with the removal of the onsite sewage treatment plant and the outfall pipe. The foul water generated by the development will now flow into a sealed cesspit with collection by a specialist contractor.
- 6.46 These revised arrangements do not involve any works taking place in the Local Wildlife Site. With the sealed nature of this system it is not considered that there is any potential harm to the Groundwater Source Protection Zone. A planning condition is recommended to ensure that this system is provided.
- d) Mitigation, enhancement and net biodiversity gain
- 6.47 The proposed tourist lodges are sited within an open field of regularly mown grassland. There is limited potential for protected or notable species to be present on the application site. This situation on the application site is confirmed firstly in the submitted report from the qualified and experienced ecologist, secondly in the consultation response from the Council's specialist advisors, the KCC Ecology team, and lastly by the appeal Inspector.
- 6.48 Paragraph 170 of the NPPF states "Planning...decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity...".
- 6.49 The submitted application includes a significant length of new native hedgerow to the north, south and east of the proposed lodges. An area of land at the eastern end of the application site (currently mown grassland) and behind the new eastern hedgerow, will be set aside to provide ecology benefits.
- 6.50 As set out in the ecology assessment, other ecology enhancements proposed include the installation of ten Schwegler bird nest boxes and eight Schwegler bat boxes on the site. The submitted drawings show a gap at the bottom of the proposed fencing to allow the passage of wildlife.
- 6.51 As set out earlier in this report and in line with the advice from KCC Ecology, with the outlined measures in place the submitted proposal will have a negligible impact on the adjacent Local Wildlife Site. Whilst the impact has been found to be negligible, paragraph 175 of the NPPF advises that "*...opportunities to incorporate biodiversity improvements in and around developments should be encouraged*".
- 6.52 The submitted ecology assessment sets out that woodland management will be carried out with alder carr coppiced on a 10-year rotation to produce a more species-rich ground-flora. In order to ensure that these ecological enhancements

are secured long term, a condition is recommended seeking the submission of an ecological management plan.

- 6.53 In summary, the changes from the previous proposal considered by members and the appeal Inspector in relation to ecology are as follows:
- The weld mesh fence and native hedge that was previously proposed at the foot of the motorway embankment to the north of the site has been extended with a weld mesh fence and native hedge now proposed to the east and southern site boundaries that separate the site from the adjacent wildlife site .
 - Method of dealing with foul water has been revised with foul water now be collected in a sealed cesspit and taken off site for disposal.
 - The resubmitted application is supported by a Preliminary Ecological Assessment (as opposed to the less detailed Walk Over Ecology Survey that was considered by the appeal Inspector).
 - Details of proposed lighting have been provided.
- 6.54 The proposal has been designed to separate the proposed lodges from the Local Wildlife Site to avoid any direct impact from the application site. The proposal now includes details of lighting that has been designed to minimise any impact on wildlife on the adjacent site. The proposal includes biodiversity mitigation and enhancements that include both a net biodiversity gain on the application site and benefits to the Local Wildlife Site.

Residential amenity

- 6.55 The potential impact of the proposal on the amenities of neighbouring occupiers and the standard of the proposed accommodation are considered below.

Potential impact on existing neighbours

- 6.56 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they "respect the amenities of occupiers of neighbouring properties...by ensuring that development is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.57 The proposed tourist lodges are adjoined to the west by the residential property called Wentways. The applicant occupies the property called 'The Bungalow' in Chegworth Lane which is immediately to the west of Wentways. Chegworth Lane from which the site is accessed runs past other neighbouring residential properties further to the west.
- 6.58 The application site is relatively well screened from the neighbouring residential property called Wentways by existing trees and hedgerow to the boundary. Further boundary hedgerow planting is indicated as part of the current application.
- 6.59 The proposal has been found to be acceptable in relation to residential amenity including in terms of noise and disturbance. The proposal is of modest scale in terms of the use and the buildings (six huts for a maximum of 12 people), the buildings are separate and screened from the neighbouring residential property and with existing and proposed trees and hedgerow planting.

Standard of the proposed accommodation

- 6.60 The proposed tourist accommodation is located adjacent to existing houses and within an enclosed site at the bottom of the motorway embankment. The grounds for the refusal of the earlier planning application stated "*proposed development by virtue of noise and disturbance and air quality issues would provide poor quality of accommodation and amenity for future occupiers contrary to policies DM1 and DM6 of the Maidstone Borough Local Plan 2017*".

- 6.61 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they "...provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise,...air pollution, activity or vehicular movements, overlooking or visual intrusion...".
- 6.62 Policy DM6 considers the impact of proposed development on the existing air quality in the vicinity of the application site (such as construction impacts, vehicle movements etc.) and not the standard of proposed accommodation in relation to air quality. The supporting text to policy DM6 (paragraph 6.45) does advise generally that "... planning can play an important role in improving air quality and reducing individuals' exposure to air pollutants".
- 6.63 After considering the Council's reason for refusal the appeal Inspector highlighted that "...*the proposed accommodation would be temporary*". The Inspector found that the Council's reason for refusal on the grounds of air quality and noise and disturbance were unjustified due to the limited detailed evidence available to support this reason for refusal. The Inspector concluded "...*the proposal would not have a harmful effect on future occupants of the proposed lodges in terms of noise disturbance and air quality. As such, I do not find conflict with policies in the Local Plan including DM1 and DM6 in relation to standards of accommodation and air quality*" (Paragraph 18 - my emphasis).
- 6.64 In response to the separate comments made by the appeal Inspector regarding a lack of information, the current planning application is now supported by an Air Quality Assessment and a Noise Impact Assessment.
- 6.65 The Air Quality Assessment assessed data from an existing permanent air quality monitoring station located alongside the M20. The Air Quality Assessment considered the potential impact of the proposed development on air quality from the construction phase through to occupation of the accommodation.
- 6.66 The assessment concluded that the impact of the development on air quality would be 'negligible'. The assessment advising that "...*there are no air quality reasons to prevent the local planning authority from granting detailed planning permission for the proposed development*". In line with the advice in the air quality assessment and from KCC Ecology, condition 5 at the end of this report requires the submission and approval of a construction management plan prior to work commencing.
- 6.67 The Noise Impact Assessment states "*Appropriate external and internal noise criteria have been considered to minimise adverse impacts on health and quality of life as a result of the new development. Appropriate mitigation measures have been outlined including double-glazing and mechanical ventilation*". The assessment concludes that subject to these matters being considered there are no valid noise related grounds, on which to refuse planning permission. The mitigation measures are sought through condition 12 at the end of this report.
- 6.68 The Air Quality Assessment and Noise Impact Assessment have been considered by the Council's Environmental Health officer who has found that both the assessments and their conclusions were valid in relation to noise and air quality.
- 6.69 In the absence of any information at that time to support a refusal, the appeal Inspector found that the "...*proposal would not have a harmful effect on future occupants of the proposed lodges in terms of noise disturbance and air quality*". The two submitted assessments that have now been submitted and the environmental health officer have come to the same conclusions as the appeal Inspector.

Access, parking and traffic

- 6.70 The application site is accessed from the northern end of Chegworth Lane by way of an existing, single track, access lane. This access track also serves the neighbouring residential property at Wentways which is located to the west of the application site.
- 6.71 The access arrangements within the site make provision for vehicles to turn and enter and leave the site in a forward gear. The vehicle tracking plots provided by the applicant demonstrate that there is suitable access and egress provided for service and if required emergency vehicles.
- 6.72 A total of nine off street car parking spaces are proposed within the site for the six one-bedroom tourist lodges, with three of these parking spaces designed to accommodate those occupants with disabilities. The proposal includes secure cycle parking space on the veranda of each of the six buildings. This cycle and car parking provision is in accordance with the standards in the Kent and Medway Structure Plan 2006 Supplementary Planning Guidance (SPG4): Vehicle Parking Standards.
- 6.73 It is considered that the trip generation resulting from the development can be adequately accommodated on the local road network without harm to highway safety.
- 6.74 The access arrangements for the site are considered acceptable with adequate off street parking. Consultation responses from KCC Highways and Kent Fire and Rescue do not raise any issue with the development including the access and parking arrangements.

Heritage

- 6.75 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. When making a decision concerning a listed building or its setting, the council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.76 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.77 Fir Cottage located to the west of the site (94 metres) is a listed building (Grade II). A cluster of listed buildings are also located to the south west of the application site (224 metres separation at the closest point – all Grade II). In an assessment consistent with other sites, due to intervening land and buildings it is not considered that the proposal will impact on the heritage interest or the setting of these listed buildings, including the traffic generated by the proposal.

Other Matters

- 6.78 The site is within the KCC Minerals Safeguarding Area. The application relates to a very modest area of land within a significantly extensive Safeguarding Area and the proposal is as a result considered acceptable in this respect.
- 6.79 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at

the time planning permission is granted or shortly after. An informative is recommended highlighting the CIL charge to the applicant.

7. PUBLIC SECTOR EQUALITY DUTY

- 7.01 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

8. CONCLUSION

- 8.01 Government guidance in the NPPF and adopted Local Plan policies are supportive of holiday/tourism related development in rural areas. In the case of the current proposals, the proposed tourist lodge development is modest in scale, both in terms of the number and size of the units and the number of guests that could be accommodated on the site.
- 8.02 The site is well screened from public views by existing trees, hedgerows and woodland and the new hedgerow planting proposed will further soften any visual impact. With an approved scheme of native species hedgerow planting secured by planning condition, the proposed tourist lodge development will not appear as visually intrusive in any views from public areas and will have an acceptable harmful impact on the visual amenities of the locality.
- 8.03 Given the modest scale of the tourist lodge use, the level of activity within the site and the additional comings and goings to and from the site via the northern end of Chegworth Lane and the existing accessway off the end of the lane are unlikely to be so significant as to result in unacceptable noise and disturbance to the neighbouring occupiers.
- 8.04 The proposal would not have a harmful effect on the character and appearance of the surrounding area, the wider landscape, or the settings of nearby Listed Buildings. The development is in accordance with adopted policies that aim to protect the landscape, the countryside, ecology and ensuring that development is of a good standard of design and fits within its surroundings.
- 8.05 The access arrangements to and from the site are considered suitable for the modest scale tourist lodge development proposed. The access arrangements within the site make provision for vehicle parking and for vehicles to turn and enter and leave the site in a forward gear.
- 8.06 The impact on habitats within the adjoining woodland and Local Wildlife Site are acceptable. The application provides an opportunity to improve the Local Wildlife Site by re-introducing coppicing back into the woodland and potentially increasing the species diversity within the site.
- 8.07 The application is in accordance with the relevant Government guidance in the NPPF (2019) or the policies in the adopted Maidstone Borough Local Plan (2017). The grant of planning permission is recommended subject to the conditions set out below.

9. 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 and documents:
Site Location Plan
930/1 Existing site layout plan
930/2K Proposed site layout plan.
P930/3A (For Illustrative Purposes Only Block Plan)
P930/4 (Plan and Elevations)
P930/SK1 Elevation of Fence (to north, east and south boundaries, green galvanised steel wire fence, 1.8 metre high with 150mm gap at ground level).
Design and Access Statement (Revised February 2021)
2562/19/B/1A Existing site plan and Walk Over Ecology survey.
Preliminary Ecological appraisal (Revised 3 December 2020)
Noise Impact Assessment (9 October 2020)
Air Quality Assessment (October 2020)
CTP Consulting Engineers 'Refuse Vehicle and Fire Appliance Tracking'
Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers and the visual amenity of the area.
- 3) The external facing materials to be used in the construction of the tourist lodges hereby permitted shall be as shown on the approved plan (Drawing P930/4: Plan and elevations) and shall be maintained as such. Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity.
- 4) The six tourist lodges hereby permitted shall only be used for bona fide holiday accommodation purposes. The six tourist lodges hereby permitted shall only be occupied continuously by any persons for a period not in excess of 28 days and there shall be no return within a period of 3 months. Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.
- 5) No development shall commence (including site clearance) until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include a dust minimisation plan (with reference to paragraphs 9.3.2 to 9.3.6 of the submitted Air Quality Assessment), details of measures to prevent access to the adjacent woodland during the construction phase, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities, any temporary traffic management / signage, provision of measures to prevent the offsite discharge of any surface water runoff. The development shall proceed in full compliance with the approved Construction Management Plan with all approved measures retained under all construction work is complete. Reason: In the interests of amenity, safe operation of the highway and wildlife protection.
- 6) No development shall commence (including site clearance) until a Biodiversity Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include detailed mitigation measures for protected species and how the development will mitigate against any impacts upon the adjacent Local Wildlife Site, together with a timetable for implementation. The development shall be carried out in accordance with the approved details. Reason: In the interests of biodiversity and ecology.
- 7) No development shall commence until details of how the development will enhance biodiversity has been submitted to and approved in writing by the Local Planning Authority. This will include clear ecological enhancement for breeding birds and bats and shall include provision of bat boxes, bird boxes and native planting. Details of any habitat creation will be detailed including hedgerow and wildflower planting.

The approved details will be implemented prior to first occupation of the approved tourist lodges and thereafter retained. Reason: In the interests of biodiversity and ecology.

- 8) No development shall commence until, an ecological management plan has been submitted to and approved in writing by the Local Planning Authority in relation to the area at the eastern end of the site. The management shall include a description and evaluation of the features to be managed: ecological trends and constraints on site that might influence management; aims and objectives of management; appropriate management options for achieving aims and objectives; prescriptions for management actions, together with a plan of management compartments; and the preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period. Reason: In the interests of biodiversity and ecology.
- 9) Prior to the first occupation of the tourist lodges hereby approved a management plan shall be submitted to and approved in writing by the Local Planning Authority, with the management plan including full contact details (name, address, phone number and email) of a named person responsible for the administration of the booking for the approved accommodation, with the local planning authority informed of any change to these details for the lifetime of the development. A written record of all lettings shall be kept and maintained by the named person responsible for the administration of bookings, with the written record made available for inspection by the Local Planning Authority at their reasonable request. Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development. Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.
- 10) The site shall be laid out in accordance with the approved layout plan (930/2K Proposed site layout plan) with the provision of not more than six tourist lodges. Notwithstanding the provisions of the Town and Country Planning (General Permitted development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), no further development, other than that shown on the approved plan shall take place within the site. Reason: In the interests of the amenities of the occupiers of neighbouring residential properties, visual amenity and the character and appearance of the open countryside location.
- 11) Prior to the installation of any lighting on the site (whether temporary or permanent), a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall:
 - Identify those areas/features on site that are particularly sensitive for bats and the adjacent Local Wildlife Site and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
 - Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Reason: In order to safeguard the night-time rural environment, the ecological interests of the locality, and residential and local amenity.
- 12) Prior to first occupation of the tourist lodges hereby permitted, measures to reduce potential noise nuisance for future occupiers shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The measures shall include mechanical ventilation in

accordance with the submitted noise impact assessment, with the measures retained for the lifetime of the development. Reason: In the interests of amenity.

- 13) Prior to first occupation of the tourist lodges hereby permitted, details of the surfacing materials to be used in the construction of all new hardsurfacing within the site, including the access areas and parking spaces shall have been submitted to and approved in writing by the Local Planning Authority. The new hardsurfacing shall comprise permeable material and the use of a bound surface for the first 5 metres of the access from the site entrance. The new hardsurfacing shall be carried out in accordance with the approved details before the first occupation of the tourist lodges. Reason: In the interests of the visual amenities of the area and to minimise surface water runoff.
- 14) Prior to first occupation of the tourist lodges hereby permitted, the new access within the site, vehicle turning areas and parking spaces shown on the approved plan (Drawing 930/2K Proposed site layout plan) shall be provided and maintained available for use for access, vehicle turning and parking purposes by users of the six tourist lodges hereby permitted. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), shall be carried out within the new accessway, vehicle turning and/or parking areas or in such position as to preclude vehicular access to them. Reason: Development without adequate access, vehicle turning facilities and/or parking provision is likely to lead to vehicle movements and parking inconvenient to neighbouring residents and other road users and in the interests of local amenity and road safety.
- 15) Prior to first occupation of the tourist lodges hereby permitted, 3 electric vehicle charging points shall be provided on the site and made available for the occupants of the proposed accommodation. The electric vehicle charging points shall be retained for the lifetime of the development. Reason: In the interests of sustainability and air quality.
- 16) Prior to first occupation of the tourist lodges hereby permitted foul and surface water drainage for the site and measures for the future servicing and maintenance of this drainage shall be in place (including the sealed cesspit shown on drawing 930/2K Proposed site layout plan) that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the approved measures maintained thereafter. Reason: To ensure that adequate drainage is provided for the development and reduce the potential for flooding, protect the water environment and prevent contamination of the land.
- 17) Prior to first occupation of the tourist lodges hereby permitted boundary treatments shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the local planning authority with the details including a 1.8 to 2.0m high fence on the boundary between the site and the M20 and gaps at ground level to allow the passage of wildlife and the metal fencing to the north, south and eastern site boundaries with the boundary treatments maintained thereafter. Reason: To ensure a satisfactory appearance to the development, in the interests of wildlife and to ensure that the M20 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.
- 18) Prior to first occupation of the tourist lodges hereby permitted a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The detailed landscaping scheme which is in accordance with the Council's Landscape Character Guidelines shall include native species planting including details of species, plant sizes and proposed numbers and densities, with details of the new hedgerow planting as shown on the approved plan (Drawing No

930/2K: Proposed site layout plan). The detailed landscaping scheme shall include a plan for the long term maintenance of the landscaping scheme shall also be included in the details submitted. Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 19) All planting, seeding and turfing specified in the approved detailed landscaping scheme shall be fully in place by the end of the first planting season following first occupation of the approved tourist lodges. 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 lodges, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation. Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 20) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. . The remediation scheme shall be implemented as approved. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework (NPPF). Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of; a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site. c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included. Reason To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

INFORMATIVES

- 1) The applicant is advised that the proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 2) The applicant is advised to liaise with Highways England with regards to establishing the precise location of the site boundary. The fence must be erected such that its construction and maintenance can be achieved without recourse to requiring access to or from Highways England land. planningse@highwaysengland.co.uk
- 3) The applicant is advised of their responsibility to ensure that 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.
- 4) 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.
- 5) The applicant is advised that 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>
 - 6) 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.
 - 7) The applicant is advised that only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.
 - 8) The applicant is advised that the application site is in a radon affected area with a 3-5% probability of elevated radon concentrations. If the probability of exceeding the action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE 1999, 2001, AND 2007). If the probability rises to 10% or more, provision for further preventative measures are required in new houses. Test(s) for the presence of radon gas are recommended to be carried out. Further information can be obtained from Public Health England.
 - 9) The applicant is advised that as the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

Case Officer: Tony Ryan

Appeal Decision

Site visit made on 2 June 2020

by D.R McCreery MA BA (Hons) MRTPI

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

Decision date: 12 June 2020

Appeal Ref: APP/U2235/W/19/3241982

River Wood, Chegworth Lane, Harrietsham, Maidstone ME17 1DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Dixon against the decision of Maidstone Borough Council.
 - The application Ref 19/500305/FULL, dated 18 January 2019, was refused by notice dated 31 October 2019.
 - The development proposed is construction of 6 x 1 bedroom tourist lodges.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the surrounding area and wider landscape, including the settings of nearby Listed Buildings.
 - Local biodiversity.
 - Future occupants of the proposed lodges in terms of noise disturbance and air quality.

Reasons

Character and appearance

3. The appeal site is a roughly triangular parcel of land located between a small cluster of residential properties, the M20 motorway and its associated infrastructure and embankment planting, and denser woodland which has the River Len passing through. The site itself is currently mown to grass, open, with limited built forms present, and is set against a mostly wooded backdrop that gives the site a secluded character, despite its closeness to the motorway. The access arrangements, via a gate at the end of a single track unsurfaced lane leading from the nearest road, further reinforces the secluded nature of the site.
4. Notwithstanding the site being within an area designated in the Maidstone Local Plan (the Local Plan) for its landscape value, due to its secluded nature described above, it is not open to notable public views beyond more distant glimpses through woodland from a footpath. As such, the sensitivity of the site in wider landscape terms is relatively low.

5. In visual impact terms, the proposed lodges and associated development would be relatively modest in scale. As the built development would be largely confined to the side of the site closest to the motorway there would be adequate space for planting and other measures to provide further screening, which could be the subject of planning conditions alongside conditions relating to the materials and other treatment of the development to help blend it into the surroundings.
6. The Council's comments about the desirability of conserving and restoring the parkland character of the landscape, as recommended in the Local Landscape Character Assessment, are noted. However, and taking account of the Assessment, in light of the nature of the development and the site, its lack of impact on the wider landscape, and the potential for visual screening, a refusal of permission on the basis of its impact on the character and appearance of the area and the wider landscape is not justified and the proposed development is not judged to be contrary to the requirements of Policy SP17 of the Local Plan.
7. As the appeal site is located within the proximity of the Kent Downs Area of Outstanding Natural Beauty (AONB) I have considered the duty under section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. Due to the secluded nature and screening provided by existing features on and close to the site, the proposal would not have wider landscape implications for the AONB, including on its setting.
8. In deciding this appeal I have paid special regard to the desirability of preserving the settings of nearby Listed Buildings, including the Grade II Fir Cottage which is identified as being closest to the site. Due to the distance of the site from these Listed Buildings, their lack of visual and functional relationship, and the screening provided by the woodland, the proposed development would preserve their settings and would be otherwise consistent with policies in the National Planning Policy Framework on conserving and enhancing the historic environment.
9. In light of the above, the proposal would not have a harmful effect on the character and appearance of the surrounding area, the wider landscape, or the settings of nearby Listed Buildings. Consequently, I do not find conflict with policies in the Local Plan, in particular Policies SS1, SP17, DM4, DM30, and DM38 which includes requirements aimed at protecting the landscape and countryside, and ensuring that development is of a good standard of design and fits within its surroundings.

Biodiversity

10. The woodland adjoining the appeal site forms part of a locally designated wildlife site. The proposed development would bring with it a change in the nature of the use of the site by virtue of greater activity, including an increase in the number of visitors, hard surfacing and other built structures, lighting, and overnight stays.

11. Notwithstanding the appellant's assessment that the site itself offers negligible wildlife and wider biodiversity value, by virtue of its position in relation to the woodland and the nature of the activity proposed, there is a likelihood that the development would have wider impacts on biodiversity, in particular local wildlife. It is therefore important that the proposal is supported by adequate information to effectively evaluate the impacts and conclude on the likely affects.
12. Evidence provided by the appellant relating to impact on wildlife primarily takes the form of a plan that includes details of a walk over ecology survey and other related comments. This information provides only a brief assessment and is therefore insufficient, in particular in relation to the identification of possible habitat types and species and how the proposal might affect them.
13. As such, I conclude that the information provided is not an adequate baseline position from which assess the impact of the proposed development. Reference is made to potential enhancements that could result from the reintroduction of coppicing. The response from the County Council supporting such enhancement is noted. However, given the lack of baseline information described above I am unable to agree that this would represent suitable mitigation when balanced against the effects of the proposed development.
14. Given the nature of the legal and other duties relating to biodiversity, in the absence of suitable baseline and other detail, it would not be appropriate to require further information using conditions. It is also not possible to conclude that conditions designed to ensure that the works and development avoid harmful effects would serve their intended purpose.
15. Policy DM8 of the Local Plan states that lighting proposals that are near enough to significantly affect wildlife sites will only be permitted in exceptional circumstances. The evidence submitted does not allow me to conclude what the effects are and, if they are significant, that such an exception is justified in this case.
16. In light of the above, the information provided does not demonstrate that the proposal would not have a harmful effect on biodiversity. Consequently, I find conflict with policies in the Local Plan, in particular Policies DM3 and DM8 which includes requirements to incorporate measures into new developments to avoid direct or indirect adverse effects on sites of importance for biodiversity and a presumption against external lighting proposals close to local wildlife sites.

Living conditions of future occupiers

17. The Council's concerns relating to the standard of accommodation that would be provided given the proximity of the proposed development to the motorway are noted. However, the proposed development is intended to provide temporary holiday accommodation, which is a matter that can be controlled by conditions. Whilst this does not provide a reason in itself to allow accommodation that is substandard, limited detailed evidence has been presented to substantiate the Council's concerns relating to air quality and noise and disturbance.

18. As such, I conclude that the proposal would not have a harmful effect on future occupants of the proposed lodges in terms of noise disturbance and air quality. As such, I do not find conflict with policies in the Local Plan including DM1 and DM6 in relation to standards of accommodation and air quality.

Other Matters

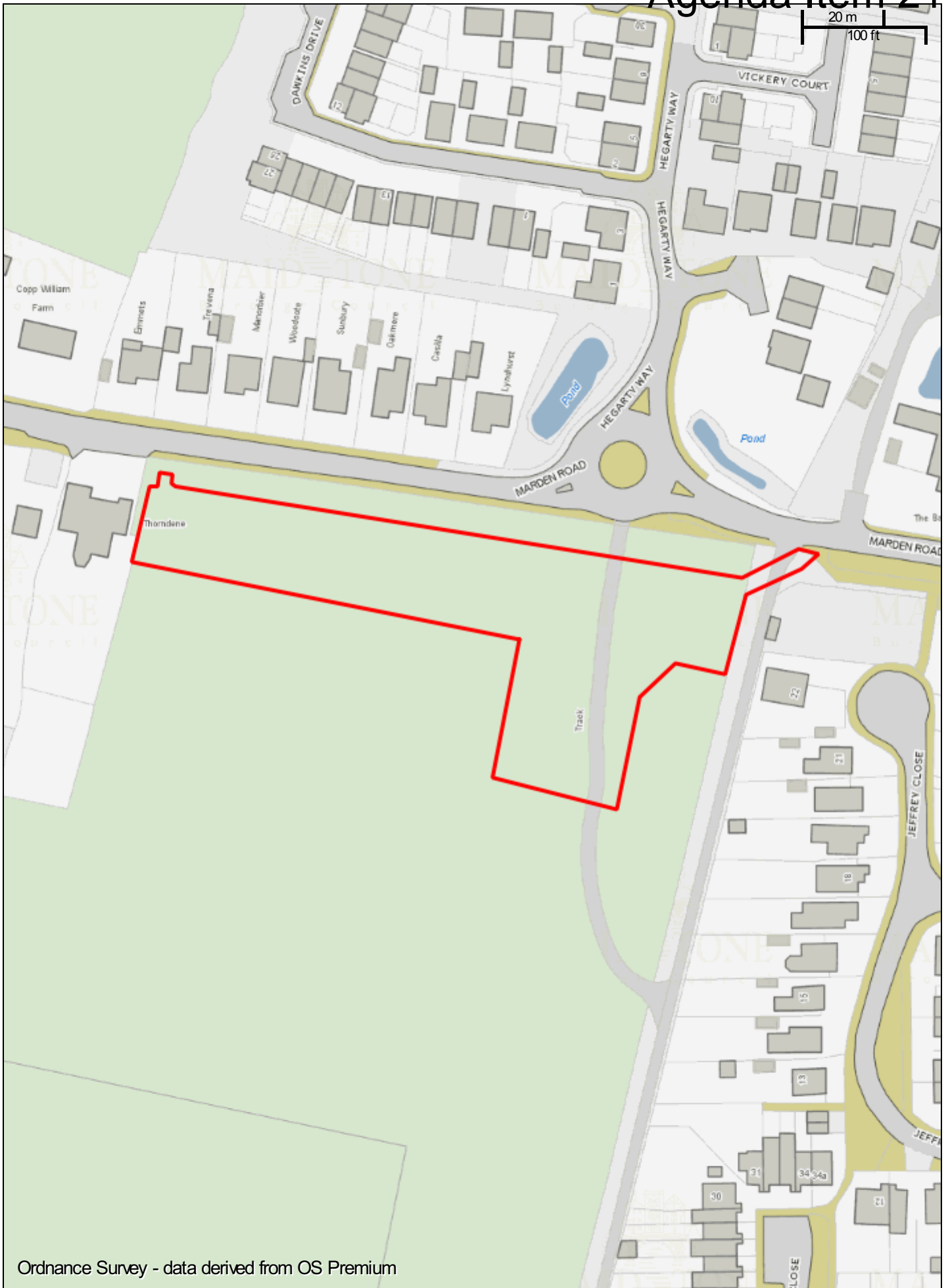
19. Representations from third parties received as part of the planning application and in response to the appeal are noted, including comments from the County Council relating to the site being in a Mineral Safeguarding Area. Some of the comments raised relate to the main issues and are discussed above. Other comments do not affect my conclusions on the main issues.

Conclusion

20. For the above reasons the appeal is dismissed.

D. R. McCreery

INSPECTOR



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO - 21/500117/HEDGE			
APPLICATION PROPOSAL Hedgerow Removal Notice - Temporarily fully remove a 6m section of hedgerow, partly adjacent to the southern side of Marden Road and partly from an adjoining track with associated peripheral hedgerow plants to enable temporary construction access.			
ADDRESS Land South Of Marden Rd - Staplehurst Marden Road Staplehurst Kent TN12 0PE			
RECOMMENDATION Raise no objection			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The hedgerow is considered to satisfy the criteria for importance, but it is considered that there are circumstances that justify the temporary removal of parts of the hedge and it is therefore recommended that the Council raise no objection to the proposal and do not issue a Hedgerow Retention Notice			
REASON FOR REFERRAL TO COMMITTEE The application has been called in by Staplehurst Parish Council			
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr Alistair Halcrow AGENT	
DECISION DUE DATE 05/03/21	PUBLICITY EXPIRY DATE 02/02/21	OFFICER SITE VISIT DATE 25/03/20	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
20/503956/HEDGE	Hedgerow Removal Notice - Temporarily fully remove a 6m section of hedgerow, partly adjacent to the southern side of Marden Road and partly from an adjoining track with associated peripheral hedgerow plants to enable temporary construction access.	Withdrawn	26/11/2020
<i>Summarise Reasons</i> This application was withdrawn by the applicant from the Planning Committee Agenda on 26 November 2020, pending a review of alternative foul drainage solutions to the scheme proposed.			
20/501035/HEDGE	Hedgerow removal notice -To establish access and working area for southern water sewer connection for a development.	Hedgerow Retention Notice Issued	03/07/2020
<i>Summarise Reasons</i> The Committee considered that by designating the hedge as important, a less damaging approach to achieving the sewer connection can be progressed.			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The hedge is adjacent to the northern boundary of a large field fronting Marden Road. The length of the frontage is approximately 160m.
- 1.02 The proposal itself is to temporarily remove one section of this hedgerow of approximately 6m length (approximately 38m² of vegetation), plus an additional area of 18m² of immature vegetation adjacent to the hedge at the eastern end and an area of 12m² of immature vegetation adjacent to the hedge at the western end. All areas of vegetation to be removed are shown on the submitted Temporary Hedgerow Removal Plan in light grey shading.
- 1.03 The hedge does not appear to have been subject to recent management as a stockproof hedge and as such now resembles a line of small trees and understorey plants of up to approximately 10m in height, with further naturally regenerating vegetation peripheral to the main hedge line.

2.0 PROPOSAL

- 2.01 This proposal is a resubmission of the withdrawn Hedgerow Removal Notification 20/503956/HEDGE and Hedgerow Removal Notification 20/501035/HEDGE, previously considered by the Planning Committee meeting on 25th June 2020. A Hedgerow Retention Notice was issued in response to 20/501035/HEDGE and a decision notice issued with the following informative:

The Committee considered that by designating the hedge as important, a less damaging approach to achieving the sewer connection can be progressed.

The proposed works in 20/501035/HEDGE were the removal of one section of approximately 24m length at the western end (parallel to the road) and one section of approximately 30m length at the eastern end (perpendicular to the road).

The effect of the Hedgerow Retention Notice issued is to prevent the works notified from being carried out.

- 2.02 This proposal, as stated on the application form, is to temporarily fully remove a 6m section of hedgerow, partly adjacent to the southern side of Marden Road and partly from an adjoining track with associated peripheral hedgerow plants, to allow entry of large vehicle (particularly box culvert section deliveries) directly into the working area off Marden Road. 6m is the minimum safe width required to facilitate access for the culvert storage tank section delivery vehicles. Existing gaps in the hedgerow on the adjoining track further to the south have been reviewed but cannot be used for access, as the track is not wide enough to allow the size of delivery vehicle required to pass and manoeuvre. The section requiring removal will also allow new connection pipework to be laid, avoiding effects on other areas.

Works required for connection at the western end of the tank have been reviewed. The revised design requires only peripheral hedge plants to be removed, preserving the integrity of the hedge at this location and the screening it provides to properties immediately to the north. Refer to "Hen and Duckhurst hedgerow map" to view current proposals in more detail.

Review of the design has ensured that impact on the hedgerow has been minimised while still allowing the works the necessary access safely.

All hedgerow will be fully reinstated upon completion of the works by replanting using appropriate species. Reinstatement works will be supervised by a suitably qualified ecologist with the necessary knowledge of the native woody species which are to be planted as well as an understanding on how these species should be planted and maintained for growth. Clancy Docwra will also contract a two year maintenance programme to their vegetation specialist or seek agreement with the council for a two year maintenance programme to facilitate successful re-establishment. Refer to "670601 Hen and Duckhurst EclA Rev 1" to view the ecological assessments undertaken and mitigation that will be in place to ensure ecological value is suitably protected.

- 2.03 Note that the proposal for consideration is the hedgerow removal only. The associated foul drainage works which the hedgerow removal will facilitate do not require planning permission and are not, therefore, directly under consideration.

3.0 SUMMARY INFORMATION

- 3.01 The proposal before the Council is a 'Hedgerow Removal Notice' under the Hedgerow Regulations 1997 ('the regulations'). It is considered that the hedge is subject to the regulations, being a hedgerow growing in, or adjacent to, any common land, protected land, or land used for agriculture, forestry or the breeding or keeping of horses, ponies or donkeys, and having a continuous length of, or exceeding, 20 metres.
- 3.02 For the purposes of section 97 (hedgerows) of the Environment Act 1995 and the regulations, a hedgerow is "important" if it, or the hedgerow of which it is a stretch,—
(a) has existed for 30 years or more; **and**
(b) satisfies at least one of the criteria listed in Part II of Schedule 1.
- 3.03 The Local Planning Authority may either raise no objection to the Hedgerow Removal Notice, or give notice that the work must not be carried out by issuing a 'Hedgerow Retention Notice'. A Hedgerow Retention Notice must be issued within six weeks of receiving a hedgerow Removal Notice, or within such longer period as may be agreed between the person who gave the notice and the authority. In this case, the applicant has agreed to an extension of time to allow for the proposal to be considered by the Planning Committee.
- 3.04 A Hedgerow Retention Notice may not be issued for a hedgerow that is not "important".
- 3.05 The Local Planning Authority should issue a Hedgerow Retention Notice for a hedgerow that is considered important "unless satisfied, having regard in particular to the reasons given for its proposed removal in the hedgerow removal notice, that there are circumstances which justify the hedgerow's removal."
- 3.06 The regulations allow certain Permitted Work to a hedgerow to which the regulations apply if it is required in certain circumstances. In this case, it was suggested to the applicant that, in their capacity as a Statutory Undertaker, that one of the Permitted Work categories may apply.

The applicant did not think that any of the categories fully applied in this case and therefore proceeded with the submission of a Hedgerow Removal Notice.

4.0 PLANNING CONSTRAINTS

None relevant.

5.0 POLICY AND OTHER CONSIDERATIONS

The Hedgerow Regulations 1997

6.0 LOCAL REPRESENTATIONS

6.01 5 representations from 3 neighbouring residents were received in support of the application. The main points raised in the representations include:

- Detailed accounts of further multiple recent foul drainage flooding incidents.
- The intervention of Southern Water is required to resolve the flooding issues resulting from insufficient sewerage capacity. The proposed attenuation tank cannot be built unless this application is passed, allowing access to the field.
- Concerns over flora and fauna associated with the hedgerow have now been resolved

7.0 CONSULTATIONS

7.01 KCC Biodiversity Officer

“We have reviewed the ecological information submitted in support of this application and advise that sufficient information has been provided.

Whilst both hedgerows to be affected are considered ‘important’ according to the Hedgerow Regulation Assessment, we are satisfied that only small sections of hedgerow will be removed and that these sections can be adequately replaced.

We are satisfied with the proposed mitigation measures for protected species (identified as potentially present) and that adequate consideration has been given to presence of invasive species on-site.

True sedge has been recorded on site and it is listed under Schedule 8 of the Wildlife and Countryside Act (1981), considered a priority species under the NERC Act (2006) and described as ‘very rare’ within the Collins Wildflower Guide (2009), True Fox Sedge is of high conservation concern in the UK. This species has been identified in an area to be directly impacted by the proposed development.

A True Fox Sedge Mitigation Plan has been provided, which features details of translocation if the plants cannot be retained in-situ and an appropriate reseedling/establishment methodology. As such, we are satisfied that this species can be retained on-site if the proposed measures are strictly adhered to.

If permission is granted we recommend that the following condition is included:

The works detailed within True Fox Sedge Mitigation Plan (Rev 1) (Southern Water. November 2020.), the Hedgerow Regulation Assessment (Rev 1). (Southern Water. July 2020.) Ecological Impact Assessment (Rev 1). (Southern Water. August 2020.) must be implemented as detailed prior to, during and on completion of the hedgerow removal works.”

7.02 Staplehurst Parish Council

The following comments were received from the Parish Council on 3 February 2021:

“Councillors recommend that the application be REFUSED and request the application be referred to MBC Planning Committee. Councillors strongly support the Hedge Retention Order and unequivocally feel that it should remain in place. Councillors expressed robust views that the ecological impact of removing and then replacing the hedge could not be a temporary change. They believe that the ecology would be impacted for many years to come and could not simply be replaced. Additionally they noted that the reason for the application was for ‘temporary construction access’, which when looking at the originally approved plans, there seems no requirement for.”

8.0 BACKGROUND PAPERS AND PLANS

Submitted documents:

- Temporary Hedgerow Removal Plan
- Land Entry Notice Plan 01 – Drawing No. 670601-LE01 Rev E
- Hedgerow Regulations Assessment July 2020 Rev 1
- Ecological Impact Assessment 670601 Hen and Duckhurst August 2020 Rev 1
- True Fox Sedge Mitigation Plan 670601 Hen and Duckhurst November 2020 Rev 01
- Southern Water Report to Staplehurst Parish Council – August 2020
- Copy of Staplehurst Parish Council Report on Hen and Duckhurst Foul Drainage (14/09/2020) with Southern Water’s responses to Staplehurst Parish Council feedback on the report
- Southern Water Covering Letter/Report 7 January 2021 – Hen and Duckhurst

9.0 APPRAISAL

The key issues are whether the hedgerow satisfies the criteria in the regulation to be considered ‘important’ and if so, whether a Hedgerow Retention Notice should be issued.

Criteria for “Importance”

- 9.01 This application is supported by a comprehensive ‘Hedgerow Regulations Assessment’ carried out by an ecologist on behalf of the applicant. It concludes that the hedgerow(s) are considered ‘important’ in the non-technical summary of the document:

It was determined that the both the hedgerow along the north of the proposed works area (Hedgerow 1) and the hedgerow along the east of the proposed works area (Hedgerow 2) are ‘important’ under Criteria 6 by containing great crested newt and red listed birds (linnet and house sparrow). Hedgerow 1 also supported one vascular plant species listed as vulnerable on the red data list (true fox sedge) making it ‘important’ under Criteria 7. Neither hedgerow meets the ‘important’ classification under Criteria 8.

- 9.02 This conclusion is not challenged by the KCC Biodiversity Officer or the case officer. The hedgerow(s) are therefore considered to meet the criteria for importance.

Whether a Hedgerow Removal Notice should be issued

- 9.03 The Hedgerow Regulations state that the Local Planning Authority should issue a Hedgerow Retention Notice for a hedgerow that is considered important *“unless satisfied, having regard in particular to the reasons given for its proposed removal in the hedgerow removal notice, that there are circumstances which justify the hedgerow’s removal.”*
- 9.04 The applicant has sought to demonstrate that this hedgerow removal proposal is significantly less harmful in terms of a greatly reduced amount of proposed hedgerow removal in comparison to the previous proposal 20/501035/HEDGE, in response to the Planning Committee request that less damaging approach to achieving the sewer connection can be progressed. In addition, the Hedgerow Regulations Assessment and Ecological Impact Assessment seek to demonstrate that harmful impacts will be minimised and mitigated as far as possible, with mitigation measures to ensure successful reinstatement following completion of works.
- 9.05 The KCC Biodiversity Officers’ response to the revised proposals and supporting information is generally positive, being satisfied that only small sections of hedgerow will be removed and that these sections can be adequately replaced.
- 9.06 The Biodiversity Officer is also satisfied with the proposed mitigation measures for protected species and that adequate consideration has been given to presence of invasive species on-site. With regard to the presence of True Fox Sedge (*Carex vulpina*) on the site, the Biodiversity Officer is are satisfied that this species can be retained on-site if the proposed measures are strictly adhered to. An appropriate condition is recommended, but conditions cannot be placed on this application type. It is therefore recommended that it is added as an informative.
- 9.07 The issuing of a Hedgerow Retention Notice would effectively prevent the implementation of foul drainage scheme, as it would prevent access to the site. A Hedgerow Retention Notice should not be issued on the sole basis that it would prevent a foul drainage scheme from being implemented, simply because the Statutory Undertaker’s preferred option is not agreed with.
- 9.08 It is clear that there has been some local concern and disagreement with the approach being taken by Southern Water in providing a foul sewer connection to the Hen and Duckhurst development. The merits of the foul drainage scheme proposed by Southern Water are not being directly considered in the determination of this Hedgerow Removal Notice, but they become relevant due to the need for the Council to be satisfied that there are circumstances which justify the hedgerow’s removal, if a decision not to issue a Hedgerow Retention Notice is made.
- 9.07 The proposed hedgerow removal is necessary for Southern Water to be able to access the field to construct a large, below ground attenuation tank and to be able to connect this to the Hen and Duckhurst development. The submitted report to Staplehurst Parish Council and the copy of Staplehurst Parish Council Report on Hen and Duckhurst Foul Drainage (14/09/2020) with Southern Water’s responses to Staplehurst Parish Council feedback on the report set out the reasoning behind why this is the preferred option.
- 9.08 The Southern Water letter dated 7 January 2021 details why Southern Water, as the Statutory Undertaker with regulatory obligation to provide access to the Waste Water system consider the foul drainage Scheme necessary. This follows contact with the MP and the Parish Council and a review of the options. In the absence of evidence to

the contrary, it is considered that the foul drainage scheme will provide a permanent solution to the flooding problems in the area and is therefore necessary.

10.0 CONCLUSION

- 10.01 For the reasons set out above, it is considered that the circumstances justify the proposed hedgerow removal. The Statutory Undertaker has demonstrated that the Foul Drainage scheme is necessary and that it cannot be implemented without the proposed hedgerow removal. The working methodology has been redesigned to minimise the extent of harm and demonstrated that it can be suitably mitigated against to the satisfaction of the Biodiversity Officer, with the hedgerow being reinstated on completion of works.

11.0 RECOMMENDATION – RAISE NO OBJECTION Subject to the following informatives:

CONDITIONS

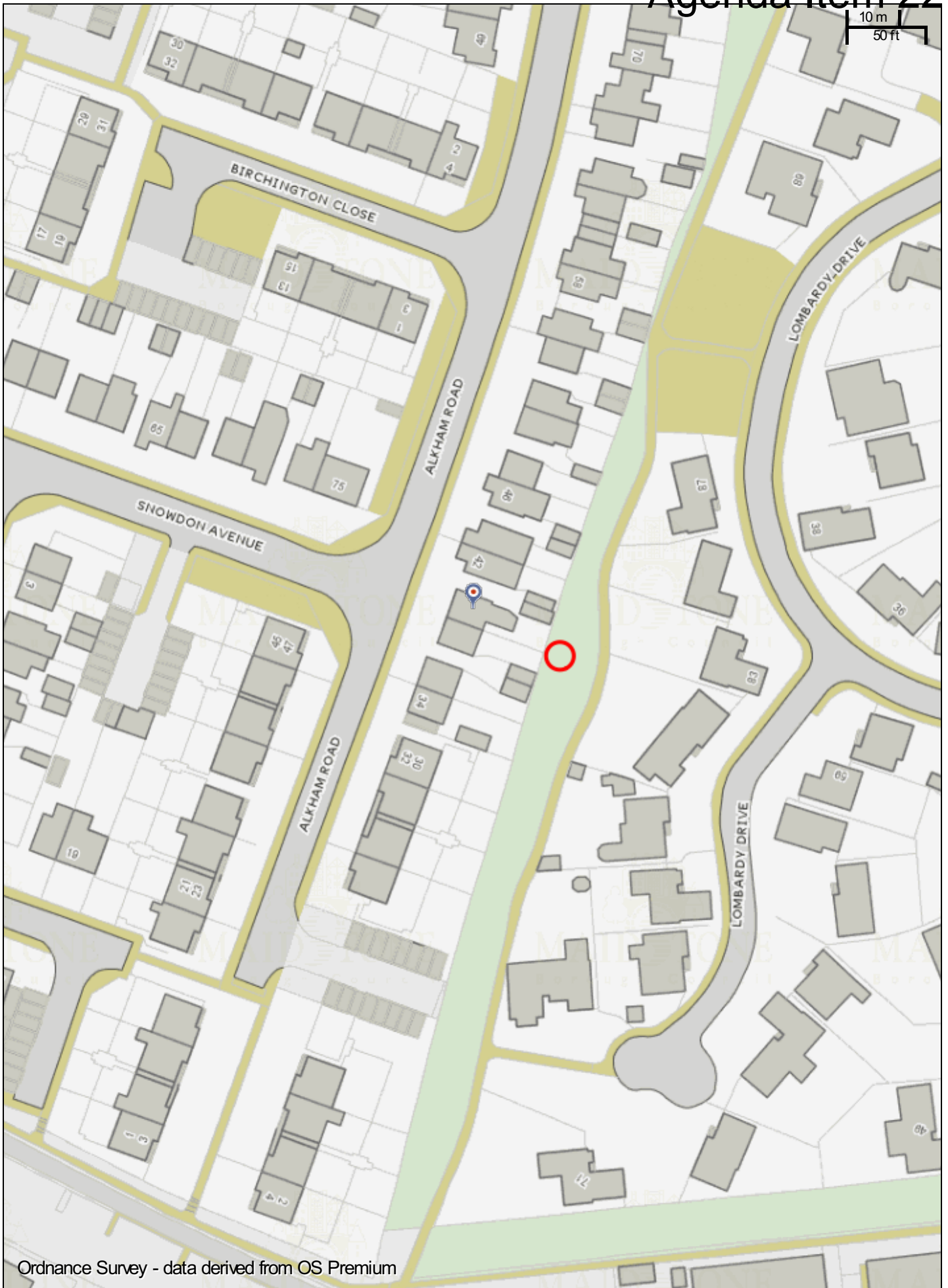
Not applicable/ Cannot be applied to this application type.

INFORMATIVES

- (1) The Council's decision does not override the need to obtain the land owner's consent for works beyond your boundary.
- (2) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.
- (3) Following completion of works, the hedgerow sections removed shall be reinstated in accordance with the details set out in the submitted documents.
- (4) The works detailed within True Fox Sedge Mitigation Plan (Rev 1) (Southern Water. November 2020.), the Hedgerow Regulation Assessment (Rev 1). (Southern Water. July 2020.) Ecological Impact Assessment (Rev 1). (Southern Water. August 2020.) must be implemented as detailed prior to, during and on completion of the hedgerow removal works.

Case Officer: Nick Gallavin

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO - 21/500488/TPOA			
APPLICATION PROPOSAL TPO Application for 1 x (T1) Acer Campestre (Field Maple), shorten scaffold limbs by up to 40% of current length (4.5m to 2.7m).			
ADDRESS 40 Alkham Road Maidstone Kent ME14 5PB			
RECOMMENDATION Delegated powers to permit subject to the consideration of any further representations made up to the expiry of the site notice on 9 March 2021			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed works are considered appropriate arboricultural management.			
REASON FOR REFERRAL TO COMMITTEE The tree is growing on Maidstone Borough Council -owned land and the application is made on behalf of the Council's Parks team.			
WARD East	PARISH/TOWN COUNCIL	APPLICANT Maidstone Borough Council AGENT Qualitree Services	
DECISION DUE DATE 26/03/21	PUBLICITY EXPIRY DATE 22/02/21	OFFICER SITE VISIT DATE 27/01/21	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
20/505896/TPOA	Fell to ground - in major decline. Basal decay. The tree has responded adversely to some historic arboricultural works. Areas of decay within the crown and localised die - back.	Withdrawn	03/02/2021
<i>Summarise Reasons</i> Application withdrawn by applicant following discussion with case officer and resubmitted as a proposal to carry out further retrenchment pruning rather than to fell.			
17/506307/TPO	1x Field Maple - retrench the tree, pruning to crown shortening all scaffold limbs by 30-40%, remove dead, dying branches within remaining crown	Permitted	30/01/2018
<i>Summarise Reasons</i> The proposed works were considered to be appropriate management given the tree's location and condition			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The tree subject to this application is growing on amenity land with a well-used footpath running through it, situated between the residential properties in Alkham Road and Lombardy Drive.

2.0 PROPOSAL

- 2.01 The proposed works are to reduce the main scaffold limbs of the tree by up to 40% of their current length

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No. 1 of 1954 Area A1

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 Government Policy:
National Planning Policy Framework (2019)

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

- 4.02 Local Policy:
Maidstone Borough Local Plan October 2017 - Policy DM 3

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

- 4.03 Compensation:
A refusal of consent to carry out works to trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The applicant is Maidstone Borough Council, so it is unlikely that such a compensation claim would arise as a result of a refusal of this application, but the Council could be liable to claims for damage or injury as a result of tree failure if identified hazards are not addressed. Not applicable if approved.

5.0 LOCAL REPRESENTATIONS

- 5.01 Neighbours/local residents:
One representation received from neighbour questioning why application 20/505896/TPOA proposal to fell was withdrawn. The case officer responded to explain that the proposal to fell was withdrawn and resubmitted as a revised proposal to carry out a reduction instead, as after discussion and inspection it was felt that felling was an excessive response to the defects present and that the risks could be adequately managed by a reduction instead, as tree is likely to be a veteran tree, so should be retained for as long as it is safe to do so with appropriate management. The neighbour stated that he agreed with this and was quite glad the tree is remaining as long as it's safe.
- 5.02 A 21 day site notice was displayed on site on 16 February 2021. This notice expires on 9 March 2021. Any new representations received before the application is heard by the Planning Committee will be reported as an urgent update, but further responses might be received after the committee meeting. Delegated powers are therefore being sought to permit the application, subject to the consideration of any further representations made up to 9 March 2021.

6.0 CONSULTATIONS

- 6.01 No responses received

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Location plan submitted

8.0 APPRAISAL

- 8.01 T1 Acer campestre (Field Maple) on application form (Within area A1 in TPO).

Contribution to public visual amenity:

Good – clearly visible to the public

Condition:

Poor – obvious decline/ health and/or structural integrity significantly impaired

Useful life expectancy:

Medium - estimated remaining life expectancy of at least 10 years

- 8.02 The tree is a large, over-mature Field Maple. Its size and features suggest that it is likely to be considered a veteran tree. It has a basal cavity that probing revealed to extend to approximately half of the diameter of the main stem. Further decay pockets are visible throughout the crown. Crown structure indicates that the retrenchment pruning works permitted under application 17/506307/TPO have been carried out to a good standard, with specialist veteran tree pruning techniques such as coronet cuts employed. The tree appears to have responded fairly well to the retrenchment pruning with some dieback evident but otherwise exhibiting healthy growth.
- 8.03 The decay present at the base of the main stem and in the crown suggests that the tree still represents a failure risk at its current size. Application 17/506307/TPO sought to reduce the crown as the first stage of retrenchment pruning in order to limit the extent of reduction carried out in one growing season. This was done in order to reduce the shock of a significant reduction to the tree with a view to reviewing its response and carrying out further reduction in 3 to 5 years.
- 8.04 The proposed reduction works seek to reduce (retrench) the crown further. This is considered necessary to manage the risk of failure resulting from the decay present, particularly given the location of the tree adjacent to a well-used footpath and residential gardens. Reduction of trees can have negative effects on their long-term health and potentially lead to death or decline but in this case, it is considered that the failure risk posed by the defects present outweighs the negative impacts of reduction. Further retrenchment will significantly reduce the failure risk to acceptable levels and should increase the safe useful life expectancy of the tree by significantly reducing the risk of catastrophic failure resulting in the loss of the tree altogether.

9.0 CONCLUSION

- 9.01 The proposed works are necessary and appropriate management that are a preferable alternative to felling and will enable the retention of a veteran tree for as long as possible.

- 10.0 RECOMMENDATION** – Delegated powers to PERMIT subject to the consideration of any further representations made up to the expiry of the site notice on 9 March 2021

CONDITIONS to include

- (1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

INFORMATIVES

- (1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

- (2) All cut timber/wood between 15cm and 60cm in diameter, together with any senescent and rotting wood, should be retained and stacked safely on site for the colonisation of saproxylic organisms, except where an alternative proposal has been submitted to and approved in writing by the local planning authority.

Case Officer: Nick Gallavin

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 23

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 25th February 2021**

APPEAL DECISIONS:

1. MA/20/501170/FULL

DESCRIPTION

Installation of a window to front gable and insertion of side dormer.

APPEAL: DISMISSED

Bridgewater
Tyland Lane
Sandling
Maidstone
Kent
ME14 3BL

(Delegated)

2. MA/20/504123/FULL

DESCRIPTION

Installation of a window to front gable and insertion of 4no. side dormers (Resubmission of 20/501170/FULL)

APPEAL: ALLOWED

Bridgewater
Tyland Lane
Sandling
Maidstone
Kent
ME14 3BL

(Delegated)

3. MA/19/504590/FULL

DESCRIPTION

Erection of poultry shed and associated storage barn with mobile home for establishment of organic egg enterprise. (Resubmission of 19/500736/FULL)

APPEAL: DISMISSED

Land At Park Farm
Park Lane
Wormshill
Sittingbourne
Kent
ME9 0UA

(Delegated)

4. MA/19/502844/TPOA DESCRIPTION

TPO Application - Lime (T3) Reduce Height from Approx. 21.4m to Approx. 15m because of excessive height and proximity to the house, and potential danger to the lane, or the BT infrastructure, particularly in high winds. Also crown lift to 6 metres.

APPEAL: DISMISSED

Broad Oak House
Pheasant Lane
Maidstone
ME15 9QR

(Delegated)
