

PLANNING COMMITTEE MEETING

Date: Thursday 21 January 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.

<u>AGENDA</u>	<u>Page No.</u>
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 Items withdrawn from the Agenda	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 - 28 January 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 17 December 2020	1 - 9
11. Presentation of Petitions (if any)	
12. Deferred Items	10 - 11

Issued on Wednesday 13 January 2021
Over/:

Continued



Alison Broom, Chief Executive

13.	20/503700/FULL - The Three Sons, Park Wood Lane, Parallel Track, Staplehurst, Kent	12 - 27
14.	20/501773/FULL - Land Off Oakapple Lane, Barming, Maidstone, Kent	28 - 87
15.	19/505816/SUB - Lordswood Urban Extension, Gleaming Wood Drive, Lordswood, Kent	88 - 105
16.	20/505320/FULL - Water Lane Caravan Site, Water Lane, Harrietsham, Kent	106 - 111
17.	20/505894/TPOA - 1 Leamington Drive, Maidstone, Kent	112 - 115
18.	20/504061/FULL - Unit 1, Guardian Industrial Estate, Pattenden Lane, Marden, Tonbridge, Kent	116 - 119
19.	20/504551/FULL - River Barn, Tutsham Farm, West Farleigh, Maidstone, Kent	120 - 135
20.	Appeal Decisions	136

PLEASE NOTE

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 20 January 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 17 DECEMBER 2020

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

**Also
Present:** Councillors Garten and Purle

429. APOLOGIES FOR ABSENCE

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

430. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Brice was substituting for Councillor Eves.

431. NOTIFICATION OF VISITING MEMBERS

Councillor Garten indicated his wish to speak on the reports of the Head of Planning and Development relating to applications 18/506662/FULL and 19/506031/LBC (Courtyard Studios, Hollingbourne House, Hollingbourne Hill, Hollingbourne, Maidstone, Kent).

Councillor Purle indicated his wish to speak on the reports of the Head of Planning and Development relating to applications 20/504127/FULL and 20/504128/LBC (The Somerfield Hospital, 63-79 London Road, Maidstone, Kent).

432. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

433. URGENT ITEMS

The Chairman said that 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.

434. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Munford said that he was the Chairman of Boughton Monchelsea Parish Council. However, he had not participated in the Parish

Council's discussions regarding application 20/503109/FULL (Land to West of 70 Church Street, Boughton Monchelsea, Maidstone, Kent), and intended to speak and vote when it was considered.

435. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

Item 13.	20/504127/FULL & 20/504128/LBC - The Somerfield Hospital, 63-79 London Road, Maidstone, Kent	Councillors Adkinson, Brice, Brindle, English, Kimmance, Munford, Parfitt-Reid, Perry, Powell, Spooner, Vizzard and Wilby
Item 14.	18/506662/FULL & 19/506031/LBC - Courtyard Studios, Hollingbourne House, Hollingbourne Hill, Hollingbourne, Maidstone, Kent	Councillors Adkinson, Brindle, English, Kimmance, Munford, Parfitt-Reid, Perry, Powell, Spooner, Vizzard and Wilby
Item 17.	20/504386/FULL - The Orchard Place, Benover Road, Yalding, Kent	Councillor Parfitt-Reid
Item 19.	20/503109/FULL - Land to West of 70 Church Street, Boughton Monchelsea, Maidstone, Kent	Councillors Kimmance, Munford, Parfitt-Reid, Vizzard and Wilby

436. EXEMPT ITEMS

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

437. MINUTES OF THE MEETING HELD ON 26 NOVEMBER 2020

RESOLVED: That the Minutes of the meeting held on 26 November 2020 be approved as a correct record and signed.

438. PRESENTATION OF PETITIONS

There were no petitions.

439. DEFERRED ITEMS

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

20/501773/FULL - ERECTION OF 187 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

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

The Development Manager advised Members that he had nothing further to report in respect of these applications at present. The applications would be reported back to the Committee as soon as all issues had been addressed.

440. 18/506662/FULL & 19/506031/LBC - COURTYARD STUDIOS, HOLLINGBOURNE HOUSE, HOLLINGBOURNE HILL, HOLLINGBOURNE, MAIDSTONE, KENT

18/506662/FULL - DEMOLITION OF THE REAR SECTION OF THE BUILDING AND ERECTION OF REPLACEMENT STRUCTURE AND CONVERSION OF FRONT SECTION OF BUILDING INCLUDING EXTERNAL ALTERATIONS, TO FACILITATE THE CREATION OF 2 DWELLINGS WITH ASSOCIATED PARKING AND GARDEN AREAS.

DEMOLITION OF EXISTING DERELICT AND UNSTABLE (NORTH-EAST FACING) GARDEN WALL, RECONSTRUCTION ON EXISTING LINE AT REDUCED HEIGHT WITH 2 ADDITIONAL OPENINGS, REPAIRS, RESTORATION OF OTHER GARDEN WALLS AND RESTORATION OF 1 SUNKEN GLASSHOUSE.

19/506031/LBC - LISTED BUILDING CONSENT FOR THE DEMOLITION OF EXISTING DERELICT AND UNSTABLE (NORTH-EAST FACING) GARDEN WALL, RECONSTRUCTION ON EXISTING LINE AT REDUCED HEIGHT WITH 2 ADDITIONAL OPENINGS, REPAIRS, RESTORATION OF OTHER GARDEN WALLS AND RESTORATION OF 1 SUNKEN GLASSHOUSE

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

Mrs Kinnersley, an objector, addressed the meeting by way of an audio recording.

Mr Dixon, the applicant, addressed the meeting by video link.

Councillor Garten (Visiting Member) addressed the meeting.

Application 18/506662/FULL

RESOLVED:

1. That subject to no new substantive material planning considerations being raised as a result of the press notice that expires on 24 December 2020, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report with:

An additional condition requiring the installation of Solar PV or an alternative form of renewable energy generation within the scheme;

The amendment of condition 3 (External Materials) to require the construction of a materials panel on site prior to construction showing the colour of the bricks, brick coursing, bonding types, mortar mix, window materials and timber cladding etc, the panel to remain on site for the duration of the construction; and

The amendment of condition 7 (Landscaping Scheme) to secure a reduction in the coverage of hardstanding to allow more soft landscaping in accordance with the Council's adopted Landscape Character Assessment.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional/amended conditions and to amend any other conditions as a consequence.
3. That the details to be submitted pursuant to the additional/amended conditions are to be agreed in consultation with the Ward Member and the Planning Committee Political Group Spokespersons.

Voting: 10 – For 3 – Against 0 – Abstentions

Application 19/506031/LBC

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

Voting: 10 – For 3 – Against 0 – Abstentions

441. 20/504127/FULL & 20/504128/LBC - THE SOMERFIELD HOSPITAL, 63-79 LONDON ROAD, MAIDSTONE, KENT

20/504127/FULL - DEMOLITION OF REAR EXTENSIONS OF SOMERFIELD TERRACE AND NO.79 LONDON ROAD. CONVERSION, ALTERATION AND REAR EXTENSIONS OF SOMERFIELD TERRACE FOR C3 RESIDENTIAL USE CONSISTING OF NO.60 SELF-CONTAINED APARTMENTS. ERECTION OF A REPLACEMENT RESIDENTIAL BUILDING ON THE SITE OF NO.79 LONDON ROAD CONSISTING OF NO.6 NEW APARTMENTS AND NO.6 NEW TOWNHOUSES. CONVERSION OF ANCILLARY REAR BUILDING TO RESIDENTIAL USE. ERECTION OF A CYCLE STORE AND GYM AND BIN

STORE. ASSOCIATED WORKS TO OUTBUILDINGS, LANDSCAPING AND PARKING. WORKS TO THE FRONT RETAINING WALL

20/504128/LBC - LISTED BUILDING CONSENT FOR THE DEMOLITION OF REAR EXTENSIONS TOGETHER WITH INTERNAL AND EXTERNAL ALTERATIONS AND ERECTION OF REAR EXTENSIONS. WORKS TO THE FRONT RETAINING WALL

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

In presenting the applications, the Principal Planning Officer advised the Committee that he wished to correct a typographical error in the final sentence of paragraph 6.11 of both reports. The reference to policy SP17 of the Local Plan should read policy SP18. However, he could confirm that the applications had been assessed against policy SP18 and it had been included in the list of policies at the beginning of each report.

Councillor Purle (Ward Member) read out a statement on behalf of Mr and Mrs Bennett who objected to the planning application.

The Chairman read out a statement on behalf of Mr Reedman, for the applicant.

Councillor Purle (Visiting Member) addressed the meeting.

During the discussion, the Head of Planning and Development advised Members that the mansard roofs should be natural slate or slate dust composite and not plastic-coated aluminium.

Application 20/504127/FULL

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 with:

An additional condition requiring the submission of a Landscape and Ecological Management Plan (LEMP) covering a period of at least 10 years and with a focus on the retention and management of the site frontage and protecting and strengthening the wooded area in the south-west corner, including fencing it off;

An amended plan secured under condition 1 (Approved Plans) to require the provision of eight visitor parking spaces to the front of the site;

The amendment of condition 8 (Ecological Enhancements) to require specific details of the wildlife niches (numbers and locations);

The amendment of condition 15 g) (Details of Solar Panels) to require more specific details of the solar panels (numbers and locations);

The amendment of condition 26 (Electric Vehicle Charging Points) to require the installation of three extra EV charging points, bringing the total to eleven, and 50% of the remainder to be future proofed (passive) to allow future charging points;

The amendment of condition 19 to specify that the mansard roofs shall be natural slate or slate dust composite and not plastic-coated aluminium; and

The deletion of the word "should" from the first line of condition 24 b) (Off-Site Highways Works),

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 the Landscaping and LEMP conditions are to be agreed in consultation with the Ward Members and the Planning Committee Political Group Spokespersons.

Voting: 7 – For 6 – Against 0 – Abstentions

Arising from the discussion on this application, the Chairman said that a meeting would be arranged with the Council's Housing Team to discuss the issue of Housing Co-operatives being included in developments going forward.

Application 20/504128/LBC

RESOLVED:

1. That Listed Building Consent be granted subject to the conditions set out in the report with the amendment of condition 5 to specify that the mansard roofs shall be natural slate or slate dust composite and not plastic-coated aluminium.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended condition and to amend any other conditions as a consequence.

Voting: 9 – For 4 – Against 0 – Abstentions

Note: Councillors Brice and Powell left the meeting after consideration of this application (8.34 p.m.).

442. 20/504860/FULL - SECTION 73 - APPLICATION FOR VARIATION OF CONDITION 16 (TO REMOVE: UPGRADING OF THE EXISTING PEDESTRIAN CROSSING ON KING STREET TO PROVIDE ADDITIONAL CROSSING DETECTORS AND RECONFIGURATION OF THE CONTROLLER) PURSUANT TO APPLICATION 17/504428/FULL FOR - CREATION OF A NEW 48 SPACE PUBLIC CAR PARK, TOGETHER WITH 30 FLATS IN A STEPPED BLOCK BACKING ONTO QUEEN ANNE ROAD. A ROW OF 6 SEMI DETACHED HOUSES FRONTING UNION STREET AND TWO TERRACED ROWS ARRANGED AS A 'MEWS' PROVIDING 11 HOUSES, TOGETHER WITH A NEW ESTATE ROAD, ALLOCATED PARKING AND SOFT LANDSCAPING - MAIDSTONE BOROUGH COUNCIL CAR PARK, CORNER OF UNION STREET/QUEEN ANNE ROAD, MAIDSTONE, KENT

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

RESOLVED: 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,

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

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Councillor Wilby left the meeting before the voting on this application (20.41 p.m.).

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

In presenting the report, the Senior Planning Officer advised the Committee that the application incorporated an improvement in terms of design in that it was now proposed to use timber as a facing material for the caravans and the landscaping would also help to mitigate any potential impact of the development on the character of the surrounding area. The Senior Planning Officer sought delegated powers to impose two additional conditions; the first to secure the detailed design of the

caravans (to be timber clad) and to control this in perpetuity and the second to secure the siting of the caravans in perpetuity.

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

In response to comments by Members, the Development Manager advised the Committee that a condition could be imposed to require the submission of foul water drainage details for approval by the Local Planning Authority.

RESOLVED: That consideration of this application be deferred to:

- 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.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: The Development Manager confirmed that when the application was 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 buildings and (2) the exclusion of Sycamore trees from the landscaping scheme and the use of non-plastic guards for trees and hedgerows would be included.

444. 20/503109/FULL - ERECTION OF 24 NO. NEW C2 EXTRA CARE RETIREMENT HOMES, CLUB HOUSE, BIN STORES AND LANDSCAPE SCHEME WITH ASSOCIATED WORKS INCLUDING ROADWAYS, PARKING, CYCLES STORES, GAZEBO AND MAINTENANCE STORE - LAND TO WEST OF 70 CHURCH STREET, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

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

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

Voting: 10 – For 0 – Against 0 – Abstentions

445. 20/504657/TPOA - TPO APPLICATION TO REDUCE ONE CHERRY TREE AWAY FROM PROPERTIES FROM 8.5M TO 6.5M, ONE CHERRY TREE AWAY FROM PROPERTIES FROM 9.4M TO 7.4M AND ONE ACER AWAY FROM PROPERTIES FROM 8.5M TO 6M, AND CLEAN OUT CROWNS OF ALL THREE - FRONT OF 17 ASHURST ROAD, MAIDSTONE, KENT

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

RESOLVED: That permission be granted subject to the condition and informatives set out in the report.

Voting: 10 – For 0 – Against 0 – Abstentions

446. 20/504658/TPOA - TPO APPLICATION TO REDUCE ONE WALNUT FROM HEIGHT OF 17M TO 15.5M, WIDTH OF 7.6M TO 6.8M; FELL ONE HAWTHORN; CROWN LIFT ONE SYCAMORE TO CLEAR GARAGES BY 2M - REAR OF 11 BLENDON ROAD, MAIDSTONE, 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 two additional informatives; the first encouraging the applicant to plant three replacement Hawthorn trees on or near the land on which the felled tree stood and the second advising the applicant that the cordwood should not be chipped but moved to a nearby open space such as Upper Fullingpits for ecological purposes.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional informatives.

Voting: 10 – For 0 – Against 0 – Abstentions

447. APPEALS LIST

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting. Members thanked the Officers for their success at appeal.

RESOLVED: That the report be noted.

Note: The Chairman also took the opportunity to thank everyone for their hard work in difficult circumstances over the past year.

448. DURATION OF MEETING

6.00 p.m. to 9.30 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

21 JANUARY 2021

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

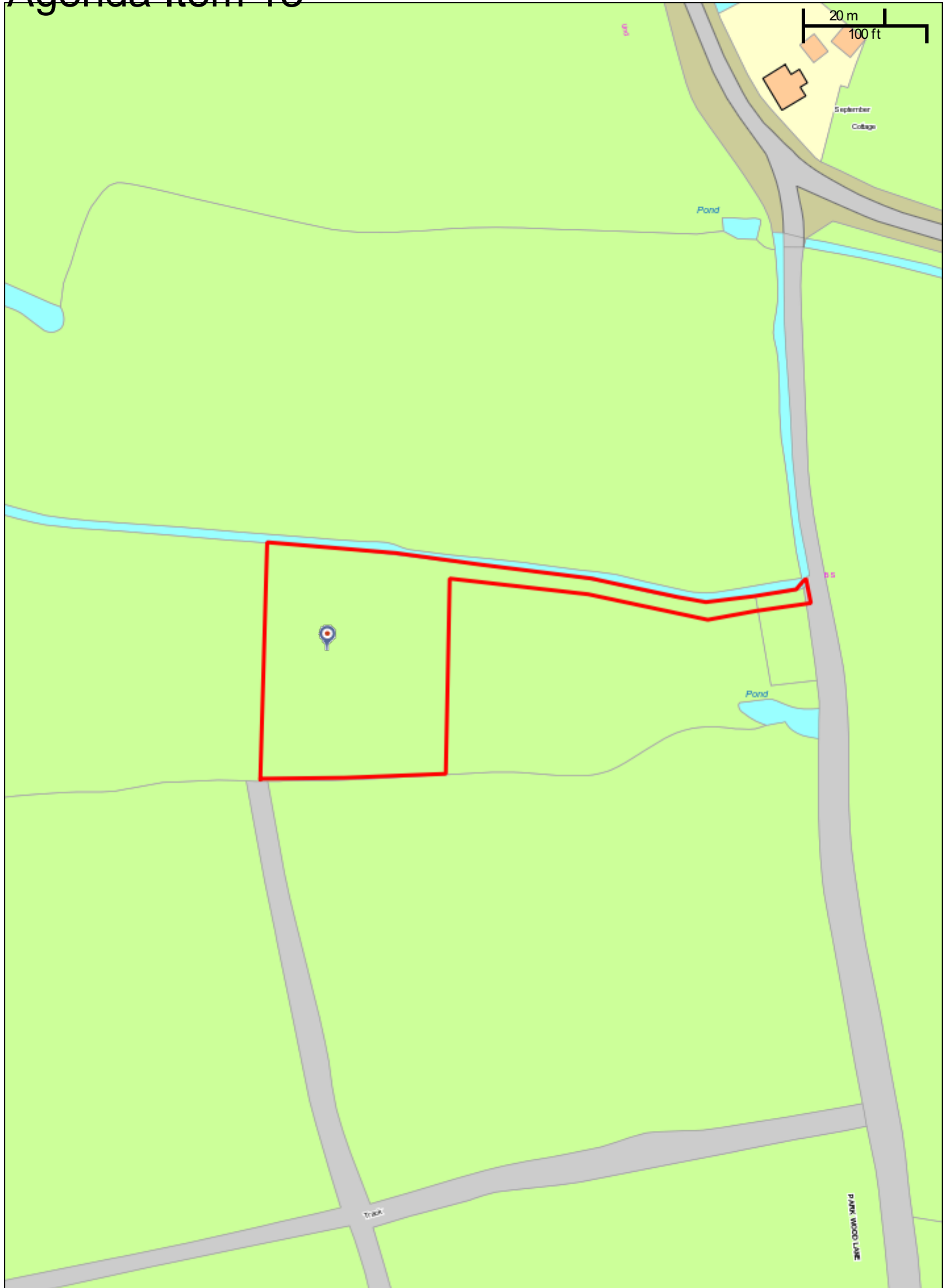
DEFERRED ITEMS

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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Agenda Item 13



REFERENCE NO -20/503700/FULL		
APPLICATION PROPOSAL Section 73A - 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).		
ADDRESS The Three Sons, Park Wood Lane, Staplehurst. TN12 0DF		
RECOMMENDATION Grant Planning Permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The site is part of an established and lawful Gypsy and Traveller pitch with lawful Gypsy and Traveller pitches boarding the site to the east and west. Whilst intensifying the use of the site and enlarging the planning unit, the proposals would not result in significant landscape harm to the surrounding countryside designated as a Landscape of Local Value. The occupants of the additional static caravans as a family unit comply with the PPTS definition of a Gypsy and Traveller. Whilst some unauthorised structures are currently positioned within the buffer area designed to protect the ancient woodland, a site development scheme condition has been recommended to require removal of the structures. Failure to comply with the condition will render the permission void. All other matters are considered acceptable or can be controlled by condition. The proposals with the mitigation/conditions imposed are therefore considered to comply with established development plan policies.		
REASON FOR REFERRAL TO COMMITTEE At the request of Staplehurst Parish Council		
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr Matthew Eastwood AGENT David Bown Building Surveyors
TARGET DECISION DATE 25/01/21 (EOT)		PUBLICITY EXPIRY DATE 17/09/20

Relevant Planning History

12/0577 - Change of use of land from agricultural to residential and stationing of 2 mobile homes, 3 touring caravans and 2 utility blocks with associated parking for two gypsy families and keeping of horses as shown on site location plan, block plan and utility building plan date stamped 24 March 2012 and ecological report dated 27 July 2012 and personal information received on 21 September.

Approved on appeal under ref. APP/U2235/c/12//2190048 18.06.2020. (this decision covered part of the current site and the adjoining site Parkwood Stables).

15/510210/FULL

Siting of 2 mobile homes, 2 touring caravans, and a utility/stable block for the benefit of a gypsy family for residential use (part retrospective)

Refused Decision Date: 29.08.2017

17/506097/FULL

Provision of mobile home unit and utility block/day room with associated parking and facilities for one family under gypsy status.

Withdrawn Decision Date: 22.01.2018

18/502851/FULL

Part Retrospective for the provision of 2 no. Mobile Home Units and Utility Block/Day Rooms with associated parking and facilities for under Gypsy status.

Not Proceeded with Decision Date: 13.07.2018

18/503844/FULL

Provision of mobile home unit and utility block/day room with associated parking and facilities for one family under Gypsy status.

Refused Decision Date: 14.09.2018

19/501650/FULL

Change of use of land to residential for two Gypsy Traveller families, including the siting of 2no. static caravans, 2no. touring caravans, and erection of a stable/utility block, with parking for four vehicles, associated hardstanding and infrastructure (retrospective).

Approved Decision Date: 05.08.2019

19/505270/SUB

Submission of Details to Discharge Condition 4 (Site Development Scheme) and Condition 5 (Schedule of Maintenance) Subject to 19/501650/FULL

Approved Decision Date: 06.01.2020

20/503498/FULL

Section 73 - Application for variation of condition 2 (number of caravans on site) pursuant to application 19/501650/FULL for a change of use of land to residential for two Gypsy Traveller families, including the siting of 2no. static caravans, 2no. touring caravans, and erection of a stable/utility block, with parking for four vehicles, associated hardstanding and infrastructure (retrospective).

Decision Date: 14.08.2020 – no further action

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is accessed via Park Wood Lane via a private drive with Parkwood stables, a lawful Gypsy and Traveller site to the east. A paddock area lies to the front of Parkwood stables which is visible from Park Wood Lane and which is defined by predominantly post and rail fencing and mature shrub planting. To the immediate south and abutting the site is an area of designed Ancient Woodland which is also a local wildlife site.
- 1.02 The Perfect Place Gypsy and Traveller sites adjoin the site to the west and together with other Gypsy and Traveller sites combine to make a continuous ribbon of sites linking with Frittenden Road. This is best shown by reference to the Appendix 1 plan at the end of this report showing the various Gypsy and Traveller permissions in the immediate area.
- 1.03 The site is located within the defined open countryside and within the designed Landscape of Local Value of the Low Weald.

2. PROPOSAL

- 2.01 This is a part retrospective application under section 73A of the Town and Country Planning Act for development already carried out. The application seeks the change of use of part of the land and the stationing of two additional static caravans (one is already present on site). This would give a total of 4 No. static, 2 No. touring caravans, a utility/stable block and associated hardstanding within the overall planning unit.
- 2.02 Planning permission was granted on appeal in 2013 for the change of use of the land for two Gypsy and Traveller pitches within the confines of the plan as set out below. It should be noted that the current application red line boundary is larger (incorporating additional land to the west) than that set out below.



Figure 1 - Red line boundary for 12/0577

- 2.03 Planning permission was then granted under ref 19/501650/FULL for the change of use of land to residential for two Gypsy Traveller families, including the siting of 2no. static caravans, 2no. touring caravans, and erection of a stable/utility block, with parking for four vehicles, associated hardstanding and infrastructure (retrospective).
- 2.04 The application site boundary (Figure 2) and Block plan (Figure 3) for this permission is set out below:

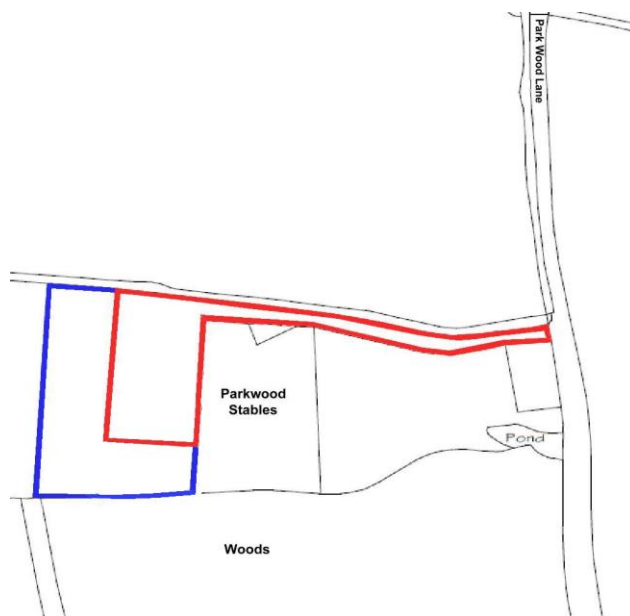


Figure 2 - Application site boundary

- 2.05 It should be noted that the red line boundary is again smaller than the current application site boundary the subject of this report.

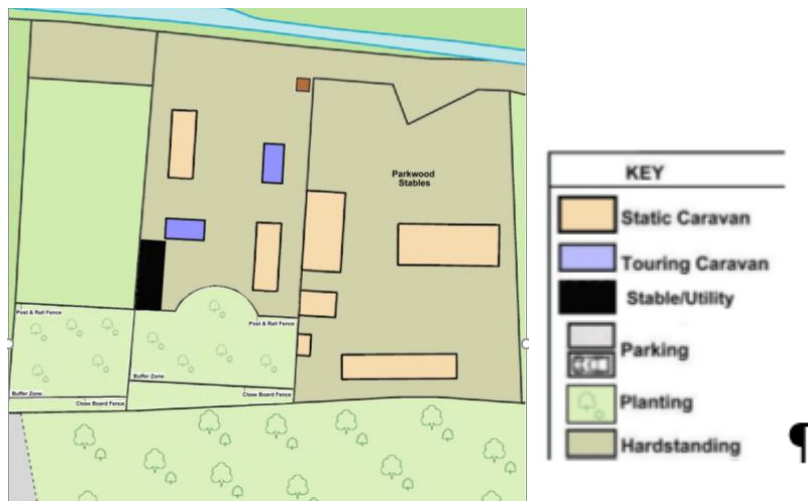


Figure 3 - Block Plan

- 2.06 Permission was granted under 19/505270/SUB for a Site Development Scheme (required by condition 4 of permission 19/501650/FULL) (see Figure 4) which extended outside the planning application area as shown in Figure 2 above.



Figure 4 - Site Development Scheme

- 2.07 It is not known why a site development scheme was granted permission for land outside the application site boundary of the original permission, however this does not detract from the fact that caravans shown as being stationed outside the planning application boundary do not have planning permission granted under 19/501650/FULL or by the earlier appeal decision in 2013.
- 2.08 The current application (from the same applicant as the 2019 permission) now seeks to regularise the use of site and the enlarged area for the addition of one static caravan (already stationed on the land) and a further static caravan arranged as set out below in Figure 5.

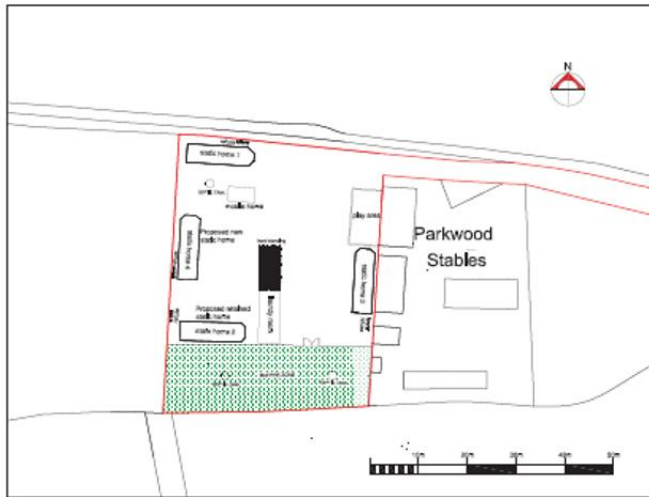


Figure 5 - Current application proposal

- 2.09 The effect of the current application would be to allow 4 static caravans, 2 touring caravans, a stable/utility block and hardstanding areas within the red line of the application site. As a result of the analysis above, there was a need to change the description of development from that originally applied for which was subsequently re-advertised.
- 2.10 During the officer site visit it became apparent that there were buildings/structures located within the 15 metre buffer area of the Ancient Woodland. This comprised the utility building with associated hardstanding around the building (referred to in 19/501650/FULL) and a larger what appeared to be a storage building. These structures are not authorised by any of the above permissions and indeed as can be seen from Figures 3 and 4 above, the area around the Ancient Woodland was to be kept free of development in order to provide a buffer area to the woodland.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 – SS1, SP17, DM1, DM3, DM15, DM30,
Neighbourhood Plan – Staplehurst Neighbourhood Plan – policies PW2, PW4
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)
Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (2012)
Maidstone Landscape Character Assessment (amended 2013)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No representations have been received from local residents at the time of writing this report.

5. CONSULTATIONS

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

- 5.01 *Staplehurst Parish Council* –
Maintain their recommendation for refusal following re-consultation on the amended description for the following reasons:

“Councillors commented that in 2018 this site was refused by both the Parish Council and MBC due to the harm it would have on the landscape and the rural character of the countryside as this location is in a Landscape of Local Value. The site was against policies SS1, SP17, DM1, DM3, DM15 and DM30 of the Local Plan and policy PW2 of the Staplehurst Neighbourhood Plan. In 2019 the Parish Council

refused application 19/501650. This application was subsequently approved by the MBC Planning Officer with conditions which are relevant to the current application: condition (2) No more than four caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site (Plot shown as The Three Sons on the submitted Site Location Plan ref: BP-01-2019) at any one time, of which no more than two shall be a static caravan or mobile home, and no further caravans shall be placed at any time anywhere within the site. Unless agreed in writing by the Local Planning Authority, the static caravan or mobile home shall be stationed on the site only in the position shown on the plan (Drawing Number: BP-01- 2019 (Site Plan/Block Plan) hereby approved; Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value.

Condition (3) 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 Local Value.

The current application means that yet more of this site will be occupied by additional buildings and vehicles along with associated domestic paraphernalia, with further hardstanding. There is no information on the disposal of foul or surface water for the site which lies close to the protected ancient woodland. This application is against policies SP17, DM1, DM3 and DM30 of the MBC Local Plan and PW2 of the Staplehurst Neighbourhood Plan. This whole area has now been urbanised and there seems to be no way to stop this continual expansion or subdivision of the Maplehurst sites”.

5.02 *MBC – Environmental Health Officer -*

No objection but refers to matters relating to discharge of foul water and inconsistencies with the information on how this will be handled on site. Request details of provision of potable water and how sewerage will be dealt with by way of a condition. Also request a condition to control lighting.

5.03 *Kent Highway Services -*
No objection

**6. APPRAISAL
Main Issues**

6.01 The key issues for consideration relate to:

- Need for Gypsy and Traveller Pitches
- Supply of sites
- Gypsy status
- Design and landscape impact (including cumulative impact)
- Ecology
- Amenity
- Highways
- Other matters

Need for Gypsy and Traveller Pitches

6.02 The Maidstone Borough Local Plan was adopted in October 2017 and includes policies relating to site provision for Gypsies and Travellers. Local Authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans.

6.03 Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January

2012. The GTAA conclusions on the need for pitches over the remaining Local Plan period is shown in the table below.

- 6.04 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 needs 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.

Need for Gypsy and Traveller Pitches Oct 2011 to March 2031

Period	No. of Pitches
Oct 2011 – March 2016	105
April 2016 – March 2021	25
April 2021 – March 2026	27
April 2026 – March 2031	30
Total - Oct 2011 to March 2031	187

- 6.05 The target of 187 additional pitches is included in policy SS1 of the Maidstone Borough Local Plan (2017).

Supply of Gypsy sites

- 6.06 Accommodation for Gypsies and Travellers is a specific type of housing that Councils have a duty to provide for under the Housing Act (2004). Adopted Local Plan policy DM15 accepts that subject to a number of criteria being met, this type of accommodation can be provided in the countryside.
- 6.07 The following table sets out the overall number of pitches which have been granted consent from 1st October 2011, the base date of the assessment, up to 31st March 2020.

Supply of Gypsy and Traveller Pitches Oct 2011 to 31 March 2020

Type of consent	No. of pitches
Permanent consent	196
Permanent consent + personal condition	30
Consent with temporary condition	4
Consent with temporary + personal conditions	39

- 6.08 A total of 226 pitches have been granted permanent consent since October 2011 (196+30). These 226 pitches exceed the Local Plan's 187 pitch target. The Council's current position is that it can demonstrate a 7 year supply of Gypsy and Traveller sites at the base date of 1st April 2020.
- 6.09 Government guidance on Gypsy and Traveller development is contained in 'Planning Policy for Traveller Sites' (PPTS). The PPTS at paragraph 11 advises "...Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community". This criteria based policy for the purpose of the Maidstone Borough Local Plan is mainly policy DM15.
- 6.10 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight in the consideration of granting consent on a temporary basis. As the Council considers itself to be in a position to demonstrate a 5 year

supply of pitches, the PPTS direction to positively consider the granting of temporary consent does not apply.

Gypsy Status

- 6.11 The planning definition of 'gypsies & travellers' as set out in the PPTS has been amended to exclude those who have ceased to travel permanently. The revised definition (Annex 1 of the PPTS) is as follows: *"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such"*.
- 6.12 As noted above, the definition includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition, the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 6.13 In terms of the applicant, their Gypsy status has been explored in the previous grant of planning permission for 19/501650/FULL and the applicant was found to comply with the definition.
- 6.14 When asked to demonstrate the status of the occupants of the additional mobile homes (one already stationed on the land and one proposed) the applicant has indicated that the mobile homes are required for the applicant's sister, her new partner and her five children. The agent representing the applicant has confirmed that the new partner referred to above is employed in the family roofing business in and around Kent and the Greater London area. Three of the children attend the local primary school with a fourth to start next year. One of the children has a variety of medical conditions which requires attendance at a local special school.
- 6.15 As set out above, the applicant's nomadic status was previously confirmed under application 19/501650/FULL and the need for two additional static caravans has arisen due to the need to house the applicants sister, her partner and her 5 children. I consider as a family unit, with the partner undertaking a nomadic habit way of life (travelling for business purposes), that the family unit comply with the definition as set out in the PPTS.

Design and landscape impact

- 6.16 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.
- 6.17 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.
- 6.18 Policy DM30 requires, amongst other things, that development maintains, or where possible, enhances local distinctiveness including landscape features; and that impacts on the appearance and character of the landscape will be appropriately mitigated.
- 6.19 Policy SP17 requires that the distinctive landscape character Low Weald will be conserved and enhanced as a Landscapes of Local Value.

- 6.20 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."
- 6.21 Policy PW4 continues stating that new development within Staplehurst must have regard to the wider landscape.
- 6.22 The site is located in countryside identified as a Landscape of Local Value and included within the Shereden Wooded Hills character area. The Landscape Character Assessment (LCA) describes the condition assessment of this area as very good, with a sensitively assessment as high, a very strong sense of place, strong functional integrity and moderate visibility. Amongst the summary of actions, the LCA guidelines are to conserve the overall character with key actions comprising "conserve the abundance of ancient woodland blocks and enhance through sensitive management for nature conservation and woodland products, conserve oak as the dominant hedgerow tree species, and plant new oak standards within hedgerows to replace ageing species and conserve and enhance the species rich hedgerows, ensuring that they are correctly managed and gaps replanted".
- 6.23 The majority of the application site is a lawful Gypsy and Traveller site with an additional piece of land incorporated into the planning unit as part of the current proposals. The site is bounded by lawful Gypsy and Traveller development to the east (Parkwood Stables) and the Perfect Place site to the west. This can be seen in the plan attached as Appendix 1.
- 6.24 Therefore whilst additional land has been included as part of this application (to regularise the current layout and use of the site) in the wider landscape context, the application proposals will not have a noticeable impact on the wider countryside or its setting. The site is well established with Parkwood Stables to the east with its paddock area to the front proving a strong landscape buffer to views of both sites from Park Wood Lane and a similar arrangement provided by the Gypsy and Traveller sites to the west.
- 6.25 Due to existing roadside/field boundary hedging, only sporadic views from Frittenden Road towards the application site are gained and therefore the site is generally well contained in the landscape. It is therefore not considered that the small increase in the planning unit and the addition of two extra static caravan units would result in "significant harm to the landscape and rural character of the area" being the bar set by policy DM15 of the Local Plan.
- 6.26 The design of the static caravan unit already on site is similar to those already found on site which comprise generally white caravan units. It is not considered reasonable or necessary to require the additional unit (which includes the proposed caravan not already on site) to be clad in say a timber finish as the permission under 19/501650/FULL did not require this and given the self-contained and screened nature of the site.
- 6.27 The size of the site is capable of accommodating the overall number of caravans applied for without appearing overly cramped or harmful to landscape character, however the unauthorised buildings and hardstanding within the buffer area of the ancient woodland need to be addressed.
- 6.28 Standing advice for buffer areas adjacent to ancient woodland generally seek to secure a minimum 15m buffer adjacent to such woodland. The previous approved plans (see figures 3 and 4 above) showed an average of 15 metres, albeit some areas were shorter and other longer than 15 metres. The current plans (see figure 5) show an approximate 15m buffer area, but do not show the existing unlawful

structures within this area. The current plans also show the use of the buffer area for two septic tanks which according to planning records have not been formally approved.

- 6.29 It is not considered acceptable to have structures or apparatus within the buffer area as this undermines the role of the buffer area in seeking to protect the ancient woodland and the fauna and flora. The applicant's agent in communication with the case officer has indicated that the applicant will remove the offending structures from within the buffer area. This can be secured by condition if planning permission is granted and included within a site development scheme to be approved.
- 6.30 Therefore, the addition of 2 further static caravans and the change of use of some additional land within the extended planning unit will not cause sufficient landscape harm to warrant a refusal of the application and certainly will not cause the higher bar landscape harm i.e "significant" as set out in policy DM15.

Cumulative Impact

- 6.31 Policy DM15 requires the cumulative effect on the landscape arising as a result of the development in combination with existing lawful caravans to be assessed and to ensure no significant harm arises to the landscape and rural character of the area. Appendix 1 shows the extent of lawful caravans pitches in the immediate vicinity of the site, with sites to the immediate east and west of the application site. These sites are relatively self-contained and it must be borne in mind that the existing application site is a lawful Gypsy and Traveller site for the stationing of two static, two touring caravans and utility/day room. The further extension of this site, and the addition of two further static caravans adjacent to the existing lawful Perfect Place site to the west and the Parkwood stables to the east will not result in significant cumulative landscape harm sufficient to warrant a refusal on cumulative harm.

Domination and pressure on local infrastructure

- 6.32 The Planning Policy for Traveller Sites, paragraph 25 states "Local Planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on local infrastructure".
- 6.33 It is not considered that the addition of two further static caravans on an existing lawful Gypsy and Traveller pitch will dominate the nearest settled community or place undue pressure on local infrastructure. Three children from the site currently attend the local primary school with a further one attending next year. I cannot see any grounds to conclude that the current proposals would place undue pressure on local infrastructure.

Ecology

- 6.34 As set out above, the application site sits adjacent to Ancient Woodland to the south, with this land also designated as a local wildlife site. The previous permission for the site secured an average 15m buffer area as shown by figures 3 and 4 above in line with Standing Advice for Ancient Woodlands. This was designed as an area to be free of development. However, the officers site visit found two unlawful structures within this buffer area which were not previously approved.
- 6.35 Removal of these structures and the details secured for the alternative siting of the septic tanks is the minimum necessary to ensure no harm arises to the designed woodland in terms of impact on its flora and fauna. This should be secured by a way of a suitably worded condition which requires the submission of a site development scheme setting out a timeframe for the removal of the buildings/structures and the septic tanks from the buffer area, the restoration of the

site including robust landscaping in this area and the details of the location for the new septic area, its design and capacity.

- 6.36 As the site is an existing lawful Gypsy and Traveller pitch, it would not be reasonable to require further ecological mitigation, other than that outlined above.

Amenity

- 6.37 As previously stated, the site adjoins existing Gypsy and Traveller development to the east and west of the site. However, the current proposals do not result in any amenity issues due to the distances involved, the single storey nature of caravan development, existing boundary treatment and fencing.

Highway Safety

- 6.38 The addition of two static caravans on the application site is not considered to have an adverse impact on highway safety. Access to the site is to/from Park Wood Lane and there is considered to be satisfactory visibility splays serving the site so as not to cause a highway safety issue. Sufficient parking exists on site to serve all the caravans.

Other matters

- 6.39 The Parish Council raise concerns with the intensification of use of the site and the restrictions placed with the previous permission. In response to this, there is nothing that prevents an applicant for submitting a further application to seek a greater use of a site. It for the decision maker to decide in each case whether the more intensified use complies with established development plan policy. This report recommends that the more intensive use of the site will not have a significant landscape harm, however further mitigation is required in order to ensure harm does not arise to the adjacent ancient woodland.

Public Sector Equality Duty

- 6.40 In considering this application due regard has been had to the Public Sector Equality Duty (PSED), as set out in Section 149 of the Equality Act 2010 in particular with regard to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
 - advance equality of opportunity between persons who share protected characteristics and persons who do not share it; and
 - foster good relations between persons who share protected characteristic and persons who do not share it.

Race is one of the protected characteristics under the Equality Act and ethnic origin is one of the things relating to race. Gypsies and 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 and travellers who occupy the caravans. I am satisfied that the requirements of the PSED have been met and it is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 The proposal forms part of an establish Gypsy and Caravan pitch permitted under 19/501650/FULL which granted consent for two static, 2 touring caravans and a utility/stable block. The current proposals seek to increase the size of the pitch in land area and include an additional two static caravans for the applicant's sister, her new partner and her five children. The applicant's gypsy and traveller status has previously been accepted by the grant of the above referenced permission and it is considered the family unit for the new statics comply with the PPTS definition.
- 7.02 The design of the proposed caravans is similar to those already on site and is considered acceptable in this location without requiring additional external cladding

control. The site is capable of accommodating the additional caravans without causing significant harm to the landscape character (the policy DM15 test), will not result in significant cumulative harm in combination with nearby lawful gypsy and travellers sites and will not dominate the nearest settled community or place undue pressure on local infrastructure. The proposals are therefore considered to comply with policy DM15 of the Local Plan and do not conflict with the principles of PW2 and PW4 of the Staplehurst Neighbourhood Plan.

- 7.03 There are however unlawful structures and hardstanding's within the buffer area of the ancient woodland which should be required to be removed in order to safeguard the ancient woodland. A suitably worded condition has been recommended to address this matter requiring the submission of a site development scheme. Should this condition not be complied with, then the permission would become void.
- 7.04 All other matters are considered acceptable or can be controlled by condition and the application is recommended for approval due to conformity with the development and neighbourhood plans.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The additional mobile homes hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites, August 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 and an exception has been made to provide accommodation solely for gypsies/travellers who satisfy the requirements for Gypsy and Traveller Caravan Sites.

- 2) No more than six caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any one time, of which no more than four shall be static caravans or mobile homes, and no further caravans shall be placed at any time anywhere within the site. The static caravans or mobile homes shall be stationed on the site only in the positions shown on the plan (Site & Block Plan and elevations) hereby approved.

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

- 3) No commercial activities shall take place on the land at any time, including the storage of materials. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site.

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

- 4) The use hereby permitted shall cease and all caravans, structures, equipment and materials associated with this permission and brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within 5 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details and timings for the demolition of the existing storage structure and its associated hardstanding within the buffer area of the Ancient Woodland; the relocation of the previously approved amenity/stable block from within the

buffer area to an area outside the buffer area and the breaking up of the concrete/hardstanding area in this location and details of the location of the new area proposed to site the amenity/stable block; the relocation of the septic tanks from within the buffer area to an area outside the buffer area with details submitted of the new location of these septic tanks, their design, storage capacity (measured in terms of capacity per person) and method of emptying; new tree and hedgerow planting within the landscape buffer zone including details of species (should not include the planting of Sycamore trees), plant sizes and proposed numbers and densities; details of the measures to enhance biodiversity within the buffer area; and, the said Scheme shall include a timetable for its implementation. The timetable referred to above shall ensure the storage building, amenity/stable block and associated hardstandings including the septic tanks shall be removed from the buffer area within 6 months from the date of this decision notice.

- (ii) within 5 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
- (iv) the approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: In order to protect the flora and fauna of the Ancient woodland and its soils from inappropriate development.

- 5) At the same time as the Site Development Scheme required by condition 4 above is submitted to the Local Planning Authority there shall be submitted a schedule of maintenance for the proposed planting within the Ancient Woodland landscape buffer zone for a period of 5 years, the 5 years beginning on the date of the completion of the implementation of the planting as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the Local Planning Authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

Reason: In order to protect the buffer area and subsequently the ancient woodland from inappropriate development.

- 6) Thereafter following the measures required by condition 4 and 5, no development whatsoever including any storage of any material, stationing of any chattel, parking/storage of any vehicle shall be carried out in the area shown on the approved plan numbered 16/-7/20/1 Rev B as the buffer zone adjacent to the ancient woodland.

Reason: In order to protect the buffer area and subsequently the ancient woodland from inappropriate development.

- 7) No external lighting shall be put in place or operated on the site as a result of the additional static caravans hereby permitted 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) The development hereby permitted shall be carried out in accordance with the following approved plan – Site& block plans and elevations numbered 16/07/20/1 Rev B except for the location of the septic tanks which are shown in the buffer area and which are required to be removed by the terms of condition 4.
Reason: To clarify which plans have been approved.

Case Officer: James Bailey



Agenda Item 14



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 20/501773/FULL
APPLICATION PROPOSAL Erection of 181 dwellings, together with associated works for Access, Parking, Infrastructure, Open Space, Earthworks, Surface Water Drainage Systems and Landscaping.
ADDRESS Land Off Oakapple Lane, Barming, Maidstone, Kent
RECOMMENDATION – APPROVE WITH CONDITIONS
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The site is allocated for 187 houses within the Local Plan under policy H1(4) subject to criteria. The application proposes 181 houses (as now amended) and for the reasons outlined in the reports complies with these criteria subject to the legal agreement and conditions. • The application proposes development within the area defined for open space under policy OS1(1) and outside the settlement boundary but this would not result in any harm to the local landscape beyond the housing allocation. It also ensures that open space areas are provided around and integrated through the development which is considered to provide a better design approach, more distinctive character and attractive development. The required total amount of 1.5ha of natural/semi-natural space and 0.3ha of amenity green space would be provided. • KCC Highways are raising no objections to the proposed access points including the secondary access onto Broomshaw Road in terms of their use and safety. The secondary access is a requirement of site policy H1(4) and it is agreed with KCC Highways that this is appropriate bearing in mind the level of development it will serve. • KCC Highways are raising no objections subject to conditions preventing occupation of the development until a number of junction improvements and a link road in connection with another development are implemented. For the reasons outlined in the assessment this is considered to be unreasonable and/or unnecessary and so does not pass the test for planning conditions. It would also be inconsistent with previous recommendations and decisions of both KCC and MBC. • In response to the Committee’s deferral reasons the amended proposals have: <ul style="list-style-type: none"> ○ Reduced the number of houses with the amount of natural/semi-natural open space increased to provide 1.5ha and provision of the necessary amount of amenity green space (0.3ha). ○ Changed the layout to move development further from the south boundary and provide trees on Street 2. ○ Increased the EV charging points and provided PV panels. ○ Secured a dedicated cycle link from southwest to northeast with this being pursued as a dedicated bridleway in the first instance through the s106 agreement.

<ul style="list-style-type: none"> ○ Increased biodiversity enhancements and the applicant will pursue translocation of reptiles to locations nearer to the site. • The application complies with all other relevant Development Plan policies and there are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions set out below. 		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • Councillor Gooch has requested the application is considered by the Planning Committee for the reasons set out in her comments in the original committee report. 		
WARD Barming and Teston	PARISH COUNCIL Barming	APPLICANT Taylor Wimpey UK Ltd AGENT Barton Willmore
DECISION DUE DATE: 26/02/21	PUBLICITY EXPIRY DATE: 23/12/20	SITE VISIT DATE: 05/05/20 & 21/10/20

1.0 **BACKGROUND**

1.01 This application was reported to Planning Committee on 22nd October 2020 where officers recommended approval. The previous committee report is attached at the **Appendix**. Planning Committee deferred consideration of the application for the following reasons:

RESOLVED: *That consideration of this application be deferred to enable the Officers to investigate:*

- 1. Increased open space to meet policies OS1(1) and H1(4) to provide the required amount of natural/semi-natural open space (1.5ha) together with usable space (on-site) for future occupants (but not a play area) which may result in a reduction in the number of houses.*
- 2. Increased landscaping in front of the houses on Street 2 and changes to the layout along the south boundary to provide more space to the properties on Broomshaw Road and Redewood Road.*
- 3. Increased EV charging points or electric charging ready (if not actual EV charging points) on properties and the provision of renewable energy for apartments and/or affordable housing.*
- 4. Integration of dedicated shared walking and cycle routes from southwest to northeast and northwest to southeast across the site.*
- 5. Provision of more biodiversity enhancements (integral habitat niches for wildlife, wildlife friendly drainage, removal of non-native*

planting/increased native planting with non-native Spanish chestnut to be replaced with beech, wild cherry or large-leaved lime).

6. *Whether all reptiles have been moved to Mote Park and if not look at the feasibility of using other suitable locations nearer to the site.*

7. *Whether S106 contributions can be made to Fountain Lane junction or whether a separate motion for CIL monies to be allocated to this junction is appropriate.*

8. *The source of heating and an informative to use electric heating not gas.*

1.02 In response to these points and in summary, the applicant has reduced the number of houses proposed from 187 to 181; amended the layout to provide more open space and respond to the requested changes in the types of open space; amended the landscaping scheme; and provided additional information and some clarification. All necessary consultation/notification has been carried out on these details. These changes are discussed and assessed in detail below.

2.0 LOCAL REPRESENTATIONS (FOLLOWING DEFERRAL)

2.01 **Barming Parish Council:** Still objects to the application and states as follows:

"Barming Parish Council is not satisfied that the submitted amendments meet the requirements of policy OS1 or meet the expectations of our residents. Our strong objections to the opening up of Broomshaw Road access remain; we are still very concerned about the seriously adverse impact it will have on the safety and quality of life of our residents, and on our narrow residential streets. The rural edge of our parish will be lost. We remain totally opposed to this application."

2.02 **Local Residents:** 19 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Local roads and junctions are at/beyond capacity.
- Will devastate the environment.
- Wildlife is being displaced.
- Sinkholes make site unsuitable and ground conditions should be investigated.
- Council should employ an engineer to assess results of investigations.
- Has not provided the required open space.
- Footpaths in natural/semi-natural open space areas should be excluded from calculations.
- Open spaces are unclear.
- The open spaces do not offer the same usage as existing.

- The open space is needed for all people of the surrounding area and not just for new residents.
- The whole field is used as open space and will be lost.
- There will be nowhere left to dog walk, ride bikes, and exercise.
- Lack of infrastructure.
- They have not reduced the number of dwellings or added to useable open space.
- Has not answered all the deferral reasons.
- Will not add more natural habitat to aid biodiversity.
- Houses in the southwest corner have moved closer.
- Overlooking/loss of privacy.
- Noise and vibrations from the quarry.
- There is no need for path on south boundary linking to KM11 which will cause harm to ecology and amenity.
- Decision should be delayed until KCC make decision on claimed bridleways.
- Sill oppose opening up of Broomshaw Road for highway safety and traffic running issues.
- Rat running.

2.03 **Maidstone Cycle Forum** raise the following (summarised) points and submitted a plan of the cycle routes they would like to see:

- Additional traffic on roads to the south will increase noise and air pollution and will make them less likely to be used for walking and cycling.
- Does not go far enough for connected active travel routes and a wildlife corridor as laid out in 'Project MERlin' a local neighbourhood initiative.
- Should be rejected subject to consultation with local residents; recognition that developments are not centred around motor vehicles; active travel routes to ensure permeability in line with national guidance; and review of and mitigation of extra traffic on wider highway network such as North Pole Road.

2.04 **Kent Wildlife Trust:** Maintain their objection on the basis that they consider the proposals are not in accordance with national planning policy as they do not provide measurable net gains for biodiversity and fall a long way short of the requirements of upcoming legislation, and that the AW buffer is not adequate.

2.05 **Councillor Gooch:** Reaffirms strong objection to opening up of Broomshaw Road and considers the adverse impact on the health, wellbeing and quality of life of the existing local community and on the character of the local area justifies refusal.

In response to proposed amendments: *"Whatever efforts the applicant has made to compensate for the loss of open space, it will never be enough to meet residents' expectations, and it will never restore the rural character*

and ambience of the parish of Barming which will be swallowed up by the development on both sides of the boundary between Maidstone and Tonbridge & Malling. The opening up of Barming's narrow residential streets to facilitate rat running between Hermitage Lane and the A26 Tonbridge Road is a profound misjudgement. It will carry serious consequences that have not been addressed, and that impose completely unacceptable highway risks on our residents' safety and quality of life. It will also crush any plans for a safe cycling 'green route' from the Medway River Tow Path/South Street/North Street and beyond. As the local ward member for Barming and Teston, I remain totally opposed to this application."

3.0 CONSULTATIONS (FOLLOWING DEFERRAL)

- 3.01 **KCC PROW:** Recommend that the applicant dedicates the proposed path/cycleway across the site as a bridleway; provides £14,700 to fund KCC to attempt a Creation Order to establish a 3m wide bridleway from the northeast corner to Oakapple Lane and £42,900 to widen and surface this new bridleway.

4.0 APPRAISAL

- 4.01 The appraisal will focus on the reasons for deferral of the application as set out below:

1. Increased open space to meet policies OS1(1) and H1(4) to provide the required amount of natural/semi-natural open space (1.5ha) together with usable space (on-site) for future occupants (but not a play area) which may result in a reduction in the number of houses.

- 4.02 Under the original assessment it was outlined that the proposals would not provide 1.5ha of 'natural/semi-natural' space as specified under policy OS1(1) but officers considered that an appropriate balance had been struck in providing more natural open space areas around the outskirts but also some amenity grass areas for future residents to use (a total in excess of 1.5ha of open space). The proposals did not provide an equipped play area, outdoor sports or allotments facilities. Whilst not outlined in the original report, no play areas were deemed necessary as there will be a play area on the site to the east. It would not be feasible to provide outdoor sports facilities or allotments due to the limited space available and any future pressure on such facilities could be dealt with via CIL monies. However, Members have sought an increase in natural/semi-natural open space (1.5ha) together with usable space (on-site).
- 4.03 In response to the deferral, the applicant has reduced the number of houses by 6 to provide further room for open space and this is primarily in the southwest corner. Criterion 8 of the site policy requires a total of 1.5ha of natural/semi-natural space to be provided in accordance with policy OS1(1) together with any additional on-site provision and/or contributions towards off-site provision/improvements as required in accordance with policy DM19.

- 4.04 The Council's Parks section have provided advice on the amount of open space that would be required for this development in line with policy DM19. This is set out below and excludes natural/semi-natural space as this is specified for this allocated site as being 1.5ha:

Amenity Green Space	Equipped Play	Outdoor Sports	Allotments
0.3ha	0.1ha	0.69ha	0 (as there is no deficiency of allotments in the local area)

- 4.05 The amended proposals now provide 1.5ha of natural/semi-natural open space. This has been achieved by reducing the amount of amenity grassland and increasing areas of wildflower meadow and thicket planting, including new trees within those areas. An area of 0.3ha of amenity green space (which under DM19 is defined as informal recreation spaces, recreation grounds, village greens, urban parks, formal gardens and playing fields) is provided with a more focussed useable space in the southwest corner but also including the space within the centre which has seating areas. The deferral specifically does not seek any play areas which is acceptable as there will be a play area on the site to the east. Clearly it is not feasible to provide sports pitches at this site and any future pressure on such facilities could be dealt with via CIL. There is no need for allotments and this would also not be feasible here. Therefore, the development provides the required 1.5ha of natural/semi-natural space and 0.3ha of more useable amenity green space in line with the site policy and DM19.

- 4.06 As set out in the original committee report, the natural/semi-natural space is not set out in the same area of land as defined under policy OS1(1) in the southwest corner but is instead provided around the edges of the site and some amenity open spaces are integrated through the development. It remains the view of officers that this is a more appropriate design approach that provides a better character and built environment rather than having 181 houses and open space areas distinctly separate. Also, the need for an AW buffer means that natural open space is needed within the northeast corner of the housing allocation area. For these reasons it is considered acceptable for some development in the open space area as shown on the Local Plan Map which would not cause any harm to the local landscape beyond the housing allocation, and for open space types to be varied across the site.

- 4.07 It is also important to clarify that the open space requirements under Local Plan policies OS1(1) and DM19 are to serve/mitigate the proposed development of 181 houses only. Open spaces are not required to compensate for any loss of the privately owned field, some areas of which people have historically used for recreation, as is suggested in a number of representations. Indeed, many representations refer to there not being enough space for 'existing residents' and the loss of the field which is not relevant to the consideration of public open space requirements for this application.

4.08 Some changes to the housing in the southwest corner have been made to accommodate the additional open space which are positive. The previous road and parking areas have been removed and the houses directly address the larger open space area with parking to the rear. Other minor changes have been made elsewhere to accommodate the loss of housing which are acceptable.

4.09 Overall, the total area of open space is policy compliant and any off-site pressure on outdoor sports facilities could be dealt with by CIL, and it is considered that the changes made by the applicant have addressed this reason for deferral. Officers remain of the view that an appropriate balance has been struck in providing natural open space areas, space for future residents to use, and an attractive development.

2. Increased landscaping in front of the houses on Street 2 and changes to the layout along the south boundary to provide more space to the properties on Broomshaw Road and Redewood Road.

4.10 The applicant has introduced a line of trees on the north side of Street 2 so that this street is now flanked by trees on both sides. Along the south boundary the road and houses have been moved between approximately 2-3m to the north which means there is an increased landscape buffer which includes many more trees to strengthen the existing tree/hedge line. One property (plot 174) is closer than the previous properties here but it is still over 26m from the rear of the nearest houses on Redewood Road, which is a suitable distance to ensure no unacceptable impacts upon privacy or outlook would occur. It is considered that these changes have addressed this reason for deferral. To accommodate the changes has meant that the trees on the south side of Street 3 have been removed but this street still benefits from trees and a good quality, wide landscaped area on the north side.

3. Increased EV charging points or electric charging ready (if not actual EV charging points) on properties and the provision of renewable energy for apartments and/or affordable housing.

4.11 All spaces with on-plot parking have now been provided with an EV charging socket which is 126 properties or just under 70% of the site. The previous committee report stated that this was already the case based on the air quality assessment but some properties did not have EV charging indicated on the plans so this has been provided now. This has also included increasing the proportion of affordable homes with an EV socket and in the main only leaves terrace properties and the apartments without charging points. The Local Plan does not have any set standards for EV charging points but this level is considered to be relatively high compared to other schemes and acceptable. The parking levels themselves remain in accordance with the numbers required under the standards.

4.12 Solar panels are now proposed to the affordable apartments which are secured under a new condition.

4. Integration of dedicated shared walking and cycle routes from southwest to northeast and northwest to southeast across the site.

- 4.13 The applicant has now provided a 3m wide shared walking and cycling route that would link up with Byway KM13 to the southwest and run through the site to the northeast corner, where upgrading and surfacing of PROW KM10 to the northeast is proposed so the route links up with Oakapple Lane. This would create a dedicated and continuous surfaced link from the southwest through to Oakapple Lane. Because the southwestern part falls outside Maidstone Borough (and in the event that the path is not approved as part of TMBC's housing application), the s106 agreement will require the applicant to submit a planning application to TMBC for the path.
- 4.14 KCC PROW are supportive of this and are seeking that the entire route be made a Public Bridleway and the applicant is agreeable. This would involve the applicant 'dedicating' the route within their ownership as a bridleway and this can be secured under the s106 agreement. For the section outside their ownership (PROW KM10) the applicant would provide s106 monies (£14,700) to allow KCC to attempt a 'Creation Order' to establish a bridleway linking to Oakapple Lane and also monies (£42,900) to widen and surface the new bridleway to Oakapple Lane. The Creation Order process is open to public consultation and objection and there is no guarantee that it would be successful and so KCC advise that they would only pursue bridleway status if the entire route was achieved. In the event that this is unsuccessful the s106 will secure an amended plan that would show a new link from the northeast corner back to Street 2 so there still remains a clear cycling route in either scenario.
- 4.15 The s106 agreement would also include a scenario should the pending application for a claimed bridleway from southwest to northeast be successful, which simply means the applicant would no longer need to dedicate a bridleway. As advised in the original report at paragraph 6.69, if the claimed bridleways were successful the applicant would need to apply for a diversion like any other PROW affected by development.
- 4.16 The applicant is not proposing a similar route from southeast to northwest stating the following, *"the proposals do not specifically provide for a similar south-east to north-west connection. Pedestrians and cyclists can already move in this general direction using proposed roads and footpaths including the verdant route along Street 03, and through the open spaces provided running round the edges of the development. Roads within the Site will be designed to 20mph and as such cyclists will also be able to share the roads (as advocated in Manual for Streets), which provide connections to wider cycle and walking opportunities already facilitated."*
- 4.17 It is considered that this link is not as beneficial because where it meets the southeast corner it would link up with the approved streets to the east and then head north to Oakapple Lane (which the other route does anyway), or to public footpath KM12 to the southeast which is not suitable to be upgraded for cycling due to its narrowness in places and fairly steep gradient at the south end where it meets Heath Road. As such, it is

considered that a dedicated southwest to northeast cycling route is the most appropriate in terms of providing beneficial connections across the site and with the local network.

5 Provision of more biodiversity enhancements (integral habitat niches for wildlife, wildlife friendly drainage, removal of non-native planting/increased native planting with non-native Spanish chestnut to be replaced with beech, wild cherry or large-leaved lime).

4.18 An updated 'Biodiversity Mitigation and Enhancement Strategy Plan' has been provided which now includes bat roost tubes, swift and swallow nest boxes incorporated into the fabric of new buildings. In addition to the nest boxes for bats, birds, invertebrates and dormice already proposed will be hedgehog nest boxes around the margins of the site. Hedgehog gates will now be provided in garden fences throughout the development (subject to levels). As outlined above, more natural/semi-natural space has been provided through increased wildflower and thicket planting and sweet chestnut has been replaced with species such as silver birch and field maple. It is considered that the biodiversity enhancements have improved and are proportionate to the impact of the development.

4.19 Due to ground conditions the applicant advises that it is not possible at this stage to propose wetland SUDs features, particularly those holding permanent water. However, the SUDs condition requires the applicant to explore the use of swales and this will be informed by further ground testing.

6 Whether all reptiles have been moved to Mote Park and if not look at the feasibility of using other suitable locations nearer to the site.

4.20 The applicant has provided a 'Briefing Note' to clarify the process it went through in consultation with KCC Ecology and Maidstone Borough Council in agreeing a strategy for the translocation of reptiles to Mote Park. The applicant has confirmed that not all reptiles have been translocated from the site as this can only be carried out between April and October and so has been paused. In response to the Committee's deferral the applicant is exploring other potential sites.

4.21 It is considered important to outline the applicant's reasons for selecting Mote Park as a receptor site. They have set this out and this is summarised with extracts from their Briefing Note as follows:

"Two potential receptor sites were identified in August 2017 which were considered to have suitable habitat to which reptiles could be translocated to: Oakwood Cemetery (c. 90m east of the Site) and Mote Park (c. 5.6km east). Oakwood Cemetery comprises c. 2.44ha of rough tussocky grassland habitat, hedgerow and scattered mature trees. Although Oakwood Cemetery is closer to the Site, it is much smaller than the amount of habitat to be lost on-site as a result of the proposed development. In

addition, surveys in 2017 confirmed the presence of both slow worm and common lizard.

....The potential for translocation of common lizard and slow worm was discussed with the Maidstone Borough Council Parks Department, who identified a circa 5ha area of Mote Park, which had become encroached with scrub but had the potential to be restored to a mosaic of scrub and rough grassland habitat suitable for reptiles. Such works were in line with the Councils aspirations to change the approach to habitat management across the Park, with a new Management Plan for Mote Park being drawn up. As such, given the area of habitat available and the potential to provide significant habitat enhancement to increase the suitability and carrying capacity of the areas for reptiles, Mote Park was considered to be a more suitable option than Oakwood Cemetery and as such was taken forwards as the preferred option.

Surveys undertaken within the proposed 5ha receptor area at Mote Park (in 2017 and updated in 2019) recorded low populations of both slow worm and grass snake. Although no common lizard were recorded, the tussocky semi-improved grassland was considered to provide good habitat opportunities for this species.

The principle of using this area of Mote Park as a reptile receptor site was discussed in detail with the Mote Park Officer from MBC and their ecological adviser who is a highly experienced and respected herpetologist. It was agreed that, subject to some initial habitat enhancement works (including scrub removal, relaxation of grassland management and construction of hibernacula / refuges) and adaptation of ongoing management practices to increase habitat suitability for reptiles, that the area would form a suitable reptile receptor area.

In addition, reptile monitoring surveys of a further 5ha of land potentially suitable as an additional reptile receptor area (adjacent to the first 5ha) was also undertaken in 2020. Monitoring indicated that c.2.5ha of this land provided habitat suitable for reptiles (low number of slow-worm and juvenile grass snake recorded during monitoring) and that they were happy for reptiles to be relocated to this area also, subject to the habitat enhancement and management for reptiles being delivered in perpetuity.

In order to ensure that the numbers of reptiles to be relocated to the receptor areas were appropriate and within the carrying capacity of the habitat, a threshold for the number of animals to be translocated was agreed. A programme of post translocation monitoring, in years 1, 3 and 5 after translocation, was also agreed (methods to follow standard industry guidelines and results to be shared with Mote Park to inform their habitat management practices).

The required habitat enhancement and management works for a total of 7.5ha of land are to be funded by financial contributions from Taylor Wimpey; payment of which has been secured by Legal Agreement."

- 4.22 The applicant clearly went through a thorough process in selecting Mote Park as a receptor, as did the MBC Parks Department and the applicant has also funded this process. Officer's remain of the view that translocation to Mote Park is acceptable and whilst KCC Ecology expressed some concerns over translocations beyond this site, importantly they do not raise any objections in this case.
- 4.23 The translocation has not been completed as it can only be carried out between April and October and the final translocation to Mote Park will be carried out subject to ongoing population monitoring surveys as is standard practice and in liaison with the MBC Parks Officer and their ecological advisor.
- 4.24 However, in response to the deferral the applicant via their ecologists have looked at many other potential reptile receptor sites with contact made with landowners/groups and responses received back on some of these. Sites considered worthy of further investigation were then visited by ecologists to determine their feasibility. Five possible sites have been identified including Leybourne Grange (West Malling); Langley Park (Maidstone); Hayle Park (Tovil); Dean Street (Tovil); and Fant Local Nature Reserve (Maidstone) which could potentially provide the 1.5ha required for the translocation. In terms of proximity to the site, Langley Park and Leybourne Grange are further away than Mote Park so I do not consider these are appropriate based on national guidance which seeks locations as close as possible to the application site. Dean Street, Hayle Park and Fant are closer and may be appropriate subject to surveys to determine their carrying capacity, which can only be carried out between March and June. These will inform whether they are suitable and if any further works are necessary to provide suitable habitat. On this basis and based on the deferral reason which seeks locations nearer to the site, I consider a new condition can be attached requiring a translocation strategy which shall explore these three locations further and with them set as the priority. Should they not be feasible either for biodiversity reasons, or for example if agreement cannot be reached with landowners, then Mote Park would remain the fallback.

7 Whether S106 contributions can be made to Fountain Lane junction or whether a separate motion for CIL monies to be allocated to this junction is appropriate.

- 4.25 As outlined in the original report, any financial contributions to the Fountain Lane junction would be via CIL as this is a cumulative requirement for infrastructure improvements to manage growth in general, rather than the specific impacts of this scheme alone. Therefore, a separate motion by Planning Committee to the relevant committee (SPI) to request that priority for CIL monies for this development go towards this junction would be appropriate bearing in mind the junction is identified as a priority in the Council's IDP for NW Maidstone.

8 The source of heating and an informative to use electric heating not gas.

- 4.26 The Government has stated that gas boilers cannot be installed in new build properties from 2025. The applicant has confirmed they will comply with the regulations that are in force and will consider this further through detailed design should planning permission be granted and will consider the Council's informative. An informative has been added to reflect this.

Other Matters

- 4.27 The reduction in the number of dwellings obviously means a reduction in the affordable housing which would change from 56 to 54 properties and this will be reflected in the s106 agreement.

Representations

- 4.28 It has been suggested that the footpaths in the natural/semi-natural areas should be excluded from the calculations of open space. Pathways through open space areas are entirely appropriate and form part of the use of such spaces. For this site the paths are provided on desire lines where people will walk and so it is appropriate to provide dedicated paths. All other representations reiterate previous points which have been considered in the original report.

5.0 CONCLUSION

- 5.01 It is considered that the applicant has appropriately responded to the deferral reasons as follows:

- The number of houses has been reduced with the area of natural/semi-natural open space increased to provide 1.5ha, and the necessary amount of amenity green space of 0.3ha has been provided. Officers remain of the view that an appropriate balance has been struck in providing natural open space areas, space for future residents to use, and an attractive development through the merging of these areas.
- Changes to the layout have been made to move development further from the south and provide trees on Street 2, and the changes are acceptable.
- Increased EV charging points and PV panels have been provided.
- A dedicated cycle link would be secured from southwest to northeast with this being pursued as a dedicated bridleway in the first instance through the s106 agreement.
- Increased biodiversity enhancements have been provided and the applicant will pursue translocation of reptiles to locations nearer to the site.

- 5.02 As before, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless materials considerations indicate otherwise.

- 5.03 The site is allocated for 187 houses within the Local Plan under policy H1(4) subject to criterion. The application now proposes 181 houses and for the reasons outlined in this report and the original committee report, the proposals comply with all policy criterion subject to the legal agreement and conditions. The application also complies with all other relevant Development Plan policies.
- 5.04 The application proposes development within the area defined for open space under policy OS1(1) and outside the settlement boundary but this would not result in any harm to the local landscape beyond the housing allocation. It also ensures that open space areas are provided around and integrated through the development which is considered to provide a better design approach, more distinctive character and attractive development. The required total amount of 1.5ha of natural/seminatural space and 0.3ha of amenity green space would be provided.
- 5.05 KCC Highways are raising no objections to the proposed access points including the secondary access onto Broomshaw Road in terms of their use and safety. The secondary access is a requirement of site policy H1(4) and it is agreed with KCC Highways that this is appropriate bearing in mind the level of development it will serve.
- 5.06 KCC Highways are raising no objections subject to conditions preventing occupation of the development until a number of junction improvements and a link road in connection with another development are implemented. For the reasons outlined in the original assessment this is considered to be unreasonable and/or unnecessary and so does not pass the test for planning conditions. It would also be inconsistent with previous recommendations and decisions of both KCC and MBC. Junction improvements to accommodate the development at the Coldharbour roundabout and the A20 London Road/Mills Road/Hall Road junction are fully funded and scheduled to start in May and Summer 2021 respectively. For the Fountain Lane/A26 junction the applicant has identified a scheme that would provide sufficient mitigation that s106/CIL money could be used towards.
- 5.07 All representations received on the application have been fully considered in reaching this recommendation.
- 5.08 It is concluded that the development is acceptable and complies with policy H1(4) and all other relevant policies of the Development Plan. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions.

6.0 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. 30% affordable housing provision (made up of 70% affordable rent and 30% shared ownership).
2. £246,159 to subsidise diversion of bus service 8 into the site for 3 years during the AM and PM peaks.
3. £32,890 for the upgrade of PROW KM11.
4. £7,590 for the upgrade of PROW KM12.
5. £50,000 to provide a secure cycle hub with CCTV coverage and lighting at Barming Train Station.
6. £948 Travel Plan monitoring fee.
7. Requirement for the applicant to dedicate the 3m wide cycle/pedestrian route from the southwest corner of the site to the northeast corner as a Bridleway.
8. £14,700 to fund KCC to attempt a Creation Order to establish a 3m wide Bridleway from the northeast corner of the site to the publicly maintainable section of Oakapple Lane.
9. £42,900 for the widening and surfacing of the proposed Bridleway from the northeast corner of the site to the publicly maintainable section of Oakapple Lane if the Bridleway is established.
10. Requirement for the applicant to submit a planning application for the 3m wide cycle/pedestrian route on the section outside of Maidstone Borough should it not be approved as part of planning application 20/502412/OUT and Tonbridge and Malling application 20/01218/OA.
11. £6,000 Section 106 monitoring fee.

Conditions:

Approved Plans

1. The development hereby permitted shall be carried out in accordance with the plans listed on the Drawing Schedule (January 2021) excluding drawing no. 8080-C-160_P2 (Road & FFLs).

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

Time Limit

2. 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.

Compliance

3. The development shall be carried out in accordance with the boundary treatments as shown on drawing nos. CSA/2929/117 RevD, 118 RevD and 119 RevD (Sheets 1-3) and CSA/2929/127 RevD, 128 Rev D and 129 Rev A (Sheets 1-3) and maintained thereafter.

Reason: To ensure a high-quality development and to protect residential amenity.

4. The development shall be carried out in accordance with the hard surfaces as shown on drawing nos. CSA/2929/117 RevD, 118 RevD and 119 RevD (Sheets 1-3) and maintained thereafter.

Reason: To ensure a high-quality development.

5. The development shall be carried out in accordance with the Tree Protection Plan dated March 2020.

Reason: To ensure a high-quality development.

6. The areas of open space as coloured green on drawing no. CSA/2929/130 RevA shall be maintained as publicly accessible open space in perpetuity.

Reason: To ensure adequate open space areas for the development.

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

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

8. Before the development hereby permitted is first occupied, the proposed first floor flank bathroom window on plot 139 shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

9. The construction of the development shall be carried out in accordance with the precautionary mitigation measures outlined at Section 4.0 of the Biodiversity Mitigation and Enhancement Strategy (CSA April 2020).

Reason: In the interest of biodiversity protection and enhancement.

10. The development shall be carried out in accordance with the air quality mitigation measures outlined in the Air Quality Assessment including the provision of electric vehicle charging points as shown on drawing no P19-1591_05 RevE (Parking Plan). The electric vehicle charging points shall be maintained thereafter.

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

11. The development shall be carried out in accordance with the ecological enhancements as shown on drawing no. CSA/2929/125 RevC.

Reason: In the interest of biodiversity protection and enhancement.

12. The development shall be carried out in accordance with the soft landscaping details as shown on drawing nos. CSA/2929/120 RevD, 121 RevD and 122 RevD (Sheets 1-3).

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

13. All planting, seeding and turfing specified in the approved landscape details shall be carried out either before or in the first planting season (October to February) following the occupation of the building(s) or the completion of the development area to which they relate, whichever is the sooner; and seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

Pre-Commencement

14. No construction works or development shall take place until an ecological walk over survey has been submitted to and approved in writing by the Local Planning Authority. The survey must confirm that the approved ecological mitigation has been completed and there is no suitable habitat for protected/notable species present within the site where development will

take place. If suitable habitat is found to be present an updated ecological mitigation strategy must be submitted to and approved in writing by the Local Planning Authority prior to any development taking place and the development shall be carried out in accordance with the approved details.

Reason: In the interest of biodiversity protection and enhancement.

15. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment (April 2020) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. It shall also explore the use of more swales within the development.

The drainage scheme shall also demonstrate (with reference to published guidance):

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

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

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

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

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

17. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation, 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: In the interests of human health.

18. No development shall take place until the applicant has secured the implementation of the following details:

- a) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- b) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

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.

19. No development shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority for that phase. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

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

20. No development shall take place until, details of the proposed levels for the development including slab levels of the buildings and any retaining walls, together with existing site levels, 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 having regard to the topography of the site.

21. No further reptile translocation shall take place until a reptile translocation strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall fully explore translocation to the 'Fant Wildlife Area', 'Hayle Park Nature Reserve', or 'Dean Street (Walnut Tree Meadow)' sites as the priority including surveys and details of any further works required to make them suitable. If these locations are not feasible for biodiversity reasons or where landowner agreement cannot be reached, full details and evidence behind these reasons shall be submitted to the Local Planning Authority for agreement in writing to use Mote Park as the receptor site. The translocation shall be carried out in accordance with the approved strategy.

Reason: To ensure appropriate protected species mitigation.

Pre-Slab Level

22. No development above slab level shall take place until measures and locations to allow hedgehogs to move through the development 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.

Reason: In the interest of biodiversity protection and enhancement.

23. No development above slab level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) 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 'Materials Plan' and include the following:

- a) Stock facing bricks
- b) Clay roof tiles
- c) Ragstone on buildings
- d) Ragstone walling
- e) Composite boarding

Reason: To ensure a high-quality appearance.

24. No development above slab level shall take place until written details and large-scale plans showing the following architectural detailing have been submitted to and approved in writing by the local planning authority for that phase, and the development shall be carried out in accordance with the approved details:

- a) Boxed surrounds to windows
- b) Soldier courses
- c) Stone cills
- d) Brick banding
- e) Roof overhangs

Reason: To ensure a high-quality appearance.

25. No development above slab level shall take place until 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.

26. No development above slab level shall take place until a "bat sensitive lighting plan" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting plan shall:

- a) Identify those areas/features on site that are particularly sensitive for bats 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;
- b) 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 approved plan.

Reason: In the interest of biodiversity protection and enhancement.

27. No development above slab level shall take place until details of lighting for streets and houses have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

28. No development above slab level shall take place until details of the plots that require the mitigation measures set out under the Noise and Vibration Assessment (April 2020) have been submitted to and approved in writing by the Local Plan Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate levels of amenity.

29. No development above slab level shall take place until a written statement of public art to be provided on site in the form of a Public Art Delivery Plan has been submitted to and approved in writing by the local planning authority. This should include the selection and commissioning process, the artist's brief, the budget, possible form, materials and locations of public art, the timetable for provision, maintenance agreement and community engagement, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of the good place making in accordance with the provisions of the Maidstone Borough Council Public Art Guidance.

30. No development above slab level shall take place until details of a landscaped 'end stop' to the west end of Street 05 has been submitted to and approved in writing by the local planning authority. In the event that the housing development to immediate west and to which this street would link has not been approved before occupation of the 181st dwelling, the approved details shall be carried out in full.

Reason: In the interest of visual amenity.

31. No development above slab level shall take place until a site-wide landscape and ecological management plan (LEMP), including timetable for implementation, long term design objectives, management responsibilities and maintenance schedules for all landscaped, open space, and drainage areas, but excluding privately owned domestic gardens, has been submitted to and approved in writing by the local planning authority. Landscape and ecological management shall be carried out in accordance with the approved plan and its timetable unless the local planning authority gives written consent to any variation. The management plan must clearly set out how the habitat and enhancement features detailed within the Biodiversity Mitigation and Enhancement Strategy; CSA; April 2020 will be managed in the long term. The management plan must include the following:

- a) Details of the habitats to be managed
- b) Overview of the proposed management
- c) Timetable to implement the management
- d) Details of who will be carrying out the management
- e) Details of on-going monitoring.

The management plan must be implemented as approved.

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

32. No development above slab level shall take place until the following details have been submitted to and approved in writing by the local planning authority:

- a) Details of the bus stops, their locations, and timeframes for their delivery.
- b) Timeframes for delivery of improvements to the junction of Fullingpits Avenue/Broke Wood Way and the approved road within the housing development to the east, as shown on approved drawing no. 15-009/37 in Appendix E to the TA.

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

Reason: To allow for bus access to the site.

33. No development above slab level shall take place until details of photovoltaic panels for the apartment blocks (which shall be flush with the roof tiles) 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.

Reason: In the interest of visual amenity.

Pre-Occupation

34. The development shall not be occupied until a Final Travel Plan for the development which follows the principles of the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Travel Plan.

Reason: In order to promote sustainable transport use.

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

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

Informative:

1. It is strongly advised that the applicant pursues the use of electric-powered heating systems for the development in view of the changes preventing the use of gas-powered systems in the near future.

REFERENCE NO - 20/501773/FULL		
APPLICATION PROPOSAL Erection of 187 dwellings, together with associated works for Access, Parking, Infrastructure, Open Space, Earthworks, Surface Water Drainage Systems and Landscaping.		
ADDRESS Land Off Oakapple Lane, Barming, Maidstone, Kent		
RECOMMENDATION – APPROVE WITH CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The site is allocated for 187 houses within the Local Plan under policy H1(4) subject to criteria. The application proposes 187 houses and for the reasons outlined in the report complies with these criteria subject to the legal agreement and conditions. • The application proposes development within the area defined for open space under policy OS1(1) and outside the settlement boundary but this would not result in any harm to the local landscape beyond the housing allocation. It also ensures that open space areas are provided around and integrated through the development which is considered to provide a better design approach and more distinctive character. The total amount of open space (1.5ha) would still be provided. • KCC Highways are raising no objections to the proposed access points including the secondary access onto Broomshaw Road in terms of their use and safety. The secondary access is a requirement of site policy H1(4) and it is agreed with KCC Highways that this is appropriate bearing in mind the level of development it will serve. • KCC Highways are raising no objections subject to conditions preventing occupation of the development until a number of junction improvements and a link road in connection with another development are implemented. For the reasons outlined in the assessment this is considered to be unreasonable and/or unnecessary and so does not pass the test for planning conditions. It would also be inconsistent with previous recommendations and decisions of both KCC and MBC. • The application complies with all other relevant Development Plan policies and there are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions set out below. 		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • Councillor Gooch has requested the application is considered by the Planning Committee for the reasons set out in her comments. 		
WARD Barming and Teston	PARISH COUNCIL Barming	APPLICANT Taylor Wimpey UK Ltd AGENT Barton Willmore

DECISION DUE DATE: 06/11/20	PUBLICITY EXPIRY DATE: 19/08/20	SITE VISIT DATE: 05/05/20	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
20/502412	Outline application (all matters reserved except access) for the erection of up to 118 dwellings, together with associated works for Access, Open space, Infrastructure, Earthworks, Surface Water Drainage Systems and Landscaping (Duplicate application of submission to Tonbridge and Malling Borough Council.	PENDING	
19/502624	EIA Screening Opinion - Development of up to 340 residential dwellings on 11.5ha with associated access, landscaping and parking.	EIA NOT REQUIRED	12/06/19
18/506068 (Adjacent Site)	Approval of Reserved Matters for Access, Appearance, Landscaping, Layout and Scale pursuant to Outline application 13/2079 for the erection of 80 dwellings including affordable housing, associated landscaping, infrastructure and earthworks.	APPROVED	27/02/19
13/2079 (Adjacent Site)	Outline planning application with all matters reserved for the demolition of existing structures and erection of up to 80 dwellings with associated works for access, parking, infrastructure, open space and landscaping.	APPROVED	01/12/15

1.0 DESCRIPTION OF SITE

1.01 The application site has an area of approximately 7.5ha and is at the northwest edge of Maidstone Borough. The site forms part of a larger grassed field and has an irregular shape because the Borough boundary with Tonbridge and Malling (T&M) divides the field roughly diagonally down the middle.

1.02 The site is bounded by woodland on the north side with the 'Gallaghers Quarry' beyond to the north, and by tree and hedge lines on the east, south and west boundaries. The rear gardens of houses on Broomshaw Road and Rede Wood Road are to the south. To the east are 80 new houses that are in the early stages of construction and there are recently occupied houses further northeast on Broke Wood Way/Fullingpits Avenue. There is an area of Ancient Woodland (AW) touching the northeast corner.

1.03 Importantly, the site is allocated for housing development and open space in the Local Plan and policy H1(4) allows for up to 187 houses and sets out

a number of criteria to be met. The allocation for housing and also the urban settlement boundary does not include the southwest corner of the site which is identified as open space which will be discussed the assessment. The new housing under construction immediately to the east is allocated under policy H1(3).

- 1.04 To the immediate west on the other half of the field, the land is allocated for housing under draft policy LP25(Site F) for 118 houses in the emerging T&M Local Plan. The same applicant has submitted an outline application for up to 118 dwellings on this land to T&M. MBC have received a duplicate application for the access to this site as it would use the roads/access through the proposed development on site H1(4) which is on MBC land. A decision on this application by T&M is still pending.

2.0 PROPOSAL

- 2.01 This application seeks full permission for 187 houses with two access points linking to the approved development of 80 houses to the east. The northern route would allow access via Fullingpits Avenue off Hermitage Lane and the southern route would open a proposed secondary access off Broomshaw Road. A range of detached, semi-detached, and terraced houses are proposed and two apartment blocks to provide a mix of house types and sizes. Affordable housing would be provided at 30% (56 units). Houses would be largely 2 storeys in height with the apartment blocks at 3 storeys. Building designs are 'traditional' in style in terms of their height, form and appearance. Areas of open space are provided around the edges of the development. The design and layout will be discussed in more detail in the assessment.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP2, SP17, SP19, SP20, SP23, H1, OS1(1), ID1, H1(4), DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- Kent Waste and Minerals Plan (amended 2020)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Building for Life 12
- MBC Air Quality Guidance
- MBC Public Art Guidance

4.0 LOCAL REPRESENTATIONS

- 4.01 **Barming Parish Council:** Objects to the application for the following (summarised) reasons:

- Significant loss of open space contrary to policy OS1 and general loss of open spaces.
- Inadequate accesses.
- Increased traffic and congestion.
- Access to Broomshaw Road will raise safety issues to pedestrians and vehicles; disturb peace and quiet; use roads that are not suitable for

additional traffic; will impede potential cycle routes; and create rat running.

- Unacceptable impact on highway safety and contrary to NPPF.
- If Members are minded to approve, request upgrades and designations of PROWs and that the secondary access to Broomshaw Road only be used by emergency vehicles.

4.02 Teston Parish Council (neighbouring): Raises the following (summarised) points:

- High traffic flows and congestion will be exacerbated.
- Traffic analysed on a site-by-site basis rather than cumulatively.
- Does not meet all criteria of policy H1(4).
- Should be refused.

4.03 Aylesford Parish Council (neighbouring within T&M Borough): Objects for the following (summarised) reasons:

- Further traffic on heavily congested Hermitage Lane and A20 which serve Maidstone Hospital.
- No further development should be taking place until upgrade works to local junctions have taken place.
- Will make the poor air quality even worse.

4.04 Watlington Parish Council (within T&M Borough): Support Teston Parish Council objections with the following (summarised) points:

- Gross over allocation of development areas without, in our opinion, the correct consideration by the Highway Authority of the impact of the traffic generation resulting therefrom.
- Traffic generation cannot be considered as de minimis from its model but as the final straw on the traffic generation on to Hermitage Lane and as per other allocations onto Tonbridge Road and hence exacerbating the pollution to and safety of residents of Watlington if granted.

4.05 'Give Peas a Chance' Group: Raises the following (summarised) points:

- Serious impact on standard of living.
- Timing of application has been made to take advantage of Covid-19 restrictions.
- Each application should be reviewed individually.
- Application should be deferred or declined.
- Not needed for 5-year supply.
- Harm to ecology (hedgehogs).
- Deer may use the site.
- Increased risk to woodlands.
- Noise from quarry.
- Sink hole risk on site and in the wider Barming area so a full geotechnical investigation is required.
- Question need for affordable housing numbers and that it is going to people from outside MBC.
- Lack of infrastructure and investment.

- Loss of views to North Downs.
- Change in rural character and urbanisation.
- T&M residents will be heavily reliant on MBC services.
- Will contravene Strategic Gap Policy CP5.
- Congestion and highway safety.
- Roads and junctions are over capacity.
- Pollution.
- Baseline traffic survey and numbers are unreliable.
- Rat run will be created through Broomshaw Road and a secondary should not be created.
- Local Plan has been changed.
- Poor pedestrian safety on Hermitage Lane.
- Vehicles safety during construction.
- Roads not wide enough for HGVs or buses and on-street parking occurs.
- Pedestrian safety on PROWs.
- Junction mitigations are not sufficient.
- Lack of parking.
- Question accuracy of air quality assessment.
- Dust during construction.
- More quarry blasting takes place than said.
- Density higher than policy.
- Differences in density and layout between MBC and T&M sites.
- Lack of wildlife corridors.
- Lack of useable open space.
- Higher than 2 storeys do not fit in with local area.
- Loss of privacy/overlooking.
- Lack of bungalows and housing for elderly.
- KCC Highways issues have not been addressed/resolved.
- Photographs of sink holes provided.

4.06 **Local Residents:** 386 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Local roads and junctions are at/beyond capacity.
- Secondary access route/roads are not suitable for the levels of traffic and will create a rat run.
- Broomshaw Road was only supposed to be for emergency access and its use does not comply with policy.
- Mainly elderly people live on Broomshaw Road.
- Traffic will be dangerous.
- Traffic will affect access to Hospital.
- Lack of investment in roads.
- Journey times supporting case that Broomshaw Road will not be used as a rat run are inaccurate.
- Transport Assessment is not accurate.
- Junction improvements have not taken place.
- Fullingpits junction is not suitable.
- Public transport is poor.
- Poor cycle routes in the locality.
- Construction traffic will cause problems.
- Access to site is not wide enough.

- Increase in home delivery traffic since Covid has not been factored in.
 - Lack of parking.
 - Barming station should be upgraded.
 - Pedestrian safety on rights of way.
 - Footpaths should be widened.
 - Fails to satisfy policy DM21 and NPPF.
 - Should not be considered in isolation from the TMBC application.
-
- Loss of valuable open space that is used by local community for many years particularly during lockdown.
 - Paths on the field have been used for over 20 years.
 - Loss of open space requires justification even if it is private in line with paragraph 97 of NPPF.
 - Open space not in line with policy.
 - Harm to wildlife/ecology/loss of habitat.
 - Species missing from ecology report.
 - Lack of green space proposed.
 - Should be biodiversity net gain.
 - Concern over protection of allotments.
 - Rare and endangered species on site.
 - TMBC land should be safeguarded as a nature area.
-
- Will increase pollution from car fumes.
 - Air quality standards exceeded.
 - Lack of car charging.
 - Dust pollution.
 - Doesn't align with MBC low emission strategy.
 - Light pollution.
 - Noise and dust from quarry.
 - Noise from future residents/use.
 - Quarry is dangerous.
 - Harm to quality of life from construction.
 - Loss of privacy and overlooking.
-
- Density is too high.
 - Design not in-keeping.
 - Limited architect input on design.
 - Overdevelopment.
 - Houses are too big and not affordable.
 - Fails to satisfy policy DM30 and NPPF.
-
- Sink hole recently occurred on Broomshaw Road and in the local area.
 - Ground is unstable.
 - Contamination.
 - Drainage.
 - Flood risk.
 - Lack of surveys in FRA.
-
- Cumulative impact of multiple developments.
 - Local infrastructure cannot cope or be expanded.
 - Houses are not needed.
 - No community facilities proposed.

- Brownfield sites should be used first.
- New housing is occupied by people from outside the region.
- Loss of property value.
- Application has not been well-publicised.
- Unable to discuss with residents due to lockdown.
- Decision should be deferred due to Covid-19.
- A petition has been received objecting to the development with 14 signatures.

4.07 **Councillor Gooch** requests the application is considered by the Planning Committee on the grounds of:

- Strength and volume of local opposition.
- Adverse impact on the existing locality by way of spoiling the existing design of the existing development.
- Adversely impacting on the amenity and local environment of existing residents.
- Adversely impacting on the existing resident's sense of place.
- Local narrow residential streets not suitable for additional traffic.
- Dangers to schoolchildren etc. due to increased rat running.
- Key principle of good design and place making important for new developments but not at the expense of these same principles of existing developments in which they are being built.
- There is no viable, safe access other than via Fullingpits Avenue on to Hermitage Lane which is already heavily congested and not capable of taking any additional traffic.
- If there were to be a workable, safe secondary access via Broomshaw Road (outside TMBC's jurisdiction), the application site would need to be divided up and completely redesigned in order to (a) Significantly reduce/minimise the volume of traffic needing to use Broomshaw Rd, (b) reduce the need for a secondary access for the phase 1 and 2 application sites combined (c) to prevent a through route of vehicle movements from a potential 635 homes using Broomshaw Road as a rat-run/short cut to avoid the ever-congested Hermitage Lane.
- The submitted traffic assessments have ignored the limitations and constraints of the narrow residential streets of Barming which were never designed to accommodate the level of two-way traffic, and which have no potential for widening as all bordering properties are privately owned
- This application should be refused by virtue of NPPF paragraph 109 as there would be an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would be severe.

4.08 **Councillor Lewins:** *"We have a distinct lack of open spaces in Maidstone. Barming and Allington have taken a huge hit in the last 8 years. The open spaces remaining by the developer are purely cosmetic and does not address continuity of biodiversity. Air quality report states operations from the nearby quarry could have a moderate to slightly adverse effect residents. Why is this not taken into account and how can this be*

mitigated? It can't, this is a poorly situated development with no consideration for people's health."

4.09 **Councillor Harwood:** Questions some of the plant and tree species proposed.

4.10 **Councillor Wilby:** Questions some of the plant and tree species proposed; parking provision; lack of EV charging points in social housing or flat areas; and amenity space.

4.11 **Helen Grant MP:** Expresses deep concern and opposition for the following (summarised) reasons:

- Broomshaw Road will be used as a rat run and have a negative impact on quality of life.
- Will worsen congestion in the local area which is already at a crippling level and harming quality of life.
- Lack of infrastructure including schools and local GP surgeries.
- Reduction of precious green space and erosion of important rural space between Maidstone and Malling.
- Considers that recent sink hole is caused by development in the local area.
- Considers there should be a moratorium on house building in the Hermitage Lane and Barming area until infrastructure and sinkholes have been properly addressed.

4.12 **Tracey Crouch MP:** Has concerns for the following (summarised) reasons:

- Hermitage Lane operates well in excess of capacity and the development will worsen an already intolerable situation.
- Increases in air pollution.
- Concern about the impact on access to Maidstone Hospital, including for emergency service vehicles.
- Further pressure on schools and health services.
- Erosion of a vital green buffer between Aylesford and Maidstone.
- Considers that recent sink hole is caused by development in the local area.
- Considers there should be a moratorium on house building in the Hermitage Lane and Barming area until infrastructure and sinkholes have been properly addressed.

4.13 **Maidstone & Tunbridge Wells NHS Trust** requests the Highways Agency provides information on the impact the additional housing and congestion will have on both patients and staff at Maidstone Hospital.

4.14 **Gallaghers Quarry:** Outlines that the site is adjacent to their quarry; that quarrying will eventually heads towards the northwest corner of the development; permission for the quarry involved extremely detailed consideration of its effect on local residents with the quarry required to operate within stated limitations; careful consideration should be given to the impact of quarry operations on the proposed houses; the development

may compromise existing 'stand-off' considerations; and no weight can be given to future complaints.

4.15 Woodland Trust: Raises objections for the following (summarised) reasons:

- Potential damage and deterioration of Fullingpits Ancient Woodland from direct and in-direct impacts. Buffer should be at least 30m.
- Consider there are two Veteran Trees on site what may be affected and should have adequate buffers.

4.16 Southeastern Railway: Seek £50,000 for a new secure cycle hub with lighting and CCTV coverage at Barming Station.

4.17 Nu-Venture Coaches: Transport Assessment is inaccurate; description of Train Station operation is wrong; applicant has approached Arriva but not Nu-Venture; impacts of T&M application will be felt by MBC.

4.18 Arriva Buses: Seek £246,159 to subsidy bus services into the site for 3 years during the AM and PM peak hours.

4.19 Kent Wildlife Trust: Object to the application for the following (summarised) reasons:

- Development does not provide net gains in line with the NPPF or Environment Bill.
- It is likely that this development will result in losses for biodiversity of 75%.
- Does not provide ecological links between woodlands.
- More green infrastructure and useable space should be provided.
- Likely to be negative impacts upon Ancient Woodland and 15m buffer is not sufficient.

4.20 CPRE Maidstone: Object to the application for the following (summarised) reasons:

- The additional housing sites in T&MB were not known about when the site was allocated.
- Urban sprawl without sufficient infrastructure.
- Traffic and congestion.
- Junctions over capacity.
- Lack of green space and not in accordance with open space allocation.
- Air quality.

5.0 CONSULTATIONS

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

5.01 Highways England: No objections.

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

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

5.04 **KCC Highways: No objections subject to conditions** preventing occupation of the development until the following road improvements are implemented:

- A20 Coldharbour Roundabout
- A20 London Road/Mills Road/Hall Road
- Link road between Hermitage Lane and Poppy Fields Roundabout
- A26 Tonbridge Road/Fountain Lane/Farleigh Lane junction improvement (KCC scheme)

and subject to a Section 106 Agreement to secure financial contributions towards:

- A26 Tonbridge Road/Fountain Lane/Farleigh Lane junction improvement (KCC scheme)
- A26 Watlingbury Crossroads junction improvement
- A planned KCC Hermitage Lane to London Road cycle route
- Bus service diversion into the site

5.05 **KCC SUDs: No objections** subject to conditions.

5.06 **KCC Archaeology: No objections** subject to condition.

5.07 **KCC Minerals: No objections.**

5.08 **KCC PROW:** Seeking monies to upgrade PROWs KM11 and KM12.

5.09 **KCC Ecology: No objections** subject to conditions.

5.10 **MBC Environmental Health: No objections** subject to conditions relating to noise mitigation; charging points; lighting; travel plan; and contaminated land.

5.11 **MBC Landscape Officer: No objections** re. impact upon trees. Recommend changes to the landscaping to provide more native species.

5.12 **Southern Water:** Confirm there is sufficient capacity.

5.13 **Forestry Commission:** Refers to standing advice on Ancient Woodland.

5.14 **Kent Police:** Make various recommendations re. Secured by Design.

6.0 APPRAISAL

6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that,

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.02 The Local Plan allocates the majority of the site for 187 houses under policy H1(4) subject to a number of criteria covering matters relating to design and layout, access, noise, air quality, open space, and highways and transportation.

6.03 This is a detailed application for 187 houses. Clearly, the principle of housing is accepted under Local Plan policy H1(4) so it needs to be assessed as to whether the proposals comply/can comply with the policy criterion and any other relevant Development Plan policies.

6.04 The key issues for the application are centred round site allocation policy H1(4) as follows:

- Access and connectivity.
- Layout and open space.
- Design, appearance and landscaping.
- Highways impacts.
- Infrastructure.
- Other matters including Affordable Housing, Noise, Air Quality, Drainage, Ecology, and Amenity.

6.05 The revised NPPF has a chapter dedicated to design (12 - Achieving Well-designed Places) and there is specific reference to the design framework 'Building for Life 12'. This application has been developed and assessed against Maidstone's own version of this.

Access and Connectivity

6.06 Policy H1(4) states:

- 4. Primary access will be taken from site H1(3) West of Hermitage Lane***
- 5. Secondary access will be taken from Rede Wood Road/Broomshaw Road.***

6.07 The development would have two access points linking to the north and south of the approved development of 80 houses to the east which is currently under construction. The northern route would then link to the new housing development at site H1(3) via Fullingpits Avenue onto Hermitage Lane in accordance with criterion 4. The southern route would lead to a secondary access proposed off Broomshaw Road in accordance with criterion 5. The access routes have been assessed by Kent Highways and judged to be suitable and safe.

- 6.08 Numerous representations have been received raising objections to the secondary access onto Broomshaw Road citing issues including highway safety, unsuitability of the local roads, increased traffic, and the route being used as a cut through to avoid the A26/Fountain Lane junction. At present Broomshaw Road is a cul-de-sac and the proposals would mean that additional traffic from the site and the other adjacent developments would use this route, and it is possible that other traffic may use it as an alternative route. However, this is a specific requirement of policy H1(4) and would ensure connectivity between the site and the road network to the south. KCC Highways also consider that the inclusion of a secondary access to be appropriate in view of the scale of development that could otherwise be served via a single access onto Hermitage Lane with which I agree. It is also good planning to provide connectivity with adjacent areas rather than provide 'cul-de-sac' developments.
- 6.09 In terms of the suitability and safety of the road network to the south, KCC Highways state, "*KCC Highways notes that both Broomshaw Road and Rede Wood Road currently accommodate two-way traffic flow and incorporate dedicated footways for pedestrians. Although on-street parking is unrestricted, the vast majority of properties with frontage access onto these roads have off-street car parking. This helps to limit the levels of on-street parking that could be obstructive to two-way traffic flow. There is therefore no technical basis on which KCC Highways could sustain an objection to the principle of these roads being used as a route of access to the development.*"
- 6.10 For the above reasons the accesses to the site are in accordance with policy H1(4) and are safe and suitable with no objections from KCC Highways.
- 6.11 In terms of connectivity, pavements alongside roads would connect through via existing and approved development to the east/northeast, and pedestrian/cycle access is possible along Oakapple Lane towards Hermitage Lane. To the south, pedestrian/cycle access will be provided to Broomshaw Road and there are PROWs, some of which lack proper surfacing. It is considered appropriate to upgrade these with new surfacing and financial contributions would cover this. These improvements would run from the southeast corner of the site and then south to Heath Road and are considered necessary to promote walking to Barming Primary School and other services further south. KCC PROW have requested an upgrade of the PROW which runs along the south boundary of the site but I do not consider this is necessary or reasonable as future residents are unlikely to use this path as they can just walk through the development to get to the west. The layout provides for surfaced pathways through and around the edges of the site to provide good permeability. The layout provides a road and paths up to the MBC boundary that would link through to the outline scheme in T&M and a condition will be attached to ensure a suitable end stop is provided should the T&M scheme not come forward.
- 6.12 So overall, the vehicular access points comply with policy H1(4), are safe, and the scheme provides/will provide good pedestrian/cycle connectivity to the local area and its services/amenities, in accordance with policy DM1 of

the Local Plan and as advocated by Section 1 of 'Maidstone Building for Life 12'.

Layout and Open Space

6.13 Policy H1(4) requires:

- 1. The hedgerow on the eastern boundary of the site will be retained to form a natural break between housing allocations.**
- 2. The hedgerow on the southern boundary of the site will be enhanced in order to provide a suitable buffer between new housing and existing housing on Rede Wood Road and Broomshaw Road.**
- 3. A 15 metre landscape buffer will be implemented adjacent to the ancient woodland at Fullingpits Wood in the north east of the site.**
- 8. Provision of 1.5ha of natural/semi-natural open space in accordance with policy OS1(1) together with any additional on-site provision/improvements and/or contributions towards off-site provision as required in accordance with policy DM19.**

6.14 The hedgerow on the eastern boundary of the site would be retained where not required for the two access points into the site. Along the south boundary some new tree planting is proposed but I consider additional planting should be provided to increase this buffer in line with criterion 2 and this will be secured by condition.

6.15 In the northeast corner an undeveloped area providing a buffer to the Ancient Woodland (AW) increasing from 15m at its west edge to nearly 50m is proposed in line with criterion 3. This buffer was increased during pre-application discussions with officers and Members and this area will be fenced off and planted with native woodland and thicket planting to provide further protection to the AW.

6.16 In terms of open space, criterion 8 requires a total of 1.5ha of natural/semi-natural space to be provided for the development. This is specifically identified as an area of land in the southwest corner of the site under policy OS1(1). The development is not laid out in this way but instead open space areas are provided around and integrated through the development. This is considered to be a much better design approach that provides a more distinctive character rather than having 187 houses and open space areas distinctly separate. Also, the need for an AW buffer means that open spaces are needed within the housing area. For these reasons it is considered acceptable for development in the open space area on the Local Plan Map and it would not cause any harm to the local landscape beyond the housing allocation.

6.17 Approximately 1.4ha of open space is provided around the outskirts of the development mainly in the northeast and southwest corners and along the east edge. Additional open space areas, some providing strategic landscaping, are also provided within the development areas providing in excess of 1.5ha in total. A large proportion of open space around the outside is natural/semi-natural (wildflower meadow, woodland, thicket)

but there are also useable amenity grass areas. Therefore, the proposals would not provide 1.5ha of 'natural/semi-natural' space but it is considered that an appropriate balance has been struck in providing more natural open space areas but also some space for future residents to use which is considered to be acceptable. No play areas are provided mainly because the policy does not seek this but it is noted that a play area would form part of the adjacent development in T&M Borough. Should this not be approved or take place there will be a play area on the adjacent site to the east which has commenced.

6.18 Overall, the total amount of open space complies with the policy and is considered appropriate for this size of development and provides a large amount of natural/semi-natural space together with more useable areas.

6.19 More generally, the layout has landscaping and open space areas including the AW buffer around the outside edges of the development. The eastern space provides a clear separation between the approved housing site to the east and green space is also provided along the west boundary with the proposed development in TMBC. These spaces provide green corridors from north to south and serve to break up the housing areas.

6.20 Within the development area space for decent landscaping and tree planting either side of the southern road has been negotiated that would provide an attractive street scene and which leads to a focal space around a road junction. This junction has been made into an interesting space through the use of wide landscaping areas, low ragstone walling, surface materials, and seating. This is enclosed by 3 storey apartments and would provide a wayfinding point as advocated by 'Maidstone Building for Life 12'. The northern access road would have landscaping and tree planting space on the south side.

6.21 The layout within the site is made up of a number of perimeter blocks with buildings fronting streets and buildings turning/addressing corners either through their siting and/or architectural detailing/windows so providing active frontages and strong street scenes. Buildings face onto and address the north and south entrance points. Where boundaries are exposed, they would be brick walls, and ragstone walls would be used along the exposed boundaries facing the eastern open space.

6.22 Whilst a relatively small scheme, three different character areas are proposed as follows:

- The 'Main Street' area centres around the two main roads through the development. This area is more formal with a higher density and continuous built form addressing the street. The 'Main Street' character has predominantly semi-detached dwellings with some detached units and apartments blocks are located at the junction of the two roads. The southern road has avenue tree planting on both sides of the road within landscaped verges and pavements set behind. The road width (5.5m) is proposed to accommodate bus access. The buildings whilst traditional in form would have a more contemporary finish with the use of grey windows and doors, boxed surrounds to windows and brick banding

details. Weatherboarding would be used on key groups of buildings and ragstone to the apartments and metal railings in places.

- The 'Core Housing' area generally consists of shared surface streets mainly in the centre of the scheme. These roads are not as engineered with block paving creating a less formal appearance. Houses are generally set back to provide frontage parking and street trees. There will be predominantly terraced and semi-detached dwellings with occasional detached units and the building style would be similar to the 'Main Street' areas.
- The 'Green Edge' area is provided on the outside edges of the development at a lower density. Dwellings, which are mainly detached, are set further back with larger front gardens enclosed by hedging, shared surfaced roads flanked by landscaping and post and rail fences would create a more informal and rural feel. Projecting gables are proposed with chimneys on some houses, and more traditional materials such as weatherboarding would be used.

6.23 These areas create different parcels of character across the site as advocated by Section 5 of 'Maidstone Building for Life 12'.

6.24 Houses and gardens would be laid out to ensure sufficient privacy and outlook. The impact upon existing properties to the south in terms of privacy, light and outlook would be acceptable due to the separation distances where houses facing south are at least 25m away with vegetation in between. Where slightly closer (20m) on plot 139 the first floor flank window would serve a bathroom and can be obscure glazed by condition.

6.25 The proposed affordable housing is spread throughout the development in part of the north, the centre and some in the southwest corner so is well integrated and would be tenure blind so it would not appear any different to the market housing in accordance with policy SP20 and the Affordable Housing SPD.

6.26 Overall, the layout is considered to be of good quality providing connections to the local area, green corridors and open space around the development, and character areas within the development in accordance with policy DM1 of the Local Plan and 'Maidstone Building for Life 12'.

Design, Appearance & Landscaping

6.27 The house designs are 'traditional' in form but with some more contemporary features within the centre of the scheme such as grey windows, doors and facias, and boxed surrounds to windows the details of which will be secured by condition. Interest would be provided from two storey projecting gables, porches and detailing in the form of soldier courses, stone cills, and brick banding details on some properties which will be secured by condition. The apartment blocks would be three storeys in height and their mass would be broken up with projecting gables with some set down from the main ridge lines, box surrounds to windows, weatherboarding at first and second floor level with ragstone on the ground

floor, and fenestration on all elevations to provide relief. Whilst comments have been received stating that three storey buildings are not in keeping with the local area, the massing of these buildings is appropriately broken up and variations in heights will provide interest across the scheme.

- 6.28 Materials would include red and buff coloured stock bricks, clay roof tiles, slate effect roof tiles, and grey and black composite boarding on some properties. The apartments would feature ragstone and stone walls would also be used in prominent locations which would provide a quality vernacular material.
- 6.29 Hard surfaces are predominantly block paving for roads, parking spaces and parking courts and self-binding gravel for pathways. Boundary treatments include ragstone walls along the east edge, brick walls on exposed boundaries, post and rail fencing and metal railings.
- 6.30 Parking provision would accord with adopted standards with a large proportion provided in tandem spaces, where the standards seek independently accessible spaces. The reason being that occupants may be less reluctant to use their tandem spaces and instead park on roads. To counter this an over-provision of on-street visitor parking bays are proposed. I consider this strikes the right balance between on-plot parking provision and an attractive development that is not dominated by parking.
- 6.31 In terms of landscaping, there are many street trees along the north and south roads and also within the smaller streets. Shrub planting has been negotiated within the areas in front of the pavements on the main roads rather than grass which often looks poor. Most front gardens are enclosed by hedging. Within the open space areas on the outside of the housing would be wildflower planting and trees. The species have been amended since submission and are now predominantly native with some more ornamental species within the streets which is acceptable. The overall amount of landscaping would provide a high-quality environment and setting to the development.
- 6.32 With regard to trees, none would be removed for the development as they are on the edges of the site and there would be no impact on those that will be retained. The Woodland Trust have referred to two veteran trees at the site via the Veteran Tree inventory being a Cherry and Hornbeam on the eastern boundary. There are no Cherry trees at the site and with regard to the Hornbeam, there is one roughly in the location shown on the inventory and it records this with a girth of 6m and stem diameter of 2m. Such a tree is not present but there is a mature Hornbeam which the applicant does not consider fits within the veteran tree definition as it has two stems with diameters of 60cm and 70cm respectively. Notwithstanding this, any development falls outside its RPA (including the consented development to the east), apart from a small part of the access road which is already approved under the permission to the east.

Highways Impacts

Wider Network/Strategic Junctions

6.33 The applicant has provided a Transport Assessment (TA) and carried out recent traffic surveys on local roads and assessments of key local junctions that were agreed at the pre-application stage with KCC Highways. Whilst objectors have questioned the accuracy of the traffic surveys, KCC Highways have raised no issues with them. The TA assesses the cumulative traffic impact from the application site, the adjoining proposals for 118 houses in T&M, and other approved developments including the other northwest (NW) Maidstone strategic sites H1(2) and H1(3), site H1(23) on North Street, and 840 houses recently approved to the east of Hermitage Lane and south of the A20 in T&M (known as Whitepost Field) all with a forecast year of 2025. Again, this was agreed with KCC Highways. The TA also takes into account proposed highway improvements to the north including junction capacity improvements on the A20/Coldharbour Lane roundabout and the provision of a new link road between Hermitage Lane and the A20 London Rd at the Poppy Fields roundabout in association with the approved 'Whitepost Field' housing scheme.

6.34 The site allocation policy at criterion (9-14) relates to strategic highways and transportation improvements and these are required for all the NW Maidstone housing sites as follows:

9. Interim improvement to M20 J5 roundabout including white lining scheme.

10. Traffic signalisation of M20 J5 roundabout and localised widening of slip roads and circulatory carriageway.

11. Provision of an additional lane at the Coldharbour roundabout.

12. Capacity improvements at the junction of Fountain Lane and A26.

13. Capacity improvements at A20 London Road junction with St Laurence Avenue (20/20 roundabout)

14. Proportional contributions towards a circular bus route that benefits public transport users in and around the north west strategic location; this route will run via the town centre, B2246 Hermitage Lane, Maidstone Hospital, Howard Drive and the A20 London Road.

6.35 The above improvements are based on the cumulative impact of development in the NW Maidstone strategic area and so compliance with the criterion would be via monies towards the improvements. This would now be via the Council's Community Infrastructure Levy (CIL), and the applicant will have to pay CIL should planning permission be granted and implemented, and the Council can decide to use monies for the relevant improvements based on existing funding in place the priorities within the Infrastructure Delivery Plan (IDP). This is the method of ensuring compliance with the strategic highways requirements under the site policy just like the other NW Strategic Sites paid s106 monies prior to CIL.

6.36 Significant s106 contributions and Local Growth Funding have already been secured towards delivery of many of these works and improvements under criterion 9, 11, 13, 14 are either fully funded by s106 monies and/or being delivered in connection with the approved 'Whitepost Field' scheme (20/20 roundabout). KCC Highways have confirmed that the planned junction

upgrade at Coldharbour roundabout scheduled to commence in Autumn 2020 and be completed by Summer 2022 can accommodate traffic from the development.

6.37 For criterion 10 (M20, J5), Highways England have confirmed that the trips generated by the development using Junction 5 during peak hours are predicted to be minimal and are therefore not expected to have a significant impact on the junction. They raise no objections and do not require any mitigation. KCC Highways have also advised that the improvements to the Coldharbour roundabout mean that signalisation of M20 J5 roundabout is not required.

6.38 For criterion 12 (Fountain Lane/A26 junction), this junction is forecasted to operate over capacity on 3 arms with background growth in traffic and traffic from the NW Maidstone Hermitage Lane developments and 'Whitepost Field' scheme in 2025, and the development would make this marginally worse. Therefore, the applicant has designed an improvement scheme that could be implemented and would mitigate the impact of the proposed development and reduce queuing on all but one arm of the junction in the peaks than is predicted in 2025. KCC Highways have advised that these proposals for the junction are consistent with those put forward in support of residential development at Fant Farm for 225 houses (15/509962) where they did not raise objections, and so follow an established precedent. They also consider the proposals would be safe following submission of a safety audit and raise the issue of some on-street parking potentially being lost. It is considered that this is an appropriate and proportionate response that demonstrates how the proposed development can be mitigated. At least £328,000 of Section 106 money has already been secured from the other NW Maidstone sites for mitigation at this junction and so this could be used together with further CIL monies to fund this improvement.

6.40 However, with regard to this junction KCC Highways state that, *"the (Member led) working group concluded that a new roundabout layout would provide the most effective means of upgrading the junction to reduce congestion and accommodate planned growth. KCC Highways is moving forward with this scheme in seeking to secure the land and funding necessary for its implementation. It would therefore be more appropriate for the applicant to provide a financial contribution towards the County Council's roundabout scheme as the means of mitigating the impact of the proposed development."*

6.41 Such a scheme will cost significantly more than the improvement the applicant has shown and would require external funding in addition to Section 106 monies and/or CIL from development. It is the Highway Authority's decision whether to pursue a greater improvement at the junction and they would need to secure sufficient funding. However, the applicant's proposal is sufficient to mitigate the proposed development and KCC Highways are not raising objections on the basis of this smaller scheme but are obviously looking to pursue a wider improvement. A financial contribution to this smaller scheme would be via CIL as this is a cumulative requirement for infrastructure. Whilst it is not possible to predict

the level of CIL monies, the junction is identified as a priority in the Council's IDP for NW Maidstone.

- 6.42 Other junctions where KCC Highways consider mitigation is required include the A20 London Road/Mills Road/Hall Road Junction where they advise there is a planned junction upgrade scheduled to commence in Summer 2021 and be completed by Summer 2022 which will accommodate the development. KCC also consider that the development should contribute monies towards an improvement scheme which has been designed at the A26 Watlingbury Crossroads just within T&MBC. As the proposed development will only put a maximum of 11 additional movements at this junction in the peaks which is 4km away, I do not consider this request is justified, reasonable or necessary.
- 6.43 The delivery of these highway improvements is not the responsibility of the Local Planning Authority (LPA) or the applicant. The LPA can secure improvements via monies, CIL, or planning conditions but it is the responsibility of the Highways Authority to implement highways works which they intend to do in the near future for some of the junctions. Therefore, the LPA cannot withhold planning permission because not all the highways works have been delivered as has been suggested in some representations.
- 6.44 KCC Highways consider that a condition should be attached to prevent any occupation of the development until junction improvements at Coldharbour roundabout, A20 London Road/Mills Road/Hall Road Junction and Fountain Lane/A26 have been implemented. As these improvements are a requirement based on the cumulative traffic from all the NW Maidstone sites and the 'Whitepost Field' development and not solely this development (which is one of the smallest NW sites), it is not considered reasonable to restrict this development, especially as this has never been a requirement of KCC or MBC for any of the other NW Maidstone sites. Such a condition would therefore not pass the tests for planning conditions. As stated above, the applicant will pay CIL monies which can be used towards priority junction improvements. It is also inconsistent in that KCC Highways are not requesting the same for the Watlingbury crossroads where they are satisfied for the applicant just to make a financial contribution.
- 6.45 KCC also request a condition to prevent any occupation of the development until a link road between Hermitage Lane and the Poppy Fields Roundabout junction, which is part of the approved Whitepost Field development, has been implemented. This is on the basis that without it, KCC consider that the development will result in additional queuing at the A20 London Road/Hermitage Lane/Preston Hall junction that needs to be mitigated. The development will result in additional queuing here but as the KCC Highways advice states, *"the proposed development is shown to have a marginal impact on queuing and delay. The queue on the problematic eastern London Road (A20) arm is predicted to increase from 94 to 96 PCUs in the AM peak."* So, the development will result in an increase in queues by 2 vehicles which is considered to be negligible in the context of the number of movements which as a proportion would represent 1% of the flows through the junction. Also, only one arm (the eastern London Road arm) would be

over theoretical capacity by 0.8% which is not considered to be a severe impact upon the whole junction or the wider network. On this basis it is not considered reasonable or necessary to require any mitigation at the junction let alone require a link road connected with a separate development that the applicant has no control over, prior to any occupation. In addition, site H1(4) was allocated in the Local Plan in 2017 along with all other NW sites (before the Whitepost Field application was even submitted). The traffic impact of this site was assessed together with all other allocations and site policy does not require mitigation at this junction. For all these reasons it is not considered necessary or reasonable to require mitigation or a condition restricting occupation as suggested by KCC.

Other Junctions

- 6.46 The applicant has assessed the impact upon many other junctions which are not part of the strategic requirements in the Local Plan including the signalised junction from the site onto Hermitage Lane. This shows that no junctions would be over theoretical capacity and therefore no mitigation is necessary and KCC Highways agree with these conclusions.

M20 Junction 5

- 6.47 Highways England have confirmed that the trips generated by the development using Junction 5 during peak hours are predicted to be minimal and therefore are not expected to have a significant impact on the junction. They raise no objections and do not require any mitigation.

Public Transport

- 6.48 The proposals are designed to accommodate buses so they enter the housing scheme to the northeast off Hermitage Lane, through the scheme under construction to the east and then loop around the site and exit the same way with a bus stop provided within the development. The applicant held discussions with 'Arriva' prior to submitting the application and they have confirmed to MBC under this application that they would be willing to divert the number 8 service into the site but this would need to be subsidised for the first 3 years. It has been agreed with Arriva that an AM and PM peak hour service into the site is appropriate and the applicant would fund this for 3 years at a cost of £246,159 which will be secured under a legal agreement. This is considered to be necessary in order to promote public transport use in accordance with policy SP23. Some works to widen roads within the approved developments to the northeast are required at pinch points at the junction of Fullingpits Avenue/Broke Wood Way and where the road crosses the PROW to the site to the east. KCC Highways have reviewed these works and the bus access generally and are supportive of the proposals.

Cycling & Walking

- 6.49 Improvements to cycle parking facilities at Barming Train Station will be secured via section 106 monies to provide a new secure cycle hub with

lighting and CCTV coverage which would cost £50,000. This will promote cycle use to the station in accordance with policy SP23. Funding for a pedestrian/cycle path alongside Hermitage Lane is provided in connection with site H1(2) (East of Hermitage Lane) which will improve access along Hermitage Lane. KCC Highways have requested monies (without defining the amount) towards a proposed cycle route from Hermitage Lane to the London Road Park & Ride site, which they say has no funding to date. It is considered that this route, which is somewhat distant from the site, is unlikely to be used by future residents to cycle to the shops at Allington as suggested when other shops and 'local' supermarkets are much nearer to the site. On this basis it is not considered to be necessary or directly related to this development contrary to the CIL Regulations.

6.50 As outlined earlier in the report, the site provides good connectivity and permeability for both walking and cycling through to Hermitage Lane and to the south via Broomshaw Road and PROWs KM11 and KM12 where the existing paths will be upgraded to improve access through financial contributions.

6.51 The applicant has provided a Framework Travel Plan for the development which would encourage sustainable travel with potential measures and initiatives including the provision of resident travel information packs, cycle parking, bicycle discounts, promotion of car sharing, and notice boards. Implementation will be overseen by a Travel Plan Co-ordinator with on-going monitoring. The indicative Travel Plan targets seek to achieve a 10% reduction in single occupancy car travel, and increases in cycling, car sharing, bus and rail use. Its aims are proportionate for this development and its location. This can be secured by condition and a monitoring fee of £948 will be secured under a section 106 agreement.

6.52 Overall, the transport impact of the development can be mitigated or is acceptable, public transport (bus services) will be provided into the site, and the layout of the development and off-site improvements will allow for and promote walking and cycling in accordance with policy DM21 of the Local Plan.

Off-Site Infrastructure

6.53 The adopted CIL is charged on new floor space to help deliver infrastructure to support development identified in the Council's IDP. The scale of development proposed here is not such that it generates the need for a new standalone school or doctor's surgery or specific on-site infrastructure but will obviously place an additional demand on such services. On this basis, CIL monies could be used towards such services to mitigate the impact of the development in line with the IDP which is in accordance with policy DM20.

Other Matters

Affordable Housing

- 6.54 Affordable Housing is proposed at 30% (56 units) with the tenure split 70% affordable rent and 30% shared ownership. This overall amount (30%) is in accordance with policy SP20 as is the tenure split and this will be secured under the legal agreement. The applicant will be seeking some flexibility in the legal agreement to change the shared ownership to another intermediate tenure as advocated within the new Affordable Housing SPD. The accommodation provides a mix of house sizes including 1 and 2 bed flats, 2, 3, and 4 bed houses and the amounts proposed are broadly in line with the current need and were discussed with the Housing Section prior to submission. A monitoring fee for the s106 of £4,500 will also be secured.

Air Quality

- 6.55 Policy H1(4) requires:

7. Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.

- 6.56 The site is located outside any Air Quality Management Areas (AQMA) with the nearest being the south part of Hermitage Lane and the A26. An air quality assessment has been submitted which concludes that the proposed development would not result in any exceedances of the relevant Air Quality Standards at any of the receptors assessed which include within the AQMA. The Environmental Health section has reviewed the assessment and raises no objections. In line with the Council's Air Quality Planning Guidance, an emissions mitigation calculation has been used to quantify potential emissions from the development and provides a mitigation value for proportionate mitigations to be integrated into the development. These include a Travel Plan, welcome packs for residents on first occupations will be provided containing up-to-date local travel information, promotion of 'Kent Journey Share' car sharing database, and EV charging points for houses with on-plot parking. These measures which are proportionate will be secured by condition. Representations have referred to a lack of EV charging points for the affordable units and flats. The applicant is proposing charging points for properties that have off-street parking immediately adjacent. The majority of affordable housing is in terrace properties or apartments which would require communal charging points and the applicant states that in their experience Registered Providers have shown no interest in the provision of electric charging points. I do not consider this is a particularly sound argument but do not consider the lack of communal charging is grounds to refuse the proposals.
- 6.57 In terms of new residents, an assessment of dust impact from operations at the adjacent quarry has been carried out. This concludes that operations at the southern and eastern sections of the quarry and the minerals processing area could have a 'moderate adverse' and 'slight adverse' effect respectively on future residents but this assumes there are no mitigation measures in place within the quarry to reduce the potential for dust impacts. It is understood that the quarry has an active policy of dust suppression and adequate mitigation in place to reduce the potential for adverse effects on the local area. The site is also not downwind of the prevailing wind direction locally for the majority of the time and the quarry

is also surrounded by a bund of trees which will act to screen dust from the proposed dwellings. The assessment concludes the impact upon future residents will not be significant and Environmental Health have confirmed they support these conclusions.

Noise & Vibration

6.58 Policy H1(4) requires:

6. Development will be subject to a noise survey to determine any necessary attenuation measures in relation to the operations at Hermitage Quarry.

6.59 The applicant has submitted a noise and vibration assessment which has been reviewed by Environmental Health. The assessment concludes that no additional mitigation for external amenity areas is required in terms of noise as dwellings have been positioned to shield rear gardens in most cases and 1.8m high acoustic garden fences are proposed. Environmental Health raise no objections on this basis. In terms of vibration, the highest recorded level is well within the limit of the planning condition for the quarry and air overpressure would also be expected to be of a low magnitude, and again Environmental Health raise no objections. So subject to the mitigation within the assessment being conditioned, the impacts of noise and vibration would be acceptable for future residents.

Drainage & Ground Conditions

6.60 In terms of surface water drainage and foundations, the application includes a Phase 1 Geotechnical Desk Study and British Geological Survey Report which both acknowledge that the site is underlain by the Sandgate Formation (sandstone, siltstone, and mudstone) and (underlying) Hythe Formation and that sink holes can and have occurred in the local area. The Hythe beds comprise alternating layers of limestone and sandstone and the limestone is the Rag, or Ragstone. The Ragstone beds are associated with Gulls which are fissures/cracks caused when 'harder' beds are (for want of a better term) bent. Gulls present an important geological design consideration as introducing additional concentrated flows of water into them can wash out unconsolidated material and result in ground instability and sink holes some of which have occurred in the local area with one most recently in September 2020.

6.61 The drainage report outlines that these potential geological conditions at the site have steered the approach to dealing with surface water which would be discharged via infiltration to deep borehole soakaways which through the detailed ground investigation and design stage would be set at positions and levels to avoid any flooding of fissures/gulls. KCC LLFA are well aware of the potential for ground instability from surface water drainage and raise no objections to the principles of the SUDs scheme subject to the fine details being provided by condition and further works demonstrating that the position of any soakaways are appropriate and would not increase potential instability risks. For foundations these would be carefully considered to ensure there are no negative effects on ground

stability with detailed ground condition testing (probing on each plot) carried out and this would be dealt with through building regulations.

6.62 On this basis it is considered that potential for ground instability has been appropriately assessed at this stage and a condition can ensure that the fine details of the drainage scheme, where detailed ground investigations are carried out, and through consultation with the statutory consultee, would not result in ground instability in the local area. As such the site is suitable for the proposed development subject to conditions in accordance with the paragraph 178 of the NPPF.

6.63 Southern Water has confirmed there is sufficient capacity on the local network for foul drainage which ensures compliance with criterion 15 of policy H1(4).

Ecology

6.64 The applicant's survey highlights that the greatest ecological interest are the site boundaries and in particular the northern boundary which will be retained and not incorporated into the curtilage of the dwellings. In terms of protected species, slow worms, common lizards and grass snake have been recorded. Commencement of translocation of the common lizards and slow worms has already started to a receptor site in Mote Park because detailed ground investigations are required in respect of drainage and foundation design at the earliest opportunity. This can be lawfully carried out in advance of planning permission being granted as a licence is not required. Translocation will shortly cease for the winter, until it can recommence next year, but it is understood a sufficient area has been cleared for testing to safely take place. KCC Ecology have raised no objections to this but advise that they would not be supportive of Mote Park being used for any further translocation beyond this site until further monitoring has been carried out to ensure the carrying capacity is not exceeded for reptiles. They also advise that there is a need to ensure that, following completion of the translocation, the application site is regularly cut and the reptile fencing maintained to ensure reptiles will not re-establish on site between translocation and construction commencing which can be secured by condition.

6.65 Other protected species including foraging bats, dormice, badgers, hedgehogs and breeding birds are present mainly around the edges of the site. KCC Ecology advise generally that the retention of the hedgerows and the proposed planting around the edges of the site will be sufficient to provide suitable habitat, connectivity, and mitigation. Conditions are required to secure the mitigation measures, a site wide management plan, and bat sensitive lighting. The development would therefore be in accordance with policy DM3 of the Local Plan.

6.66 There would be an AW buffer increasing from 15m at its west edge to nearly 50m with this area fenced off and planted with native woodland and thicket planting to provide further protection to the AW.

- 6.67 The Kent Wildlife Trust have commented on the application and do not consider the development provides net gains in line with the NPPF or Environment Bill. The requirements of the Environmental Bill 2019 will seek a 10% biodiversity net gain but this legislation has not yet come into effect yet. As such there is currently no requirement to quantify the amount of 'biodiversity gain'. In terms of enhancements, the proposals would provide new native planting around the edges of the site which would also provide green corridors, wildflower meadow planting, permeability for hedgehogs around gardens, bird, bat, hedgehog and insect boxes, and habitat piles. This is considered a proportionate response based on the ecological value of the site and will provide an appropriate biodiversity net gain for this development in line with the NPPF/NPPG.

Residential Amenity

- 6.68 The nearest existing houses are to the south on Broomshaw Road and Rede Wood Road. As outlined earlier in the report, the impact upon these properties in terms of privacy, light and outlook would be acceptable due to the separation distances where houses facing south are at least 25m away with vegetation in between. Where slightly closer (20m) on plot 139, the first floor flank window would serve a bathroom and can be obscure glazed by condition. Approved houses on the development to the east would be a sufficient distance away to ensure appropriate amenity.

Claimed Rights of Way & Use of Field

- 6.69 KCC received an application to establish three bridleways running around and across the site in July 2020. Under this process KCC must decide whether there is sufficient evidence to make an Order to add these routes to the Definitive Map of Public Rights of Way. KCC have advised that this would take in the region of 6 months. Importantly, this does not prevent the Council from deciding the planning application. If the rights of way are confirmed the applicant would need to apply for them to be diverted like any other PROW affected by development. If planning permission were granted it would be at the applicant's risk if they commenced development prior to a decision being made on the PROWs or diversion as they would potentially need to 'un-do' any development affecting the PROW and make a fresh planning application.
- 6.70 Many representations refer to the loss of the field and it being a valuable open space to local people particularly during 'lockdown'. The site is in private ownership and so access to the land can be prevented notwithstanding the 'claimed rights of way' For this reason policy DM19 of the Local Plan which refers to publicly accessible open space does not apply not does paragraph 97 of the NPPF which protects open space areas.

Public Art

- 6.71 In line with the Council's guidance a scheme of this size should provide an element of public art and this would help to create a sense of place. This will be secured by way of condition.

Environmental Impact Assessment

6.72 An EIA Screening Opinion was submitted in 2019 for up to 340 houses which related to the application site and the site to the west within TMBC. The Council concluded that an EIA was not required and this assessed the cumulative impact from other development in the Local Plan and schemes within TMBC. There have been no significant changes since that screening opinion to reach a different decision now. In screening the current proposal, the scheme is for housing rather than any complex development, and it is not considered that the characteristics or size of the development are such that significant environmental impacts are likely to arise. The potential for cumulative effects with other approved nearby developments and those under construction is also not considered to be so substantial that significant environmental impacts are likely to arise. The development would not have any significant impacts on natural resources, land, soil, water, or biodiversity, nor would it result in any significant production of waste or pollution. There would be no risk of major accidents or harm to human health. The effects of the development would essentially be 'local' and having regard to the guidance within the EIA Regulations and the NPPF/NPPG, it is not considered that the development would be likely to lead to significant environmental effects of a nature that would require an EIA.

Representations

6.73 Matters raised but not considered in the assessment sections in the report relate to the timing of application and Covid-19 restrictions and the application not being well-publicised; development not being needed for 5-year supply; question need for affordable housing numbers and that it is going to people from outside MBC; issues during construction (traffic and disturbance); and loss of property value.

6.74 The applicant has been publicised in accordance with legal and local requirements (site notice and letters to adjoining properties) and consultations/notifications have been carried out on amended/additional information. The application was submitted in April 2020 and so it is considered that adequate time has been available for any comments to be made by interested parties.

6.75 The site is allocated within a strategic housing area and is needed to meet Maidstone's housing requirements for the current Local Plan period to 2031 including contributing to the 5-year supply. There is a high need for affordable housing as outlined under policy SP17 and the delivery of such housing is a priority for the Council.

6.76 Issues of noise and disturbance during construction are dealt with under Environmental Health legislation and controls. Loss of value to property is not a material planning consideration.

7.0 CONCLUSION

- 7.01 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.02 The site is allocated for 187 houses within the Local Plan under policy H1(4) subject to criterion. The application proposes 187 houses and for the reasons outlined in the report above, the proposals comply with all policy criterion subject to the legal agreement and conditions. The application also complies with all other relevant Development Plan policies.
- 7.03 The application proposes development within the area defined for open space under policy OS1(1) and outside the settlement boundary but this would not result in any harm to the local landscape beyond the housing allocation. It also ensures that open space areas are provided around and integrated through the development which is considered to provide a better design approach and more distinctive character. The total amount of open space (1.5ha) would still be provided.
- 7.04 KCC Highways are raising no objections to the proposed access points including the secondary access onto Broomshaw Road in terms of their use and safety. The secondary access is a requirement of site policy H1(4) and it is agreed with KCC Highways that this is appropriate bearing in mind the level of development it will serve.
- 7.05 KCC Highways are raising no objections subject to conditions preventing occupation of the development until a number of junction improvements and a link road in connection with another development are implemented. For the reasons outlined in the assessment this is considered to be unreasonable and/or unnecessary and so does not pass the test for planning conditions. It would also be inconsistent with previous recommendations and decisions of both KCC and MBC. Junction improvements to accommodate the development at the Coldharbour roundabout and the A20 London Road/Mills Road/Hall Road junction are fully funded and scheduled to start in the next 6-9 months. For the Fountain Lane/A26 junction the applicant has identified a scheme that would provide sufficient mitigation that s106/CIL money could be used towards.
- 7.06 All representations received on the application have been fully considered in reaching this recommendation.
- 7.07 It is concluded that the development is acceptable and complies with policy H1(4) and all other relevant policies of the Development Plan. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions.

8.0 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. 30% affordable housing provision (made up of 70% affordable rent and 30% shared ownership).
2. £246,159 to subsidise diversion of Arriva bus service 8 into the site for 3 years during the AM and PM peaks.
3. £32,890 for the upgrade of PROW KM11
4. £7,590 for the upgrade of PROW KM12.
5. £50,000 to provide a secure cycle hub with CCTV coverage and lighting at Barming Train Station.
6. £4,500 Section 106 monitoring fee.
7. £948 Travel Plan monitoring fee.

Conditions:

Approved Plans

1. The development hereby permitted shall be carried out in accordance with the plans listed on the Drawing Schedule (October 2020) excluding drawing no. 8080-C-160_P2 (Road & FFLs) and the Soft Landscape Proposals Sheets 1 to 3 (CSA/292/120/C, CSA/292/121/C, CSA/292/122/C).

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

Time Limit

2. 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.

Compliance

3. The development shall be carried out in accordance with the boundary treatments as shown on drawing nos. CSA/2929/117 RevC, 118 RevC and 119 RevC (Sheets 1-3) and CSA/2929/127 RevD, 128 Rev D and 129 Rev A (Sheets 1-3), and maintained thereafter.

Reason: To ensure a high-quality development and to protect residential amenity.

4. The development shall be carried out in accordance with the hard surfaces as shown on drawing nos. CSA/2929/117 RevC, 118 RevC and 119 RevC (Sheets 1-3) and maintained thereafter.

Reason: To ensure a high-quality development.

5. The development shall be carried out in accordance with the Tree Protection Plan dated March 2020.

Reason: To ensure a high-quality development.

6. All planting, seeding and turfing specified in the approved landscape details shall be carried out either before or in the first planting season (October to February) following the occupation of the building(s) or the completion of the development to which phase they relate, whichever is the sooner; and seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

7. The areas of open space as coloured green on drawing no. CSA/2929/130 shall be maintained as publicly accessible open space in perpetuity.

Reason: To ensure adequate open space areas for the development.

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

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

9. Before the development hereby permitted is first occupied, the proposed first floor flank bathroom window on plot 139 shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

10. The construction of the development shall be carried out in accordance with the precautionary mitigation measures outlined at Section 4.0 of the Biodiversity Mitigation and Enhancement Strategy (CSA April 2020).

Reason: In the interest of biodiversity protection and enhancement.

11. The development shall be carried out in accordance with the air quality mitigation measures outlined in the Air Quality Assessment including the provision of electric vehicle charging points as shown on drawing no P19-1591_05 RevD (Parking Plan). The electric vehicle charging points shall be maintained thereafter.

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

12. The development shall be carried out in accordance with the ecological enhancements outlined in the Biodiversity Mitigation and Enhancement Strategy as listed below and thereafter maintained:

- a) Wildflower grassland
- b) Hedgehog domes
- c) Bat, bird, and insect boxes.
- d) Bird habitat integral to buildings.
- e) Habitat piles.

Reason: In the interest of biodiversity protection and enhancement.

Pre-Commencement

13. No construction works or development shall take place until an ecological walk over survey has been submitted to and approved in writing by the Local Planning Authority. The survey must confirm that the approved ecological mitigation has been completed and there is no suitable habitat for protected/notable species present within the site where development will take place. If suitable habitat is found to be present an updated ecological mitigation strategy must be submitted to and approved in writing by the Local Planning Authority prior to any development taking place and the development shall be carried out in accordance with the approved details.

Reason: In the interest of biodiversity protection and enhancement.

14. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment (April 2020) and shall demonstrate

that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. It shall also explore the use of more swales within the development.

The drainage scheme shall also demonstrate (with reference to published guidance):

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

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

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

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

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

16. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation, 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: In the interests of human health.

17. No development shall take place until the applicant has secured the implementation of the following details:
 - a) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - b) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

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.

18. No development shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority for that phase. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

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

19. No development shall take place until, details of the proposed levels for the development including slab levels of the buildings and any retaining walls, together with existing site levels, 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 having regard to the topography of the site.

Pre-Slab Level

20. Notwithstanding the submitted Soft Landscaping plans (Sheets 1 to 3), no development above slab level shall take place until amended plans have been submitted to and approved in writing by the Local Planning Authority showing increased native planting including trees along the south boundary.

Reason: To ensure the development accords with the site allocation policy and to provide an appropriate setting.

21. No development above slab level shall take place until measures and locations to allow hedgehogs to move through the development 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.

Reason: In the interest of biodiversity protection and enhancement.

22. No development above slab level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) 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 'Materials Plan' and include the following:

- a) Stock facing bricks
- b) Clay roof tiles
- c) Ragstone on buildings
- d) Ragstone walling
- e) Composite boarding

Reason: To ensure a high-quality appearance.

23. No development above slab level shall take place until written details and large-scale plans showing the following architectural detailing have been submitted to and approved in writing by the local planning authority for that phase, and the development shall be carried out in accordance with the approved details:

- a) Boxed surrounds to windows
- b) Soldier courses

- c) Stone cills
- d) Brick banding
- e) Roof overhangs

Reason: To ensure a high-quality appearance.

24. No development above slab level shall take place until 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.

25. No development above slab level shall take place until a "bat sensitive lighting plan" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting plan shall:

- a) Identify those areas/features on site that are particularly sensitive for bats 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;
- b) 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 approved plan.

Reason: In the interest of biodiversity protection and enhancement.

26. No development above slab level shall take place until details of lighting for streets and houses have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

27. No development above slab level shall take place until details of the plots that require the mitigation measures set out under the Noise and Vibration Assessment (April 2020) have been submitted to and approved in writing by the Local Plan Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate levels of amenity.

28. No development above slab level shall take place until a written statement of public art to be provided on site in the form of a Public Art Delivery Plan has been submitted to and approved in writing by the local planning authority. This should include the selection and commissioning process, the artist's brief, the budget, possible form, materials and locations of public art, the

timetable for provision, maintenance agreement and community engagement, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of the good place making in accordance with the provisions of the Maidstone Borough Council Public Art Guidance.

29. No development above slab level shall take place until details of a landscaped 'end stop' to the west end of Street 05 has been submitted to and approved in writing by the local planning authority. In the event that the housing development to immediate west and to which this street would link has not been approved before occupation of the 187th dwelling, the approved details shall be carried out in full.

Reason: In the interest of visual amenity.

30. No development above slab level shall take place until a site-wide landscape and ecological management plan (LEMP), including timetable for implementation, long term design objectives, management responsibilities and maintenance schedules for all landscaped, open space, and drainage areas, but excluding privately owned domestic gardens, has been submitted to and approved in writing by the local planning authority. Landscape and ecological management shall be carried out in accordance with the approved plan and its timetable unless the local planning authority gives written consent to any variation. The management plan must clearly set out how the habitat and enhancement features detailed within the Biodiversity Mitigation and Enhancement Strategy; CSA; April 2020 will be managed in the long term. The management plan must include the following:

- a) Details of the habitats to be managed
- b) Overview of the proposed management
- c) Timetable to implement the management
- d) Details of who will be carrying out the management
- e) Details of on-going monitoring.

The management plan must be implemented as approved.

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

31. No development above slab level shall take place until the following details have been submitted to and approved in writing by the local planning authority:
- a) Details of the bus stops, their locations, and timeframes for their delivery.
 - b) Timeframes for delivery of improvements to the junction of Fullingpits Avenue/Broke Wood Way and the approved road within the housing development to the east, as shown on approved drawing no. 15-009/37 in Appendix E to the TA.

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

Reason: To allow for bus access to the site.

Pre-Occupation

32. The development shall not be occupied until a Final Travel Plan for the development which follows the principles of the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Travel Plan.

Reason: In order to promote sustainable transport use.

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

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

Agenda Item 15



19/505816/SUB - Lordswood U-Ext.

Scale: 1:2500

Printed on: 11/08/2020 at 16:52 AM by StevieH

REFERENCE NO - 19/505816/SUB		
APPLICATION PROPOSAL 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))		
ADDRESS Lordswood Urban Extension Gleaming Wood Drive Lordswood Kent		
RECOMMENDATION APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION <p>The submitted additional or revised information to deal with concerns of the August Planning Committee is considered to be acceptable overall.</p> <p>The funding programme is acceptable but an informative is needed to advise that the details would need to be revised if equal service charges to all 89 dwellings cannot be achieved.</p> <p>The addition of an underpass is not considered to be warranted in this case: both because it is unlikely to be necessary as the road is an estate residential road which will have relatively low traffic flows/speeds particularly at night and because such an underpass would be additional engineering work in the Ancient Woodland and so there need to be "wholly exceptional reasons" if this would harm the Ancient Woodland further than already approved in the outline appeal decision. If pursued, the purpose of the underpass would need to be more clearly detailed to allow for the likely design/size and land take to be considered in the light of NPPF policies on Ancient Woodland.</p> <p>The applicants have otherwise responded to Members queries and hence details as now further revised are considered to meet both the requirements of the Inspector who granted the outline planning permission and national and local planning policies on these matters.</p>		
REASON FOR REFERRAL TO COMMITTEE Referred by Boxley Parish Council		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT McCulloch Homes And Palm Developments Ltd AGENT Mr Iain Warner
TARGET DECISION DATE 25/01/20		PUBLICITY EXPIRY DATE 12/06/20

Relevant Planning History

15/503359/OUT

Outline application with all matters reserved for residential development (approx 89 dwellings) plus open space, biomass plant and access road (plus emergency access) (Revised Scheme).

Refusal Decision Date: 18.08.2015

Appeal Allowed 30.11.15

18/500346/FULL

Erection of 115 dwellings together with associated infrastructure, open space, landscaping and access works.

Refused Decision Date: 07.09.2018

18/505455/REM

Approval of Reserved Matters for Access, Appearance, Landscaping, Layout, and Scale, pursuant of 15/503359/OUT - Outline application with all matters reserved for residential development (approx 89 dwellings) plus open space, biomass plant and access road (plus emergency access).

Approved Decision Date: 18.06.2019

19/504442/FULL

Erection of 115 dwellings together with associated infrastructure, open space, landscaping and access works. (RESUBMISSION OF 18/500346/FULL)

Refused Decision Date: 02.12.2019

Appeal Decision Pending

MAIN REPORT

1. BACKGROUND

1.01 This is a report which follows a deferral from 20 August 2020 Planning Committee to enable the Officers to seek to secure:

- A more detailed and improved Woodland Management Plan (WMP) taking into account the suggestions made by Boxley Parish Council in its representations to the Committee and including not just the woodland but also the spatial edges and brushwood areas;
- More information relating to the funding arrangements being adequate to deliver the WMP cross-referencing the obligations in the unilateral undertaking;
- More dormouse bridges and an underpass for wildlife;
- Insect bricks in end walls adjacent to the public highway/public footpaths and bug hotels in the natural areas;
- Wildlife friendly boundary treatments including gaps for hedgehogs;
- Deadwood piles to provide wildlife habitats;
- More bird/bat boxes in standard trees at a reasonable height;
- No Sycamore trees within planting schemes.

1.02 The previous report is appended. The issues of conditions 5 (Materials) and 8 (Proposed Boundary Treatment) were not included in the deferral and were accepted by Members (except in relation to hedgehog gaps in the boundary fences).

2. PROPOSAL

2.01 Since the August Planning Committee, the agent has submitted the following summarised additional/revised information:

Letter dated 8 September 2020

- 2.02 *Retention of Bioscan (authors of the WMP) in terms of appropriate expertise to carry out regular reviews of management operations and their efficacy*
- 2.03 *A minimum of five-yearly reviews based on targeted surveys of key species and habitats at five-yearly intervals.*
- 2.04 *An annual plan will indicate the areas of woodland that have been coppiced and with the date of such works for ongoing management, available to the council to review;*

as it is down to site manager's experience when the best time for coppicing to be carried out and which areas.

- 2.05 *The WMP sets out the proposed management for the woodland areas and within the 15m buffer zone and therefore addresses all of the areas within the site that have been identified as areas of ecological value.*
- 2.06 *The works to be carried out by an appointed contractor under the oversight of a management company responsible for communal areas. The requirement to comply with the WMP is a requisite of the outline planning conditions and Unilateral Undertaking. Many obligations are met via service charge contributions.*
- 2.07 *Further surveys would not change the mitigation and enhancement proposals for dormice. An arboreal connection is proposed and benefits from a coppice regime.*
- 2.08 *Issues around potential fragmentation of dormouse habitat were debated at length and addressed by the Inspector who accepted the access road and the arboreal connections proposed. Any further arboreal connections across the access roads, including any artificial dormouse bridges is a matter for the dormouse licence.*
- 2.09 *Funding arrangements - the annual charge would remain in place throughout the life of the development and beyond a 25 year programme. The annual part-time wardening budget allowed for could fund a local retiree, or be used in part-support of an outsourced full-time local ranger who could cover several sites in the wider area. A bespoke full-time warden for this size of woodland is not justified.*
- 2.10 *We are not clear on what grounds an underpass is being called for as traffic volumes on the access roads will be low. If justified, it would be likely to involve more landtake from Ancient Woodland which needs to be considered in the context of paragraph 175c of the NPPF.*
- 2.11 *The WMP already makes provision of deadwood piles within the woodland area and within the buffer zone as reptile refugia/hibernacula.*
- 2.12 *Landscape details have already been approved as part of the Reserved Matters application ref: 18/505455/REM by the Planning Committee in July 2019 and contain no sycamores.*

Woodland Management Plan Dec 2020

- 2.13 *An updated WMP was submitted based on the Bredhurst Woods Management Plan. It now includes up dated survey results for dormice in 2019 and reptiles in 2020*
- 2.14 *It is accompanied by a Woodland Funding Programme over a 25-year period with an associated Works & Monitoring Programme spreadsheet.*
- 2.15 *A management company will arrange and oversee the works, and ensure that the management prescriptions are carried out by appropriated experienced operatives.*
- 2.16 *A part-time warden will be employed for 1-2 days per week who may be recruited from the future residents (e.g. a retiree) or seconded (for example a 'drop-in' arrangement for wardens from other nearby nature reserves or woodland sites.)*
- 2.17 *Fees of £200-250 pa will be levied from each property including both market and affordable units. At year 25, the annual service charge may be adjusted if it is found to continue to exceed the financial requirements of ongoing management in perpetuity.*

Additional Information Received 05.01.21

- 2.18 *12No. insect bricks to be built into end walls near the public highway/public footpaths at a height of around 1m, facing south or west wherever possible plus*

4No. bug hotels to be installed within the natural areas (exact locations to be decided by the supervising ecologist on site).

- 2.19 *15 bat boxes will be installed in the woodland at 5m height with a south or south-westerly aspect and 13 bat boxes/bricks will be installed on the new dwellings (increase of 5)*
- 2.20 *Within the woodland will be 24 bird boxes of various types installed to a height of around 4-5m wherever possible, and with a north or north easterly aspect plus 12 Nest bricks to be installed on the dwellings (increase of 8).*
- 2.21 *1 hedgehog friendly gravel board per plot to be provided in appropriate positions within garden boundary fencing.*

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 1 further representation received from a local resident raising the following (summarised) issues
- Loss of Ancient Woodland and habitat for native wildlife
 - increased population/urban sprawl
 - traffic pollution

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)

Boxley PC

- 5.01 Any comments will be reported in an Urgent Update

KCC Ecology

- 5.02 Response on the underpass as follows:

- The road in to the development is a single carriage road and based on the number of dwellings it is not expected to be a continuous and heavily used road and presumably there will be a speed limit on the road. Therefore unsure of the benefit of creating tunnels under the road as it is likely that terrestrial species will continue to access either side of the woodland via the road.
- The creation of an underpass has a number of issues – in particular the further loss of AW to create it and the on going management of it to ensure it continues to be accessible (they can get clogged with leaves etc). May be a maintenance issue for highways if the road is to be adopted.
- While underpasses can be highly beneficial to keeping habitats connected when large roads schemes are constructed, I do not think it is beneficial in this situation.
- However there may be a need to consider any kerbs/fencing which is proposed for the road to ensure they will not act as a barrier to movement.

6. APPRAISAL

- 6.01 The response of the applicant to the reasons for deferral are discussed in turn below:

Woodland Management Plan

- 6.02 This has been revised in line with the Bredhurst WMP and consequently there is now much more detail on how the parcels will be managed for all of the 9 compartments for each year over 25 years. The area covered is all of the AW and the 15m buffer.

Funding arrangements

- 6.03 The details provided are 'set up' management costs estimated to be approx £38,000 including admin fees and VAT. Follow up 5 yearly costs are provided in a spreadsheet and compared to a rolling income from service charges on the 89 dwellings. The programme identifies breakeven by years 4 or 9 depending on the service charge being £250 or £200pa respectively. As such, the agent says it is envisaged that the higher rate is likely to apply until the initial outlay has been recouped and that any surplus management funds in a given year will initially be retained as a contingency fund.
- 6.04 The developer undertakes to cover the year 1 capital costs and recoup them later. Wardening costs are given at £5000 pa with 3% wage inflation which reflects the agent's assertion that this would be a part time post for 1-2 days a week and suit a resident retiree or secondment of a warden from other nearby woodland nature sites.
- 6.05 The funding programme is based on all dwellings being subject to the service charge and this is not something that has been proven as yet to have been negotiated with a Registered Provider which may be involved in the affordable housing that is secured on the site under the outline consent. Therefore an informative is needed to advise that the funding programme details would need to be revised if equal service charges to all 89 dwellings cannot be achieved subsequently.

More dormouse bridges and an underpass for wildlife

- 6.06 The applicant remains of the view that the single rope-style canopy bridge for dormice connectivity was endorsed by the Inspector and in any event, is a matter for Natural England when they consider the dormouse licence. I agree with both of these points.
- 6.07 The applicants advise that they are not averse to creating an underpass even though they consider the low traffic on the road would not justify it and would wish for Members to fully consider the negative impact on Ancient Woodland (AW) in the context of paragraph 175c of the NPPF (which states that any harm to AW should be justified by wholly exceptional reasons).
- 6.08 Based on the advice of KCC Ecology, it is my view that an underpass on a residential road for 89 dwellings is unlikely to provide benefits to connectivity for wildlife to outweigh the harm to the AW arising from additional engineering and thus landtake. Night time traffic in particular will be minimal in terms of nocturnal species such as hedgehogs. If Members wish to pursue this, it will be necessary to provide the applicant with clarity on the intended purpose of the underpass so that its design/size is detailed to allow a quantification of the harm to AW to be assessed in line with para 175c of the NPPF.
- 6.09 KCC's suggestion of the developer ensuring that kerbs and fencing etc do not impede crossing of the access road can be the subject of an informative.

Insect bricks and bug hotels

- 6.10 These have been agreed by the applicant and are appropriate for biodiversity net gain.

Wildlife friendly boundary treatments including gaps for hedgehogs;

- 6.11 These have been agreed by the applicant as one per plot in the gravel boards to any fence line. Whilst this does give some biodiversity gain, ideally some plots such as end plots will need more than 1 gap to give fuller connectivity. The agent has been asked to consider this and any response will be reported. In any event, this can be the subject of an informative.

Deadwood piles to provide wildlife habitats

- 6.12 These were already detailed in the originally submitted WMP.

More bird/bat boxes in standard trees at a reasonable height;

- 6.13 These have been agreed by the applicant (extra 8 and 5 respectively at appropriate heights) and are appropriate for biodiversity net gain.

No Sycamore trees within planting schemes

- 6.14 This has already been secured in the approved landscaping details.

PUBLIC SECTOR EQUALITY DUTY

- 6.15 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 submitted additional or revised information to deal with concerns of the August 2020 Planning Committee is considered to be acceptable overall.
- 7.02 The funding programme is acceptable but an informative is needed to advise that the details would need to be revised if equal service charges to all 89 dwellings cannot be achieved.
- 7.03 The addition of an underpass is not considered to be warranted in this case: both because it is unlikely to be necessary as the road is an estate residential road which will have relatively low traffic flows/speeds particularly at night and because such an underpass would be additional engineering work in the AW and so there need to be "wholly exceptional reasons" if this would harm it further than already approved in the outline appeal decision. If pursued, the purpose of the underpass would need to be more clearly detailed to allow for the likely design/size and land take to be considered in the light of NPPF policies on Ancient Woodland.
- 7.04 The applicants have otherwise responded to Members queries and hence details as now further revised are considered to meet both the requirements of the Inspector who granted the outline planning permission and national and local planning policies on these matters.

8. RECOMMENDATION

APPROVE DETAILS

INFORMATIVES

- 1) You are referred to KCC Ecology's suggestion of ensuring that kerbs and fencing etc do not impede crossing of the access road by wildlife.
- 2) It is noted that the funding programme is based on all dwellings being subject to the service charge and would need to be revised if equal service charges to all 89 dwellings cannot be achieved.
- 3) You are encouraged to add more wildlife friendly gravel boards to end plots to enhance connectivity further.
- 4) The decision relates to the following documents:
 - Bird and Bat Boxes January 2021 (Bioscan Report E1739r8rev1)
 - Agent Response to Deferral 09 Sep 2020
 - Ancient Woodland Management Plan Dec 2020 (Bioscan Report E1739r5rev2)
 - Woodland Funding Programmes 22 Dec 2020
 - Woodlands Works and Monitoring Programme 22 Dec 2020
 - 1012 Rev P2 Proposed Boundary Treatments
 - Ecological Design Strategy Sept 2019 Bioscan Report E1739r6
 - Construction Environmental Management Plan: Biodiversity Sept 2019 (Bioscan Report E1739r7)
 - 667 Materials List P4
 - Tetlow King Letters dated 08.01.20 and 20.05.20
 - Tetlow King Email dated 03.08.20
 - Bioscan Email (Reptiles) dated 24.06.2020
 - Tetlow King Email dated 10.08.20

Case Officer: Marion Geary

REFERENCE NO - 19/505816/SUB		
APPLICATION PROPOSAL 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))		
ADDRESS Lordswood Urban Extension Gleaming Wood Drive Lordswood Kent		
RECOMMENDATION APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION <p>The submitted information on future long term management of the ancient woodland primarily by rotational coppicing and the measures proposed in regard of biodiversity (including a "natural" dormouse bridge as was agreed in the original appeal hearing) are acceptable both in terms of meeting the requirements of the Inspector who allowed the outline planning permission and national and local planning policies on these matters.</p> <p>No objections have been received from KCC Ecology to the revised information. The applicant has confirmed agreement to full compliance with all the ecological advice given by KCC Ecology in their representations.</p> <p>The boundary treatments and materials as revised are satisfactory for the location.</p>		
REASON FOR REFERRAL TO COMMITTEE Referred by Boxley Parish Council		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT McCulloch Homes And Palm Developments Ltd AGENT Mr Iain Warner
TARGET DECISION DATE 20/01/20		PUBLICITY EXPIRY DATE 12/06/20

Relevant Planning History

15/503359/OUT

Outline application with all matters reserved for residential development (approx 89 dwellings) plus open space, biomass plant and access road (plus emergency access) (Revised Scheme).

Refusal Decision Date: 18.08.2015

Appeal Allowed 30.11.15

18/500346/FULL

Erection of 115 dwellings together with associated infrastructure, open space, landscaping and access works.

Refused Decision Date: 07.09.2018

18/505455/REM

Approval of Reserved Matters for Access, Appearance, Landscaping, Layout, and Scale, pursuant of 15/503359/OUT - Outline application with all matters reserved for residential development (approx 89 dwellings) plus open space, biomass plant and access road (plus emergency access).

Approved Decision Date: 18.06.2019

19/504442/FULL

Erection of 115 dwellings together with associated infrastructure, open space, landscaping and access works. (RESUBMISSION OF 18/500346/FULL)

Refused Decision Date: 02.12.2019

Appeal Pending

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is close to the boundary with Medway Council district. It is outside the urban confines of Lordswood and is thus in the countryside. It comprises an area of 4.28ha mainly being two fields in open agricultural land with some Ancient Woodland. It is sited to the east of Lordswood.
- 1.02 The approved site for the housing is mainly within the two fields. Gleaming Wood Drive follows the perimeter of the built up area and on its eastern side is lined with mature trees designated as Ancient Woodland (AW) which is owned by the applicant. This adjoining woodland is known as Reeds Croft and Cowbeck Woods and has an area of approx. 7 ha. These two parcels are believed to have remained more or less continuously wooded since at least 1600, although part of Reeds Croft Wood was replanted for softwoods and sweet chestnut coppice. The new access road would be created through the AW from Gleaming Wood Drive and another section of roadway through AW would link the housing in the 2 fields.
- 1.03 A public right of way (PROW) runs along the NE boundary (PROW KH37). The Ancient Woodland forms a strong visual barrier between suburban development and open farmland. The woods themselves do not have a PROW through them but there are informal paths and hence there is some informal use of the application site and the adjacent wooded area for recreation such as dog walking.
- 1.04 The Ancient Woodland within the site is acknowledged to have been maintained by coppicing in the past but there is currently no active management. A woodland TPO ref 5008/2018 relates to this site and adjoining woodland.

2. PROPOSAL

- 2.01 The outline planning permission allowed on appeal was subject to a number of conditions prior to the commencement of works.
- 2.02 Condition 5 required details of materials. The current proposal is for 2 facing bricks (a grey and a buff/grey brick), cement fibre timber effect cladding (in grey or green tones) and a recycled slate waste roof tile in grey.
- 2.03 Condition 8 required details of boundary treatments. The submitted details are either 1.8m high brick walls with brick coping or 1.8m high close board fence. The brick walls are generally to corner plots where there are long lengths of garden boundaries on visible locations.
- 2.04 Condition 7 required details of a Woodland Management Plan (WMP) for the areas W1-W9 on Bioscan report E1739R1. The originally submitted details were amended/clarified to take account of KCC Ecology concerns as follows:
- The WMP is prepared on the basis of with or without a biomass facility.
 - Detailed surveys of the site to inform the extant consent were carried out across 2012 and 2013, with more recent habitat updates in 2017 and surveys for reptiles and dormice carried out in 2018 and 2019 respectively

- All of the woodland referenced W1 to W9 is AW: approximately two thirds is ancient, semi-natural woodland, with the remainder, comprising most of W1 and all of W6 and W7, being plantation on ancient woodland sites
- Reinstate coppice regime on a 15-20 year rotation cycle
- Selectively remove coniferous component and any growth/re-growth of non-native species
- Manage sapling trees for growing on as future standards
- Cyclic cutting regime of dense, graded edge to prevent unrestricted access to the woodland
- Retain woodbank and associated flora wherever present
- Map areas of richest current ground flora interest and protect during felling operations.
- Create log-piles
- Formalise (e.g. through wood chippings) and maintain paths including through the use of dead hedging, and permanent and temporary fencing, to allow controlled and directed access through the woodland
- Ensure maintenance of visual screening function along Gleaming Wood Drive.
- Buffer Zone to managed by mowing and periodic scrub-control (No fertilisers to be applied and herbicides to be avoided) and address issues with disposal of garden waste
- Five-yearly reviews of the WMP based on targeted surveys of key species and habitats at five-yearly intervals
- The approved WMP shall be implemented and adhered to - hence the Council has not been furnished with precise details as to the identity and funding for the woodland management body. We understand that KCC accept the applicant's position on this issue.
- There is a summary of various options for implementing and funding the WMP in perpetuity and an outline of the intended management body with details of its funding structure- the applicant's preference being the WMP to be funded by an annual service charge levied on each of the properties with the applicant providing bridging funding in the initial transitional phase prior to the service-charge income becoming sufficient to fully cover the management costs.
- The agent states that adequate funding for the WMP will be available and administered by a bespoke body responsible for collecting the service charge contributions, appointing contractors and monitoring and review. The applicant is open to an approach from the PC to put itself forward to be considered to manage the woodland in accordance with the attached funding structure. The applicant states they would welcome a without prejudice dialogue with the PC on how this opportunity might best be taken forward.

2.05 Condition 10 required updated species survey to inform production of an Ecological Design Strategy (EDS) addressing mitigation for all species recorded. The submitted details are summarised as:

- The ecology consultants revisited the site for walkover surveys in April 2016 and November and December 2017 to identify any significant changes or to inform the need or otherwise for further survey and/or mitigation. The walkover surveys found no evidence to warrant additional species surveys or mitigation other than reptiles and bat roosting as below.
- An update of reptile survey was carried out in September and October 2018.
- Trees with potential for bat roosting were surveyed in January 2019.

- Specific mitigation detailed for Dormice; Reptiles; Nesting birds
 - Further clarification provided on the reptile mitigation: they will be pushed to the nearest bit of AW buffer which will be enhanced with log piles and other refugia.
 - The cleared development parcels will be closely maintained to prevent recolonisation from the adjoining AW buffers. The AW buffers will be demarcated by temporary reptile fencing and/or site hoarding.
 - In response to the PC objection, the agent has also clarified that a “natural” dormouse bridge as discussed at the appeal hearing is still proposed. This will involve lashing together overhanging branches at the site end of the main access to create a natural “bridge” link over the main access road, their consultant being of the view that this natural solution will operate far better than a man-made constructed dormouse bridge.
- 2.06 Condition 11 required a biodiversity basis to a Construction Environmental Management Plan (CEMP) focusing on reducing impact to the AW and biodiversity. The submitted details are summarised as:
- 2 access road areas will have soils and coppice stools translocated into 2 areas of the retained AW and within the 15m buffer to the AW.
 - Methodology and timetable for above provided
 - Biodiversity exclusion zones to prevent vehicle and contractor incursion
 - List of construction events which an ecologist will oversee
 - A member of Chartered Institute of Ecology and Environmental Management will maintain an active advisory role through construction and oversee ecological mitigation and measures of the EDS
 - Proposed alignment of exclusions barriers around the biodiversity protection zones
 - Prior to the first occupation the AW will be cleared of any litter
 - There has been no policy change that specifies a 30m as the appropriate buffer size to AW. The request for a larger buffer zone from the PC contradicts the layout and the principle of the 15m buffers which was approved when the Reserved Matters application was formally approved.
- 2.07 Condition 17 required details of installation of bat boxes/bricks and bird boxes/bricks. The submitted details are: 23 bird boxes, 5 bird bricks; 13 bat boxes and 10 bat tubes. The supporting plans also show the location of these features within the built element of the site (totalling 25). The location within the woodland of the remaining 26 will be verified by an ecologist at the time of installation.
- 2.08 The agent has confirmed in writing that the submission formally includes compliance with all the advice given by KCC Ecology.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 1 representation received from a local resident raising the following (summarised) issues

- Concern at loss of woodland having harmful impact on leisure, wildlife and climate change

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)

Boxley PC

- 5.01 Initial Comments: The Management Plan should include timescales, mapped areas, detailed work schedules and costings for a minimum of 25 years with an indication of how future work after this time will be funded.
- 5.02 Revised Comments: There has been no reptile survey undertaken since October 2018 so not up to date. The planned brush cutting, and strimming can be fatal to reptiles and non-powered methods of clearance would be preferred. As the proposed reception area is very close to one of the access roads, measures are needed to protect them once the development is completed. The proposed area of fencing is very small and will not protect reptiles living outside the development area from entering.
- 5.03 In the application it was proposed to put in place 'bridges' so that dormice could get across the access road. There is no mention of these in the Ecological Design Strategy submitted. The EDS does not have a long term maintenance plan or adequate proposals for monitoring the species requiring specific mitigation or any remedial measures.
- 5.04 The proposed 15 metre buffer zone is inadequate given the fragmentation of AW. Boxley PC would like to see a 30-metre buffer zone planted, established and fenced off before any construction. This environmental strategy does not address Policy DM3 and does not have any proposal to reduce fragmentation caused by the access road.
- 5.05 Final Comments: must ensure that the funding will be for the length of the development. It should be specified that any work on the woodland or buffer zone must be carried out by someone experienced in woodland management. Grave concerns about fragmentation of habitat for dormice. No recent ecological surveys carried out to determine species and numbers present.

KCC Ecology

- 5.06 WMP: Initial Comments: More information required:
- Details of the timings of the proposed coppicing
 - Clarification re biomass plant.
 - Details of monitoring and management plan reviews.
 - Clarification re a dormouse EPS licence
 - Details of the management of the Ancient Woodland Buffer
 - MBC need to be satisfied that the proposed management will be implemented for the lifetime of the development
- 5.07 Final Comments: We have reviewed the updated management plan and we are satisfied with the submitted information. The main aim to re-establish coppicing within the site on a 15-20 year cycle means there is a need to ensure that there is

a continued implementation of the management plan for the life time of the development. Someone with experience of woodland management should carry out the management to assess the best time for the coppicing to be carried out and which areas. Each year on completion of the coppicing a site plan is updated to demonstrate what sections of each compartment were coppiced to cover situations where the site manager changes. In the event that there is damage to the buffer area, remedial works should be implemented immediately. Advise that the habitats within the buffer are established as soon as possible during the construction period.

- 5.08 EDS: Sufficient information has been provided to discharge the condition. The species mitigation must be implemented prior to any construction works in the woodland or areas with suitable reptile habitat commencing. The proposed dormouse and reptile mitigation has very specific timings so if missed, works must wait until the following season. The ecological mitigation works must be carried out by an ecologist.
- 5.09 CEMP: Initial Comments: Need information on the establishment of the ancient woodland buffer. Buffer planting should be carried out at the same time as the AW translocation. The Ancient woodland translocation must be carried out as detailed and an ecologist must be present.
- 5.10 Final Comments: Sufficient information has been provided. However, the submitted CEMP needs to provide information on the establishment of the ancient woodland buffer.
- 5.11 Birds/Bats: The bat and bird boxes/tubes must be erected/installed as detailed within the document. Those within the woodland must be carried out at the same time as the woodland translocation. The boxes must be monitored and replaced as and when required as part of the on going monitoring of the woodland as part of the management plan.
- 5.12 KCC Ecology were asked to specifically respond to the on-going concerns of the PC and replied:
- As detailed in recent correspondence the reptile habitat is currently being impacted by trail bikes and the quality of the habitat has declined. Therefore the reptile mitigation methodology has been amended since the submission the original mitigation strategy and we agree that the revised proposals are appropriate. If an updated reptile survey was required it is possible that it could result in reptiles being injured/killed if any trail bikes start driving over the refugia used during the surveys.
 - The proposal will result in the loss of an area of woodland to create the access roads and then a loss of scrub/hedgerow as part of the housing scheme. Due to the low numbers recorded we agreed to the proposed mitigation which was the active management of the woodland and the enhancement of hedgerows. The proposal will result in gaps being created for the main access road and the emergence access road but as they are not very wide in the long term the canopy should grow over and provide connectivity throughout the site. Due to the small gap being created (and there is evidence that dormouse will cross gaps on the ground) we are satisfied that there is not a requirement for a specific bridge. Proposing to tie the canopy together over the access road would be beneficial and would retain connectivity from the start of the works commencing. However they need to ensure that where the canopy is being tied up tall vehicles will not come through and break the ties – if that is likely it should be carried out after construction has been completed.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Ancient Woodland
- Biodiversity
- External Materials/Boundary Treatment

Ancient Woodland

6.02 The NPPF states in para 175: "When determining planning applications, local planning authorities should apply the following principle.... development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;"

6.03 Policy DM3 of the Local Plan requires new development to protect and enhance the natural environment by incorporating measures where appropriate to protect areas of Ancient Woodland and to enhance, extend and connect fragmented Ancient Woodland. Ancient Woodland is irreplaceable and an important ecological resource. The Standing Advice for Ancient Woodland and Veteran Trees published by Natural England and the Forestry Commission sets out aims in relation to Ancient Woodland and veteran trees: this resource is an irreplaceable biological and cultural asset that needs protection and maintenance, and improvement in the condition of the UK's tree and woodland resource needs sensitive sustainable management

6.04 This appeal decision pre-dates the current NPPF. The Inspector who allowed the appeal in 2015 said there was harm but it was outweighed by the benefits of management, ie as the AW had not been managed for a considerable time, selective coppicing and felling on a rotational basis would be beneficial for its long term health and future biodiversity.

6.05 The submitted details for conditions 7 and 11 relate to the protection of the AW. The level of detail requested by the Inspector in allowing the appeal has resulted in a series of detailed documents. KCC Ecology advises that the amended Woodland Management Plan and the Construction Environmental Management Plan: Biodiversity are both acceptable to allow the discharge of the conditions.

6.06 The support from KCC to discharge the conditions includes the 15m buffer to the AW. It is noted that the PC wishes to see a 30m buffer but that would not be actively supported by a national or local policy position, nor would it correspond with the layout of the development that has Reserved Matters approval from the Planning Committee. I therefore cannot support the PC's stance on this point.

Biodiversity

6.07 Paragraph 170 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by protecting and enhancing valued sites of biodiversity and soils, recognising the wider benefits from natural capital and ecosystem services of trees and woodland; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 175 of the revised NPPF states: planning permission should be refused if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, or, as a last resort, compensated.

- 6.08 Policy DM3 of the MBLP requires 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.
- 6.09 The details for conditions 10 and 17 relate to complying with the above objectives. KCC Ecology is satisfied that sufficient information has been submitted to allow the conditions to be discharged.
- 6.10 The PC remains concerned about the absence of more recent species surveys but that view is not supported by KCC, which is satisfied that the survey results are sufficient to inform the mitigation works. The appeal decision issued in November 2015 had been made on ecological surveys dated 2013. So the applicant's ecological consultants have since that time carried out: walkover surveys in April 2016 and November and December 2017; an update of reptile survey September and October 2018 and trees with potential for bat roosting were surveyed in January 2019. It is my view that these additional surveys since 2013 are adequate to accord with the reasoning behind the Inspector's imposition of the condition.
- 6.11 The reptile mitigation methodology has been revised in discussion with KCC to take account of minimising risk of damage from unauthorised trail bikes.
- 6.12 The PC is correct that the mitigation for dormice in terms of minimising the impact of fragmentation of the AW had not been clearly brought forward originally in this submission. However, the agent has now clarified that it is still the applicant's intention to create a natural "bridge" link over the main access road using branches and ropes. KCC is supportive of that idea in principle.
- 6.13 The PC also expresses concern over an absence of details as to ongoing species monitoring. Condition 10 does specify "Details for monitoring and remedial measures". The submitted EDS states that the impacted species are dormice and reptiles. They will defer to the requirements of the dormouse licence which does not require subsequent monitoring. There will be monitoring of the translocated reptile population on an annual basis for five years to assess the success of the translocation. KCC have no concerns with this part of the condition being discharged.

External Materials/Boundary Treatment

- 6.14 The Inspector imposed the condition on materials expressly making the comment that it was necessary to blend as far as possible into the woodland setting. This is an exposed location and in designated countryside. The NPPF expressly refers to the quality of materials in paragraph 130 that "*Local planning authorities should also seek to ensure that quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)*".
- 6.15 The roof material as proposed has a proportion of natural product being 60% recycled slate waste and should therefore give good weathering and colour retention compared to a 100% cement fibre artificial slate and I am of the view that it is appropriate for a good quality roofscape in the long term for this type of location.
- 6.16 The outline scheme indicated larch cladding which is no longer proposed. Reasons given by the applicant are that it needs maintenance to retain an attractive appearance and is not fire retardant. Registered Providers in particular resist such types of external cladding to the affordable units. Clearly, the cement fibre artificial wood effect cladding will be significantly different from a natural product and this is disappointing but the reasons given are accepted. In terms of the bricks,

initially only one was submitted, a grey tone. For a scheme of this size, it is considered that there should be some variation and a second brick buff/grey has now been proposed.

- 6.17 It is considered that the materials proposed are appropriate for the contemporary design of the dwellings whilst respecting the sensitivity of the location.
- 6.18 The boundary treatments are also acceptable- the most visible sections are indicated to be brick walls which are appropriate for the quality of the street-scene.

Other Matters

- 6.19 It will be noted that both KCC (initially) and the PC queried the long term financial commitment for the implementation of the woodland management bearing in mind the intention for long term rotational coppicing. The agent is correct in that details of the funding are not a requirement of the appeal decision. Nevertheless, they have indicated that in all likelihood, funding will be via a service charge (with a bridging financial contribution from the landowner). They have also invited separate dialogue with the Parish Council on future management of the AW.
- 6.20 The applicant is aware of the Planning Committee's preference not to see the biomass boiler being built out and the WMP has been drafted to be neutral on that. Removal of the commitment for a biomass boiler would need the applicant to seek a variation to the legal agreement relating to the appeal decision.
- 6.21 Members will be aware from the planning history section that an appeal is underway on the revised full planning application 115 unit scheme that was refused in 2019.

PUBLIC SECTOR EQUALITY DUTY

- 6.22 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 submitted information on future long term management of the ancient woodland primarily by rotational coppicing and the measures proposed in regard of biodiversity (including a "natural" dormouse bridge as was agreed in the original appeal hearing) are acceptable both in terms of meeting the requirements of the Inspector who allowed the outline planning permission and national and local planning policies on these matters.
- 7.02 No objections have been received from KCC Ecology to the revised information. The applicant has confirmed agreement to full compliance with all the ecological advice given by KCC Ecology in their representations.
- 7.03 The boundary treatments and materials as revised are satisfactory for the location.

8. RECOMMENDATION

APPROVE DETAILS

INFORMATIVES

- 1) The decision relates to the following documents:
Ancient Woodland Management Plan May 2020 Bioscan Report E1739r5rev1

Ecological Design Strategy Sept 2019 Bioscan Report E1739r6

Construction Environmental Management Plan: Biodiversity September 2019

Bioscan Report E1739r7

Bird and Bat Boxes September 2019 Bioscan Report E1739r8

1012 Rev P1 Proposed Boundary Treatments

667 Materials List P4

Tetlow King Letters dated 08.01.20 and 20.05.20

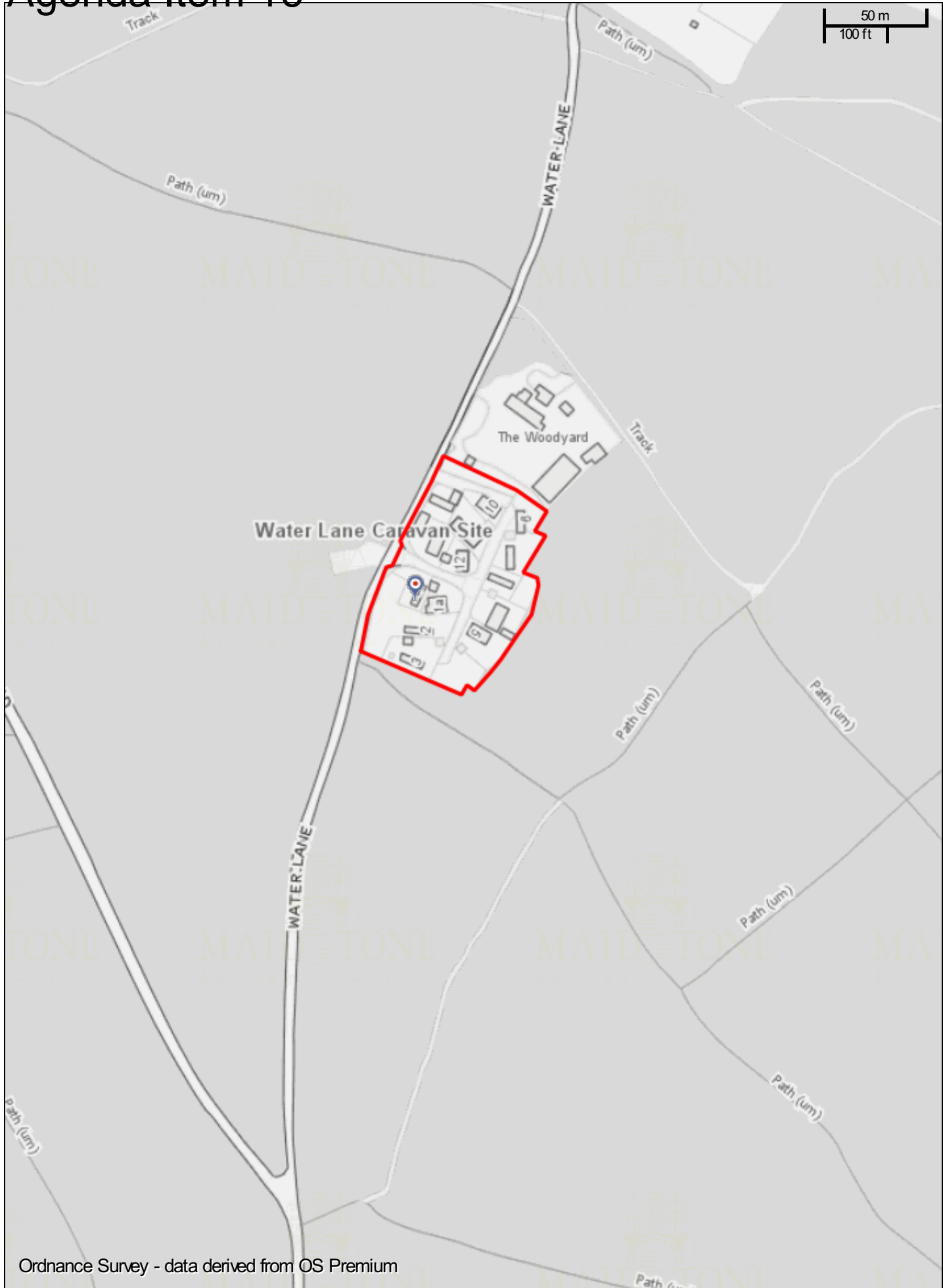
Tetlow King Email dated 03.08.20

Bioscan Email dated 24.06.2020

Tetlow King Email dated 10.08.20

Case Officer: Marion Geary

Agenda Item 16



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 20/505320/FULL		
APPLICATION PROPOSAL 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.		
ADDRESS Water Lane Caravan Site Water Lane Harrietsham ME17 1DH		
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 Headcorn	PARISH/TOWN COUNCIL Ulcombe	APPLICANT Maidstone Borough Council AGENT Faithorn Farrell Timms
TARGET DECISION DATE 27/01/21		PUBLICITY EXPIRY DATE 07/01/21

Relevant Planning History

79/0344

Proposed Gypsy Camp and other Travellers Caravan Site as amended by Housing Officer's memorandum dated 21st March 1979.

Approved Decision Date: 10.05.1979

91/1215

Refurbishment of existing caravan site including re-building of 7 no. existing washroom blocks and new service mains and sewage disposal. .

Approved Decision Date: 11.10.1991

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site has a site area of 0.75 ha and is set in a countryside location to the east of Kingswood and north of Ulcombe. It is surrounded by Ancient Woodland on which there is a TPO and which also forms the King's Wood and Abbey Wood Local Wildlife site.
- 1.02 It is set along a single width road, 280 m north from the junction with Chegworth Road with a wood yard to the immediate north.
- 1.03 The existing site is a Council run Gypsy and Traveller Caravan Park accommodating 14 active pitches.
- 1.04 There are 7 "semi-detached" wash-room facilities, each occupies a footprint of approximately 16 sqm. The existing amenity buildings are of a timber-framed construction which has been encased with a brickwork outer skin. Each Amenity Building serves two pitches: each pitch has its own entrance door thus maintaining a private entrance per pitch.

2. PROPOSAL

- 2.01 The existing amenity blocks are considered to be in a poor condition. There is insufficient heating in colder weather and the lack of insulation and poor ventilation of the units has resulted in the blocks suffering from condensation issues that make them unpleasant, damp and extremely cold.
- 2.02 The proposal is that they be demolished, new foundations created and rebuilt as traditional brick-built structures using traditional red fair faced brickwork with upvc windows with painted half glazed timber doors and a gable ended pitched roof with artificial slates. They will measure 4.3m by 4.4m and be 3.6m to the ridge. They will include a worktop area and separate shower room or bathroom. The doorways will have a level access.
- 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 application form incorrectly states there is a septic tank, which is a structure which drains naturally to ground. It has been since been clarified that current foul drainage system is a cesspit with a pumping station. The existing pumping station has failed and has to be regularly emptied using tankers. The existing rising main is believed to be the cause of the failure. The current strategy would be to repair the system including the pump. If it transpires that an upgrade is needed (eg a package treatment plant or larger cesspits) this will need a future separate application.
- 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 replacement ones will be in similar locations along the access roadway with a 7th column being added at the end of the access road to the left fork. Lighting units will be residentially suited Kirium Eco Mini: they will have a yellow tone colour temperature of 2,200K. The height originally proposed was 6m but confirmation has been given that this will be revised to 5m height (as existing).

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017: SP17; DM1; DM3; DM30
Kent Minerals and Waste Local Plan 2016
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)

Ulcombe PC

- 5.01 No objections. However, ensure that minimal/lower lighting is used in this rural location. A recent broken pipe resulted in sewage being removed by tankers. It is hoped that this situation will be rectified with this application.

SWS

- 5.02 The Environment Agency should be consulted directly by the applicant.

Environmental Protection

5.03 No comments.

Forestry Commission

5.04 No comments but provide details of Government Policy relating to ancient woodland and information on the importance and designation of ancient woodland.

Natural England

5.05 Referred to Standing Advice on impacts on protected species.

KCC (H&T)

5.06 No comment.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Countryside Location
- Design and Appearance
- Groundwater Protection

Countryside Location

6.02 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.

6.03 The works proposed in terms of visual structures is the replacement of the amenity buildings and lamp columns, all 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

6.04 Policies DM1 and DM30 relate to the need for high quality design. The new amenity blocks and lamp columns are appropriate in form, scale and materials. The new lamp columns being 5m tall respects the residential setting.

Groundwater Protection

6.05 Non-mains drainage is not ideal. Policy DM3 of the MBLP requires control of 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.

6.06 The site is not located on a Source Protection Zone and this application only includes the repair of an existing system. Connection to the main is unlikely to be feasible. 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.

Other Matters

6.07 The new lamp columns are to be on photocell timers and the LEDs will be the lowest colour temperature which is least harmful to wildlife. There is no impact on the TPO,

Ancient Woodland or Local Wildlife site surrounding so local Policy DM3 or national policies on these issues are not breached.

- 6.08 The changes to allow for water and electricity metering are not considered to have any impacts in land use terms.
- 6.09 The Minerals Safeguarding is not affected by the replacement of existing structures.
- 6.10 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

- 6.11 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 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.

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 shall be carried out in accordance with the following drawings:
T1-5254 dwg 2 Amenity Building Location Plan
T1-5254 dwg 4 Proposed Floor Plan and Elevations
T1-5254 dwg 5 Light Column Positions

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 7no. Kirium Eco Mini lighting columns of 5m height with colour temperature of 2200K and shall be retained as such thereafter.

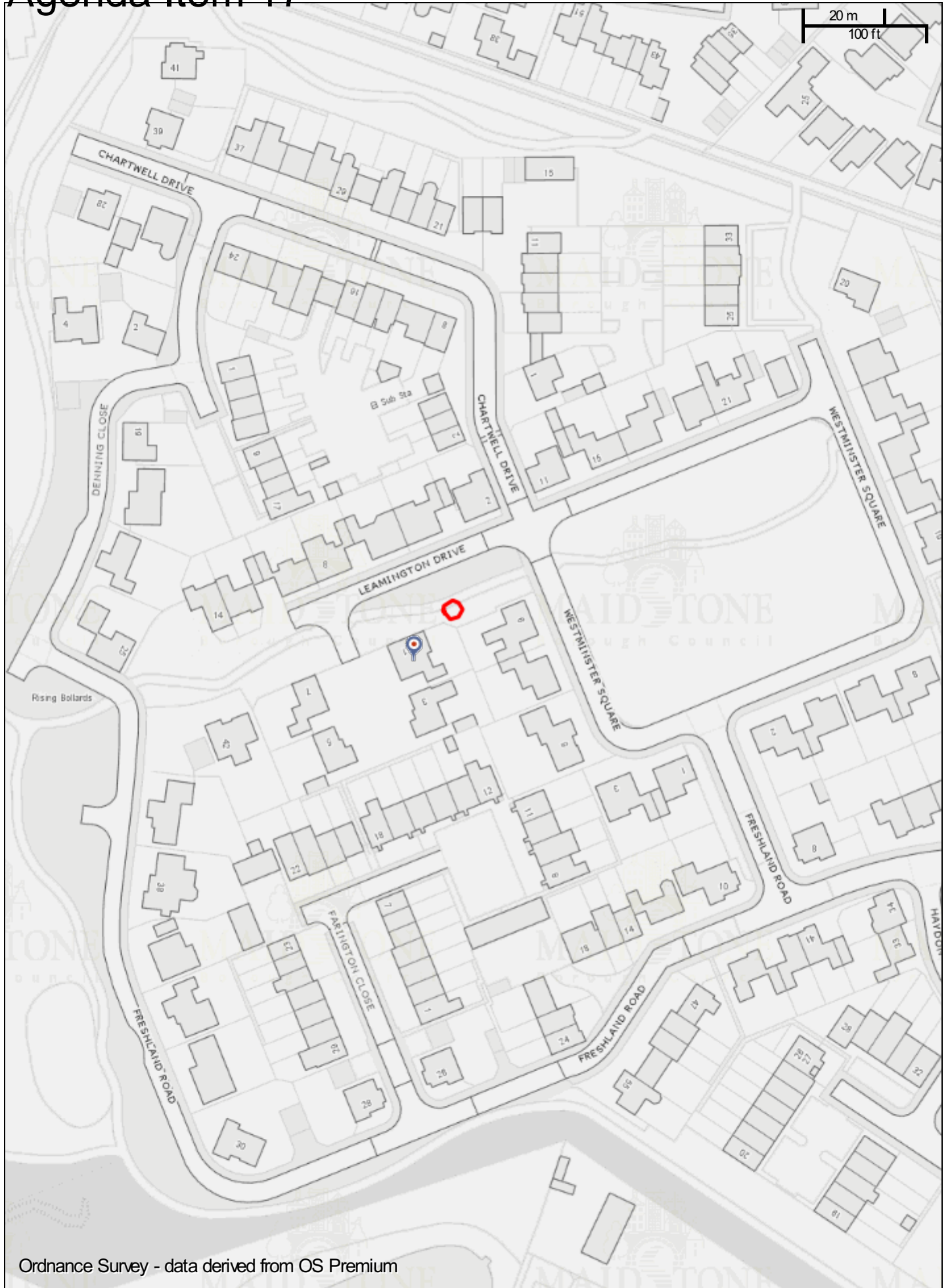
Reason: In the interests of rural character and biodiversity.

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 changes to the surface water drainage should be discussed with KCC (Flood and Water Management).

Case Officer: Marion Geary

Agenda Item 17



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO - 20/505894/TPOA			
APPLICATION PROPOSAL 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.			
ADDRESS 1 Leamington Drive Maidstone ME16 0WP			
RECOMMENDATION Permit subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed works will not be significantly detrimental to the long term health of the tree or its contribution to amenity.			
REASON FOR REFERRAL TO COMMITTEE The application is made by an agent on behalf of Maidstone Borough Council			
WARD Heath	PARISH/TOWN COUNCIL	APPLICANT Mr Andrew Jesson AGENT Caroline Everest	
DECISION DUE DATE 10/02/21	PUBLICITY EXPIRY DATE 07/01/21	OFFICER SITE VISIT DATE 31/12/20	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
18/505111/TPO	reduce crown of 1no Norway Maple to approximately 6m in height and spread	Lesser Works Permitted	03/12/2018
<i>Summarise Reasons:</i> A lesser crown reduction not exceeding one third of the current crown dimensions was permitted, to a finished height of no less than 10m and average radial crown spread of 4m, for the avoidance of doubt and to ensure that the extent of the works did not exceed current British Standard 3998 recommendations.			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The tree is growing in a Maidstone Borough Council –owned verge on the south side of Leamington Drive. The crown overhangs the small rear gardens of two adjacent residential properties, 9 Westminster Square and 1 Leamington Drive.

2.0 PROPOSAL

- 2.01 Crown lift to give a clearance of 4m above ground level where overhanging residential gardens and prune overhang.

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No.1 of 1994, T296 Norway Maple.

4.0 POLICY AND OTHER CONSIDERATIONS

(In deciding a tree works application/notification the LPA are not required to have regard to the development plan).

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 application does not indicate that any loss or damage is anticipated if the application is refused and the evidence submitted does not indicate that any loss or damage is reasonably foreseeable. I consider that the likelihood of a compensation claim arising is therefore very low. Not applicable if approved.

5.0 LOCAL REPRESENTATIONS

5.01 None received

6.0 CONSULTATIONS

6.01 No responses received

7.0 BACKGROUND PAPERS AND PLANS

7.01 Plan submitted.

8.0 APPRAISAL

8.01 Contribution to public visual amenity:
Good – clearly visible to the public

Condition:
Good – no significant defects noted

Useful life expectancy:
Long - with an estimated remaining life expectancy of at least 20 Years

8.02 The tree is a mature Norway Maple with an estimated stem diameter of 50cm, height of 10m, a radial crown spread of 5m and has a main fork at a height of 2m. Crown structure and size is consistent with the works permitted under application 18/505111/TPO having being completed to a reasonable standard.

- 8.03 The tree appears to be in reasonably good health and condition and recovering well from the recent reduction works, with vigorous extension growth. The further works proposed in this application aim to specifically address the remaining growth overhanging the adjacent residential gardens. The intended works are relatively minor and are not considered likely to have a significant detrimental impact on the tree's contribution to visual amenity.
- 8.04 For the avoidance of doubt it is recommended that in addition to a condition requiring the works to be completed in accordance with the recommendations of the current British Standard for tree works (BS3998), that a further condition ensures that the proposed crown lifting works do not involve the removal of main scaffold limbs.
- 8.05 Subject to these conditions, it is considered that the proposed works are acceptable management.

9.0 CONCLUSION

- 9.01 The proposed works are acceptable arboricultural management that will not have a significant detrimental impact on the long term health of the tree or its contribution to amenity.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

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

- (2) The crown lifting operation shall not involve the removal of any main scaffold limbs or result in main stem wounds. The 4m clearance shall be achieved by branch shortening or the removal of secondary limbs only.

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

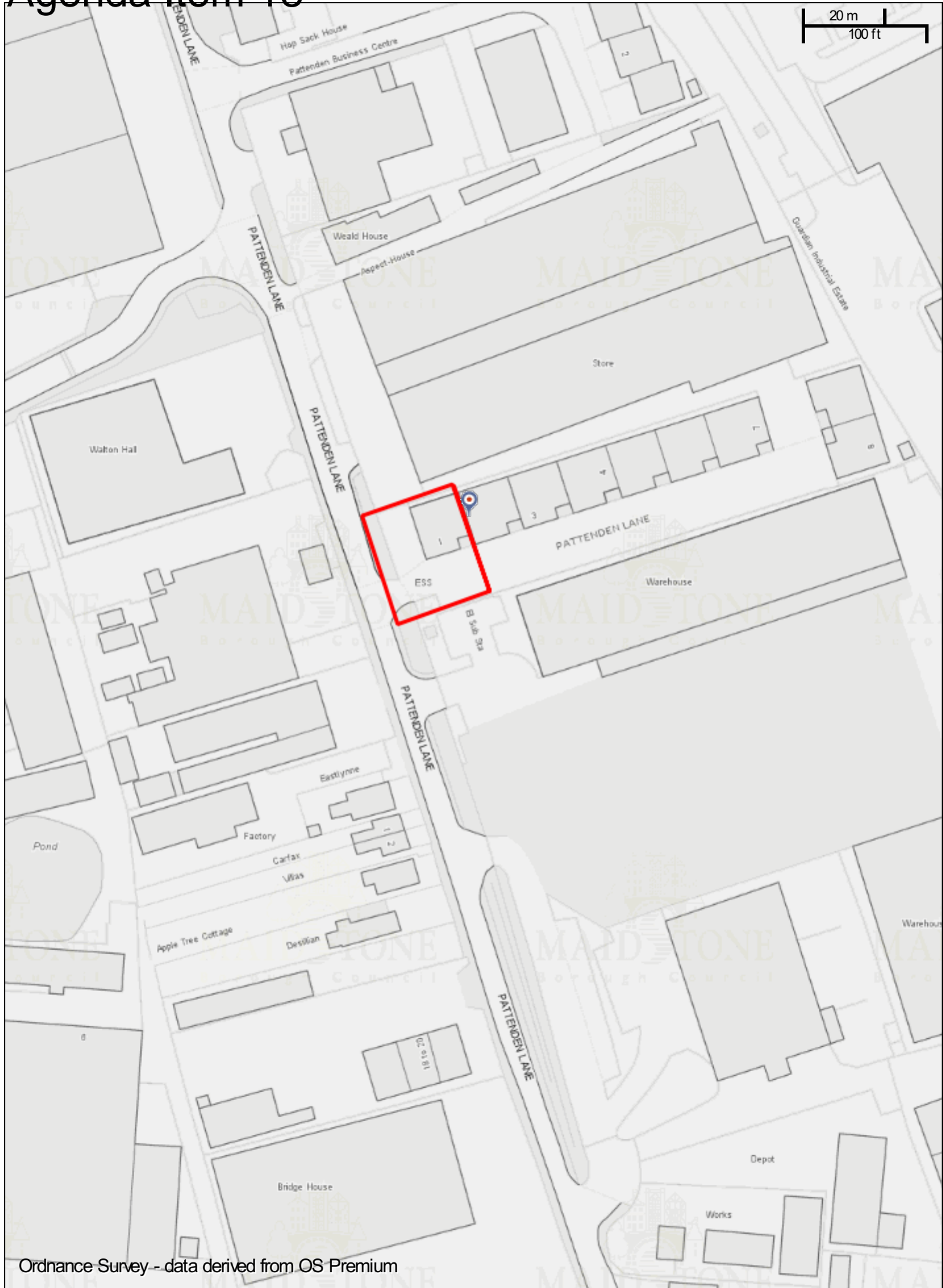
INFORMATIVES

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

Case Officer: Nick Gallavin

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

Agenda Item 18



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 20/504061/FULL		
APPLICATION PROPOSAL Erection of security gates and galvanized barbian fencing.		
ADDRESS Unit 1, Guardian Industrial Estate, Pattenden Lane, Marden, TN12 9QD		
RECOMMENDATION Grant planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would not be visually harmful in this industrial estate location and would not have a detrimental impact upon neighbouring amenity or parking and highway safety in the area.		
REASON FOR REFERRAL TO COMMITTEE The Applicant is a Councillor		
WARD Marden and Yalding	PARISH/TOWN COUNCIL Marden	APPLICANT Mr David Burton
TARGET DECISION DATE 29/1/2021 (EOT)		PUBLICITY EXPIRY DATE 7/12/2020

Relevant Planning History:

No relevant planning history

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site forms part of the Guardian Industrial Estate that consists of 9 industrial units. The Guardian Industrial Estate is located in the northern part of the Marden Rural Service Centre and in an Economic Development Area with both areas designated by the Maidstone Borough Local Plan 2017. Four residential properties are located on the west side of Pattenden Lane approximately 40 metres to the south west of the application site and also within the designated Economic Development Area.
- 1.02 The application site is located on the east side of Pattenden Lane. The main industrial estate building, consisting of Units 1 to 7, is located at a right angle to the road, with the side elevation of Unit 1 fronting Pattenden Lane. Units 8 and 9 at the rear of the site are parallel to Pattenden Lane. The existing building is constructed of red facing brickwork at ground level with metal cladding above.
- 1.03 The land to the south of the main estate building provides parking and servicing areas. Further parking is located on the land separating Unit 1 from Pattenden Lane, which also includes an electricity sub station and a grassed verge at the back edge of the pavement. This front grassed area is located over a stream which is open to the north and south of the site but culverted under the application site.
- 1.04 The red line application site boundary includes the whole width of the front section of the industrial estate, including Unit 1, the estate access from Pattenden Lane, parking areas and the grass verge. The submitted plans show that the reminder of the industrial estate land (enclosed by a blue line) is owned by the applicant.
- 1.05 Whilst the application site frontage is currently open, other similar industrial and commercial buildings to the north and south of the application site have metal railings around frontage land.

2. PROPOSAL

- 2.01 The application seeks planning permission for the installation of 2m high galvanized barbed fencing and sliding security gates along the site frontage to Pettenden Lane.
- 2.02 The fencing would be a continuation of neighbouring fence lines, set back behind the existing grass verge and approximately 5m from the highway.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

SP21- Economic development

DM1- Principles of good design

Marden Neighbourhood Plan

E1 Business and employment

National Planning Policy Framework (NPPF):

Section 2- Achieving sustainable development

Section 12- Achieving well-designed places

4. LOCAL REPRESENTATIONS

- 4.01 No representations received from third parties.

5. CONSULTATIONS

- 5.01 Health and Safety Executive (Summarised)

No objection to the proposal on safety grounds. This assessment has been made due to the site being within the consultation distance of a major hazard sites/pipelines.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Visual amenity
 - Highways and parking considerations
- 6.02 Policy E1 of the Marden Neighbourhood Plan states that support will be given to employment-generating businesses that maximise employment opportunities within the parish. Development should not result in any unacceptable impact on residential amenity or the character of the surrounding area.
- 6.03 Policy DM1 of the Local Plan states that the Council will permit proposals provided that are of an appropriate scale and design in relation to the development. Proposals should create a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour.
- 6.04 The proposed new gates and galvanized barbed fencing will provide security for these 9 industrial units and will continue the line of the existing front boundary treatment to the two adjacent commercial sites in Pettenden Lane.
- 6.05 The design and appearance of the galvanized barbed fencing and sliding security gates are in keeping with the neighbouring fence and the streetscene within this economic development area. The fencing, set back behind the existing and retained grass verge and allowing views into the site, is acceptable in relation to the amenity of residential occupiers located to the south of the site on the opposite side of Pettenden Lane and of the area generally.

- 6.06 Given the permeability of the proposed fencing and gates, the position in line with neighbouring fencing and the sliding operation of the gate, it is not considered that the proposal will result in any detrimental impact upon highway or pedestrian safety.

Public Sector Equality Duty

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

7. CONCLUSION

- 7.01 For the reasons set out in this report, the development proposals would meet the requirement as set out in policy DM1 of the Local Plan and E1 of the Marden Neighbourhood Plan and, as such, the application is recommended for approval 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:

Proposed Front Elevation received on 9 Oct 2020

Proposed Site Plan received on 23 Oct 2020

Existing and Proposed Block Plan received on 23 Oct 2020

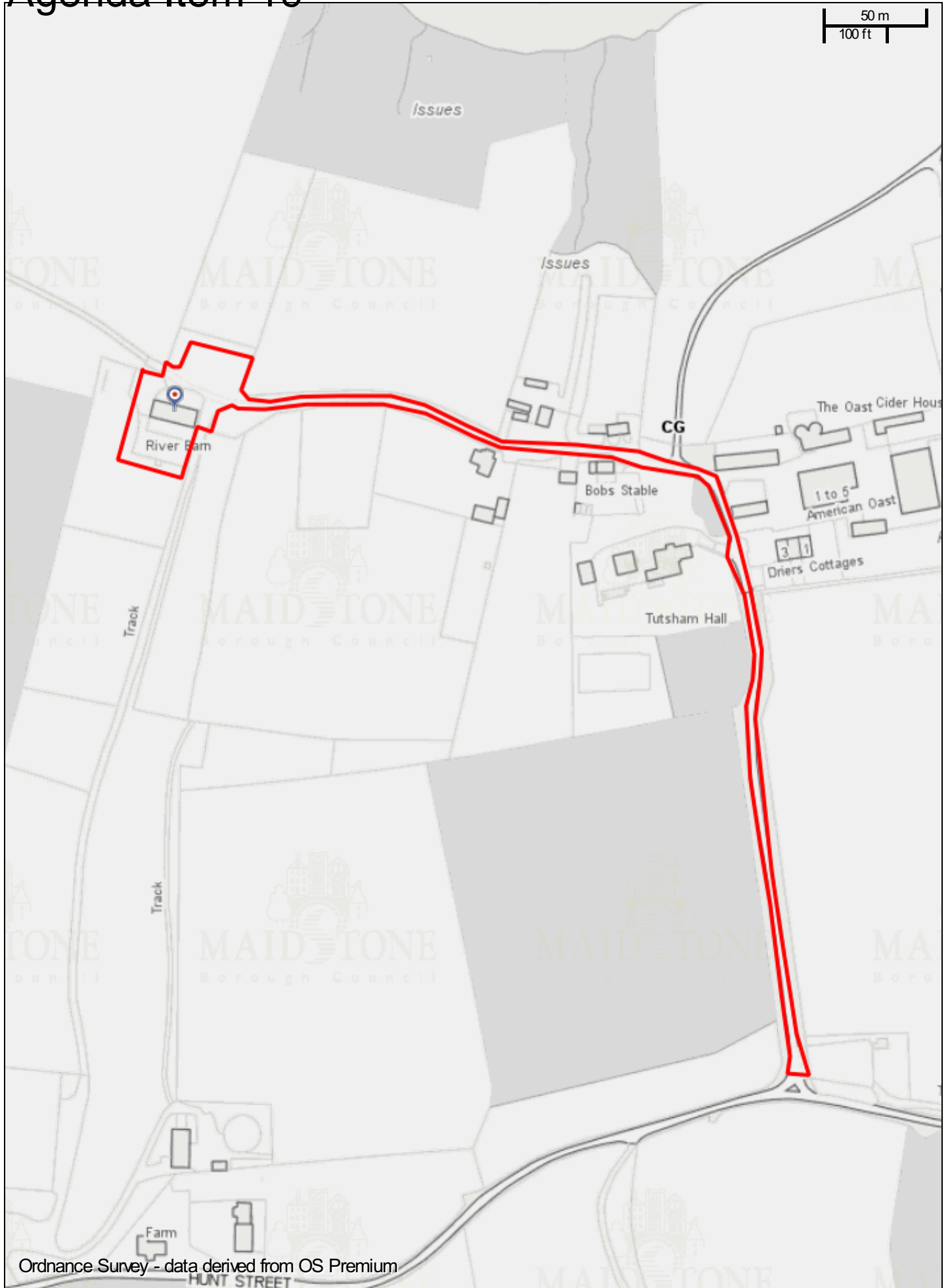
Reason: To ensure a satisfactory appearance to the development.

- (3) The materials used in the construction of the fencing and gate and the sliding operation of the gate hereby approved shall be as indicated on the submitted application documents.

Reason: To ensure a satisfactory appearance to the development and to maintain highway and pedestrian safety.

Case Officer: Michelle Kwok

Agenda Item 19



REPORT SUMMARY

REFERENCE NO - 20/504551/FULL		
APPLICATION PROPOSAL 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.		
ADDRESS River Barn Tutsham Farm West Farleigh Maidstone Kent ME15 0NE		
RECOMMENDATION Grant Planning Permission subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The site has a protracted planning history, and with the proposed changes to the development being of such materiality, a reconsideration of the scheme would suggest that a potential solution has been found to suitably mitigate against the previously identified harm. It is considered that this would now be outweighed by the intended improvements to the building and the surrounding land. Accordingly, if implemented, there is no reasonable need for the building to be demolished and the residential use to cease.		
REASON FOR REFERRAL TO COMMITTEE This application is in the form of a Planning Performance Agreement and given also the site's recent planning history, the proposal is considered to be of interest to Members. Although the application site lies within the parish of West Farleigh a representative from the neighbouring Teston Parish Council has requested referral to Planning Committee if officers are minded to approve for reasons set out in paragraph 6.02.		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL West Farleigh	APPLICANT Mr Fern AGENT DHA Planning
DECISION DUE DATE 28/01/21 (EOT)	PUBLICITY EXPIRY DATE 20/11/20	OFFICER SITE VISIT DATE 30/10/20

RELEVANT PLANNING HISTORY (including appeals)

16/500364/BOC: Enforcement Notice served 16.06.2020 currently waiting a start date for a Public Inquiry.

APP/U2235/W/19/3228474: appeal against planning refusal of 19/500452/FULL – DISMISSED

19/500452/FULL: Erection of dwelling and associated works with parking and landscaping as shown on drawing references: DHA/10757/11; 15; 16; 18; and 19; and unreferenced existing elevations received 26/02/19 - REFUSED

15/502255 - Prior approval for change of use of agricultural building to house – Prior approval GRANTED

14/506747 - Prior approval for change of use of agricultural building to house – REFUSED

MA/09/0028 - Prior approval for agricultural building extension - Prior approval GRANTED

MA/08/2401 - Prior approval for agricultural building extension – Prior approval required

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The building known as River Barn is a recently erected building located to the west of a group of buildings known as Tutsham Farm. River Barn is currently occupied for residential purposes, and does not have the benefit of planning permission. It has a large area of hardstanding to the front.



Viewed looking East from the public footpath KM16

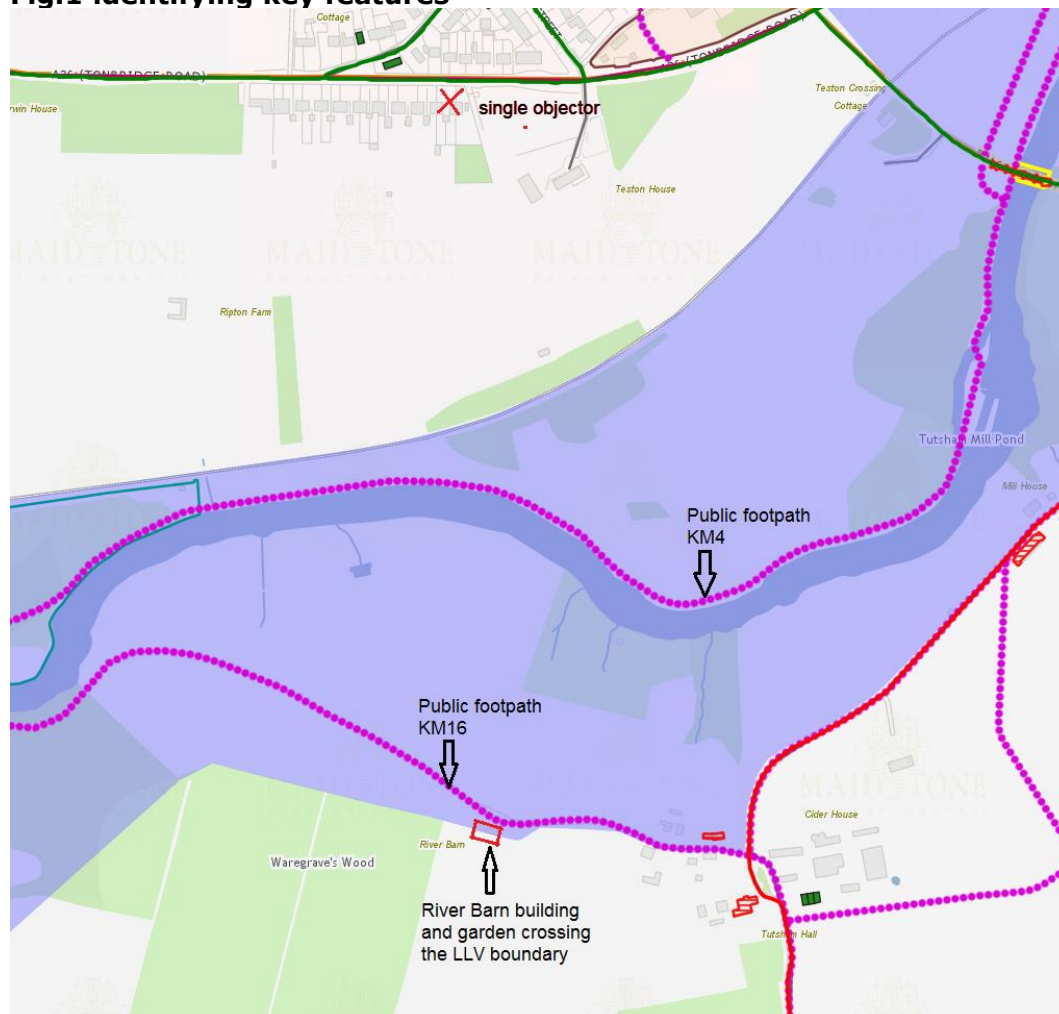
- 1.02 Vehicle access to the site is via the B2163 road which connects with the A26 Tonbridge Road. Accessed from Hunt Road, turning into the Tutsham Farm complex which comprises a series of buildings in a mixture of residential, commercial and agricultural use is a maintained road which also facilitates a section of public footpath KM16, which runs in a general east/west direction across the front of the building and beyond towards Watlington.



Circled is the building viewed from the river walk across the valley Teston to Watlington public footpath KM4

- 1.03 To the rear, the garden is enclosed by a brick wall. There are extensive views enjoyed by the wider Tutsham Farm complex of the Medway Valley to the north. For the purposes of the Maidstone Local Plan the application site is within the designated countryside, with the building but not the garden falling just within the Medway Valley Landscape of Local Value.
- 1.04 The illustration in fig.1 below identifies the Medway Valley LLV, the Public footpaths, the single objector to the north and the application site to the south.

Fig.1 identifying key features

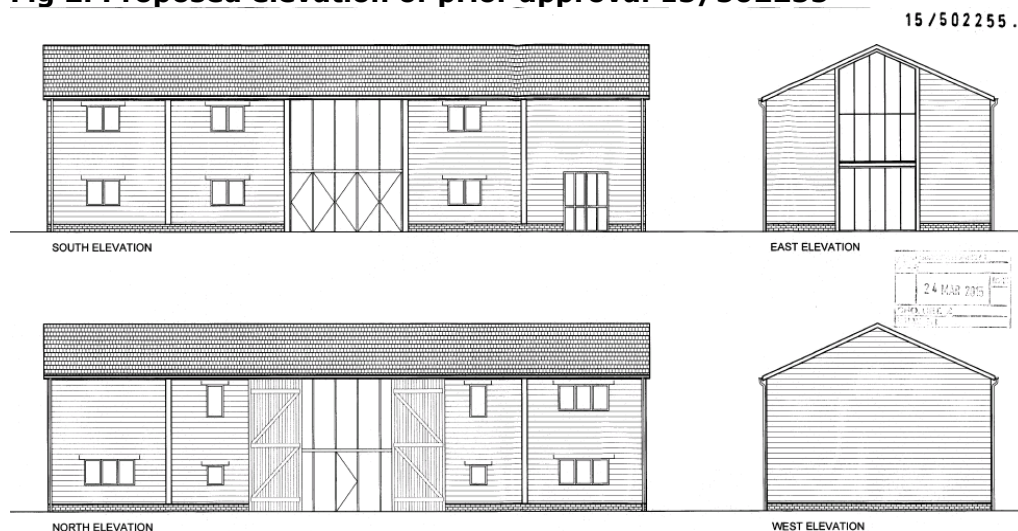


2.0 PROPOSAL

- 2.01 This application is an amended proposal seeking part retrospective planning permission for a replacement barn as 4/5 bedroom dwelling, involving a reduction in fenestration to the north and east elevation, with the addition of light sensitive barn doors, the introduction of a ragstone plinth around the bottom of the building, removal of brick garden walls to the rear of the building, thus reducing the size of the formal garden to the rear and a reduced parking/turning area to the front of the building. New Rag stone piers will be introduced to the gated parking area and the laurel hedging to the front will be replaced with triple staggered native hedgerows and structural landscaping to the front of River Barn and into the valley at, Tutsham Farm.

- 2.02 For background information, prior approval MA/09/0028 was granted for an extension to the existing barn to double its floor space, and increase its height to 8m. This development was never implemented.
- 2.03 In 2015 an application made under the prior approval procedure (15/502255) for the change of use of an agricultural (concrete framed) building to a single dwellinghouse was approved. The then proposed plans to 15/502255 are shown below in fig 2.

Fig 2. Proposed elevation of prior approval 15/502255



- 2.04 Works then commenced on the barn's conversion but, during a period of bad weather, the entire concrete frame of the building collapsed and was removed. As a result a replacement steel-framed structure was erected and the conversion works continued. However, the applicant was apparently unaware that the removal and replacement of the original frame had effectively invalidated the permission granted. Also, for means of practicality the building erected is slightly larger than that of the original barn building. As such, once the conversion was completed and the change of use had been implemented with the building occupied for residential purposes, it represented unauthorised development which required the benefit of a full planning permission.
- 2.05 In the circumstances, in January 2019, an application (ref 19/500452/FULL) was submitted seeking retrospective planning permission for the building's retention and the continuation of its residential use. Planning permission was refused on the basis of the Council's consideration that the development represented an isolated dwelling in the countryside, and the consideration that the building's scale and domestic appearance, along with the boundary treatment and degree of hardstanding caused harm to the character and appearance of the countryside.
- 2.06 The decision was subsequently unsuccessfully appealed by way of a decision letter issued in December 2019 (*APP/U2235/W/19/3228474*). Although the Inspector disagreed with the Council as to it being an 'isolated dwelling' he did not consider it to be sited in an accessible location for goods and services and mentions the likelihood of the occupiers being heavily reliant on the private motor vehicle. He also cites that the large detached dwelling, large rear stepped, walled and engineered garden area, and substantial macadam parking area, has a significant urbanising effect on the open countryside and this sensitive part of the MVLLV, and therefore, results in substantial harm to the character and appearance of the area.

- 2.07 Regarding the design elements the applicant/appellant put forward amended drawings which showed elements of the design to be revised to address concerns raised. However, as he considered that this would "*materially alter the nature of the proposal*" and due to the revised plans having not been in the public domain, the Inspector felt he could not take these into account.
- 2.08 Following the appeal decision the appellant made no contact with the Council as to the possibility of addressing the Inspector's concerns and, given the circumstances, the Council saw it expedient to issue an enforcement notice requiring for the building to be demolished and the site cleared. This has been appealed and its requirements have therefore been suspended. Moreover, a new planning application has been received which proposes significant alterations to the building and that of its curtilage in an attempt to address the Inspector's concerns. Officers can confirm that the changes proposed represent significant improvements thereto.
- 2.09 In terms of a dimensional comparison between the original barn and compared to the previous granted prior approval, there is a minimal increase to the internal footprint, however, due to the method of construction, insulation measures and materials used the width has increased by 300mm and the depth by 400mm. The eaves height has been raised by 100mm with the central ridge height increased by 500mm.

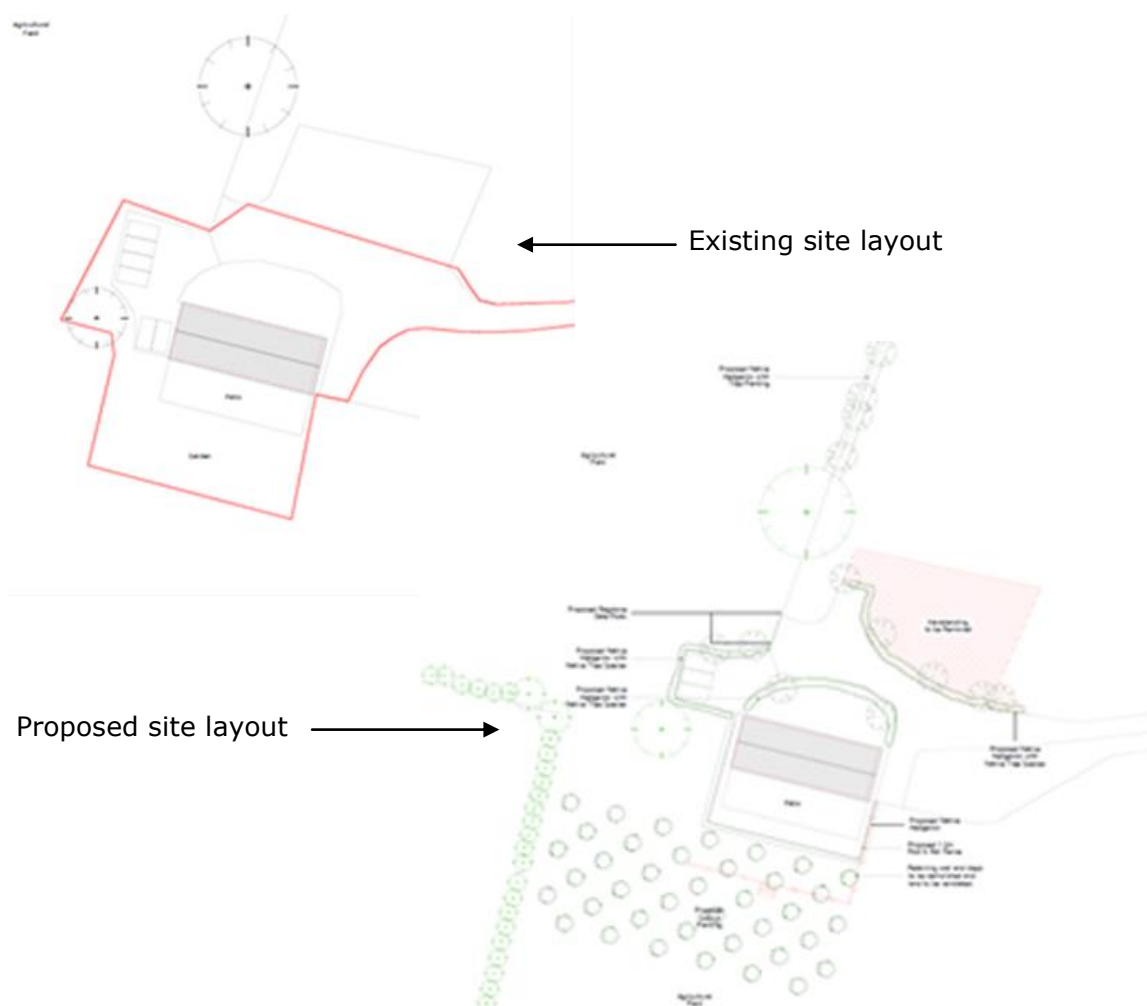
Fig 3: Comparison of existing elevations (as built) and the proposed



2.12 The main changes proposed are as follows:

- The rear garden is substantially reduced by 50% in area to that which was applied for in the previously refused scheme;
- Existing boundary walls and non-indigenous laurel hedgerows to be replaced with post and rail fencing and triple staggered native hedgerows;
- The majority of the existing hardstanding area, which is lawful in planning terms, is to be replaced with topsoil, grass and native planting;
- Major changes to the building's elevations including the incorporation of a Ragstone plinth, a significant reduction in fenestration and the installation of sliding, light sensitive, barn doors to the south elevation and the north elevation which faces down towards the River Medway;
- Percentage of fenestration reduction: N= 50%, E= 50%, S= 25%, W= 0%.
- Planting of Cobnut Platt to the rear as an attempt to give the development a historic appearance, along with new structural landscaping and the installation of Ragstone gate posts;
- The placing of interpretation boards setting out the history of Tutsham Farm;
- The provision of an EV charging point; and
- Planning Gain with improvements made to the Public Right of Way (PROW) with measures including repairs to two existing bridges and the installation of an additional raised walkway.

Fig 4: Comparison of immediate site landscaping changes



3.0 PLANNING CONSTRAINTS

- 3.01 Public Right(s) of Way – public footpath KM16 which runs east/west across the front of the property.
- 3.02 Potential Archaeological Importance

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 Maidstone Local Plan (2017): SS1, SP17, DM1, DM2, DM8, DM23, DM24 and DM30
The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Landscape Character Assessment (Amended July 2013)
Maidstone Landscape Capacity Study – Sensitivity Assessment (2015)

5.0 LOCAL REPRESENTATIONS

- 5.01 A Site Notice was erected on 21 October 2020.
24 neighbour consultations were sent 21 October 2020

Neighbour responses:

- 5.02 A single letter of representation, objecting to the development, has been received from an occupier in Tonbridge Road, Teston. Positioned on the opposite side of the River Medway valley, this dwelling has a lengthy rear garden which slopes down towards its floodplain. However, notwithstanding the significant distance the dwelling's rear faces towards Tutsham Farm. The grounds of objection can be summarised as follows:
- The building exceeds the dimensions of the original barn;
 - External lighting has been installed which is visible to dwellings along this stretch of Tonbridge Road; and
 - Council policy requires that the landscape character of the Medway Valley will be conserved and enhanced. As the building is larger than the one it replaced, and is significantly more visually intrusive, the application breaches this.
- 5.02 A single letter of observation was submitted by a neighbouring landowner pointing out that the bridge that is intended to be upgraded is not in the ownership of the applicant.

6.0 CONSULTATIONS

- 6.01 **West Farleigh Parish Council:** No comment
- 6.02 **Teston Parish Council** (neighbouring parish): (Summarised) if the Case Officer is considering approval of the application we request that the matter be referred to the Planning Committee for determination when we would wish to speak.

Character & Appearance

- In the new application, the total area of window panels has reduced by about 25% on the north elevation, close to 50% on the south and nothing, or almost nothing on other elevations.

- North facing looks across the Medway Valley. Window lay-out is less symmetrical, but is not visually appealing.
- Changes to the landscape setting make only modest contributions to softening the visual impact of the development.
- This is not a design that is sympathetic to the local setting.

Accessibility

- Basic fact that car usage will be essential, with proposed "shared journeys for accessing food and other shopping" being hardly credible.
- Given the topography, walking and cycling other than for leisure again stretch credibility.

Our Comments

- For the previous application, we stood back, expecting others to object, and restricted ourselves to comments about the impact of light pollution in this dark stretch of the Medway Valley.
- We would support such refusal, given our considerable concerns about light pollution and the vast amount of north-facing windows that will spill light across the dark valley towards Teston, with no realistic expectation that residents would prevent such spillage.
- if this development is permitted, we request that conditions are applied that:
 1. There should be no north-facing external lighting;
 2. Any other external lighting should be angled downwards and switched off between 11.00pm and 8.00am;
 3. The area of north-facing windows should be substantially reduced, perhaps by 75% of this new application's window area; and
 4. Residual north-facing windows should have shutters or curtains closed as soon as light starts fading at the end of the day

6.03 It is considered that all of Teston Parish's comments have been addressed throughout the main assessment of the report and regard has been given to the suggested conditions.

6.04 **KCC County Archaeologist:** No comment

6.05 **KCC Highways:** Not consulted, comment from previous applications indicated consultation not required.

6.06 **KCC Minerals and Waste:** No objection

6.07 **KCC Public Rights of Way Officer:** No objection

6.08 **KCC Env Protection Team:** No objections

Contaminated Land:

Since this is a retrospective application and the "re-erection" of the barn occurred 01/12/2015, I had not meant to include a recommendation for approval with contaminated land condition attached.

Foul Sewage:

The Agent has now provided further information regarding foul sewage, which is dealt with via a Klargestor System located to the front of the property.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 DHA/14730/02 Rev B Proposed Site Layout
DHA/14730/05 Rev B Proposed Elevations
DHA/14730/04 Rev B Proposed Floor Plans
DHA/14730/08 Proposed Ragstone pier details
DHA/14730/03 Rev B Proposed wider context site layout plan
Design and Access Statement dated: Sept 2020

8.0 APPRAISAL

Principle of Development, including Sustainability

- 8.01 The application site is located in the open countryside, and it would appear that part of the site falls partly within the Medway Valley Landscape of Local Value.
- 8.02 The previous Inspector commented that most of the appeal site is set in a valley feature and is at a lower level than the land to the south, east and west. This topography means that the building is positioned at a lower level than the other Tutsham Farm buildings. However, the public footpath (KM16), which follows the line of the access road serving the various scattered Tutsham Farm buildings, passes in front of the site.
- 8.03 The NPPF, whilst mentioning the economic, social and environmental objectives fundamental to achieving sustainable development, says, in paragraph 9 that they are not criteria against which every decision can or should be judged. To clarify, government advice here states:
- "... planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area".*
- 8.04 In the above connection the NPPF, under the heading "Making effective use of land" advises that as much as possible is made of using previously-developed or brownfield land. Paragraph 117 states:
- "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions..."*
- 8.05 By the same token paragraph 124 says that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, with good design being a key aspect of sustainable development.
- 8.06 Accordingly, paragraph 127 says that developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character, history and setting, while not preventing or discouraging appropriate innovation or change.
- 8.07 In this particular instance it should be noted that if the barn's frame had not given way then its conversion for residential use would have been permissible, and its required refurbishment with features such as new fenestration, doors, roof treatment and exterior walls installed and added to the former barn. However, circumstances did not allow for this and, in now requiring retrospective planning

permission for the retention of the building erected and its use for residential purposes, the Council has control over the building's future.

- 8.08 In terms of carbon emissions, which policy DM24 seeks to control, the general sustainable principle is that existing buildings should be recycled and reused rather than demolished to significantly reduce embodied carbon being released into the atmosphere. This would also save energy. Given that there is nothing structurally wrong with River Barn it is obviously preferable to adapt it for beneficial use rather than insist on its demolition. Admittedly, the enforcement notice requires for such but, following further consideration and taking into account the improvements now proposed to both the building and its surroundings, officers have reassessed the planning merits and impacts of the development as would be modified, and feel that, in this context, demolition is draconian and unnecessary.
- 8.09 Further, should the building remain, and it be put to, say, an alternative commercial use, such an operation would have the propensity to generate as many vehicular movements as could reasonably be expected to occur from its use as a dwelling. The B2163 which connects with the Tutsham Farm access road is in easy reach of the A26, and this network is readily used by the various occupiers of the 18 residential properties as well as the business properties with in the envelope of Tutsham Farm. The area is regularly serviced by refuse and delivery services and as a recognised settlement area receiving daily deliveries. Teston and Watringbury are both within 1.5km in good whether using the public rights of way. Watringbury offers a train station and the A26 Tonbridge Road is a recognised bus route. The son of the applicant lives in the property, works in the business premises and intends to make this his long term family home given the family business that operates from Tutsham Farm.
- 8.10 In the circumstances and, on balance, the Council's spatial objectives, as set out in policy SS1, are not compromised by the development.

Visual Impact, including proposed design measures

- 8.11 The Inspector commented that the design and materials has resulted in a domestic rather than an agricultural appearance and this exacerbates rather than mitigating harm caused to the character and appearance of the area, thereby contravening policy.
- 8.12 The comparison diagrams of the building's elevations on the previous pages show the timber/composite clad building as was seen by the Inspector, and as is now proposed. As mentioned, due to the fact that the new drawings had not been in the public domain the Inspector felt he was unable to comment on these proposals and turned them away. Especially of note is the reduction in fenestration and the introduction of the barn door features, both of which will address and change the building's domestic appearance, as identified by the Inspector. This will particularly alter the building's north elevation facing towards the Medway valley.
- 8.13 Given the contextual setting of the site the building's increased dimensions highlighted, in comparison with the original barn conversion, as was approved, are not discernible to any significant extent largely imperceptible due to the contextual setting and the perspective from across the valley.
- 8.14 Further changes are now proposed showing the intended incorporation of the Kent Ragstone plinth (see drawing no DHA/14730/05 Rev B). In the circumstances it is considered that the totality of the material changes in the

building's appearance would satisfy the Inspector's objections and acceptably mitigate any visual impact. These proposed measures, along with the replacement hedgerow and Cobnut planting, the introduction of other characteristic rural features, removal of the existing red brick garden walls, the substantial reduction in the rear garden space and the reduction of hardstanding to the front, would now accord with the principles and design objectives of policies SP17, DM1, DM2 and DM30.

Residential Amenity

- 8.15 Subsequent to the building's occupation for residential purposes external lighting was installed which, due to glare during evening and night time hours, has caused concern from the sole objector on the opposite side of the valley, especially as he considers that this has affected and interrupted his astronomy hobby. However, during the course of this planning application, the case officer has successfully negotiated the lighting's removal on the basis that such spillage can adversely impact on residential amenity. A suitably worded condition can be imposed to require that any external lighting, which the occupier might wish to install in the future, would need to be the subject of an application to the Council, thereby allowing for future control.
- 8.16 As regards internal lighting in the building itself, the windows to the Northern elevation facing the Medway valley and the properties on Tonbridge Road have been reduced by 50%, and the proposed installation of the sliding barn doors and their closure at late hours, which is to be electronically controlled, would fully mitigate in this regard, and can also be the subject of a planning condition. Accordingly, policy DM8 would be satisfied.

Highways

- 8.17 In terms of traffic generation Kent CC has previously commented to the effect that the residential use of this building has no implications for the local highway network. Accordingly, the local highway authority was not consulted on the current application.
- 8.18 The scheme proposes a reduction from six to three parking spaces, shown provided at the far side of the building through a gated area. Despite the removal of the existing hardstanding area beyond the building's frontage, there would still be adequate manoeuvrability area for vehicles entering and leaving the site.
- 8.19 Sufficient refuse, recycling and cycle storage facilities are already provided within the building and the gated area to the west of the building, and have been in place since the building was first occupied in 2016.

Other Matters

- 8.20 As mentioned, an enforcement notice has been served against the breach of planning control at the site. In such circumstances, on receipt of an application seeking planning permission for the development enforced against, it is for the Council to assess the proposal under the provisions of S70C of the Town and Country Planning Act (1990). Although it is within the Council's powers to decline to determine a proposal for development where S70C applies, under S70C, the Council should also consider whether the development proposal is materially different to that which was enforced against.

- 8.21 In the above connection the appointed Inspector, when determining the previous appeal, was passed new drawings/ plans proposing alterations to mitigate aspects of the development, but felt it was inappropriate to consider these given they would materially alter the nature of the proposal, the plans had not previously been in the public domain, and potential interested parties had not had the chance to comment on the changes.
- 8.22 The above said plans that we submitted to the Inspector have been further amended and submitted with the current application, and are now for determination.
- 8.23 Given the extent of the proposed changes and, in balancing the costs and benefits involved, it was considered that a pragmatic approach should best be taken and the development reassessed taking into account the proposed changes.
- 8.24 The applicant is proposing contributions in the form of financing improvements to the bridges and footpath along the Public Right of Way KM16 and it is also proposed that a copperplate information board be provided displaying a historic narrative about the wider Tutsham Estate. An observation was submitted by a neighbouring landowner pointing out that one of the bridges that are intended to be upgraded is not in the ownership of the applicant. These works do not form part of the application, therefore, any works to the Public Right of Way (PROW) footpath would be subject to approval by KCC PROW Dept. and would be a matter for the applicant to reach an agreement with any landowners that the proposed works would fall within.
- 8.25 Should Members resolve to grant planning permission the enforcement notice will not be withdrawn until such time as the proposed works have been affected. Accordingly, this will be the subject of a retrospectively worded planning condition, the purpose of which is to tie in and co-ordinate the various elements involved. It is considered that the current application has provided sufficient details as to the intended works, the materials to be used for, so as no further details need to be submitted for subsequent approval in this instance.
- 9.26 At such time as the approved works are completed to a satisfactory standard, and in full, the Council would then withdraw the enforcement notice forthwith.

9.0 CONCLUSION AND PLANNING BALANCE

- 9.01 Following the previous appeal decision the Council issued an enforcement notice requiring demolition of the building. However, with the previous Inspector having reached his decision without being able to take into account the benefits of the measures now proposed, these are now able to be placed in the planning balance.
- The principle of residential use was previously approved and although it is accepted the building is not a conversion, a building has existed on site in this location in excess of 60 years.
 - The increased size is considered indiscernible in its contextual setting.
 - Although not in a rural service centre, the application site is not considered isolated due to the adjacent residential and business properties forming a small, although not defined, settlement within the envelope of the Tutsham Farm.
 - Provision of a good sized family home offering a good standard of living space.

- The site is made accessible by sustainable modes by the proximity of the A26 and associated bus routes and also the provision of cycle storage and electric vehicle charging points (for existing and future residents).
- Special regard has been had to improving the rural and characteristic elements of the area by the addition of the ragstone plinth and piers.
- Public benefits include an agreement to make improvements to bridges/crossings along the public footpath KM16.
- Ecological gain and landscape value is added due to the replacement and addition planting on site and throughout the valley to lessen the visual impact.
- The general sustainable principle is that existing buildings should be recycled and reused rather than demolished to significantly reduce embodied carbon being released into the atmosphere, therefore would accord with DM24.
- The proposal would now accord with the principles and design objectives of policies SP17, DM1, DM2 and DM30.
- By engaging in a pragmatic approach, substantial officer time and cost to both parties will be saved in not proceeding with the intended public inquiry - although still maintaining the Council's position should the committee resolve to refuse the application.

9.02 Overall, Officers are of the opinion that the extent of the improvements now proposed outweigh the negative factors. Accordingly, it is felt that the Council's spatial strategy objectives would not be compromised by approving the development as, in this instance, the other material considerations involved, indicate that, on balance, planning permission should be granted.

10.0 RECOMMENDATION – GRANT PERMISSION

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

- Improvements to PROW KM16 by repairing and improving 2 No. existing bridges and installing 1 No. additional raised walkway;
- The placement of interpretation boards setting out the impressive history of Tutsham Farm;

and the imposition of the conditions as set out below:

CONDITIONS: No standard time limit condition to be imposed, but should include:

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

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

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

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

- 3) The use of the building for residential purposes hereby permitted shall cease and the building demolished and the land restored to its condition before the development took place within six months of the date of failure to meet any of the following criteria set out in (i) to (iv) below:
- (i) Within one month of the date of this decision, details of a suitable timetable for the implementation of the works shall be submitted to the local planning authority for approval.
 - (ii) Within one month of the date of this decision, details of a suitable landscaping scheme and also a timetable for the implementation shall be submitted to the local planning authority for approval.
 - (iii) Within 6 months of the date of this decision all details shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the details, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - (iv) The approved Scheme shall have been carried out in full and completed in accordance with the approved timetables and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Len Valley Landscape of Local Value is safeguarded.

- 4) 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 a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

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

DHA/14730/02 Rev B	Proposed Site Layout
DHA/14730/05 Rev B	Proposed Elevations
DHA/14730/04 Rev B	Proposed Floor Plans
DHA/14730/08	Proposed Ragstone pier details
DHA/14730/03 Rev B	Proposed wider context site layout plan

Design and Access Statement dated: Sept 2020

INFORMATIVES:

Case Officer: Sue King

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.

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 21st January 2021**

APPEAL DECISIONS:

- 1. 19/501600/OUT** Outline application for up to 440 residential dwellings, with associated access, infrastructure, drainage, landscaping and open space (Access being sought with all other matters reserved for future consideration)

APPEAL: ALLOWED

COSTS: Partially allowed

Land West Of Church Road
Otham
Kent
ME15 8SB

Committee

-
- 2. 19/506182/FULL** Residential development for 421 dwellings with associated access, infrastructure, drainage, open space and landscaping.

APPEAL: ALLOWED

COSTS: Partially allowed

Land West Of Church Road
Otham
Kent
ME15 8SB

Committee
