

REPORT SUMMARY

REFERENCE NO - 15/507909/FULL			
APPLICATION PROPOSAL			
Change of use of woodland and grassland to provide for formal public open space with associated ancillary structures (including seating and natural play equipment), improvement to paths and landscaping; and the erection of 9 no. dwellings with garaging, landscaping and access on land west of Wildfell Close.			
ADDRESS Walderslade Woods including Land Off Wildfell Close Boxley Kent			
RECOMMENDATION GRANT SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS SET OUT IN SECTION 8.0			
SUMMARY OF REASONS FOR RECOMMENDATION			
The proposal would result in the on-going management and maintenance of a wide tract of open space which makes a significant contribution to the wider area. In the absence of alternative funding the provision of 9 new dwellings and associated paraphernalia on a greenfield site within the urban area is considered acceptable and the impact on protected trees and Ancient Woodland is considered on balance outweighed by the overall benefit of providing finance to facilitate the protection of the wider site. All other material matters are considered acceptable and could be condition or secured through a legal agreement.			
REASON FOR REFERRAL TO COMMITTEE			
The application is made by Boxley Parish Council and although not strictly a departure from current policy and guidance, it is considered that the application should be determined by the planning committee, due to the wider issues of a public nature that are raised by this application.			
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Boxley Parish Council AGENT DHA Planning	
DECISION DUE DATE 23/02/16	PUBLICITY EXPIRY DATE 17/10/16	OFFICER SITE VISIT DATE Visited on a number of occasions	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/508029/ADJ	Adjoining Authority Consultation from Medway Council - Article 10 Consultation for change of use of woodland and grassland to provide for formal public open space with associated ancillary structures (including seating and natural play equipment), improvement to paths and landscaping; and the erection of 12 dwellings with garaging, landscaping and access on land west of Wildfell Close	No objection	29/4/18
08/1235	Erection of a 12 (no) dwellings, public path and play area	Refused	7/10/08
1. <i>In the absence of a robust enabling development case, the proposed development would result in intrusion of permanent buildings, hardstanding and associated paraphernalia into an area of</i>			

<p><i>open grassland on this greenfield site thereby causing harm to the open character and appearance of the site contrary to policies QL1 and HP2 of the Kent and Medway Structure Plan (2006).</i></p>			
<p>2. <i>In the absence of information to the contrary, the provision of an additional 12 dwellings is likely to lead to additional pressure on existing local health services to the detriment of existing local residents and future occupiers of the development. To permit the development without a satisfactory method for improving local health services and local open space provision the development would be contrary to Policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and Policy QL12 of the Kent & Medway Structure Plan (2006).</i></p>			
95/0507	Use of land as recreational open space	Permitted	9/6/95

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site lies to the north of the borough and relates to a tract of land measuring approximately 34 hectares, which borders and in part is within the neighbouring boroughs of Tonbridge and Malling and Medway. The site relates to land which is currently a mix of grassland, woodland and recreation open space.
- 1.02 The topography varies across the site, with plateau areas of grassland and woodland areas of Round Wood, Cossington Valley and Tunbury Bottom, with these areas separated by rather steep embankments. There are existing public rights of ways and more informal paths through the site. There is one single point of vehicular access to the extreme west of the site off Wildfell Close (approved under reference MA/95/0507), although this does not appear to be extensively used.
- 1.03 The site is currently absent of building or permanent development and therefore the site is classified as a greenfield site within an urban area. The site is subject to a number of designations, including ancient woodland, tree preservation orders, local wildlife site, area of landscape importance and village green status. These constraints are expanded on within the report, with a brief summary of the areas covered by the designations set out as follows :

Ancient Woodland – Trees protected by ancient woodland status predominantly are located at buffer points around the existing residential development, fronting Walderslade Woods Road and other areas within the wider site area.

Area of Special Control of Advertisement

Local Wildlife Sites : This designation covers most of the wider side area, notably excluding the area to the extreme east of the site (where the new dwellings are proposed and an area to the south-west of the site fronting Walderslade Woods Road

Public Rights of Way (KH655, MR441, KH32A, KH656) – These dissect the wider site area at various points, notably between the swathes of existing residential development linking the roads at the north (Beechen Bank Road and Woodlands) with Walderslade Woods Road to the south

Tree Preservation Order : The site is covered by numerous protected trees, with both individual and woodland TPOs covering the site.

Within the urban settlement boundary

Area of Local Landscape Importance : An area of land to the west of the wider site

- 1.04 The site is interspersed with existing residential development, and the site follows around these areas. The Walderslade Woods Road lies to the south of the site which forms a bypass around Walderslade, further south is the M2 Motorway. There is an existing village hall to the east of the site (Beecham Hall).

2.0 PROPOSAL

- 2.01 The application consists of two main elements :

- The change of use of woodland and grassland to provide for formal public open space with associated ancillary structures
- Erection of 9 no. dwellings with garaging, landscaping and access on land west of Wildfell Close

The change of use of woodland and grassland to provide for formal public open space

- 2.02 The site area measures approximately 34 hectares and falls partly within the authorities of Maidstone, Tonbridge and Malling and Medway. Approximately 5.4 hectares within Tonbridge and Malling to the west of the site area, approximately 0.14 within Medway to the north-west of the site and the remaining majority within the Maidstone Borough.
- 2.03 This land is currently a mix of woodland and grassland in the ownership of Kent County Council. It is proposed to change the use of the land to public open space to be transferred to and managed by Boxley Parish Council in order to secure measures to enhance and consolidate the use of the land.
- 2.04 The application is accompanied by a Planning Statement, Vision Plan, Management Plan, and a vision and implementation plan. These documents set out a summary of the works proposed, these would include general works to keep the site safe and tidy, maintain boundaries, identified works to secure the protection of the trees and woodland, protection of historic features and wildlife and allow for the enhancement of community activities.
- 2.05 New features would include the provision of security/bike barriers, new footpaths, new signage and seating, new recreation areas and equipment and new noticeboards.

Erection of 9 no. dwellings with garaging, landscaping and access on land west of Wildfell Close

- 2.06 This relates to an area of approximately 0.3hectares to the east of the wider application site. The 9 dwellings are proposed as enabling development to ensure the on-going management of the wider area for a period of at least the next 35 years. This would involve the transfer of the wider land from Kent County Council to the Parish Council

who will take on responsibility for the upkeep and maintenance of the wider area of open space.

Dwellings

2.07 9 dwellings are proposed. 3 detached dwellings (units 1-3) are proposed to the north of the site, these would face towards Walderslade Woods Road to the south and the rear gardens would be orientated towards Saracen Fields to the north of the site. 6 dwellings (units 4-9) would be within a curved terrace fronting towards Wildfell Close, with the rear gardens orientated towards the woodland to the west.

2.08 The dwellings would all be 3-storeys with a contemporary design.

2.09 Units 1-3 would have pitched roofs and would be approximately 10.6m in height with an eaves height of approximately 7.6m. They would have an attached single garage, with a maximum width of approximately 9.6m and a maximum depth of approximately 11m.

These units would be 4-bedroomed.

2.10 Units 4-9 would also have pitched roofs and would be approximately 10.2m in height with an eaves height of approximately 6.6m. They would be approximately 5.5m in width and a depth of approximately 10m.

These units would be 3-bedroomed.

2.11 Each dwelling would benefit from a private rear garden, varying in dimensions. The materials would be a mix of render and timber cladding with slate roofs. Windows would be aluminium.

Access and parking

2.12 Vehicular access would be from Wildfell Close and include a short section of internal roadway within the site to serve the dwellings, with is proposed to be built to adoptable standards and would include a turning head.

2.13 26 car parking spaces are proposed. Units 1-3 would have two off street parking spaces and one space within the attached garage. Units 4-9 would have one off street parking space. Three additional off street parking spaces would be provided on the perimeter of the Ancient Woodland buffer to the east of the site.

2.14 18 cycle parking spaces are proposed. Two spaces would be provided within the rear gardens of each of the dwellings proposed.

Landscaping

2.15 Indicative additional tree planting is shown on the proposed site plan. This includes a new tree within the rear and front gardens of units 4-9, a new tree to be planted to the front gardens of units 1-3 and new tree planting around the perimeter of the proposed play area, adjacent to the access and within the north-eastern corner of the site.

3.0 POLICY AND OTHER CONSIDERATIONS

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

Development Plan:
Maidstone Borough Local Plan October 2017

Policy SP19 : Housing Mix
Policy SP20 : Affordable housing
Policy SP23 : Sustainable transport
Policy DM1 : Principles of good design
Policy DM2 : Sustainable design
Policy DM3 : Natural environment
Policy DM8 : External lighting
Policy DM12 : Density of housing development
Policy DM19 : Open space and recreation
Policy DM20 : Community facilities
Policy DM23 : Parking standards
Policy ID1 : Infrastructure Delivery

Other documents:

Maidstone Borough Council Blue and Green Infrastructure Plan
Kent Design Guide Review : Interim Guidance Note 3 : Residential Parking

4.0 LOCAL REPRESENTATIONS

4.01 Adjoining neighbours were notified of the application as originally submitted. A site notice was also put up at the site. 13 letters of representation were received objecting on the following grounds (in summary) :

- Increase in car numbers and highways implications
- Loss of natural woodland and open space for wildlife, trees and hedges
- Noise and disturbance from additional households
- High water levels on the site, what would be the impact of more concrete
- Will a independent environmental impact investigation be carried out
- Impact on schooling
- Why build on Greenfield sites, should build on brownfield sites
- Impact on doctors

Following the submission of additional information (not consulted upon) 15 letters of support have been received.

5.0 CONSULTATIONS

5.01 **Boxley Parish Council:** Recommend approval - Wish to see approved. In order to be open and accountable the Parish Council would like to point out that it is the applicant for this application.

5.02 **Kent Wildlife Trust** : Subject to the imposition of conditions to require the submission (and approval) of details as described and prescribed in the DHA email no objection

5.03 **UK Power Networks**: No objection

5.04 **Natural England** :

The proposal is unlikely to affect any statutorily protected sites.

No comment on protected landscapes.

Not assessed application for protected species, refer to Standing advice.

5.05 **Medway Council** : No objection

5.06 **Tonbridge & Malling Borough Council** : No objection

5.07 **Crime Prevention Design Advisor**: Application does not demonstrate how they have designed out crime.

Draw applicants attention to the Kent Design Initiative.

Would suggest the applicant contacts them to discuss designing out crime.

Would recommend a condition if no contact is made.

5.08 **Public Right of Way Officer (8/12/15)** : No objection subject to informatives.

5.09 **KCC Highways** : No objection subject to conditions

5.10 **Landscape and tree Officer** : The revised application is a significant improvement on the original proposed layout in that there is now only a minor infringement within the ancient woodland buffer and, on average, the buffer meets the minimum 15m requirement. Concerns about the widening and formalising of the access track in relation in this respect and the removal of protected trees to the west of plot 3 (G4 in the applicant's tree survey) and the problematic relationship of the protected trees to the west of plots 4 to 9. The close proximity of trees to these dwellings will lead to post development pressure for removal.

However, if it is decided that there is an overriding justification for this development on planning grounds recommend conditions are attached to any permission

5.11 **Parks & Open Space** : No comments received

5.12 **Environmental Services** : Noise report update could be dealt with by condition.

5.13 **Scotland Gas Networks** : Standing advice and location plan showing position of apparatus

5.14 **Forestry Commission** : No objection, refer to standing advice

- 5.15 **Medway Internal Drainage Board** : No comments received
- 6.16 **KCC Drainage** : No objection subject to conditions
- 5.17 **Southern Water** : Suggest condition and informative should consent be granted.
- 5.18 **Environment Agency** (comments sent to Medway) : No objection
- 5.19 **KCC Biodiversity** : We have reviewed the ecological information submitted in support of this application and advise that sufficient information has been provided to determine the planning application. No objection subject to conditions.
- 5.20 **NHS Property Services**: Seek a healthcare contribution of £12 852 towards Lordswood Community Healthy Living Centre, Walderslade Village Surgery or Tunbury Avenue Surgery.
- 5.21 **KCC Development Contributions** : I confirm that KCC will leave this matter to Medway to deal with any arising contributions as the site is closer to Medway facilities than any KCC facilities. We agreed Medway dealt similarly with the recent neighbouring successful Gleamingwood Drive appeal.

6.0 APPRAISAL

- 6.01 The key issues for consideration relate to:
- Principle of development
 - Sustainable development
 - Enabling case
 - Impact on trees and landscaping
 - Impact on neighbouring residential amenity
 - Highways impact

Background

Previous planning application

- 6.02 Application MA/08/1235 sought planning permission for the erection of 12no. dwellings, public path and play area. This application was refused by Planning Committee on 3 June 2008 for reasons broadly relating to the absence of an enabling case, impact on the character and appearance of the site and loss of greenfield site and the absence of a mechanism to secure community improvements.
- 6.03 The application solely included the smaller site area relating to the proposed housing. The argument was put forward that the development of the site would create funding for the management and maintenance of the woodland, however this was not substantiated by a financial argument or robust detail to support this case. Concern was raised regarding the introduction of permanent built development within an area of open grassland, fundamentally changing the character and appearance of the area.

- 6.04 The design and impact on neighbouring residential amenity were considered to be acceptable and other matters relating to noise, crime, sustainable homes and fire safety were considered acceptable and could be dealt with by conditions or through other legislation.
- 6.05 This application seeks to overcome the previous reasons for refusal and demonstrate the acceptability of the proposals.

Changes in circumstances since earlier decision

Changes in policy

- 6.06 Since the earlier refusal in 2008 the Kent and Medway Structure Plan, Planning Policy Statement (PPS), Planning Policy Guidance (PPG), the South-East plan and The Maidstone Borough Wide Local Plan 2000 have all been revoked or superseded and are no longer policy considerations.
- 6.07 There has been the publication of the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) since the earlier refusal. The focus of which weighs heavily on sustainable development.
- 6.08 The Maidstone Borough Local Plan 2017 has been adopted.

Allocation for school

- 6.09 Policy CF8 of the superseded 2000 local plan allocated part of the application site at Round Wood for a new primary school. The policy sets out that '*planning permission will not be granted for development which would prejudice the implementation of these proposals unless a satisfactory local alternative is provided.*'
- 6.10 A scheme for the development of the site for a primary school did not come forward within the plan period and the site is no longer identified in the adopted local plan for school provision and the Infrastructure Development Plan (IDP) does not identify the site for school provision. Kent County Council have given no indication that the site should remain allocated for school provision and their granting of village green status (discussed below) further indicates that the site is no longer considered for development. The sites allocation for a primary school can be considered to have fallen away.

Village Green status

- 6.11 Traditionally, Town and Village Greens have derived from customary law and until recently it was only possible to register land as a new Town or Village Green where certain qualifying criteria were met ; i.e where it could be shown that the land in question had been used 'as of right' for recreational purposes by the local residents for a period of at least 20 years.
- 6.12 However a new provision has been introduced by the Commons Act 2006 which enables the owner of any land to apply to voluntarily register the land as a new Village Green without having to meet qualifying criteria. Section 15 states :

'(8) The owner of any land may apply to the Commons Registration Authority to register the land as a town or village green.

(9) An application under subsection (8) may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over the land'

- 6.13 Land which is voluntarily registered as a Town or Village Green under section 15(8) of the Commons Act 2006 enjoys the same level of statutory protection as that of all other registered greens and local people will have a guaranteed right to use the land for informal recreational purposes in perpetuity. This means that once the land is registered it cannot be removed from the formal Register of Town or Village Greens (other than by statutory process) and must be kept free of development or other encroachments.
- 6.14 The Growth and Infrastructure Act 2013 made a number of significant changes to the law on registering new town and village greens. Section 16 of the 2013 Act inserted new Section 15C and Schedule 1A into the 2006 Act, which exclude the right to apply for the registration of land in England as a town or village green where a trigger event has occurred in relation to the land excluding the land to be registered as a green until a terminating event occurs. This broadly relates to whether land is identified for potential development in the planning system. The application however was made and approved prior to the 2013 Act and therefore did not need to consider trigger events such as the sites allocation in the former adopted local plan (2000) for a new school.
- 6.15 An application under the Act to register a large section of the application site as a village green was submitted on 22nd May 2012 and approved by the Kent County Council's Regulation Committee Member Panel on 21st January 2013. This application and designation excludes only the area under Medway's jurisdiction (measuring approximately 0.1 hectares to the northernmost part of the site and unable to be registered under the application as within another Council's administrative area) and excludes the westernmost area of the site where the new dwellings are proposed to be sited.
- 6.16 This designation is a material planning consideration.

Larger site included

- 6.17 The application site now includes the wider tract of land, including the woodland and grassland areas. Seeking to demonstrate the extent of the area that would be managed by the enabling development (9 dwellings) and by changing the use of the entire area to public open space ensuring the long-term accessibility of the site and allowing for changes to accord with the management plans.

Submission of financial reports

- 6.18 The applicant has provided a 25 year business plan and a Market Valuation Report, both of which have been requested to be kept as commercially confidential. These documents seek to demonstrate that the provision of the 9 no. dwellings would allow for and finance the management of the wider land area for a period of at least 25 years.

The change of use of woodland and grassland to provide for formal public open space with associated ancillary structures

Principle of development

- 6.19 The land proposed to be changed to public open space covers approximately 34 hectares and is subject to a number of designations and constraints, including Ancient Woodland, Tree Preservation Orders, Local Wildlife Site, Area of Landscape Importance, Public Rights of Way and Village Green status.
- 6.20 The core principles of the NPPF at paragraph 17 sets out that planning should :

*'promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, **recognised that some open land can perform many functions** (such as for **wildlife, recreation, flood risk mitigation, carbon storage or food production.**) (Officers emphasis)*
- 6.21 Paragraph 73 of the NPPF sets out that : *'Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sports and recreation facilities and **opportunities for new provision.**' (Officers emphasis)*
- 6.22 Policy DM19 of the local plan relates to open space and recreation and sets out policy criteria for new open space provision. These include that new open space and recreation provision should reinforce existing landscape character, respect neighbouring amenities (in particular from noise and light pollution).
- 6.23 The Green and Blue Infrastructure Strategy sets out key objectives which include *Integrating sustainable movement and access for all, Maintaining and enhancing biodiversity, water and air quality, Providing opportunities for sport recreation, quiet enjoyment and health and Retaining and enhancing a quality environment for investment and through development.*
- 6.24 Tonbridge and Malling Borough Council have approved the change of use of the area of land within their administration through application TM/15/03113, including conditions relating to ecological mitigation/enhancement and external lighting. Part of the site to the south-eastern also benefits from consent for use as recreation open space under application reference MA/95/0507.
- 6.25 The sites village green designation recognises and acknowledges the owners (KCC) and Boxley Parish Councils (the applicant for the village green application) aspiration for the site to be used by the public for sports and recreation.
- 6.26 The site is currently used mainly by dog walkers and includes a series of pathways through the site (both informal pathways and PROWs). The proposals set out indicative improvements to the site which would include nature/heritage trail, new benches and information points, the creation of small open glades and improved footpaths and stepped paths. The exact extent of the proposed improvements is not finalised and is sought to be dealt with by condition should the application be successful.

- 6.27 The site is proposed to be transferred to the Parish Council from KCC whom would manage the site.
- 6.28 It is considered that the proposed change of use of the land to formalise its use as public open space would be in accordance current policy and guidance and the principle should be considered acceptable. It would enable the long-term protection and improvement of the land as open space, improve accessibility, regularise the position in accordance with the Village Green status and allow for additional open space provision in accordance with the Councils Blue and Green Infrastructure Strategy.

Visual amenity

- 6.29 The proposed works that would affect visual amenity would be low-key and would be in keeping with the character of the site. It is likely that the long-term works would improve the visual appearance of the area. The detailed matters of the proposals can be satisfactorily dealt with by planning conditions.

Residential amenity

- 6.30 Paragraph 17 of the NPPF sets out that planning should seek *'a good standard of amenity for all existing....occupants of land and buildings.'*
- 6.31 Policy DM19 of the emerging local plan sets out at point 6 :
- 'Proposals for, and including, new publicly accessible open space and recreation provision shall respect the amenities of neighbouring occupiers, by ensuring that development does not result in excessive levels of noise or light pollution.'*
- 6.32 The application site is bounded by residential development, with rear gardens generally facing towards the site. The application although seeking to change the use, does historically benefit from accessibility to the public. Existing levels and the informal nature of the footpaths does restrict the visitor numbers, however the land is not private nor is access restricted to those who wish to visit or pass through the site.
- 6.33 The proposals however intend to increase the attractiveness of the site by improving footways, providing education through information boards and talks, the provision of informal play equipment and nature trails and ancillary facilities such as benches, bins etc.
- 6.34 The policy in seeking to protect neighbouring amenity focuses on lighting and noise. It is considered that lighting could be satisfactorily controlled by condition and due to the siting of the site and proposed siting of the main areas for activity and the informal/low-key nature of the indicative improvements it is considered that the proposal would be unlikely to significantly harm neighbouring residential amenity.

Ecology and landscaping

- 6.35 The application is accompanied by tree and ecology reports which seek to demonstrate the acceptability of the proposals. The works to provide the open space are endorsed by the Kent Wildlife Trust, the Woodland Management Plan has been produced by the Forestry Commission (whom have not commented on the application), the KCC

Biodiversity Officer is happy with the proposal and the Councils landscape/tree officer has raised no objection to the proposed change of use.

- 6.36 It should be noted that the existing designations would remain, including the TPO, Ancient Woodland and Local Wildlife Site status. As such any future works to the site would need to comply with these designations and with appropriate conditions and legal mechanisms it is considered that the harm to ecology and landscaping would be acceptable and would be likely to be improved/enhanced.

Other matters

- 6.37 Matters relating to sustainability are discussed later within the report.

Erection of 9 no. dwellings with garaging, landscaping and access on land west of Wildfell Close

Principle of Development

- 6.38 The proposed housing would be located on a small part of the wider application site to the south-eastern corner. This area forms part of the recreation open space approved under application reference MA/95/0507. This considered to be greenfield land within the urban boundary.

Housing provision

- 6.39 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

- 6.40 The Council can demonstrate a 5 year housing land supply and as such there is no overriding need to provide additional housing. In accordance with Paragraph 14 of the NPPF, the development therefore needs to be considered in accordance with the development plan and in accordance with paragraph 49, the application for housing should be considered in the context of the presumption in favour of sustainable development.

Loss of recreational open space

- 6.41 Paragraph 74 of the NPPF seeks to protect existing open space, setting out :

‘Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless :

*-an assessment has been undertaken which has clearly shown the open space, building or land to be surplus to requirements; or
-the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
-the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

- 6.42 Policy DM19 of the local plan sets out that the loss of open space will not be permitted unless there is a proven overriding need for the development, there is no resulting deficiency and alternative provision with equivalent benefit can be provided to replace the loss. Seeking to develop existing open areas within the urban area, regard will be had to the impact of the loss of the contribution that site makes to existing character, amenity and biodiversity.
- 6.43 Planning permission was granted for the use of this part of the application site as recreation open space in 1995. This granted consent for a wider extent of area, which included land at the higher plateau. There is very limited evidence on the site that it is currently used for recreation purposes other than as a pathway through for dog walkers. The housing site appears to be affected by fly-tipping, and the vehicular access and gate appears to be in need of upgrading.
- 6.44 The area does however represent an open area of grassland, which does make a contribution to the character and appearance of the surrounding area and forms part of the visual break in development, compared to the densely developed area within this part of Walderslade. As acknowledged within the earlier refused scheme the development of the site would undoubtedly cause harm by the introduction of permanent built development with buildings and areas of hard standing, associated domestic paraphernalia and vehicle parking.
- 6.45 The application however seeks to provide the mechanisms for the upkeep, maintenance and protection of the wider area of open space compared to the proposed loss. A total of approximately 33 hectares would become properly managed, improved and made more accessible compared to the loss of approximately 0.3 hectares. In terms of the loss of the open space on face value the benefit would outweigh the loss.

Enabling case

- 6.46 The earlier 2008 application was refused in part as the application failed to robustly justify the enabling development case. As such the current application seeks to demonstrate this case, and demonstrate that the identified harm would be outweighed by the benefits of the scheme.
- 6.47 In addition to the information previously provided, the application is now accompanied by a statement of community involvement, a 25 year business plan, market valuation report, management plan, vision and implementation plan and the site area includes the wider site area and includes the change of use of this land to open space.
- 6.48 These documents seek to demonstrate the positive role that allowing the development of the 9 dwellings would have on the wider area.
- 6.49 The Woodland Management Plan (WMP) outlines the long term vision setting out :

'The long term objective is to maintain and enhance the existing wildlife habitats within the Walderslade Woodland, through use of traditional management techniques where possible, and to encourage community and educational usage of the site. As currently unmanaged woodland the long term aim is to have the woodland under appropriate management to ensure it remains in optimum condition to support wildlife, provide a resource for the local community, and to prevent further loss of an already rare chalk woodland habitat.'

- 6.50 Identifying the main threats and constraints including the number of interested parties (including several local authority and parish boundaries and ownership of the site), sloping ground, market value for coppice products, protected species, TPOs, public access, non-native species and anti-social behaviour.
- 6.51 Currently in the ownership of Kent County Council (KCC), it is proposed that the land would be transferred to Boxley Parish Council and a Charitable Incorporated Organisation (CIO) would be set up. The WMP sets out that the works recently carried out by KCC have been small scale/low intensity, such as the removal of branches overhanging residential gardens and maintenance of the lights. A Walderslade Woodland Volunteer Group carries out active small scale woodland management.
- 6.52 Both KCC and the Parish Council have indicated that there is a lack of funds and if the situation continues as is, it is likely that open spaces and tree margin ecosystems that exist at the moment would become over-grown and disappear and tree canopies would become thicker reducing light to the woodland floor, resulting in adverse impacts to existing flora and wildlife (taken from Walderslade Woods Vision and Implementation Plan).
- 6.53 The Kent Wildlife Trust, Woodland Management Advice sets out the rationale for a management plan. This includes the acknowledgement that this *ancient semi-natural woodland...have become irreplaceable, and so the appropriate management of such habitats to ensure their conservation is of great importance.'*
- 6.54 The aim of the management plan is to balance the improved amenity value of the woodland to the local population without detrimental impact on the woodland and maximising benefits for wildlife.
- 6.55 The applicant seeks to demonstrate the quantum of dwellings proposed through the Market Valuation Report and balance sheet (which have both been requested to be considered as commercially confidential). In summary these documents demonstrate the monies expected to be generated through the scheme for 9 new dwellings and how these monies would be spent through a 25year period. The documents demonstrate there to be a surplus of ring fenced funds after the 25year period to enable continued funding after this period. The level of monies available would depend on the market value of selling the site (the Parish Council are not proposing to develop the site themselves but would sell the site to a developer once planning permission is received), the level of developer contributions required (as discussed in detail below) and other factors, but the minimum value towards the woodland fund is fixed at £500 000 through the heads of terms and legal transfer of the land between KCC and the Parish Council. If a lesser value is secured the deal could not proceed. It is expected that based on current market value (with planning consent) in excess of this amount is likely to be

achieved. The supporting documents set out that the monies likely to be achieved would allow for the management of wider area for approximately the next 34 years.

- 6.56 As such a lesser number of units could achieve the necessary initial input of funds to secure the 25 year business plan, however the lifetime of the management would not end after 25 years and therefore the initial input of funds generated by proposing a larger number of units would secure the longer term management of the site and negate the need for further future enabling development in the foreseeable future.
- 6.57 The monies generated from the development of the new dwellings could be secured to be ring-fenced for the management of the wider site area through a legal agreement.

Sustainability (incorporating the proposed open space and new housing)

- 6.58 Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 7 sets out the three strands of sustainability, these being the economic, social and environmental roles.

Economic

- 6.59 The proposed development would provide employment through construction of the 9 dwellings. The management of the wider open space would also generate some economic benefit through its maintenance (for example tree coppicing, bramble clearance etc), improvement (for example the provision of play equipment, footpath surfacing) and the use of the area (for example through education and talks which may illicit contributions of payment). The scheme for housing seeks to generate finance and economic benefit to support the long-term maintenance and management of the proposed open space.

Social

- 6.60 The social role seeks to *support strong, vibrant and healthy communities*. Paragraph 73 of the NPPF recognises the important contribution access to high quality open space plays to the health and well-being of communities. The provision of the open space would result in an active social role, resulting in the improvement and accessibility of a large area of open space which would significantly benefit the wider community.
- 6.61 It is recognised that notwithstanding the Councils 5 year housing land supply position the development would result in additional dwellings. Supporting the social role of sustainability.
- 6.62 The site is within the urban area. It is considered that it would have satisfactory links and access to local schools, doctors, shops and other services. These facilities would be accessible by foot and/or public transport and would benefit from the same relationship to these services as the wider urban area surrounding the site.

Environmental (including visual impact)

- 6.63 The environmental role seeks to *contribute to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity*. The

application demonstrates that there would be a significant improvement to the natural environment and support to improve biodiversity through the change of use of the land to open space. This would allow for the management, maintenance and its provision for future generation in allowing the change. It is accepted in order to enable this provision of the new housing would have some harmful impact on the surrounding area and character and result in the loss of an area of open grassland. However as demonstrated above it is considered that the benefits of the wider change of use would outweigh the harm of the new housing.

6.64 Overall it is considered that the proposal would represent sustainable development.

Landscaping, ecology and trees (including Ancient Woodland)

Trees (including Ancient Woodland)

6.65 Paragraph 118 of the NPPF set out in its aim to conserve and enhance biodiversity that :

'Planning permission should be refused for development resulting the loss or deterioration of irreplaceable habitats, including ancient woodland.....unless the need for, and the benefits of, the development in that location clearly outweigh the loss.'

6.66 Policy DM3 of the emerging local plan sets out that development should :

'Protect positive historic and landscape character.....areas of Ancient Woodland, trees with significant amenity value....and the existing public rights of way networks from inappropriate development and ensure that these assets do not suffer any adverse impacts as a result of development.'

'Protect and enhance the character, distinctiveness, diversity and quality of Maidstone's landscape and townscape by the careful, sensitive management and design of development.'

6.67 Natural England and the Forestry Commission standing advice in reference to the impacts of development nearby Ancient Woodlands, sets out the following pertinent effects :

- Breaking up or destroying connections between woodlands and other habitats*
- Reducing the amount of semi-natural habitats next to ancient woodland*
- Increasing damaging activities like flytipping and the impact of domestic pets*
- Changing the landscape character of the area*

6.68 Mitigation measures set out include :

-leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland or tree (depending on the size of the development, a minimum buffer should be at least 15metres)

6.69 The Forestry commission standing advice sets out that *'Developments such as gardens must not be included within buffer zones as there is limited control over how they may be used, or developed in the future.'*

- 6.70 The scheme has been amended from the original submission to reduce the number of units from 12 to 9, this is to allow for the provision of an approximate 15m buffer with the Ancient Woodland that wraps around the eastern area of the site. The dwellings themselves would now not encroach into the 15m buffer. There would however still remain encroachment to provide 3 parking spaces, the turning head and the vehicular access into the site.
- 6.71 To facilitate the development partial removal of the groups of protected trees along the western boundary would be required to provide the rear gardens for units 4-9, together with some trees within the area proposed for the access into the site.
- 6.72 The quantum of trees now proposed to be removed is less due to the removal of 3 units from the development, the removal of the play area and there is now additional space retained on the site where additional landscaping could take place.
- 6.73 The loss of trees and encroachment into the Ancient Woodland and associated buffer is regrettable, however the scheme as proposed does now represent a significant improvement on the original submission.
- 6.74 There would still remain some future threat to surrounding trees due to their proximity to the proposed units, their elevated position and the small plot sizes of the proposed units, whereby there is likely to be future pressure for pruning due to overshadowing and overhanging branches. This again is not ideal, but is representative of development in the surrounding area whereby many rear gardens back onto the protected woodland. Any works to these trees in the future would require an application and would be considered on its merits, thus allowing for the ongoing protection of the trees.
- 6.75 The balance of judgement is therefore whether the economic benefit of providing the dwellings which would facilitate the long-term future management and maintenance of the wider site and woodland would outweigh the harm that would result to protected trees and the Ancient woodland.

Landscaping

- 6.76 The application is not accompanied by a detailed landscaping scheme for the area where the dwellings would be proposed. However as amended there is sufficient area available to provide landscaping, which could include replacement tree planting, the matters of which could be conditioned.

Ecology

- 6.77 The application is accompanied by reports which seek to address the ecological impact of the proposed development. These reports have been reviewed by the KCC biodiversity officer and are considered acceptable subject to conditions. It is considered that there is opportunity to provide ecological enhancements on this part of the site and details of which could be set out in the legal agreement/conditioned.

Residential Amenity

- 6.78 The nearest neighbouring property would be number 10 Saracen Fields. This property would be approximately 30 metres from the proposed dwelling at plot 1 on the proposed

housing development. This distance, the angle involved (approximately 40m from the rear wall of plot 1) and the level of existing and proposed planting would ensure that there would be no loss of light, loss of privacy to the occupiers. The number of storeys would mean that the dwellings would be relatively high, however, the distance of approximately 40metres would ensure there would be no overwhelming impact on occupiers. Therefore, the current level of amenity enjoyed by the occupiers of number 10 Saracen Fields would be maintained.

- 6.79 Other properties in Saracen Fields and Wildfell Close would be further from the proposed development and would therefore not result in a reduced level of residential amenity.
- 6.80 The proposed balconies and roof terraces would not result in significant overlooking to any existing residential properties. In addition the design of the proposed properties and the position and projection of the flank wall of the properties in the terrace would ensure that prospective occupiers of the dwellings would have a satisfactory level of amenity when in the back garden.
- 6.81 Each of the proposed properties would be considered family dwellings and each would have sufficient private amenity space in the form of rear gardens, balconies and roof terraces.

Highways and parking

- 6.82 The application adequately demonstrates that safe access and egress from the site could be provided and there would be sufficient parking and turning within the site itself.

Planning Obligations

Affordable housing

- 6.83 Policy SP20 of the emerging local plan relates to Affordable housing. This sets out that development of 11 units or more or sites with a floor area exceeding 1000sq/m require 30% affordable housing.
- 6.84 The proposed development in terms of number of units would now not exceed the 11unit threshold, however due to the proposed size of the units the proposed floor area would exceed 1000sq/m at approximately 1035sq/m.
- 6.85 The need for the proposed dwellings is being argued on the case of enabling development, the provision of on-site affordable units or off-site affordable housing contributions would reduce the value of the site and thus the net monies generated for the on-going management and maintenance of the wider site. As such it is considered on balance that the benefits that would result through the enabling case for the benefit of a wide tract of woodland and open space outweigh the policy requirement for affordable housing in this case.

Other obligations

- 6.86 Due to the reduction in the number of units, Medway Council have withdrawn their request for contributions towards education. No further comments have been received

from the NHS in response to the reduced number of units. In terms of the balance of judgement it is considered that for the reasons set out above relating to affordable housing no contributions towards healthcare should be sought due to the enabling need for the development.

Other Matters

- 6.87 There is an issue of background noise from Walderslade Woods Road and the M2 beyond, both to the south. A traffic noise impact assessment has been submitted, this report however dates from May 2007. The Environmental Health Officer has been consulted and has requested that an updated report be produced, however it is accepted that this could be dealt with by planning condition.
- 6.88 The application is accompanied by a drainage statement which adequately addresses drainage matters subject to detailed designed which could be conditioned.

7.0 CONCLUSION

The proposal would result in the on-going management and maintenance of a wide tract of open space which makes a significant contribution to the wider area. In the absence of alternative funding, the provision of 9 new dwellings and associated paraphernalia on a greenfield site within the urban area is considered acceptable and the impact on protected trees and Ancient Woodland is considered on balance to be outweighed by the overall benefit of providing finance to facilitate the protection of the wider site. All other material matters are considered acceptable and could be condition or secured through a legal agreement.

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

- (1) Development of the 9 no. housing shall not commence until the transfer of the wider tract of land from KCC to the Parish Council (or future named owners –the detail of which to be supplied to the LPA) has occurred and the LEMP for the future management of the wider site has been agreed and any monies from the sale of the land for housing be ring-fenced for the future management and maintenance of the wider site area identified within the red line.
- (2) Landscape and Ecology Management Plan (LEMP) – wording and content of which to be agreed in consultation with KCC biodiversity officers.
- (3) The wording of the LEMP plan to be agreed under 2) above shall include provisions that the management plan, including any updates to the plan and accounts should be made available for public inspection and that the future owners of the land shall provide details of publication to be approved by the Council.

and the imposition of the conditions as set out below:

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

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

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

Lloydbore letter dated 18th November 2015 regarding ecology information
Arboricultural Impact Assessment Revision A dated 22/10/15
Ecological Appraisal dated 9/9/15
Reptile report dated 9/9/15
Noise Impact Assessment Report dated May 2007
Walderslade Woods Vision and Implementation Plan dated August 2015
Design and Access Statement

Drawing number 07.10.08 Rev C (Proposed Floor and Roof Plans (House Type 3))
Drawing number 07.10.01 Rev E (Site location plan and Proposed Site Plan (with Ancient woodland outline))
Drawing number 07.10.02 Rev E (Site location plan and Proposed Site Plan (without Ancient woodland outline))
Drawing number 07.10.04 Rev E (Proposed Front and Rear Elevations (House Type 1))
Drawing number 07.10.05 Rev E (Proposed Site Elevation (House Type 1))
Drawing number 07.10.07 Rev E (Proposed Front and Rear Elevations (House Type 2))
Drawing number 07.10.09 Rev C (Proposed Front and Rear Elevations (House Type 3))
Drawing number 07.10.10 Rev C (Proposed Site Elevation (House Type 3))
Drawing number 07.10.03 Rev E (Proposed Floor and Roof Plans (House Type 1))
Drawing number 07.10.06 Rev E (Proposed Floor and Roof Plans (House Type 2))

Reason: To clarify which plans have been approved.

Conditions relating to housing

- (3) Before the development of the 9 no. dwellings reaches damp proof course written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity

- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development shall be carried out within Classes A-E of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order).

Reason: In the interests of protecting the character and amenities.

- (5) Before any of the 9 no dwellings hereby approved are occupied, details for the storage and screening of refuse shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

- (6) Prior to the occupation of the first dwelling hereby permitted the access shown on the submitted plans shall be completed.

Reason : To ensure safe access and egress from the site.

- (7) The area shown on drawing 07.10.02 Revision E as vehicle parking space, garages and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before and of the dwellings hereby approved are occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

- (8) Before the development of the 9 no. dwellings reaches damp proof course a landscape scheme for the housing site designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles and include a planting specification, a programme of implementation and a 10 year management plan. The details shall include the provision of a knee rail fence to demarcate the buffer of the Ancient Woodland and safeguard encroachment.

Reason: In the interests of visual amenity and landscape impact.

- (9) The planting, seeding and turfing specified in the approved landscape details shall be carried out prior to the occupation of the first dwelling hereby approved or shall be carried out in the planting season (October to February) following first occupation whichever is the sooner. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, 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 visual amenity.

- 10) No development of the 9 no dwellings hereby approved shall take place until an Arboricultural Method Statement and details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development. The details are required prior to commencement as the details submitted currently relate to the original scheme for 12 units, whereas the proposed scheme now relates to 9 units and would require lesser trees to be removed and the protection to be located in a different position.

- 11) Prior to occupation of the first of the dwellings hereby approved the approved bicycle storage shown on the approved plans shall be provided and shall thereafter be retained.

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

- 12) Prior to the commencement of development of the 9 no. dwellings, including site clearance, the reptiles within the application site shall be captured and relocated to the identified receptor site as shown on the submitted "Reptile Relocation Plan (Lloydbore, April 2016)", in accordance with good practice guidelines. Once completed, details shall be submitted to the Local Planning Authority confirming relocation has occurred.

Reason : In the interests of protected species and the works are required to be carried out prior to commencement to ensure adequate protection of protected species.

- 13) Prior to the occupation of the first dwelling, details of how the development will enhance the quality and quantity of biodiversity within the red line boundary of the site will be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those approved details and thereafter retained.

Reason: To protect and enhance existing species and habitat on the site in the future.

- 14) Prior to the commencement of the construction of the dwellings hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason : To ensure adequate amenity for future occupiers. These details are required prior to commencement to ensure that the necessary levels can be achieved through the construction of the dwellings.

- 15) Prior to the commencement of the construction of the dwellings hereby approved a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme

shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

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) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a) a timetable for its implementation, and
- b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- 17) Where infiltration is to be used to manage the surface water from the housing development hereby permitted, it will only be allowed within those parts of the site where details have been submitted demonstrating, 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.

Conditions relating to public open space

- 18) In accordance with the submitted vision plan details of any physical paraphernalia proposed to be sited within the open space shall be submitted to and approved in writing by the local planning authority prior to its installation. These shall include but not be limited to such details as footpaths, benches, play equipment etc.

Reason : In the interests of the visual amenity of the area and the aims of the site to provide accessible and usable open space.

INFORMATIVES

- (1) 1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.
3. There should be no close board fencing or similar structure over 1.2 metres erected which will block out the views.
4. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.
5. No Materials can be stored on the Right of Way

The applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

- (4) As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.
- (5) The exact position of the public water main must be determined on site by the applicant. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 4 metres of the public water main without consent from Southern Water.

For further advice, the applicant is advised to contact, Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 03303030119) or www.southernwater.co.uk".

Please note there is a deed of easement for water distribution main within the site.

- (6) A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 3030119) or www.southernwater.co.uk".
- (7) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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

owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land> The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: Rachael Elliott

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