

## REPORT SUMMARY

<b>REFERENCE NO:</b> - 21/503150/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of existing buildings and erection of 3no. houses with associated amenity space, landscaping and access.		
<b>ADDRESS:</b> The Old Forge, Chartway Street East Sutton Maidstone Kent ME17 3DW		
<b>RECOMMENDATION:</b> Members deferred the decision at the meeting dated 24/3/22 to allow the applicant to address a number of matters. Further information has now been received his report outlines the additional information received for members to consider.  Members are asked to make a decision as to whether the application should be REFUSED as set out in the earlier report (Attached at Appendix A) and repeated below in Section 3.0  or  The additional information provided addresses concerns and the application should be APPROVED subject to the conditions set out in Section 3.0		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b>  Members were minded previously to defer the determination of the application to allow the applicants to provide additional information. This has now been provided and should members agree that these additional measures (principally additional landscaping, ecological enhancements, intention to integrate energy efficient technologies, preliminary details of materials and boundary treatment) overcome the case officers previous conclusion then Members could take the decision to approve the application.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> East Sutton and Broomfield and Kingswood Parish Council have recommended the application for refusal and although the recommendation is not contrary to their recommendation both Parish Councils have requested the application be considered at Planning Committee irrespective of the recommendation.  Members resolved to defer the decision at the meeting dated 24/3/22 to allow the applicant the opportunity to secure negotiations to address a number of matters (Copy of minutes attached at Appendix B)		
<b>WARD:</b> Headcorn	<b>PARISH/TOWN COUNCIL:</b> East Sutton	<b>APPLICANT:</b> Kent Forklifts Ltd <b>AGENT:</b> DHA Planning
<b>CASE OFFICER:</b> Rachael Elliott	<b>VALIDATION DATE:</b> 30/06/21	<b>DECISION DUE DATE:</b> 01/04/22
<b>ADVERTISED AS A DEPARTURE: YES</b>		

### Relevant Planning History

See Appendix A – Copy of Committee report from 24/03/21 meeting

## MAIN REPORT

### 1. BACKGROUND

- 1.01 This report should be read in conjunction with the copy of the Committee Report attached at Appendix A and the Committee Minutes attached at Appendix B. Members resolved at the 24/3/22 meeting to defer the determination of the application for the following reason :

*That consideration of this application be deferred for further negotiations to secure:*

- *A fully worked up ecological and sustainable landscaping scheme to include investigation of how the southern parcel of land in the ownership of the applicant can be safeguarded as an ecological area such as a wood pasture, base-line ecological survey work, and details of the boundary treatments in respect of the property at the site frontage with a 10-year replacement period;*
- *Good quality vernacular materials and detailing;*
- *Energy efficient measures such as heat source pumps; and*
- *A wet SUDS solution for ecological gain.*

- 1.02 In response to this the agent has provided the following.

- 1.03 Written confirmation that :

- We are happy to agree to the provision of ground source heat pumps for the properties;
- We are happy to agree to the inclusion of ragstone in any boundary walls to the front of the site;
- Any cladding of the properties should be in timber rather than man-made cladding;
- Bricks will be stock, and dark in colour;
- The SuDs feature is included on the plan.

- 1.04 Revised site layout plan which indicates the provision of landscaping, SUDS and ecological enhancements to the land to the south of the site (A copy of this plan is attached at Appendix C)

- 1.05 Members are now asked to make a decision whether the additional information would see members minded to approve subject to conditions or refuse the application.

## **2. CONCLUSION**

- 2.01 The conclusion on the earlier report read :

- 2.02 *The principle of this development proposal is unacceptable due to its unsustainable location and in relation to the council record of housing delivery and the 5 year land supply there is no requirement for new housing in unsustainable locations and there has not been demonstrated that there would be any overriding environmental improvement to warrant the redevelopment of the site and further encroachment into open fields.*

- 2.03 *The new dwellings would introduce inappropriate development into the area with a substantial increase in residential built forms on the open field behind the commercial building. The development would be visible from the wider vantage point created at the junction with Chartway Street due to the removal of the commercial property and would also be visible on public right of way KH531.*

- 2.04 *The application fails to demonstrate that there would not be an impact on protected species whereby the submitted ecological information is historic and does not provide an assessment based on the current characteristics of the site. For these reasons, the application should be refused.*

- 2.05 Members were minded previously to defer the determination of the application to allow the applicants to provide additional information. This has now been provided and should members agree that these additional measures (principally additional

landscaping, ecological enhancements, intention to integrate energy efficient technologies, preliminary details of materials and boundary treatment) overcome the case officers previous conclusion then Members could take the decision to approve the application.

### **3. RECOMMENDATION**

The application should be REFUSED for the following reasons :

- (1) The proposal would result in the creation of an unsustainable form of housing development in the countryside with future occupiers reliant on private vehicle use to gain access to basic services and, as such, would be contrary to policies SS1 (Spatial strategy), SP17 (Countryside) and DM5 (Development on brownfield land) of the Maidstone Borough local Plan 2017 and the NPPF
- (2) The proposed development by reason of the size, design and siting of houses and substantial encroachment into adjoining open countryside will result in an unacceptable consolidation of existing sporadic development in the locality with the development appearing as incongruous and detrimental to the rural character and landscape quality of the area contrary to policies SP17 (Countryside), DM1 (Principles of good design), and DM30 (Design principles in the countryside) of the Maidstone Borough Local Plan 2017 and the NPPF.
- (3) The application fails to demonstrate that there would not be an impact on protected species whereby the submitted ecological information is historic and does not provide an assessment based on the current characteristics of the site contrary to Policy DM1 (Principles of good design of the Maidstone Borough Local Plan 2017 and the NPPF.

Informative

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

Or

The application should be APPROVED subject to the following conditions with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee and gain agreement from the applicant for pre-commencement 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:

Drawing No. DHA/11086/50 (Site Location Plan)  
Drawing No. DHA/11086\_56C (Proposed Site Layout and Landscaping Plan)  
Drawing No. DHA/11086/57 (Plot 1 – Proposed Floor Plans and Elevations)  
Drawing No. DHA/11086/59 (Plot 2 – Proposed Floor Plans)  
Drawing No. DHA/11086/60 (Plot 2 – Proposed Elevations)  
Drawing No. DHA/11086/67 (Plot 1 – Proposed Barn Elevations and Roof Plan)

Drawing No. DHA/11086/68 (Plot 3 – Proposed Floor Plans)  
Drawing No. DHA/11086/69 (Plot 3 – Proposed Elevations – Sheet 1)  
Drawing No. DHA/11086/70 (Plot 3 – Proposed Elevations – Sheet 2)

Reason: To clarify which plans have been approved.

- (2) Prior to the development reaching damp proof course level details of all external materials (including wearing surfaces for the roads, turning and parking areas, showing that the first 5metres of the access from the edge of the highway shall be a bound surface), shall have been submitted in writing for the approval of the Local Planning Authority. The development shall only be carried out in accordance with the approved details. These details shall include that any weatherboarding be timber and a dark stock brick be used in any brickwork.

Reason: In the interests of visual amenity.

- (3) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, the details are required prior to commencement of development so that there is no disturbance of any archaeological remains.

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

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

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

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

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

Reason : In the interest of public health from the impact of past contamination.

- (5) A Closure Report shall be submitted upon completion of the works. The closure report shall include full verification details as set out in point (3) of condition 4. 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;

Reason : To ensure any contamination is satisfactorily dealt with, the details are required prior to commencement to ensure no risk

- (6) Details on the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal must be submitted to and approved by the LPA prior to occupation of the site.

These details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required and provide evidence of obtaining the relevant discharge consent to the local planning authority.

Reason: To prevent pollution of the water environment and to ensure satisfactory drainage in the interests of flood prevention, details are required prior to commencement to ensure that appropriate methods are utilised which could not take place should the slab be laid.

- (7) The development hereby permitted shall not commence until a scheme for the disposal of (a) surface water (which shall in the form of a SUDS scheme) and (b) waste water 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 and retained permanently thereafter.

Reason: To prevent pollution of the water environment and to ensure satisfactory drainage in the interests of flood prevention and in the interest of ecological enhancement, details are required prior to commencement to ensure that appropriate methods are utilised which could not take place should the slab be laid.

- (8) Prior to the development reaching damp proof course level, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. Methods shall be integral to the new dwellings, within their curtilages and within the area of land outline in blue on the submitted site location plan. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity.

Reason: To protect and enhance existing species and habitat on the site in the future and to ensure that the enhancement methods can be successfully implemented prior, during or post development.

- (9) No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to occupation. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation. The scheme shall be in accordance with the requirements outlined in the Bat Conservation Trust and Institution of Lighting Engineers documents Bats and Lighting in the UK.

Reason: To protect the appearance of the area. the environment and wildlife from light pollution.

- (10) The approved area for parking, access and turning shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied

and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to this reserved parking area.

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

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

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

- (12) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and 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 also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a 10 year management plan. The landscape scheme should be in broad accordance with those details shown on Drawing No. DHA/11086\_56C (Proposed Site Layout and Landscaping Plan)

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance 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 buildings or the completion of the development to which phase they relate, whichever is the sooner; and any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure an appropriate appearance and setting to the development.

- (14) No development beyond slab level shall take place until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter. The boundary treatments shall include the use of railings with ragstone piers along the frontage.

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

- (15) Prior to the occupation of each dwelling a EV charging points providing at least 7kW charging speed shall be installed, available for use and maintained as such for that dwelling.

Reason: To reduce impacts upon air quality.

- (16) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

Reason: To ensure an energy efficient form of development.

- (17) Prior to first occupation details of cycle parking for each unit shall be submitted to and approved by the Local Planning Authority and the approved detail implementation prior to first occupation of each unit and maintain as such.

Reason : In the interests of promoting sustainable transport.

### Informatives

- (1) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:  
<https://www.kent.gov.uk/roads-and-travel> Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

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

Planning Committee Report  
25<sup>th</sup> August 2022

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