

APPLICATION: MA/08/0333 Date: 12 February 2008 Received: 9 April 2008
APPLICANT: Mr R Shroeder
LOCATION: THE FINCHES, CHARTWAY STREET, KINGSWOOD, ME173DU
PROPOSAL: To increase the number of permitted caravan pitches from 10 to 20, involving revised access road and layout in accordance with plan TF/SK/2 received on the 9 July 2008, TF/06/10/3A; TF/06/10/6; received on the 13 February 2008, together with the ecological report and additional landscaping scheme TF/06/10/3C submitted on the 12 February 2009.

AGENDA DATE: 11th June 2009

CASE OFFICER: Chris Hawkins

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by the Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: ED20, ENV28, ENV6
Kent and Medway Structure Plan 2006: QL1, SS8, EN8, MA1, EP11, TP19, NR8
Government Policy: PPS1; PPS7; PPG13

HISTORY

MA/05/1592 Chartway Street Nursery, Chartway Street, East Sutton, Maidstone, Kent (same address as application site – previous name of land). Change of use of land and existing barn to touring caravan and camping site with amenity building and new access - Approved with conditions.

It should be noted that a number of conditions (but not all) relating to this application (MA/05/1592) have also been submitted and discharged. The conditions discharged are as follows: -

Condition 2 (materials);
Condition 3 (boundary treatment);
Condition 5 (landscaping);

Condition 9 (refuse storage);
Condition 10 (external lighting);
Condition 11 (entrance treatment);
Condition 12 (land contamination);
Condition 14 (foul and surface water treatment);
Condition 17 (endangered species).

MA/04/2419/N Change of use of land and existing barn to touring caravan and camping site (containing 10 caravans) with amenity building - Refused 21/02/2005: APPEAL DISMISSED 11/10/2005 (details of this decision are discussed within the main body of the report).

BACKGROUND

Members will be aware that this application has been seen once before at Planning Committee (29 January 2009) with an Officers recommendation for approval. At this meeting Members deferred making a decision, requesting that prior to determination, a ecological study be carried out upon the site, and improvements be made to the landscaping scheme, which would see an increase in the level of landscaping in particular to the Chartway Street frontage and along the side elevation (west).

This information has now been submitted, and is fully considered within the remained of this report.

For Members information I enclose the report for the Planning Committee of 29 January 2009 as Appendix 1 to this report.

CONSULTATIONS

Sutton Valence Parish Council wish to see the application refused on the following grounds: -

- 'Chartway Street is already a very busy road, with a high volume of lorries services two large fruit packing units located within the area;
- Two lorries are unable to pass each other on this rural road and there are weekly occurances of traffic queuing from Kingswood and the A27;
- Passing points in Chartway Street and Kingswood make the manoeuvre of caravans difficult;
- Since the last application for 10 pitches the traffic problems have substantially increased and the Parish Council consider that a further increase in traffic would be damaging to the community;
- Kent Highway Services has concerns regarding the danger of Warmlake Crossroads as this is rapidly becoming a serious hazard to residents and road users.'

Broomfield and Kingswood Parish Council wish to see the application refused on the following grounds: -

- 'It is unclear exactly how long the period of use would be for, in one part of the application 8 months is mentioned, in another part 9 months is mentioned;
- Is the additional space intended for static and touring caravans, and if they are static caravans is there a time limit on occupancy?
- Between the months of October and March is it intended to store caravans (either static or touring)?
- Councillors felt that the plan was not sufficiently clear in determining the access to the site and whether or not this access point had been altered.'

The Environment Agency were consulted and made no comment.

Natural England were consulted and raised no objection to this proposal. Further to the previous submission, an ecological report has been submitted, to which Natural England raise no objection to, subject to the imposition of conditions which are set out in this report.

English Heritage were consulted and raised no objection to this proposal.

Southern Gas Networks were consulted and raised no objection to this proposal.

EDF Energy were consulted and raised no objection to this proposal.

Southern Water were consulted and did not wish to comment upon the application.

Maidstone Borough Council Environmental Health Officer was consulted and raised no objection subject to the imposition of suitable safeguarding conditions.

Kent County Council Highways Authority were consulted and raised no objections subject to the imposition of suitable safeguarding conditions.

Maidstone Borough Council Landscape Officer was consulted and raised no objections to the proposal, however, requested that details of the height of the proposed shrubs and what type of protection will be used to ensure their survival.

*Officer comment: Having spoken to the Landscape Officer it is considered appropriate to request this additional information by way of conditions to be imposed on any permission.

CONSIDERATIONS

Site Location and Description

The site is located on the north side of Chartway Street some 140m west of the junction with Charlton Lane. It is roughly rectangular in shape and amounts to approximately 2ha in area. The site is currently used for the cultivation of Christmas trees. In the centre of the site a steel-framed and clad building is located, which was allowed following an enforcement appeal in July 1995.

Opposite the site on the south side of Chartway Street lies Blue House, a grade II* Listed Building. This is the nearest residential dwelling.

It should be noted that the site is not located within an Area of Outstanding Natural Beauty, nor within an Area of Special Landscape Importance.

Proposal

As Members are aware, this application seeks permission to increase the number of caravan pitches within the site from 10 to 20, as well as seeking some other minor alterations to the internal layout of the site, as a variation on the application submitted and approved in 2005 (MA/05/1592). There is no increase in the site area and the caravans are proposed to be located within the area previously allocated for their siting. There are no other amendments made to the previously approved proposal.

Landscaping

The first reason Members deferred this application was for the applicant to submit more details concerning the landscaping proposal, and how this would soften the appearance of the caravan park. The applicant has now submitted a full landscaping scheme which demonstrates that the landscaping along the road frontage can be further improved, in order to screen the application site to a greater extent. The previous application saw a single row of unspecified trees along the front boundary, with sparse landscaping along the western boundary. This scheme shows the introduction of a significant level of ash, oak, hornbeam, and beech within the front elevation, with an increase in the depth of planting from 7metres to 8metres. In addition, this scheme demonstrates that additional trees including maple will be planted along the side (west) elevation, whereas none were proposed within the previously submitted scheme. This side boundary has now a significantly greater amount of landscaping than previously proposed. Behind an existing row of conifers which lie outside of the site, a row of Maple, Oak, and Ash trees are proposed, which would give the proposal a significantly greater level of screening than previously demonstrated. As stated by the Landscape Officer within his comments, this accords with the character of the area. This landscaping is set out in a staggered form, which, together with the variety of species will provide both a more natural appearance, and also a greater degree of screening (without appearing as a large, instructive bank of

trees). The variety of species will result in differing heights and form, which will appear more in keeping with much of the landscaping already within the vicinity which has developed more organically over a period of time. This landscaping will however (over time) ensure that the development is not highly visible from Chartway Street, and will also allow the visitors to the site greater privacy and sound insulation from the vehicles travelling along this stretch of road. Along this stretch, the depth of 8metres is considered sufficient to provide this level of planting, to ensure the long term health and vitality of those trees planted.

As stated above, the site does not lie within an Area of Outstanding Natural Beauty, nor a Special Landscape Area, and as such these policies do not apply.

Ecology

The second reason for deferral was the lack of an ecological survey submitted with the application. The applicant has since submitted an ecological report which assesses whether the proposal is likely to have a detrimental impact upon bats, reptiles or breeding birds. The report has assessed the whole site, as well as its immediate surroundings – with the existing barn structure closely inspected. Both a desktop study and an ecological walkover have taken place across the site. The walkover survey assesses the suitability of the habitats within the survey area and its surroundings.

This reports sets out that bats are unlikely to reside within the application site, with the alterations to the site proposed by this application are not considered to have any significant impact upon any bats within the locality. In view of the fact that the site contains a large barn (with a number of holes which are potential entrance points for bats), it was important to assess this building closely. Within this barn no droppings, discarded insect wings, starches or stains were found, and as such, it has been classified as having a low bat potential. In addition, the more mature oak trees on the northern boundary of the site were also examined for holes, crevices, and crack, and again, none were found, indicating no significant bat activity. However, mitigation measures set out within the report are still proposed, and as such it is not considered that the proposal would have a detrimental impact upon the bat population. This involves stopping any works on site (in particular within the barn) should any signs of bats be found.

Again, with regards to reptiles, it is likely that the site does contain a low number of reptiles (common lizard and slow worm). It is considered that the rough grass between the rows of Norway spruce are most likely to provide a suitable habitat as there would be good foraging, with more open patches of moss and shorter grass (rabbit grazed) available for basking. The root structures around the trees may also provide a suitable habitat for reptiles. The most common form of lizard likely to be within the site are the *Lacerta viviparra*. In order to assess the likelihood of the site accommodating reptiles, artificial roof felt was placed around the site (at least 10 per hectare) and were left for one week – and checked on seven different occasions (during differing weather). The survey demonstrated that, within this period, one slow worm and (up to) six viviparous lizards were identified within the site. It is considered however, that the mitigation measures suggested within the report, are considered sufficient to ensure that there

will be no detrimental impact upon their population, and as such no objection is raised. The report states that only a small area of the application site is likely to be suitable for reptiles (the western boundary) and as such, there will be relatively small numbers upon the site. Where small numbers are involved (less than 10) reptiles may be added to adjacent or nearby existing reptile populations. In addition, further habitat enhancement, i.e. the improvement of the soft edge to the site by better landscaping, may also benefit this population. The report recommends that the development should therefore be set away from this western boundary, which has been achieved, with this application some 5metres from the side boundary, at its narrowest point.

Breeding birds can also be found within the site, however, as the only trees capable of being used for breeding purposes are slightly inside or outside of the application site. There are no trees to be removed from within the application site. Furthermore, it is noted that should any evidence that breeding birds existing, the mitigation measures proposed are considered sufficient to prevent any detrimental impact upon their population, or breeding habits, and as such there is no objection raised to this proposal. It is recommended that any works to the barn be completed outside of the breeding season.

It is therefore considered that this proposal would not have a significant impact upon the ecology of the site, subject to the imposition of a safeguarding condition which will ensure that the development be carried out in accordance with this submission, and as such is in accordance with PPS9.

Conclusion

I consider that the details submitted have met the reasons for deferral and the scheme is now acceptable. Amendments have been made to conditions 5 and 17 to reflect the details recently submitted. It is therefore recommended that Members grant planning permission subject to the amended condition 5 (landscaping) and condition 17 (ecology).

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. No development shall take place until written details and samples of the materials to be used to clad the external surfaces of the amenity building and of the proposed

materials to be used in the external surface of the footways surrounding the amenity building, have been submitted to and approved in writing by the local planning authority and the development shall thereafter be undertaken using the approved materials;

Reason: To ensure a satisfactory appearance to the development pursuant to policy QL1 of the Kent and Medway Structure Plan 2006.

3. No development shall take place until details of all fencing, walling and other boundary treatments and entry/exit barriers to be placed within the site 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 or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers pursuant to policy QL1 of the Kent and Medway Structure Plan 2006 and ENV28 of the Maidstone Borough-wide Local Plan 2000.

4. 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) Order 1995 (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 pursuant to policy QL1 of the Kent and Medway Structure Plan 2006.

5. In addition to the landscaping shown upon plan TF/06/10/3/AC, a planting programme setting out the diameter and height of the proposed species, together with details of the means of protection to be used to ensure their survival shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works on site. Any trees or plants which within a period of five years from the completion of the planned programme of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation;

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

development pursuant to policy ENV28 of the Maidstone Borough-wide Local Plan 2000.

6. The approved details of the parking/turning areas (including that for loading and unloading of vehicles) 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) Order 1995 (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, which would fail to accord with Policy QL1 of the Kent and Medway Structure Plan 2006.

7. No more than 20 touring caravan pitches shall be provided within the site without the prior approval of the local planning authority.

Reason; To accord with the terms of the application and to prevent an over-intensive use of the site in the interests of the amenity and character of the surrounding area pursuant to policies ENV28 and ED20 of the Maidstone Borough-wide Local Plan 2000.

8. The touring caravan and camping site hereby permitted shall not be open for business between 1 November and 31 December (inclusive) in any calendar year (the closure period). Within the closure period, no part of the site shall be used for the storage of touring caravans or camping equipment or the open storage of any other goods or materials.

Reason; To ensure that the site is not used as a permanent encampment and in the interests of the visual amenities and character of the surrounding countryside pursuant to policies ED20 and ENV28 of the Maidstone Borough-wide Local Plan 2000.

9. In the period between 1 January and 31 October (inclusive) in any calendar year (the open period), no part of the site shall be used for the storage of touring caravans or camping equipment that are not occupied and/or in use. During the open period, no touring caravan, touring caravan pitch or camping pitch shall be occupied by any one individual or group of individuals for any period longer than one month.

Reason; To ensure that the site is not used as a permanent encampment and in the interests of the visual amenities and character of the surrounding countryside pursuant to policies ED20 and ENV28 of the Maidstone Borough-wide Local Plan 2000.

- 10.No occupation of the site shall take place until the facilities for the storage of refuse, as shown on drawing numberTF/06/10/3A have been provided. Details of a waste management scheme for the site when operational, shall be submitted to and approved in writing by the local planning authority and the approved facilities shall be maintained thereafter;

Reason: No such details have been submitted and in the interests of the amenity of the area in general pursuant to policy ENV28 of the Maidstone Borough-wide Local Plan 2000.

- 11.No development shall take place until details of any lighting to be placed, erected or provided within the site including any lighting to be attached to the proposed amenity building, together with details of measures to ensure adequate screening of the lighting to prevent light pollution when installed, submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details and no additional lighting to that approved shall be placed, erected or provided within the site at any time without the prior approval of the local planning authority.

Reason; In the interests of the character and amenity of the surrounding countryside and the amenities of nearby residents and to prevent light pollution pursuant to policies ENV28 and ENV49 of the Maidstone Borough-wide Local Plan 2000.

- 12.The details of boundary enclosures submitted pursuant to condition 3 above shall include inter-alia, details of the proposed entrance wall and piers. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: No such details have been submitted and in the interests of the amenity of the area in general pursuant to policy ENV28 of the Maidstone Borough-wide Local Plan 2000.

- 13.No development shall commence until:

1. The application site has been subjected to a detailed scheme for the investigation

and recording of site contamination and a report has been submitted to and approved by the Local planning authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.

2. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.

3. Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall 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 prevent harm to human health and pollution of the environment pursuant to Planning Policy Statement 23.

14.No development shall take place until details of the proposed means of foul and surface water drainage for the site have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory means of drainage and to prevent harm to human health and pollution of the environment pursuant to policy NR5 of the Kent and Medway Structure Plan 2006.

15.Prior to the first use of the new access hereby permitted or the first use of the land as a caravan and camping site, whichever is the sooner, the site access to Chartway Street shall be provided with visibility splays of 160m x 4.5m x 160m. The splays shall thereafter be maintained and there shall be no obstruction within the splays in

excess of 0.9m in height at any time.

Reason In the interests of highway safety pursuant to policy QL1 of the Kent and Medway Structure Plan 2006.

16. Upon the first use of the new access hereby permitted, all existing vehicular accesses to the site from Chartway Street shall be permanently stopped-up in accordance with details to be submitted to and approved by the local planning authority prior to the commencement of the development.

Reason In the interests of highway safety pursuant to policy QL1 of the Kent and Medway Structure Plan 2006.

17. The proposed development shall be carried out in accordance with recommendations within the ecological report submitted to the Local Planning Authority on the 12 February 2009.

Reason: To ensure that the development does not adversely affect wildlife within the application site in accordance with PPS9.

18. The entrance gates to the site shall be hung to open away from the highway only and shall be set back a minimum distance of 5.5 metres from the highway edge.

Reason: In the interests of highway safety in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

19. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006 and Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

Informatives set out below

During the construction of the development hereby permitted, provision shall be made on the site to accommodate operatives and construction vehicles loading, off-loading or turning on the site.

Prior to the works commencing on site, space for site personnel, operatives, and visitors shall be provided within the site and thereafter shall be maintained throughout the construction process.

As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway. Such measures shall include washing facilities by which vehicles have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and Kent and Medway Structure Plan 2006) and there are no overriding material considerations to indicate a refusal of planning consent.