

REPORT SUMMARY

REFERENCE NO - 13/1999			
APPLICATION PROPOSAL Change of use to public open space			
ADDRESS Land South of Pleasant Valley Lane, Pleasant Valley Lane, East Farleigh, Kent			
RECOMMENDATION Permission be granted			
SUMMARY OF REASONS FOR RECOMMENDATION The permission would allow open-air recreational use in the countryside			
REASON FOR REFERRAL TO COMMITTEE Joint report with land north of Heath Road (13/1979)			
WARD Coxheath And Hunton Ward	PARISH/TOWN COUNCIL Coxheath	APPLICANT Mr M J Older AGENT Christopher Atkinson BA MRTPI	
DECISION DUE DATE 20/01/14	PUBLICITY EXPIRY DATE 20/01/14	OFFICER SITE VISIT DATE 15/10/14	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
13/1979	Adjacent site to south Outline planning application for up to 55 residential dwellings with means of access. All other matters reserved.	UNDETERMINED	
79/1745	Residential development with public playing fields and other community facilities	REFUSED	18/12/1979

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The site lies on the western side of Coxheath beyond the existing built-up extent of the settlement. It adjoins the curtilage of Chapel Nursery to the west and Linden Road to the east. It has a frontage to Pleasant Valley Lane of approx. 190m and a depth of 125m. The area to the north is open countryside mainly in agricultural use. The residential area of Fairhurst Drive/Adbert Drive lies to the south-west.

1.2 The site and adjoining land to the south has historically been unmanaged and is now overgrown, comprising mainly sweet chestnut and silver birch. The vegetation has regenerated over a period of 30-40 years and is now recognised as having some ecological value as a wildlife habitat.

1.3 There is an extant permission for a petrol filling station and car showroom on the land to the south fronting Heath Road which was granted in 1972. A LDC was subsequently granted in 1999 on the basis that the development had commenced although there remains little visible evidence due to the current overgrown condition of the site.

2.0 PROPOSAL

- 2.1 The application is for the change of use of 2.15ha of coppiced woodland to public open space. No details have been provided at this stage of the proposed nature of the use – the application relates solely to the change of use to public open space.
- 2.2 A related outline application (ref. 13/1979) has been submitted for residential development for up to 55 dwellings on adjoining land to the south between this site and Heath Road which is reported elsewhere on this agenda.

3.0 PLANNING CONSTRAINTS

The woodland is not subject to a TPO

The land to the south of Heath Rd is classified as Ancient Woodland but the application site is outside the designated area.

Rights of way – Pleasant Valley Lane is a PROW (KM44). A further PROW (KM46) runs along the western boundary of the site linking Pleasant Valley Lane and Heath Road.

Coxheath Neighbourhood/Village Centre lies approximately 700m to the SE.

4.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Development Plan: MBWLP 2000 – Outside built up confines of Coxheath.

Policies ENV28 and ENV32 apply.

Supplementary Planning Documents:

5.0 LOCAL REPRESENTATIONS

A site notice was displayed from 10-12-14 to 31-12-14

No representations were received.

6.0 CONSULTATIONS

6.1 Parish Council:

“Coxheath Parish Council has considered this application in considerable detail but, as you know, we were anxious to see the amended draft Section 106 agreement relating to Application MA/13/1979, before committing our views to paper. The documentation that has been presented is now generally in accord with the Coxheath Neighbourhood Plan, which was lodged with Maidstone Borough Council on 27th January 2014, in accordance with national planning procedures.

This application helps to meet the aspirations of the Coxheath Neighbourhood Plan and provides a substantial area of public open space for the benefit of the community of Coxheath. As we have indicated in previous correspondence, the village is desperately short of green public open space according to the standards set by Maidstone Borough Council. The combination of the proposal contained in this application, together with that in Application MA/13/1979, will go some way to redressing that balance and will

provide anti-coalescence protection in perpetuity. For these reasons, Coxheath Parish Council is happy to support this application and to recommend that it should be approved”.

Further comments dated 12 March 2014:

“Coxheath Parish Council has been in negotiation with the landowner for two years or more, seeking an outcome that would bring forward this parcel of land for a development to include a substantial element of community benefit. The focus of the community benefit was to achieve additional public open space given that we are considerably below the standard set for a community of our size. Furthermore, the Parish Council and the community do not want the site to be developed for commercial use.

In summary, therefore, Coxheath Parish Council supports these applications for the following reasons:-

- Commercial development is not suitable for this site, neither is it required;
- Residential development, as proposed, will provide significant acreage for amenity use to be transferred freehold and leasehold to the Parish Council;
- The additional amenity land is strategically located adjacent to other amenity land already controlled by the Parish Council;
- Acquisition of the additional land will protect the anti-coalescence belt in this part of our parish;
- The development, as proposed, will enhance this area of our community;
- The proposed roundabout, which forms part of this development, is supported and has been encouraged by the Parish Council since it provides a significant improvement in the traffic management of Heath Road;
- The site development, as proposed, is included in the Coxheath Neighbourhood Plan and is supported by the community;
- The community benefit from the proposed development is judged to be hugely significant.

Our sustainability assessment for this site is contained in the document headed ‘Coxheath Neighbourhood Plan – Sustainability Appraisal’. We have assessed this site against others that have been proposed and confirm that it has high sustainability.

Hence this parcel of land, put forward in accordance with the above planning applications, is totally supported by the Parish Council and is strategically important to Coxheath.”

6.2 **KCC Highways**

There appears to be no associated parking or anticipated additional traffic movement related to this application and I write to confirm therefore on behalf of the Highway Authority that I have no objection to this application.

6.3 **MBC Landscape:**

“There are no protected trees or designated woodlands on the site. However it is well vegetated comprising predominantly of lapsed multi-stemmed sweet chestnut coppice. Should you be minded to grant consent a full tree condition survey should be carried out to address potential health and safety issues in terms of public access and to ensure appropriate long term management of the area.”

6.4 **Natural England:**

“Natural England’s comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that ‘when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.’

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that ‘*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*’. Section 40(3) of the same Act also states that ‘*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*’.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.”

7.0 BACKGROUND PAPERS AND PLANS

- 7.1 Site location plan, Preliminary Arboricultural Report, Habitat Survey and Protected Species Assessment, Protected Species and Mitigation Report.

8.0 APPRAISAL

- 8.1 The site lies outside the present built up confines of Coxheath within an area of open countryside which serves an important role in preventing the coalescence of the residential areas to the east and west. The proposed use as open space will maintain the open character of the surrounding area and ensure the adjoining built up areas do not coalesce and retain their identities.
- 8.2 No details of the proposed use of the land have been provided at this stage – this is to be determined by the Parish Council in consultation with local residents. Any buildings or structures required in connection with the public open space will require planning permission. However at this stage the application seeks to establish the principle of public open space.
- 8.3 It is concluded that the proposed use is compatible with the character and appearance of the surrounding area and is in accordance with the relevant saved policies in the adopted local plan.

9.0 CONCLUSION

- 9.1 The proposed change of use to public open space is in accordance with the relevant saved local plan policies. It will assist in safeguarding the open character of the area and protect a vulnerable area of open land between the built up extent of the village and Fairhurst Drive to the west from further encroachment. Further details of any structures or equipment related to the use of the open space will be required to be submitted at a later stage.

10.0 RECOMMENDATION – GRANT permission subject to the following conditions:

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

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

2. No buildings, structures or play equipment of any kind shall be placed or erected on the land at any time without the prior approval of the local planning authority.

Planning Committee Report

Reason: To preserve the character and amenity of this section of woodland and countryside

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management including coppicing. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted.

4. 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 building(s) 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.

5. The development shall not commence until details of a tree condition survey and report and recommendations carried out to the requirements and specifications of BS5837: 2012 'Trees in relation to Design, Demolition and Construction – Recommendations' has been submitted to and approved by the local planning authority. Any work within the site shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure a satisfactory setting and appearance to the development and to maintain the character of the woodland

Case Officer: Tim Bloomfield

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

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.