

PLANNING COMMITTEE MEETING

Date: Thursday 21 October 2021
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Brindle, Cox, English, Eves, Forecast, Harwood, Holmes, Kimmance, McKay, Munford, Perry (Vice-Chairman), Spooner (Chairman) and Young

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 28 October 2021
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 23 September 2021 1 - 7
11. Presentation of Petitions (if any)
12. Deferred Items 8 - 9
13. 21/503982/FULL - Newnham Court Shopping Village, Bearsted Road, Weaving, Kent 10 - 16

Issued on Wednesday 13 October 2021
Over/:

Continued

Alison Broom

Alison Broom, Chief Executive

14.	21/504233/FULL - Bimbury Lodge, Bimbury Lane, Stockbury, Maidstone, Kent	17 - 28
15.	21/503615/FULL - Vinters Park Crematorium, Bearsted Road, Weaving, Maidstone, Kent	29 - 39
16.	21/503673/TPOA - 18 Peter Pease Close, Kingswood, Maidstone, Kent	40 - 45
17.	21/504210/FULL - 3 The Bungalows, Church Street, Teston, Maidstone, Kent	46 - 55
18.	21/502623/FULL - Land Adjacent To Bridge House, Couchman Green Lane, Staplehurst, Tonbridge, Kent	56 - 66
19.	Appeal Decisions	67 - 68
20.	Enforcement Tracker	69 - 73

PLEASE NOTE

The order in which items are taken at the meeting may be subject to change.

The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

For full details of all papers relevant to the reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection; please follow this link: <https://pa.midkent.gov.uk/online-applications/>

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

In order to speak at the meeting in person or by remote means, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 20 October 2021. You will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

If you require this information in an alternative format please contact us, call 01622 602899 or email committee@maidstone.gov.uk

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 23 SEPTEMBER 2021

Present: Councillor Spooner (Chairman) and
Councillors Brindle, Coates, English, Eves, Forecast,
Harwood, Holmes, Kimmance, Mortimer, Munford,
Perry and Young

Also Councillor Garten
Present:

110. APOLOGIES FOR ABSENCE

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

111. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Mortimer was substituting for Councillor Cox.

112. NOTIFICATION OF VISITING MEMBERS

Councillor Garten had given notice of his wish to speak on the report of the Head of Planning and Development relating to application 21/501554/FULL (Woodside, Firs Lane, Hollingbourne, Kent), and attended the meeting remotely.

Councillor Hinder had given notice of his wish to speak on the report of the Head of Planning and Development relating to application 21/502307/OUT (The Three Ashes, Boxley Road, Walderslade, Chatham, Kent), but was unable to join the meeting due to connectivity issues.

113. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

114. URGENT ITEMS

The Chairman said that he intended to take verbal updates in the Officer presentations as urgent items as they contained further information relating to the applications to be considered at the meeting.

115. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 21/502307/OUT (The Three Ashes, Boxley Road, Walderslade, Chatham, Kent), Councillor Brindle said that she was a

Member of Boxley Parish Council's Environment Committee when it discussed the proposed development. She was pre-determined and would not participate in the discussion or the voting when the application was considered.

116. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

Item 12.	21/501554/FULL - Woodside, Firs Lane, Hollingbourne, Kent	Councillors Brindle, Eves, Forecast, Harwood, Kimmance, Mortimer, Munford, Perry, Spooner and Young
Item 13.	21/503237/FULL - 49 Surrenden Road, Staplehurst, Tonbridge, Kent	Councillor Perry
Item 14.	21/502307/OUT - The Three Ashes, Boxley Road, Walderslade, Chatham, Kent	Councillors Eves, Forecast, Harwood, Kimmance, Munford and Young
Item 15.	21/503799/FULL - Corbin Business Park, Caring Lane, Bearsted, Kent	Councillor Brindle

See Minute 121 below

117. EXEMPT ITEMS

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

118. MINUTES OF THE MEETING HELD ON 26 AUGUST 2021

RESOLVED: That the Minutes of the meeting held on 26 August 2021 be approved as a correct record and signed.

119. PRESENTATION OF PETITIONS

There were no petitions.

120. DEFERRED ITEMS

20/504386/FULL - CHANGE OF USE OF THE LAND FOR THE SITING OF 3 NO. STATIC CARAVANS AND 3 NO. TOURING CARAVANS FOR GYPSY/TRAVELLER OCCUPATION (REVISED SCHEME TO 18/506342/FULL) - THE ORCHARD PLACE, BENOVER ROAD, YALDING, KENT

20/505611/SUB - SUBMISSION OF DETAILS TO DISCHARGE CONDITION 18 - FOUL AND SURFACE WATER SEWERAGE DISPOSAL SUBJECT TO 14/502010/OUT - DICKENS GATE, MARDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

The Development Manager said that he had nothing further to report in respect of these applications at present.

121. 21/501554/FULL - DEMOLITION OF EXISTING DWELLING AND ERECTION OF 3 NO. DETACHED DWELLINGS - WOODSIDE, FIRS LANE, HOLLINGBOURNE, KENT

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

In introducing the application, the Development Manager advised the Committee that:

- Since publication of the agenda, a new letter of objection had been received reiterating some issues that had been addressed already in the report. These could be summarised as follows:

The plans that had been submitted with the application did not reflect the current position and were, therefore, inaccurate.

A previous application for a development of three houses was rejected last year. It was stated that "this inappropriate development of garden land would represent poor design and would neither maintain nor enhance local distinctiveness of the countryside and the Len Valley Landscape of Local Value".

The amended plans in terms of the withdrawal of the garages in place of parking spaces did not preclude these being built in the future.

Previously documented concerns regarding the increase in traffic.

The Forestry Commission had stated that although they had issued a restocking notice to replant 77 trees, to date, this had not been addressed.

The plot was far more suited to two larger properties to be more in keeping with other dwellings in the lane.

- He wished to correct paragraph 8.1 of the report where reference was made to the Council being able to demonstrate a 6.1-year housing land supply as of 1 April 2020. At the meeting of the Strategic Planning and Infrastructure Committee held on 21 September 2021, it was reported that the Council had a 5.6-year housing land supply as of 1 April 2021 with no impact on the housing delivery test requirements.
- He wished to reiterate that the Restocking Notice or any subsequent Enforcement Notice did not prevent Members from making a decision on the planning application.

Ms Giles, an objector, addressed the meeting in person.

In the absence of a representative of the Parish Council, and with the Chairman's agreement, Ms Osborn-Howard, another objector, addressed the meeting in person.

Mr Court, agent for the applicant, addressed the meeting in person.

Councillor Garten (Visiting Member) addressed the meeting remotely.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission for the following reasons:

The development would consolidate sporadic and urbanising development and by virtue of its impact by day and night on the rural landscape would cause unacceptable harm to the character and appearance of the area. This inappropriate development of garden land would represent poor design and by virtue of Firs Lane projecting into the open countryside and the scale and mass of the proposed dwellings would have a disproportionate impact on the Len Valley Landscape of Local Value which fails to conserve or enhance this landscape character of importance contrary to policies SS1 and SP17 of the Maidstone Borough Local Plan 2017.

The Committee also gave delegated powers to the Head of Planning and Development to amend the wording of the reasons for refusal following a review to determine whether there is further harm to the Len Valley Landscape of Local Value character in short and medium-range views from Old Mill Lane.

RESOLVED:

1. That permission be refused for the reasons:

The development would consolidate sporadic and urbanising development and by virtue of its impact by day and night on the rural landscape would cause unacceptable harm to the character and appearance of the area. This inappropriate development of garden land would represent poor design and by virtue of Firs Lane projecting into the open countryside and the scale and mass of the proposed dwellings would have a disproportionate impact on the Len Valley Landscape of Local Value which fails to conserve or enhance this landscape character of importance contrary to policies SS1 and SP17 of the Maidstone Borough Local Plan 2017.

2. That the Head of Planning and Development be given delegated powers to amend the wording of the reasons for refusal following a review to determine whether there is further harm to the Len Valley Landscape of Local Value character in short and medium-range views from Old Mill Lane.

Voting: 12 – For 0 – Against 0 – Abstentions

Note:

Councillor Holmes joined the meeting at the start of this item. He said that he had no disclosures of interest and that he had been lobbied on agenda items 12 (21/501554/FULL - Woodside, Firs Lane, Hollingbourne, Kent) and 14 (21/502307/OUT - The Three Ashes, Boxley Road, Walderslade, Chatham, Kent).

Councillor English left the meeting during consideration of this application and was not present for the voting.

122. 21/502307/OUT - OUTLINE APPLICATION WITH ACCESS MATTERS SOUGHT FOR A RESIDENTIAL DEVELOPMENT (MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE ARE RESERVED FOR FUTURE CONSIDERATION) - THE THREE ASHES, BOXLEY ROAD, WALDESLADE, CHATHAM, KENT

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

Mr Chapman, an objector, addressed the meeting remotely.

In the absence of a representative of the Parish Council, and with the Chairman's agreement, Mr Crane, another objector, addressed the meeting remotely.

Mr Nicholls, agent for the applicant, addressed the meeting remotely.

Councillor Hinder, a Visiting Member, was unable to address the Committee remotely due to connectivity issues.

RESOLVED:

1. That outline permission be granted subject to the conditions and informatives set out in the report, with:

The amendment of condition 10 (Enhancement of Biodiversity) to (a) delete the words *at least one* from the second sentence and refer to integrated *methods* and (b) require the development to achieve a 10% net biodiversity gain;

The amendment of condition 12 (Landscaping) to specify the creation of a wood pasture to include Lime, Oak, Beech, Wild Cherry and Common Hawthorn trees with rough grass/flower grass underneath;

The amendment of condition 16 (External Lighting) to prohibit LED lighting and to specify the use of red lighting in the interests of biodiversity;

An amendment to condition 3 (Details to be submitted pursuant to condition 1 (Reserved Matters)) limiting the number of residential dwellings on the site to no more than two;

An additional condition requiring the installation of renewables such as air or ground source heat pumps and specifying that fossil fuels shall not be used in heating systems;

An additional informative advising the applicant that high standards of design, materials, landscaping and tree planting are required when the detailed application comes forward; and

An additional informative explaining that following implementation of the replanting scheme, the woodland Tree Preservation Order will be revisited to include the new planting and to become a site-specific Tree Preservation Order.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and additional conditions and informatives and to amend any other conditions as a consequence.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Having stated that she had pre-determined this application, Councillor Brindle did not participate in the discussion or the voting.

123. 21/503799/FULL - ERECTION OF 2 NO. LIGHT INDUSTRIAL UNITS (USE CLASS E(G)(II) AND E(G)(III)) AND ASSOCIATED WORKS - CORBIN BUSINESS PARK, CARING LANE, BEARSTED, KENT

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

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

Voting: 13 – For 0 – Against 0 – Abstentions

Note: Councillor Munford left the meeting after consideration of this application (7.48 p.m.).

124. 21/503237/FULL - CONVERSION OF GARAGE INTO HABITABLE SPACE. ERECTION OF SINGLE STOREY FRONT AND TWO STOREY SIDE EXTENSIONS. CREATION OF FIRST FLOOR SIDE AND REAR EXTENSIONS, INCLUDING INTERNAL ALTERATIONS - 49 SURRENDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

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

Mr Coveney, an objector, addressed the meeting remotely.

Prior to the debate, Councillor Perry said that he was a Member of Staplehurst Parish Council. However, he had not participated in the Parish Council's discussions on the application and intended to speak and vote.

RESOLVED:

1. That permission be granted subject to the conditions and informative set out in the report, with:

The amendment of condition 3 (External Materials) to emphasise that the materials must match the existing; and

An additional condition requiring the installation of renewables.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and additional conditions.

Voting: 12 – For 0 – Against 0 – Abstentions

125. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting.

With regard to the decision of the Planning Inspector to allow the appeal against the Council's decision to refuse application 20/500269/FULL (Erection of 1 no. 4 bedroom detached dwelling with associated amenity (Re-submission of 19/503872/FULL) – Land South of South Cottage, High Street, Staplehurst, Kent), the Development Manager reminded the Committee that reference had been made in the decision notice to the Council not being able to demonstrate a 5-year supply of deliverable housing sites. This was not correct, and the Officers had written to the Planning Inspectorate drawing attention to the error. The Inspector had subsequently reissued the decision with removal of this reference.

A Member said that having followed up this matter with the local Member of Parliament, he had received a letter from the Planning Inspectorate regarding the handling of the appeal.

RESOLVED: That the report be noted.

126. DURATION OF MEETING

6.00 p.m. to 8.10 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

21 OCTOBER 2021

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

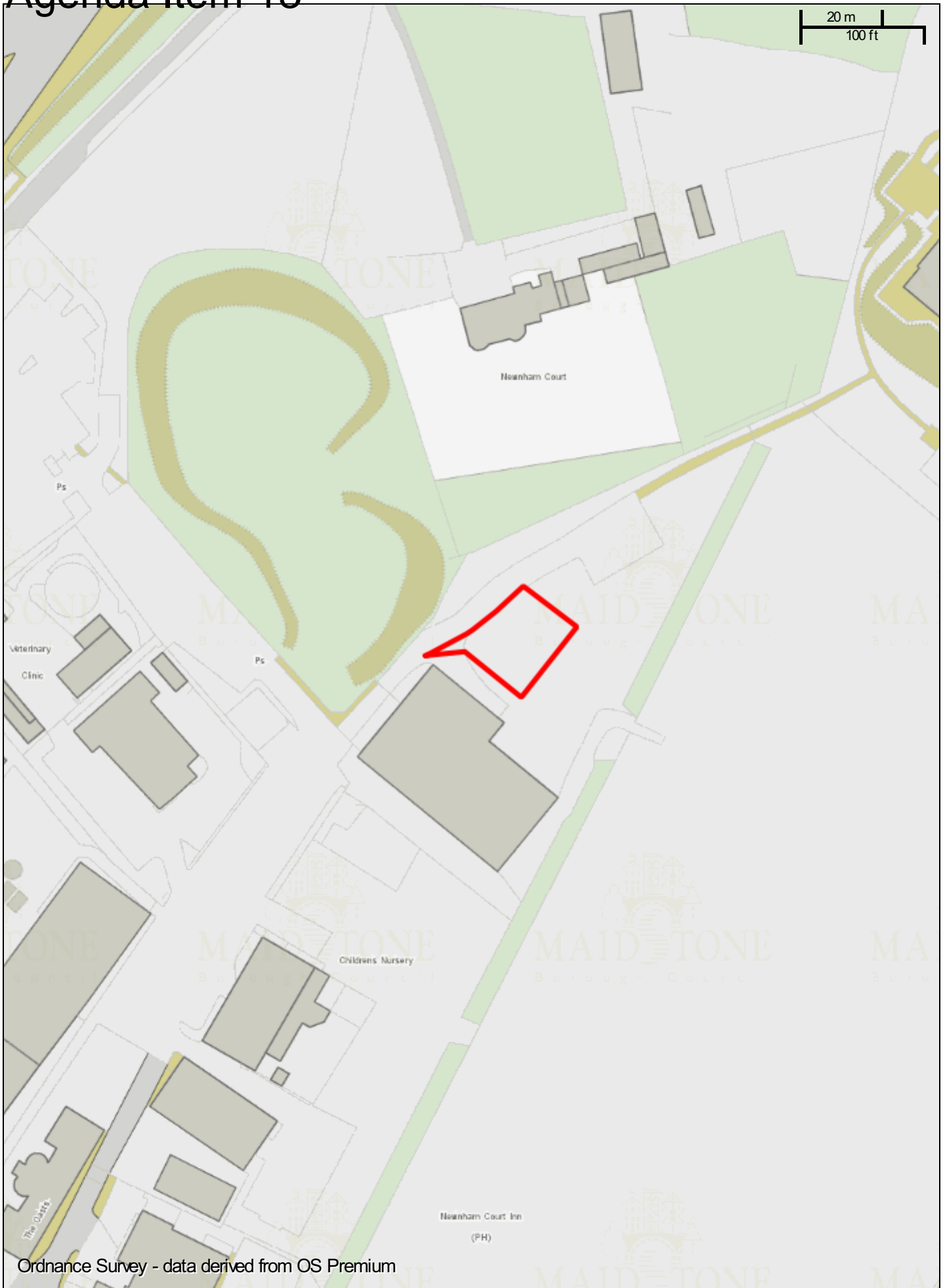
The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

APPLICATION	DATE DEFERRED
<p><u>20/504386/FULL - CHANGE OF USE OF THE LAND FOR THE SITING OF 3 NO. STATIC CARAVANS AND 3 NO. TOURING CARAVANS FOR GYPSY/TRAVELLER OCCUPATION (REVISED SCHEME TO 18/506342/FULL) - THE ORCHARD PLACE, BENOVER ROAD, YALDING, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none">• Negotiate a reconfiguration of the site layout to achieve better landscaping of the pond/woodland area to enable ecological and flood amelioration; and• Seek the advice of the Environment Agency specifically relating to this site. <p><u>Note:</u> The Development Manager confirmed that when the application is reported back to the Committee the additional conditions recommended by the Officers and the suggestions made by Members during the discussion regarding (1) the provision of (a) bin and cycle storage and (b) bug hotels and bat tubes in the eaves of the wooden buildings and (2) the exclusion of Sycamore trees from the landscaping scheme and the use of non-plastic guards for trees and hedgerows will be included.</p>	17 December 2020
<p><u>20/505611/SUB - SUBMISSION OF DETAILS TO DISCHARGE CONDITION 18 - FOUL AND SURFACE WATER SEWERAGE DISPOSAL SUBJECT TO 14/502010/OUT - DICKENS GATE, MARDEN ROAD, STAPLEHURST, TONBRIDGE, KENT</u></p> <p>Deferred:</p>	22 July 2021

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| <p>(1) To ask the applicant to provide further information to clarify:</p> <ul style="list-style-type: none">(a) The foul drainage flows from the site; and(b) The volume of capacity being provided (by the holding tank) and how it will be maintained to ensure that it retains such capacity. <p>(2) For the additional information to be reviewed by an independent expert drainage consultant.</p> | |
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This is to satisfy the Committee that the volume of flows will be accommodated by the proposed works.

Agenda Item 13



Ordnance Survey - data derived from OS Premium

REFERENCE NO – 21/503982/FULL		
APPLICATION PROPOSAL Retrospective application for retention of the existing concrete slab hardstanding area.		
ADDRESS Newnham Court Shopping Village, Bearsted Road, Weavering, Kent ME14 5LH		
RECOMMENDATION GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The proposal is in keeping with the lawful use of the application site for <i>'the turning of delivery vehicles and the loading and unloading of goods being delivered to premises within the Newnham Court Shopping Village'</i>. • With a planning condition requiring the submission of a management plan, the proposal is acceptable in relation to impact on residential amenity. • In the context of surrounding commercial development, screening from existing landscaping and the lawful use of site for parking and turning of HGV the proposal is acceptable in relation to visual amenity. 		
REASON FOR REFERRAL TO COMMITTEE: Kent County Council is the Applicant		
WARD Boxley	PARISH COUNCIL Boxley	APPLICANT Harvestore Systems Holdings Ltd AGENT Mr. David Cassells, WSP
TARGET DECISION DATE 29/10/2021 (EOT)		PUBLICITY EXPIRY DATE 29/9/2021

Relevant planning history:

21/500139/LDCEX: Lawful Development Certificate (Existing) to establish the lawfulness of the use of the current application site for 'the turning of delivery vehicles and the loading and unloading of goods being delivered to premises within the Newnham Court Shopping Village'. – APPROVED on 31.3.2021

Aerial photograph of the application site



MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site is located within the Maidstone urban area and relates to an area of land covering 0.05 hectares. The site is located to the north of the Newnham Court shopping complex with an adjacent service road providing access through the shopping complex.

1.02 A building providing a children’s gym centre is located to the south of the site and to the east a temporary mobile office building. Further to the east across an open area of land is the KIMS Hospital with a separate access road from the south. Approximately 60m to the north is a residential property called Newnham Court. Newnham Court is separated from the application site by an area of mature trees.

2. PROPOSAL

2.01 The current, retrospective planning application seeks the retention of the hardstanding surface on the application site.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

SS1: Maidstone borough spatial strategy

SP17: Countryside (Application site is in the urban area but also in the setting to the Kent Downs AONB)

RMX1: (Medical and associated uses – application site)

RMX1: (Replacement retail – Newnham Shopping Complex to the south of the site)

DM1: Principles of good design

3.01 The application site is located within the Maidstone urban area and on land designated for medical and associated uses in the Local Plan (Policy RMX1 (1)). The application site is closely associated with, and to the north of the Newnham Court shopping complex. Newnham Court shopping complex is on land allocated for retail use in the Local Plan (Policy RMX1 (1)).

3.02 Newnham Park is a 28.6 hectare site located adjacent to junction 7 of the M20 motorway. Newnham Court Shopping complex occupies the western part of the allocated site, with the Kent Institute of Medicine and Surgery (KIMS) hospital located on the northern perimeter served by a new access road. The adopted Local Plan states “*Expanded hospital facilities and associated development to form a medical campus will create a specialist knowledge cluster that will attract a skilled workforce to support the council’s vision for economic prosperity*”.

Local plan information from the proposals map



Key

RMX1: (Medical & assoc.)	-Purple hatching
RMX1: (Retail)	-Shaded area
Maidstone urban area	-Black line
Application site location	-Blue arrow

National Planning Policy Framework (NPPF): Section 2- Achieving sustainable development, Section 12- Achieving well-designed places

National Planning Policy Guidance

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 One representation has been received from a local resident (Newnham Court) raising an objection to the proposal based on the following (summarised) reasons:
- The dates given on the planning application form submitted with the planning application are questioned (*Officer comment: The date that the concrete slab hardstanding area was installed is of little relevance to the current full planning application as the applicant is not claiming that the hardstanding area is lawful*).
 - The description which has been given to the development is questioned (*Officer comment: As set out above the current planning application is seeking to retain the hardstanding area that currently exists on the application site*).
 - Consider that the present use does not have planning permission and is not covered by 21/500139/LDCEX as there has been a material change of use during the last 10 years. (*Officer comment: There is no evidence submitted to show that the previous decision for 21/500139/LDCEX was incorrect, the purpose of this current application is to seek planning permission for the hardstanding area*).
 - Refer to the applicant's covering letter to the application under reference 21/503982/FULL and condition 4 attached to 99/1863. Disagree with the applicant's description that the slab was overgrown and consider that the slab was buried. (*Officer comment: The question as to whether the slab from a previous building became overgrown or was buried is not considered relevant to the assessment of the current planning application. The applicant is not claiming that the existing hardstanding is immune from planning enforcement action or lawful so when the hardstanding was constructed is of little relevance*).
 - It is felt that the grassed area before the concrete was uncovered could not have supported regular use by the HGV's and fork lift trucks. It is felt that "There can be no doubt that the applicant intends to use the concrete for a goods distribution area and intends to cause unacceptable nuisance to us" (*Officer comment: amenity is considered later in this report*)
 - The neighbour considers that the current application is "...part of an elaborate series of tricks by Kent County Council and WSP to try to abuse the planning process and get planning permission for a new HGV route..." (*Officer comment: the current application is for the retention of the hardstanding area. If future works require the benefit of planning permission, the applicant will be expected to submit a planning application and for the impact of these works will be considered at this point in time*).

5. CONSULTATIONS

- 5.01 KCC Minerals and Waste Planning Policy
No objection: The site is not within 250 metres of a safeguarded minerals or waste management facility.
- 5.02 Environmental Health
No objection subject to a condition requiring the submission of a noise management plan.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Visual amenity
 - Residential amenity
 - Ecology and biodiversity.

Visual amenity

- 6.02 Local Plan Policy SP1 states that the Maidstone Urban Area will be the focus for new development as it is largest and most sustainable location in the borough. Policy DM1 seeks to achieve high quality design and the council expects proposals to

positively respond to, and where appropriate enhance the character of their surroundings.

Application site - view looking east from the service road



- 6.03 The supporting text to policy RMX1 states "*Newnham Park is located within the urban area and lies within the setting of the nationally designated Kent Downs Area of Outstanding Natural Beauty (AONB), where particular attention needs to be paid to conserving and enhancing the distinctive character of the landscape*" (paragraph 4.204).
- 6.04 Local Plan policy SP17 seeks to prevent harm to the character and appearance of the countryside, and this would include any views from the urban area to the AONB. There is a duty under section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The Kent Downs Area of Outstanding Natural Beauty (AONB) boundary is 0.2 miles to the north of the application site.
- 6.05 The application site is in the urban area but separated from the AONB by the M20 motorway, with the site in a sheltered location screened by existing features on and close to the site including mature landscaping and existing buildings. The site has a current lawful use for 'the turning of delivery vehicles and the loading and unloading of goods being delivered to premises within the Newnham Court Shopping Village' (21/500139/LDCEX). In this context the application does not have any landscape or countryside implications and does not have any impact on the AONB, including on its setting.
- 6.06 Overall, the hardstanding is acceptable in relation to visual amenity and is in keeping with the adjoining retail and mixed use development. The area of hardstanding is also a reasonable size for its purpose and siting serving the wider site.

Residential amenity

- 6.07 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they respect the amenities of occupiers of neighbouring properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, enjoyed by the occupiers of nearby properties.

- 6.08 In this case the nearest and only neighbouring residential property that could potentially be affected by the proposal is Newnham Court. The main property at Newnham Court is situated circa 60m away from the application site with the property boundary 35 metres from the site and separated by an area of mature trees.
- 6.09 The application site has a lawful use for the parking and turning of HGVs (as confirmed by the lawful development certificate granted on 31.3.2021). The area of hardstanding is on land designated in the Local Plan for medical and associated uses and to the south of the site is an area designated for retail use. In making these designations, it has been accepted that this area will be subject to the activity and disturbance associated with these approved uses.
- 6.10 In terms of the lawful use, the current application needs to consider what potential additional harm to amenity would result from the provision of the hardstanding over and above the existing use. The area of hardstanding in providing a formal area for manoeuvring vehicles could potentially reduce the need for goods vehicles to reverse (with less potential disturbance from audible reversing alarms), however this would depend on the future management of the space.
- 6.11 In line with the advice received from the Environmental Health officer, the retention of the hardstanding is acceptable with a planning condition requiring the submission and approval of a management plan. This management plan would cover measures to reduce potential noise nuisance to the occupiers of the Newnham Court such as the timing of deliveries and potential mitigation such as a potential acoustic barrier.
- 6.12 Additional conditions are recommended that seek the submission and approval of details of any existing or proposed external lighting on the site in order to reduce potential harm to amenity and wildlife and measures to control the storage of goods in this area.
- 6.13 With the imposition of these conditions the application is acceptable when considered against policy DM1 and in relation to residential amenity.

Ecology and biodiversity.

- 6.14 Paragraph 180 of the NPPF states "*...opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity...*".
- 6.15 The current application is for the retention of the existing hardstanding area and prior to the construction of the hardstanding the land was used for the manoeuvring of HGV's for a period of over 10 years. In this context the biodiversity value of the site as it is now is low and prior to the construction of the hardstanding it was also low. A condition is recommended seeking biodiversity enhancements on the site.

7. CONCLUSION

- 7.01 The proposal is in keeping with the lawful use of the application site for 'the turning of delivery vehicles and the loading and unloading of goods being delivered to premises within the Newnham Court Shopping Village'.
- 7.02 With a planning condition requiring the submission of a management plan, the proposal is acceptable in relation to impact on residential amenity.
- 7.03 In the context of surrounding commercial development, screening from existing landscaping and the lawful use of site for parking and turning of HGV the proposal is acceptable in relation to visual amenity.

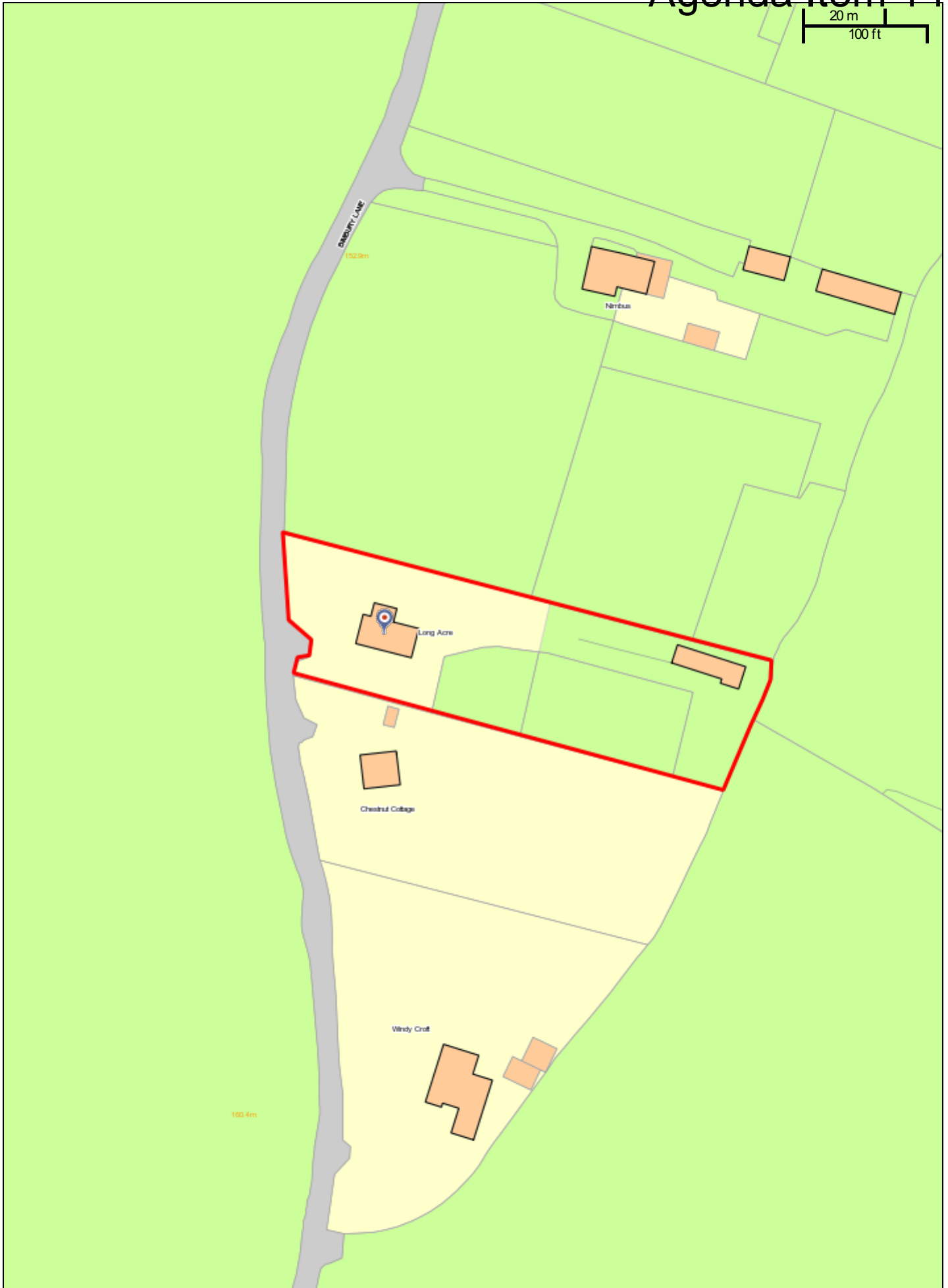
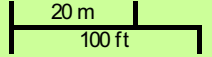
8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions

- 1) The hardstanding hereby permitted shall be removed and all associated materials taken off the site and the land restored to its former condition before the development took place within 6 weeks of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) within 4 months of the date of this decision a management plan hereafter referred to as the 'Plan', shall have been submitted for the written approval of the Local Planning Authority. The Plan shall include details of:
 - a) Measures to reduce the potential of noise disturbance to neighbours, including the the timing of deliveries, the use of audible reversing alarms, idling vehicle engines and appropriate mitigation measures, and
 - b) Measures to provide a net biodiversity gain including bat and bird boxes
 - c) Details of any existing previously installed external lighting associated with the use of the application site, including measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors as necessary. External lighting should be in accordance with Bat Conservation Trust guidelines.
 - d) the said Plan shall include a timetable for its implementation with the requirements of the approved Plan followed permanently thereafter.
 - (ii) within 11 months of the date of this decision the Plan shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Plan or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Plan shall have been approved by the Secretary of State.
 - (iv) the approved Plan shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: Reason: In the interests of amenity.
- (2) With the exception of parking of vehicles, no open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land. Reason: To safeguard the character and appearance of the area.
- (3) Any proposed external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter; External lighting should be in accordance with Bat Conservation Trust guidelines. Reason: In the interest of amenity and wildlife.
- (4) The development hereby permitted shall be in accordance with the following approved plans:

Site Location Plan, 70040984-PL-0062 Rev P01 received on 16 Jul 2021
Existing Block Plan, 70040984-PL-0063 Rev P01 received on 16 Jul 2021
Reason: To clarify which plans have been approved.
Case officer: Michelle Kwok



21/504233/FULL Bimbury Lodge, Bimbury Lane, Stockbury, Kent, ME14 3HY

Scale: 1:1250

Printed on: 11/10/2021 at 9:19 AM by JoannaW



REFERENCE NO: 21/504233/FULL		
APPLICATION PROPOSAL: Change of use of land to bijou glamping retreat, consisting of 4(no) canvas bell tents, 1(no) shepherd hut, erection of 1(no) toilet/shower block and associated parking. Conversion of stable block, into bar, 3(no) sleeping pods, kitchen and dining area/tea room.		
ADDRESS: Bimbury Lodge Bimbury Lane Stockbury Maidstone Kent ME14 3HY		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Stockbury Parish Council has requested application is considered by Planning Committee if officers are minded to approve application. This request is made for reasons outlined in consultation section below.		
WARD: North Downs	PARISH COUNCIL Stockbury	APPLICANT: Mrs L. Twitchett AGENT: Mr T. Spencer
TARGET DECISION DATE: 25/10/21		PUBLICITY EXPIRY DATE: 04/10/21

RELEVANT PLANNING HISTORY

- 19/502885 – Single storey extension and 2-storey side/rear extension - Approved
- MA/06/0667 – Erection of conservatory - Approved
- MA/00/0076 – Demolition of extension and erection of 2-storey rear extension with 2 dormer windows and alterations to design of roof - Approved
- MA/90/1377 – Alterations and extensions - Approved
- MA/90/0155 – Alterations and two storey extension to existing bungalow - Refused
- MA/78/1293 – 20 wire netting runs and wooden houses for boarding cats - Approved
- MA/77/0531 - 11 wire pens and wooden houses for cat boarding - Approved

MAIN REPORT

1.0 SITE DESCRIPTION

1.01 Bimbury Lodge is a detached chalet-style bungalow located on the eastern side of Bimbury Lane, some 880m to the north of the junction with the A249. To the north of the site there are paddocks, with a property known as Nimbus beyond; to the east is agricultural land; and to the south are residential properties known as Chestnut Cottage and then Windy Croft. There is also a public footpath (KH88) some 200m to the east of the site. The development permitted under 19/502885 is currently being built out on site.

1.02 For the purposes of the Maidstone Local Plan the application site is within the countryside and within the Kent Downs Area of Outstanding Natural Beauty. The site is within Flood Zone 1; and it also falls within an area of archaeological potential.

2.0 PROPOSAL

2.01 The description of the development is as follows: *Change of use of land to bijou glamping retreat, consisting of 4 canvas bell tents, 1 shepherd hut, erection of 1 toilet/shower block and associated parking. Conversion of stable block, into bar, 3 sleeping pods, kitchen and dining area/tea room.*

2.02 The four bell tents would be sited to the rear of Bimbury Lodge; the shepherds hut and the new toilet/shower block would be sited close to the northern boundary of the site; and the existing stable block to be converted is found in the north-eastern corner of the application site.

- 2.03 The new toilet/shower block would measure some 4.2m by 3.5m (14.7m²); with its pitched roof design it would stand some 3.6m in height; and it would be clad in timber weatherboarding with a tiled roof. The shepherds hut would stand some 3.1m in height and would also be clad in timber weatherboarding; and the submission shows the bell tents to be some 3m tall. There would be some alterations to the fenestration detail of the existing stable block; and it would be converted to provide a kitchen, bar and seating area only for those staying at Bimbury Lodge; and there would also be some sleeping accommodation.
- 2.04 The bell tents would be used between April and October, with the shepherd hut and sleeping pods being available all year round. Access to the glamping site would be from the existing access to Bimbury Lane; and there would be the provision of five car parking spaces on the site (leaving two spaces for Bimbury Lodge). To clarify, Bimbury Lodge would remain as a residential property.
- 2.05 The applicant has also confirmed that they will not be applying for an alcohol or music licence; the bar area is not to serve alcohol, but instead be a coffee and soft drinks bar. There will not be a restaurant on the site; and the tea room will be used to offer a country afternoon tea experience to our Glampers as part of their stay.

3.0 POLICY AND OTHER CONSIDERATIONS

- 2017 Local Plan: SS1, SP17, SP21, DM1, DM3, DM6, DM8, DM23, DM30, DM37, DM38
- Landscape Character Assessment (2013) & Supplement (2012)
- Landscape Capacity Study: Sensitivity Assessment (2015)
- National Planning Policy Framework (2021) & National Planning Practice Guidance
- Kent Downs AONB Management Plan (2014-19): SD1; SD2; SD8; SD9; VC6
- Kent Downs AONB Design Handbook
- Natural England Standing Advice

Maidstone Local Plan

- 3.01 The submission is subject to the normal constraints of development in the countryside under the Maidstone Local Plan. Local Plan policy SP17 states that new development in the countryside will not be permitted unless it accords with other policies in the Local Plan, and would not result in harm to the character and appearance of the area or residential amenity. Local Plan policy DM30 states (inter alia) that new development should maintain, or where possible, enhance local distinctiveness; and ensure that associated traffic levels are acceptable. Local Plan policy DM1 also states that new development should respect the amenities of occupiers of neighbouring properties; it should protect and enhance biodiversity; and avoid inappropriate development within areas at risk from flooding.
- 3.02 The application site is within the AONB and the statutory duty of the local planning authority requires any development to have regard for the purpose of conserving and enhancing the natural beauty of this nationally important designation. Local Plan policy SP17 requires that: *Great weight should be given to the conservation and enhancement of the AONB.* Furthermore, Local Plan policy SS1 seeks to support small scale employment opportunities in appropriate locations to support the rural economy; and Local Plan policy DM37 supports the expansion of existing businesses in the rural area provided certain criteria are met.

Landscape Character Assessment

- 3.03 The Maidstone Landscape Character Assessment (2012 amended 2013) identifies the application site as falling within the Bredhurst and Stockbury Downs Landscape Character Area (Area 1). The landscape guidelines for both areas are to '*RESTORE & CONSERVE*'. The Council's Landscape Capacity Study: Sensitivity Assessment (Jan 2015) states that the Bredhurst and Stockbury Downs is partly situated within the Kent Downs AONB, a nationally important designation which offers a high level of development constraint.

NPPF (July 2021)

- 3.04 The revised NPPF is clear that good design is a key aspect of sustainable development and that permission should be refused for development that is not well designed, with section 12 of the NPPF referring to '*achieving well-designed places*'; and paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's. Paragraph 84 of the NPPF also seeks to support a prosperous rural economy, including enabling sustainable rural tourism/leisure developments which respect character of countryside; and the NPPF acknowledges that such development may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport (paragraph 85).

Other relevant matters

- 3.05 Section 85 of the Countryside and Rights of Way Act 2000 places an explicit duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of an AONB when exercising or performing any functions in relation to or so as to affect land in an AONB.
- 3.06 The Kent Downs AONB Management Plan does not form part of the statutory Development Plan, but the Council has adopted it and so it is a material consideration when assessing any planning application. The Kent Downs AONB Unit confirms that the site lies within the Mid Kent Downs Local Character Area, as identified in the Landscape Character Assessment of the Kent Downs AONB. Key characteristics identified for this Character Area include a series of wide ridges and steep sided dry valleys, extensive coppice woodlands and some large expanses of conifer woodland, large arable fields on the plateaux and tiny scattered villages linked by narrow lanes. Design guidelines identified for the Mid Kent Downs LCA include managing and restoring hedgerows, trees and woodland, conserving the small scale of the roads and villages and remote quality of the countryside and to control urban fringe pressures.

4.0 LOCAL REPRESENTATIONS

- 4.01 2 representations received (from Windy Croft & Nimbus) raising concerns over: unacceptable harm caused to character and appearance of countryside that falls within Kent Downs AONB; and impact upon residential amenity (including loss of privacy and general noise and disturbance).

5.0 CONSULTATIONS

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

- 5.01 **Stockbury Parish Council:** Wish to see application refused and reported to Planning Committee if officers are minded to recommend approval. Their comments are summarised below:

- *Proposal is intrusive in AONB.*
- *Proposal would result in overdevelopment of site and set a precedent in parish*
- *Proposal would commercialise a residential property.*
- *Parish Council agrees with officer's refusal of similar proposal for development in parish, which was refused for following reason:*

Development, due to size and siting of building and associated residential paraphernalia would have detrimental impact on character and appearance of surrounding countryside, with development introducing new built development into this open paddock in prominent location, and as such development fails to preserve character and appearance of countryside and is harmful to nationally significant AONB. Development is contrary to policies DM1, DM3, DM30, DM38 & SP17 of Local Plan; Section 12 & 15 of NPPF & Kent Downs AONB Plan.

- 5.02 **Councillor Garten:** In summary, the Councillor commented that the proposal needs to be tested against the purpose of the AONB designation to conserve and enhance the natural beauty of the AONB; and that the proposal has the potential to impact upon the experience of dark skies at night (in accordance with policy SD7 of the AONB Management Plan). A request was made to call the application to Planning Committee on this basis, but after Councillor Garten was advised that external lighting can be dealt with by way of condition, this request was withdrawn. Notwithstanding this, Councillor Garten also wanted his concerns noted about possible noise impacts affecting neighbours which may be coming from the site.
- 5.03 **Kent Downs AONB Unit:** Raise no objection to the proposal (see main report).
- 5.04 **Environmental Protection Team:** Raise no objection (see main report).
- 5.05 **Kent Police:** Raise no objection to application.
- 5.06 **MBC Culture & Tourism:** No representations received.
- 5.07 **Kent Wildlife Trust:** No representations received.
- 5.08 **Health & Housing Team:** Confirms Housing Act does not apply to this application.

6.0 APPRAISAL

Main issues

6.01 The key issues for consideration relate to:

- Location
- Visual impact
- Residential amenity
- Highway safety
- Other planning considerations

6.02 The details of the submission will now be considered.

Location

6.03 The application site has easy access to the A249 that is only some 880m from the site; the site will not be open to caravans or motor homes and so the vehicles travelling to and from the application site are expected to be regular motor vehicles; the proposal is for a relatively small amount of tourist accommodation; and there is general policy support for tourism uses in the countryside (as set out above), subject to certain criteria. Furthermore, the level of accommodation can also be restricted by way of a suitable condition to control the future number of comings and goings from the site. On this basis, it is considered that the application site, for its intended use and level of use, is not considered to be so unsustainable in terms of its location.

Visual impact

6.04 The Kent Downs AONB Unit's comments on the application are summarised as follows:

Site appears to be located in land that currently comprises residential curtilage and is relatively well contained within landscape due to presence of substantial vegetative enclosure around site, with limited opportunities for visibility from outside of site. Opportunities for enhancing AONB should be incorporated, as required in para 176 of NPPF, and for achieving biodiversity net gain. We would recommend any permission is conditional on a full landscaping plan incorporating native species tree/hedgerow planting and species diversity in grassland on site should also be encouraged through good meadow management practices.

In order to protect dark night skies of Kent Downs, external lighting requirements will need to be carefully managed. We would suggest this is limited to low level bollards operated by motion detectors; we would be opposed to lighting being left on throughout night.

Shepherds hut and toilet block are of rather generic design and opportunities for seeking a higher quality design would be preferable and incorporating timber joinery rather than proposed uPVC. We would recommend standard cream/off white colours on bell tents are avoided. Pale colours such as this tend to contrast strongly with rural surroundings and make structures more obtrusive; a more natural colour of tent would help reduce visual impacts of tented structures in landscape.

Conclusion

The principle of whether proposal complies with Local Plan policies is for the judgement of case officer. In the event the principle is considered acceptable then the Kent Downs AONB Unit recommends the following conditions be imposed:

- Landscaping condition to require above landscape and biodiversity mitigation and enhancements to meet requirements of Management Plan policies SD1 & BD5;*
- Condition to control lighting on site to protect dark skies of area to meet policy SD7;*
- Condition requiring details of materials for buildings and hard surfaces and colour of bell tents should be submitted and these are complementary to local character as required by policy SD9. Use of Kent Downs AONB Guidance on Selection and Use of colour in development is recommended to ensure buildings, tents and surfaces are not obtrusive in landscape; and*
- Removal of tents when not in use during Autumn/Winter season.*

- 6.05 The proposed development would not alter the existing site access and its main elements would be located behind the main house, set back more than 50m from Bimbury Lane; the nearest public footpath to the rear of the site is some 200m away; the addition of the modestly sized shower block, shepherds hut, and four bell tents is not considered to harmfully erode the openness and rural character of the site; the conversion of the existing stable building would not result in any further landscape harm; and as agreed with by the Kent Downs AONB Unit, the proposal site is currently well contained garden land with the existing boundary planting helping to screen the site from public view. It is considered that any public views of the proposal would be at short range and most likely from Bimbury Lane, through the existing access.
- 6.06 Furthermore, there is scope within the site for additional native planting and a condition is recommended to secure this; external lighting can be controlled by way of an appropriate condition; a suitable condition will be imposed requesting details of external materials for the new shower/toilet building, shepherds hut and bell tents; and the bell tents will be removed over autumn/winter when not in use.
- 6.07 On this basis, the proposal would not appear harmfully dominant or incongruous from any public vantage point; and notwithstanding this, given the modest scale and nature of the submission (within the curtilage of a residential property), it is accepted that it would not adversely harm the intrinsic character of the countryside hereabouts. The matter of biodiversity enhancement will be discussed further on the report.
- 6.08 With everything considered, including the Kent Downs AONB Unit not directly objecting to the development the proposal would conserve and enhance the distinctive landscape and scenic beauty of the Kent Downs AONB; and it would positively recognise the intrinsic character and beauty of the countryside hereabouts, subject to certain conditions. As such, in this instance the submission of a Landscape Visual Impact Assessment is not necessary and the proposal (subject to certain conditions) is considered to be acceptable, in accordance with the relevant policies of the Local Plan; the Council's Landscape Character Assessment; the NPPF; and the Kent Downs AONB Management Plan.

Residential amenity

- 6.09 There are other residential properties within the vicinity of the site, with Chestnut Cottage adjoining the southern boundary and then Windy Croft beyond with the actual property more than 70m from the application site. To the north is a property known as Nimbus, again more than 70m from Bimbury Lodge (separated by paddocks).
- 6.10 Given the scale, nature and separation distances of the proposal from any neighbouring property, it is considered that the development would not have an adverse impact upon the amenity of any local resident, in terms of privacy, light, and outlook. For a proposal like this, the main concerns centre around its potential impact in terms of general noise and disturbance on local residents.
- 6.11 The Environmental Protection Team have not raised an objection in this respect but have commented that there may be the possibility of neighbours experiencing some noise disturbance in this relatively quiet location. As such, a condition has been recommended for the submission of a noise management plan, to provide details of the operations taking place on site, the hours of operation, and the measures that will be put in place to prevent noise disturbance to neighbouring properties.
- 6.12 In terms of associated vehicles coming and going from site, it is considered that Windy Croft and Nimbus are sufficiently far enough away to not be adversely impacted upon. With regards to Chestnut Cottage, it is noted that the proposal's vehicle access is existing and that there is already a certain level of vehicle movements to and from the site; and the parking area is next to what seems to be Chestnut Cottage's own parking area, with the actual property some 10m away from the shared boundary. With this considered, the impact of associated vehicles coming and going from the site is not considered to be objectionable.
- 6.13 The existing stable building would only provide indoor facilities for guests staying on the site. Given the relatively low number of people likely to use the building at one time and given its separation distances from any neighbouring property, this element of the proposal is unlikely to result in adverse residential amenity harm. Furthermore, the shepherds hut and shower block will be sited away from the shared boundary with Chestnut Cottage; and the modest number of bell tents would be sited to the rear of the site, away from Chestnut Cottage and its immediate garden area, and largely screened by existing well-established boundary planting. Given the location and the modest level of accommodation proposed, it is considered that general visitor activity/movements on the site would not cause unacceptable harm to the living conditions of neighbouring properties when trying to enjoy their own properties.
- 6.14 With everything taken into account, it is considered that the proposal would not be unacceptable from a residential amenity perspective, and the submission of a noise management plan would further safeguard the amenity of neighbouring properties.

Highway safety

- 6.15 Paragraph 111 of the revised NPPF states: *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 6.16 The submission shows the proposed tourist use would benefit from five parking spaces (with two spaces left for Bimbury Lodge); and if necessary, there is additional space on the site to provide further parking. The vehicles visiting the site are not expected to be larger vehicles such as motor homes or touring caravans and there is adequate turning space within the site for vehicles to leave in a forward gear. Vehicle access to and from the site would be by way of the existing access (which

does not have any recorded traffic incidents on www.crashmap.co.uk) and this is not objectionable; and there is no objection raised in terms of associated vehicles using the local road network to access the site. The level of vehicle movements to and from the site would not be significant, and it is also worth noting that at times it could be only one family occupying more than one of the accommodation options available (for example the shepherds hut and the sleeping pods), further reducing the number of car movements. On this basis, it is considered that the proposal would not result in a 'severe' impact and with everything considered no objection is raised to the application on highway safety grounds.

Other considerations

- 6.17 In order to ensure proper control of the use of the holiday let and to prevent the establishment of permanent residency, a holiday occupancy condition would be imposed to prevent the use of the building as a sole or main residence (in accordance with Local Plan policy DM38). Furthermore, suitable conditions will be imposed to: prevent the storage of any caravans, touring caravans, motor homes, camping equipment, or the open storage of any other goods, plant, equipment or materials; and to prevent other tents and caravans etc. occupying the site. This would ensure the site is not used as a permanent encampment; and it would also be in the interests of the visual amenity and highway safety.
- 6.18 Given the relatively modest scale and nature of the proposal, it is considered that the proposal is unlikely to cause harm to any protected species. As such no further ecological information is required at this stage. Notwithstanding this, paragraph 180 of the NPPF states:
- When determining applications, LPA's should apply the following principles (inter alia):*
d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 6.19 With this considered, a suitable condition will be imposed to request details of biodiversity enhancements on the site (to also demonstrate a net biodiversity gain); and this shall include details of enhancements through integrated methods into the fabric and appearance of the shower block. No further details are required from an arboricultural perspective.
- 6.20 The Environmental Protection Team have reviewed the application and have raised no objection in terms of air quality; contamination; and lighting; and in the interests of both landscape and residential amenity, an appropriate condition relating to external lighting will be imposed.
- 6.21 The site is within Flood Zone 1 and no objection is raised in terms of flood risk; and surface water disposal will be via soakaway and foul waste via a septic tank. The Environmental Protection Team has made no issue of this and so no objection is raised in this respect; and no further details are considered necessary. There is sufficient room within the site for associated refuse storage.
- 6.22 In accordance with Local Plan policy and in the interests of sustainability and air quality, a suitable condition will be imposed for the provision of an operational electric vehicle charging points for low-emission plug-in vehicles A suitable condition will also be imposed requesting details of renewable energies to be incorporated into the development, to ensure an energy efficient form of development.
- 6.23 The site falls within an area of archaeological potential, but given the nature and level of the proposed works, it is not considered necessary to request any further information in this respect.

- 6.24 Kent Police has raised no objection to the application. Notwithstanding this, they have recommended that current security measures for the site are reviewed and comment that if the applicant wishes to discuss site specific security with them, they can contact the police directly.
- 6.25 The representations received by Stockbury Parish Council and residents have been considered in the assessment of this application. The Parish Council refer to a separate planning application for tourism use that was refused (21/501808/FULL: Yelsted Court Barn, Yelsted). It should be noted that each application needs to be considered on its own merits and context at the time, against current policy and guidance.
- 6.26 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010, and it is considered that the application would not undermine the objectives of the Duty. The application is not EIA development.

7.0 CONCLUSION

- 7.01 For the reasons set out above, the submission is considered to be acceptable with regard to the relevant policies of the Development Plan, the revised NPPF and all other material considerations such as are relevant. A recommendation of approval of this application is therefore made on this basis.

8.0 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. Notwithstanding the permitted four bell tents, 1 shepherds hut and 3 sleeping pods in the stable building, the application site shall not provide any other tourist sleeping accommodation, and no other tents, shepherds huts, sleeping pods, caravans and touring caravans shall be on the site at any time.

Reason: To safeguard the character and appearance of the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty; and in the interests of highway safety.

3. No part of the application site shall be used for the storage of caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968), touring caravans, motor homes, camping equipment, or the open storage of any other goods, plant, equipment or materials.

Reason: To safeguard the character and appearance of the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty; and in the interests of highway safety.

4. The application site shall be occupied for bona fide holiday purposes only and no accommodation shall be occupied as a person's sole or main place of residence. The operators of the application site shall maintain an up-to-date register of the names, main home addresses and the duration of stay of all those staying on the site, and this information shall be made available at all reasonable times upon request to the local planning authority. Relevant contact details (name, position, telephone number, email address and postal address) of the operators of the application site, who will

keep the register and make it available for inspection, shall also be submitted to the local planning authority (planningenforcement@maidstone.gov.uk) within one month from the date of this decision with the relevant contact details subsequently kept up to date at all times.

Reason: In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.

5. The facilities within the existing stable building, as shown on the submitted plans, shall only be used by those persons who are staying on the application site at that time and shall not be used for any other commercial purpose.

Reason: In order to ensure proper control of the use of the site and in the interests of residential amenity and highway safety.

6. The vehicle parking spaces, as shown on the submitted plans, shall be provided prior to occupation of the development hereby approved and shall be permanently retained for parking thereafter and not used for any other purpose.

Reason: In the interest of highway safety and parking provision.

7. Prior to the first occupation of the development hereby approved, written details of the external facing materials to be used for the new toilet/shower block and shepherd's hut; and details of a natural colour finish to the bell tents (not cream or white), shall be submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials and maintained as such thereafter with all tents provided and retained in the approved colour finish.

Reason: To safeguard the character and appearance of the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty.

8. Prior to the first occupation of the development hereby approved, a Noise Management Plan (NMP) shall be submitted to and approved in writing by the local planning authority. The NMP shall set out measures that will be put in place to prevent noise disturbance to neighbouring properties and it shall include details of:

- (i) check-in and check-out times for guests;
- (ii) How/when the facilities in the existing stable building will be used;
- (iii) How amplified music on the site will be dealt with;
- (iv) When there will be 'quiet times' on the site;

The approved NMP shall be complied with at all times.

Reason: In the interests of residential amenity.

9. Prior to the first occupation of the development hereby approved, details of 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 a programme for the approved scheme's implementation and long-term management, shall be submitted to and approved in writing by the Local Planning Authority. The site falls within Landscape Area Bredhurst and Stockbury Downs (Area 1) and the landscaping scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (2012) and shall include:

- a) Location, species and size of all new native trees and shrubs to be planted within the 15m buffer zone to the Ancient Woodland (to not use plastic tree guards and to not include Sycamore); and
- b) Details of a mixed native hedgerow planting.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty; and in the interests of biodiversity net gain.

10. All planting, seeding, turfing and surfacing comprised in the approved landscaping details shall be carried out in the first planting and seeding season following the date of the approval of details in condition 9. Any planting, seeding or turfing which fails to establish within five years from the date of this decision shall be replaced in the next planting season with plants of the same species and size (and not Sycamore) as detailed in the approved landscape scheme.

Reason: To safeguard the character and appearance of the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty; and in the interests of biodiversity net gain.

11. Prior to the first occupation of the development hereby approved, details of ecological enhancements (to include integrated features into the design and fabric of the toilet/shower block, such as swift bricks, bat tiles/tubes and bee bricks), shall be submitted to and approved in writing by the local planning authority. The development hereby approved shall be implemented in accordance with the approved details prior to the first occupation of the development and all features shall be maintained as such thereafter.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain.

12. Prior to the first occupation of the development hereby approved, there shall be a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles and this shall be maintained as such thereafter.

Reason: To promote reduction of CO₂ emissions through use of low emissions vehicles.

13. Prior to the first occupation of the development hereby approved, details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the development and maintained as such thereafter.

Reason: To ensure an energy efficient form of development.

14. No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity.

15. The four bell tents permitted as part of the development hereby approved shall be removed from the application site between the dates of 1st October and 1st April each year.

Reason: To safeguard the character and appearance of the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty.

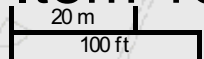
16. The development hereby permitted shall be carried out in accordance with the following approved plan references: 20090LT-PP-01-EP; 02-STFP; 03-STE; 05-TS; 06-ESP; 07-PSP; and 08.

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

1. Kent Police recommended that current security measures for the site are reviewed. If the applicant wishes to discuss site specific security with Kent Police, then please contact them directly at: pandcr@kent.police.uk.

Case Officer: Kathryn Altieri



Ordnance Survey - data derived from OS Premium

21/503615/FULL Vinters Park Crematorium, Bearsted Road, Weaving, Maidstone, Kent, ME14 5LG

Scale: 1:1250

Printed on: 11/10/2021 at 9:41 AM by JoannaW

REFERENCE NO - 21/503615/FULL		
APPLICATION PROPOSAL The construction of a surface water attenuation and settling lagoon with associated drainage infrastructure and landscaping.		
ADDRESS Vinters Park Crematorium, Bearsted Road, Weaving, Maidstone, Kent, ME14 5LG		
RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The development would have minimal visual impact on the surrounding area and is required to support development relating to strategic policies SP1, SP23 and RMX1.		
REASON FOR REFERRAL TO COMMITTEE The application has been submitted by Kent County Council on land owned by Maidstone Borough Council. The report to members is made on the basis that this is a full planning application that requires planning judgement and for the sake of transparency.		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Kent County Council AGENT Mr Ralph Lewis
TARGET DECISION DATE 29/10/2021 (EOT)		PUBLICITY EXPIRY DATE 31/08/2021

Relevant Planning History

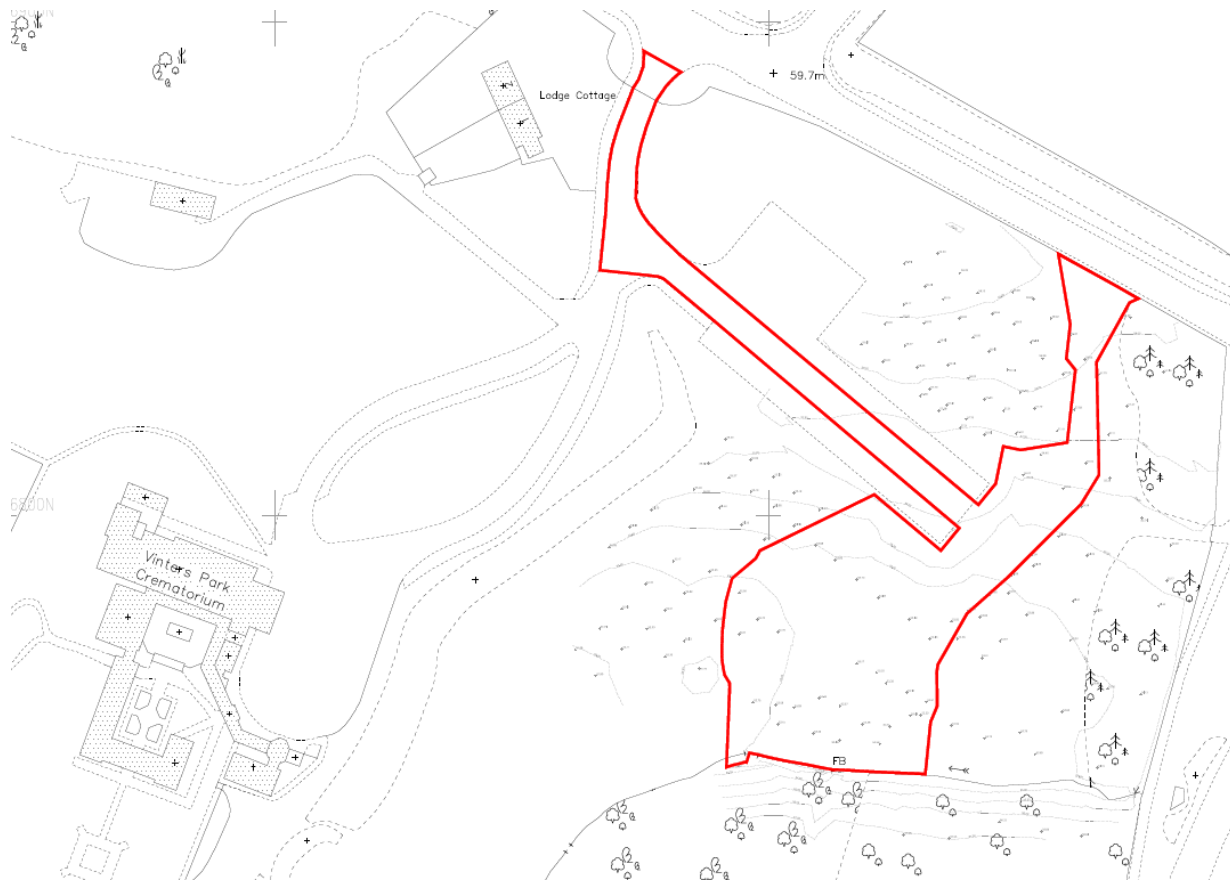
- 0.1 MA/20/500047 - County Application - Construction of a new access road into Newnham Court Shopping Village and internal service road, highway improvements and alterations, associated new and replacement car parking, site compound area, installation and relocation of lighting columns, modification of the existing access into the shopping village, realignment of the existing drainage feature, removal and replacement tree planting and associated earthworks and landscape improvements. these works form part of wider highway improvements between Kent Medical Campus and the M20 J7 which do not form part of the application.

Approved January 2020.

1 DESCRIPTION OF SITE

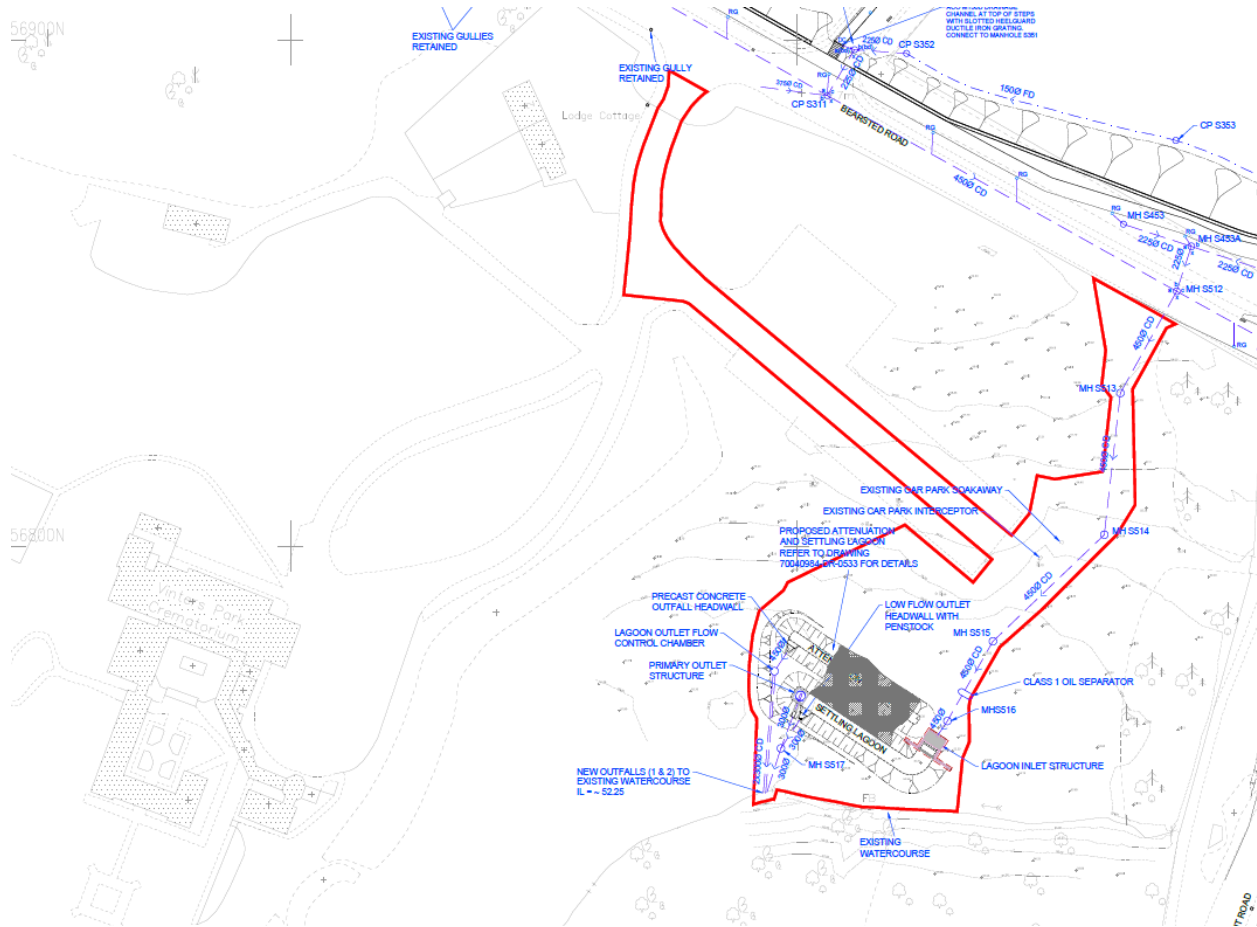
- 1.01 The site is located in the north-eastern part of the Vinters Park Crematorium grounds, immediately south of Bearsted Road. The site consists of an existing car park associated with the crematorium, and an undeveloped parkland area, including woodland, and public amenity green spaces.
- 1.02 There are two residential properties (1 and 2 Lodge Cottages) adjacent to the site entrance, with industrial units, and retail uses also present in the wider local area. The

site is bounded by Bearsted Road and New Cut Road with the M20 present within the wider landscape, approximately 500m to the north.



2. PROPOSAL

- 2.01 The application seeks the construction of a surface water attenuation and settling lagoon with associated drainage infrastructure and landscaping.
- 2.02 The proposed development seeks to resolve two issues. The first relates to the potential increase in flooding from the main development associated with Newnham Park to the north. Surface water runoff generated on the existing highway is currently discharged unattenuated to the nearby watercourse. The existing highway drainage systems have no pollution control measures other than trapped road gullies and catch pits.
- 2.03 The second relates to pollution control. The Trustees of the VVNR (Vinters Valley Nature Reserve) are concerned that the build-up of sediment (silt) in the unnamed tributary of the River Len from the existing highway runoff, which then flows into the VVNR, will eventually harm local wildlife. They have requested that KCC seek to improve the quality of the highway runoff discharged by reducing the sediment to the watercourse. In response, the proposed development provides pollution control measures in the form of a Class 1 Oil Separator, to intercept the highway runoff, and a settling lagoon, to trap and reduce sediment discharged to the unnamed tributary.



3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:
SP1 - Maidstone Urban Area
SP23 - Sustainable Transport
RMX1 - Retail and mixed use site allocations
DM1 – Principles of good design
DM3 – Natural environment

The National Planning Policy Framework (NPPF 2021):
Section 12 – Achieving well-designed places

4. LOCAL REPRESENTATIONS

Local Residents:

4.1 In addition to the site notice, 41 neighbouring properties were consulted by direct mail regarding the proposed development. One representation was received in support of the development.

5. CONSULTATIONS

Boxley Parish Council
No objections received

MBC Landscapes

Based on the submitted details for this application, there are no arboricultural grounds for refusal subject to the scheme complying with the following documents by way of suitable conditions.

- 1) The arb method statement and protection measures detailed within Arboricultural report Ref. 70040984-REP-0077, dated May 2021.
- 2) Tree protection plan (drawing No. 70040984-EV-312)
- 3) New landscaping as shown on Sheet 1(drawing No. 70040984-EC-3081-000) and Sheet 2 (drawing No. 70040984-EC-3081-000)

Natural England

Natural England have responded to the consultation with their standing advice, no objections received.

KCC Ecology

No objections received subject to conditions ensuring the application results in a net gain for biodiversity.

KCC Flood and Water Management

No objections subject to a condition requesting a verification report be submitted.

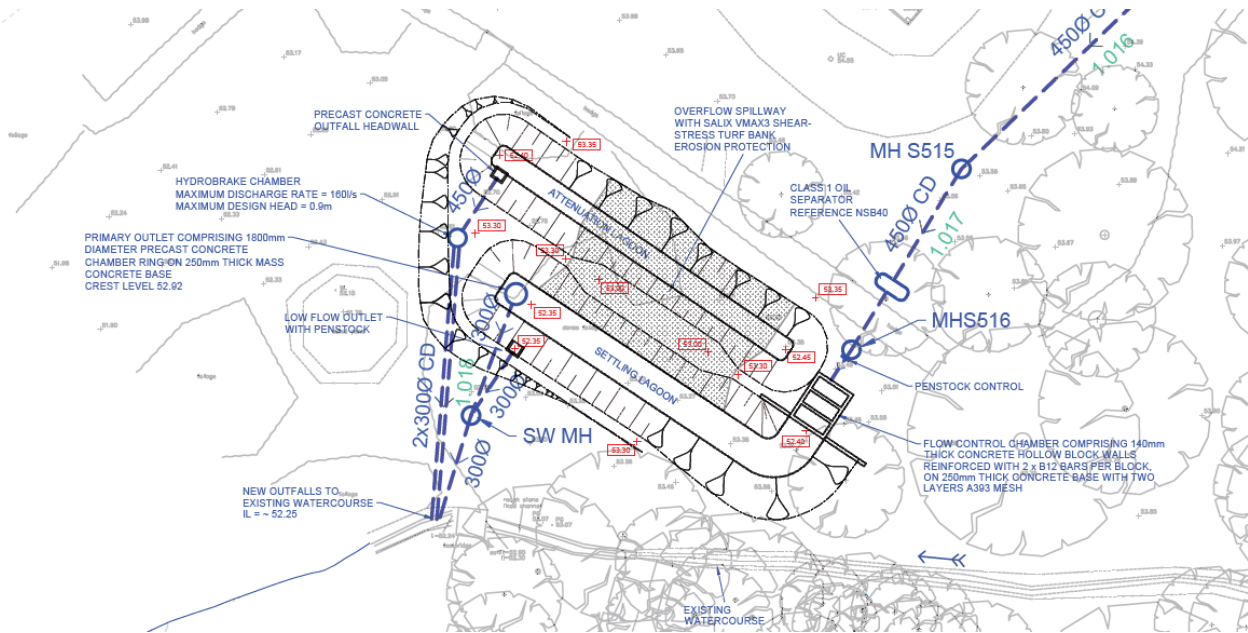
6. APPRAISAL

- 6.01 The application seeks the construction of a surface water attenuation and settling lagoon with associated drainage infrastructure and landscaping.
- 6.02 Policy SP1 details key infrastructure requirements including "improvements to highway and transport infrastructure, including junction improvements, capacity improvements to part of Bearsted Road."
- 6.03 Policy SP23 states that the Council will "ensure the transport system supports the growth projected by Maidstone's local plan and facilitates economic prosperity and will seek improvements in highway network capacity and function at key locations and junctions across the borough.
- 6.04 Policy DM1 states that development must not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, it requires development to incorporate a high-quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality.
- 6.05 Policy DM3 details how for the borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment by incorporating measures such as controlling pollution to protect ground and surface waters where necessary, mitigate for and adapt to the effects of climate change.

Planning Committee

21 October 2021

- 6.06 The proposed development forms part of a wider development which seeks to improve traffic flows between Bearsted Road area of Maidstone, Kent and Junction 7 of the M20. The 'main development' consists of widening sections of the existing highway, alterations to the existing New Cut Road Roundabout, relocation of existing gullies and kerb drains to suit the new highway layout, and provision of new gullies and carrier drains where required.
- 6.07 This application before the committee seeks to improve highway drainage and is located within Vinters Park Crematorium. The reasons for the development are detailed above.
- 6.08 To address the first issue (the potential increase in flooding from the main development) it is proposed to attenuate the highway water runoff to reduce the existing discharge rate.
- 6.09 To address the second issue (pollution control) this would be in the form of a Class 1 Oil Separator, which highway runoff would pass through prior to entering a settling lagoon, to trap and reduce sediment discharged to an unnamed tributary to the River Len.
- 6.10 Once in place, surface water runoff generated on the main development is proposed to be collected via a combination of the existing and new road gullies and kerb drains. The downstream section of the proposed drainage system (which would be buried below ground) is proposed to be routed through the Vinters Park Crematorium where it will pass through settlement and attenuation lagoons prior to discharge to the watercourse.
- 6.11 The lagoons and surrounding landform will measure approximately 45m long and 18m wide with a maximum depth of 1.15m below existing ground level. The lagoons will comprise two excavated lagoons and an overspill weir between the lagoons with reinforced turf mats to provide long term erosion protection and vegetation establishment assistance.
- 6.12 By its nature much of this development is situated below ground. However, there would be built form visible above ground, runoff would pass through the lagoon inlet structure comprising a reinforced brickwork brick structure projecting approximately 0.3m above ground and finished with approximately 1m high galvanised mild steel handrails with welded mesh infill.
- 6.13 After passing through the inlet structure, the surface water runoff will flow into the settling lagoon, where there will be an overflow spillway into an outlet chamber. This chamber comprises a precast concrete manhole ring forming a circular overspill weir and a concrete pipe that discharges to the watercourse. A concrete surround to the pipe forms a walkway to the overspill weir to facilitate maintenance. Both elements will be surrounded by 1.1m high handrails. Please see the below image detailing the lagoons themselves.



6.14 The applicant has submitted a Tree Protection Plan identifying arboricultural features and the effect of the development upon them. As taken from the design and access statement "11 high quality arboricultural features were recorded and include nine individual trees, one tree group and one wooded area. All the arboricultural features requiring removal are of low-quality. These include individual tree T15 and tree groups G24 and G29. Tree group G22 and hedgerow H30 will also be partially removed. The tree group G22 is comprised of 16 individual specimens of which 14 are to be removed. Furthermore, approximately 46 metres of hedge H30 will also be lost. There is no requirement to remove any high quality (category A) trees, those covered by TPO No.1, 1954 or those identified as having veteran or notable status." Please refer to the below image detailing the location of trees to be removed.



- 6.15 As noted above, no objections have been received by Landscape consultees, subject to suitable conditions to ensure the scheme complies with documents submitted. These will be imposed.
- 6.16 Assessing the physical works, the application is related to policy RMX1 and development at Newnham Park. It is required to mitigate potential flooding and reduce highway run-off pollutants discharging into the River Fen, which forms part of the VVNR (Vinters Valley Nature Reserve). Failure to provide this supporting drainage infrastructure will result in unacceptable flood risk associated with the Main Development and harm to local wildlife in the VVNR Vinters Valley Park - Local Nature Reserve.
- 6.17 Handrails and other 'built' elements proposed would be obscured by proposed replacement planting and as such their impact would be minimised once planting has established itself. Views onto the site from Bearsted Road are heavily restricted due to the lay of the land and mature vegetation along the roadside. Most of the 'impact' would be on the crematoriums parking area, but this would be minimised once replacement planting had established.
- 6.18 The development is required to mitigate the impacts from significant development associated with local plan policy RMX1 to the north as well as vehicle traffic in the area. It is assessed that any impacts from the development are balanced against the need to provide infrastructure required to support development in the area.

- 6.19 On the basis of the above there are no policy grounds to refuse this application and an approval with conditions is recommended.

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

70040984-PL-0080 Rev P01 Location Plan
70040984-PL-0081 Rev P02 Existing Block Plan
70040984-PL-0082 Rev P01 Proposed Block Plan
70040984-DR-0504 Rev T03 Proposed Surface Water Drainage Layout Sheet 4
70040984-DR-0533 Rev T03 Proposed General Arrangement Plan
70040984-DR-0534 Rev T02 Proposed Cross Sections
70040984-DR-0535 Rev T02 Proposed Lagoon Inlet Structure Plan
70040984-DR-0536 Rev T02 Proposed Lagoon Primary Outlet Structure Plan
70040984-DR-0537 Rev T02 Proposed Lagoon Outlet Flow Structure Plan
70040984-DR-0538 Rev T02 Attenuation Crate Storage System
70040984-DR-0539 Rev T02 Cellular Crate Type Soak away 1
70040984-DR-0540 Rev T02 Cellular Crate Type Soakaway 2
70040984-DR-0546 Rev T02 Proposed Lagoon Access Platform Plan
70040984-EC-3081-0001 Rev P02 Proposed Planting Key Plan
70040984-EC-3081-0002 Rev P02 Planting Plan Sheet 1
70040984-EC-3081-0003 Rev P02 Planting Plan Sheet 2
70040984-EV-3122 Rev P03 Tree Protection Plan
70040984-A25 Addendum to Historic Environment Desk Based Assessment
Historic Environment Desk-Based Assessment
70040984-REP-0077 KCC - Arboricultural Statement
KCC - Biodiversity Net Gain Report
KCC - Flood Risk Assessment
Preliminary Ecological Appraisal – Part 1
Preliminary Ecological Appraisal – Part 2
Preliminary Risk Assessment - Part 1
Preliminary Risk Assessment - Part 2
Preliminary Risk Assessment - Part 3
Preliminary Risk Assessment - Part 4
Preliminary Risk Assessment - Part 5
Cover Letter
Planning Statement

Reason: To ensure a satisfactory visual appearance to the proposal and to safeguard the amenity of the area.

21 October 2021

- 3) Prior to the commencement of works (including site clearance), all precautionary mitigation measures for protected species will be carried out in accordance with the details contained in table 4 of the Preliminary Ecological Appraisal (WSP May 2021).

Reason: To safeguard the presence of protected wildlife located on the application site.

- 4) Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include recommendations in section 4.5 of the Preliminary Ecological Appraisal (WSP May 2021) and section 4.1.3 of the Biodiversity Net Gain Assessment (WSP June 2021). The approved details will be implemented within 6 months of approval and thereafter retained.

Reason: To safeguard the presence of protected wildlife located on the application site and to ensure the development results in a net gain for biodiversity.

- 5) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

- 6) The development shall be carried out in accordance with the submitted arboricultural method statement, implementing the protection measures detailed within arboricultural report 70040984-REP-0077, dated May 2021.

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

- 7) The development shall be carried out in accordance with the submitted Tree Protection Plan, Tree protection plan 70040984-EV-312, dated 28 April 2020. No equipment, plant, machinery, or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

- 8) Landscaping shall be implemented in accordance with the submitted landscape scheme and associated landscape and arboricultural details comprising drawings 70040984-EC-3081-000 (Planting Plan Sheet 1) and 70040984-EC-3081-000 (Planting Plan Sheet 2) both dated June 2021. The landscaping shall be in place by the end of the 2022-2023 planting season unless the local planning authority gives written consent to any variation.

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

- 9) Any tree or hedge planted in accordance with the conditions attached to this permission, or in replacement for such a tree, which within a period of five years from the date of the planting is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, shall, in the same location, be replaced during the next planting season (October to February) by another tree of the same species and size as that originally planted, except where an alternative proposal has been submitted to and approved in writing by the local planning authority prior to that planting season;

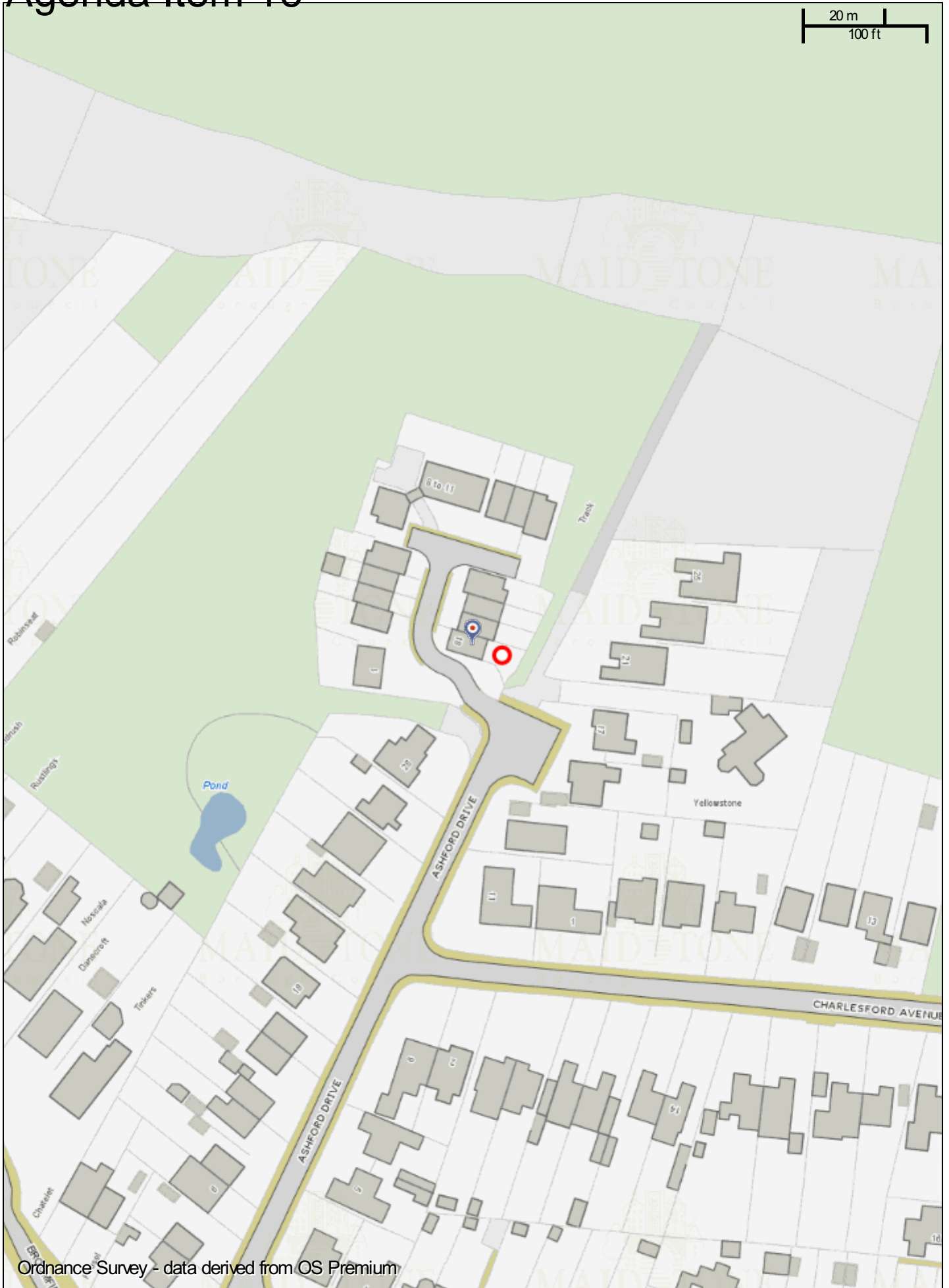
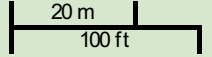
Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance the character and appearance of the local area

- 10) The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavations and record items of interest and finds. The developer shall inform the County Archaeologist of the start date of construction works on site not less than two weeks before the commencement of such works. Works shall subsequently be carried out in accordance with details within 70040984-A25 (Addendum to Historic Environment Desk Based Assessment), dated June 2021.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Case officer: William Fletcher

Agenda Item 16



Ordnance Survey - data derived from OS Premium

21/503673/TPOA 18 Peter Pease Close, Kingswood, Maidstone, Kent, ME17 3BZ

Scale: 1:1250

Printed on: 11/10/2021 at 9:57 AM by JoannaW



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REPORT SUMMARY

REFERENCE NO - 21/503673/TPOA			
APPLICATION PROPOSAL TPO Application for 1 x (T1) Semi mature Oak tree - Fell to ground level.			
ADDRESS 18 Peter Pease Close Kingswood Maidstone Kent ME17 3BZ			
RECOMMENDATION Refuse			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The Oak tree makes a significant contribution to amenity, biodiversity and local landscape quality. It is not considered that the reasons put forward for this application to fell the tree outweigh the detrimental impact that felling would have on this contribution.			
REASON FOR REFERRAL TO COMMITTEE Broomfield and Kingswood Parish Council wish to see the application to be approved and request that it is determined by the Planning Committee as their view is contrary to Officer recommendation.			
WARD Leeds	PARISH/TOWN COUNCIL Broomfield & Kingswood	APPLICANT Mr George Bresnahan AGENT Broadleaf Tree Surgery Ltd	
DECISION DUE DATE 27/08/21	PUBLICITY EXPIRY DATE 27/07/21	OFFICER SITE VISIT DATE 08/07/21	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/505370/TPO	TPO application to 1no. Oak - Fell	Refused	18/08/2016
<i>Summarise Reasons:</i> Insufficient arboricultural justification to warrant the proposed felling and the loss of amenity that would result, which would be to the detriment of the character and amenity of the area.			
14/501718/TPO	An application for consent to reduce the crown by 25% of 1 no. Oak tree subject to Tree Preservation Order 9 of 2006	Refused	19/09/2014
<i>Summarise Reasons:</i> The tree did not present such a significant nuisance to the applicant to outweigh the detrimental impacts of the proposed crown reduction on the long-term health of the tree and the character and amenity of the area.			
TA/0022/14	Tree Preservation Order application: TPO No.9 of 2006: an application for consent to fell 1No. Oak	Refused	22/09/2014
<i>Summarise Reasons:</i> Reasons for the application were insufficiently robust to justify the proposed felling works, which would be to the detriment of local landscape quality and amenity.			
08/2423	Erection of 18 affordable houses	Permitted	18/02/2010

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The tree subject to this application is growing in the rear garden of the applicant's residential property.
- 1.02 The site is a recent development (permitted 2010) of 18 affordable houses within an area designated as ancient replanted woodland. The subject tree was retained as part of the development's landscaping scheme.

2.0 PROPOSAL

- 2.01 The proposal is to fell a Semi mature Oak tree in the rear garden because the tree dominates the garden and creates heavy shading on both number 18 and the adjacent property and because some paving is starting to lift due to the size of the root system.

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No.9 of 2006, Woodland W1. Confirmed 06/11/2006
- 3.02 Ancient Woodland: Kings Wood - Ancient replanted woodland (PAWS)

4.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 Government Policy:
National Planning Policy Framework (2021)

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

- 3.02 Local Policy:
Maidstone Borough Local Plan October 2017 - Policy DM 3

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

- 3.03 Compensation:
A refusal of consent to carry out works to trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The observed evidence does not indicate that any significant loss or damage is anticipated if the application is refused and the evidence submitted does not indicate that any loss or damage is reasonably foreseeable. It is therefore considered that the likelihood of a compensation claim arising is therefore very low. The neighbour representation is addressed in the report below. Not applicable if approved.

5.0 LOCAL REPRESENTATIONS

- 5.01 One neighbour representation in support of the proposal:
"The tree is an immature Oak that dominates each garden space of less than 30ft in length and approx. 15ft in width. Felling this tree is the only suitable course of action due to its close proximity to the houses and the fact that is a young tree and will

continue to be a problem to such small gardens. A mature Oak tree can grow up to 40 metres in height, the tree has currently grown to almost twice the height of the houses, this potentially could reach 3 times the high of the houses.

The tree canopy currently covers all of 18 Peter Pease Close garden and two thirds of our garden putting it into heavy shade, this is unacceptably overbearing and oppressive. In your previous refusal from 2016 you cited that heavy shading had been alleviated by crown lifting works, this is in fact incorrect, the tree has never been crowned.

The tree is causing damage to our guttering and fascia, it is touching the side of our house and roof, you can hear the tree branches scrapping against the house in strong winds, there is foreseeable damage to our roof tiles if this is not already the case, we will be seeking reparation from Maidstone Borough Council to address this. Additionally, the storm tank situated in our garden never receives water even in heavy rainfall so it needs to be investigated if the root system from the tree hasn't already damaged the pipework like it has done in the road which has been investigated a number of time by the local council.

Broomfield and Kingswood Parish Council have supported all previous felling applications having stated in July 2016 "the tree is totally unacceptable and inappropriate that it was left in situ when the house was being built"

We feel the application for the felling of this tree is justified and all previous applications reviewed by Maidstone Borough have been subjective."

6.0 CONSULTATIONS

- 6.01 Broomfield and Kingswood Parish Council
*"Following due consideration Councillors approved this application."
Councillors felt that the tree was quite close to the residents property.*

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Application form and plan submitted

8.0 APPRAISAL

- 8.01 T1 on application form (within woodland W1 in TPO).

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

Condition:
Good – no significant defects noted

Useful life expectancy:
Very Long - with an estimated remaining life expectancy of at least 40 Years

The tree is a semi-mature Oak consisting of two stems of approximately 35cm diameter each. It is estimated that the tree reaches a height of 16 metres with an average radial crown spread of about 5 metres. No evidence of significant defects was noted during inspection and the tree appears generally healthy and in good structural condition. A bat box is affixed to the tree.

- 8.02 The tree is clearly visible from Ashford Drive and Peter Pease Close, being located in a prominent position. The species is particularly suitable for the area and typical of the tree cover that contributes to the sylvan character of the area. As such it is considered to have significant amenity value and as a native Oak on an ancient

woodland site, to also provide significant biodiversity benefits. The reasons for feeling should therefore be compelling.

- 8.03 The Oak was retained and protected as part of the development of this ancient woodland site under planning application MA/08/2423. It was identified as an A grade tree in the August 2008 BS5837 tree survey that accompanied the planning application. It is considered that the mature trees retained on this site form an important screen and act as a foil to the built forms.
- 8.04 Conflicts with the nearby properties from branch tips in close proximity to the roof were noted during inspection, with some growth touching the built structure. This is recognised as an issue that needs to be addressed before damage through direct contact occurs. However, works to create adequate clearance from the properties to prevent damage could be carried out without resorting to felling to resolve the problem.
- 8.05 Both the applicant and the neighbour cite light obstruction as a reason for felling. This is not generally considered to be justification for felling trees of amenity value. It is recognised that the tree is dominant in the small rear gardens and that when in leaf, will cause significant shading. Removal of lower branches in the past (crown lifting) has helped to alleviate the shading to some extent. Shading is to be expected in areas characterised by the presence of mature trees. It is not considered that the shade cast by the tree is so severe that the detrimental effects of felling on amenity are outweighed.
- 8.06 The neighbour representation cites possible damage to underground pipework. No evidence has been provided to prove that damage has occurred or that the tree is implicated in any damage.
- 8.07 The applicant cites damage to paving allegedly due to roots of the tree. Where this is the case, damage to lightly founded structures is not generally considered justification to fell trees of amenity value. Furthermore, it is likely that the paving could be repaired without resorting to felling.

9.0 CONCLUSION

- 9.01 It is considered that the Oak tree makes a significant contribution to amenity, biodiversity and local landscape quality. It is not considered that the reasons put forward for this application to fell the tree outweigh the detrimental impact that felling would have on the contribution it makes to amenity and biodiversity and recommend that the proposal is refused accordingly.

10.0 RECOMMENDATION – REFUSE for the following reasons:

- 10.01 The Oak tree is considered to make a valuable positive contribution to local landscape character, biodiversity and amenity, with a long remaining safe useful life expectancy. The proposed felling works would have a detrimental impact on this contribution.

The reasons given for the proposed felling are shading and damage to paving. Shading is to be expected in areas characterised by the presence of mature trees. It is not considered that the shade cast by the tree is so severe that the detrimental effects of felling on amenity are outweighed. Damage to lightly founded structures such as paving is not considered justification to fell trees of amenity value. Felling is therefore not considered to be justified.

The Council does not consider that the reasons for the proposed works outweigh the loss of amenity that would result, and would therefore be contrary to policies intended to confer protection to trees and tree cover, specifically Maidstone Borough Local Plan October 2017 - Policy DM 3, Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000) together with Government Policy: Planning Practice Guidance; Tree Preservation Orders and trees in conservation areas.

CONDITIONS to include

None / not applicable

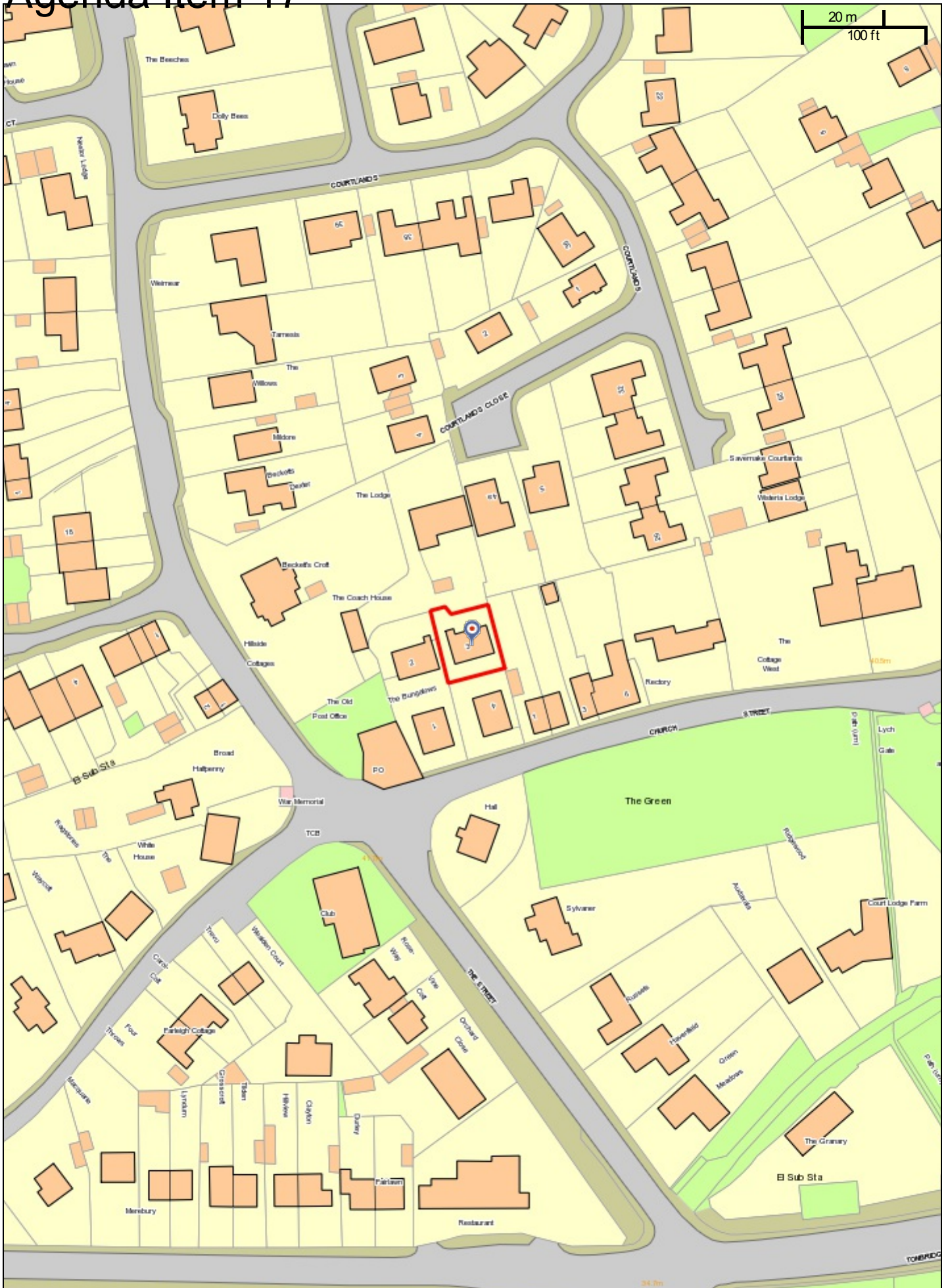
INFORMATIVES

None

Case Officer: Nick Gallavin

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

Agenda Item 17



21/504210/FULL 3 The Bungalows, Church Street, Teston, Maidstone, Kent ME18 5AH

Scale: 1:1250

Printed on: 13/10/2021 at 9:32 AM by JoannaW

REFERENCE NO - 21/504210/FULL		
APPLICATION PROPOSAL Demolition of conservatory and erection of single storey rear/side extension.		
ADDRESS 3 The Bungalows Church Street Teston Maidstone Kent ME18 5AH		
RECOMMENDATION : GRANT planning permission subject to the conditions set out in Section 8.0		
SUMMARY OF REASONS FOR RECOMMENDATION The site is located outside the settlement boundary, and within the countryside, where proposals involving residential extensions are permitted if it compliant with other relevant Local Plan Policies. As well as this, the site is located within the Teston Conservation Area. The proposal has been assessed against the relevant policies as well as reviewing comments received from the Conservation Officer. Key policies which have been taken into account include Policies SP17, SP18, DM1, DM4, DM30 and DM32 of the Maidstone Borough Local Plan. The proposal is recommended for approval as it seeks to replace an existing conservatory which adds no value to the existing site and its location. The proposed conservatory is considered to be acceptable within the countryside location and respects the setting of the Conservation Area.		
REASON FOR REFERRAL TO COMMITTEE Teston Parish Council commented on the application and objected due to a number of reasons which are outlined in this report. In particular, the Parish Council called in the application if their recommendation to include a condition removing Permitted Development Rights and limitation on the flexibility of dimensions are not included. The Parish Council were emailed that the Conservation Officer did not object. However, they confirmed that they will stand with their objection.		
WARD Barming And Teston	PARISH/TOWN COUNCIL Teston	APPLICANT Mr Sam Older AGENT Essan-K Planning Ltd
TARGET DECISION DATE 11/10/21 (EOT to be agreed)		PUBLICITY EXPIRY DATE 16/9/21

Relevant planning history

- 15/507703/FULL - Loft conversion with 3 No. rooflights to front elevation and small pitched roof dormer with 2 No. rooflights to rear elevation. Approved on 15.12.2015.
- 17/502238/SUB - Submission of Details to Discharge Condition 3 (Materials) Subject to 15/507703/FULL. Approved on 05.06.2017.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is located outside the settlement boundaries and falls within Parish of Teston. The site is located some 17m north of Church Street and some 37m east of Malling Road.

- 1.02 The surrounding area is predominantly residential, characterised by one to three-storey detached and semi-detached dwellings, predominantly with pitched roofs. To the west, south-west and south of the site are 2, 1 and 4 The Bungalows respectively.
- 1.03 The site contains a chalet styled bungalow, with dormer windows on the northern and southern roof slope.
- 1.04 The existing dwelling contains a lounge, a w/c, two bedrooms and a kitchen on the ground floor. The kitchen adjoins to a pantry and the conservatory, which is located on the north elevation. The existing conservatory has a flat roof structure with windows across all three elevations.
- 1.05 The site is located within the Teston Conservation Area. There are a number of listed buildings located in the vicinity of the site, however as outlined below, the application site is a reasonable distance from the listed buildings, such that the proposed development is not considered to be within the setting of the listed buildings. These include the following:
- 1 and 2, Church Street – Grade II Listed (list entry number 1251055), located some 10m south-east of the site.
 - 3, 4 and 5 Church Street – Grade II Listed (list entry number: 1251068), located some 20m south-east of the site.
 - The Post Office Stores and House Attached – Grade II Listed (list entry number: 1251050), located some 20m south-west of the site.
 - Becketts Croft – Grade II Listed (list entry number: 1251167), located some 35m north-west of the site.

2. PROPOSAL

- 2.01 The applicant seeks planning permission to demolish the existing conservatory, located on the northern elevation and to erect a single storey side and rear extension.
- 2.02 To accommodate the new extension, the proposal also involves demolishing the existing pantry located between the kitchen and the conservatory.
- 2.03 The proposed extension would be approximately 3.9m wide and 3.5m in length from edge of the host dwelling, with pitched roof and two velux windows. The eastern elevation will contain double glazed French doors and the northern elevation will contain double glazed windows. The western elevation will be formed of facing brickwork and no windows or door are proposed on this elevation.
- 2.04 The proposed materials for the roof are plain tiles with the style and colour to match existing main roof. The Vent tiles are to be Marley Ridge Fast System and the bricks will be matched to the existing.

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017: Policy SP17, SP18, DM1, DM4, DM30 and DM32.
- Maidstone Borough Policies Map
- Maidstone Residential Extensions SPD (2009)
- National Planning Policy Framework (NPPF): Chapters 2, 4, 12 and 16.
- National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

2 objections were received from the neighbours at The Lodge and no. 2 The Bungalows.

4.01 The objections can be summarised as follows:

- Loss of light upon no.2 Bungalows due to the high roof and solid brick wall.
- This would set a precedent for other proposals.
- Concern regarding highway safety and parking.
- Design - Aluminium style is not in keeping with the surrounding area and breaches the conservation rules. Roofline would be higher than the front elevation.
- Planning application 15/507703/FULL. has never been completed in line with the agreed proposal and in our opinion this work should be completed fully before any other planning application is even considered.
- What guarantees are there that these new proposals will be carried out as per the application?
- Reduction in privacy due to roofline increasing.
- Proposed ground floor plan (5325206.pdf) states "dimensions flexible subject to calculation of roof geometry and final flank wall location", this could lead to an even more unsightly extension.
- Disrupt the character of Teston.

Teston Parish Council

4.02 Teston Parish Council objected to the proposal. Their objection is summarised as follows:

4.03 Materials should match the existing building and suggested a condition is applied.

4.04 Raised concern that plans stated, "Dimensions flexible subject to calculation of roof geometry and final flank wall location" and requested a condition be applied that dimensions should not be increased by more than 1% of dimensions stated in the drawing.

4.05 Requested that a condition is applied that the existing driveway is retained for car parking and that PDR are removed.

4.06 In summary, if the Conservation Officer objects, so do we. Unless flexibility of dimensions is bounded and PDR removed, we object and, as appropriate, would wish to attend and speak at Planning Committee.

5. CONSULTATIONS

Conservation Officer

5.01 *"The bungalows are within the Teston conservation area though they are not individually or group listed. There is currently no Appraisal or Management Plan for the conservation area but the Local Plan (at DM4) requires that development proposals do not harm the character of a conservation area and where possible enhance it. The policy does not stipulate whether the style of design should match the existing or provide a contrast to it only that it should be of high quality. It seems to me that this application is entirely in compliance with the local plan and I therefore do not raise any objection on heritage grounds"*

5.02 When asked if the Conversation Officer would want to recommend any conditions as the Parish Council objected, the Conservation Officer Stated:

5.03 *"The application states that brickwork and roof tiles will match the existing. The only thing you might condition is to say that the colour of the window and door frames and rainwater goods should also match the existing.*

KCC County Archaeologist

5.04 No comments received.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of the development
 - Impact on Historic Environment and Surrounding Area
 - Residential Amenity
 - Car Parking and Highways

Principle of development

- 6.02 The presumption in favour of sustainable development is at the heart of the NPPF. Paragraph 9 of the NPPF states “planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”
- 6.03 Paragraph 47 of the NPPF requires “applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”
- 6.04 Maidstone Local Plan (2017) is the development plan and the principle of the development is considered on the basis that the proposal involves a residential extension located within the countryside.
- 6.05 Policy SP17 of the Maidstone Local Plan (2017) defines the countryside as all those part of the plan area outside settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the polices map. The Policy states that development proposals in the countryside will not be permitted unless they accord with other policies from the Maidstone Local Plan and that the proposal will not result in harm to the character and appearance of the area.
- 6.06 Policy DM32 of the Local Plan states that proposals to extend dwellings in the countryside will be permitted:
- i. “The proposal is well designed and is sympathetically related to the existing dwelling without overwhelming or destroying the original form of the existing dwelling;*
 - ii. The proposal would result in a development which individually or cumulatively is visually acceptable in the countryside;*
 - iii. The proposal would not create a separate dwelling or one of a scale or type of accommodation that is capable of being used as a separate dwelling; and*
 - iv. Proposals for the construction of new or replacement outbuildings (e.g. garages) should be subservient in scale, location and design to the host dwelling and cumulatively with the existing dwelling remain visually acceptable in the countryside.”*
- 6.07 As highlighted above, Policy DM32 does not restrict proposals for extensions within the countryside. However, parts (i), (ii), (iii) and (iv) of the Policy requires that extensions are sympathetically designed in relation to the existing dwelling, should be visually acceptable in the countryside and would not result in creating a separate

dwelling. Additionally, Policy SP17 also does not restrict proposals in the countryside provided it is compliant with other Policies of the Local Plan. The proposed development is therefore acceptable in principle.

Impact on Historic Environment and the Surrounding Area

- 6.08 Chapter 12 of the NPPF states that “good design is a key aspect of sustainable development”, developments are required to be “sympathetic to local character and history, including the surrounding built environment and landscape setting”.
- 6.09 Chapter 16 of the NPPF seeks to protect and enhance heritage assets and requires planning decisions to consider the impact of the proposed development on the significance of a designated heritage asset.
- 6.10 Policy SP18 of the Maidstone Local Plan states that “the characteristics, distinctiveness, diversity and quality of heritage assets will be protected and, where possible, enhanced.”
- 6.11 Policy DM1 states that proposal should “respond positively to, and where possible enhance, the local, natural or historic character of the area”.
- 6.12 Policy DM4 highlights that “applicants will be expected to ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting.”
- 6.13 Policy DM30 states that “Outside of the settlement boundaries as defined on the policies map, proposals which would create high quality design, satisfy the requirements of other policies in this plan and meet the relevant criteria will be permitted.”
- 6.14 The proposed extension, would replace the existing conservatory which measures approximately 4.1m wide and 2.8m in length, resulting in a footprint of 11.48 square metres. Whereas the proposed extension would be approximately 3.9m wide and 3.5m in length, resulting in a footprint of 13.65 square metres. The Residential Design Guide advises that on detached houses situated close to a neighbouring property, extensions should generally extend no more than 4 metres from the rear elevation. In this instance the proposal would extend 3.9m ensuring it is within the advised guidelines. The extension would therefore be marginally larger in size than the existing structure, but would remain subservient in scale, such that it would not destroy the original form of the building.
- 6.15 As the extension is 1.6m from the shared boundary, the Residential Design Guide advises that the eaves should be no more than 3 metres above the existing ground level. In this instance, the eaves are proposed to be 2.4m in height, again, falling under the measurements advised within the Residential Design Guide.
- 6.16 The proposal does however seek to introduce a pitched roof, with a maximum height of 5m. This would exceed the existing conservatories height by 2.5m as it would introduce a pitched roof. The ridge height has been increased such that the extension’s roof would flush with the existing roof. Whilst the extension would be taller than that existing, as the extension is to the rear of the property, where limited views are achieved from the wider Conservation Area the extension would have limited harm upon the Conservation Area. Whilst the ridge height of the extension would increase, it would remain subservient to the existing dwellings ridge height, thus ensuring it would not appear to dominate the existing dwelling. No objection was raised by the Conservation Officer regarding the impact of the extension upon the wider area.

- 6.17 In terms of the floor to ceiling glazed window, this would not be in keeping with the traditional Conservation Area, similarly to the existing conservatory. The window would however be on the rear elevation facing onto the occupiers own private garden and adjacent a tall brick wall. The window would not therefore be perceivable from the wider Conservation Area such that it would result in detrimental harm to the character and appearance of the wider area. The building itself is also not listed and therefore the introduction of this feature is not objected to. Again, the Conservation Officer did not raise objection to this.
- 6.18 The proposed plans highlight those matching materials will be used. The Residential Extensions SPD (2009) also highlights that “*modern materials, such as uPVC and aluminium are generally unacceptable for traditional buildings*”. This extension is however to the rear of the property, where there is currently a conservatory. Therefore, whilst the Parish Council requested traditional timber framed windows, this would be unreasonable given the existing context, and that the extension is to the rear of the property well obscured from the street scene. No objection is therefore raised to the materials proposed, and a condition is recommended to ensure matching materials are used, including the colour of the window and door frames and rainwater goods match the existing as recommended by the Conservation Officer.
- 6.19 With regards to the loss of the conservatory, this element of the property does not provide any positive contribution to the conservation area character or its host building. As such, no objection is raised to the loss of the conservatory.
- 6.20 Therefore, given the Conservation Officers’ views and assessment of the proposal against the NPPF and relevant Local Plan Policy and the Residential Extensions SPD, it is considered that the proposal will not result in harm to the Conservation Area or to the existing dwelling.

Residential Amenity

- 6.21 Policy DM1 requires proposal to respect the amenities of neighbouring occupiers and properties. The Residential Extensions SPD highlights that “*an extension should respect the amenities of adjoining properties in respect of daylight and sunlight and maintain an acceptable outlook from a neighbouring property*”.
- 6.22 Neighbour objections have been raised and are summarised above.
- 6.23 An objection from the neighbouring occupier 2 The Bungalows has been received with concerns regarding loss of daylight/sunlight because of the proposed high roof and solid brick wall on the western elevation. The Residential Extensions SPD (2009) refers to the 45-degree test. The purpose of the test is to ensure that the proposal does not take away too much daylight.
- 6.24 The plans do not however identify the location of the neighbouring properties closest window on the rear elevation and therefore an assessment has been undertaken on the basis of considering the proposed plans, a site visit and site photographs. In addition to this, consideration has been given to the movement of the sun, the distance of separation from the proposed extension to the neighbouring property, and the height of the extension.
- 6.25 Having undertaken the above assessments, it is noted that the extension would be set back from the shared boundary 1.6m to the eaves, however it would be set back a further 3.8m from the maximum height of the roof. The neighbouring properties garden and rear elevation are north facing similar to the application site. As the sun would move east to west, to the front of the existing dwellings the extension, and the maximum height would be set back 3.8m from the shared boundary and reduce in height towards the shared boundary it would not result in a significant loss of natural

sunlight or daylight to the amenity of the neighbouring occupier such that it would warrant a refusal.

- 6.26 Whilst the existing conservatory has glazing on the western elevation that could result in some overlooking to no.2 The Bungalows, this proposal only seeks to include windows on the northern and eastern elevation, as well as a couple of rooflights. The windows would not therefore result in overlooking to no.2 The Bungalows but would rather result in the neighbouring occupier having more privacy than the existing scenario.
- 6.27 An objection was also raised from the occupier at The Lodge regarding concerns about privacy. However, given the distance between the property and the proposed extension, which is approximately 18m, it is considered that privacy/overlooking is unlikely to be a major issue.

Car Parking and Highways

- 6.28 The proposed development does not seek to introduce an additional bedroom. It is therefore considered that the proposal will not raise the level of existing vehicles on the site. The Parish Council requested that permitted development rights were removed to ensure the driveway is retained for car parking. This would however be unreasonable as there is no policy justification for this.
- 6.29 Objections from the neighbours and the Parish Council raised concern regarding the increase in traffic,. As the proposal only involves a rear extension associated to an existing dwelling, it is considered that there will be no further increase in traffic associated with this proposal.

Other Considerations

- 6.30 The Parish council summarised that unless a condition is applied restricting the size of the extension to be no more than 1% of dimensions stated in the drawing, they object. Likewise, the neighbouring occupier at The Lodge also queried how the plans are guaranteed to be built out as per the proposal. To ensure the development is carried out in accordance with the plans approved a condition would be attached to any planning permission requiring the development to be carried out in accordance with the plans. As the plans are approved to scale, and secured via planning condition, any deviation from the plans approved would be subject to enforcement. For this reason, an additional condition requiring the dimensions of the extension to be no more than 1% is not appropriate, reasonable or necessary to be applied as the extension must be carried out in accordance with the scale of the development approved on the plans.
- 6.31 The occupier at The Lodge commented that the previous proposal 15/507703/FULL has not been built out in line with the approved proposal. This is not something to be assessed under this application but has been brought to the attention of the enforcement team.
- 6.32 Policy DM1 of the Local Plan, the residential extensions SPD and the NPPF all encourage ecological enhancements. As a result of the proposal having a greater area of brick wall which could accommodate integral biodiversity enhancements it is considered that such enhancements should be conditioned, together with enhancement within the curtilage of the dwellinghouse.

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

- 7.01 Overall, it is considered that the proposal meets the criteria set within Policies SP17, DM30 and DM32 of the Maidstone Local Plan (2017) which are the three main policies focussed on countryside locations. The proposal will present a development which will be visually acceptable in the countryside.
- 7.02 The design and scale of the proposal is also considered to be acceptable for its Conservation Area location and the proposal is compliant with the NPPF, Policies SP18 and DM4 of the Maidstone Local Plan (2017) as the proposal will respect the character of the conservation area and its setting.
- 7.03 The proposal will not create any detrimental harm to the neighbouring residential amenity. As such, the proposal is compliant with the Maidstone Local Plan Policy DM1 and the guidance set within the Residential Extensions SPD (2009).

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following planning conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of the 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 and documents:

- Site & Block Plan As Existing (ref. 1232 - 09)
- Site & Block Plan Proposed (ref. 1232 - 010) (incorrectly labelled as Existing)
- Existing Floor Plans (ref. 1232 - 01)
- Existing Elevations (ref. 1232 - 02)
- Proposed Ground Floor Plan (ref. 1232 -04)
- Proposed Roof Plan (ref. 1232 - 05)
- Proposed Elevations (ref. 1232 - 03)

Reason: To ensure that the development is undertaken in accordance with the approved drawing(s) and document(s)

- 3) The development hereby approved shall be finished in materials and colours matching those of the existing dwelling, with the exception that the windows and door frames shall be aluminium in material and shall be finished off white in colour to match those existing;

Reason: To protect the character and setting of the Conservation Area and ensure the extension is in keeping with the character and appearance of the existing dwelling.

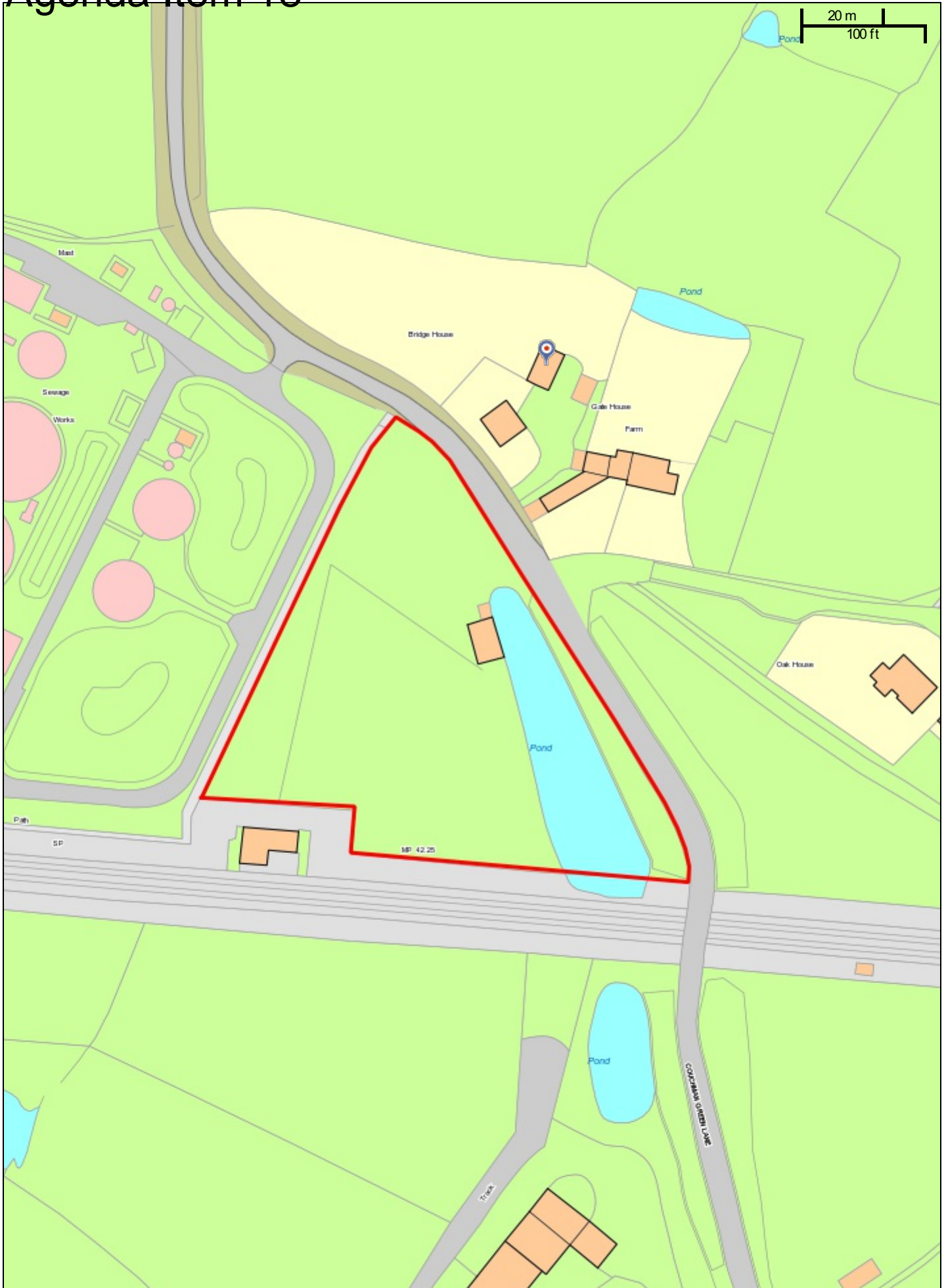
- 4) The extension/s hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through at least one integrated method into the design and appearance of the extension by means such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first use of the extension/s and all features shall be maintained thereafter.

Planning Committee Report
21 October 2021

Reason: To enhance the ecology and biodiversity on the site in the future.

Case Officer: Nasrin Sayyed

Agenda Item 18



21/502623/FULL Land adjacent to Bridge House, Couchman Green Lane, Staplehurst, Tonbridge, Kent, TN12 0RS

Scale: 1:1250

Printed on: 13/10/2021 at 9:35 AM by JoannaW

REFERENCE NO - 21/502623/FULL		
<p>APPLICATION PROPOSAL Retrospective application for the retention of a storage unit and summerhouse together with minor extension of the access track in connection with the use of land as a hobby farm at land formerly associated with Bridge House, Couchman Green Lane (Resubmission of 20/502913/FULL).</p>		
<p>ADDRESS Land Adjacent To Bridge House Couchman Green Lane Staplehurst Tonbridge Kent TN12 0RS</p>		
<p>RECOMMENDATION – GRANT PLANNING PERMISSION subject to planning conditions</p>		
<p>SUMMARY OF REASONS FOR RECOMMENDATION The structures do not result in an adverse visual impact when viewed from Couchman Green Lane. There is no adverse impact upon the amenity of neighbouring properties. No detrimental highways impacts occur. As such, the works comply with the relevant MBLP policies.</p>		
<p>REASON FOR REFERRAL TO COMMITTEE: Councillor Perry requests that the application be considered at Planning Committee due to the structures being development in the countryside, drainage issues and the access on to Couchman Green Lane.</p>		
WARD Staplehurst	PARISH/TOWN Staplehurst	COUNCIL APPLICANT Mr and Mrs Robinson AGENT Fuller Long Planning Consultants
DECISION DUE DATE 15/07/21	PUBLICITY EXPIRY DATE 30/06/21	OFFICER SITE VISIT DATE 09/06/21

RELEVANT PLANNING HISTORY:

20/502913/FULL - Retrospective application for the stationing of a caravan and storage unit, extension of the access track and the erection of a summerhouse - Refused

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is a triangular parcel of land located to the north east of the village of Staplehurst and is defined as open countryside in the Maidstone Borough Local Plan 2017 Policies Map.
- 1.02 The site is bound to the east by Couchman Green Lane with the existing access taken from here. Public footpath KM295 runs along the western boundary of the site with a water treatment works beyond. To the south of the site is a railway line with the village boundary of Staplehurst beyond. There is an established boundary of small trees and hedgerow along the eastern and southern boundary with some small tress located along the western boundary.

- 1.03 There is currently a barn on the site, not subject to this application, which the Council's GIS images show has been in place since at least 2003.

2.0 PROPOSAL

- 2.01 This is a retrospective application for the retention of a storage (container) unit, extension of the access track and the retention of a summerhouse. The supporting planning statement outlines that the site has until recently been used for grazing of animals, and the applicant's intention is that once the site is secure, to once again use it for the grazing of animals as well as other agricultural uses.

- 2.02 In terms of the storage unit this measures 2.85m in height, with a length of approx. 7m and width of 2.5m. The container is sited towards the middle of the site as you access the site from Couchman Green Lane. The summer house sits alongside the existing barn and measures 6.5m x 2.5m with a ridge height of 2.4m.

- 2.03 The application is supported by a Planning Statement that explains the nature and purpose of the buildings as follows:

- Applicants purchased the site along with adjacent property in 1976 and until recently the site was used for the keeping of animals. However, the animals were stolen in January 2020 and the applicant plans to make the field secure.
- Once secure the applicant will reintroduce animals on the site on a hobby basis rather than as a commercial operation, which is more akin to a recreational use.
- The existing barn is to be repaired following which it will be used as an animal shelter and for the storage of hay/straw.
- The summerhouse will be used for storage of animal feed, bee keeping equipment and as a day shelter for the owners of the site.
- The storage container would be used for the storage of tools and machinery for use on the site.

- 2.04 The previous application (reference: 20/502913/FULL) was refused on the following (summarised) grounds:

1. The applicant had failed to demonstrate that the caravan was essential for the running of an agricultural business, resulting in an unsustainable form of accommodation in the countryside.
2. The applicant had failed to demonstrate that the storage container, summerhouse, and caravan were necessary for the purposes of agriculture, with the storage container also being of a poor design being harmful to the character and appearance of the countryside.

- 2.05 Since the previous refusal, the caravan has been removed from the site and does not form part of this application. In terms of agricultural need, the applicant has provided further information, as set out above, that the site is used as a recreational farm and is not a commercial enterprise.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
MBLP 2017: SS1, SP17, DM1, DM30, DM34
Staplehurst Neighbourhood Plan (2016) policies: PW2

4.0 LOCAL REPRESENTATIONS

4.01 **Staplehurst Parish Council – Objects** on the following summarised grounds:

- Proposal is against policies SP17 and DM30 of the Local Plan and policy PW2 of the Staplehurst Neighbourhood Plan in that it will impact on the character and landscape of the area and have a harmful impact on the openness of the countryside.
- Access to the site is poor, being close to an existing bridge.
- Existing significant drainage issues in the area.
- Represents development in the countryside.

4.02 6 representations received from local residents raising the following (summarised) points:

- Site has been used for dumping of unwanted rubbish, vehicles and buildings and no evidence of animals being kept on the site.
- Lack of water supply or means to remove foul water from the site.
- Impact on biodiversity value of the site.

4.03 Councillor Perry – Raises the following concerns with the proposal:

- Development in the countryside
- Drainage issues
- Inappropriate site access close to a railway bridge

5.0 CONSULTATIONS

5.01 **KCC Minerals** – No comment

5.02 **Natural England** – No comment

5.03 **KCC Highways** (As per Previous Application: 20/502913/FULL) – Offer no comment

6.0 APPRAISAL

6.01 The key issues for consideration with this application are:

- Principle of development
- Visual Impact
- Residential Amenity
- Highways
- Biodiversity

- Drainage

Principle of Development/ Necessary for the purposes of agriculture

- 6.02 Local Plan policy SS1 highlights that the most sustainable locations for development are the Maidstone urban area, Rural Service Centres and larger villages. However, it does identify that there may be opportunities for sustainable development in the countryside, 'that would support traditional land based activities and other aspects of the countryside economy, that need a countryside location'.
- 6.03 The supporting text of SP17 acknowledges that a degree of flexibility is required in order to support farming and other aspects of the countryside economy and to maintain mixed communities. It comments on the sensitivity of the rural area and the expectation that any development proposals will respect the high quality and distinctive landscapes of the borough in accordance with policy DM30 which encourages (amongst other criteria) high quality design taking into account the type, siting, materials and design, mass and scale of development along with the mitigation of any potential impact on the appearance and character of the landscape.
- 6.04 The definition of agriculture in s336 (1) of the 1990 Act includes fruit growing, seed growing, dairy farming and the keeping and breeding of livestock and the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds. The definition of agriculture is wide and does not act to exclude any specific methods of agricultural production. As activity falling within the definition of agriculture can be undertaken purely as a hobby, the absence of a business plan does not mean that the site is being used other than for agricultural purposes. Whilst the applicant describes the use on the site as a 'hobby farm', the activities described are not dissimilar to those normally found on agricultural small holdings. The activity being undertaken by the applicant could also be associated with a leisure or recreational use of the site.
- 6.05 A number of local residents have commented that no animals have been kept on the site either previously or at present. The applicant has provided a letter from a family friend (Barrister) who has confirmed that the site has previously and permanently had a range of animals on the site. Whilst no activities were taking place at the time of the site visit, several of the items stored in the container including plant pots, metal racks, tools and equipment, had an agricultural utility and are therefore considered to facilitate an agricultural use and the maintenance of the land. The applicant has stated that at present no animals are present as purchasing new animals was put on hold due to previous theft and they are awaiting the outcome of this application prior to investing further money in the site to make it secure.
- 6.06 Against the above policy background, in principle, the installation of buildings or structures for agriculture are not precluded in the open countryside subject to, for example, safeguarding its character and appearance. In addition, were permission granted, a condition could be imposed requiring the removal of the storage container and summerhouse should the agriculture use on site cease for

a period of 12 months or more. The principle of the buildings in support of agricultural use is considered to be acceptable, subject to the need to consider them against a number of policies including DM1 (Good Design), DM30 (Design principles in the countryside) and DM36 (New agricultural buildings and structures).

Visual Impact

- 6.07 As set out above, the site lies in the countryside adjacent to the railway line and the village boundary of Staplehurst. Policy DM1 states that proposals should respond positively to, and where possible enhance, the local, natural or historic character of the area, and provide a high quality design which responds to areas of heritage, townscape and landscape value. Policy DM30 sets out that outside of settlement boundaries proposals should create high quality design, and proposals should follow the below criteria (inter alia):
- i. Type, siting, materials and design, mass and scale of the development the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features;
 - ii. Impacts on the appearance and character of the landscape would be appropriately mitigated.
- 6.08 The site has an existing partly dilapidated barn, which is to be retained, that is located in the north east corner of the site. In terms of the summer house which would be used for storage of feed, bee keeping materials, planting and as a daily shelter, this is located adjoining the existing barn along the eastern boundary of the site. The scale and proportions of the summerhouse are not considered to be excessive. Couchman Green Lane runs along the eastern boundary, however, the location of the summerhouse is considered to be enclosed and well screened by existing mature planting along the eastern boundary, and so public views of this building are limited to glances and this element of the application does not appear harmfully dominant or incongruous. As such, this element does not adversely impact upon the rural character of the countryside.
- 6.09 The proposal would also see the retention of a metal storage container. This is located at a distance of 4m from the existing barn; so in the context of the site as a whole can be considered to be located adjacent to an existing building as required by policy DM36, criterion 1, iii. However, unlike the existing barn and summerhouse which are located along the eastern boundary, the storage container is located in a more prominent location when viewed from the access gate to the east and some views of the container may also be possible at a distance from PROW KM295 which runs along the western boundary of the site. Whilst such containers exist on many rural sites, their character and appearance is not contextual and is not acceptable. It is proposed that the container would be finished in timber board cladding (example image below), which would be conditioned (i) to ensure that acceptable quality of details are proposed and (ii) implemented within an acceptable timescale.
- 6.10 Whilst the materials and appearance of a container are not acceptable in its present form, it is considered that the scale in itself would be appropriate if the

finished appearance were more appropriate to the rural context. Subject to the proposed timber finish and with additional landscaping, it is considered any visual harm to the countryside would be mitigated. In addition, should use of the site for agriculture cease, a condition would require the removal of the container within 3 months. Similarly, if the timber cladding and landscaping are not implemented, then then we would require the removal of the container.



Figure. 1 Example of cladding

- 6.11 In terms of the visual impact of the extended access track, this is considered to be a minor extension of the existing track by 4.2m and does cause unacceptable visual harm.
- 6.12 To conclude, subject to the implementation of the proposed mitigation, which can be closely monitored, with regard to visual impact and design, the proposal is considered to be in accordance with Policy DM1, DM30 and DM36 of the Maidstone Borough Local Plan and Policy PW2 of the Staplehurst Neighbourhood Plan.

Residential Amenity

- 6.13 Policy DM1 criterion iv and Policy DM36 criterion 1, ii. Require that proposals do not have an adverse impact on the amenity of existing residents. The closest residential neighbours are located approximately 35m to the north east of the container and summer house and are separated by boundary landscaping and Couchman Green Lane. The proposal is not considered to give rise to increase in noise, smell, or traffic over and above the existing use of the site. In terms of outlook, due to the separation distance and the relatively small nature of the buildings, it is not considered that they result in harm to residential amenity to the closest neighbouring properties. Any other dwellings are considered to be

sufficiently distanced from the site and it is not considered the proposal results in any adverse impact upon residential amenity.

- 6.14 It is not considered that the proposal causes harm to residential amenity and is in accordance with policies DM1 and DM30.

Highways

- 6.15 The site benefits from an existing vehicle access which serves the existing use, and the proposed hardstanding is adequate for vehicle movement, thus, it is not considered the proposal results in any significant impact upon highway safety. KCC Highways has no objection to the proposal.

Biodiversity and Arboricultural

- 6.16 DM1 advises that development proposals should protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide sufficient mitigation measures. Neighbours have objected to the proposal on the grounds of harm to biodiversity. However, during the site visit the site appeared to be maintained grassland. The proposal is not for the change of use of the land as a whole and having regard to the size of the units compared to the plot as a whole, it is not considered that the proposal results in harm to protected species. Biodiversity enhancements will be sought by condition.
- 6.17 The structures are an acceptable distance from the existing boundary landscaping so as not to impact on existing vegetation. The retention of the eastern boundary hedgerow will be secured by condition, as well as new additional landscaping along the western boundary of the site.

Other Considerations

- 6.18 The site is located in Flood Zone 1 (low risk of flooding) and due to the relatively minor nature of the structures and hardstanding it is not considered that the proposal results in flood risk or drainage issues.
- 6.19 It is not considered that measures are necessary to address surface water drainage and whilst some representations address the issue of waste, again a condition can be imposed.

7.0 Conclusion

- 7.01 Whilst the application represents development in the countryside, it is to serve the existing use of the site and the proposal as a whole, subject to mitigation, is not considered to be harmful to the countryside. Where views of the container are possible, these are limited to close range views at the access and some limited views from the public footpath adjacent to the water treatment works to the north west. The harm from these views would be mitigated by the acceptable use of wooden cladding and additional landscaping to be provided.

7.02 It is considered that the proposal is acceptable, subject to the following conditions.

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

1. The development hereby approved shall be carried out in accordance with approved drawings:

Drawing No. S.1 Site Location Plan

Drawing No. S.3 – Proposed Block Plan

Drawing No. S.4 Rev A – Elevations

Drawing No. S.4 Rev A – Summerhouse Elevations

Drawing No. S.6 Rev A – Access Track

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Within six months of the date of this decision notice, written details and samples of the external facing materials to be used on the storage container building hereby permitted shall be submitted to and approved in writing by the local planning authority and installed. Should the facing materials not be completed to an acceptable degree within this 6 month period, the storage container shall be removed from the site.

Reason: To ensure a satisfactory appearance to the development.

3. Within six months of the date of this decision notice, a landscape scheme 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 and include a planting specification, a programme of implementation and a [5] year management plan. The landscape scheme shall specifically address the need to provide tree and hedge planting to screen the western boundary and involve native species and meadow areas that maximise opportunities for all seasons habitat and foraging.

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

4. The landscaping to be submitted and approved under condition 3 shall be carried out during the first planting season (October to February) following its approval. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

5. Within six months of the date of this decision notice, details for 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 scheme shall consist of the enhancement of biodiversity through means such as swift bricks, bat tube and bricks, bee and bug habitat, including log piles. The development shall be implemented in accordance with the approved details in parallel with the timing of the landscaping and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

6. No external lighting (including solar powered lighting) that is visible beyond the site boundaries shall be installed on the site without the prior written consent of the Local Planning Authority pursuant to this condition.

Reason: In the interests of visual amenity

7. Should the agricultural use of the site cease for a period of twelve months, the storage container and summer house shown on drawing no. S.3 and S4 shall be removed from the land and the land restored to the condition before the development took place, or to such as condition as may have been agreed in writing by the Local Planning Authority, within 3 months from the date at which any buildings cease to be required / used.

Reason: In the interests of protecting the character and appearance of the countryside by preventing the proliferation of unnecessary buildings in the countryside.

8. The land and buildings hereby permitted shall only be used for purposes associated with agriculture activity on the land as defined by s336 of the Town and Country Planning Act 1990.

Reason: Unrestricted use of the building or land would cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.

9. There shall be no long term storage of animal or other plant waste on the site, other than animal or plant waste that is actively being prepared for ongoing agricultural purposes such as manure or compost. Any such material shall be stored / located so as to avoid adversely impacting upon neighbours by way of odours.

Reason: In the interest of the amenity of the area.

Case Officer: Adam Reynolds

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 MAIDSTONE BOROUGH COUNCIL
PLANNING COMMITTEE – 21st October 2021

APPEAL DECISIONS:

- 1.** 20/500304/FULL Erection of single storey rear extension including basement and alterations to existing balconies and bifolding doors.

APPEAL: ALLOWED

Barnhall Lodge
Gravelly Bottom Road
Kingswood
Maidstone
Kent
ME17 3NS

(Delegated)

- 2.** **20/505546/FULL** Construction of a first floor side extension.
(Resubmission of 20/504292/FULL)

APPEAL: ALLOWED

10 Meadow View Road
Boughton Monchelsea
Maidstone
Kent
ME17 4LH

(Committee)

- 3.** **20/505967/FULL** Demolition of gazebo and erection of two storey side extension to create an annexe for assisted living, with front and side canopy.

APPEAL: DISMISSED

28 Lewis Court Drive
Boughton Monchelsea
Maidstone
Kent
ME17 4LQ

(Delegated)

4. 19/503795/FULL

Demolition of existing garage and erection of a single storey two bed dwelling.

APPEAL: DISMISSED

50 Richmond Way
Maidstone
Kent
ME15 6BW

(Delegated)

5. 20/505099/FULL

Erection of a double garage

APPEAL: DISMISSED

Pleydells Bungalow
Sutton Road
Langley
Maidstone
Kent
ME17 3ND

(Delegated)

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

21ST OCTOBER 2021

REPORT OF HEAD OF PLANNING AND DEVELOPMENT

Report prepared by Sue King

1. FORMAL ENFORCEMENT ACTION TRACKER

1.1 Report content

1.1.1 The Enforcement tracker report is intended to be brought to Planning Committee each quarter. The report provides the current status of enforcement cases that have had formal notices served.

1.1.2 The report sets out the case reference, address and brief description of the breach. The notice type column indicates the type of formal action carried out and three key dates:

Issue date – Date Notice was served

Effective date – Date the Notice takes effect from

Compliance date – Date the Notice is due to be complied with. This may change according to an appeal being lodged, which if the appeal is dismissed and the Notice is upheld the Inspector will impose a new compliance period from the date of the decision.

1.1.3 A legend is supplied which shows five levels of status, being:

Blue – Decision reached - case closed

Red – Assessment or preparation for the next step of formal action;

Amber - Awaiting planning application/appeal decisions

Green - Awaiting appeal start dates and compliance - out of LPA control

White - Contentious cases that are being monitored i.e. sites with injunctions.

FORMAL ENFORCEMENT ACTION TRACKER

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
ENF/8320	SK	Marden	Monk Lakes, Staplehurst Road, Marden, Kent	Unauthorised development consisting of engineering, mining and building operations and unauthorised COU of land to recreational fishing lakes	EN	30.4.08	30.4.08	appeal in progress	
15/500852	JB	Yalding	The Three Sons, Hampstead Lane, Nettlestead Kent, ME18 5HN	Unauthorised G & T development in Green Belt	EN	02.10.15	06.11.15	01.06.17	With External consultants to review whole site and recommend appropriate action
					INJ	24.04.19	24.7.19	Ongoing	Injunction remains on the land - Monitor
15/500852	JB	Yalding	The Three Sons, Hampstead Lane, Nettlestead, ME18 5HN	The laying of hardstanding and the construction of fences and gates	EN	13.09.21	26.10.21	26.04.21	
ENF/11798	SK	Marden	Monk Lakes, Staplehurst Road, Marden, Kent	Erection of new dwelling in the woodland	EN	19.05.16	23.06.16		
16/500815	SK	Yalding	Green Tops Symonds Lane Yalding	PP expired - 10/0504 for occupation of the site for 3 years only.	EN	27.04.17	01.06.17	01.08.17	
17/500611	SK	Headcorn	Acers Place, Lenham Road	Unauthorised change of use G&T site	EN	04.10.17	15.11.17	02.08.19	
15/501259	SK	Otham	Bramley, Otham Street, Otham, ME15 8RL	Extension on North Elevation not being built in accordance with planning permission.	EN	06.11.17	11.12.17	16.07.19	Planning permission resolved to be granted decision to be granted subject to S106 being finalised
15/500395	SK	Detling	Roseacre, Scragged Oak Road, Detling	Unauthorised change of use G&T site	EN	26.01.18	02.03.18	3 months	
14/500525	SK	Chart Sutton	Horseshoe Paddock Lucks Lane, Chart Sutton	Unauthorised change of use G&T site	EN	16.02.18	23.03.18	n/a	
16/500656	SK	Chart Sutton	Land Known as The Willows Lucks Lane, Chart Sutton	Unauthorised change of use G&T site	EN	07.03.18	04.04.18	08.04.20	
14/500560	SK	Yalding	The Stables, Wagon Lane, Paddock wood, Tonbridge	Breach of personal occupancy condition	EN	03.07.18	07.08.18	07.11.18	
17/500032	DAPR	Loose	Filmers Farm, Salts Lane, Loose, Kent, ME15 0BD	Condition 2 and Condition 4 not met 16/500762/FULL	BCN	25.07.18	25.07.18	22.08.18	No further action required.
16/501199	SK	Headcorn	Land rear of The Meadows Lenham Road Headcorn	Expired temporary permission and expansion of G&T site	EN x 4	16.08.18	20.09.18	appeal in progress	8 day Inquiry set to start 23.11.21.
18/500572	SK	Ulcombe	Caravan 2 Hawthorn Farm, Pye Corner, Ulcombe	Unauthorised change of use G&T site	EN	11.10.18	15.11.18	15.5.19	
18/500001	SK	Headcorn	Smiths Cottage, Lenham Road, Headcorn, Kent, TN27 9LG	Unauthorised siting of two additional caravans	EN	16.10.18	20.11.18	appeal in progress	
16/501147 16/501251 17/500291	SK	Marden	Tanner Farm Caravan Park Goudhurst road Marden Kent TN12 9ND	Change of use of land for holiday/residential	EN	17.10.18	21.11.18	appeal in progress	Inquiry adjourned until 07.12.21.

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
19/500384	SK	Ulclombe	Land to the rear of Neverend Farm, Ulcombe	Unauthorised change of use G&T site.	INJ	21.05.19	21.5.19	Ongoing	Injunction remains on the land - Monitor
					TSN	07.05.19	07.05.19	21.05.19	3 day Hearing set to start 12.10.21.
					EN	27.11.19	08.01.20	appeal in progress	
19/500346	SK	Fant Ward	Plot 12 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500347	SK	Fant Ward	Plot 13 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500350	SK	Fant Ward	Plot 15 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500351	SK	Fant Ward	Plot 16 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500352	SK	Fant Ward	Plot 17 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500354	SK	Fant Ward	Plot 19 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500356	SK	Fant Ward	Plot 20 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500357	SK	Fant Ward	Plot 21 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	1 month	hold in abeyance re outcome of the other appeals.
19/500361	SK	Fant Ward	Plot 24 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500366	SK	Fant Ward	Plot 26 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500367	SK	Fant Ward	Plot 27 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500369	SK	Fant Ward	Plot 28 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
19/500370	SK	Fant Ward	Plot 29 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
19/500371	SK	Fant Ward	Plot 30 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	appeal in progress	
18/500234	SK	Coxheath & Hunton	Riverside Hse, West Street, Hunton	Unauthorised raised platform	EN	28.08.19	13.11.21	2 months	
19/500330	SK	Harrietsham	Chestfields, Marley Road, Harrietsham	Unauthorised change of use G&T site	EN	17.09.19	18.10.19	appeal in progress	
16/500477	SK	Boxley	Cosington Farm North, Bell Lane Boxley	Unauthorised building	EN	19.02.20	24.03.20	28.03.21	
19/500452	SK	Coxheath	S&B car & van hire, Forstal Farm, Forstal Lane, East Farleigh	Change of use of the land to car & van hire	EN	01.06.20	07.07.20	appeal in progress	
16/500364	SK	West Farleigh	River Barn (formerly the Hay Barn) Tutsham Farm, West Farleigh	erection of new dwelling in the countryside	EN	16.06.20	21.07.20	21.06.21	Planning Decision issued Notice Overridden
19/500073	DAPR	Bearsted	Lested Farm, Plough Wents Road, Chart Sutton ME17 3SA	Breach of Conditions re an Anaerobic digester	BCN	20.10.20	20.10.20	14.12.20	
19/500469	SK	East Farleigh	Land at Benover Paddocks, Benover Road, Yalding, Kent, ME18 6AZ	Unauthorised building	SN	06.12.20	06.11.20	06.11.2020	Site being monitored
19/500469	SK	East Farleigh	Land at Benover Paddocks, Benover Road, Yalding, Kent, ME18 6AZ	Unauthorised change of use G&T site	EN	06.12.20	11.12.20	appeal in progress	Hearing set 18.01.21.
20/500334	SK	East Farleigh	Land at Benover Paddocks, Benover Road, Yalding, Kent, ME18 6AZ	Unauthorised change of use G&T site	EN	06.12.20	11.12.20	appeal in progress	Hearing set 18.01.21.
18/500016	SK	Collier St	Land at Tanner Farm park, Goudhurst Rd, Marden	Multiuse building not in accordance	EN	24.02.21	25.03.21	24.08.21	Inquiry adjourned until 07.12.21.
21/500040	SK	Collier St	Land at Tanner Farm park, Goudhurst Rd, Marden	unauthorised operational works in preparing land for development	TSN	24.02.21	24.02.21	24.03.21	Site being monitored
21/500338	DAPR	High Street	The Barge Riverside Restaurant, River Medway R/O Archbishops Palace, Undercliff, Maidstone,	Construction of a hoarding and pergola on the quayside, COU of site to use for the storage of a barge and floating pontoon	EN	12.07.21	16.08.21	16.11.21	
21/500443	SK	Detling & Thurnham	Land at Land South Of Sutton Road, Langley, Kent	Breach of condition re landscaping	BCN	30.07.21	30.07.21	10.09.21	
21/500412	AW	Parkwood	Land at 7 Bell Meadow Maidstone Kent ME15 9NB	Breach of Condition re installation of balcony	BCN	10.09.21	10.09.21	08.10.21	Complied with 24.09.21
19/500819	JB	Yalding	The Three Sons, Hampstead Lane, Nettlestead, ME18 5HN	The construction of two outbuildings	EN	13.09.21	26.10.21	26.04.21	
21/500328	DAPR	Marden	Land to the North of Copper Lane, Marden Tonbridge, Kent, TN12 9DH	COU of the land to use as a permanent motocross track, including practicing, with integral operational development consisting of earthworks to alter levels and gradients	EN	24.09.31	29.10.21	29.11.2129.	
21/500328	DAPR	Marden	Land to the North of Copper Lane, Marden Tonbridge, Kent, TN12 9DH	COU of the land to use as a permanent motocross track, including practicing, with integral operational development consisting of earthworks to alter levels and gradients	ST	24.09.21	27.09.21	27.09.21	Site being monitored

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
21/500869	SK	Ulcombe	Water Lane, Ulcombe, Maidstone	Removal of TPO trees and COU of land for G&T residential site.	TSN	06.11.21	06.11.21	06.11.21	Site being monitored
					INJ	08.11.21	08.11.21	08.11.21	

	Decision reached - case closed
	Awaiting appeal start dates and compliance - out of LPA control
	Awaiting planning application/appeal decisions
	Next step of formal action being considered
XXXXXXXXXX	Cases that are being monitored i.e. sites with injunctions and BCNs