

PLANNING COMMITTEE MEETING

Date: Thursday 22 July 2021
Time: 6.00 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Brindle, Coates, Cox, English, Eves, Forecast, Harwood, Holmes, Kimmance, 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 Items withdrawn from the Agenda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. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
6. Disclosures by Members and Officers
7. Disclosures of lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. Minutes of the meeting held on 24 June 2021 adjourned to 1 July 2021 - to follow
10. Presentation of Petitions (if any)
11. Deferred Item 1
12. 21/500322/FULL - Robins Rest, Park Lane, Boughton Monchelsea, Kent, ME17 4JJ 2 - 15

Issued on Wednesday 14 July 2021

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

13.	20/505710/FULL 15 - Amsbury Road, Coxheath, Maidstone, Kent, ME17 4DW	16 - 33
14.	20/506064/FULL - Culls Farm, Dean Street, East Farleigh, ME15 OPS	34 - 56
15.	20/505611/SUB - Dickens Gate, Marden Road, Staplehurst, Tonbridge, Kent, TN12 0PD	57 - 61
16.	21/502008/FULL - Lockmeadow Leisure Complex, Barker Road, Maidstone, Kent	62 - 84
17.	Appeal Decision List	85 - 86

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 21 July 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

22 JULY 2021

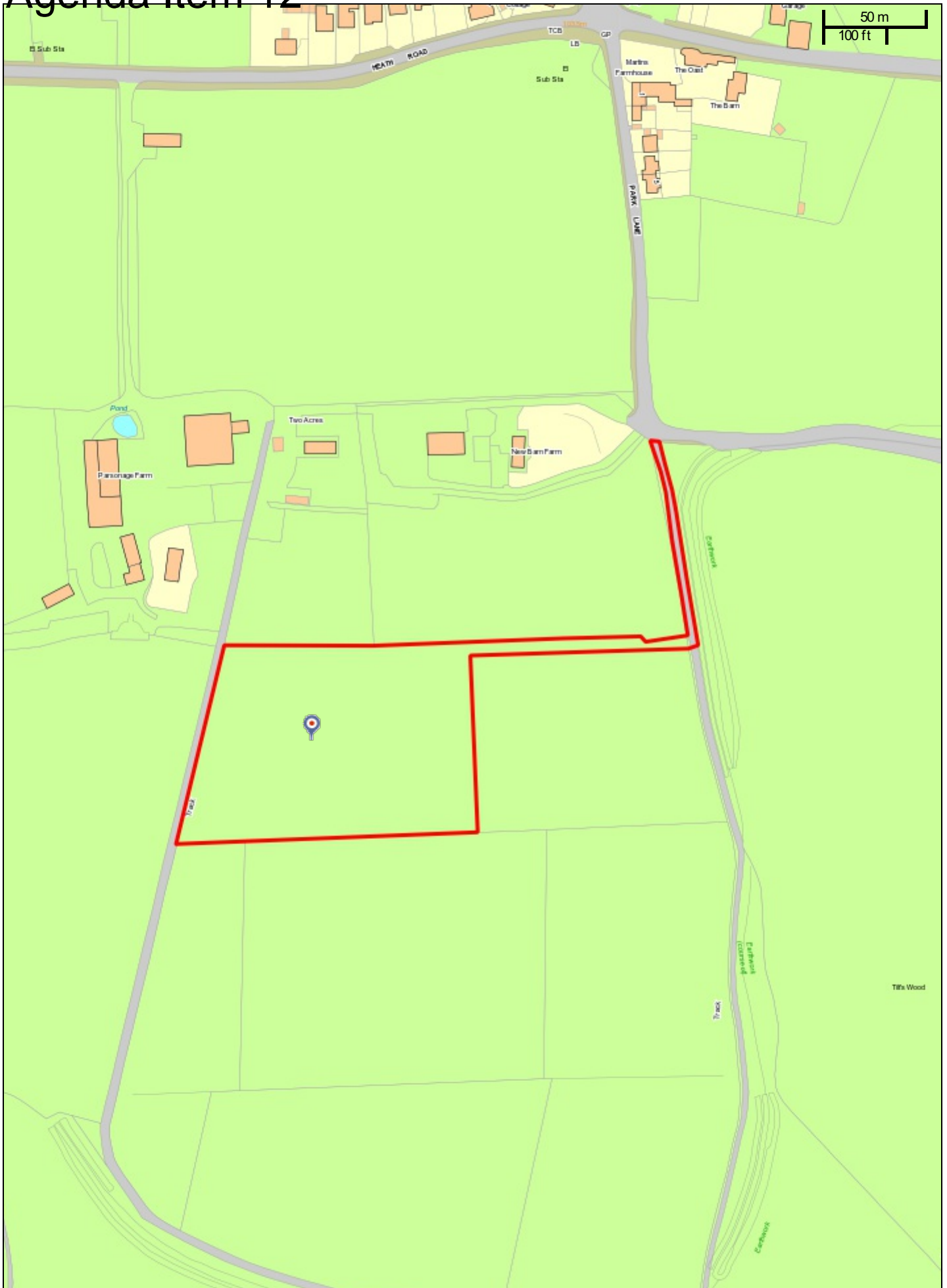
REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEM

The following application stands deferred from a previous meeting 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>	<p>17 December 2020</p>

Agenda Item 12



21/500322/FULL Robins Rest, Park Lane, Boughton Monchelsea, Kent, ME17 3JJ

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Printed on: 10/6/2021 at 9:15 AM by JoannaW

REFERENCE NO - 21/500322/FULL		
APPLICATION PROPOSAL Part retrospective application for a material change of use of land to mixed use for a single pitch Gypsy site and keeping of a horse, with associated development including stationing of 1 no. mobile home, 2 no. tourers, erection of a utility block, shed, hard standing, septic tank and a stable shelter.		
ADDRESS Robins Rest Park Lane Boughton Monchelsea Kent ME17 4JJ		
RECOMMENDATION Grant permission subject to conditions relating to the retention of the residential element in the north-eastern corner of the site, details of parking, hard and soft landscaping and biodiversity enhancements, foul and surface water drainage, external lighting, bin and cycle storage, retention of the site for gypsies and a limit of three caravans.		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The proposal is in accordance with Local Plan policies SP17 and DM30 that allow for development provided it does not result in harm to the character and appearance of the area. • The adult occupants meet the Government’s planning definition of a Gypsy as set out in the PPTS. • There is no reasonable justification to object to the development on sustainability grounds in terms of location and reliance on the private motor vehicle to access day to day needs. • Furthermore, the development will not cause unacceptable harm to the character and appearance of the countryside, subject to supplementary boundary planting. • The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations. 		
REASON FOR REFERRAL TO COMMITTEE Boughton Monchelsea Parish Council has requested that the planning application is considered by the Planning Committee if officers are minded to approve planning permission. This request is made for the reasons outlined in the consultation section below.		
WARD Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Mr And Mrs Wesley Matthews AGENT Heine Planning Consultancy
TARGET DECISION DATE 30/07/21 (EOT)		PUBLICITY EXPIRY DATE 11/03/21

Relevant Planning History

None relevant

Two Acres, Park Lane (north of the site)

20/505274/FULL Extension to existing Gypsy site, including retention of 1(no) static mobile home (as approved under MA/97/0349); and siting of 3 additional residential static mobile homes for a Gypsy family, and erection of dayroom. Approved

The Orchards Snowey Track Off, Park Lane, Boughton Monchelsea (southeast of the site)

17/502535/FULL Variation of condition 3 of MA/11/0744 to allow the removal of amenity block and the siting of additional 2 mobile homes on plot 3 with a total of 8 mobiles for the plot Approved 18/05/2017

14/502411/FULL Variation of condition 3 of MA/11/0744 to allow the removal of amenity block and the siting of additional 2 mobile homes on plot 3 with a total of 6 mobiles for the plot. Approved 23/07/2014

12/2077 Variation of condition 3 of permission MA/11/0744 (The change of use of the site to a residential caravan site for 4 gypsy families involving the siting of 4 mobile homes, 4 touring caravans, the erection of 4 brick-built amenity blocks with associated parking areas) to allow the siting of two additional mobile homes on plot 2 and two additional mobile homes on plot 3 involving the extension of hard surfacing Approved 27.06.2013

11/0744 The change of use of the site to a residential caravan site for 4 gypsy families involving the siting of 4 mobile homes, 4 touring caravans, the erection of 4 brick-built amenity blocks with associated parking areas as shown on site location plan. Approved 17.08.2011

Ariel view of the site and neighbouring properties



MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site lies to the southwest of Park Lane, and is accessed via the public right of way (KM119) which extends northwards onto it. The site access extends westwards off KM119 for approximately 115 metres to the application site. To the north is a gypsy site (Two Acres), which has three mobile homes on it. The land immediately to the east of the application site has been used to store timber and chippings from Tilt's Wood (ancient woodlands) which are located further east and on the other side of KM119. To the south and west is agricultural land.

- 1.02 For the purposes of the Local Plan, the application site is located in the countryside and also falls within an Area of Archaeological Potential and a KCC Minerals Safeguarding Area.

2. PROPOSAL

- 2.01 The application is for the part retrospective application for a material change of use of land to mixed use for a single pitch Gypsy site and keeping of a horse, with associated development including stationing of 1 no. mobile home, 2 no. tourers, the erection of a utility block, shed, hard standing, septic tank and a stable shelter.

The majority of the development is already on site, although the stable was yet to be constructed when the site visit was carried out. The residential element is sited to the northeast section of the land, and the remaining land is used for the keeping of horses. The access is to the northeast of the site. The mobile home would have a width of 6.1 metres and a depth of 10.9 metres. The utility building would be located to the western side of the site with a width of 5 metres, a depth of 3 metres and a lean-to roof with a height of 2.5 metres at the highest point. The shed would have a width of 2.2 metres, a depth of 2.2 metres and a pitched roof with a ridge height of 2 metres. The stable building (yet to be built) would have a width of 12 metres, a depth of 5.5 metres with a lean-to roof of 3.2 metres at the highest point.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 SS1, SP17, SP18, DM1, DM3, DM4, DM8, DM15, DM23, DM30

Boughton Monchelsea Neighbourhood Plan PWP2 (Priority Local Landscape), PWP8 (Energy efficiency), PWP10 (Lighting), PWP11 (Protecting woodland areas and planting native trees and hedgerows), PWP12 (biodiversity in new development), PWP13 (Transport assessments and parking provision), PWP14 (separation of settlements, gateways and long views), RH9 Provision for Gypsies and Travellers)

Supplementary Planning Documents

Maidstone Landscape Character Assessment

Planning Policy for Traveller Sites (2015)

Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)

Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (2012)

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No representations were received from local residents

5. 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)

Boughton Monchelsea Parish Council

- 5.01 Objection. The proposal represents unacceptable intensification of Gypsy and Traveller sites in the open countryside. The existing sites already compromise the rural environment in which they sit.
- 5.02 Any additional intensification would cause further unacceptable damage. The proposal would cause unacceptable harm to the character and appearance of the area hereabouts,

5.03 The proposal is contrary to policies SS1, SP17, DM1 and DM30 of Maidstone Local Plan (2017); the National Planning Policy Framework (2019); and the Maidstone Landscape Character Assessment (2013) and Supplement (2012).

5.04 If the recommendation is for approval, the Parish Council request conditions for the provision of renewable energy sources, EV charging points, exclusively native planting within any landscape plan, provision of swift and bee bricks, bat and bird boxes and wildlife friendly boundaries

Environment Agency

5.02 No comment. Refer to standing advice

KCC Highways

5.03 No comment. The development proposal does not meet the criteria to warrant involvement from the Local Highway Authority in accordance with the current consultation protocol arrangements. Request informatives relating to highways owned land.

Environmental Services

5.05 No objection. The Council's records show there are no known private water supplies in the vicinity, and the siting of a proposed septic tank for foul sewage is shown on the site layout plan. There is no indication of any significant chance of high radon concentrations and Air Quality here is acceptable.

5.06 There is also no indication of contaminated land on the Council's data bases. No complaints relating to this site have recently been received by Environmental Health.

5.07 The site should be used for residential purposes only and maintained in good order. It should not be used for business purposes, or for the use and/or storage of commercial vehicles. Any tourers on site should not be used for habitation. All conditions of the Caravan Sites Licence should be met.

KCC Ecology

5.05 No objection. Protected species legislation may have been breached in the construction of this development, but the past/current use of the site as horse grazing land, reduces the likelihood that there would have been a significant ecological impact.

5.06 Regardless, the provision of buildings and hardstanding entails the loss of green space, therefore, entailing a minor loss of biodiversity, so compensatory habitat should be provided.

5.08 Under section 40 of the Natural Environment and Rural Communities Act (2006) and paragraph 175 of the NPPF (2019), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 175 of the NPPF the implementation of enhancements for biodiversity should be encouraged, and a condition should be added for this reason.

Kent Police

5.09 No comments

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Sustainability
- Need for gypsy sites
- Supply of gypsy sites
- Gypsy status

- Visual/landscape impact/Design and siting
- The use of the land for equestrian purposes
- Residential amenity
- Highways
- Biodiversity

Sustainability

- 6.02 Gypsy and traveller sites will almost inevitably be located in countryside locations, and in this case the site is approximately 1 km from the larger village of Boughton Monchelsea (to the north-west of the site) with its local services, amenities and public transport links.
- 6.03 Whilst located in the open countryside where residents would be reliant on the use of a car, the site is not so far removed from basic services and public transport links as to warrant a refusal of planning permission on grounds of being unsustainable. The nature of the development and other existing development in the vicinity is also a factor in reaching this conclusion.

Need for gypsy sites

- 6.04 The Maidstone Local Plan is adopted and there are policies relating to site provision for Gypsies and Travellers. Local planning authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans, and the Gypsy & Traveller and Travelling Showpeople Accommodation Assessment (GTAA): Maidstone (Jan 2012) provides the evidence of the need for Gypsy and Traveller pitches in the borough for the Local Plan period (October 2011 to March 2031).
- 6.05 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of need at this point, forming as it does part of the evidence base to the Local Plan. It is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual need may prove to be somewhat lower as a result of the definition change. The current GTAA provides the best evidence of need but each decision must be taken on evidence available at the time of a decision made.
- 6.06 GTAA concluded the following need for pitches over the remaining Local Plan period:
Oct 2011 – March 2016 - 105 pitches
Apr 2016 – March 2021 - 25 pitches
Apr 2021 – March 2026 - 27 pitches
Apr 2026 – March 2031 - 30 pitches
Total: Oct 2011 – March 2031 = 187 pitches
- 6.07 The target of 187 additional pitches is included in policy SS1 of the Maidstone Local Plan; and the GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the adopted Local Plan. Please note that a new GTAA is progressing to support the Council's Local Plan Review, but this has been interrupted due to Covid-19.

Supply of gypsy sites

- 6.08 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Local Plan Policy DM15 accepts that subject to certain criteria, this type of accommodation can be provided in the countryside. Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (as of 31st January 2021):
Permanent non-personal – 214
Permanent personal – 32
Temporary non-personal – 4

Temporary personal – 39

- 6.09 A total of 246 pitches have been granted permanent consent since October 2011. These 246 pitches exceed the Local Plan's 187 pitch target. This illustrates that the rate at which permanent permissions have been granted in the first 10 years of the plan period is actually ahead of the rate of need revealed by the GTAA . The sites allocated through Policy GT1 in the Maidstone Borough Local Plan which do not yet have permission will also provide an additional 26 pitches; sites granted permanent permissions on suitable windfall sites (in accordance with policy DM15); and pitch turnover on the two public Gypsy & Traveller sites in the borough, will continue to increase the number of pitches in the borough.
- 6.10 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight when considering the expediency of granting consent on a temporary basis. The Council's position is that it can demonstrate 6.1 years worth of supply of Gypsy and Traveller sites at the base date of 1st April 2021. As the Council considers itself to be in a position to demonstrate more than a 5 year supply, paragraph 27 of the PPTS would not apply in the determination of this application and the direction to positively consider the granting of a temporary consent does not apply.

Gypsy status

- 6.11 The Government's PPTS (August 2015) sets the planning definition of 'gypsies & travellers', and this excludes those who have ceased to travel permanently. The current definition is as follows (Annex 1):
'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show-people or circus people travelling together as such'.
- 6.12 On this matter, the following relevant (summarised) details have been submitted: the applicants are a known Gypsy family in the borough with local family connections and there is a desire to maintain their traditional style of living. The applicant grew up in Harrietsham, but the family have lived at Two Acres (north of the application site) for the last 17 years, and the applicant paid the Council Tax for his mobile home – this was confirmed . The applicant's Mother lived in the other mobile home.

The application site was purchased in mid 2020 after Two Acres was signed over to a brother of the applicant. The applicant had to make alternative arrangements for his family having been made homeless by this arrangement. Another brother occupies Dunroamin off Park Lane with his family. That site was granted permission in 2017.

Before leaving Two Acres and moving onto the application site, the applicants looked for other pitches but could find nothing. Most sites in Maidstone are privately owned and occupied. They enquired about a pitch on a socially provided site and were told that there was no chance of anything being made available. They then applied for social housing as they were desperate and had nowhere to go.

All three children attend local schools. The eldest daughter completed GCSE's and is currently training at college. It has been confirmed that the children are registered at their schools as gypsies, and the whole family travels together where possible.

The applicant's wife was born in Forest Gate London but lived for most of her childhood on her grandfather's site at Jack's Wood Detling. As a child the applicant travelled with his parents for farm work, returning to Kent each year for hop picking. He now travels to buy and sell cars/ vans mostly within the Traveller community. This involves travelling all round the country and he is often away for days at a time. He used to do this with his father before he passed away and has built up many contacts within the Traveller community. He travels with his touring caravan mostly along the south coast stopping where he can with friends and relatives in Dorset and Hampshire, at Three Legged Cross in East Dorset and Wareham, or with other roadside Travellers.

the applicant also breeds and trains a few horses and attends most of the Traveller horse fairs and drives (eg Appleby, Stow, Kenilworth when it was still operating, Lee Gap, Wickham and drives in the New Forest/ Hampshire). During the summer he is away most weekends. The family all attend Appleby which lasts for about 10 days. The family currently have two Gypsy cobs and a trotting horse and the children have all been shown how to ride/ drive the horses. They had a horse shelter on the adjoining land at Two Acres where they lived until recently, for their horses and sheds to store horse tack.

- 6.13 With everything considered, it is reasonable to say that the occupants of the site continue to travel for work purposes to make a living. It is therefore accepted that the Gypsy status has been met in accordance with the provisions of the Government's PPTS.

Visual/landscape impact/Design and siting

- 6.14 The site lies in the open countryside approximately 1 km to the south-east of the larger village of Boughton Monchelsea. The open countryside location forms part of the Low Weald Landscape of Local Value as defined on the policies map to the adopted Local Plan. Policies SS1 and SP17 of the Local Plan seek to protect and enhance the quality and character of the countryside.
- 6.15 DM30 sets out that the type, siting, materials, design, mass and scale of development in the countryside and the level of activity would maintain or where possible enhance local distinctiveness including landscape features. In addition, impacts on the character of the area should be suitably mitigated. New buildings should where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area.
- 6.16 Under Section 29 of the Caravan Sites and Control of Development Act 1960, a caravan can be up to 20m in length and 6.8m in width; with the overall height being 3.05m (measured internally from floor at lowest level to ceiling at highest level). The buildings that form part of the application comprise the following: mobile home, 2 x tourers, utility shed, shed and hard standing. These domestic features are modest in size with the largest building being the mobile home measuring 10.9 metres x 6.1 metres.
- 6.17 The limitations of the height of the caravan are set within the legislation, and the caravan is faced in render with a shallow pitched felt roof. All other domestic buildings do not exceed 2.5 metres in height. They are of simple design and constructed in timber. All domestic buildings are located in the northeast section of the site that covers an area of 0.12 hectares. It is noted that the overall site area of the planning application is 1.5 hectares so, the built area is a relatively modest part of the development proposal.
- 6.18 There is a timber stable with some hardstanding proposed in the paddock to the south of the site. Although this is sited some distance from the residential buildings,

which is the advice set out within DM30, it would be partially obscured by the mature landscaping on the boundary and this would reduce any impact from the building on the visual amenity of the locality. On balance, the size, height and rural nature of the building (12 metres x 5.5 metres with a lean-to roof of 3.2 metres at the highest point), I consider the siting of the stable to be acceptable.

- 6.19 The hardstanding would have a depth of approximately 6 metres and a width of 15 metres located in an 'L' shape at the front and east side of the stable. This amount of hardstanding would appear excessive. For this reason, the landscaping condition would include details relating to the hardstanding so it could be reduced in size on the submission of details. Notwithstanding the information on the site plan, a hard and soft landscaping condition could be imposed to ensure that details are appropriate for the character of the countryside.
- 6.20 The application site is within the Boughton Monchelsea to Chart Sutton Plateau landscape character area, which the landscape character assessment found to be in very poor condition, with very low sensitivity and with guidelines to improve. However, I also note that the site is within the Priority Local Landscape in the Boughton Monchelsea Local Plan. I consider that the site would not result in unacceptable harm as the residential element of the development is of a modest size. Furthermore, the opportunity can be taken to improve the character of the area with the use of landscaping conditions in order to provide native hedging which would, at the same time, further obscure the caravans. The incorporation of this planting would be compliant with DM30 of the Maidstone Local Plan in addition to adhering to the advice of the Maidstone Landscape Character Guidance. It would also take into account PWP2 of the BM Neighbourhood Plan which seeks to protect the landscape from harm to the character and appearance of the locality.
- 6.21 The buildings are modest in size with none exceeding 3.0 metres in height. The landscaping in this area has guidelines to improve as the quality is poor. This development proposal would provide an opportunity to plant native hedging around the perimeter of the site. This would limit the views into it as well as improving the overall landscape character of the area. The landscaping condition would ensure that suitable native hedging is planted around the perimeter of the site. This would be policy compliant with the Maidstone Local Plan and the policies within the Boughton Monchelsea Neighbourhood Plan.

Use of the land for equestrian purposes

- 6.18 Policy DM41 sets out that domestic development will be acceptable providing, among other things, they meet the following requirements:
- New buildings should be grouped with existing ones and should not be of a sufficiently permanent structure that they could be converted to another use in the future
 - The cumulative impact of the development would be mitigated
 - The design would be acceptable within the locality in terms of scale, materials, colour and details
 - Proposals will not include lighting unless it is absolutely necessary
 - An integral landscaping scheme including boundary treatment would be provided to reflect the landscape character of the area
 - An appropriately sited and designed area to incorporate soiled bedding and foul and surface water drainage would be provided
 - Adequate provision is made for the safety and comfort of the horses in terms of size of accommodation and land for grazing and exercising
 - The site would have easy access to bridleways and/or the countryside
- 6.22 Looking back on Google Earth, it would appear that the land was used for agricultural purposes in the past. The application is for the retrospective use of the

land for equestrian purposes so, during my site visit, that use was already in existence.

- 6.23 The stables would be constructed in timber which would not be of a significantly permanent structure. It would be sympathetic in terms of scale and materials, colour and details, and its cumulative impact would be mitigated with the planting of a native species hedge along the boundary which would reflect the character of the area. A condition would be imposed restricting any external lighting unless agreed in writing by the Council. The site is within easy access of bridleways and countryside and, for these reasons, the application is considered acceptable.

Residential amenity

- 6.18 Policy DM1 encourages development to respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers by ensuring that, among other things, it does not result in or is exposed to excessive noise, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.19 The closest neighbours to the application site are Woodside View (approximately 115 metres to the stable to the south of the application site), and Two Acres (approximately 100 metres to the northwest of the application site).
- 6.20 Both the existing mature landscaping and the proposed landscaping intending to reinforce the character of the locality would assist in minimising the impact of the low-lying development and, for this reason, it is considered acceptable.

Highways

- 6.22 Policy DM1 sets out that development proposals should provide adequate vehicular and cycle parking to meet adopted council standards, and policy DM23 also highlights this. Bin and cycle storage should also be provided along with electric vehicle charging points.
- 6.23 The current application seeks to retain the existing access arrangements, off the track/public right of way. This access is considered acceptable in relation to highway safety. Adequate hard surface space is available within the plot for the parking of vehicles associated with the proposed mobile home use of the site and for vehicle manoeuvring enabling vehicles to enter and leave the site in a forward gear.
- 6.24 The level of additional vehicle movements to and from the site resulting from the additional mobile home and touring caravans on the plot is not likely to be so significant as to raise any overriding highway safety issues. The impact of the development on the local highway network including access and parking arrangements have been considered by KCC as the Local Highways Authority. They considered that the development was sufficiently modest that it didn't require a detailed response.
- 6.25 I note that bin and cycle storage haven't been identified on the location plan, but this can be dealt with by condition along with refuse collection details. Electric vehicle charging points will be requested via condition in the interests of sustainability.

Biodiversity

- 6.26 Policy DM3 encourages biodiversity net gain in development proposals. KCC Ecology has reviewed the application and consider that the majority of the site will be retained for equestrian purposes and, although the change of use will have some impact on the land, it won't be extensive. However, the provision of buildings and

hardstanding entails the loss of green space so Ecology officers have commented that compensatory habitat should be provided.

- 6.27 For this reason, a biodiversity enhancement condition will be added, and the incorporation of native species hedging around the perimeter of the site (discussed with the agent and the case officer) was regarded as a positive feature.

PUBLIC SECTOR EQUALITY DUTY

- 6.28 In considering this application due regard has been had to the Public Sector Equality Duty (PSED), as set out in Section 149 of the Equality Act 2010 in particular with regard to the elimination of discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act, and the advancement of equality of opportunity between persons who share protected characteristics and persons who do not share it; and foster good relations between persons who share protected characteristic and persons who do not share it.
- 6.29 Race is one of the protected characteristics under the Equality Act and ethnic origin is one of the things relating to race. Romany Gypsies and Irish Travellers are protected against race discrimination because they are ethnic groups under the Equality Act. This application has been considered with regard to the protected characteristics of the applicant and the gypsies and travellers who occupy the caravans. I am satisfied that the requirements of the PSED have been met and it is considered that the application proposals would not undermine objectives of the Duty.

CONCLUSION

- 6.30 The development proposal would be sufficiently modest in size, and the conditions relating to foul and surface water drainage, landscaping and biodiversity, along with restrictions on the expansion of the residential area of the site and the storage of commercial vehicles would ensure that the benefits would outweigh any potential harm to the character of the rural area. For this reason, I consider that the application would comply with both the Maidstone local Plan and policies within the Boughton Monchelsea Neighbourhood Plan.

7. 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) The development hereby permitted shall be carried out in accordance with the following approved plans:
25 Jan 2021 Plan 1 Rev A Site Location Plan
25 Jan 2021 Plan 2 Rev A Proposed Site Layout Plan
25 Jan 2021 Plan 4 Rev A Utility Building and Shed Plans & elevations
01 Feb 2021 EA Flood Map
01 Feb 2021 Flood Risk Assessment
01 Feb 2021 Design and Access Statement
04 Feb 2021 Plan 3 Rev A Horse Shelter Floor Plan and Elevations
Reason: To clarify which plans have been approved.
- 3) Within 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of the following:

- a) the residential element of the application site (in the north-eastern corner) and its means of enclosure shall be retained as per the approved drawings in perpetuity,
 - b) extent of hardstanding and parking using porous materials which shall be retained in perpetuity;
 - c) the means of foul and surface water drainage of the site;
 - d) all existing external lighting with measures to be fitted to prevent light spillage outside the site which shall be retained in perpetuity;
 - e) details of bin and cycle storage, and refuse collection, which shall be retained in perpetuity
 - f) Notwithstanding the information submitted, a hard and soft landscaping scheme including existing and proposed tree and hedgerow planting to thicken the boundary treatment of the site and specifically for the formation of a landscape buffer on the perimeter of the site including details of species, plant sizes and proposed numbers, densities and ongoing future maintenance, and to reduce the hardstanding incorporated within the development
 - g) details of a scheme for the enhancement of biodiversity on the site. The scheme shall consist of the enhancement of biodiversity through at least one integrated method into the design and appearance of the building structure such as swift bricks, bat tubes or bee bricks, and additionally through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors, and
 - h) the said Scheme shall include a timetable for its implementation.
 - (ii) within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme, 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 Scheme shall have been approved by the Secretary of State.
 - (iv) the approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.
Reason: To ensure the visual amenity, character and appearance of the open countryside location is safeguarded.
- 4) The site shall not be used as a caravan site by any persons other than Gypsies or Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2012;
Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.
 - 5) No more than three caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the land at any one time, of which no more than one shall be a static caravan or mobile home.
Reason: To safeguard the character and appearance of the countryside.
 - 6) No commercial activities shall take place on the land, including the storage of materials;
Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside and nearby properties.
 - 7) No vehicles over 7.5 tonnes shall be kept on site;
Reason: To safeguard the character and appearance of the countryside.
 - 8) Within two months of the date of the decision details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, shall be submitted to and approved in writing by

the local planning authority. The approved details shall be installed within 3 months of the date on the decision notice of the condition and maintained thereafter;

Reason: To ensure an energy efficient form of development.

- 9) Within three months of the date of this decision details of an electric vehicle charging point shall be submitted to and approved in writing with the charging point installed on the site in accordance with an agreed timetable for implementation and thereafter retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with policies within the NPPF.

- 10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out by the end of the first planting and seeding seasons following the date of the approval of the landscaping details, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard the character and appearance of the countryside.

- 11) Any new external lighting on the site shall be installed in accordance with a detailed scheme of lighting that has previously been submitted to, and approved in writing by the Local Planning Authority. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and the bat conservation trust guidelines 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 scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme.

Reason: In the interests of visual amenity and wildlife

Informatives

- 1) The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the Act as caravan sites cannot operate without a licence. The applicant is advised to contact the Maidstone Housing & Communities Support Team in respect of a licence or apply online at <https://www.gov.uk/apply-for-a-licence/caravan-and-camping-site-licence/maidstone/apply-1>.

- 2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

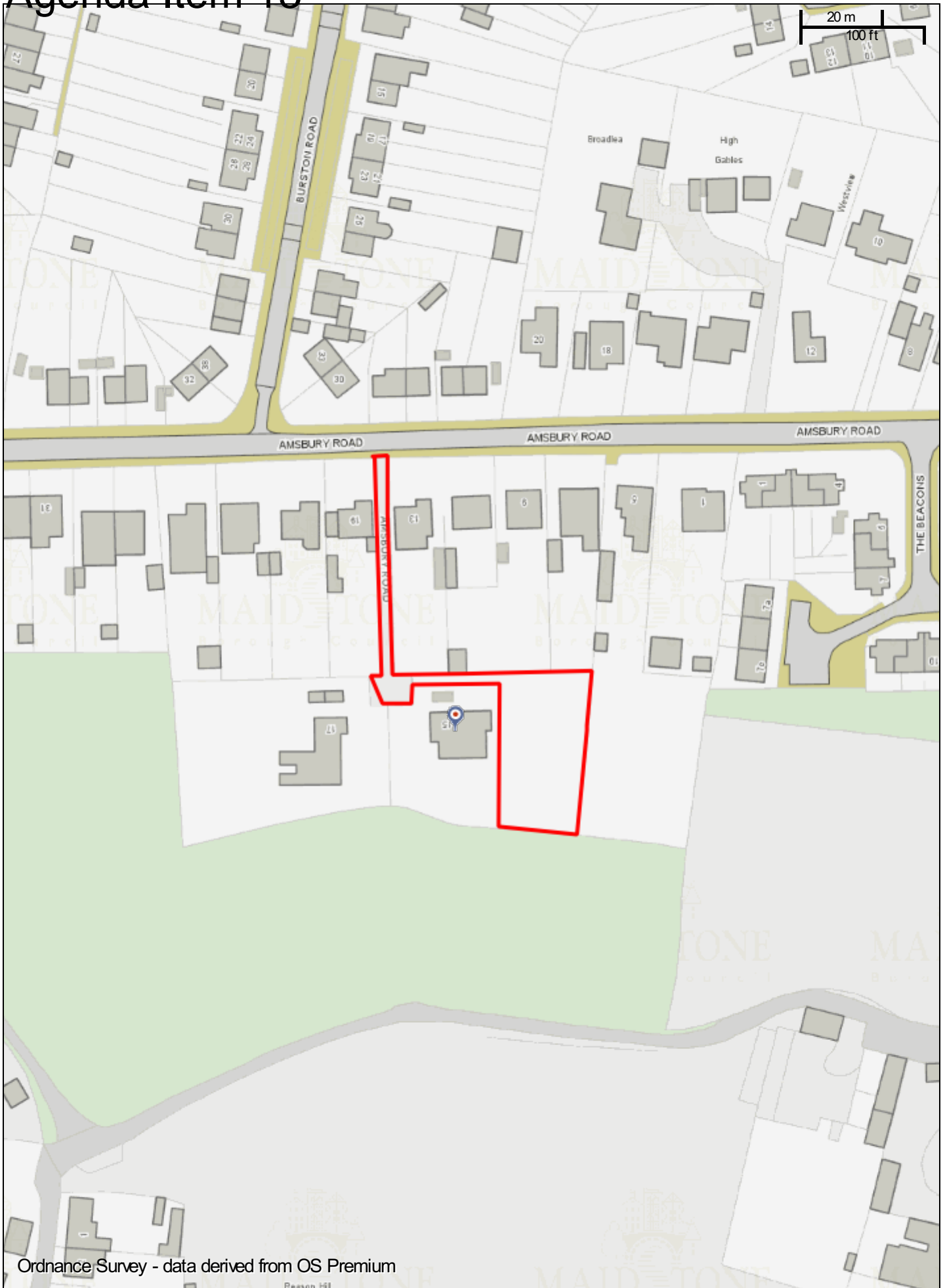
Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 3) The applicant is advised that provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager

Case Officer: Jocelyn Miller

Agenda Item 13



Ordnance Survey - data derived from OS Premium

20/505710/FULL 15 Ambsbury Road, Coxheath, Maidstone, Kent, ME17 4DW
Scale: 1:1250
Printed on: 14/4/2021 at 11:31 AM by SummerF

REFERENCE NO - 20/505710/FULL			
APPLICATION PROPOSAL Erection of 1 no. four bedroom chalet bungalow with integral garage and associated parking. (Resubmission of 20/503671/FULL)			
ADDRESS 15 Amsbury Road Coxheath Maidstone Kent ME17 4DW			
RECOMMENDATION Grant Planning Permission subject to conditions relating to landscape and ecological protection and enhancements, renewables, slab levels, construction method statement refuse storage and EV charging points.			
SUMMARY OF REASONS FOR RECOMMENDATION			
<ul style="list-style-type: none"> • An identical dwelling was granted on this site referenced 16/507443/FULL which was previously granted at committee taking into account the Maidstone Borough Local Plan. • The proposed development complies with the policies of the adopted Maidstone Local Plan 2017 and policies within the NPPF and there are no over-riding material considerations to indicate a refusal of planning permission. 			
REASON FOR REFERRAL TO COMMITTEE			
The application was originally listed for committee on 22 April 2021 as Coxheath Parish Council felt the proposed development was out of character with the surrounding area, constituted over-development and the access was sub-standard. The application was subsequently deferred for the following reasons:			
<ul style="list-style-type: none"> • Seek comments from the Kent Fire and Rescue Service about safety, access to the dwelling for a Fire Engine, whether they can service the property in the event of a fire and whether a sprinkler system is required; • Seek confirmation as to whether the application site is located within the boundary of the larger village of Coxheath; and • Add conditions to secure biodiversity enhancements to include bird, bat and bee bricks; renewables (an exemplar scheme); and revision of the wording of the landscaping condition to include no Sycamore trees or plastic guards. 			
WARD Coxheath And Hunton	PARISH/TOWN Coxheath	COUNCIL	APPLICANT Mr Robert Gordon AGENT n/a
TARGET DECISION DATE (EOT) 30/07/21		PUBLICITY EXPIRY DATE 17/05/21	

MAIN REPORT

1. Background

1.01 This application was deferred at the Planning Committee meeting on the 22 April 2021. This report should be read in association with the original committee report that is included as an appendix.

1.02 The committee minutes recorded the following:

"RESOLVED: *That consideration of this application be deferred to:*

- *Seek comments from the Kent Fire and Rescue Service about safety, access to the dwelling for a Fire Engine, whether they can service the property in the event of a fire and whether a sprinkler system is required;*
- *Seek confirmation as to whether the application site is located within the boundary of the larger village of Coxheath; and*

- *Add conditions to secure biodiversity enhancements to include bird, bat and bee bricks; renewables (an exemplar scheme); and no Sycamore trees and plastic guards”.*

2. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 The neighbour responses in the attached appendices remain relevant in the assessment of this proposal.
- 4.02 Following the deferral of the application 2 further neighbour objections have been received relating to fire safety.

3. CONSULTATIONS

- 3.01 The consultation responses in the attached appendices remain relevant in the assessment of this proposal.
- 3.02 Following the deferral of the application, the following additional comments from Kent Fire and Rescue have been received.

Kent Fire and Rescue

- 3.03 The proposed development does not meet the requirements of The Building Regulations 2010 Approved Document B as it stands. On-site access is a requirement of the Building Regulations 2010 Volume 1 and 2 and must be complied with to the satisfaction of the Building Control Authority who will consult with the Fire and Rescue Service once a building Regulations Application has been submitted.
- 3.04 Following a meeting with the applicant and case officer on site, it was suggested that if sprinklers were fitted BS 9991:2005 (Paragraph 50.1.2) it would allow a Fire Service vehicle access to within 90 metres, rather than the normal 45 metres to all parts of the building. This could potentially overcome the issue, but it can only be assessed once the Building Regulations application has been submitted.

4. APPRAISAL

- 4.01 This appraisal section is structured using the 3 points that were outlined in the committee minutes for the meeting on the 22 April 2021.

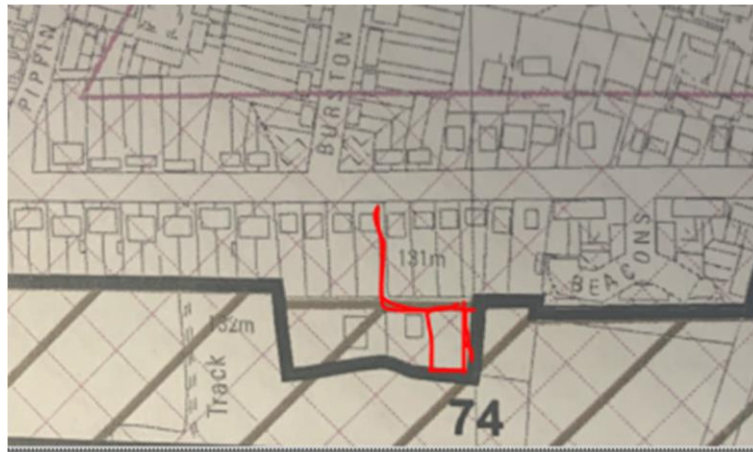
Seek comments from the Kent Fire and Rescue Service about safety, access to the dwelling for a Fire Engine, whether they can service the property in the event of a fire and whether a sprinkler system is required.

- 4.02 In discussion with Kent Fire Service and Building Control, it was established that there was no objection to the site access, but the distance to the building was an issue. However, Kent Fire and Rescue commented that if sprinklers were fitted as part of the development proposal in accordance with BS 9991:2005 (Paragraph 50.1.2) this would allow a Fire Service vehicle access to within 90 metres, rather than the normal 45 metres of all parts of the building.
- 4.03 The Kent Fire and Rescue officer set out that there was no objection to the site access in conjunction with the use of sprinklers but full compliance could only be confirmed if planning permission was approved and a subsequent detailed Building Regulations application was made.
- 4.04 Building Control have confirmed that they will consult Kent Fire Brigade as part of any Building Regulations application. The applicant has also confirmed that he would be amenable to providing sprinklers in the proposed dwelling.

Seek confirmation as to whether the application site is located within the boundary of the larger village of Coxheath

- 4.05 The application site is within the settlement boundary of the larger village of Coxheath.
- 4.06 The settlement boundary for the larger village of Coxheath runs along western and southern boundaries of the application site. The property at 17 Amsbury Road to the west and the properties in Amsbury Road to the north are also within the settlement boundary.
- 4.07

Settlement boundary (black line) and application site (red line).



Add conditions to secure biodiversity enhancements to include bird, bat and bee bricks; renewables (an exemplar scheme); and no Sycamore trees and plastic guards”.

- 4.08 Biodiversity enhancements to include bird, bat and bee bricks are included in condition 9, condition 11 relates to renewables and condition 6 (landscape scheme) set out that Sycamore trees should not be specified or plastic guards used.

5. CONCLUSION

- 5.01 The proposed development complies with the Maidstone Local Plan 2017 and there would not be any unacceptable impacts on the character, appearance and visual amenity of the locality. The development would not result in any adverse impact in terms of amenity to the occupiers of neighbouring properties. The proposals would not result in any parking or highway safety issues.
- 5.02 The Kent Fire Service have indicated that the incorporation of a sprinkler system within the proposed dwelling would overcome the issues with regard to fire safety. This would be dealt with at Building Regulations stage, and an informative could be added to the decision notice on this matter. Clarification on the position of the settlement boundary and the Greensand Ridge Local Landscape Value is also within this report. Finally, conditions will be added with regard to renewables and biodiversity enhancements, and wording will be incorporated within the landscaping condition to ensure that sycamore trees and plastic guards are not part of any future landscaping details submitted.
- 5.03 The proposal would be acceptable with regard to the Local Plan, the NPPF and all other relevant material considerations. There are no overriding material considerations to indicate a refusal of planning permission would be required and the recommendation is to approve planning permission.

6. RECOMMENDATION

GRANT planning permission subject to the following conditions:

22 July 2021

- 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:
01 Dec 2020 1735.P01 Site Location, Block Plans, Proposed Plans
01 Dec 2020 Supporting Correspondence
01 Dec 2020 Tree Survey
01 Dec 2020 Design and Access Statement
04 Jan 2021 Arbtech AIA 01 Arboricultural Impact Assessment
04 Jan 2021 Arbtech TPP 01 Tree Protection Plan
12 Jan 2021 Preliminary Badger Survey
18 Feb 2021 Ecological Consultant Letter
18 Feb 2021 Photos x 12
18 Feb 2021 Site Plan
03 Mar 2021 Email from Arbtech re: badgers
03 Mar 2021 V2 Site Plan Annotated
Reason: To clarify which plans have been approved.

- 3) Prior to the commencement of development, the proposed slab levels of the building and the existing site levels shall be submitted to, and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;
Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

- 4) Prior to the commencement of development, the tree protection measures set out in the submitted documents (tree protection (TPP 01), arboricultural impact assessment (AIA 01) and arboricultural method statement by Arbtech dated 21st December 2020) shall be in place. All trees to be retained must be protected by barriers and/or ground protection. 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, nor ground levels changed, nor excavations made within these areas 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

- 5) Prior to the commencement of development, a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. The Construction Method Statement shall include (a) Routing of construction and delivery vehicles to / from site, (b) Parking and turning areas for construction and delivery vehicles and site personnel, (c) Timing of deliveries, (d) Provision of wheel washing facilities, (e) Temporary traffic management / signage, (f) Provision of measures to prevent the discharge of surface water onto the highway (g) Details to include noise and dust mitigation measures during construction (h) Details for precautionary mitigation measures to avoid impacting badgers during construction.
Reason: To ensure the construction of development does not result in an adverse impact on highway safety and biodiversity.

- 6) The development hereby approved shall not commence above slab level until a hard and soft 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 [provide details of on site replacement planting to mitigate any loss of amenity and biodiversity enhancements [together with the location of any habitat piles] and include a planting specification, implementation details and a 5 year management plan. [The landscape scheme shall specifically address the need to provide boundary treatment to the northern and western boundaries, and include details to demonstrate that the fencing will not prevent badgers accessing the application site or adjacent properties. The details provided shall not include the provision of sycamore trees or incorporate the use of plastic guards.
Reason: In the interests of landscape, ecology, neighbour amenity and to ensure a satisfactory appearance to the development.
- 7) Prior to first occupation of the approved dwelling all planting, seeding and turfing specified in the approved landscape details shall have been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of the dwelling 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.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 8) The development hereby approved shall not commence above slab level until written details and samples of external facing materials for the building hereby approved have been submitted to, and approved in writing by the local planning authority and the development shall be constructed using the approved materials
Reason: To ensure a satisfactory appearance to the development.
- 9) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site has 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 method integrated into the building structure such as swift bricks, bat tubes or bee bricks, and additionally through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the building and all features shall be maintained permanently thereafter.
Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.
- 10) The development hereby approved shall not commence above slab level until, details of satisfactory facilities for the storage of refuse and cycles on the site have been submitted to, and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building and maintained thereafter;
Reason: No such details have been submitted and in the interest of amenity and sustainable travel.
- 11) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, and these details shall be submitted to,

and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.

- 12) The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on the site, with the vehicle charging point thereafter retained for that purpose.
Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with policies within the NPPF.
- 13) Before the development hereby permitted is first occupied, the proposed bedroom and landing windows on the first floor west elevation shall be obscure glazed to Pilkington level 4 and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;
Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.
- 14) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the east and west facing walls of the building hereby permitted at first floor level or above.
Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of their occupiers.
- 15) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that shall be 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 external lighting shall be in accordance with the guidance issued by the Bat Conservation Trust and the Institute of Lighting Professionals. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such with no additional external lighting installed on the site thereafter.
Reason: In the interest of visual amenity and to protect ecology.
- 16) The conclusions of a badger survey (covering a 30 metre radius from all construction works and carried out by a qualified ecologist) and recommended mitigation measures and a timetable for implementation of the mitigation shall be submitted to, and approved in writing by the Local Planning Authority within one month of the failure to fully install all utility pipes (such as water, gas etc) associated with the development within 12 months of the date of the planning permission. The mitigation shall be installed in accordance with the approved details and timetable and retained as such thereafter.
Reason: In the interests of ecology.
- 17) No demolition/construction activities shall take place, other than between 0700 to 1900 hours (Monday to Friday) and 0700 to 1300 hours (Saturday) with no working activities on Sundays, Bank or Public Holidays.
Reason: In the interests of aural amenity.

INFORMATIVES

- 1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that

do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 2) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defense against prosecution under this act. Trees, scrub, hedgerows and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Vegetation is present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
- 3) The applicant is reminded that a sprinkler system will be required at Building Regulations stage in order to comply with fire safety, as set out by the Fire Safety Officer.
- 4) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Case Officer: Jocelyn Miller

REFERENCE NO - 20/505710/FULL			
APPLICATION PROPOSAL Erection of 1 no. four bedroom chalet bungalow with integral garage and associated parking. (Resubmission of 20/503671/FULL)			
ADDRESS 15 Amsbury Road Coxheath Maidstone Kent ME17 4DW			
RECOMMENDATION Grant Planning Permission subject to planning conditions			
SUMMARY OF REASONS FOR RECOMMENDATION An identical dwelling was granted on this site referenced 16/507443/FULL which was previously granted at committee taking into account the submitted version of the Maidstone Borough Local Plan. The proposed development complies with the policies of the adopted Maidstone Local Plan 2017 and policies within the NPPF and there are no over-riding material considerations to indicate a refusal of planning consent.			
REASON FOR REFERRAL TO COMMITTEE Coxheath Parish Council would like to see the application refused due to it being out of character with the surrounding area, over-development and poor access.			
WARD Coxheath And Hunton	PARISH/TOWN Coxheath	COUNCIL	APPLICANT Mr Robert Gordon
TARGET DECISION DATE 30/04/21		PUBLICITY EXPIRY DATE 22/02/21	

Relevant Planning History

16/507443/FULL Erection of 1no. four bedroom chalet bungalow with integral garage and associated parking. Approved at committee 13.01.2017

20/503671/FULL

Erection of 1no. four bedroom chalet bungalow with integral garage and associated parking. Withdrawn Decision Date: 06.11.2020

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site is located within the larger village of Coxheath, and comprises backland development within the garden area of 15 Amsbury Road. This area is residential in character and comprises a mix of detached and semi-detached bungalows and two storey dwellings. To the south of the site is open countryside with a public footpath (KM134) approximately 180 metres away.

1.02 The host property is a detached chalet bungalow set back from Amsbury Road by some 60 metres, and accessed by a private access road that runs between Nos 13 and 19. The access also serves No 17 Amsbury Road. The garden area lies to the east of No 15 and it is on this land that the proposed development is to be sited.

2. PROPOSAL

2.01 The proposal is for the erection of a detached, chalet bungalow with four bedrooms and an integral garage. The front elevation would face north and the driveway would be situated along the northern boundary of the site, with the integral garage complete with cycle storage projecting forward of the principle elevation.

2.02 The roof would include barn hips and several dormer windows on the north, south and west elevations. The front projecting roof would have a lower ridge than that of the main roof which would have a height of 7.2 metres. The materials have been identified as yellow facing bricks fibre cement roof tiles.

- 2.03 The ground floor would comprise a kitchen/diner and separate living room, utility, WC and study. The first floor would comprise four bedrooms all with en suite bathrooms.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 DM1, DM3, DM11, DM23, SP17

Neighbourhood Plans N/A

Kent Minerals and Waste Local Plan 2016

Supplementary Planning Documents Maidstone Landscape Character Assessment

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 4 representations received from local residents raising the following (summarised) issues
- Over-development
 - Over-bearance
 - Visual Impact
 - Overshadowing
 - Loss of Privacy
 - Loss of mature landscaping
 - Impact on wildlife
 - Highway safety, increase in traffic
 - Potential damage to drainage during construction
 - Noise and disturbance during construction

5. 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)

KCC Ecology

- 5.01 Sufficient information has been submitted to satisfy the query relating to badger setts. However, a pre-commencement condition should be added, with mitigation if necessary, to ensure the protection of any new badger setts in close proximity of the development proposal. Biodiversity enhancements would also be required.

Trees

- 5.02 The trees in need of removal are not considered to be of sufficient quality to pose an arboricultural constraint on the development. The proposed service route and access drive to the new dwelling will go through the root protection area of a number of adjacent trees, however the submitted information provides satisfactory mitigation measures (in accordance with BS5837:2012) to ensure their construction/installation will not unduly compromise the trees long-term health. All construction works are to strictly adhere to the recommendations of the submitted AMS and Tree Protection Plan by way of a suitable condition.

Environmental Services

- 5.03 No objection in terms of air quality, noise and dust may be an issue during construction, details of any lighting should be submitted by condition.

Minerals and waste

- 5.04 No comment

- 5.06 KCC Highways

The development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Visual amenity/design and layout/trees and landscape
 - Neighbour amenity
 - Biodiversity
 - Highways

Visual amenity/design and layout/trees and landscape

- 6.02 Policy DM1 sets out that development proposals should respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage, incorporating a high quality, modern design approach and making use of vernacular materials where appropriate. DM11 sets out that the higher density of the site should not result in significant harm to the character and appearance of the area, or loss of amenity to adjoining properties. In addition, policy SP17 sets out that development proposals within landscapes of local value should, through their siting, scale, mass, materials and design seek to contribute positively to the conservation and enhancement of the protected landscape.
- 6.03 The application site is located on the edge of the settlement, with the southern boundary denoting the break between the larger village of Coxheath and the countryside. However, I note that the boundary of the Greensand Ridge Local Landscape Value overlaps the settlement boundary, stopping on the northern boundary of the application site.
- 6.04 The proposed dwelling is set in an 'L' shape, with an eaves height of 2.5 metres at the rear of the building and 3.5 metres at the front. The ridge height is 7.2 metres at the rear of the building and 6.7 metres at the front. The roofs are hipped with barn hips at each end. The access road is approximately 60 metres long, with the driveway located to the south of the application site. The dwelling is set back from the remaining dwellings on Amsbury Road on the periphery and within the settlement.
- 6.05 The style of development proposal is sympathetic with the mixed dwellings in the locality, which consist of two storey properties, chalet style dwellings and bungalows. The context would result in the proposed dwelling blending with the locality to the north of the application site and the host property to the east of the development.
- 6.06 The existing landscaping would be strengthened in conjunction with a landscaping condition that would require details to be submitted in accordance with the Maidstone Landscape Character Guidance, and this would help to alleviate any potential impact on the Landscape of Local Value to the south of the site. For this reason, the design and layout of the development proposal would be considered acceptable in terms of the rural character of the locality to the south of the site.

Neighbour amenity

- 6.07 Policy DM1 encourages new development to respect the amenities of neighbouring properties and provide adequate residential amenities for future occupiers by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion. The proposals should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.08 I note a first floor bedroom window on the west elevation would face No 15, at a distance of 20 metres to the windows of bedrooms in the rear elevation of the property. This has the potential to give rise to overlooking issues to both the

neighbour and the future occupiers of the application site however, as it is a secondary window, a condition can be attached to obscure glaze and fix shut the one on the west elevation. The first floor landing velux window will have the same condition attached.

- 6.09 The two bedroom windows and the landing window on the first floor south elevation would be located at least 40 metres from the rear elevations of the neighbouring properties. Sufficient boundary treatment would be maintained in order for privacy to be retained for both occupiers of the neighbouring properties and future occupiers of the application site for any amenity issues to be minimised. From the first floor, the separation distances would be considered acceptable for any impact with regard to amenity issues to be minimised.
- 6.10 The eastern elevation will have two velux windows to en suite bathrooms at first floor level however, their siting and location, along with the fact that they are not serving habitable rooms, would minimise the likelihood of any loss in amenity. The ground floor windows of the proposed dwelling would not result in a loss of privacy due to the high hedge that is on the boundary. The separation distance of the dwelling would alleviate any issues in terms of privacy, for both the neighbours and future occupiers.
- 6.11 The separation distances between the proposed dwelling and the neighbouring properties would not, given the scale and siting of the dwelling, result in a loss of amenity in terms of overshadowing and over-bearing. The use of the access for one additional dwelling would not result in an unacceptable increase in noise and disturbance. I consider that, on balance, the introduction of a new dwelling in this location to be acceptable.

Biodiversity

- 6.12 Local Plan policy DM3 encourages development that responds to the natural environment by ensuring that it protects and enhances it where appropriate.
- 6.13 Due to the lack of information in the ecological survey considering the possibility of a badger sett being within the adjacent properties, officers visited the site on 10.03.2021 to give further consideration of whether it was likely that there was a badger sett present.
- 6.14 The main concern was the risk that the installation of the proposed utilities (rather than the proposed dwelling) would damage/impact a badger sett if present within the adjacent gardens. Although the visit did not comprise a detailed badger survey, all the neighbouring gardens visited (including the applicant's property, 13, 9 (which extends beyond the rear of 11) and 5) did not find/identify any features that would suggest that an active badgers sett is present which would result in the recommendation for an updated badger survey to be carried out prior to the determination of this application. However, badgers have been confirmed as foraging within all of the site so there is a sett present within the surrounding area.
- 6.15 A number of the gardens are overgrown so it is possible that a badger could establish within the site or surrounding areas in the future. The utilities for this application will be installed along the southern boundary therefore if a badger sett does establish there is a risk that the installation works will impact a badger sett. Therefore we would suggest that, if works have not commenced within 12 months of works planning permission being granted there would be a need for a pre commencement survey and, if required, a mitigation strategy could be required as a condition.
- 6.16 The submitted information has confirmed that badgers are foraging within the site and therefore we advise precautionary mitigation measures are included within construction management plan to ensure that badgers are not injured or killed

during the construction period (if granted) – it must be a specific requirement of the condition wording for the CMP.

- 6.17 Badgers have been confirmed as foraging/commuting within the site and the surrounding properties and therefore we advise that any boundary fencing must continue to enable the free movement of the badger population – we advise that this is incorporated into the requirement for the fencing.

Bats

- 6.18 Due to the location of the proposed development site it is likely that bats are present foraging within the site and therefore any artificial lighting may have a negative impact. For this reason, a site wide lighting condition has been advised that requires the lighting plan to follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals. This condition will also benefit the badgers.

Breeding birds

- 6.19 There is suitable habitat within the site for breeding birds. All breeding birds and their young are protected under the Wildlife and Countryside Act 1981 (as amended) and therefore we advise that an informative is included - Suggested wording at the end of the report.

Biodiversity enhancements

- 6.20 Planning applications are expected to provide a net gain for biodiversity and, as such, biodiversity enhancements would be expected as part of this application, and a condition will be added to ensure that this is the case.

Highways

- 6.21 Policy DM23 takes into account the accessibility of the development and availability of public transport, the type of the development, the level of car parking, cycle facilities on new developments and the incorporation of electrical vehicle charging infrastructure.

- 6.22 Access to the site is gained from the existing access to Nos 15 and 17 Amsbury Road. The access point is an existing one and defined already by two other properties. Ingress and egress from Amsbury Road has good visibility. The access link has good forward visibility and the chance of conflict will be minimal, as it serves only 3 properties.

- 6.23 The new dwelling would be served by two ~~external~~ parking spaces, with sufficient room for parking and turning of vehicles. There is also sufficient space for the storage and collection of refuse without harm to amenity, access or highway safety. It is not considered that the proposal will have any adverse impact on the highway network or highway safety, and there has been no objection received from KCC Highways. An electric vehicle charging point will be added as a condition.

Other Matters

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

PUBLIC SECTOR EQUALITY DUTY

- 6.25 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 The proposed development complies with the Maidstone Local Plan 2017 and there would not be any unacceptable impacts on the character, appearance and visual amenity of the locality. The development would not result in any adverse impact in terms of amenity to the occupiers of neighbouring properties. The proposals would not result in any parking or highway safety issues.
- 7.02 The proposal would be acceptable with regard to the Local Plan, the NPPF and all other relevant material considerations. There are no overriding material considerations to indicate a refusal of planning permission and the recommendation is to approve planning permission.

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

01 Dec 2020 1735.P01 Site Location, Block Plans, Proposed Plans

01 Dec 2020 Supporting Correspondence

01 Dec 2020 Tree Survey

01 Dec 2020 Design and Access Statement

04 Jan 2021 Arbtech AIA 01 Arboricultural Impact Assessment

04 Jan 2021 Arbtech TPP 01 Tree Protection Plan

12 Jan 2021 Preliminary Badger Survey

18 Feb 2021 Ecological Consultant Letter

18 Feb 2021 Photos x 12

18 Feb 2021 Site Plan

03 Mar 2021 Email from Arbtech re: badgers

03 Mar 2021 V2 Site Plan Annotated

Reason: To clarify which plans have been approved.

- 3) The development hereby approved shall not commence above slab level until a hard and soft landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted for approval 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 [provide details of on site replacement planting to mitigate any loss of amenity and biodiversity enhancements [together with the location of any habitat piles] and include a planting specification, implementation details and a 5 year management plan. [The landscape scheme shall specifically address the need to provide boundary treatment to the northern and western boundaries, and include details to demonstrate that the fencing will not prevent badgers accessing the application site or adjacent properties.

Reason: In the interests of landscape, ecology, neighbour amenity and to ensure a satisfactory appearance to the development.

- 4) The occupation of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season

(October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property 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.

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

- 5) The development hereby approved shall not commence above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted for approval in writing by the local planning authority and the development shall be constructed using the approved materials

Reason: To ensure a satisfactory appearance to the development.

- 6) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the east and west facing walls of the building hereby permitted at first floor level or above.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of their occupiers.

- 7) Before the development hereby permitted is first occupied, the proposed bedroom and landing windows on the first floor west elevation shall be obscure glazed to Pilkington level 4 and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

- 8) The development hereby approved shall not commence until details of the proposed slab levels of the building and the existing site levels have been submitted for approval in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

- 9) The development hereby approved shall not commence above slab level until, details of satisfactory facilities for the storage of refuse on the site have been submitted for approval in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

- 10) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted for approval 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 external lighting shall be in accordance with the guidance issued by the Bat Conservation Trust and the Institute of Lighting Professionals. The development shall thereafter be carried out in accordance with the subsequently approved details

and maintained as such with no additional external lighting installed on the site thereafter;

Reason: In the interest of visual amenity and to protect ecology

- 11) Prior to the commencement of development, the development hereby approved shall be carried out in accordance with details relating to the submitted tree protection (TPP 01), arboricultural impact assessment (AIA 01) and arboricultural method statement by Arbtech referenced Matthew Middle Dip., (Arb.), Tech.Arbor.A. and dated 21st December 2020.
Reason: In the interests of visual amenity and to safeguard the trees in this area. The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed and shall thereafter be retained for that purpose.
Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with policies within the NPPF.
- 12) The development hereby approved shall not commence until a method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted should include (a) Routing of construction and delivery vehicles to / from site, (b) Parking and turning areas for construction and delivery vehicles and site personnel, (c) Timing of deliveries, (d) Provision of wheel washing facilities, (e) Temporary traffic management / signage, (f) Provision of measures to prevent the discharge of surface water onto the highway (g) Details for precautionary mitigation measures to avoid impacting badgers during construction.
Reason: To ensure the construction of development does not result in an adverse impact on highway safety and biodiversity.
- 13) If all utility pipes (such as water, gas etc) have not been installed within 12 months of planning permission being granted a badger survey and details of any mitigation required must be submitted to the LPA for written approval prior to the commencement of development including ground clearance works. The survey must cover areas within 30 metres of the construction works and shall be carried out on and around the perimeters of the site in accordance with details that shall be submitted for approval in writing by the local planning authority.
Reason: In the interests of ecology.
- 14) The development hereby approved shall not commence above slab level until details for 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 integrated methods into the design and appearance of the new dwelling by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- 15) No demolition/construction activities shall take place, other than between 0700 to 1900 hours (Monday to Friday) and 0700 to 1300 hours (Saturday) with no working activities on Sundays, Bank or Public Holidays.

Reason: In the interests of aural amenity.

INFORMATIVES

- 1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- 2) Breeding birds
The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defense against prosecution under this act. Trees, scrub, hedgerows and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Vegetation is present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
- 3) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Case Officer: Jocelyn Miller

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Amendment to condition 12

12) The development hereby approved shall not commence until a method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted should include (a) Routing of construction and delivery vehicles to / from site, (b) Parking and turning areas for construction and delivery vehicles and site personnel, (c) Timing of deliveries, (d) Provision of wheel washing facilities, (e) Temporary traffic management / signage, (f) Provision of measures to prevent the discharge of surface water onto the highway (g) Details to include noise and dust mitigation measures during construction (h) Details for precautionary mitigation measures to avoid impacting badgers during construction.

Reason: To ensure the construction of development does not result in an adverse impact on highway safety and biodiversity.

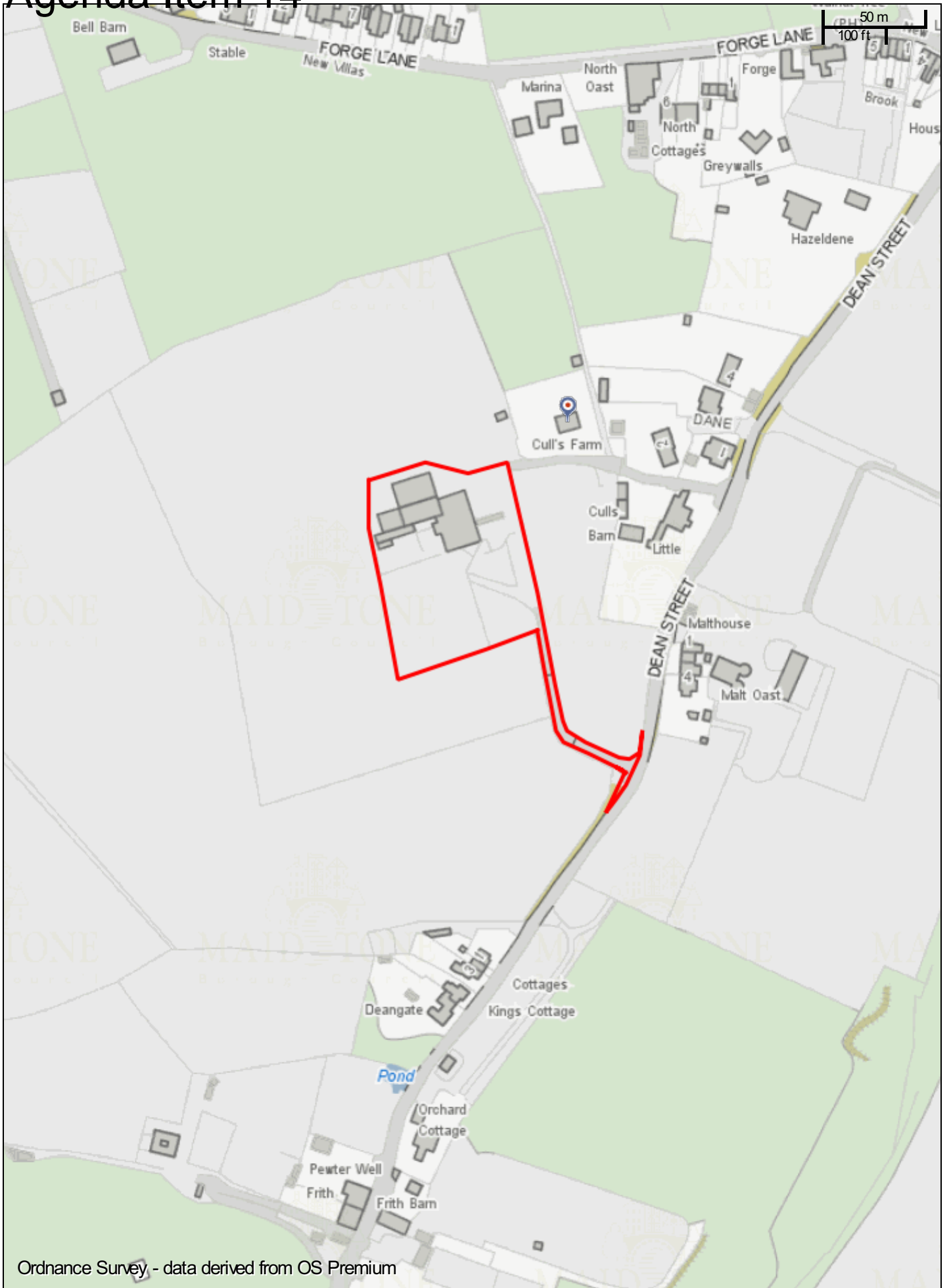
Typo in the following paragraphs:

4.01 There were 5 objectors, not 4

6.23 There are 3 parking spaces proposed, not 2

6.15 The utilities would be located on the northern boundary of the site, not the southern boundary

Agenda Item 14



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 20/506064/FULL
APPLICATION PROPOSAL Demolition of existing vehicle workshops and erection of 10 No. dwellings and 1 No. commercial office building with associated access roads, parking, landscaping, drainage, and utilising existing access.
ADDRESS Culls Farm Dean Street East Farleigh ME15 0PS
RECOMMENDATION Grant subject to Conditions
SUMMARY OF REASONS FOR RECOMMENDATION <p>This is a brownfield site in the countryside which is predominantly surrounded by close board fencing and comprised of large utilitarian buildings and associated hardstanding in car related industrial uses and extensive hardstanding for open storage or display of vehicles. The existing site is of poor environmental value. The proposed development will not extend beyond existing curtilage and does not harm the character or appearance of the adjacent countryside.</p> <p>Having regard to the DM5 test that development should result in significant environmental improvement, it is considered that the removal of the existing commercial car sales operation and car related industrial activities that are more typically suited to an industrial area, represent a material benefit.</p> <p>A small office building and a range of bespoke house styles reflecting a farmstead appearance is proposed in a low-density layout incorporating the use of local typologies and significant incorporation of vernacular materials. The layout and character are therefore of high quality and are in-keeping with the surrounding hamlet in this part of East Farleigh and thus achieve a significant improvement in the character of the area and its environment. The development would also result in the decontamination of the site that lies over a Principal Aquifer.</p> <p>The layout of the site as a whole and the individual plots will provide a good quality of amenity for future residents and there is no impact on the amenity of adjacent residents subject to suggested conditions.</p> <p>The scheme has been amended to improve the quality of layout and design. Further consideration of the boundary treatment in the suggested condition will aim to meet the objectives of rural character, security and privacy to residents. The Landscape Following submission the scheme has been amended to improve the layout and design and to create a more rural 'farmstead' layout and typology. The Landscape Appraisal has been updated to take on the advice of the MBC Landscape Officer</p> <p>There are no transport, environmental or other technical objections from Statutory Consultees.</p> <p>Suggested conditions on low carbon/renewable energy and Biodiversity Net Gain will add to the significant environmental improvement of the site.</p> <p>The development of this site comprising previously developed land accords with relevant Local Plan policies relating to their redevelopment in the countryside except in regard of one issue, that being environmental sustainability due to the location relative to access to local services. However, there is no net worsening of environmental sustainability due to existing use rights of the car-related businesses that operate from the site and this should be positively balanced in the consideration of the scheme in terms of the partial breach of policy DM5.</p>
REASON FOR REFERRAL TO COMMITTEE

Non-compliance with Policy DM5 of the MBLP in relation to residential development of a brownfield site in the countryside not accessible by sustainable modes to local shops and services.		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL East Farleigh	APPLICANT Williams Group Ltd AGENT Robinson Escott Planning
TARGET DECISION DATE 30/07/21		PUBLICITY EXPIRY DATE 15/07/21

Relevant Planning History

89/1245

Variation of condition (viii) on MA/88/0797W. .
Approved Decision Date: 06.10.1989

89/0944

Existing crash repair and spray shop (surplus to requirements) convert to storage workshop and office accommodation as validated and amended by agent's plan No. 89/118/01B received 16 August 1989.
Refused Decision Date: 20.10.1989

88/0797

Change of use of redundant agricultural building into vehicle repair and spray shop.
Approved Decision Date: 05.10.1988

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site measures some 0.75 hectares in size with the lawful use of land and buildings comprising a vehicle repair workshop (including paint shop, MOT garage and valeting) and car sales centre. These are in large modern buildings and portacabins, along with expansive areas used for the open storage/display of vehicles. The existing uses are B2 (General Industrial) and Car Sales (sui generis). The site therefore comprises previously developed land (brownfield land) in the countryside.
- 1.02 The village of Coxheath is located 0.5 km to the south. It is the nearest "larger village" which has shops and local services including reasonable public transport links. There is a bus route past the site but it is an infrequent service and the bus stop is 500m from the site and the section of Dean Street near the site has no streetlights or footpaths.
- 1.03 The site lies over 50m from Dean Street and over 190m from Forge Lane and existing field boundaries and housing etc effectively screen the development site from public view from those roads.
- 1.04 Residential properties of Dean Street lie beyond the eastern boundary with the northern, western, and southern boundaries adjoining open agricultural land. There is an existing footpath KM39 some 50m to the northeast. The East Farleigh Dean Street Conservation Area is 172m to the North east. The nearest Listed Buildings are Malt House Cottages, on the far side of Dean Street, just north of the access

to Dean Street. The Cottages are sited over 60m from the main part of the site itself.

- 1.05 The site is located on the western side of Dean Street and is accessed via a driveway leading from the highway. The application site includes an adequate visibility splay to the south but not one to the north as this is in different land ownership. The land slopes up slightly from north to south being approximately 76m AOD on the northern boundary and approximately 80 m AOD on the southern boundary
- 1.06 The boundary is mainly close board fencing on the southern western and northern boundaries and a hedge line with a wire fence on the eastern boundary. A short line of tall Leylandii Conifers is planted on the very north eastern corner of the site. There are some young semi -mature oak trees and a line of lime trees on the site but it mainly laid to hard surfacing.
- 1.07 The existing buildings to be removed have a volume of 5581 cubic m and existing hardstanding removed of 5338 sqm. The premises currently have a total gross external floor area of 1120.5sqm. The large industrial units are up to 7m high at the ridge and prefabricated portacabins used as offices are generally only 2.75m tall.
- 1.08 The site lies over a Principal Aquifer.

2. PROPOSAL

- 2.01 The application is for a development of 10 dwellings set around a courtyard area, in conjunction with a small traditionally designed office building of chalet style design incorporating 195 sqm of gross office space.
- 2.02 The use of the existing access onto Dean Street is retained with unaltered visibility splays.
- 2.03 The dwellings would comprise 5no. detached 4-bedroom family homes, 2no. detached 3-bedroom chalet style dwellings and a terrace of 3no 3-bedroom properties.
- 2.04 The buildings have been designed to appear as a farmstead style development with an informal circulatory road layout to ensure large vehicles such as refuse freighters and fire tenders can access but avoiding unsightly large turning heads.
- 2.05 The design of the properties includes 5 no. conventional 2-storey dwellings of red brickwork and tile hanging/weather boarding and clay tile or slate roof, 1 includes some ragstone to the front elevation; a row of 3 barn style terraced dwellings with black weather boarding and slate roof and lead clad dormers, and 2 chalet style detached dwellings, also of a barn style design using the same materials.
- 2.06 The office suite would also have a traditional rural appearance. This is angled around the corner at the site entrance to provide architectural interest. It will be ragstone faced on the front and one side elevation , hanging tiles on other side elevation and plain clay tile roof, with lead clad flat roofed dormers to front and rear of each wing.
- 2.07 The 3 double car barns are intended to represent cart lodges and would be brick or weatherboarded including some elevations in ragstone. The remaining 7 properties have 2 parking spaces each with 5 layby spaces for visitors. The office building has 7 parking spaces, to be enclosed by ragstone walls.
- 2.08 The landscape strategy indicates the use of post and rail fencing around the boundaries and brick and ragstone walls in the frontages.

- 2.09 The preliminary Ecological Report advises there is no evidence of reptiles, great crested newts, bats, dormice, badgers, hedgehogs or common mammals or protected flora. Recommended mitigation would be ecologically sensitive lighting; hedgehog friendly gravel boards; new native hedgerow planting; native and nectar rich planting; integrated bird and bat boxes, log piles etc.
- 2.10 A total of 8 trees are proposed to be removed to facilitate the construction. Eleven lime trees will be retained and incorporated within an area of open space also to be used for the creation of a SUDS pond and planting. Trees that are removed will be replaced with equivalent long lived and native species. A 'Tree Survey outlining tree protection procedures and a revised issue of the Landscape Strategy with updated layout and ash removed from plant mixes was issued.
- 2.11 A revised Landscape Appraisal has been submitted with updated comments on the MBC Landscape Character Assessment and Landscape Capacity Study. The site is located in Greensand Fruit-belt -Maidstone, an area that is defined as a landscape in a good condition with moderate sensitivity and visibility with a prescribed policy action of 'conserve & reinforce.' The site is located on the slope of an undulating ridgeline located between the two river valleys of the Medway and the Loose.
- 2.12 The landscape strategy is based upon a number of principles, namely:
- taller buildings are located on the lower-lying ground at the north of the site
 - Signage, street furniture and fencing will be kept to the minimum
 - Timber fencing will be used to define garden boundaries
 - Building materials, fencing, street furniture and fencing will be muted in colour
 - The use of reflective surfaces and street lighting minimised
 - A low native hedgerow with scattered standard trees will be planted along the northern boundary
 - Boundary vegetation of good condition will be retained and inter-planted with locally appropriate trees and shrubs to provide a new softened and densely vegetated edge to the site,
 - mosaic of habitats to form linkages with wildlife corridors in the surrounding landscape
 - a small orchard area with heritage varieties within the communal space (for foraging animals);
 - wildflower meadow areas with a close mown edge and a SuDS pond
 - tree and scrub planting of locally appropriate native species of UK provenance to increase biodiversity on-site
 - provide connectivity to existing wildlife corridors in the surrounding landscape
- 2.13 A Landscape and Visual Impact Assessment be undertaken in order to demonstrate that the new dwellings would not have a greater impact on the surrounding rural areas than the existing industrial/commercial buildings.
- 2.14 A ground investigation report concludes that additional confirmatory investigation be conducted following the clearance of the site down to slab level (i.e. post demolition but prior to removal of the ground slabs), in order to facilitate more representative investigation beneath buildings / areas of hardstanding by trial pits. To date there is evidence of some contamination of made ground and ground gas emissions. Areas of proposed soft landscaping/gardens be afforded with a minimum thickness of 300mm "clean" cover system over a marker layer.

- 2.15 The Sustainability and Energy Statement demonstrates that the proposed site and room layout takes into account the desire to manage passive solar gain and optimise natural daylighting; together with the use of efficient building fabric. Windows would be as double glazed and are low 'e' soft coat and argon filled. Improvement over Building Regulations are to be employed for air leakage, thermal bridging, plus the use of energy efficient lighting and controls.
- 2.16 In terms of renewables, solar hot water heating panels and PV panels are feasible but are not proposed specifically. Instead it is proposed to enhance the fabric insulation and the houses and office unit will have air source heat pumps, which will provide space heating and hot water to each (and potentially cooling too). Water efficiency measures incorporated within the houses achieves the enhanced standard required by the Building Regulations. Discretely located rainwater butts could be provided to store rainwater for irrigation of landscaping.
- 2.17 The Drainage Strategy states that the surface water shall infiltrate to ground on site via swales, pond, attenuation tanks and 2 deep bore soakaways.
- 2.18 The foul water is to drain via gravity to the sewer beneath Dean Street.

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017 SP17; SP19; SP20; DM1; DM5; DM12; DM19; DM21; DM23; DM30
- Kent Minerals and Waste Local Plan 2020
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Parish Council

East Farleigh PC support subject to adherence on:

- sustainability
- highways issues
- commercial office space would be non-manufacturing
- monitoring levels of HGVs in development stage
- vision splays
- tree Officer should consider the semi-mature Oak Trees at this location.

Local Residents:

- 4.01 Seven representations received from 4 local residents raising the following (summarised) issues
- over development with too much car traffic
 - not in a sustainable location, reliant on car use, breaches DM5
 - Coxheath is not accessible by foot
 - open countryside

- Dean Street traffic is dangerous and busy cut through between Coxheath and Maidstone – needs traffic calming near the entrance
- Dean Street is unsafe to walk to a bus stop or cycle along with no footpath
- access point is on a bend and unsafe
- unrealistic Transport Statement because it is a predominantly web based car showroom
- Transport Statement uses inappropriate TRICS data
- Plot 11 blocks a legal right of way
- removing existing close boarding fencing and replacing with post rail fencing will seriously affect privacy
- hedges are shown but are actually on neighbouring land
- new house owners will complain about agricultural work
- commercial element could harm amenity
- the Heritage Statement does not provide any assessment of the impact upon setting or the listed cottages
- the landscape and visual assessment has been submitted in draft form so little weight to its findings
- the overall layout of the development is very urban in form
- the current infrastructure is inadequate eg poor internet and water pressure

Issues of rights of way, water pressure, internet and complaints about agricultural work are not material planning considerations and therefore cannot be taken into account in the determination of this application. The right of way issue has, in any event, been resolved by an amendment to the layout. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

5. 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)

KCC (Highways and Transportation)

- 5.01 The access will be via the current arrangement that serves the business venture known as Williams Group, as a priority junction, off Dean Street. The visibility splay to the north of the priority junction with Dean Street does not meet the guidance set out in Manual for Streets. The splay to the south achieves 43 metres of visibility. If the junction was not already in place, it would not be accepted on safety grounds, however, of the personal injury collisions reported on CrashMap, it shows that the priority junction does not have any historic highway safety issues that require addressing as part of this application. Visibility for vehicles turning into the development, along Dean Street, is adequate in both directions.
- 5.02 A refuse freighter can access the site, with no issues
- 5.03 TRICS Database has been used to assess trips generated by the car displays and workshops, reducing from 208 per day to 80 per day with the redevelopment.
- 5.04 Each dwelling should have an Electric Vehicle Charging Point; 2 of the 5 office car parking spaces should be ready for Electric Vehicle Charging, with passive supply for the remaining 3 spaces

5.05 There is secure and covered cycle parking within the garden of each residential dwelling. We endorse the proposed £100 cycling voucher with each dwelling, but would ask if this could be extended to two x £100 vouchers, which may minimise the dependency on car travel, especially if e-cycles could provide an alternative to car. The office development will also have secure and covered cycle parking on site.

5.06 Unfortunately, Dean Street is without footways which restricts the ability to access bus services in the area, the nearest being on the junction with Forge Lane.

Natural England

5.07 No comments but refers to its Standing Advice to assess impacts on protected species.

KCC Ecology

5.08 Sensitive lighting design for bats should be secured.

5.09 Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) unless there is examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged.

5.10 The ecology report recommends suitable enhancement measures which should be incorporated into the development. This includes native tree/hedge planting and provision of integrated bird/bat bricks.

Kent Police

5.11 Recommend "Secured By Design" initiatives relating to: appropriate garden boundary treatments; post and rail fencing needs additional thick hedging is installed with wire stock type mesh fencing. SBD Homes 2019 guidance is that all garden fencing should be 1.8m in height. Any lighting plan should be approved by a professional lighting engineer to help avoid conflict and light pollution. Bollard lighting should be avoided. Parking for plots 2 and 3 needs natural and informal surveillance.

5.12 Following amendments: we have no objections to make regarding this planning application and no further comments to make regarding the additional information provided.

Environment Agency

5.13 No objections subject to contamination conditions.

KCC (Flood and Water Management

5.14 Initial Response: We would expect an on-site ground investigation to support the use of infiltration. It is recommended that soakage tests be compliant with BRE 365. Where there is any exceedance of the drainage network above the 30 year event, the exceedance plan should illustrate where exceedance occurs and the extent and depth of flooding. Exceedance must be controlled within the site boundary.

5.15 Final Response: We have reviewed the re-submitted Drainage Strategy and Maintenance Requirements Rev A and agree in principle to the proposed development.

Southern Water

5.16 Southern Water requires a formal application for a connection to the public foul sewer. Where SUDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-

term maintenance to avoid flooding which may result in the inundation of the foul sewerage system.

KCC Archaeology

- 5.01 The site lies in an area of archaeological potential associated with Roman and Post Medieval activity. Roman remains are known in the area and Culls Farm is part of a historic farm complex identifiable on the 1st Ed OS map. In view of the potential for Roman and later remains recommend archaeological evaluation.

MBC Environmental Protection

- 5.02 Traffic noise is unlikely to be significant. Do not consider the scale and/or location warrants either an air quality assessment or an Air Quality Emissions Reduction condition applied to it. However, installation of Electric Vehicle charging points would be a useful promotion of a sustainable travel option.
- 5.03 The site is currently a brownfield site previously used for storage and vehicle workshops, with historical use for agricultural purposes, and lays over a Principal Aquifer so suggest a contaminated land condition. The Preliminary Geo-Environmental Site Investigation Report report recommends further investigation of the site and various mitigation measures. No indication of high radon. The application form states that foul sewage will be dealt with via mains system; and the Council has no records of any known Private Water Supplies in the vicinity.
- 5.04 Details regarding any external lighting should be required as a condition of any planning permission granted.
- 5.05 Any demolition or construction activities may have an impact on local residents and so the usual conditions/informatives should apply in this respect. The buildings being demolished should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.

MBC Parks

- 5.06 As the proposed site contains 10 residential dwellings there would be a requirement of 0.22 hectares of meaningful on-site open space within the development. For the purpose of our requirement calculations, the area on-site open space has been estimated as 0.0645ha.

MBC Landscape Officer

- 5.07 Initial Comments: The submitted Landscape Appraisal appears to be a draft and the baseline assessment considers the old 2004 version of the Maidstone Landscape Character Assessment and then references the Landscape Guidelines (LCA Supplement, dated March 2012, amended July 2013) It does not take account of the Maidstone Landscape Capacity Study. The Landscape Strategy Plan needs to reflect the Landscape Guidelines for the character area in which the site is located but should not include Ash trees as their planting is currently still restricted due to Ash Die-Back. There are a number of trees shown to be removed but no tree survey or arboricultural constraints appear to have been used to inform the design as recommended in BS5837:2012. However, the trees in question are small in stature and therefore their removal and replacement may be appropriate. Require an Arboricultural Method Statement, including protection details, to avoid the need for a pre-commencement condition if permission were to be granted.
- 5.08 Additional Comments: My initial comments have been addressed in revised report with updated comment on the MBC Landscape Character Assessment (March 2012 and updated July 2013) and Landscape Capacity Study (January 2015).

- 5.09 The trees affected by the development proposal (as detailed in the submitted tree survey report by KPS, dated 18th March 2021) are small in size and not considered to be of any quality to be an arboricultural constraint. Therefore, no arboricultural grounds for refusal, provided the development follows the recommendations and tree protection measures contained within the submitted tree survey.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Principle
- Sustainability
- Highways
- Design and Layout
- Affordable Housing

Principle

- 6.02 The Local Plan identifies that windfall development is an important element of the overall housing delivery strategy. However, in relation to the principle of development, the site lies within the Countryside subject to policy SP17 of the Local Plan where development proposals will not be permitted unless they accord with other policies in the plan and they will not result in harm to the character or appearance of the area.
- 6.03 In terms of the employment use in the offices, Policy SP21 supports proposals for economic development in rural areas. Policy SP22 does not safeguard the existing site as an economic development area.
- 6.04 The site is previously developed land and Policy DM5 of the Local Plan supports the proposals for residential development of brownfield sites in the countryside which would result in significant environmental improvements to the site. This is where the site is accessible by sustainable modes to a rural service centre or larger village and also where that the land is not of high environmental value. Policy DM5 includes tests, namely:
- Is the existing site of a high environmental value ?
 - Does the density and character reflect the surrounding area ?
- 6.05 The existing site is not of a high environmental value, with utilitarian buildings/ structures and a number of large areas of external vehicle display. It does not make a positive contribution to the character and appearance of the area.
- 6.06 Due to the site's relationship to existing built development and limited visibility from the surrounding countryside, subject to the design and character of the development, the principle of residential development with a small office building would not impact upon the wider rural character of the area and therefore accords with Policy SP17 and the relevant tests within DM5.
- 6.07 Both the NPPF and the Local Plan recognise that good design is a key aspect of sustainable development. Policy DM1 emphasises the importance of good quality design whilst DM30 provides further guidance in respect of rural sites, where sensitivity to local typology is emphasised. In addition the Council has adopted its own version of BfL12 as a tool to help shape new residential development.

- 6.08 The scheme has responded to a number of relevant BfL 12 criteria: 2 swales and a SuDS Pond combine surface water attenuation with ecology and visual amenity benefits; the type and size of housing is designed to meet local needs; the design of the dwellings reflect local character; adequate car parking is provided to meet needs without dominating the layout due to careful siting of car barns and scope for ragstone/brick screen walling; the layout ensures that private gardens are orientated to optimise natural light; the communal open area is positioned to provide place making; there is provision for cycle storage to both offices and dwellings.
- 6.09 The density of development, with 10 dwellings provided, would be 13.3 dwellings per hectare which strikes a balance between making an efficient use of the land and providing a development that responds to the rural character of the site with elements of a "farmstead" appearance.
- 6.10 The footprint of the development is similar to existing although the volume is approx. 100 cubic m greater.. This has arisen from revisions to the scheme which, inter alia, introduced car barns instead of integral garages to improve the appearance of the dwellings to be more traditional and to reduce and screen areas of open vehicle parking. In my view, this marginal level of increase in volume (c. 1.8%) does not impact on the countryside but does achieve significant environmental improvement from design and street scene benefits.
- 6.11 The ridge heights of the proposed buildings will be higher than the existing structure (between 1.23 to 2.33m taller) as they are located throughout the site on sloping land, but the height of the structures will be lower than the established ridge heights of cottages higher up on Dean Street: the scale and the massing of built form is appropriate to the rural village edge setting.
- 6.12 The detailed Landscape Appraisal concludes that the impact of the proposal on the wider landscape has been considered and the sensitive design approach employed represents a development that is appropriate to the site's rural setting.
- 6.13 The public views to the site from the locality are filtered by orchard planting, roadside and field boundary hedgerows, shaws and shelterbelts or topography, which restricts views east to west. There are limited close to medium range viewpoints from publicly accessible land towards the site. The only identified views towards the existing garage and workshop roofline from the immediate locality are from a very short section of Dean Street and the access drive.
- 6.14 The roofline of the proposed development will be below the established height of the existing residential buildings in the locality and the ridgeline which continues to rise above the site. The use of dark materials in the design of the buildings on the western boundary will form a recessive feature and thus serve to reduce visual impact.
- 6.15 There are no identified views from heritage assets or Conservation Areas and limited long-distance views from public rights of way in the wider landscape due to the extensive orchard, shelter belt and field boundary hedge planting and the topography.

Sustainability

- 6.16 The site is some distance from the defined larger village of Coxheath and the lack of footway and streetlights means that the site is not accessible by sustainable modes to a rural service centre and so is in conflict with that aspect of DM5. In order to assess compliance with policy DM5 relating to the redevelopment of previously developed land, it is relevant to take account of the existing use of the land when considering if the site is environmentally sustainable.

- 6.17 Members are advised that the reasoned justification to policy DM5 is as follows (my emphasis):

"Exceptionally, the council will consider proposals for residential development on brownfield sites in rural areas. Key considerations will include:

- The level of harm to the character and appearance of an area;*
- The impact of proposals on the landscape and environment;*
- Any positive impacts on residential amenity;*
- What sustainable travel modes are available or could reasonably be provided;*
- **What traffic the present or past use has generated; and***
- **The number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives."***

- 6.18 Policy SP11 defines the nearest village of Coxheath as forming one of the larger villages with a range of shops and local services. However, whilst Coxheath is within walking distance, the site's occupants are unlikely to regularly access the village by cycle or on foot and the site is therefore not sustainable as a location for new development.

- 6.19 The submitted report by "Motion" firm of transport consultants states that the application site represents a sustainable form of development when compared to the likely vehicle movements etc associated with the existing car workshop and showroom.

- 6.20 Members are advised that appeal Inspectors are increasingly referring to net sustainability when considering this matter and the applicant's reference to comparison with the existing use rights of a B2 premises and car sales business is therefore of merit in my view. As mentioned by objectors, I do concur that the TRICS data does overstate this somewhat as it categorises the existing use as an edge of town car showroom and hence estimates 208 x 2-way movements in the working day compared to 80 for the proposed dwellings and offices. However, even allowing for the vehicle repair use taking up most of the floorspace with the likelihood of car sales being increasingly web-based as a trend, it would nonetheless be difficult to demonstrate that the redevelopment as proposed generates more car use than the existing or potential use of a commercial premises of such a large floorspace. In addition, net trip distances to local services are relatively short whereas the catchment area for customers visiting the car sales in particular would be wide.

- 6.21 Therefore I am of the opinion that there is no demonstrable net worsening of environmental sustainability due to the specific existing use rights and this should be positively balanced in the consideration of the scheme in terms of the assessment against policy DM5.

Highways

- 6.22 Policies DM21 and DM23 focus on assessing the transport impact of the development and the Council's parking standards.
- 6.23 The applicant's Transport Statement states that the proposals will result in a reduction in traffic flow on the surrounding highway when compared to the existing use.
- 6.24 KCC (H&T) do not object to the scheme on transport or parking grounds. This is despite the poor visibility from the access to the north as they state this is an existing situation for a busy access yet their analysis of crash data indicates no concerns for them.

- 6.25 The Highway Authority has requested a Construction Management Plan but due to the distance of the main development site from the public highway, it is not considered necessary in this case. However, an informative is suggested in regard of wheel washing and dust mitigation and that the PC be contacted with regard to routing of construction traffic.

Design, Layout and Landscape Impact

- 6.26 Policy DM1 outlines the principles of good design requiring all development to be of a high quality responding positively to the character and appearance of the local area in which it is situated. DM30 provides further guidance in respect of rural sites, where sensitivity to local typology is emphasised.
- 6.27 Policy DM1 also requires new development to create high quality public realm whilst respecting the amenities and occupiers of surrounding properties. It states that development should have regard to the existing landscape value of the surrounding area and should also look to protect biodiversity and requires any new proposals to provide adequate storage of waste including the provision for increased recyclable waste.
- 6.28 Policy DM12 concerns the density of housing development and seeks in principle for sites around the rural service areas and larger villages to achieve a density of 30 dwellings per hectare. However, this is to be read in conjunction with policy DM5 where sites in countryside locations are being considered. Here, a lower density of development is to be expected which explains and justifies the density proposed in this case of 13.3 dwellings per hectare. This strikes a balance between making an efficient use of the land and appearing in keeping with the rural setting of the site and its surroundings.
- 6.29 The scheme proposes a range of house designs in order to create variety within the scheme and rural typologies and good levels of detailing. The development is in keeping with the rural vernacular and the density of surrounding built form that can be seen within this part of Dean Street. In terms of architectural design, a traditional vernacular has been developed with high quality materials that would appear in keeping with a 'farmstead' style. The proposed palette of materials includes ragstone/red brick, timber weatherboarding, clay hanging tiles and clay or slate roof tiles. It will be necessary to specify the quality of the materials in a planning condition along with certain constructional details.
- 6.30 Details of the hard landscaping will be secured by condition to ensure that the appearance of the road surfaces and parking areas are also appropriate to this rural setting and continue the "farmstead" design approach.
- 6.31 It is considered that the scale and form of the development, together with the detailed design, materials and open/landscaped areas will lead to a high quality development in accordance with policies DM1 and DM30 subject to conditions as suggested to ensure that the proposed quality is achieved.

Open Space/Landscape/Ecology

- 6.32 Policy DM19 would require part of the site area to be accessible open space. However, the major proportion would be semi natural open space, which is not always appropriate to a development in a countryside location and where ecological mitigation is not required. The open area proposed is 645 sqm and is positioned to provide place making to the development and includes a pond, ecological features such as log piles and native landscaping (no Sycamores proposed).
- 6.33 Members will be aware that off-site open space is funded by CIL so contributions have not been sought.

- 6.34 An ecological assessment has identified that the existing site offers very limited habitat opportunity with no signs of protected species being present or foraging. This is due to the fact that the majority of the site is hard surfaced and/or commercially active.
- 6.35 Policy DM3 concerns the Borough's natural environment requiring the landscape character of important areas within the Borough to be recognised and it also seeks to ensure that no unacceptable harm to any protected species is caused. National Policy is moving towards 10% Biodiversity Net Gain and that can be achieved at this site. The applicant has indicated a commitment to provide ecological enhancements in the form of, for example, sensitive lighting; hedgehog friendly gravel boards; new native hedgerow planting; native and nectar rich new planting; integrated bird and bat boxes, log piles and a condition is suggested to secure this by the most appropriate methods.

Affordable Housing

- 6.36 Policy SP20 relates to affordable housing and specifies this is to be sought on development of 11 residential units or more or which have a combined floor space of greater than 1000sqm, so this is triggered here. Since the adoption of the Local plan, the NPPF was amended to refer to major development being where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more,
- 6.37 A Financial Viability Appraisal has been submitted in response to a policy requirement for affordable housing. The report reviews the financial viability of the scheme and confirms the development is unable to support the provision of any affordable housing. This is mainly based on the very high existing use value of the commercial premises on the site. The applicant has owned this site for many years and is therefore able to write off the land value ensuring deliverability.
- 6.38 The Financial Viability Appraisal has been reviewed by independent consultants (Dixon Searle) and it is confirmed that the existing use value means that with the low number of new units, it cannot be recouped in likely sale values. Dixon Searle have re-appraised the scheme with a much more conservative existing use value etc but they conclude that it still does not provide enough revenue with reasonable level of developer profit for there to be affordable housing contributions. The consultants further advised that they would not regard a review clause in a s106 agreement being warranted in this case, so this does not form part of the recommendation.

Other Matters

- 6.39 The area is safeguarded in the Kent Minerals and Waste Local Plan 2020. However, as the site is already developed, this not considered to be a constraint on the redevelopment proposed.
- 6.40 There is adequate distance between the new dwellings and office and neighbouring dwellings and their gardens so residential amenity is not affected by the siting of any of the dwellings and so policy DM1 is met in this regard but conditions on permitted development are suggested to ensure this in the long term.
- 6.41 The site is sufficient distance from the Conservation Area and any Listed buildings so as not to impact on Heritage Assets so Policy DM4 of the MBLP is not breached.
- 6.42 The application proposes specific renewable energy measures in the form of air source heat pumps rather than PV panels. It is recommended that renewable energy is secured by condition, also to seek rapid EV charging to dwellings and the offices with a requirement that the feasibility of PV panels of a suitable design and position be further investigated, eg roof integrated solar tiles.

- 6.43 A condition on sensitive external lighting is suggested that factors in the need for ecological and rural amenity aspects to be balanced against security requirements of Kent Police in accordance with Policy DM8.
- 6.44 The site can be decontaminated in principle subject to appropriate suggested conditions, according with policy DM 3 (Natural Environment). Similarly, foul and surface water drainage have technical solutions and the SuDS strategy accords with the desired hierarchy by including 2 swales and a pond and this is considered to be acceptable due to the added benefits of ecology and water quality from such features.
- 6.45 In terms of local representations, most matters have been addressed in the preceding sections. The issue over the boundary treatment affecting privacy can be dealt with by condition and it would be a requirement that neighbouring amenity is not affected.

CIL

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

PUBLIC SECTOR EQUALITY DUTY

- 6.47 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 This is a brownfield site in the countryside which is predominantly surrounded by close board fencing and comprised of large utilitarian buildings and associated hardstanding in car related industrial uses and extensive hardstanding for open storage or display of vehicles. The existing site is of poor environmental value. The proposed development will not extend beyond existing curtilage and does not harm the character or appearance of the adjacent countryside.
- 7.02 Having regard to the DM5 test that development should result in significant environmental improvement, it is considered that the removal of the existing commercial car sales operation and car related industrial activities that are more typically suited to an industrial area, represent a material benefit.
- 7.03 A small office building and a range of bespoke house styles reflecting a farmstead appearance is proposed in a low-density layout incorporating the use of local typologies and significant incorporation of vernacular materials. The layout and character are therefore of high quality and are in-keeping with the surrounding hamlet in this part of East Farleigh and thus achieve a significant improvement in the character of the area and its environment. The development would also result in the decontamination of the site that lies over a Principal Aquifer.
- 7.04 The layout of the site as a whole and the individual plots will provide a good quality of amenity for future residents and there is no impact on the amenity of adjacent residents subject to suggested conditions.

- 7.05 The scheme has been amended to improve the quality of layout and design. Further consideration of the boundary treatment in the suggested condition will aim to meet the objectives of rural character, security and privacy to residents. The Landscape Following submission the scheme has been amended to improve the layout and design and to create a more rural 'farmstead' layout and typology. The Landscape Appraisal has been updated to take on the advice of the MBC Landscape Officer
- 7.06 There are no transport, environmental or other technical objections from Statutory Consultees.
- 7.07 Suggested conditions on low carbon/renewable energy and Biodiversity Net Gain will add to the significant environmental improvement of the site.
- 7.08 The development of this site comprising previously developed land accords with relevant Local Plan policies relating to their redevelopment in the countryside except in regard of one issue, that being environmental sustainability due to the location relative to access to local services. However, there is no net worsening of environmental sustainability due to existing use rights of the car-related businesses that operate from the site and this should be positively balanced in the consideration of the scheme in terms of the partial breach of policy DM5.

8. 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) The development hereby permitted shall be carried out in accordance with the following drawings: 5990-PD 01 A Site Location Plan ; 5990-PD 10 B Proposed Site Plan ; 5990-PD 15 B Plot 1 Proposed Plans, Elevations & Sections ; 5990-PD 17 A Plots 2 & 3 Proposed Plans, Elevations ; 5990-PD 19 Plots 4 & 5 Proposed Plans Elevations Section ; 5990-PD 21 A Plot 6 Proposed Plans, Elevations & Sections ; 5990-PD 23 Plots 7, 8 & 9 Proposed Plans Elevations Section ; 5990-PD 25 B Plot 10 Proposed Plans, Elevations & Sections ; 5990- PD 27 B Plot 11 Proposed Plans, Elevations & Sections ; 5990-PD 30 B Proposed Sections - Sheet 1 ; 5990-PD 31 B Proposed Sections - Sheet 2 ; 5990-PD 35 Proposed Shed Plans Elevations ; 5990-PD 36 Proposed Bin Store Plans Elevations ; 5990-PD 38 A Plots 10 & 11 Garage Proposed Plans & Elevations ; 5990-PD 39 A Plot 06 Garage Proposed Plans & Elevations;
Reason: For the avoidance of doubt.
- 3) Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
 - i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded. These details are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 4) Other than essential demolition to allow further site investigation for b), the development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved by the local planning authority:

a) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.

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

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

Reason: To avoid pollution and harm to health. These details are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 5) Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the LPA. Any long-term monitoring and maintenance plan shall be implemented as approved.
Reason: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

- 6) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the LPA.
Reason: There is always the potential for unexpected contamination to be identified during development groundworks.

- 7) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved the local planning authority. The detailed drainage scheme shall be based upon the Drainage Strategy and Maintenance Requirements Rev A prepared by Hodel dated 24 February 2021 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

-that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters

- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 8) No building 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.

- 9) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- 10) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, which may be

given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of groundwater.

- 11) The office building shall be used as offices as a primary land use and for no other purpose (including any other purpose in Class E of the Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).

Reason: To allow control of the use of the building to safeguard the character, appearance and functioning of the surrounding area and/or residential amenities.

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

Reason: To safeguard the character, appearance and functioning of the surrounding area.

- 13) Before the development hereby permitted is first occupied, the proposed window to the first floor east elevation of plot 11 shall be obscure glazed and shall subsequently be maintained as such to the satisfaction of the local planning authority;

Reason: To prevent overlooking of adjoining properties.

- 14) The construction of the dwellings shall not commence above slab level until written details and photographs of samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved by the Local Planning Authority. These shall include coursed ragstone, timber weatherboarding, clay hanging tiles, clay roof tiles and slate or recycled slate roof tiles. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- 15) The development hereby approved shall not commence above slab level until sample panels of ragstone demonstrating the colour, texture, bond and pointing of the mortar have been constructed on site which shall be approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The sample panels shall be retained on site until development using the relevant material is completed.

Reason: To ensure the quality of the development is maintained.

- 16) The development hereby approved shall not commence above slab level until sample panels of ragstone demonstrating the colour, texture, bond and pointing of the mortar have been constructed on site which shall be approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The sample panels shall be retained on site until development using the relevant material is completed.

Reason: To ensure the quality of the development is maintained.

- 17) Above ground construction work on the approved buildings shall not commence until full details of the following matters in the form of large scale drawings (at least 1:20 scale) have been submitted to and approved in writing by the Local Planning Authority:
- a) External windows and doors
 - b) Details of eaves and gables
 - c) Details of door and window headers and cills.
 - d) Details of roof hips and ridges.
 - e) Details of dormer windows
- The development shall be carried out in accordance with the approved details.
Reason: To ensure a high quality appearance
- 18) The development hereby approved shall not commence above slab level until details of roadways and hard landscape works have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings.
Reason: To ensure a satisfactory appearance to the development
- 19) All existing trees and hedges on and immediately adjoining the site shall be retained, unless identified on the approved site plan as being removed, except if the Local Planning Authority gives prior written consent to any variation. All trees and hedges shall be protected from damage in accordance with the current edition of BS5837 and in accordance with the Tree Survey by "kps" hereby approved. Any trees or hedges removed, damaged or pruned such that their long term amenity value has been adversely affected shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions to mitigate the loss as agreed in writing with the Local Planning Authority.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 20) Notwithstanding drawing KEN2071 Fig 4 Rev E, the development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape 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, provide details of on-site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles and include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide screening of the boundaries.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 21) The approved landscape details shall be carried out during the first planting season (October to February) following first occupation of the development. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation 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.

- 22) Notwithstanding drawing KEN2071 Fig 4 Rev E, construction shall not commence above roof plate level until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the first occupation and retained thereafter.

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

- 23) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved by the local planning authority. Measures shall include:

Rapid EV charging points to each dwelling

Active EV charging (of 22kW or faster) to the office building

parking

details of number and location of Air Source Heat Pumps

Investigation as to the provision of solar PV of a type compatible with the design of the scheme.

The approved details shall be installed prior to first occupation and maintained thereafter. If any PV panels are installed and are or become defective, they shall be replaced as soon as is reasonably practicable.

Reason: In the interests of sustainable and energy efficient form of development.

- 24) Plots 2 and 3 shall not be occupied until pedestrian visibility splays to their parking areas of 2m x 2m with no obstruction over 1.0m have been provided and shall be subsequently retained.

Reason: In the interests of highway safety.

- 25) The approved details of the access road shall be completed before the commencement of the use of buildings hereby permitted. The approved sight lines to Dean Street on 5990- PD 01 A "Site Location Plan" shall be retained free of all obstruction to visibility above 1.0 metres thereafter.

Reason: In the interests of highway safety.

- 26) The approved details of the cycle parking and the vehicle parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them. Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- 27) Prior to occupation, a lighting design plan for biodiversity should be submitted to and approved by the Local Planning Authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (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. No lighting shall be installed except in accordance with the approved scheme which shall be retained and operated in accordance with the approved scheme.
Reason: In the interests of biodiversity and rural amenity.
- 28) The development hereby approved shall not commence above slab level until details of a scheme for biodiversity net gain of at least 10% 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 integrated methods (such as swift bricks, bat tubes and bee bricks) and through the provision within the site (such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and native hedgerow corridors) and use of hedgehog friendly boundary treatments. The development shall be implemented in accordance with the approved details prior to first occupation and all features shall be retained thereafter.
Reason: To enhance the ecology and biodiversity on the site.

INFORMATIVES

- 1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 2) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.
- 3) Environment Agency advise that 'Preliminary Geo-Environmental Site Investigation Report' by SEC Ltd (reference 3199 19 08 09 Rpt 01 Rev 02 ES RR dated 14th August 2019). noted that not all areas of the site could be investigated due to operational constraints, and a supplementary post-demolition investigation was recommended. Four above ground hydrocarbon storage tanks also require appropriate decommissioning and removal.
- 4) The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of

foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

- 5) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/whatwe-look-after/highway-land/highway-boundary-enquiries>. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- 6) The buildings being demolished should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.
- 7) No demolition/construction activities shall take place, other than between 0700 to 1900 hours (Monday to Friday) and 0700 to 1300 hours (Saturday) with no working activities on Sundays, Bank or Public Holidays.
- 8) You are advised that wheel washing and dust mitigation should be carried out during the construction period.
- 9) You are advised to contact the Parish Council with regard to routing of construction traffic.

Case Officer: Marion Geary



20/505611/SUB Dickens Gate, Marden Road, Staplehurst, TN12 0PD

Scale: 1:5000

Printed on: 18/6/2019 at 13:46 PM by JoannaW



REFERENCE NO - 20/505611/SUB			
APPLICATION PROPOSAL			
Submission of Details to Discharge Condition 18 - Foul and surface water sewerage disposal subject to 14/502010/OUT.			
ADDRESS			
Hen & Duckhurst Farm, Marden Road, Staplehurst (Dickens Gate Development)			
RECOMMENDATION – APPROVE			
SUMMARY OF REASONS FOR RECOMMENDATION			
The statutory undertaker (Southern Water) is proposing a scheme to provide foul drainage capacity for the development and is advising that it will provide sufficient capacity. On this basis it is recommended that the details are approved.			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none"> Councillor Perry has requested the application is considered by the Planning Committee for the reasons set out in his comments. 			
WARD Staplehurst	PARISH COUNCIL Staplehurst	APPLICANT Barratt Homes AGENT Barratt Homes	
DECISION DUE DATE: 22/01/21	PUBLICITY EXPIRY DATE: N/A	SITE VISIT DATE: 05/07/21	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
14/502010	Outline application for the Erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.	APPROVED	03/02/17
17/506306	Approval of reserved matters application for the erection of 250 dwellings (Appearance, Landscaping, Layout and Scale being sought) and details of Conditions 5, 7, 9, and 10 relating to phasing, landscaping and ecology, pursuant to 14/502010/OUT (Outline application for the erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.)	APPROVED	15/06/18
18/505338	Submission of details pursuant to Condition 17: Sustainable surface water	APPROVED	17/02/19

	drainage scheme and condition 18 (foul and surface water sewerage disposal) for the first 50 dwellings only (original application ref: 14/502010/OUT).		
19/506336	Submission of Details to Discharge Condition 18 (Foul Water Sewerage Disposal) for 192 houses subject to 14/502010/OUT	APPROVED	14/09/20
20/501035 /HEDGE	Hedgerow removal notice - To establish access and working area for southern water sewer connection for a development	Hedgerow Retention Notice Issued	03/07/20
21/500117 /HEDGE	Hedgerow Removal Notice - Temporarily fully remove a 6m section of hedgerow, partly adjacent to the southern side of Marden Road and partly from an adjoining track with associated peripheral hedgerow plants to enable temporary construction access	Hedgerow Retention Notice Issued	05/03/21

1.0 DESCRIPTION OF SITE

1.01 This application to discharge a planning condition relates to the 'Hen and Duckhurst' approved housing development on the west edge of Staplehurst and to the north of Marden Road. The development of 250 houses is under construction with some properties occupied and is known as 'Dickens Gate'. The site is allocated for housing under policy H1(48) of the Local Plan.

2.0 PROPOSAL

2.01 This application is seeking approval for Condition 18 of the original outline permission relating to foul drainage. Foul drainage has been approved for up to 192 houses so far under applications 18/505338/SUB and 19/506336/SUB using the current capacity/infrastructure but with controlled flows and this submission seeks approval for the full 250 houses.

Condition 18 states:

The development hereby permitted shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Southern Water. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features and shall be completed in full prior to the first occupation of the dwellings hereby permitted.

Reason: To ensure that foul and surface water is satisfactorily managed and disposed of from the site and in the interests of protection of local wildlife.

2.02 The proposals for foul drainage have been worked up with the statutory undertaker (Southern Water) and involve the installation of a below ground

attenuation tank near to the existing pumping station to the southwest of the site on the south side of Marden Road. The attenuation tank would provide additional capacity to mitigate the pumping station being overwhelmed and provide full capacity for the 250 houses.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SP10, ID1, H1(48)
- Staplehurst Neighbourhood Plan: PW1, H4
- Kent Waste and Minerals Plan (amended 2020)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 3 representations received raising the following (summarised) points:

- Of the opinion that the applicant can do no more with regards to the resolving problems with sewage and so raise no objections.

4.02 **Councillor Perry** requests the application is considered by the Planning Committee and states as follows:

"In the light of the major issues with foul water dispersal that were experienced by residents on the Hen and Duckhurst site and in the Marden Road area, a meeting took place between Helen Grant and the Chief Executive of Southern Water to discuss how this can be resolved. As a result, Southern Water has agreed to undertake an urgent review in which all options will be considered. As one of the Ward Members I would wish this application to be brought before the Planning Committee for a decision if Officers were minded to approve."

5.0 CONSULTATIONS

5.01 **Southern Water:** Have outlined their proposals to provide foul drainage capacity and recommend that the submitted details are approved.

6.0 APPRAISAL

6.01 This is a condition discharge application where the only consideration is whether the proposals to provide foul drainage capacity for the 250 houses are acceptable or not. The reason for the condition is to ensure foul water is satisfactorily managed and disposed of from the site.

6.02 Relevant to foul drainage, the site allocation policy (H1(48)) in the Local Plan states permission will be granted if:

13) A connection is provided to the local sewerage system at the nearest point of adequate capacity, in collaboration with the service provider.

6.03 The site allocation policy (H4) in the Neighbourhood Plan states that the site can be developed for up to 250 houses provided:

8) The development makes provision for an adequate sewerage connection and for the protection of existing sewers on the site or their diversion, in accordance with the requirements of Southern Water.

6.04 Southern Water (SW) are the statutory undertaker/service provider who have an obligation to provide foul drainage capacity for the new development. They have decided that an attenuation tank on the opposite side of the road is appropriate to provide foul drainage capacity and prevent the pumping station from being overwhelmed. They have advised that this will be sufficient to accommodate foul drainage from the development, and officers have no grounds or evidence to disagree with this solution. The proposals therefore provide a connection to the local sewerage system at the nearest point of adequate capacity (with the proposed improvements) in collaboration with the service provider (SW), in accordance with criterion 13 of the Local Plan site policy and criterion 8 of the site policy in the Neighbourhood Plan.

6.05 SW are currently carrying out these upgrade works and anticipate them to be completed by January 2022. SW are statutorily obliged to provide this, have proposed measures to accommodate the development, and are in the process of providing this capacity.

6.06 Members will be aware that two hedgerow removal notices were sought by SW in order to install the attenuation tank and these were not allowed. SW have clarified that because of this they used an alternative access route into the field off a private track (where an access already exists) which avoided the hedge, and the attenuation tank has been moved further away from the hedge alongside Marden Road. To ensure the connection sewer from Marden Road into the culvert can be made, SW will tunnel deep under the hedge for this section of sewer to be installed.

6.07 Finally, the applicant has confirmed that wildlife friendly drainage gullies have been used at the site in line with the condition.

7.0 CONCLUSION

7.01 The statutory undertaker (Southern Water) has proposed and is providing a scheme to provide capacity for the development and is advising that it will provide sufficient capacity. On this basis it is recommended that the details are in accordance with the relevant Local Plan and Neighbourhood Plan policies and should be approved.

8.0 RECOMMENDATION

Approve the details submitted to discharge condition 18.

Agenda Item 16



21/502008/FULL Lockmeadow Leisure Complex, Barker Road, Maidstone, Kent

Scale: 1:1250

Printed on: 9/6/2021 at 15:27 PM by JoannaW

REFERENCE NO - 21/502008/FULL	
APPLICATION PROPOSAL To extend existing terrace and proposed new doors on the South East side of Lockmeadow complex.	
ADDRESS Lockmeadow Leisure Complex Barker Road Maidstone Kent	
RECOMMENDATION Application Permitted subject to conditions	
SUMMARY OF REASONS FOR RECOMMENDATION The proposals will considerably enhance the Lockmeadow complex and support the Council's aims to further enhance the vitality and viability of the Town Centre.	
REASON FOR REFERRAL TO COMMITTEE The Applicant is Maidstone Borough Council	
WARD Fant	APPLICANT Alexa Kersting-Woods (MBC) AGENT FL.Architects Ltd
TARGET DECISION DATE 16/06/21	PUBLICITY EXPIRY DATE 15/06/21

BACKGROUND

This Planning Application was deferred at the June Committee, with Members resolving that:

consideration of this application be deferred for the submission of a landscaping scheme to soften the impact of the proposed development and provide a biodiversity net gain.

Whilst not recorded in the minutes, Members also requested that the Application be presented in the context of the wider plans for the Lockmeadow site.

Following the deferral, the Leisure Property Manager has discussed various options with relevant parties and an updated landscape scheme has been developed.

To first set the wider site plans in context:

Wider Lockmeadow Aspirations

Since acquiring the site MBC has been committed to enhancing the physical and entertainment offer within the complex, including the range of uses, with a new food court being the most recent initiative. The current proposals are part of this initiative to improve the food offer and are intended to integrate with the wider ambitions for the site.

Such plans are consistent with Policies SP1 and 4 of the Local Plan, together with the NPPF which seek to ensure that town centres provide a wide variety of leisure attractions, reflecting their sustainable location and accessibility.

The Council's Strategic Plan also seeks to ensure that we deliver a sustainable and vibrant leisure offer.

The recently published draft Economic Development Strategy (EDS) has as one of its priorities:

'Destination Maidstone town centre - Re-imagining Maidstone's town centre as a vibrant, mixed-use destination with a thriving day and night time economy befitting a modern county town'. The EDS's Action Plan seeks, as

a short-term objective, to re-purpose the town centre as a cultural and leisure hub.

As well as the changes to the leisure offer, the upgrading of the overall complex is a key part of the capital programme. Members will be aware that the landscaping at the front of the site has already been enhanced and that the building's exterior has been upgraded.

As part of these early phase works, for example, bird boxes and a bug hotel are being installed as part of a woodland trail leading people to the play area.

The relationship of the site to the river is a key element of its offer and the Lockmeadow team wish to maximise the riverside location by investing in the play area and increased outside seating. The wider site has been greatly improved with landscaping, taking out unnecessary structures and removing unsightly fencing.

The open space to the rear of the site contains the 'town square'. The plans for this space are evolving, but it is planned that this area will become the location for a variety of arts and culture events. It is planned that the extended terrace seating, the town square and the planned nature play area will become an integrated family orientated offer.

A copy of the recent consultation brochure for the play area is attached as Appendix 2. This illustrates that the play area will have a strong nature / landscape theme, for example:



Updated Landscaping Scheme

Whilst the Town Square plans are being developed, the Council wishes to keep the space flexible and open, as such permanent features in the space are not desirable, although as illustrated with the planned play area, landscaping will be a key feature of the future space.

In addition, the visual interaction with the River is a key element of the outdoor offer and so the Council does not wish to sever the link with a dense planting screen.

In the interim it is therefore proposed to install 4 large planters in the town square. In addition to amenity value, each planter will provides biodiversity benefits sources of shelter and food for birds and invertebrates. The selected species have a likelihood of survival in tough conditions and potential for transplant into a more permanent future landscaping scheme.

Tree species per box :

- Multi-stemmed Birch , *Betula pendula* -planted at 1.2-1.5m tall
- Multi-stemmed Hazel – *Corylus avellana* planted at 1.2-1.5 m tall
- Crab apple cultivars (*Malus sp.*)

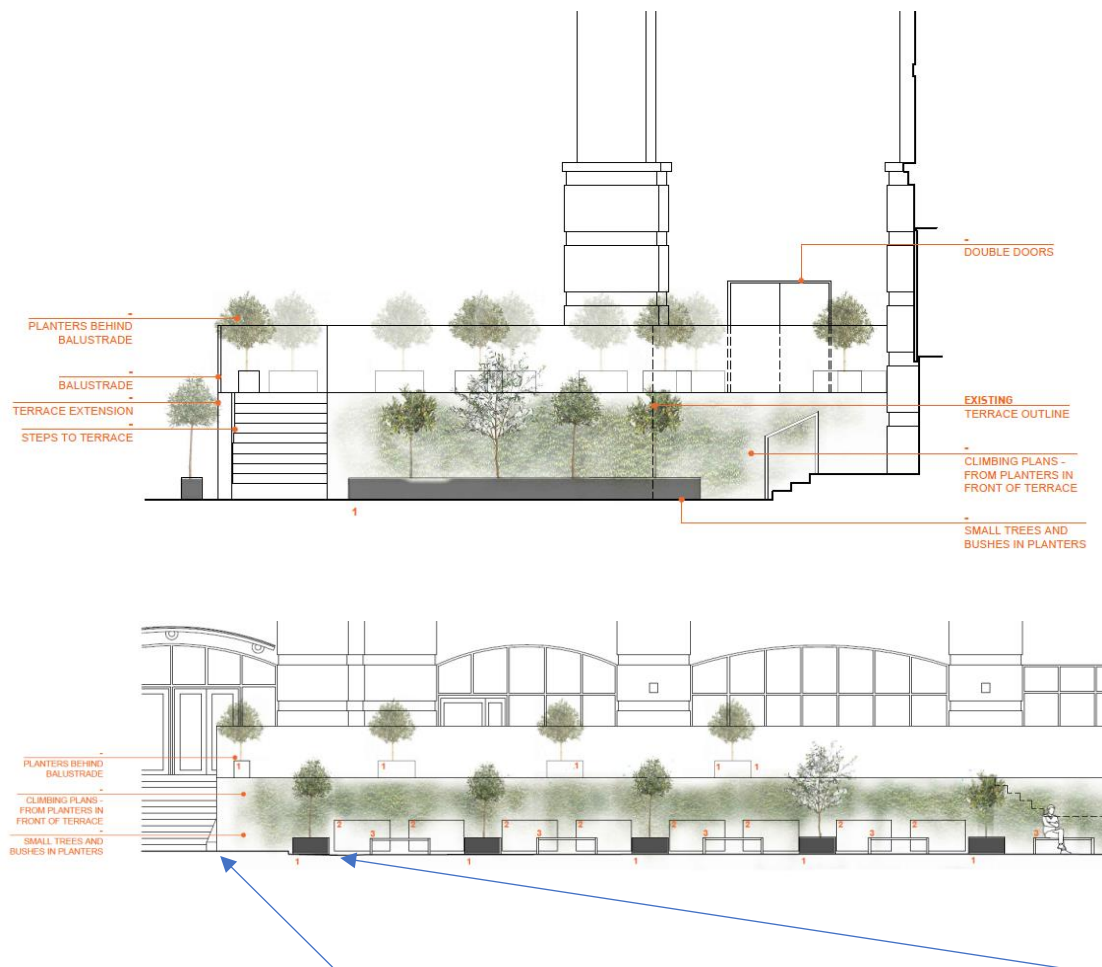
Shrubby species:

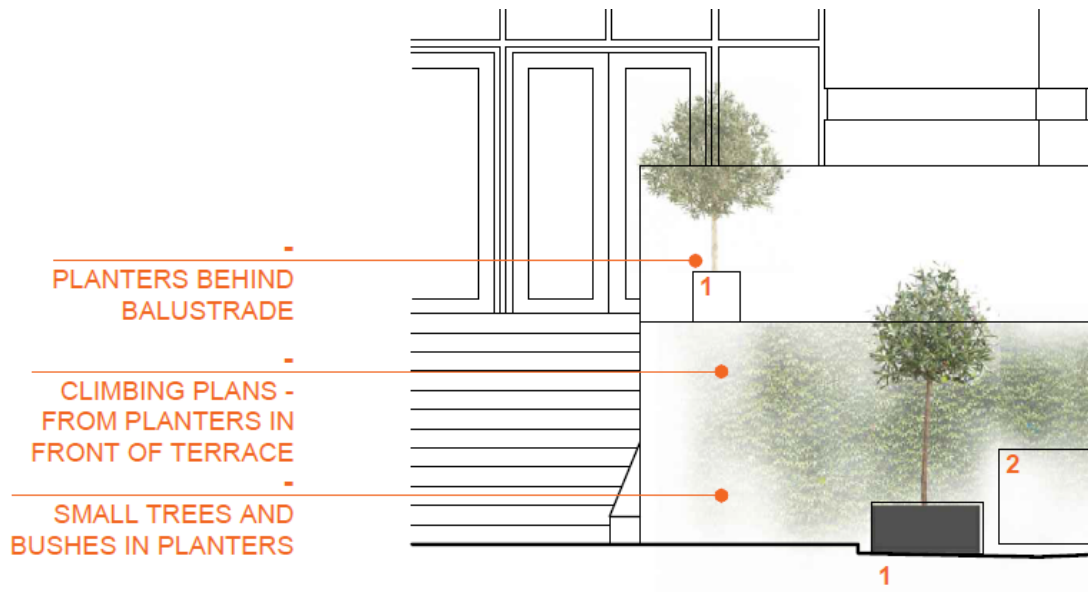
- Guelder rose - *Viburnum opulus* - planted at 90-1.2m
- Common Dogwood – *Cornus sanguinea* - planted at 60-80 cm

Underplanted with:

- Ivy , *Hedera helix*
- Wild majoram , *Origanum vulgare*
- Butcher's broom (*Ruscus aculeatus*)

In addition, planters of a similar style to those at the front of the site will be installed, with climbers on the rear and side plinth to the terrace.





CONCLUSION

It is considered that the landscaping details will greatly enhance the appearance of the terrace and not adversely affect the setting of the river or longer distance views towards the site. The scheme will enhance biodiversity opportunity and will add to the habitat features already being implemented across the wider site.

PUBLIC SECTOR EQUALITY DUTY

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.

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

Drawing No. 316(GA)001 Rev 2 – Site Location and Block Plans

Drawing No. 316(GA)021 Rev 4 – Proposed Ground Floor Plan

Drawing No. 316(GA)027 Rev 2 – Proposed Elevation

Drawing No. 316(GA)028 Rev 3 – Proposed Elevation

Updated Planting Details Received 6th July 2021

Reason: To clarify which plans have been approved.

3. The materials to be used in the development hereby approved shall be as indicated on the approved plans unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

4. The terrace hereby permitted shall not be used outside the hours of 09:00 to 23:00 on any day.

Reason: To safeguard the enjoyment of their properties by residential occupiers.

5. No musical equipment and/or electrically amplified sound shall be so installed, maintained and operated on the terracing hereby permitted so as to prevent the transmission of noise and/or vibration to any adjacent premises;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

Officer: Austin Mackie

REPORT SUMMARY

REFERENCE NO - 21/502008/FULL		
APPLICATION PROPOSAL To extend existing terrace and proposed new doors on the South East side of Lockmeadow complex.		
ADDRESS Lockmeadow Leisure Complex Barker Road Maidstone Kent		
RECOMMENDATION – APPROVE SUBJECT TO CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION 1. The development causes no harm and permission is therefore recommended subject to conditions.		
REASON FOR REFERRAL TO COMMITTEE The applicant is Maidstone Borough Council.		
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Alexa Kersting-Woods AGENT FL.Architects Ltd
DECISION DUE DATE 16/06/21	PUBLICITY EXPIRY DATE 14/06/21	OFFICER SITE VISIT DATE 06/05/21

Relevant Planning History

96/0537 – Full application for new market buildings, surface and semi basement car park for 670 cars, a multi-screen cinema, bowls centre, night club, restaurants, unit for bingo only or health and fitness and children’s play centre, market square, town square and town park – Approved

16/505628/FULL - Installation of a new facade to the existing leisure complex (replacement of existing), the enclosure of an existing terrace to create 180sqm of new floorspace and the installation of one internally illuminated fascia sign - Approved

20/502286/FULL - External alterations to the existing Lockmeadow Leisure Centre, including removal of gated car park entrance, cladding of existing circular columns in PPC aluminium rectangular sections, repainting of existing guttering and high level fascias, replacement of low level railings with flat bar sections, and removal of existing southern cattle market structure and car park railings – Approved

1.0 DESCRIPTION OF SITE

- 1.01 The application site is the Lockmeadow entertainment complex located within the defined town centre boundary. The Lockmeadow development was approved and implemented under planning application reference MA/96/0537.

- 1.02 The site is located in close proximity to Maidstone West Railway Station in an area with a varied mix of uses, including light industrial, retail, civic, commercial and residential. The southern and eastern boundaries of the site are adjacent to the River Medway and the River Medway Towpath.
- 1.03 The site and main pedestrian entrance to the complex face to the north onto Barker Street. The existing terrace is located adjacent to main car park to the south of the building.

2.0 PROPOSAL

- 2.01 Maidstone Borough Council has taken on the leasehold for Lockmeadow and is seeking to improve the appearance of the building and facilities to make the complex a key destination for leisure activities in the town centre.
- 2.02 The existing terrace was permitted under application reference: 11/1841 is currently used for an outdoor dining area for the existing restaurant at the rear of the Lockmeadow complex. This application seeks to extend this existing terrace from its current 96m² to 278m² to provide additional seating area for restaurants and pubs within Lockmeadow. The materials would match the existing decking and would have 3 access points, one directly from Lockmeadow, one from the car park and one directly from the restaurant.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017: SP4, DM1, DM29
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4.0 LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No comments received.

5.0 CONSULTATIONS

- 5.01 MBC Environmental Health – No objection
- 5.02 Kent County Council Highways – No comment
- 5.03 KCC Flood Risk – No comment
- 5.04 Environment Agency – No comment

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of Development
 - Visual Impact
 - Local Amenity

- Flood Risk
- Other Matters

Principle of Development

- 6.02 Policy SP4 of the Local Plan sets out the vision for the town centre and seeks to provide a variety of well-integrated attractions for all ages including leisure, tourism, cultural facilities and improved access for all. In addition, policy DM29 outlines that proposals for leisure in the town centre will be permitted subject to the proposal not impacting on local amenity and that the proposal retains an 'active frontage'.
- 6.03 The principle of the proposal to enhance the leisure complex is acceptable and in accordance with Local Plan policies SP4 and DM29 subject to the discussion of the material considerations below, namely visual impact and local amenity.

Visual Impact

- 6.04 Local Plan policy DM1 (principles of good design) states that proposals should provide a high quality design which responds to areas of heritage, townscape and landscape value or which uplift an area of poor environmental quality.
- 6.05 In terms of materials, the decking would match the existing with white render elevations, metal balustrade and a wooden decking surface.
- 6.06 It is considered that the extension to the rear decking area would be sympathetic to the existing building with its matching materials and would not cause harm to the visual amenity of the site or surrounding area. The proposal is therefore in accordance with policy DM1 of the Local Plan.

Local Amenity

- 6.07 Local Plan policy DM1 (principles of good design) criterion iv. requires proposals to respect the amenities of occupiers of neighbouring properties. In addition, policy DM29 (Leisure and community uses in the town centre) criterion i. states that proposals will be permitted where they will not have a significant impact on local amenity.
- 6.08 The closest residential properties are located to the south east and south west of the site and these are the most likely to be impacted as a result of the proposal due to the potential for an increase in activity and noise. However, these properties are located 130m away beyond the existing market hall, car parking and on the opposite side of the River Medway. In addition the site is located within the town centre boundary where it is not unreasonable to expect outdoor seating areas for leisure sites such as this. It is not considered that the proposal would give rise to such a level of noise and disturbance to result in a loss of amenity for any residential property. The proposal would not cause overlooking to any neighbouring property due to the separation distances.
- 6.09 It is noted that the existing terrace under condition 4 restricts the hours of use beyond 23:00 Monday to Sunday and condition 5 which states that no amplified

music can be played on the terrace area. The applicant has agreed that these conditions will be carried over for the new terrace area. The proposal is therefore in accordance with polices DM1 and DM29 of the Local Plan.

Flood Risk

- 6.10 The site is located within Flood Zone 3 and the application is supported by a Flood Risk Assessment (FRA). KCC Drainage has no comment on the application, and the Environment Agency also has no comment but refer to their 'Standing Advice'.
- 6.11 The application is classed as minor non-residential development as the extension has a proposed footprint extension of less than 250m². The submitted FRA considers that due to the raised level of the terrace it would be located above ground level by 1.8m which is the same level as 1:100+35% climate change event. As such the terrace is considered to be minor development and an extension to an existing terrace that will be above the modelled flood level for the 1:100 year level event and would have a negligible impact to flood risk elsewhere. The proposal is in accordance with policy DM1 of the Local Plan which states that proposals should avoid inappropriate development within areas at risk from flooding, or to mitigate any potential impacts.

Other Matters

- 6.12 No trees would be lost due to the nature of the proposal, scale and siting and there are considered to be no ecological issues as the site is located on hardstanding.
- 6.13 The application site is not listed, and it is not within a Conservation Area. The All Saints Conservation Area is located to the east of the River Medway 80m to the east of the application site. Due to the nature of the application to extend an existing decking area and the distance, it is not considered that the proposal would result in harm to the setting of the Conservation Area.
- 6.14 Measures to provide biodiversity net gain were included under condition 5 of application reference 20/502286/FULL and these details were subsequently discharged under application reference 20/504623/SUB. Due to the active nature of the extended terrace it is not considered to be an appropriate structure on which to create new habitat and therefore it is not considered necessary to require further additional ecological enhancements as part of this minor application.

PUBLIC SECTOR EQUALITY DUTY

- 6.15 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.

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

Drawing No. 316(GA)001 Rev A – Site Location and Block Plans
Drawing No. 316(GA)021 Rev 2 – Proposed Ground Floor Plan
Drawing No. 316(GA)027 Rev 1 – Proposed Elevation
Drawing No. 316(GA)028 Rev 2 – Proposed Elevation
Design and Access Statement – Received 12/04/2021

Reason: To clarify which plans have been approved.

3. The materials to be used in the development hereby approved shall be as indicated on the approved plans unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

4. The terrace hereby permitted shall not be used outside the hours of 09:00 to 23:00 on any day.

Reason: To safeguard the enjoyment of their properties by residential occupiers.

5. No musical equipment and/or electrically amplified sound shall be so installed, maintained and operated on the terracing hereby permitted so as to prevent the transmission of noise and/or vibration to any adjacent premises;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

Natural Play at Lockmeadow Play Area

Tour Booklet for Maidstone Borough Council

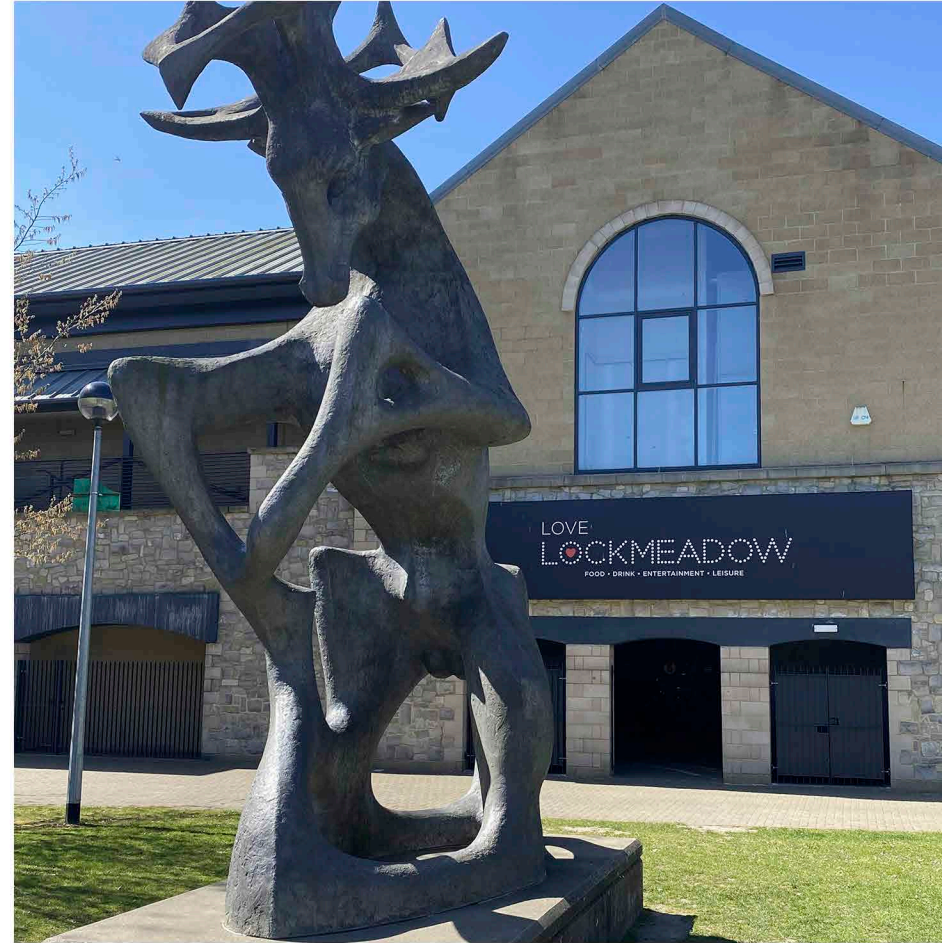
LOCKMEADOW PLAY AREA, MAIDSTONE BOROUGH COUNCIL | CAS106263-R5G6H9 | 06/05/2021 | DRAWN BY: R.B | NOTE: PLEASE DO NOT SCALE FROM THIS DRAWING. THIS DRAWING IS NOT TO SCALE. THIS IS PURELY AN ARTISTS IMPRESSION.

this way...

The Location



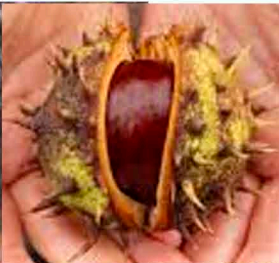
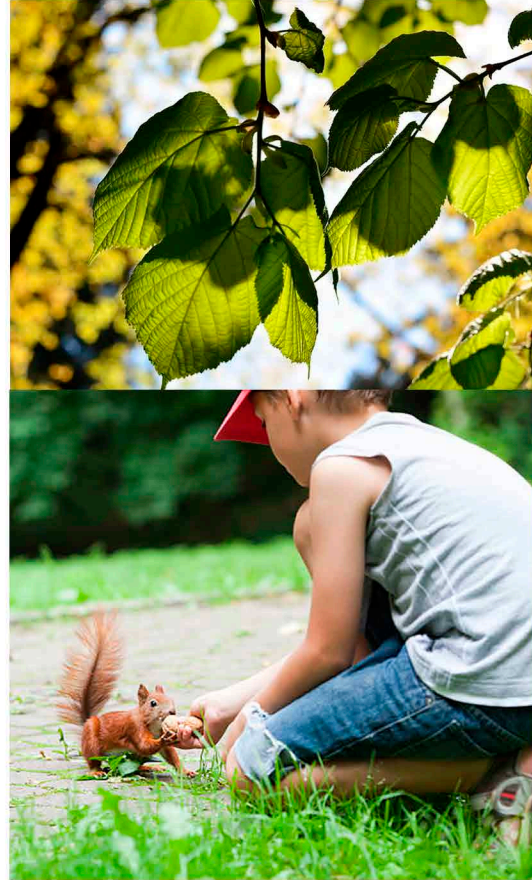
Natural grass setting with trees
and planting



Sculptural stag statue at play area
location entrance



Tranquil riverside setting



Concept Generation

The natural inspiration behind our ideas

Just past the stag, the king of the forest, find
yourself in the woodland clearing.
Welcome to the home of scampers the squirrel
and friends. Discover new ways to play and an
endless imagination for nature...

There is no more wonderful way to play than in the heart of nature.



Our design has been created to compliment the beautiful riverside walk and natural surroundings. Parents can sit back and relax with a coffee or meal at the entertainment centre, whilst their children play safely in the natural landscape close by. We have created a low level inclusive play zone for ages 2-8 that would attract people to come and play time after time. Our robinia play structures add excitement and pure imagination for children to create stories and memories with loved ones.

There is a pathway linking both sides of the playground through the trees, incorporating our design with the existing landscape.



The Products

We have hand picked products to suit the surrounding landscape

Playful owl carving



Robinia curved bug seesaw



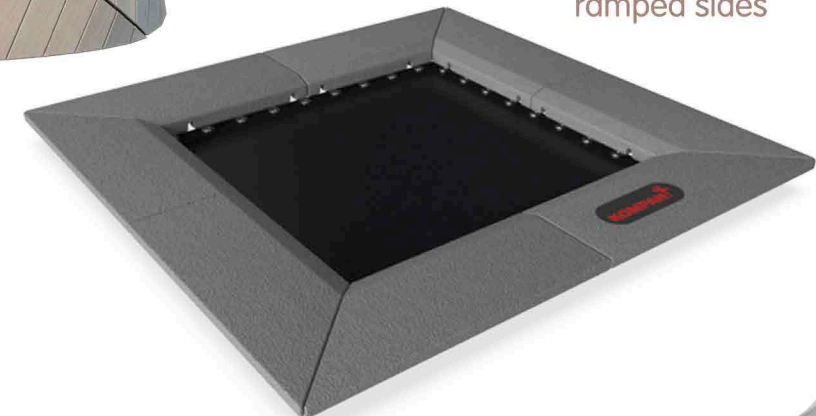
Robinia hand crafted 'Scampers the Squirrel' climbing sculpture with crawling tunnel, seat and role play



Robinia bumble bee springer with wings



Inclusive jumper trampoline with ramped sides



Robinia huts with infant slide, curved bridge, wide steps with handles, crawling ramp steps with 'pull me up grips', role play ledge, tactile play panel x2



Leaf style shaded roof



Robinia treehouse with leaf roof. Featuring slide, climbing wall, low level fireman's pole, low somersault bar, role play ledge, DDA stairs with inclusive 'pull me up grips' and handles

Play for all abilities

What do i feature?

Climbing

Sliding

Gliding

Rocking

Springing

Role Play

Inclusive Play

Natural Play

Sensory Play





Potential for future expansion

With our robinia sculptures there is endless potential for Lockmeadow Play Area. From chestnuts to climbing trees to bespoke stags, we can add more unique products to the scheme to compliment the area, that children will love for years to come.



Your idea
+
our imagination & creativity
=
the perfect play
space



Stylish, handcrafted, high quality play.

Potential for future expansion

Destination Area

Your idea
+
our imagination & creativity
=
the perfect play
space



Stylish, handcrafted, high quality play.



love to
play...



Thank you for taking the tour of our design for Lockmeadow Play Area. We hope you enjoyed our virtual concept and products.

Tour Booklet for Maidstone Borough Council

LOCKMEADOW PLAY AREA, MAIDSTONE BOROUGH COUNCIL | CAS106263-R5G6H9 | 06/05/2021 | DRAWN BY: R.B | NOTE: PLEASE DO NOT SCALE FROM THIS DRAWING. THIS DRAWING IS NOT TO SCALE. THIS IS PURELY AN ARTISTS IMPRESSION.

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 22nd July 2021**

APPEAL DECISIONS:

- 1. 19/503276/OUT** Outline application with detailed consent being sought for access in connection with the erection of 15no. dwellings consisting of 9no. self-build dwellings and 6no. affordable dwellings together with associated open space, earthworks, infrastructure and drainage.

APPEAL: DISMISSED

Land At Former Lenham Sandpit
Sandway Road
Sandway
Kent
ME17 2NA

(Delegated)

- 2. 20/504257/FULL** Change of use of existing detached garage into 1 no. residential dwelling.

APPEAL: DISMISSED

The Gatehouse
Clapper Lane
Staplehurst
Kent
TN12 0JS

(Delegated)

- 3. 20/500050/FULL** First floor extension.

APPEAL: DISMISSED

Fishers Oast
Fishers Road
Staplehurst
Tonbridge
Kent
TN12 0DD

(Delegated)

4. 20/500269/FULL

Erection of 1no. 4 bedroom detached dwelling with associated amenity (Resubmission of 19/503872/FULL).

APPEAL: ALLOWED AND PLANNING PERMISSION GRANTED

Land South Of South Cottage
High Street
Staplehurst
Kent
TN12 0BH

(Committee)
