

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 14 August 2014
Time: 6.00 pm
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Ash, Collins, Cox, Edwards-Daem,
English (Chairman), Greer, Harwood,
Hogg, Moriarty, Paine, Paterson,
Mrs Robertson and J.A. Wilson

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Removal of Chairman
5. Items withdrawn from the Agenda
6. Date of Adjourned Meeting - 21 August 2014

Continued Over/:

Issued on 6 August 2014

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Alison Broom

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

7. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
8. Disclosures by Members and Officers
9. Disclosures of lobbying
10. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
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12. Presentation of Petitions (if any)
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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.

BACKGROUND DOCUMENTS: The background documents for the items on the agenda are to be found on the respective planning files for each application and on the files for those applications referred to in the history section of each report. Background documents are available for inspection during normal office hours at the Maidstone Borough Council Gateway Reception, King Street, Maidstone, Kent, ME15 6JQ

Agenda Item 11

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 24 JULY 2014

Present: Councillor English (Chairman) and
Councillors Ash, Chittenden, Collins, Cox, Edwards-
Daem, Mrs Gooch, Greer, Harwood, Hogg, Paine,
Paterson and Mrs Stockell

Also Present: Councillors D Mortimer, Munford and
Willis

53. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Moriarty, Mrs Robertson and J A Wilson.

54. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Chittenden for Councillor Mrs Robertson
Councillor Mrs Gooch for Councillor Moriarty
Councillor Mrs Stockell for Councillor J A Wilson

55. NOTIFICATION OF VISITING MEMBERS

Councillors D Mortimer and Munford indicated their wish to speak on the report of the Head of Planning and Development relating to application MA/13/2197.

It was noted that Councillor Willis had indicated his wish to speak on the report of the Head of Planning and Development relating to application MA/13/1702.

56. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

57. URGENT ITEM

The Chairman stated that, in his opinion, the update report of the Head of Planning and Development should be taken as an urgent item as it contained further information relating to the applications to be considered at the meeting.

58. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Paine stated that he was an executive member and trustee of the Kent County Association of Young Farmers' Clubs which used the working farm unit at the New Line Learning Academy site, but he had not participated in any discussions relating to application MA/13/2197, and intended to speak and vote when it was considered.

59. EXEMPT ITEMS

RESOLVED: That the exempt Appendix to the report of the Head of Planning and Development relating to application MA/14/0723 be considered in public, but the information contained therein should remain private.

60. MINUTES OF THE MEETING HELD ON 3 JULY 2014

RESOLVED: That the Minutes of the meeting held on 3 July 2014 be approved as a correct record and signed subject to the amendment of the second paragraph of Minute 42 to read:

Mrs Bates of the New Allington Action Group (against), Mr Wilkes on behalf of the St Andrews Road Residents' Association (against), Councillor **Whear** of Barming Parish Council (against) and Councillors Daley, Willis and Mrs Gooch (Visiting Members) (against) addressed the meeting.

61. PRESENTATION OF PETITIONS

It was noted that a petition objecting to the proposed development would be referred to in relation to application MA/13/2197.

62. DEFERRED ITEMS

MA/07/2133 - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A FIVE STOREY RESIDENTIAL DEVELOPMENT COMPRISING OF 52 STUDIO APARTMENTS AND 24 ONE-BED FLATS WITH 38 UNDERCROFT PARKING SPACES AND 22 EXTERNAL PARKING SPACES WITH VEHICULAR AND PEDESTRIAN ACCESS FROM HART STREET TOGETHER WITH LANDSCAPING - LAGUNA MOTORCYCLES SITE, HART STREET, MAIDSTONE

The representative of the Head of Planning and Development reported that a meeting had been held with the applicants with a view to finding a way forward. Further information and amended details were now awaited.

MA/12/2255 - OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 53 RESIDENTIAL UNITS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - NURSES HOME, HERMITAGE LANE, MAIDSTONE, KENT

The representative of the Head of Planning and Development advised the Committee that it had not been possible to report the application back to this meeting due to the Case Officer being on holiday. The application

would be reported back to the meeting of the Committee scheduled to be held on 14 August 2014.

63. MA/13/2197 - ERECTION OF 220 (NO.) RESIDENTIAL DWELLINGS TOGETHER WITH ACCESS, PARKING, LANDSCAPING, AND ANCILLARY WORKS ON LAND AT BOUGHTON LANE, AND PROVISION OF NEW PLAYING FIELDS FOR NEW LINE LEARNING ACADEMY - LAND AT BOUGHTON LANE, MAIDSTONE, KENT

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

Mr Kinnill, an objector, Mr Carter, on behalf of the North Loose Residents' Association (against), Councillor Ellis of Boughton Monchelsea Parish Council (in support), Mrs Luscombe, for the applicant, Councillor D Mortimer (Visiting Member) (against) and Councillor Munford (Visiting Member) (in support) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the development by virtue of the proposed access road which would bisect a designated ancient woodland and the footways within the buffer zones adjoining the ancient woodland would erode the setting of the said woodland as a landscape feature and result in the loss and deterioration of ancient woodland, where the need for and benefits of the development does not outweigh the loss contrary to advice contained within paragraph 118 of the NPPF 2012. Members also felt that the provision of 30% affordable housing did not comply with Maidstone Borough Council's Affordable Housing DPD 2006.

RESOLVED: That permission be refused for the following reasons:

1. The development by virtue of the proposed access road which would bisect a designated ancient woodland and the footways within the buffer zones adjoining the ancient woodland would erode the setting of the said woodland as a landscape feature and result in the loss and deterioration of ancient woodland, where the need for and benefits of the development does not outweigh the loss contrary to advice contained within paragraph 118 of the NPPF 2012.
2. The provision of 30% affordable housing does not comply with Maidstone Borough Council's Affordable Housing DPD 2006.

Voting: 8 – For 5 – Against 0 – Abstentions

Note: Councillors Collins, Mrs Gooch and Paine requested that their dissent be recorded.

64. MA/13/1702 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (APPROX. 250) WITH ACCESS. ALL OTHER MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) RESERVED FOR FUTURE CONSIDERATION - LAND WEST OF HERMITAGE LANE, MAIDSTONE, KENT

All Members except Councillors Ash and Edwards-Daem stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development. The representative of the Head of Planning and Development advised the Committee that he wished to amend proposed condition 9 by the deletion of the words "with managed public access" and to add a further informative to ensure that the reserved matters details do not include public access or footpaths within the ancient woodland buffer zone.

Mr Hicken, for the applicant, and Councillor Willis (Visiting Member) addressed the meeting. Mr Hicken advised the Committee that the applicant was agreeable to the buffer between the proposed development and the ancient woodland being a minimum 30 metres in depth.

RESOLVED:

1. That the Head of Planning and Development be given delegated powers to explore whether it would be appropriate for a S106 contribution to be sought for cycle lane provision.
2. That subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the following (amended to include a contribution for cycle lane provision if appropriate):

The provision of 40% affordable residential units within the application site;

A contribution of £4,000 per 'applicable' house and £1,000 per 'applicable flat' on the assumption that land will be transferred to Kent County Council for a nominal sum for the provision of a primary school on land to the east of Hermitage Lane. Should this not be the case, to secure an additional £2,701.63 per 'applicable' house and £675 per 'applicable' flat ('applicable' meaning all dwellings, excluding 1 bed units of less than 56sqm GIA, and sheltered accommodation) towards the provision of a new primary school in west Maidstone;

A contribution of £140.89 per dwelling to be used to address the demand from the development towards additional book stock and services at Maidstone Library;

A contribution of £47.44 per dwelling to be used to address the demand from the development towards the provision of adult social care facilities within 3 miles of the application site;

A contribution of £30.70 per dwelling to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult

education centres and through outreach community learning facilities within 3 miles of the application site;

A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services within 2 miles of the application site;

A contribution of £842.40 per open market dwelling towards extensions and works to Barming Surgery, Blackthorn Medical Centre, Aylesford Medical Practice and Allington Park Surgery;

A contribution of £1,737 per dwelling towards offsite highway improvement works to the A26/Fountain Lane and the A20/Coldharbour Lane junctions;

A contribution of £86 per dwelling for white lining and minor improvements to the M20 junction 5;

A contribution of £40,000 towards the provision and maintenance of open space at the old Oakwood Cemetery;

A contribution of £20,000 towards the improvement and maintenance of existing local sports facilities and pitches;

A contribution of £110,000 towards the improvement and maintenance of local equipped play areas at Barming Heath and Gatland Lane; and

The provision of a minimum of 25 on site standard allotment plots,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report with the amendment of condition 9 and additional informatives as follows:

Condition 9 (amended)

No development shall take place until an ecological design strategy (EDS) addressing the mitigation for impacts to the ancient woodland and ecological enhancements of the site, including the provision of a minimum 30m undeveloped ancient woodland buffer and the retention of the hedgerow on the south west boundary of the site, has been submitted to, and approved in writing by, the Local Planning Authority. The EDS shall include the following:

Purpose and conservation objectives for the proposed works;
Review of site potential and constraints;
Detailed design(s) and/or working method(s) to achieve stated objectives;
Extent and location/area of proposed works on appropriate scale maps and plans;
Type and source of materials to be used e.g. native species of local provenance;

Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
Persons responsible for implementing the works;
Details of initial aftercare and long-term maintenance; and
Details for monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981.

Additional Informatives

The applicant is advised to ensure that parking space is provided within the site for all vehicles associated with the construction of the development including operatives and delivery vehicles and that no parking should take place on Hermitage Lane.

The reserved matters detail should not include public access or footpaths within the ancient woodland buffer zone.

Voting: 11 – For 0 – Against 2 – Abstentions

65. MA/14/0214 - ERECTION OF A TWO STOREY REAR EXTENSION - HIGH FARM, WEST STREET, LENHAM, MAIDSTONE, KENT

The Chairman and Councillors Chittenden, Collins, Harwood and Hogg stated that they had been lobbied.

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

Mr Willis, an objector, Councillor Gillett of Lenham Parish Council (against) and Mr Hubbard, the applicant, addressed the meeting on this and related application MA/14/0215.

RESOLVED: That permission be granted subject to the conditions set out in the report, as amended by the urgent update report, and the following informative:

The Conservation Officer will maintain a watching brief once work has commenced to ensure the quality of construction is maintained.

Voting: 12 – For 0 – Against 1 – Abstention

66. MA/14/0215 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR THE ERECTION OF A TWO STOREY REAR EXTENSION - HIGH FARM, WEST STREET, LENHAM, MAIDSTONE, KENT

The Chairman and Councillors Chittenden, Collins, Harwood and Hogg stated that they had been lobbied.

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

Mr Willis, an objector, Councillor Gillett of Lenham Parish Council (against) and Mr Hubbard, the applicant, had already addressed the meeting on this and related application MA/14/0214.

RESOLVED: That listed building consent be granted subject to the conditions set out in the report, as amended by the urgent update report, and the following informative:

The Conservation Officer will maintain a watching brief once work has commenced to ensure the quality of construction is maintained.

Voting: 12 – For 0 – Against 1 – Abstention

67. MA/14/0723 - TWO STOREY EXTENSION AND LOBBY TO EXISTING OAST HOUSE WITH ALTERATIONS TO SINGLE STOREY OUTBUILDINGS TO FORM EDUCATION/ACTIVITY ROOM, HOME OFFICE STORAGE AND GARAGES AND DEMOLITION OF EXISTING GARAGES - BRIDGEHURST OAST, HOWLAND ROAD, MARDEN, TONBRIDGE, KENT

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

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

Voting: 12 – For 0 – Against 1 – Abstention

68. MA/14/0823 - AN APPLICATION FOR A SINGLE STOREY REAR ADDITION - 67 HOCKERS LANE, DETLING, MAIDSTONE, KENT

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

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

Voting: 13 – For 0 – Against 0 – Abstentions

69. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

70. UPDATE ON MATTERS REFERRED TO CABINET MEMBERS

It was noted that there was nothing to report at present.

71. CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that he was sorry to announce that the organisers of the Planning Summer School had taken the decision to end the annual residential event which had been particularly useful for Members and Officers over the years.

72. DURATION OF MEETING

6.00 p.m. to 9.10 p.m.

Agenda Item 13

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

14 AUGUST 2014

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

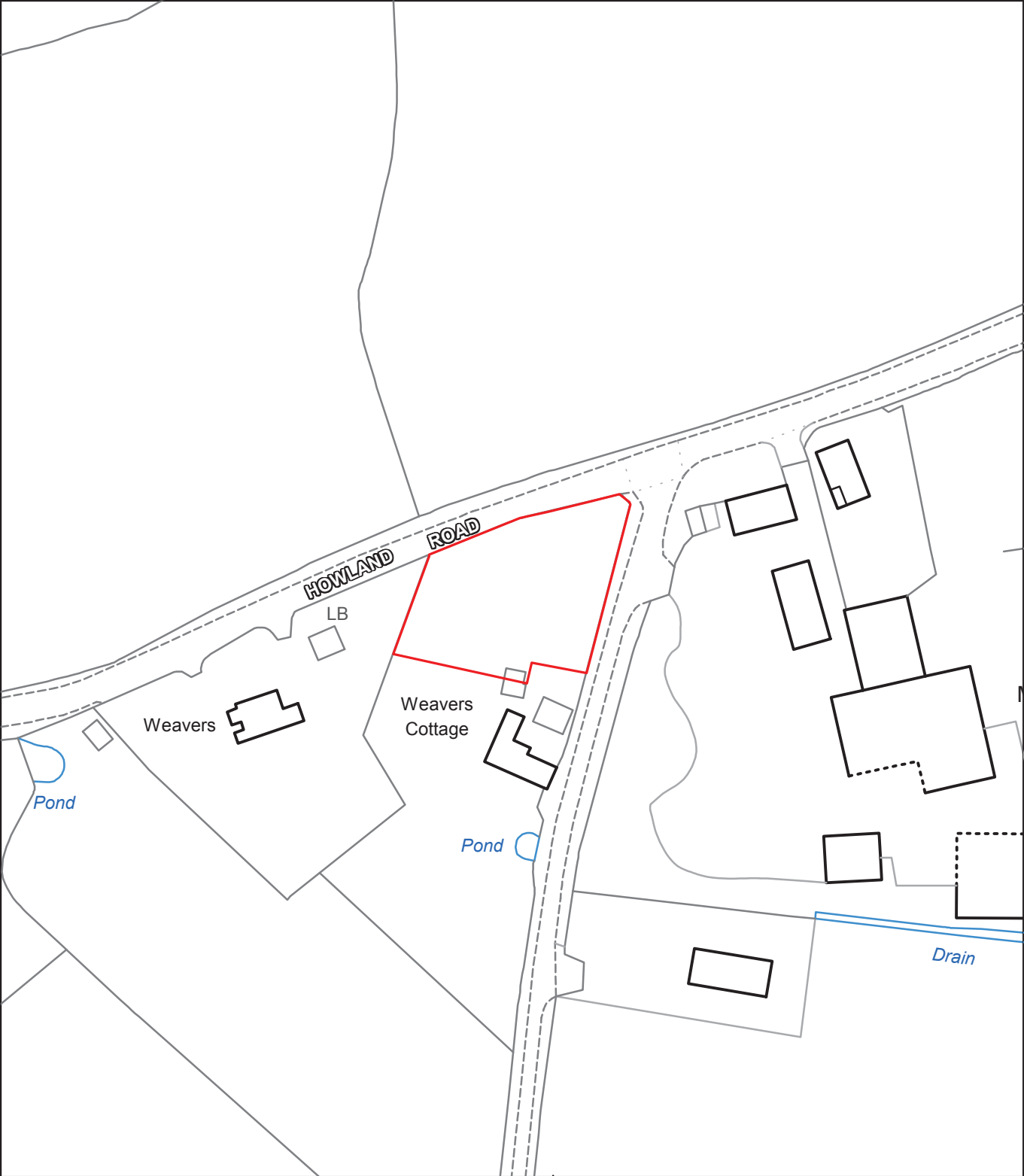
DEFERRED ITEMS

- 1.1. The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.
- 1.2. MA/07/2133 - DEMOLITION OF EXISTING BUILDINGS, ERECTION OF A FIVE STOREY RESIDENTIAL DEVELOPMENT COMPRISING OF 52 STUDIO APARTMENTS AND 24 ONE-BED FLATS WITH 38 UNDERCROFT PARKING SPACES AND 22 EXTERNAL PARKING SPACES WITH VEHICULAR AND PEDESTRIAN ACCESS FROM HART STREET TOGETHER WITH LANDSCAPING - LAGUNA MOTORCYCLES SITE, HART STREET, MAIDSTONE Date Deferred
10 April 2014
- 1.2.1. Deferred for the submission of a revised viability assessment which contains up-to-date figures and which is based on current market conditions to inform Members' discussions on matters including the provision of affordable housing, the achievement of Level 4 of the Code for Sustainable Homes, the provision of landscaping to the footpath to the west of the site and possible improvements to the design.
- 1.3. MA/12/2255 – OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 53 RESIDENTIAL UNITS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION – NURSES HOME, HERMITAGE LANE, MAIDSTONE, KENT 3 July 2014
- 1.3.1. Deferred to allow the applicant more time to consider the DVS (VOA) report.

THE MAIDSTONE BOROUGH COUNCIL

Weavers Cottage,
Copper Lane, Marden,
Tonbridge,
Kent,
TN12 9DH

MBC Ref: MA 13/2220



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 13/2220			
APPLICATION PROPOSAL Proposed extension to studio to form dwelling as shown on drawings 375P-001 Rev A, P-003 Rev A, P-004 Rev A, P-005 and the Design, Access and Planning Statement received on the 24 th December 2013.			
ADDRESS Weavers Cottage, Copper Lane, Howland Road, Marden, Tonbridge, TN12 9DH			
RECOMMENDATION REFUSE			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none">• Departure from the development plan;• Parish Council request that the application is heard before Members of the Planning Committee.			
WARD Marden and Yalding		PARISH/TOWN COUNCIL Marden	APPLICANT Mrs P Bowles AGENT Helen Phillips, RPS Group Limited
DECISION DUE DATE 19/03/14		PUBLICITY EXPIRY DATE 12/03/14	OFFICER SITE VISIT DATE 21/03/14
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
MA/11/0637	Application for a certificate of lawful development for a proposed new single storey studio for private use.	Granted	15/06/11
MA/10/0538	Erection of a new ecological live/work unit including external store and carport	Refused	01/07/10
MA/09/2029	Erection of a new dwelling including external store and carport	Refused	04/01/10
MA/08/1445	Erection of a single dwelling including store/outbuilding and carport	Withdrawn	11/09/08

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site is part of the garden land associated with the dwelling "Weavers Cottage" located to the south west of the T junction formed by Howland Road and Copper Lane. The site is located around 380m east of the settlement boundary of Marden as defined in the Maidstone Borough Wide Local Plan 2000. Therefore whilst not having any specific designation the site lies within the open countryside for development plan purposes.
- 1.2 The application site is the northern part of the garden, which currently contains a single storey building (MA/11/0637 refers), which is used by the applicant as a studio for her textile works, quilt making and teaching textile crafts.

- 1.3 The subdivision of the plot would essentially run east to west across the site using the existing site access leaving Weavers Cottage with a garden area in the southern larger plot (2,670sqm) and the application site to the northern smaller plot (1,400sqm).

2.0 PROPOSAL

- 2.1 This application seeks planning consent for the erection of a two storey dwelling linked to the eastern elevation of the existing studio building together with a detached double garage and garden store.
- 2.2 The dwelling would have a footprint of approximately 57sqm (8m x 7.1m) with a ridge height of 5.8m. It would have a hall, ground floor WC/utility room and open plan living area containing a kitchen to the ground floor with two bedrooms, a bathroom and small storage area to the first floor. It would be linked to the existing studio building via its existing porch would be enclosed to form an entrance lobby to provide secure access to both the studio building and the dwelling.
- 2.3 The garage/store building would have a footprint of 24sqm (6m by 4m) with a roof height of 1.8m. It would be located to the south of the proposed dwelling and separated from it by a paved area of approximately 2m.
- 2.4 The proposed dwelling and garage building would be constructed to match the existing studio building with natural weather boarding to the walls, zinc standing seam roofing and triple glazed windows.
- 2.5 The existing vehicular access would serve both the new development and Weavers Cottage, with turning areas provide to each of plots to allow vehicles to enter and leave in forward gear.
- 2.6 The agent advises that the project has been designed as an eco friendly, low energy development and would be constructed using prefabricated walls and roof panels which can be erected on site within a 2/3 period to minimise disturbance to neighbours and site wastage. He states that the thermal insulation values for the development are approximately twice current UK standards and the proposed development would require only 20% of the energy for space heating compared to a traditional brick built house. The dwelling would take around 78 years to become carbon neutral and all the materials utilised in the development are 100 biodegradable. He adds that the house has been orientated to suit solar requirements and to avoid overlooking of, and by, adjoining houses. The agent also advises that the residential element of the scheme has been designed to meet or exceed the guidelines and standards, but gives no information as what level Code for Sustainable Homes the development would achieve.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2014: Chapters 3, 4, 6, 7
National Planning Practice Guidance (NPPG) 2012
Development Plan: ENV28

4.0 LOCAL REPRESENTATIONS

- 4.1 None received.

5.0 CONSULTATIONS

- 5.1 **Parish Council:** *“Cllrs noted that a previous application for a dwelling on this site had been refused by Maidstone Borough Council on ENV28 grounds and no ecological survey had been undertaken (MA/10/0538).*

All Cllrs voted that this application be refused on planning policy ENV28 (as per condition (1) of MA/10/0538) and that this application go to MBC Planning Committee.”

- 5.2 **Southern Water:** The applicant is advised to consult the Environment Agency directly regarding the use of a septic tank drainage which disposes of effluent to sub soil irrigation. The owner of the premises will need to maintain the septic tank to ensure its long term effectiveness.
- 5.3 **UK Power Networks:** No objections to the proposed works.
- 5.4 **KCC Highways:** Raise no objection on behalf of the local highway authority.
- 5.5 **MBC Landscape:** There are no protected trees in the vicinity of this proposal and the development is unlikely to have an adverse impact on any significant trees. I therefore raise no objection on arboricultural grounds.

However, the landscaping on site boundaries is currently poor and, therefore, if you are minded to grant consent, I would like to see a landscape condition attached.

6.0 APPRAISAL

- 6.1 It is submitted that the applicant, who currently lives in Weaver Cottage, uses the existing building on the application site as a studio for her textile works and for teaching craft classes in textiles. It is advised that the Weavers Cottage requires major updating and is a large house with five different floors and is, therefore, too large for the applicant as a single person. The applicant proposes to dispose of Weavers Cottage if the proposed dwelling is granted consent.
- 6.2 The application site lies outwith any village envelope or defined urban area and is within the open countryside for the purposes of the development plan.

The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:-

“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or
- (2) The winning of minerals; or
- (3) Open air recreation and ancillary buildings providing operational uses only; or

- (4) The provision of public or institutional uses for which a rural location is justified; or
 - (5) Such other exceptions as indicated by policies elsewhere in this plan.
- 6.3 Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”
- 6.4 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan.
- 6.5 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm.
- 6.6 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;
- ‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;’*
- 6.7 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). This was agreed by Cabinet on 27th January 2014 and on 24th February 2014 to be included within the draft Local Plan (to be sent out for public consultation).
- 6.8 In April 2013 when most recently calculated, the Council had a 2.0 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings, which is the figure against which the supply must be assessed. Taking into account housing permissions granted since that date, this position will not have changed significantly and would still remain below the 5 year target.

- 6.9 This lack of a five year supply is a significant factor and at paragraph 49 the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 6.10 It is noted that the NPPF has at its heart a presumption in favour of sustainable development and in this case, the application site is not within a site allocated for housing development. It is not located within the confines or next to a rural settlement but is found on rural road with sporadic development nearly 400m from the eastern edge of the Marden settlement boundary. The dwelling is not proposed for a farm, forestry or other rural worker and to provide a dwelling in this location would result in an unsustainable form of development where any future occupiers would rely on the private motor car for services, facilities, health care needs etc.
- 6.11 I note that the applicant's personal circumstances have been submitted to support this proposal, but her job does not demand a rural location and whilst it is acknowledged that the applicant's existing house Weaves Cottage is too large for the applicant as a single person, but these reasons do not represent special reasons why planning permission should be granted for a new dwelling in an unsustainable location.
- 6.12 The agent has supplied two appeal decisions where consent has been granted for dwellings in the countryside outwith defined built up settlements. The first decision relates to a site in Eastleigh, Workhouse Lane, East Farleigh in Maidstone and the second to a site in Wilde Street, Beck Row, Suffolk. I will consider each of these in turn.
- 6.13 Whilst Workhouse Lane also lay in open countryside outwith any defined built up settlement, it is characterised by residential ribbon development along both sides. The appeal site was a piece of garden land between two detached properties and could be considered as infilling of a gap within an essentially built up frontage. It is also noted that the site, although some distance from the facilities and services within the settlement of Coxheath, was within walking distance of them. In this instance, the proposed dwelling could not be considered to infill a gap in an otherwise built up frontage, as whilst there are other dwellings on Howland Road, they are sporadic in nature and given the distance of the site to the settlement boundary I do not consider that it is within walking distance to Marden's services and facilities.

- 6.14 The second appeal decision (Wilde Street, Suffolk) relates to a site within an existing loose cluster of development and the Inspector concluded that it would not result in an isolated new dwelling in the countryside. It is also noted that the site was within walking distance of the village of Beck Row which was designated in Forest Heath District Council as "*primary village which provides basic local services.*" Again the circumstances of this current application differ from those of the appeal site for the reasons raised in the paragraph 6.13.
- 6.15 It is accepted that the Council does not have an identified five year housing land supply and the development of a single dwelling can make a valuable, albeit small, contribution to the housing supply. The application site is not considered suitable for residential development as it is fundamentally unsustainable and due to the visual harm that would be caused by the development as outlined below.
- 6.16 I note that there is hedging/planting to the site's boundaries with Howland Road and Copper Lane, but this is poor in some areas. The existing building on the site can be seen from both of these roads and the proposed dwelling and garage added to this building will, in my opinion, add to the bulk of this building increasing the visual prominence of the site. The proposed development, for which there is no justification, would, therefore, be harmful to the character and appearance of the area.
- 6.17 Being over 20 metres from the nearest dwelling (Weavers Cottage) to the south, I do not consider there would be any unacceptable impacts upon the amenity of this property or other dwellings to the west and east.
- 6.18 The site has an existing access with adequate visibility onto Copper lane and sufficient parking space is provided.

7.0 CONCLUSION

- 7.1 The proposed development lies outside any defined settlement, within open countryside and represents a form of unsustainable development for which there is no overriding justification. The proposals would further consolidate existing sporadic development detrimental to the character and appearance of the countryside hereabouts. In balancing issues, although the Council cannot currently demonstrate a five year supply of housing, I do not consider the benefit of providing a single house, which would make little difference to housing supply, outweighs this harm and policy conflict. I consider the adverse impacts would significantly and demonstrably outweigh the benefits and recommend refusal for the following reason.

8.0 RECOMMENDATION – REFUSE for the following reason:

1. The proposed development lies outside any defined settlement, within open countryside and represents a form of unsustainable development for which there is no overriding justification. The proposals would further consolidate existing sporadic development detrimental to the character and appearance of the surrounding area.

Planning Committee Report

Case Officer: Annabel Hemmings

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

Reference number: MA/13/2220

Officer Comment

I would like to clarify the reason for referral to committee as stated within the report summary. This states that the application is a departure from the development plan which has been included in error. The application is in fact being recommended for refusal and therefore is not a departure from the development plan.

Recommendation

My recommendation remains unchanged.



21. 3. 2014



21. 3. 2014



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21. 3. 2014



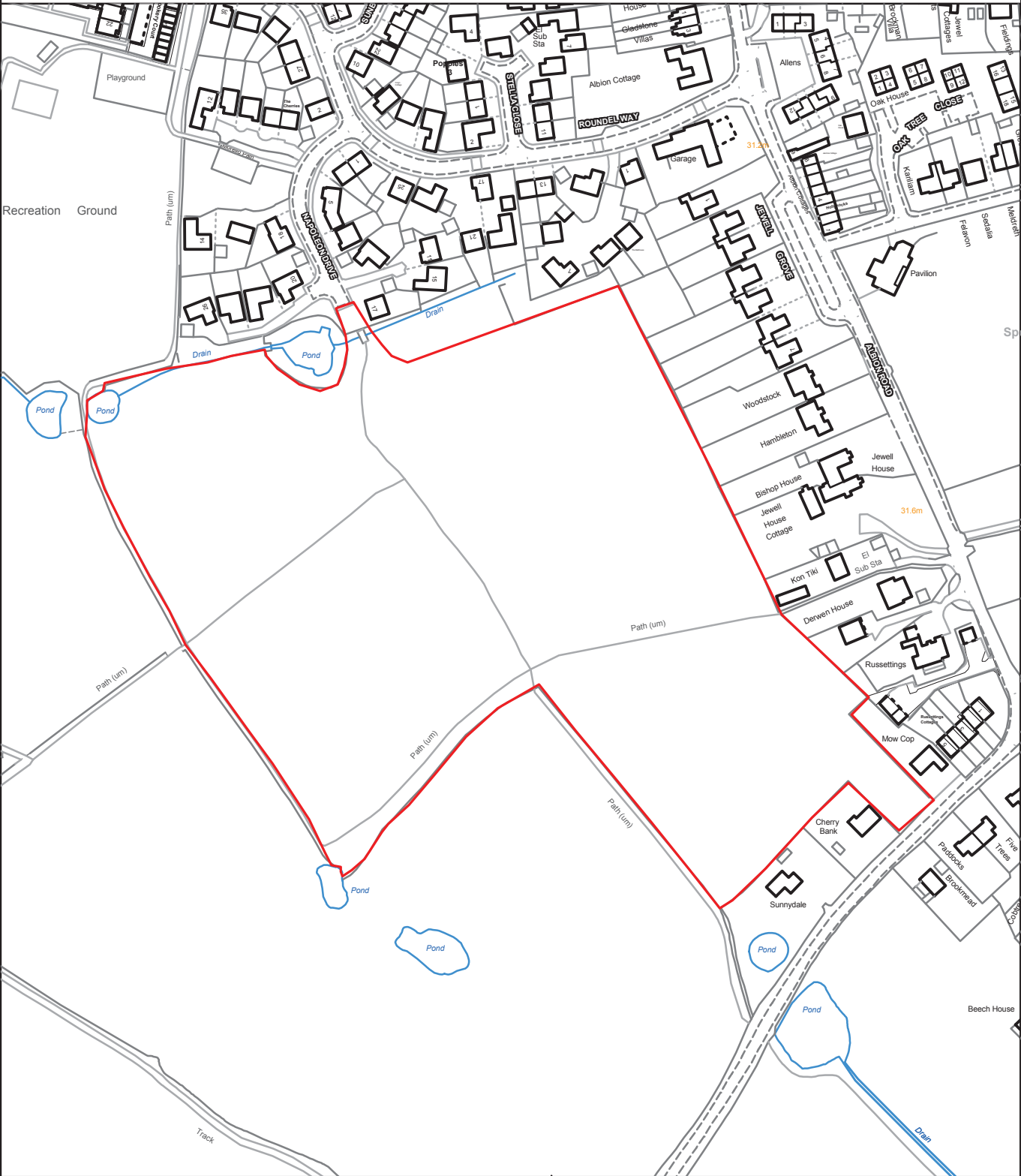
21. 3. 2014



THE MAIDSTONE BOROUGH COUNCIL

Land At Stanley Farms,
Plain Road, Marden,
Kent,
TN12 9EH

MBC Ref: MA 13/1585



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 13/1585		
APPLICATION PROPOSAL Outline application for 85 residential units with open space and allotments with access from Plain Road and Napoleon Drive. All other matters (appearance, landscaping, layout and scale) reserved for future consideration		
ADDRESS Land at Stanley Farm, Plain Road, Marden, Kent, TN12 9EH		
RECOMMENDATION GRANT SUBJECT TO COMPLETION OF S106 LEGAL AGREEMENT		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • it is contrary to views expressed by the Parish Council • it is a departure from the Development Plan as the site is located outside the defined settlement boundary of Marden • it is a major/controversial development • Councillor Nelson Gracie has requested it be reported for the reason set out in the report 		
WARD Marden and Yalding	PARISH/TOWN COUNCIL Marden	APPLICANT Millwood Designer Homes Ltd AGENT N/A
DECISION DUE DATE 11/12/13	PUBLICITY EXPIRY DATE 17/10/13	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY None		

1.0 DESCRIPTION OF SITE

- 1.1 The application site is an irregular shaped parcel of land to the south of the village of Marden to the west of Albion Road. It extends to 5.4 hectares and is currently arable farm land with hedges and trees to its boundaries.
- 1.2 The north west area of the site contains an existing pond, water course and existing mature trees and hedgerows. Beyond this lies a large area of Orchard which benefits from outline planning permission for 144 dwellings. The south west corner of the site also contains an existing pond and mature trees with a hedgerow to the open fields beyond. The site has existing drainage ditches to the northern and southern boundaries which link to the ponds within the site. A further pond is located to the northern boundary of the site adjacent to Napoleon Drive, however, this is located outwith the ownership of the applicant.
- 1.3 The application site is bound by residential development to the north, east and south east by residential development. The south west boundary of the site abuts open fields. The western boundary of the site contains mature trees and hedgerows alongside which a public footpath runs providing access to the village centre to the north of the site via the recreation ground.

- 1.4 Access to the site is available via the existing agricultural access at Napoleon Drive and there are three public footpaths which abut and cross the site. Footpath KM281 enters the site from Albion Road from the east, crossing the site and linking with footpath KM283 which runs from Plain Road from the south. The third footpath (KM280) connects with this path giving access to the recreation ground and the village centre beyond.
- 1.5 Existing overhead cables enter and run across the site and there is an area of underground electricity cables to the east adjoining public footpath KM281.

2.0 PROPOSAL

- 2.1 Outline permission is sought for up to 85 dwellings with open space and allotments together with access from Plain Road and Napoleon Drive. Along with the principle of 85 houses, only the specific details of the accesses are being considered at this stage with all other matters (layout, appearance, scale and landscaping) reserved for future consideration. An unspecified community facility was originally proposed as part of the application, but was removed following initial consultation responses from local residents and the Parish Council.
- 2.2 As stated above access is the only matter, other than the principle of 85 residential units on the site, to be considered at this time. The application originally proposed to take vehicular, as well cycle and pedestrian access, from both Plain Road and Napoleon Drive serving 24 and 61 dwellings respectively. Following the receipt of a number of objections to this proposed arrangement and the details of the site allocation of the Council's emerging local plan which set out that vehicular access should only be taken from Plain Road, the application was amended to reflect that.
- 2.3 The scheme has now been amended once more following concerns raised by local residents and the Parish Council that they would prefer to see impact of the development spread out fairly. The proposal is now to take vehicular access from Plain Road via a new vehicular access point between the properties known as Cherry Bank and Mow Cop and from Napoleon Drive to the north of the site. It is proposed that the split between the two accesses would be 50 50.
- 2.4 Apart from specific details of the accesses, which have been provided, the applicant is not required to provide any detailed plans of the development with such an outline application but has chosen to provide an illustrative masterplan. This shows enhanced planting to the boundaries of the site, an area of public open space to the northwest corner of the site containing allotments and a new equipped children's play area, a triangular piece of public open space would be provided more centrally within the site. Housing is shown to occupy the rest of the site. Biodiversity enhancements, such as bat boxes, are also shown on the masterplan and the existing ponds will be retained as features in the development. It must, however, be reiterated that this is an illustrative plan and the Council is not making a decision on this precise layout of development. It must also be noted that the applicants have not sought to amend this illustrative plan to highlight the 50 50 split between the two accesses (Plain Road and Napoleon Drive). This is considered acceptable as the plan is only illustrative and the amendments in relation to the access and the proposed split are made clear in other supporting documentation.
- 2.5 The site measures 5.4 hectares and 85 units would give a density of 16 dwellings per hectare, but does not take account of the fact that some areas of the site will not be developable as they will be given over to landscaping, open space, allotments, roads and so forth. The net density of the site (i.e. the density on the developable area)

will, therefore, be higher. Affordable housing would be provided at 40% giving 34 affordable units.

- 2.6 So to summarise, the Council is being asked to consider the principle of residential development of up to 85 dwellings with vehicular access from Plain Road and pedestrian, cycle and emergency access from Napoleon Drive.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T1, T2, T3, T13, T23, CF1

Maidstone Borough Local Plan Regulation 18 Consultation 2014: H1, H2, DM2, DM3, DM4, DM6, DM10, DM11, DM12, DM13, DM14, DM16, DM23, DM24, DM30,

MBC Affordable Housing DPD (2006)

MBC Open Space DPD (2006)

National Planning Policy Framework 2012 (NPPF): Chapters 1, 3, 4, 6, 7, 8, 10, 11, 12

National Planning Practice Guide 2014 (NPPG)

Village Design Statement: Marden Village Design Statement

4.0 LOCAL REPRESENTATIONS

4.1 Petition

A petition, signed by 112 residents, has been received. It states that it is

“A demonstration of the strength of feeling on the Cherry Orchard estate. Cannot comment or compare the planning application with house targets yet to be voted on by Maidstone Council, so objections are based on the last official 20 years housing target for Marden set by the Council. Respondents are not commenting on the Council’s future plans. The Council may wish to impose a larger target on Marden in the future, but it will need to be sustainable. It would still be wrong to build 20 years of housing in 20 months regardless of whether the end dates were reset as 2031.”

- 4.2 100 letters of objection have also been received with some residents writing more than once. Their comments are summarised below:

- No information has been shared on the reasoning behind allocating this many houses to Marden;
- Roads in the area are too small to accommodate the traffic from the site;
- Developers want to make money – they will not look after Marden;
- Marden can support additional homes, but they need to be properly planned;
- New properties will overlook existing dwellings causing lack of privacy;
- Drainage in Marden is poor and Stanley Farm slopes down to Plain Road. Development on this site could lead to increases in flooding elsewhere in the village;
- Marden is a village not a town;
- Concerns about the height and elevational treatments of the proposed development;
- Light pollution from development and extra traffic;
- Lack of integration between exclusive and affordable units;

- Allotments not needed, are badly located and would have a detrimental impact on the residential amenity of existing occupiers;
- Cycleways and public access will restrict privacy to properties;
- A wildlife study should take place for the site;
- There is no local plan in place or a five year land supply;
- Application site is within open countryside;
- No real consultation with the local community by the applicant – just with selected groups;
- Proposal is not aimed at average working families;
- Proposal is almost a community within a community;
- Community facility proposed with no details of what it would be, its size, parking requirements or hours of opening;
- A quiet zone running around the site would benefit the human residents and encourage biodiversity without damaging the developers objectives;
- The developer has failed to deal with the Great Crested Newt population on site;
- If trees are lost it would be detrimental to the area;
- Public transport is already inadequate;
- Employment in the village is limited - so people will have to travel to find work;
- There is only a small GP surgery and limited NHS dental facilities in the village;
- The quality of the village life will be diminished;
- Marden high street has few shops and no reasonable prospect of enhancement;
- No evidence that the building of new houses will bring employment and facilities to the area;
- Arable land should be preserved as the UK needs to self sufficient;
- Our property is grade II listed and should enjoy the location as befits a grade II property;
- Adverse impact of an estate of houses instead of ploughed and planted fields;
- Should listen to the views of the Parish Council as they are closer to all aspects of the village community.

4.3 Local residents have also made detailed comments about the proposed access arrangements for the scheme:

- Vehicular access is required from Napoleon Drive - otherwise unnecessary mileage, fuel consumption, pollution, traffic hazards and noise;
- Albion Road and Plain Road are regularly used by pedestrians;
- Plain Road is very narrow and busy;
- Have narrowly escaped accidents several times on Plain Road;
- The use of Napoleon Drive as an access totally at odds with the Manual for Streets as it is defined as a residential street;
- The scheme is now in accordance with the Council's Consultation draft Local Plan;
- Conditions should be attached to any planning permission to ensure the proposed access arrangements are complied with;
- The access arrangements have been amended following a protest campaign from the residents of the Cherry Orchard Estate;
- The shared approach originally proposed would be the best;
- No evidence to support the views that Plain Road and its junction with Albion Road/Thorn Road is unsafe/dangerous;
- The Transport Assessment acknowledges that the transport survey was carried out in the school summer holidays and therefore less traffic around;
- Local road improvements could manage any increases in traffic;
- KCC Highways have stated that the proposed units could all be served by Plain Road;

- There are no footpaths along Plain Road but the development would not cause a great increase in the number of pedestrians using the road;
- Potential of 170+ vehicles coming out of 1 access point;
- Plain Road is a country lane which cannot take 2 way traffic;
- The traffic survey is clearly flawed as it was taken in the school holidays;
- Sight lines are extremely poor on Plain Road;
- No street lighting in Plain Road;
- Napoleon Drive was always built to be an access for development at Stanley Farm;
- Plain Road is not well maintained and is used by heavy farm vehicles;
- The original plan with divided access seemed reasonable - division of traffic to all properties involved;
- There should have been a site meeting to decide the access arrangements;
- Napoleon Drive has pavements, street lighting and is well maintained;
- Slight lines at Roundel Way and Albion Road are safe;
- Traffic from the development will be heading to the village centre and Napoleon Drive is closer to the centre;
- MBC Local Plan is only a draft - so only a proposal at this time;
- Ideally the site should have a one way system for vehicular traffic;
- Applaud the developer for bringing the development into line with the Council's documents;
- Plain Road is defined as a Main Trunk Road in the Manuel for Streets;
- Plain Road is a peaceful semi rural location which will be changed forever;
- The development may have support from KCC Highways for the changes in access arrangements, but not the support of the community;
- Plain Road is hazardous in the winter as suffers with black ice;
- Amended access arrangements allow wildlife enhancements to take place;
- Plain Road is a bus route;
- Dubious about the accident data submitted and how its been used;
- A suitable boundary needs to be provided between the access and properties on Plain Road.
- The road layout was already decided, so what was the customer survey for?
- Many residents were prepared to share the effects of traffic from the development. Many residents and the Parish Council feel it would be fairer to have 2 entrances.
- Extra mileage would be created if people have to drive south then north again.
- The use of Napoleon Drive would not create a rat run – this is a red herring.
- The emerging Local Plan is suggested as the reason for the change, but this is only a draft and there is still much discussion on it.
- There are highway safety issues with the use of Napoleon Drive as cars are frequently parked on the road, sometimes both sides and the road curves giving low levels of visibility.
- The latest proposal is not aligned with the MBC emerging Local Plan.
- KCC Highways have made it clear that they have not and will not prescribe a single or twin entry alternative access arrangements so why have the changes been made.

4.4 A further two letters of objection has been received on behalf of another housing developer, Taylor Wimpy, developer of the Cherry Orchard Estate. Their comments are summarised below:

- The Transport Assessment does not mention whether a road safety review has been carried out. This is a requirement of the Department for Transport Guidelines on Transport Assessment (2007) and the National Planning Practice Guidance (2014);
- A review of the traffic survey confirms the required visibility splays at the junction as set out in the submitted Transport Assessment. However it is noted that the drawing

provided for the access details is inadequate and leaves a short fall in the visibility provision at the junction, which could give rise to safety concerns;

- Lack of access swept paths analysis for Plain Road/site access junctions, particularly for larger vehicles – refuse vehicles and removal vehicles;
- Pedestrian, cycle and emergency vehicle access would be provided to the north via Napoleon Drive. The land over which the route is indicated is not within the ownership of the applicant;
- Pedestrian access would be via Public Right of Way KM280 - this route is not fully surfaced or lit. Cannot be relied on all year round or for pedestrians with mobility issues;
- The use of Plain Road as the access could add 0.5km to a journey for residents heading to the village/station;
- The proposal would have a significant urbanising effect to a country lane;
- Napoleon Drive and Roundel Way are suitable to serve the level of development proposed on Stanley Farm;
- A commercial agreement to allow access through the Cherry Orchard Estate could be achieved for all modes of transport;
- The description of the application should be amended to mention that only vehicular access is to be taken from Plain Road.

4.5 Campaign for the Protection of Rural England: *“See this as speculative backland development which has no merit whatsoever particularly in the light of other proposed development sits being put forward.*

This is an opportunistic application being put forward by the owner on field as a consequence of the rescheduling of the Maidstone Draft Core Strategy at the end of last year and the adoption of a working figure of 14,800 dwellings by 2031. The Core Strategy included a proposal for 320 houses to be built in Marden up to 2026, which we consider to be too high, but an average of about 20 per year might be regarded as organic growth in settled village.

The Interim Core Strategy now adopted by the Cabinet does not include any specific growth plans for Marden. The most relevant part is contained in the introduction and statement of policy CS5 and this application is contrary to this policy because this backland is outside the village boundary. We understand that Marden is currently developing a Neighbourhood Plan. Any assessment of this application should be delayed until this plan, is available, in line with the requirements of the NPPF.

This is particularly important as there are other significant applications being progressed in Marden.

The Stanley Farm application does presume that this number of houses would not require any additional infrastructure, where as it must actually increase pressure on the village amenities of all types contrary to the NPPF. The application would have serious adverse effects around the site.

We see no logic in the shape of the application. The land is currently in agricultural use. The shape of the field was determined by agricultural and historic use and bears no relation to the housing needs. It appears that the developer just wants to maximise the number of houses within the present field boundary.

We ask that the application is refused.”

5.0 CONSULTATIONS

- 5.1 **Marden Parish Council (October 2013):** Councillors abstained from voting and wished to see the application reported to the Planning Committee. They have commented as follows:

“Marden Parish Council deplores and regrets that MBC have left itself, the Parish Council and the residents of the parish in the position where there is no local planning policy in place under which the sustainability of this site in the context of all known development proposals for Marden village can be assessed on a consistent and fair basis. As such, it is not possible for the Planning Authority to assess the sustainability of this proposal in the absence of a study of cumulative impacts on highways, amenities and surface/foul water infrastructure for the village as a whole.

Marden parish Council proposes that approximately 25% of the eventual housing allocation for Marden as a rural service centre is approved in each 5 year period of the Maidstone Local Plan (2011-2031). Marden parish Council is concerned about the cumulative effect of development on the existing infrastructure, amenities, environment and community cohesion of the village and wider parish, particularly if a large majority of the 20 year supply of new houses is built in the early part of the plan period. A phased policy is thus required to enable Marden to develop in a sustainable way that allows the necessary infrastructure and amenity improvements to be co-ordinated with the release of housing land.

Because of the significance of the application Councillors feel that this should be decided at MBC Planning Committee.”

The concerns of the Councillors and the residents were as follows:

Raised some concerns as for previous applications regarding having housing before MBC’s Local Plan has been adopted and that the infrastructure/traffic issues need to be looked at in more detail. Councillors felt that the traffic survey was undertaken at the wrong time and should therefore be undertaken again during school term time, the survey needs to cover the village as a whole not just the immediate impacted areas. They also agreed that a road safety audit, particularly around the entrance roads to the proposed development, should be undertaken. Cllrs also felt that more consultation is needed regarding the community facility and the positioning of the building. They agreed with the cumulative effect of all the significant planning applications that have been submitted to MBC and the individual plans should not be looked at in isolation but as a whole as many of our roads were not built for modern transport with concerns over congestion especially in the centre of the village. Councillors agreed with the statements made by the public that the developer’s consultation was inadequately advertised and many residents were unable to attend.

However, if MBC are minded to approve this application, Councillors wished the following conditions applied:

- *Developer contributions to foul water sewer improvements, highway improvements, Marden Primary School and local secondary education and Marden Medical Centre. .*
- *Consultation with MPC on the community facility;*
- *A management company be set up to and long term management plan be put in place to manage the drainage system, open space, play area and community facility;*
- *MPC would want involvement in the affordable housing scheme and to incorporate housing to be kept in perpetuity for local needs.”*

In addition to the above comments, the Parish Council has submitted a S106/Developer contribution document which I believe may have been prepared in conjunction with their neighbourhood plan.

- 5.2 Further comments from the Parish Council were received on **19th February 2014** following their considerations of amendments and additional information received in November and December 2013.

“Councillors again agreed to abstain from a recommendation and wished to reiterate previous comments. It was proposed that further conditions be added if MBC were minded to approve (1) if the community facility is removed then the funding that would have been set aside for this be used for upgrading /refurbishment of the existing community facility in the village; and (2) Marden Parish Council would wish to be involved with the developer regarding the age range /equipment for the play area.”

- 5.3 The Parish Council also commented in **April 2014** following further amendments/additional information for the scheme.

“All Councillors in attendance recommended refusal for this amended application on the grounds of robustness of the traffic survey in respect of the time and dates undertaken; road safety and design and sustainability of the development. Councillors preferred the original scheme where access was shared between Napoleon Drive and Plain Road however would prefer to see some measures for pedestrian safety in Napoleon Drive and for access to the playing field and with a speed reduction in Plain Road.

Councillors question why this amendment was made by the developer?

Councillors also wish to reiterate their previous comments on this application.”

- 5.4 The Parish Council has also commented on the **23rd June 2014** following the receipt of amended Transport Assessment. They advised that they wish to see the application refused and request that it is reported to Planning Committee. They stated that they wished to reiterate their previous comments (April 2014) adding a reference to the 7.5 tonne weight limit restrictions. Councillors stated that want to see a fair split between the two entrances.

Further comments were received from the Parish Council on the **4th August 2014**. They advise that they were unable to make further recommendations without relevant and up to date plans now that access has been split between Plain Road and Napoleon Drive.

- 5.5 **Highways Agency:** No objection.

- 5.6 **Environment Agency:** *“Have no objection to the development at this location based on the findings of the Flood Risk Assessment (FRA) (September 2013).*

Request that conditions to secure a sustainable surface water drainage scheme for the site and unexpected contamination are added attached to any grant of planning consent.

Section 8 of the FRA makes reference to reports of waterlogging in the northern part of the site. The precise area has not been identified and further information should be provided to demonstrate that no dwellings are proposed in this area.

The proposed discharge of surface water drainage into the ditch adjacent to Plain Road will only be acceptable if it is confirmed water in this ditch can flow unimpeded into a maintained watercourse.

Under the terms of the Flood and Water management Act 2010, each lead Local Flood Authority will set up a Sustainable Drainage Advisory Board (SAB). Kent County Council (KCC) has been identified as the lead Local Flood Authority for this area and will be responsible for approval of surface water drainage infrastructure for new development. SAB approval will be required in addition to planning consent. Recommend that the applicants make contact with KCC to discuss SAB.

No soakaways should be sited in, or allowed, to discharge into land impacted by contamination or land previously identified as being contaminated.

Only clean uncontaminated roof water shall drain directly to soakaways entering after any pollution prevention methods.

Any activities producing potentially polluting run off should also be sited on impermeable hardstanding areas that drain to foul sewer or sealed container.

Water is one of our most precious natural resources, and the south east of England is Water Stressed, so we are keen to ensure water is used wisely. As such, water conservation techniques should be incorporated into design of all new development. If domestic appliances are to be provided in the new property(ies), the applicant is asked to consider installing water and energy efficient models/devices.

All new homes should be designed to achieve a minimum water efficiency of 105 litres per person per day to have any (equivalent to Code for Sustainable Homes Level 3/4). To achieve level 3/4 for water use will only cost around an additional £189 per property (over and above baseline cost for standard appliances)."

- 5.7 **Southern Water:** No objection, but advised that there was inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. It was further stated that the proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. They advise that either additional off site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. They request an informative be included on any planning approval to ensure the necessary legal agreement is entered into with Southern Water to undertake the necessary works.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). They advised that under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus where a SUDS scheme is to be implemented, they advise that drainage details submitted to the Local Planning Authority should:

- Specific the responsibilities of each party for the implementation of the SUDS scheme;
- Specify a timetable for implementation;

- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Recommend a condition to secure details of foul and surface water sewerage is attached to any grant of planning permission.

- 5.8 **Upper Medway Internal Drainage Board:** Whilst the site of the proposed development is outside of the Upper Medway Internal Drainage Board's district, surface water runoff is believed to drain, via ordinary water courses, to Marden Beech Stream and onto the lesser Teise (main river). The development of this site therefore has the potential to affect the Board's interests.

Raise no objection to the proposed drainage system in principle and am pleased that it includes an open balancing pond. Whilst, they advise that they accept that the restricted discharge rates, as proposed, should reduce off site flow rates and therefore improve local flood risk they strongly recommend that the applicant assesses the size and condition of the receiving water course (to the point where it meets Marden Beach Stream and including any culverts) to ensure it has sufficient conveyance capacity.

Recommend that an informative is attached to any grant of planning permission to notify the applicant that any proposed works affecting ordinary watercourses outside of IDB districts now, as a result of the Flood and Water Management Act 2010, require the formal written consent of KCC (the lead local flood authority) and SuDS approval body will also be able to advise the applicant on the possible adoption of the drainage system and details of future maintenance.

Am also pleased that the applicants propose to include a reed bed to help maintain/improve water quality. The Environment Agency's guidance should be sought and followed in respect of pollution prevention and control."

- 5.9 **Sport England:** No comment

- 5.10 **Kent County Council Highways:** KCC Highways originally considered the application and the supporting Transport Assessment in October 2013. At that time it was proposed to take vehicular (and pedestrian and cycle) access from both Napoleon Drive and Plain Road to serve the development. The access to Napoleon Drive was proposed to serve 61 of the proposed dwellings with the Plain Road access serving the remaining 24 dwellings. KCC Highways raised no objection to this arrangement, subject to conditions and the need for a Section 278 Agreement to secure

1. The upgrading of the existing zebra crossing on Goudhurst Road to a pelican crossing.
2. A pedestrian crossing on Church Green close to its junction with the access to Marden Station.
3. A sustainable measures based travel statement.
4. Cycle parking is required at the rail station, at the library and outside the post office.
5. Bus stop improvements on the High Street and Plain Road
6. An extension to the existing 30mph speed limit on Albion Road to include Plain Road.

The applicants have now amended the scheme to take vehicular access from the development only from Plain Road with pedestrian and cycle access from Napoleon Drive. The Transport Assessment and other supporting documentation were amended to reflect this change.

KCC Highways have sought additional information and clarification on this approach. The applicants have now submitted revised Transport Information and I am awaiting detailed comments from KCC Highways on this additional information.

- 5.11 **Kent County Council Highways (July 2014):** "The application has been amended again and now proposes access from both Napoleon Drive and Plain Road with the 85 houses being equally split between the two accesses. An emergency link/footway/cycleway will be provided between the 2 parcels of development.

I can confirm that subject to the following conditions I do not wish to raise objection to this application:-

The applicant is required to provide the following highway works in accordance with a Section 278 Agreement:

1. *The new site access onto Plain Road is subject to a satisfactory safety audit.*
2. *Measures are required to improve the bus waiting area in Plain Road; an alternative stop could be provided either within the site or on Plain Road and this would be subject to negotiation with the bus operator and consultation with residents, if appropriate.*
3. *Bus stop improvements are also required at the 2 bus stops on the High Street, to provide raised bus boarders in order that they are accessible to mobility impaired residents.*
4. *The existing zebra crossing on Goudhurst Road to be upgraded to a puffin crossing.*
5. *A pedestrian crossing is required on Church Green close to its junction with the access to Marden station.*
6. *Best endeavours to extend the existing 30mph speed limit on Albion Road to include the junction of Plain Road and to extend into Plain Road past the proposed site access.*

In addition to the above I would recommend that the following additional conditions be included on any consent granted:-

7. *Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.6metres above carriageway level within the splays, prior to the use of the site commencing.*
8. *Structural approval is required in respect of the proposed new feature bridge accessed from Napoleon Drive, prior to the commencement of development.*
9. *A sustainable measures based travel statement is required prior to first occupation of the development.*
10. *A contribution of £209.33 per dwelling is required toward improvements to Marden train station. This together with funding from residential development at Howland Road and Marden Cricket and Hockey Club will fund a new shelter, additional seats, CCTV and lighting upgrade.*
11. *The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in*

accordance with details to be submitted to and approved by the Local Planning Authority.

12. INFORMATIVE: 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. 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."

- 5.12 **Kent County Council Public Rights of Way:** The proposed development site is crossed by several Public Rights of Way. The existence of such rights of way are a material planning consideration. They note that the application mentions possible changes to the PROW network and that the planned development will significantly increase the pedestrian usage of the paths. They advise that the detailed/reserved matters application for the site will require a plan showing how the footpath network would change and details as to how the current network will be extended and improved. This includes improving surface conditions and improving connectivity of the network. Assuming that any diversions required are successful and the current network is improved, they raise no objection to the application.
- 5.13 **Kent County Council Heritage and Conservation:** *"The site lies within an area of general archaeological potential associated with general pre-historic and medieval activity. In view of the size of the proposed development, it would be appropriate for a watching brief to be maintained during the main phases of groundworks. No objection subject to the imposition of a condition to secure a watching brief."*
- 5.14 **Kent County Council Ecology:** KCC Ecology initially reviewed the proposal, including the Extended Phase 1 Habitat Survey, in September 2013. Whilst they were satisfied with the submitted information as far as it went, they requested additional information to be submitted prior to the determination of the application. This request related specifically to Great Crested Newts, Bats and farmland birds.

The applicant has subsequently submitted additional information - a protected species mitigation document (November 2013) and two addendums to Great Crested Newt Survey Report (April and May 2014).

KCC Ecology have now commented further on the basis of this additional information. Their comments are set out below:

"Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."

Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and

the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."

Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

We have reviewed the ecological information which has been submitted with this planning application and we do not require additional information to be submitted prior to determination of the planning application.

Great crested newts

A great crested newt survey and a desk top assessment has been undertaken and identified that GCN are present within 9 ponds within 250metres of the proposed development site. An outline mitigation strategy has been proposed and we are satisfied that this provides sufficient information to determine the planning application.

However we advise that there is a need for a detailed mitigation strategy to be submitted for comment as a condition of planning permission, if granted.

A buffer strip of tall rank vegetation will be created around the whole of the site. This area is particularly important along the western boundary as it will act as a corridor and ensure there is connectivity between the ponds to the north and the south of the site. We are aware that residents can rough grassland areas "messy" - to prevent residents from mowing or adopting these areas we suggest that signs are placed within the site clearly explaining why these areas are not regularly mown.

It's welcomed that the GCN are proposed to be retained on site and translocated to the public open space area. However we recommend that a management plan is produced for the site as a condition of planning permission, if granted, to ensure it will be managed appropriately for both GCN and residents. We recommend the following condition is included (the wording was adapted from the British Standard for Biodiversity (BS42020):

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Map*
- h) Details of the body or organization responsible for implementation of the plan.*
- i) Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

The GCN survey has stated the following:

- the use of gully pots has been avoided with a permeable paved surface being used which does not require gully pots;*
- If gully pots are required, then they must be placed at least 100mm away from the edge of the pavement and a lowered section pavement placed here to allow newts to get up and out of any road systems.*

We advise that when required gully pots and pavements are located/designed in to the development as recommended within the GCN survey. We recommend that this should be included as a condition of planning permission.

Bats

The survey has detailed that the site boundaries may be used by roosting, commuting or foraging bats and recommended that bat surveys are carried out.

No trees which have some potential to be used by roosting bats are proposed to be removed as a result of the proposed development. As such we are satisfied that there is no requirement for emergence surveys to be carried out as part of this application.

The current landscape master plan indicates that roads (and therefore we are assuming street lighting) are proposed to be located near or adjacent to the boundaries we are concerned that bats may be indirectly impacted by the proposed development.

The lighting for the proposed development must incorporate the recommendations within the letter from Corylus Ecology dated 21st November 2013.

Enhancements

One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”.

Details of ecological enhancements have been recommended within the extended phase 1 habitat survey but we recommend that these enhancements are detailed on the site master plan to ensure that they will be incorporated in to the site.

We recommend that the ecological enhancements are incorporated in to the Landscape and Ecological Management Plan to ensure that they are managed appropriately.”

5.15 Kent County Council (Mouchel): Have requested the following contributions:

“The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.”

Primary Education Provision - £2360.96 per “applicable house” and £589.95 per “applicable flat” (applicable meaning all dwellings, excluding 1 bed units of less than 56sqm GIA, and sheltered accommodation specifically for the elderly) sought towards the costs of extending Marden Primary School.

“This development gives rise to additional primary school pupils during the occupation of this development. This need, cumulatively with other developments in the vicinity, can only be met through the extension of existing Primary School accommodation at Marden.”

Secondary Education Provision - £2359.80 per applicable house and £589.95 per applicable flat towards the extension of secondary school buildings (which based on current trends) are currently used by residents of Marden.

“The proposal gives rise to additional secondary school pupils during occupation of this development. This need, cumulatively with other developments in the vicinity, can only be met through the extension of existing Secondary School accommodation within the locality.”

Community Learning - £30.70 per dwelling sought to address the demand from the development towards the provision of new /expanded facilities and services both through dedicated Adult Education centres and through outreach community learning facilities local to the development.

“The current adult participation in both centres and outreach facilities is in excess of current service capacity.”

Youth Services - £8.44 per dwelling sought to address the demand for from the development for youth services locally.

“Forecasts indicate that there is sufficient capacity within the outreach service to accommodate the increased demand generated through the development, therefore KCC will only seek to provide increased centre based youth services in the local area.”

Libraries and Archives - £100.79 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.

“There is an assessed shortfall in provision for this service in Maidstone Borough which is below the County, England and UK figures.”

Social services - £18.05 per household to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.

“The proposed development will result in a demand upon social services which Facilities for Kent Family and Social Care are under a statutory obligation to meet but will have no additional funding to do so.”

- 5.16 **NHS Property Services:** Have requested a contribution of £360 per person multiplied by predicted occupancy rates of 2.34 persons, towards the provision of enhanced healthcare to meet the needs generated by the development. It is stated that the contribution would be used at Marden, Staplehurst and Lamberhurst Medical Centres.

- 5.17 **MBC Landscape Officer:** Does not object and comments as follows:
“There are no protected trees on this site. The most important trees in terms of amenity value are those on the western boundary as identified on the tree survey drawing. These trees are generally native species but a high proportion are categorised as grade C. These trees, and particularly those grouped around the ponds, will need careful management to ensure their integrity can be retained in the long term, including phased removal and replacement where necessary.

Although this proposal consists only of an indicative site layout the submitted condition survey of the trees and associated arboricultural report gives guidance as to how the site should be developed and the approach in the report is welcomed. It does not however signify that an amended layout could be achieved, although, the proposed density of the development is low enough for adjustments to be made where tree constraints arise. Therefore, provided the advice in the report is followed no objections are raised on arboricultural grounds.”

- 5.18 **MBC Conservation Officer:** *“The Grade II listed Jewel/Bishop House backs onto the site and is visible from it. This listed building once occupied an isolated position just outside the village, grouped with its associated farmstead buildings which have now disappeared. It now sits within a ribbon of 20th century housing which joins it to the village and also extends south eastwards for a considerable way as well as continuing round in the first section of Plain Road. A sensitive development of the site with buildings of a maximum of two storeys in height might be achieved without causing serious harm to the setting of the listed building, particularly if suitable planting were undertaken between the development site and the listed building.*

The Marden Conservation Area lies a little way to the north of the site but is separated from it by substantial 20th century housing developments, and the current proposals are therefore unlikely to have any detrimental effect on its setting.

In developing the site it will also be important to preserve the historic hedgerows forming the boundaries of the site with the remaining open countryside to the west and to ensure adequate archaeological mitigation measures in line with any advice received from KCC Heritage Section.”

- 5.19 **MBC Environmental Health Manager:** *This is potentially a large development situated in a relatively quiet location. Do not expect noise to be an issue for future residents, either from existing noise sources or from this development to existing residents. It is appropriate however to require a contamination assessment. We are told that there is phase 1 land contamination report included, this is, however, just a landscape appraisal and has no mention of contamination within its contents.*

This number of new properties could however create a previously unknown air quality issue here. Though highly unlikely to lead to excessive levels of air

pollutants, nevertheless measures should be put in place at this location to show that emissions from new vehicles are as much as possible recognised and reduced.

This site is not within an increased probability of elevated radon levels.

There is a site waste management plan provided with the documentation which is quite unusual. It is a thorough document and it is adequate for this site.

No objections subject to the receipt of contamination and air quality assessments and informatives to minimise disruption during construction.”

- 5.20 **MBC Parks and Leisure:** It would be unlikely that we would seek an offsite contribution for this application. The proposed open space exceeds the requirement for the number of dwellings. Advise that they would have some reservations that, whilst the play area would cater for 2-9 year olds, there would be nothing in the way of provision for the teen age group.

It would be advisable that any play area installation is considered carefully in association with existing provision at Marden Playing Fields, which is adjacent to the site. Also query the need for an onsite play area when there is an established play area less than 200m away. It may be more beneficial for a contribution to be paid towards Marden Playing Field and its play area rather than the applicants providing an onsite play area and being required to maintain it.

They note that the applicant wishes to leave the large area of open space to retain the site's rural character, but request that it is maintained as useable open space rather than being left to grow wild.

Finally, they advise that the Council will not be looking to adopt any onsite open space. If the developer wishes to provide onsite open space they will be required to maintain it themselves or enter it an agreement with the Parish Council or an alternative management company.

- 5.21 **MBC Housing:** *“I note that the application seeks outline planning permission for, ‘85 residential units with means of access from Napoleon Drive and Plain Road. All other matters (appearance, landscaping, layout and scale) reserved for future consideration.*

Firstly, although this request is in response to amended / additional information that the applicant has now submitted, it would appear that Housing made no initial comments on this proposal in September 2013 when the original application was made, therefore the below comments are in connection with the whole proposal.

It is mentioned at 3.2 of the planning statement that pre-app meetings took place with the Council. It should be noted that Housing were not part of this meeting and therefore had no initial input into the proposal by the developers.

It is acknowledged by the applicant at 4.0 of the planning statement for the need to provide 40% affordable units which equates to 34 of the 85 units being proposed. The applicant has currently suggested the following mix for the affordable units:

*1 bed flats – 4 units
2 bed flats – 4 units
2 bed houses – 9 units
3 bed houses – 12 units*

4 bed houses – 5 units

Whilst this is not a bad starting point, we would ideally be looking at decreasing the 2 and 3 bed units and increasing the 1 bed units. Over 50% of applicants on the Housing Register have a current one-bed need, but we obviously need to take into account future household growth and seek to provide a range of accommodation, which also caters for families.

At the moment, we are using the following mix as a starting point for new sites coming forward (if they are capable of providing a range of accommodation): 1-beds 35%, 2-beds 30%, 3-beds 25%, 4-beds 10%. This is based on housing need bedroom allocation priorities as identified on the Housing Register, and also reflects what the latest SHMA is recommending in terms of future affordable mix.

The applicant at this stage appears not to have mentioned any suggested tenure split.

Therefore, ideally we would be looking at the affordable housing provided be closer to the following:

Size	Total Units	Rental	Shared Ownership
1 Bedroom	12	7	5
2 Bedroom	10	5	5
3 Bedroom	8	6	2
4 Bedroom	4	4	0
Total	34	22	12

There is currently no identified need for 4 bedroom, shared ownership units.

We appreciate that amending the proposed sizes of the units at this stage may be problematical but would encourage the applicants to consult with us as soon as possible with regards to the proposed mix, tenure and the suggested layout of where the affordable units are being sighted as this is not clear on the design and access statement. (Although we acknowledge this is currently an outline application at present.)

Finally, I would also like to raise the issue of design and quality standards, in particular Life Time Homes which should be taken into consideration for the affordable housing provision.”

5.22 **Kent Police Crime Prevention Design Advisor:** No objection, subject to a condition relating to crime prevention.

5.23 **Councillor Nelson-Gracie:** I wish to call in this application as it is one of a series of multiple residential applications and is of interest to a large number of Marden residents. It is a major application outside the village boundary.

6.0 BACKGROUND PAPERS AND PLANS

Supporting documents also provided with the application include a Planning Statement, Design and Access Statement, Design and Access Statement Addendum, Landscape Appraisal Aborigicultural Report, Site Waste Management Plan, Desk Based Heritage Assessment, Flood Risk Assessment, Residential Transport Assessment, Accident Data, Statement of Community Involvement,

Extended Phase 1 Habitat Survey, Protected Species Mitigation Measures Report and two Addendums to the Great Crested Newts Survey Report.

7.0 APPRAISAL

Principle of Development

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 7.2 The application site is mainly located in the countryside outside the defined settlement boundary of Marden. As stated earlier, the site does however adjoin the boundary, and the access is within the boundary.
- 7.3 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:-

“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) The winning of minerals; or*
- (3) Open air recreation and ancillary buildings providing operational uses only; or*
- (4) The provision of public or institutional uses for which a rural location is justified; or*
- (5) Such other exceptions as indicated by policies elsewhere in this plan.*

Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”

- 7.4 The proposed development does not fit into any of the exceptions set out in policy , which is why it has been advertised as a departure from the Development Plan.
- 7.5 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm. (Detailed issues of harm will be discussed later in the report).
- 7.6 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;
- ‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;’
- 7.7 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing

Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). This was agreed by Cabinet on 27th January 2014 and on 24th February 2014 to be included within the draft Local Plan (to be sent out for public consultation).

- 7.8 In April 2013 when most recently calculated, the Council had a 2.0 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings, which is the figure against which the supply must be assessed. Taking into account housing permissions granted since that date, this position will not have changed significantly and would still remain below the 5 year target.
- 7.9 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 7.10 In terms of the location of the site, The NPPF advised that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. Marden is a defined rural service centre (RSC), which outside of the town centre and urban area, are considered the most sustainable settlements in Maidstone's settlement hierarchy, under the draft Local Plan. The draft Local Plan outlines that, "Rural service centres play a key part in the economic and social fabric of the borough and contribute towards its character and built form. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys." The settlement offers a good range of facilities and services including shops, pubs, a primary, school, library, medical centre surgery and railway station and a sizeable designated employment area on Pattenden Lane such, the site is at a sustainable location and immediately adjoins the existing settlement. The loss of grade 2 agricultural land is noted and the views of the Council's Agricultural Advisor has been sought on the loss of this land to development. Furthermore it is clear that there is insufficient brownfield land to meet the Borough's housing need and the fact that the Council does not have a 5 year land supply means that some housing on greenfield sites is inevitable.
- 7.11 The Council has recently finished its Regulation 18 consultation on its emerging Local Plan and representations from that consultation are currently being assessed. The emerging plan can, however, be given weight when considering planning applications. The application site is a housing allocation within the emerging plan for 170 dwellings.
- 7.12 The draft allocation for the site has the following criteria:
- Retain and enhance hedges and trees along the southern and western boundaries of the site in screen new housing from the adjacent open countryside.

- Development should be sited in order to preserve the setting of the listed building, Jewell House, to the east of the site.
 - The function of public footpaths KM281 and KM283 are to be retained, and consideration given to the safety of future users and occupiers of the development.
 - Access will be taken from Plain Road only.
 - Pedestrian and cycle access will be provided from the site to Napoleon Drive, to ensure good links to existing residential areas and the village centre, and to the existing open space adjacent to the north west corner of the site.
 - Development will be subject to the results and recommendations of a phase one ecological survey.
 - Provision of publicly accessible open space as proven necessary, and/or contributions.
 - Appropriate contributions towards community infrastructure will be provided, where necessary.
 - Complimentary improvements to public footpath KM281, connecting the site to Albion road.
 - Complimentary improvements to public footpath KM283, connecting Plain Road to Thorn Road.
 - Approximate density of 30 dwellings per hectare.
- 7.13 In the light of the above five year supply position, bringing forward development on this sustainably located site (as allocated by the emerging plan) immediately adjacent to a rural service centre would assist in helping to meet the shortfall in housing supply and I consider this to be a strong material consideration in favour of the development.
- 7.14 As was the case for the recently approved residential development at the 'MAP depot' and 'Parsonage' in the village, reference has been made to the on-going Local Plan and Neighbourhood Plan and the fact that this application should not be permitted in advance of the completion of that work. Whilst the draft Local Plan has been agreed by Cabinet and will shortly be out for public consultation, and work on the Neighbourhood Plan is progressing, both plans would need to be the subject of an examination. Given the stage of the plans and likely timescales for this process, and the current housing supply issue set out above, it is not considered appropriate or reasonable to delay consideration of this application on that basis.
- 7.15 For the above reasons, I consider the policy principle of residential development at the site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues which are visual impact and whether the site can suitably accommodate 85 dwellings, residential amenity, heritage impacts, access/highway safety, ecology, and drainage. The cumulative impact with other developments also needs to be considered.

Visual Impact

- 7.16 A Landscape and Visual Impact Assessment has been submitted in support of the application. It considers distant and local views and views from within the site. In terms of distant views, the site is largely minimised by intervening established landscaping or existing residential development. In terms of more local views, views of the site from the north there is the potential for local residents facing south onto the site and users of footpath KM280 to get glimpses into the site, views from the west and south would be gained by users of footpath KM283. The site is largely

screened from the east by mature vegetation and spacious landscaped gardens of properties fronting Albion Road. Given that the footpaths crossing the site are to be retained, the proposed development will also be visible from within the site.

- 7.18 The site is surrounded by a mix of uses including residential and mature landscaping. Any development on the site would be seen against these and whilst it is noted that the proposed development would add built form onto the site which does not exist at the moment, it would be seen in the context of the development on the edge of Marden and the size of the site would allow this development to be offset by both formal and informal open space. Long range views of the site are limited and it is difficult to isolate the site within these views. Short range views of the site are possible, but from outside the site these are largely seen against the established planting to the site's edges. Further planting to the site's boundaries will help to soften the visual impact of the development from both long and short range views. Views within the site will continue to exist given the retention of the footpaths, it is noted that the existence of these footpaths can be used to inform the detail design of the development in a positive way to add interest and security to the development.
- 7.19 The application site is clearly outside the built up area of Marden and in open countryside in policy terms. Any development on the site could be considered in strict policy terms as intruding in the countryside. The site, however, has clear and robust boundaries which will contain the development and minimise its impact. With this in mind, I am satisfied that the development of the site would not be a harmful intrusion into the countryside, but would be a logical expansion to Marden which would make a valuable contribution to the housing supply.
- 7.20 Based on there being limited long and short range views of the site and that the development, whilst being in the countryside in policy terms, would be seen as an extension to the built up area of Marden contained by strong visual boundaries I consider that the harm to the character and appearance of the area would be low to medium.
- 7.21 Whilst the design of the development is not being considered at this time, parameters to future development can be set at this stage. I do not consider it is necessary to impose design codes (to dictate themes or styles) or parameters in terms of layout, materials or height, other than to ensure there is no development above two storeys in height adjacent to the listed Jewel/Bishop House. Given the mix of surrounding uses and the scale and mix of adjoining buildings and features it is considered that this should be left open to the developer.

Density

- 7.22 The gross density of the 5.4 hectares of the site within Maidstone Borough would be approximately 16 units per hectare. As an outline application with all matters except access reserved for future consideration, the detailed layout of the site is not yet known or how much of the site will be given over to open space, landscaping and other uses. The net density for the developable area cannot, therefore, be calculated at this stage. It will, of course, be higher than the gross density for the site. The Design and Access Statement gives an illustrative figure of 1.6 hectares for open space. This would give a net density of approximately 22 dwellings per hectare.
- 7.23 It is noted, that this density is lower than the 30 dwellings per hectare set out in the emerging Local Plan allocation for the site. It is, however, considered appropriate in my opinion that any development on this site should be at a lower density than that at

the centre of Marden. This would reflect the nature evolution of a settlement which are higher density at the centre and lower density development further out. It is also noted that the scheme has evolved to take account of the need to enhance the existing boundaries of the site, retain the existing footpath links within it and deal with the presence of great crested newt populations at the existing ponds. Whilst the detailed scheme is still yet to emerge, these considerations have impacted on the amount of developable space available. This lower density also allows the application to make provision of quality open space to serve the residents of Marden as a whole and link it to existing open space to the north of the site and that approved on the adjoining Parsonage site. The site will also provide allotments to serve both the development and village.

- 7.24 I consider that there is sufficient space that would allow for the units proposed with sufficient parking space, open space and landscaping. Clearly, the detailed design, layout, appearance and landscaping will be dealt with at the reserved matters stage.

Residential Amenity

- 7.25 The detailed layout and appearance of the units is not being considered at this stage but I consider that the site could be developed without causing any loss of privacy or light to existing nearby properties as there is sufficient space between these and the application site. I also consider a layout could be achieved which provides suitable living conditions in terms of outlook and privacy for future residents. I do not consider noise from future occupants using their properties or from vehicles associated with the development would be such to warrant an objection. This would be in accordance with policy ENV28 of the Local Plan and the NPPF.
- 7.26 MBC Environmental Health Team have reviewed the application and its supporting documents. They raise no objection in principle to the development of the site for residential development. They consider that a phase 1 contamination report is required and it is a condition to this affect will be attached. They also state that a development of this size could create a previously unknown air quality issue and that whilst unlikely to lead to excessive levels of air pollutants, measures should be put in place to show that emissions from new vehicles are recognised and reduced as much as possible. It is, therefore, considered appropriate to impose a condition requiring an air quality assessment to be submitted to, and agreed in writing, by the Local Planning Authority.
- 7.27 The proposed conditions relating to contamination and air quality would ensure that future residents would have acceptable amenity standards. This would be in accordance with policy ENV28 of the Local Plan, the policies in the emerging plan and the NPPF.

Heritage

- 7.28 The NPPF, Local Plan and emerging plan all seek to protect and enhance the historic environment. Applications that adversely affect the historic assets, and for which mitigation measures appropriate to the scale and nature of the impact cannot be achieved, will not be permitted.
- 7.29 Marden Conservation Area lies a little way to the north of the site, but is separated from it by a modern housing developments. I do not, therefore, consider that the current application will adversely affect its character or appearance.

- 7.30 In terms of listed buildings, a grade II listed property Jewel/Bishop House backs on to the site and is visible from it. This property was once isolated from the village and surrounded by a number of farmstead type buildings which have since disappeared. It now sits within a ribbon of 20th century housing which joins it to the village and continues past it south eastwards. The Conservation Officer advises that a sensitive development of the site with buildings of a maximum of two storeys in height could be achieved without adversely affecting the setting of the listed building, especially if additional planting was undertaken between the development site and the listed building. It is considered appropriate to impose a condition to secure a maximum of two storey development in the area adjoining Jewel/Bishop House.
- 7.31 KCC Heritage has advised that ““The site lies within an area of general archaeological potential associated with general pre-historic and medieval activity. In view of the size of the proposed development, it would be appropriate for a watching brief to be maintained during the main phases of groundworks”. They have reviewed the desk based Archaeological Assessment and advised that in view of the archaeological potential of the site, a condition to secure a watching brief is appropriate.

Highways

- 7.32 The NPPF, local plan and emerging plan all recognise that new developments have the potential to generate a considerable number of vehicular and pedestrian trips which has both a direct and cumulative impact on the transport network. Improvements to public transport, walking, cycling and highway infrastructure to mitigate these impacts needs to be in place to ensure the increase in trips generated will not lead to an unacceptable level of transport impacts. To further minimise these impacts, measures and initiatives should be incorporated into the design of developments to minimise vehicular trip generation. New development proposals will be expected to enter into legal agreements to mitigate both their direct and cumulative impact on the transport network. Construction management plans can also be secured to minimise impacts from new developments during construction.
- 7.33 Issues of traffic generation and safety are key considerations in the determination of this application and have been concerns have been raised by the Parish Council and local residents.
- 7.34 Originally, it was proposed to take vehicular (and pedestrian and cycle) access from both Napoleon Drive and Plain Road to serve the development. The access to Napoleon Drive was proposed to serve 61 of the proposed dwellings with the Plain Road access serving the remaining 24 dwellings. KCC Highways raised no objection to this arrangement, subject to conditions and a Section 278 Agreement. The need for the applicants to enter into a Section 278 Agreement will need to be part of the S106 Agreement.
- 7.35 Following concerns from residents of the Cherry Orchard estate to the north of the site that the scheme did not reflect the criteria of the site's allocation within the emerging Local Plan, the applicants amended the scheme to take vehicular access from the development only from Plain Road with pedestrian and cycle access from Napoleon Drive. The Transport Assessment and other supporting documentation were amended to reflect this change. KCC Highways have sought additional information and clarification on this approach. The applicants submitted a revised Transport Information and once again KCC Highways raised no objection to the amended scheme subject to the imposition of conditions, informatives and a Section 278 Agreement.

- 7.36 Following this amendment a number of comments were received from local residents and the Parish Council on the basis that the impact of the development on the site should be spread more equally and would like to see a fair split between the two accesses implemented. The scheme has now been amended again to take vehicular access from both Plain Road and Napoleon Drive with a 50 50 split between the two. An amended Transport Assessment has been submitted to explain this approach and KCC Highways have advised that they have no objection to this revision subject to the imposition of conditions, informatives and a S278 Agreement to secure
1. The new site access onto Plain Road is subject to a satisfactory safety audit.
 2. Measures are required to improve the bus waiting area in Plain Road; an alternative stop could be provided either within the site or on Plain Road and this would be subject to negotiation with the bus operator and consultation with residents, if appropriate.
 3. Bus stop improvements are also required at the 2 bus stops on the High Street, to provide raised bus boarders in order that they are accessible to mobility impaired residents.
 4. The existing zebra crossing on Goudhurst Road to be upgraded to a puffin crossing.
 5. A pedestrian crossing is required on Church Green close to its junction with the access to Marden station.
 6. Best endeavours to extend the existing 30mph speed limit on Albion Road to include the junction of Plain Road and to extend into Plain Road past the proposed site access.
- 7.37 Concerns have been raised from some local residents on the basis that the application is now not in accordance with the allocation for the site in the emerging local plan which states that vehicular access should only be taken from Plain Road with pedestrian and cycle links from the development to the Cherry Orchard estate via Napoleon Drive. In my opinion, whilst the emerging plan has some weight given that it has been out to Regulation 18 consultation, it must also be noted that given that there is a long way to go before the emerging plan could be presented for examination and as such the weight to be attributed to it can only be considered as limited. It is currently a consultation document with the representations from the consultation still being reviewed.
- 7.38 It must also be noted that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan comprises the National Planning Policy Framework and Practice Guide and adopted Maidstone Borough Wide Local Plan 2000. The emerging local plan with its policies and allocations is a material consideration.
- 7.39 Each planning application must be considered on its own merits and it is noted in this instance that KCC Highways have advised that they have no objection to the whole 85 dwellings taking access from Napoleon Drive, Plain Road or any mix between the two. In my opinion, there is no reason why the application as amended cannot be supported as long as no objections are raised by KCC Highways.
- 7.40 I also note that some residents and the Parish Council have raised concerns that the applicants have not sought to amend this illustrative plan to highlight the 50 50 split between the two accesses (Plain Road and Napoleon Drive). This is considered acceptable as the plan is only illustrative and the amendments in relation to the access and the proposed split are made clear in other supporting documentation.

- 7.41 A request has been made for a contribution towards an upgrade of Marden Station. A contribution of £209.33 per dwelling is required toward improvements to Marden train station. This together with funding from residential development at Howland Road and Marden Cricket and Hockey Club will fund a new shelter, additional seats, CCTV and lighting upgrade. The cost of the new facilities is approximately £58,560 and will fund a new shelter, additional seats, CCTV and lighting upgrade and cycle parking improvements. It is noted that the cycle parking improvements (£5,600) are being funded from other applications in the area recently granted planning consent. This leaves £52,960 for the remaining station improvements. There are a number of other planning applications for residential development in Marden at this present time (Howland Road 44 dwellings, Marden Cricket and Hockey Club 124 dwellings) as well as this application for 85 dwellings. It is considered appropriate that this request for a contribution should be distributed across the outstanding applications evenly. This request has been passed to the agent and it is understood that no objection is raised to its payment.

Ecology

- 7.42 The NPPF, Local Plan and emerging plan all seek to protect and enhance the natural environment. Applications that adversely affect the natural assets and for which mitigation measures appropriate to the scale and nature of the impact cannot be achieved will not be permitted.
- 7.43 KCC Ecology originally reviewed the application and the Extended Phase 1 Habitat Survey in September 2013. They advised that the ecology information was satisfactory as far as it went, but that additional information was required in relation to Great Crested Newts, Bats and Farmland Birds to allow them to fully assess the impact of the development.
- 7.44 In November 2013, the applicants submitted a report relating to Protected Species Mitigation Measures. This report set out mitigation measures for Great Crested Newts, Bats and Farmland birds.
- 7.45 This document confirmed the presence of Great Crested Newts in and around the site and proposed on site mitigation. The proposed development could provide for a buffer strip around the site with open space enhanced as wildflower meadow with features such as hibernacula and log piles to create refugia for amphibians. It is acknowledged that the proposed mitigation would have to include a period of trapping to remove newts from the developable area and details were set out as how this would be carried out. A European Protected Species Licence to carry out these works would be required and it is noted that to obtain the licence, the surveys for newts would need to be updated.
- 7.46 The document also considers bats and highlights that the no features with potential for bats would be lost as part of the development. It also set out the importance of controlling lighting when dealing with bats and that this matter could be dealt with via a lighting condition.
- 7.47 In relation to farmland birds, the document highlighted that the hedgerows and trees within the site's boundaries would have potential for breeding birds and that these would be retained, and enhanced, as part of the proposed development. The applicants have expressed a commitment that if any clearance work is required in these areas it would be undertaken between September and the end of February.

They also propose to incorporate bird nesting boxes into the scheme to mitigate and enhance the biodiversity of the site.

- 7.48 KCC Ecology welcomed these commitments and requested up dated Great Crested Newt studies. These studies were carried out by the applicant in April and May of this year and recorded the presence of the newts at the site. KCC Ecology have agreed the findings of the surveys.
- 7.49 KCC Ecology now confirmed that they raise no objection to the proposed development, subject to conditions and informatives.

Flood Risk and Drainage

- 7.50 The NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and the technical guide outlines that opportunities to reduce the overall level of flood risk in the area should be sought through the layout and form of the development and appropriate use of Sustainable Urban Drainage (SUDs).
- 7.51 The site is not within a high risk flood area as identified by the Environment Agency but the applicant has submitted a Flood Risk Assessment (FRA) as is required for major housing applications. Being in a low risk area, the management of surface water runoff is the main issue.
- 7.52 The FRA is proposing a sustainable drainage system which utilises permeable paving with a porous sub base for all roads, car parking areas and drives. The drainage system will also make use of the existing ponds on the site. This being an outline application, the detailed design for the development is not provided at this stage but the preliminary design works by the applicants consultants indicate that a SUDs system will be used to accommodate the 1 in 100 year rainfall event with a 30% allowance for climate change.
- 7.53 The Environment Agency raise no objection to the principle of the development at this site, subject to a condition requiring a surface water drainage scheme for the development to be submitted and agreed. This will ensure that surface water will be managed within the development to ensure flooding does not occur and ensure flood risk will not be increased off site.
- 7.54 The Upper Medway Drainage Board has advised that the development of this site has the potential to affect its interests. They raise no objection to the proposed development in principle, but recommend that the applicants assess the size and condition of the water courses around the site when developing their drainage scheme.
- 7.55 In terms of foul water, Southern Water has confirmed that there is inadequate capacity in the local network to provide foul sewage disposal for the proposed development. They advise that additional off site sewers or improvements to existing sewers would be required to provide sufficient capacity to serve the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested and request that an informative setting out the need for the applicants to enter into formal agreement with them is attached to any formal grant of planning consent.

Affordable Housing

- 7.56 The Council's Affordable Housing DPD 2006 requires affordable housing to be provided at 40% and is the current policy basis for requiring affordable housing. Emerging policy DM24 states that on housing or mixed use sites of 10 residential units or more, the Council will seek the delivery of affordable housing and sets a rate of 40% for countryside sites and rural service centres and larger villages. The Council will seek a tenure split in the borough of not less than 65% affordable rented housing, social rented housing or a mixture of the two. The balance of up to 35% of affordable dwellings delivered will be intermediate affordable housing (shared ownership and/or intermediate rent).
- 7.57 The applicant is proposing the provision of 40% affordable units (34 units), but given that this is an outline application with only access under consideration at this stage, no specific mix of tenure of the affordable dwellings is set out. An illustrative mix of units in terms of sizes for private and affordable units is set out in the Design and Access Statement, but the exact breakdown of the proposed 85 units is reserved for future consideration.
- 7.58 MBC Housing has reviewed the application and welcomes the proposed amount of affordable units proposed in the scheme. They make detailed comments on the breakdown of affordable units proposed in the Design and Access Statement, but advise that in terms of a starting point for new sites coming forward they are currently seeking 1 beds – 35%, 2 beds 30%, 3 beds 25% and 4 beds 10%. These comments are noted and will aid the applicant in designing the detail of the development.
- 7.59 The Council's Housing Team also raise the issue of design and quality standards for new development, in particular Life Time Homes, which need to be taken into consideration for the affordable housing provision.

8.0 Planning Obligations

- 8.1 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD. Policy ID1 of the emerging plan relates to infrastructure delivery and its preamble sets out the Council's moves towards developing its Community Infrastructure Levy (CIL). Where there are competing demands for developers contributions towards the delivery of infrastructure for new development proposals, the Council will prioritise these demands as follows affordable housing, transport, open space, public realm, health, education, social services, utilities, libraries and emergency services.
- 8.2 However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -

It is:

- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.

8.3 The following contributions have been sought:

- Contribution of £2360.96 per 'applicable' house is sought towards the build costs of extending Marden Primary School.
- Contribution of £2359.80 per 'applicable' house is sought towards the extension of a secondary school buildings (which based on current trends) are currently used by residents of Marden.
- Contribution of £118.73 per dwelling is sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- Contribution of £30.70 per dwelling is sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through detailed adult education centres and through outreach community learning facilities local to the development.
- Contribution of £8.44 per dwelling is sought to be used to address the demand from the development towards youth services locally.
- Contribution of £8.44 per dwelling is sought used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.
- Contribution of £46,322 is sought towards (forward funded and completed) extensions and works to the Marden Medical Centre.
- MBC Parks and Leisure Team initially requested offsite open space financial contribution as it advised that Marden is currently underprovided in terms of outdoor sports facilities and allotments and gardens. They stated as there were nearby existing facilities to the site that the applicants might wish to make a contribution to those instead of providing open space on site which they would have to maintain in the future. The applicants' illustrative masterplan shows a large area of open space at the northwest corner of the site containing an equipped children's play area and allotments as well as an informal grassed area. Other areas of open space spread throughout the application site are also shown on the masterplan. The applicants advised that they wished to include open space within the site, along the lines shown on the masterplan, and it is noted that the provision of onsite open space would be required to meet their ecological mitigation obligations. The Parks and Leisure Team have reviewed the information submitted by the applicant and advise that they would not require a financial contribution if the open space were to be provided as advised by the applicant. Because this is an outline application where layout is not being considered, it is appropriate to agree the exact open space provisions at the reserved matters stage once the detailed design is known. At this stage on-site and/or off-site open space provision can be secured. As such, I do not consider it necessary to secure any provision at this stage.
- A contribution of £17,793.05 is sought towards improvement works to Marden Station.

8.5 KCC has requested a contribution towards extension of Marden Primary school. Evidence has been submitted that the schools in the vicinity (Marden and Collier Street) are nearing capacity and that the projections over the next few years, taking into account this development and those permitted, show that capacity would be exceeded. I therefore consider that the requested contribution for school expansion complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three tests above.

- 8.6 There is also a request for a contribution towards the extension of applicable local secondary schools. Evidence has been submitted that the secondary schools in the local area are nearing capacity and projections over the next few years, taking into account this development and those permitted show that capacity would be exceeded. Therefore contributions are sought from new developments on the basis that the demand for places arising from these developments cannot be accommodated within existing secondary schools. Therefore the extension to the school would be meeting the need arising from this development. I therefore consider that the requested contribution complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three tests above.
- 8.7 KCC have identified that there would be an additional requirement for bookstock at the local library on the basis that the development would result in additional active borrowers and therefore seek a contribution. I consider this request to be compliant with policy CF1 and to meet the tests set out above.
- 8.8 A community learning contribution is sought towards new/expanded facilities and services for adult education centres and outreach community learning facilities. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.
- 8.9 A contribution towards local youth services is sought as the current youth participation is in excess of current service capacity. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.
- 8.10 A contribution towards adult social services to be used towards provision of 'Telecare' and enhancement of local community facilities to ensure full DDA compliant access to clients. 'Telecare' provides electronic and other resources to aid independence including falls, flooding or wandering alarms, secure key boxes and lifeline. I consider that this request is justified, compliant with policy CF1 and meets the three tests as set out above.
- 8.11 In terms of healthcare, the NHS property service request is considered directly related to the proposed new housing, necessary and reasonable and therefore accords with policy CF1 and passes the S106 tests.
- 8.12 A contribution of £17,793.05 is sought towards improvement works to Marden Station including a new shelter, additional seats and an upgrade to the CCTV and lighting. It is not clear at this time whether this request meets the tests and I will update Members on this at the meeting.
- 9.0 **Other Matters**
- 9.1 Sustainable development is advocated under the NPPF and the emerging Local Plan policy DM2 which sets out a requirement for residential development to achieve a minimum of Code for Sustainable Homes (or any future national equivalent) Level 4. The applicants have advised in their Design and Access Statement that it is their intention to meet that requirement. It is considered appropriate to secure this via a planning condition.
- 9.2 Other matters raised and not considered above include concerns about height and elevational treatment of the proposed dwellings, lack of integration between proposed market and affordable units, no real consultation with community and possible light pollution from the development. This is an outline application with all matters, except access, reserved for future consideration. The details of the

development including height and elevational treatment of the proposed dwellings and the location of the affordable and market units will be submitted in detail at the reserved matter stage(s). A condition will be imposed on the application to secure the submission, and subsequent agreement, of a lighting scheme for the site. Whilst it is welcomed when a applicant undertakes consultation with the community independently of the planning application process, there is no formal requirement for them to do so. In this instance, the applicants did engage with the local community before submitting the application and have provided a Statement of Community Involvement.

10.0 CONCLUSION

- 10.1 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan. However, in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and policies such as ENV28 cannot form grounds to object in principle.
- 10.2 The NPPF advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. Marden is a defined rural service centre and the application site lies immediately adjacent to its boundary. The village offers a good range of facilities and services including shops, pubs, a primary, school, library, medical centre surgery and railway station and a sizeable designated employment area on Pattenden Lane. As such, the application site is at a sustainable location, immediately adjoins the existing settlement, and is considered an appropriate location in principle for additional housing.
- 10.3 The visual impact of development at the site would be localised with the main views being largely restricted to views from the footpath crossing the site. The development would have clear and robust boundaries and the harm to the character and appearance of the area is considered to be low to medium.
- 10.4 No objections from the Environment Agency subject to conditions, and there would be no significant adverse effect on heritage assets. The development could be designed to ensure no harmful impact upon existing amenity and future occupants would have sufficient amenity.
- 10.5 The ecological impacts of the development can be suitably mitigated in line with the NPPF and some mitigation/enhancement would be provided on-site. KCC Ecology is raising no objections.
- 10.6 There are no highway objections to the principle of the development having a singular vehicular access from Plain Road.
- 10.7 Appropriate and sufficient community contributions can be secured by a Section 106 agreement to ensure the extra demands upon local services and facilities are borne by the development, and the proposal would provide an appropriate level of affordable housing.
- 10.8 I have taken into account all representations received on the application and considering the low level of harm caused by the development, in the context of an objectively assessed need of 19,600 houses, and against a current housing supply of 2.0 years, I consider that the low adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing, including

affordable housing, at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF is sufficient grounds to depart from the Local Plan. Therefore I recommend permission is approved and that Members give delegated powers to the Head of Planning to approve the application, subject to the receipt of an appropriate S106 legal agreement and the following conditions.

11.0 RECOMMENDATION

Subject to:

The prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:

- The provision of 40% affordable residential units within the application site.
- Contribution of £2360.96 per 'applicable' house and £590.24 per applicable flat ('applicable' meaning all dwellings, excluding 1 bed units of less than 56sqm GIA, and sheltered accommodation specifically for the elderly) towards the build costs of extending Marden Primary School.
- Contribution of £2359.80 per 'applicable' house and £589.95 per applicable flat towards the extension of secondary school buildings (which based on current trends) are currently used by residents of Marden.
- Contribution of £100.79 per dwelling to address the demand from the development towards additional bookstock and services at Marden library.
- Contribution of £30.70 per dwelling to address the demand from the development towards the provision of new/expanded facilities and services both through detailed adult education centres and through outreach community learning facilities within 3 miles of the application site.
- Contribution of £8.44 per dwelling to address the demand from the development towards youth services within 2 miles of the application site.
- Contribution of £18.05 per dwelling to address the demand from the development towards the provision of new/expanded facilities and services both on site and within 3 miles of the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.
- Contribution of £46,332 towards health care facilities at Marden, Staplehurst and Lamberhurst Medical Centres.
- Contribution of up to £17,793.05 towards improvements at Marden railway station (subject to further investigation demonstrating that the request is S106 compliant)

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below:

1. The development shall not commence until approval of the following reserved matters have been obtained in writing from the Local Planning Authority:
 - a. Layout
 - b. Scale
 - c. Appearance
 - d. Landscaping

Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

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

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

Reason: In the interests of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings as set out in policy BE1 of the 1997 Thurrock Borough Local Plan and BEN1 of the 2003 Thurrock Unitary Development Plan.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the locations, heights, designs, materials and types of all boundary treatments to be erected on site. The boundary treatments shall be completed in strict accordance with the approved details before the first occupation of the buildings or land and maintained thereafter.

Reason: In the interests of visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

4. No development shall commence until details of satisfactory facilities for the storage of refuse 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 buildings or land and maintained thereafter.

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

5. No development shall commence until a detailed scheme for parking and turning areas has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be completed before the commencement of the use of the building or land hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order (or any subsequent re-enacting Order) 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.

6. Prior to the commencement of development hereby approved details of the foul and surface water drainage systems to serve the development, incorporating sustainable drainage principles and an assessment of the hydro-geological context of the development and the site, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in strict accordance with the approved plans prior to the first occupation of the development hereby permitted.

Reason: To ensure that adequate drainage is provided for the development.

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to, and approved in writing by, the Local Planning Authority.

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

8. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Map
 - h) Details of the body or organization responsible for implementation of the plan.
 - i) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981.

9. The proposed gully pots and pavements shall be located and designed as recommended in the Great Crested Newt Survey unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981.

10. If the development hereby approved does not commence (or having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent, the approved ecological measures secured shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: In the interests of biodiversity protection.

11. The details of landscaping, submitted pursuant to condition 1 above, shall provide for the following indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development, and a programme of maintenance. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development (or such other period as may be agreed in writing by the Local Planning Authority) and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping.

12. No development shall commence until details of the proposed means of foul and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that adequate drainage is provided for the development.

13. Notwithstanding the details illustrated on the approved plans, prior to the first residential occupation of any of the residential units hereby permitted a detailed lighting plan for the development including the road, car parking areas, footways/cycleways, shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include the siting and design of any lighting together with details of the spread and intensity of the lighting. It should also identify those areas/features on site that are particularly sensitive for bats and where lighting is likely to cause disturbance along important routes used to access key areas of their territory and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The lighting shall be installed in strict accordance with the agreed details prior to first residential occupation of the dwellings hereby permitted and thereafter retained and maintained in the agreed form without any further additions.

Reason: In the interests of highway safety, amenity and biodiversity.

14. The dwellings constructed in pursuance of condition 1 will achieve Level 4 of the Code for Sustainable Homes, or any equivalent nationally applies standard in place at the time the dwellings are implemented.

Reason: To ensure a sustainable and energy efficient form of development.

15. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways with the site, and the design of the kerb stone/crossing points which shall be of a wildlife friendly design, have been submitted to, and approved by, the Local Planning Authority. The development shall thereafter be undertaken with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development.

16. 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 Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation shall be implemented as approved.

Reason: To protect vulnerable groundwater resources.

17. Prior to the commencement of any development, details shall be submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor level of the building(s) hereby permitted. Development shall be in strict accordance with the details agreed.

Reason: In the interest of amenity.

18. No part of the development shall be occupied until a Sustainable Travel Statement, providing measures and incentives to encourage trips by alternative means to the private car and to include a Residential Travel Information Pack, has been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be carried out in full.

Reason: In the interests of sustainable transport use.

19. Notwithstanding the Town and Country Planning Act and the provisions of the Town & Country Planning (General Permitted Development) Order 1995 or any subsequent re-enacting Act or Order, no electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, boiler flues, ventilation grilles or ducting, satellite dishes, burglar alarms, security lighting, video cameras or floodlighting, surface wiring or pipe work shall be fixed to the external fabric of the buildings without the prior written approval of the Local Planning Authority.

Reason: In the interest of visual amenity and the integrity of the design.

20. No development shall take place until a scheme for the incorporation of bird nesting boxes and swift bricks has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as agreed prior to the first occupation of the residential units hereby permitted and thereafter permanently retained.

Reason: In the interests of supporting and promoting the biodiversity interests of the site.

21. Prior to the first occupation of the development hereby permitted the visibility splays shown on the permitted plans shall be implemented with no obstruction to visibility at or above a height of 600mm when measured from the level of the

adjoining highway carriageway and the visibility splays shall thereafter be retained and maintained as such.

Reason: In the interests of highway and pedestrian safety.

22. No development shall commence until an Air Quality Assessment has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: In the interests of amenity.

23. The development hereby permitted shall have a maximum height of two storeys.

Reason: To preserve the character and appearance of the nearby listed building.

24. The approved details of the access as shown on the submitted plans shall be completed before the commencement of the use of the land and be maintained thereafter.

Reason: In the interests of highway safety.

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

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

Informatives:

No furniture may be erected on or across Public Rights of Way without the express consent of the highway Authority.

There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of the Highway Authority.

There should be no close board fencing or similar structure over 1.2m erected which will block out the views.

No hedging or shrubs should be planted within 1m of the edge of the public path.

No materials can be stored on the right of way.

The granting of planning permission confers no on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel. 0330 303 0119) or www.southernwater.co.uk

Kent County Council (KCC) has been identified as the lead Flood Local Authority for this area and will be responsible for approval of surface water drainage infrastructure for new development. Sustainable Drainage Advisory Board (SAB) will be required in addition to

planning consent. Recommend that the applicant makes contact with the SAB at KCC to discuss details of the proposed surface drainage infrastructure. Enquiries should be made to Kent County Council via email at suds@kent.gov.uk

No soakaway should be sited in, or allowed to discharge into, land impacted by contamination or land previously identified as being contaminated.

Only clean uncontaminated roof water shall drain directly to soakaways entering after any pollution prevention methods.

Any activities producing potentially polluting run off should also be sited on impermeable hardstanding areas that drain to foul sewer or sealed container.

Attention is drawn to sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirement are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager (EHM) regarding noise requirements.

Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc to nearby properties. Advice on minimising any potential nuisance is available from the EHM.

Plant and machinery used for demolition and construction shall only be operated within the application site between the hours of 0800 and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 -1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the EHM.

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. 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.

Case Officer: Annabel Hemmings

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



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NAPOLEON DRIVE

NAPOLEON DRIVE

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FORMAN
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THE MAIDSTONE BOROUGH COUNCIL

Former BP Filling Station,
531, Tonbridge Road,
Maidstone,
Kent,
ME16 9LN

MBC Ref: MA 14/0502



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/0502		
APPLICATION PROPOSAL Erection of single storey retail unit with parking, loading bay facilities and associated works as shown on Decommissioning Report, Transport Statement, Design & Access Statement and drawing no. 193-200P3 received 28/03/14, drawing nos. 193-401P3, 402.P3 & 300P3 received 19/05/14, drawing no. A084724_TS02 Rev B received 28/05/14, Stage 1 Safety Audit received 02/06/14, drawing nos. 193-110.P4 & 100.P8 received 05/06/14, and e-mail from agent and drawing nos. A084724_TS01 Rev B & A084724_TS03 Rev C received 25/06/14.		
ADDRESS Former BP Filling Station, 531, Tonbridge Road, Maidstone, Kent, ME16 9LN		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE Councillor Black wishes to see application refused and reported to Committee.		
WARD Fant Ward	PARISH COUNCIL Maidstone	
DECISION DUE DATE 22/08/14	PUBLICITY EXPIRY DATE 11/07/14	
RELEVANT PLANNING HISTORY:		

- MA/08/0352 - Erection of 6 dwellings – Approved with conditions
- MA/07/2134 – Erection of 6 dwellings – Refused

Land to rear of proposal site

- MA/12/0825 - Application to replace extant planning permission MA/08/2384 to allow further 3 years to implement development – Approved with conditions
- MA/08/2384 - Erection of 14 residential units – Approved with conditions

MAIN REPORT

1.0 Site description

- 1.01 The proposal site relates to the former BP petrol station (with a retail element) on Tonbridge Road that has been vacant for approximately 7 years. The site is within the defined urban area and is located some 115m to the north-east of the crossroads where Tonbridge Road meets Farleigh Lane and Fountain Lane. The site is relatively flat and is largely of hardstanding enclosed by temporary metal mesh fencing. Tonbridge Road is a classified 'A' road and the site does benefit from an existing vehicle access onto this highway, although this to be amended as part of

this application. There are parking restrictions on either side of the road; and there is a pedestrian safety island some 15m to the south-west of the site.

- 1.02 Elmstone Lane runs along the north-eastern boundary of the site; and the site is largely surrounded by residential properties of differing scale, design and age. The land to the rear of the site is occupied by disused commercial premises, but is subject to an extant planning approval (MA/12/0825) for 14 dwellings. Both proposals would use the same vehicle access from Tonbridge Road.
- 1.03 To the north-west of the application site is a terrace of Grade II listed dwellings (432 – 450 Tonbridge Road); and on the corners of the already mentioned crossroads, there is an Indian restaurant (currently closed), a bank and a newsagents. In terms of the wider area, and as designated by the Maidstone Borough-Wide Local Plan 2000, there is the Cherry Tree Local Centre on Tonbridge Road that is some 220m to the north-east of the site; and the Marlborough Parade Local Centre on Beverley Road that is some 500m to the west of the site.

2.0 Proposal

- 2.01 The proposed development is for the erection of a detached retail unit with associated parking. The proposed convenience store would be a single storey building with an overall footprint of 364m². 276m² of this floor area would be given over to the retail sales area with the remaining floor area being used for storage and staff accommodation.
- 2.02 Set in-line with the properties to the immediate south-west of the site, the proposed unit would have its customer entrance facing onto Tonbridge Road; and would have full length glazed elements to its north-western (front) and north-eastern elevations. The proposed unit would have a flat roof with metal coping; it would stand some 4m in height from ground level; and in terms of finishes, the building would be largely of timber cladding with silver/grey metal cladding panels on a brick plinth.
- 2.03 The proposal would provide 9 car parking spaces and 4 bicycle parking spaces, with access from Tonbridge Road; and the building is intended to achieve a minimum of Good in terms of the BREEAM standard.
- 2.04 The proposed opening hours for the unit would be 07:00-23:00 Monday – Saturday, and 07:30-22:30 Sunday and Bank Holidays. In terms of deliveries, the applicant has explained that the proposed occupier would generally receive four deliveries per day in the mornings (except Sundays), for newspapers (small van), bread and milk (rigid lorry), and general deliveries (arctic or rigid lorry). It is believed that on a Sunday there is usually only the newspaper delivery.
- 2.05 General waste collection would be during store opening hours, and managed by Biffa Waste Service's (usually collected 3 times a week); and 'special' waste collections (such as confidential and hazardous waste), are handled under different Biffa services. The collections are made by

entering the store for the bins which are residential in size, with the empties being returned in to the store. The agent has assured me that at no time would there be any bins left outside of the store on the pavement.

3.0 Policies and other considerations

- Development Plan 2000: ENV6, ENV21, ENV49, T13, R1, R3, R10
- National Planning Policy Framework
- Planning for Growth Ministerial Statement (March 2011)
- National Planning Practice Guidance
- Draft Local Plan policies: SP2, DM1, DM4, DM17, DM20

4.0 Local representations

4.01 10 neighbours have made 13 representations raising objections on grounds of;

- Highway safety/parking provision
- Unsociable behaviour and general noise and disturbance
- Proliferation of convenience stores in area
- Design
- Use site for residential development
- Impact on local businesses

4.02 A petition with approximately 270 signatures has also been submitted raising objection on the grounds of highway safety and there being a proliferation of convenience stores in the area.

5.0 Consultations

5.01 **Councillor Black:** Wishes to see the application refused and reported to Planning Committee;

"Currently there are 3 Tescos, 6 corner shops and 3 supermarkets all within a 2 mile radius. There is also residents concern about traffic congestion within the area, congestion is a problem especially on the Tonbridge Road mid morning, lunch time and in the evening. With the Hermitage Lane proposals further congestion will occur to the consternation of the local residents. For this reason I, together with Cllr's Paine and Vizzard have concerns about the unloading of large lorries just off the pavement and this will compound the problems and traffic chaos."

5.02 **KCC Highways Officer:** Raises no objections;

5.03 **Conservation Officer:** Raises no objection on heritage grounds.

5.04 **Landscape Officer:** Raises no objection on arboricultural grounds;

5.05 **Environmental Health Officer:** Raises no objections.

5.06 **Environment Agency:** Raises no objection.

6.0 Background information

- 6.01 Pre-application advice was sought by the applicant in January 2014, and I did advise the applicant to carefully consider the design of the building (in particular the two most prominent elevations), and to include with any submission a detailed analyse of the impact of the proposal on the local highway.

7.0 Principle of development

- 7.01 The NPPF seeks to encourage and support sustainable economic growth, and does state that significant weight should be placed on the need to support economic growth through the planning system. It also goes on to state that when considering out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

- 7.02 In terms of the MBWLP, the two main (saved) retail policies of relevance to this proposal are R1 and R3. The retail unit would not exceed 500m² of gross floor space and so policy R2 is not relevant. Saved policy R1 states that retail development would be permitted in the defined urban area provided that (in summary);

- *The proposal does not threaten the overall economic vitality and viability of established retail centres;*
- *There are no highway safety objections, adequate access and parking; and the site is easily and safely accessible by a reasonable choice of modes of transport (including by people with disabilities);*
- *There is no significant adverse impact on neighbouring land uses or residential amenity.*

- 7.03 Saved policy R3 of the MBWLP states that retail development that would undermine the vitality and viability of the town centre would not be permitted. The applicant has not submitted a detailed sequential/impact assessment with this application, measuring the impact of the proposal on Maidstone town centre's vitality and viability. However, under saved policy R2 of the MBWLP, this would only be a requirement if the proposed retail unit would exceed 500m² of gross floorspace, which this unit does not; and likewise, the NPPF does not consider an impact assessment for a retail unit of this scale is necessary.

- 7.04 The proposal is also in line with the emerging Maidstone Borough Local Plan, in that it would redevelop an appropriate brownfield site within the defined urban area; it would enhance the character of the local area; and it would help support the local economy.

- 7.05 There is policy support for A1 development of this size in this location on a brownfield site, and I am satisfied that the principle of this development is acceptable and in accordance with the Development Plan and the NPPF. However, clearly the details of the scheme must be appropriate in terms of its design and appearance; its impact on the pattern and grain of development in the surrounding area; and in terms of its impact on the amenity and vitality of the surrounding area. The remainder of this

report will assess these issues and set out why I consider the detail of the proposed development to be acceptable.

8.0 Design, siting and appearance

- 8.01 This brownfield site was previously in use as a petrol station, and largely given over to hardstanding, and the usual associated paraphernalia including the large canopy, free standing totem adverts and generic sales building. Whilst not unusual to see in the urban area, a petrol station does not generally enhance the character of the area. Since this time, this prominent site has been a vacant, rather untidy site for several years and in my view this proposal would improve the visual amenity of the area when compared to its previous use and current condition.
- 8.02 There is no uniform pattern of existing built development for this proposal to adversely effect, as the application site is surrounded by built development of differing scale, design and age; and the proposed building would respect and be read in context with the building line created by the terrace to the immediate south-west of the site. Moreover, the scale and height of the building is not out of keeping with the varied character of the road hereabouts. I am therefore satisfied that the proposal would not have a detrimental impact on the pattern and grain of development within the surrounding area; and I do not consider the proposed retail unit to be of an excessive scale.
- 8.03 The proposed retail unit would front onto Tonbridge Road, and would have two prominent elevations (north-western & north-eastern). In my view, the mixed palette of materials and the full length glazed panels in both elevations would break up the building and provide a good level of visual interest. Indeed, the brick plinth would put the building into context with the surrounding area; and the use of metal and timber cladding would provide a modern contrast to the building, whilst relating well with the appearance of the approved residential development to the rear of the site. The glazed panels would also help give the sense of having two active frontages, and the metal coping would provide a good finish to the flat roof. I am also satisfied that the housing for the plant equipment would be appropriate and provide some vertical emphasis to the building. To ensure a satisfactory appearance to the proposal, a pre-commencement condition for details of external materials has been duly imposed.
- 8.04 The proposed parking area would be adjacent the side of the building and therefore visible from public vantage points. This said, I am of the view that it would be no more visually harmful than a forecourt of a petrol station, and there is the opportunity to provide soft landscaping to the front of the parking area (to be ensured by way of condition), to soften and enhance the scheme. The planting area to the front of the parking area could reasonably accept 2 native trees planted within the bed, such as Hornbeam (*Carpinus betulus* 'Columnaris') and I consider it reasonable to impose this by way of condition. Indeed, this would ensure some height and interest to the planting scheme without interrupting the accepted visibility splays. To confirm that there are no protected trees

on, or immediately adjacent to this site; and there are no significant trees which would pose a constraint to the development proposal. The use of informal block paving for the parking bays and appropriately chosen boundary treatments (again to be ensured by way of condition) would also help achieve suitable scheme for this location.

- 8.05 I am therefore of the view that this is an acceptable development that would not appear out of context, cramped or visually incongruous within the setting and character of the wider area, but a cohesive development in terms of its visual integrity.

9.0 Residential amenity

- 9.01 533 Tonbridge Road would be the neighbouring property to south-western boundary of the application site. Except for the entrance door, there are no openings in this property's main flank wall to be adversely affected by this proposal. To the rear, there is a ground floor living room window, a first floor bedroom window, and a first floor bathroom window (non-habitable room) facing rearwards; and a kitchen window facing onto the shared boundary with the application site. The proposed building would be a minimum of 2.4m away from this neighbour; the southern corner of the building would dog-leg away from the shared boundary to provide further relief to the neighbouring occupants; and the two sites would be separated by a 1.8m high close boarded fence. Moreover, there are no openings along the side elevation of the proposed unit and no deliveries/refuse would be taken in and out of the site between the two buildings. The proposal, given its height, design and separation distance from 533 Tonbridge Road, would not cause a significant loss of light to any opening serving a habitable room, and neither would it appear overbearing to the occupants internally or externally.
- 9.02 527 & 529 Tonbridge Road and 2 Elmstone Lane are the nearest neighbours to the east/south-east of the proposal site. In my view, the proposal would cause no more significant levels of disturbance to the occupants of these properties than the previous use of the site as a petrol station and raise no objection here on amenity grounds.
- 9.03 To the rear of the site, there is an extant planning permission (MA/12/0825) for a residential development; and the closest building to this proposal would be two storey and consist of 2 apartments (one on each floor). This building would have no openings in its flank wall to be adversely affected by this proposal; there would be a 1.8m high close boarded fence separating the two buildings to provide acceptable levels of privacy at ground floor level; and the design, scale and orientation of the proposed building in relation to the apartment building would ensure that the retail unit would not appear overbearing on future occupants. Again, no deliveries/refuse would be taken in and out of the site between the two buildings, further ensuring the amenity of future occupants. No other residential property would be adversely harmed by this proposal.
- 9.04 The proposed retail element, putting it into context, is of a small-scale and it is not unusual to find development like this in the urban area, especially

along major roads in and out of Maidstone. I am of the view that the extra vehicle movements created by this small-scale development would not result in a further significantly harmful level of noise and disturbance to local residents when you consider that Tonbridge Road is a busy 'A' road generating its own noise; and that the site was previously in use as a petrol station with its own shop. I am also satisfied that the proposed opening hours of 07:00-23:00 Monday - Saturday and 07:30-22:30 Sunday and Bank Holidays (with no deliveries to be taken or dispatched outside of these hours) is reasonable and in line with other retail units of this scale in and around Maidstone. These hours will be restricted by way of condition.

10.0 Environmental health implications

- 10.01 Given that the site is a former petrol filling station located over a Principle Aquifer on Hythe formation geology, the Environment Agency does not consider the submitted information to be sufficient in order to satisfy the requirements of assessing all potential risks to controlled Waters. This together with the fact that members of the public will be working on site, I do consider it reasonable to impose the relevant land contamination conditions as recommended.
- 10.02 The plant enclosure would be sited on the roof of the building, and there is justified concern that the noise/vibrations from this and other equipment such as refrigeration units and air conditioning units could have the potential to have an adverse impact on the amenity of local residents. To ensure no significant harm is caused to the living conditions of local residents, the relevant pre-commencement condition will be duly imposed.
- 10.03 In order to prevent unacceptable light pollution, a pre-commencement condition will be imposed requesting details of any lighting to be placed or erected within the site.
- 10.04 The agent has provided details of facilities for the separate storage and disposal of waste and recycling generated on the site, as set out in paragraph 2.05 of this report, and I am satisfied that this waste management policy would ensure the well being and safety of local residents and customers.
- 10.05 After seeking advice from the Environmental Health Officer, it is not considered necessary to request further details in terms of air quality.

11.0 Highway safety implications

- 11.01 The proposal would be easily and safely accessible by a reasonable choice of modes of transport (including by people with disabilities). Indeed, the proposal site is not in an isolated location; there is a bus stop on either side of the road within close proximity to the application site; Tonbridge Road is subject to a 30mph speed limit in the vicinity of the site; and there are footways each side with a pedestrian refuge approximately 30m to the west of the site. In addition, there will be the provision of tactile paving at the existing pedestrian island to the west of the site on

Tonbridge Road (to be ensured by way of a S278 agreement); and in order to give priority to pedestrians crossing the junction at the site access a vehicle crossover is provided instead of a Bell mouth entrance. A shared surface access to the site will also be provided without a kerbed footway in order to allow sufficient space for a HGV accessing the residential site to pass a car. I would add that crash data has been sourced for the latest 3 year period and the KCC Highways Officer is satisfied that there is no remedial action required as a result of this proposal.

- 11.02 There are parking restrictions each side of Tonbridge Road outside the site and opposite the site ('No Waiting at Any Time'); and the proposal would include the creation of a loading bay outside the site on the public highway (to be ensured by way of a S278 agreement), as there would not be sufficient space within the site for delivery vehicles to turn round. The Highways Officer is concerned that parking will occur in the lay-by when deliveries are being made, potentially leading to congestion and safety problems along Tonbridge Road. As such, the applicant is expected to obtain an appropriate Traffic Regulation Order (TRO) in that area for daytime loading restrictions on the carriageway. The Council's Parking Services have commented that unlawful parking in the lay-by could be enforced against, but that there is still the potential for cars to park in the lay-by when Enforcement Officers are not in the vicinity. In my view, the majority of drivers obey the rules of the road and it is unreasonable to refuse this application on a small minority of people that may break the law when wanting to visit this retail unit. The Highways Officer has also raised no objection on this issue.
- 11.03 In terms of the timing and frequency of deliveries, it is estimated that up to 6 deliveries could occur per day; comprising one depot delivery (rigid delivery vehicle); up to three bread deliveries (rigid delivery vehicle); one milk delivery (rigid delivery vehicle); and one newspapers and magazines delivery (panel/box van). In addition, it is thought that one weekly cigarettes delivery would take place (rigid delivery vehicle). Whilst the exact timings of the deliveries are not known at this stage, it is anticipated that the majority of deliveries would take place in the morning with subsequent daily deliveries taking place later in the day. The final delivery schedule would be dependent on the final operator at the site. Whilst I have no objection to the predicted level and type of daily delivery, to ensure in reality that the number and level of deliveries to the site are acceptable in highway safety terms, I consider it reasonable to impose a pre-commencement condition asking for a site-specific 'Servicing Management Plan' that would include a detailed delivery schedule.
- 11.04 The proposal would provide 9 off-road parking spaces for motor vehicles; and the duration of the parking for this proposal is not likely to be for a full hour but more likely to be in the region of 15 minutes duration. The applicant has therefore provided a parking accumulation survey for 15 minute intervals in order to check the adequacy of the parking provision. This is based on the outcome of a TRICS assessment in accordance with industry-standard best practice, and the Highways Officer has accepted the validity of the data shown. The figures show that on weekdays

between the times of 11:00-11:15 and 15:15-17:00, the parking accumulation for A1 food retail is 10-11, but for all other times it is a maximum of 9. Submitted figures taken on a Saturday indicate that the parking accumulation would not exceed 9 at any time. As set-out, there may be certain times when the demand for parking spaces is in excess of availability. However, this is in no way likely to be the majority of the time, and in my view it would not result in a highway safety concern, especially when there is unrestricted on-street parking available within close proximity to the site (less than 20m away to the north-east of the site along Tonbridge Road).

- 11.05 Furthermore, the traffic generation for the proposed food store has been estimated using TRICs and compared to that which would be generated by the petrol filling station (previous use). The results indicate that the food store would generate 88 car trips (2-way) during the weekday peak period and this would be an increase of 11 trips over that generated by the petrol filling station. The Highways Officer is satisfied that this is not considered to be a significant increase over an hour, and raises no further objection in this respect. In addition, information has been received about the estimated number of traffic movements likely to be generated by the residential development (MA/12/0825) yet to be built to the rear of the site that will use the same access from Tonbridge Road. I am satisfied that the proposed access, serving both the residential development and the houses behind would not be over intensively used, and the Highways Officer has also raised no objection to this use. I am of the view that the proposal would not result in significant further pressure on the highway, given the small-scale nature of the store and because the majority of visits to the store would be linked or pass-by trips and local trips on foot.
- 11.06 The applicant has demonstrated acceptable visibility splays at the site access junction onto Tonbridge Road (2.4m x 43m); and from the store car park to the south, towards the access to the extant residential development approved under MA/12/0825 (2.4m x 50m). A condition will be imposed to ensure their provision and maintenance prior to the use of the site commencing.
- 11.07 The proposed development would provide 4 bicycle parking spaces within the site which is in line with the minimum requirements set out in the Kent & Medway Vehicle Parking Standards (1 space per 200m²). This provision will be ensured by way of an appropriate condition.
- 11.08 To enable the delivery bay to be provided, the existing footway would be diverted into what is currently the applicants land and this would then be adopted to become publicly maintainable highway. KCC Highways would not wish to adopt a footway with an overhanging canopy as proposed, and so this feature of the building has been removed.
- 11.09 The applicant has completed and submitted a stage 1 safety audit on the proposed access, lay-by and pedestrian facilities, and the Highways Officer has raised no further issues with this information.

- 11.10 The proposed access and parking/turning areas will be complete before the commencement of the proposed use, ensured by the relevant condition.
- 11.11 With everything considered, I am of the view that the proposal would be in line with Development Plan policy and the NPPF, in that there would be adequate access and parking, and raise no highway safety objections.

12.0 Impact on vitality and viability of area

- 12.01 As previously explained, a detailed sequential/impact assessment that measures the impact of the proposal on Maidstone town centre's vitality and viability is not required because the retail unit would not exceed 500m² of gross floorspace (as stated in policy R2 of the MBWLP). This is in accordance with the NPPF.
- 12.02 Saved policy R1 of the MBWLP states that retail development will normally be permitted in the defined urban area provided that the proposal would not threaten the overall economic vitality and viability of established retail centres.
- 12.03 The Cherry Tree Local Centre on Tonbridge Road has an estate agent, fish and chip shop, a public house, Premier food and wine store, newsagent, chemist, florist, dry cleaners, hairdressers and dentist; and Marlborough Parade Local Centre on Beverley Road has a Nisa Local, funeral director, hairdresser and florist. In addition, there is a newsagent at the Tonbridge Road/Fountain Lane crossroads; and 2 Tesco Express stores (one some 640m to the east of the site on Tonbridge Road, and one some 800m to the north of the site on Hermitage Lane). I do not consider this to be an over proliferation of A1 premises in an area that is densely populated and this site did previously have a retail element when it was a petrol station. Putting it into context, this is not a large retail development but a local convenience store sized unit that is intending to largely serve the surrounding residential area. Given the scale and nature of the proposal it would certainly not have an adverse impact on Maidstone town centre; and in my view would be of an appropriate scale for its location.
- 12.04 The proposed retail unit would provide a certain level of competition to the closest Local Centres and other convenience stores mentioned. However, I am of the view that this is not a significant enough concern to outweigh the overall benefits of the proposed development, and do not consider it justified to refuse the application on these grounds.
- 12.05 As explained in the previous sections of this report, I am satisfied that there would be adequate access and parking for the retail unit; the site would be easily and safely accessible by a reasonable choice of modes of transport; and that it would not have a significant adverse impact on neighbouring land uses or residential amenity.

- 12.06 For the reasons given, I am therefore satisfied that this proposed development would not threaten the overall economic vitality and viability of Maidstone town centre or other surrounding businesses.

13.0 Other considerations

- 13.01 The site is already largely given over to hardstanding; it is not within a Flood Zone, as designated by the Environment Agency; and it is not within close proximity of any noticeable watercourse. I am therefore satisfied that this development would not be prejudicial to flood flow, storage capacity and drainage within the area anymore than the site is as existing.
- 13.02 Except for the use of native species within the landscape scheme, no ecological enhancements have been incorporated in to this development. However, I am of the view that there is limited ecological interest on the site as it stands, and given the relatively small scale of the proposal and the single storey nature of the building, there is little scope for further enhancements. I therefore consider it unreasonable to request further details.
- 13.03 I am satisfied that the proposal would not have a detrimental impact upon the setting and character of the Grade II listed row of properties to the north-west of the application site.
- 13.04 Any issues concerning land ownership and rights of way are not material planning considerations but a civil matter between the interested parties.

14.0 Conclusion

- 14.01 The objections raised by Councillor Black and the local residents have been addressed in the main body of this report. However, I would like to add that I can only consider the proposal submitted and not potential alternative uses for the site.
- 14.02 I consider that this proposed development would not cause any demonstrable harm to the character, appearance or vitality of the area, and would not significantly harm the amenities of existing residents. It is therefore considered that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant; and recommend conditional approval of the application on this basis.

RECOMMENDATION – GRANT 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 shall not commence until, written details and samples of the following materials which shall be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority;

- i) brick plinth;
- ii) timber cladding;
- iii) metal cladding panels;
- iv) metal coping;
- v) timber cladding louvres for roof top plant equipment.

The development shall be constructed using the approved materials and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development.

3. The development shall not commence until details of the proposed materials to be used in the hardsurfacing within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the subsequently approved details;

Reason: To ensure that the development positively responds to the character and appearance of the locality and to ensure highway safety.

4. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

5. The retail premises hereby permitted shall only open to customers within the following times: 07:00-23:00 Monday - Saturday, and 07:30-22:30 Sunday and Bank Holidays, and no deliveries shall be taken or dispatched outside of these hours;

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

6. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping using indigenous species which shall be in accordance with BS:5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' and include a programme for the approved scheme's implementation, maintenance and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include the following;

- i) Details of the species, size, density and location of all new planting within the site;
- ii) 2 nursery standard Hornbeam (*Carpinus betulus* 'Columnaris') trees planted within the planting bed to the front of the site.

Reason: In the interests of visual amenity and biodiversity.

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

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

8. The development hereby permitted shall not be commenced until the vehicle visibility splays, as shown on drawing nos. A084724_TS01 Rev B & A084724_TS03 Rev C (received 25/06/14) have been provided with no obstructions to visibility over the height of 600mm above carriageway level within the splays. The visibility splays shall thereafter be maintained free of obstruction at all times;

Reason: In the interests of highway safety.

9. No part of the retail use shall be occupied or brought into use until alterations to the site frontage to provide space for deliveries to provide daytime loading restrictions on the carriageway that enable deliveries to be made to the site have been provided;

Reason: In the interests of highway safety and pedestrian safety.

10. The development shall not commence until a site-specific 'Servicing Management Plan' that includes a detailed delivery schedule has been submitted to and approved in writing by the Local Planning Authority;

Reason: In the interests of highway safety.

11. A shared surface access to the site shall be provided without a kerbed footway before the commencement of the use hereby permitted and shall be maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: In the interests of highway safety.

12. Unless otherwise agreed in writing by the Local Planning Authority no development permitted by this permission shall commence until such time as an agreement under Section 278 of the Highways Act 1980 has been

completed with respect to the following highway works: a) Alteration to the site frontage to provide space for deliveries; and b) the provision of tactile paving at the existing pedestrian island to the west of the site on Tonbridge Road. No part of the development hereby permitted shall be occupied until such time as the above mentioned highway works are complete;

Reason: In the interests of highway safety.

13. The approved details of the access and parking and turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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.

14. The development shall not commence until:

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

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

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

4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the

works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: To prevent harm to human health and pollution of the environment.

15. 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 Local Planning Authority, shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority 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 Local Planning Authority;

Reason: To protect harm to health.

16. 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, in writing, 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 local planning authority. 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.

17. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details;

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

18. The development shall not commence until details of a scheme of foul and surface water drainage for the site have been submitted to an

approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure adequate drainage arrangements.

19. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways;

Reason: To prevent pollution of the water environment.

20. No development shall take place until a description of noise/vibration generating activities has been submitted to and approved by the local planning authority, so as to minimise the transmission of such noise/vibration emanating from the installation. The information should include all plant machinery and equipment to be used by reason of the granting of this permission, and operating procedures and maintenance programs for all pieces of plant machinery which accord with the manufacturers' instructions;

Reason: In the interest of residential amenity.

21. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area.

22. No open storage of waste and bins shall take place on the land at any time;

Reason: In the interest of the health and safety of local residents and customers.

23. Before the development hereby permitted is first occupied the development hereby approved must provide 4 bicycle parking spaces and permanently retain this number of spaces unless otherwise agreed in writing by the Local Planning Authority;

Reason: In the interest of sustainability.

24. The retail building hereby permitted shall achieve a minimum BREEAM New Construction rating of at least Good. No part of the building shall be occupied until a final certificate has been issued for it certifying that a BREEAM New Construction rating of at least Good has been achieved;

Reason: To ensure a sustainable and energy efficient form of development.

25. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

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

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

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: For the protection of Controlled Waters and to comply with NPPF as the site is located over a Principle Aquifer and the full history of potential contaminative uses has not been provided.

26. 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 Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority 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 Local Planning Authority;

Reason: There is always the potential for unexpected contamination to be identified during development groundworks.

27. 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, in writing, 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 local planning authority. 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 in order to protect groundwater.

28. Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details;

Reason: To protect groundwater.

29. The development hereby permitted shall be carried out in accordance with the following approved plans: 193-200P3 received 28/03/14, 193-300P3, 402.P3 & 401P3 received 19/05/14, and 193-100.P8 received 05/06/14;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

INFORMATIVES

- (1) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.
- (2) Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the EHM.
- (3) Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours

on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

- (4) Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- (5) Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
- (6) The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
 - o Duty of Care Regulations 1991
 - o Hazardous Waste (England and Wales) Regulations 2005
 - o Environmental Permitting (England and Wales) Regulations 2010
 - o The Waste (England and Wales) Regulations 2011
- (7) Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund (which may require further planning permission from the local planning authority). The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.
- (8) 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. 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. Applicants should contact Kent County Council - Highways and Transportation (web:

www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

- (9) Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
- o Duty of Care Regulations 1991
 - o Hazardous Waste (England and Wales) Regulations 2005
 - o Environmental Permitting (England and Wales) Regulations 2010
 - o The Waste (England and Wales) Regulations 2011
- (10) Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Case Officer: Kathryn Altieri

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



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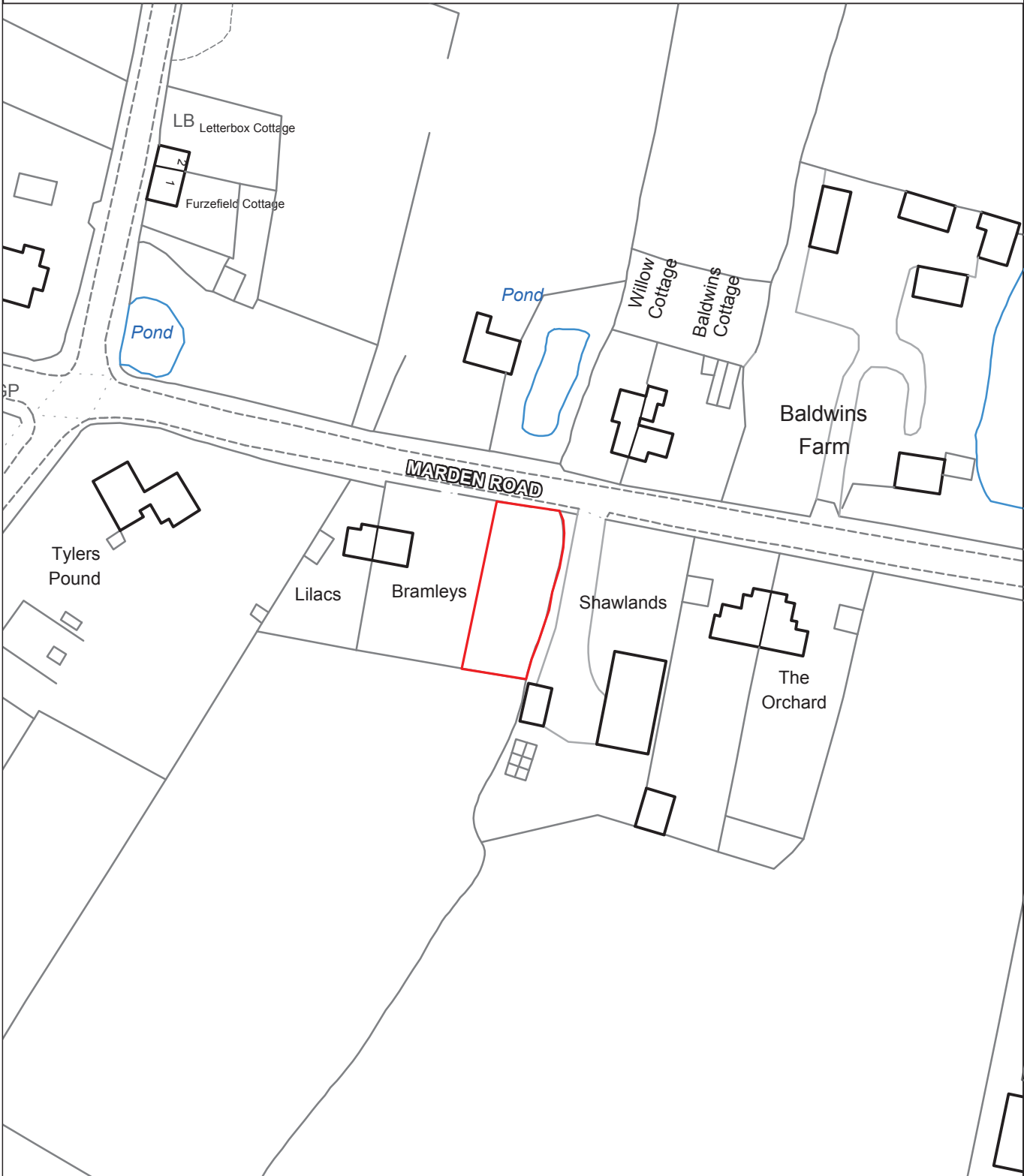
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Agenda Item 17

THE MAIDSTONE BOROUGH COUNCIL

Bramleys,
Marden Road,
Staplehurst,
Tonbridge,
Kent,
TN12 0PEB

MBC Ref: MA 14/0700



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/0700			
APPLICATION PROPOSAL Outline application for the erection of self build three bed dwelling with all matters (access, scale, appearance, layout and landscaping) reserved for future consideration			
ADDRESS Bramleys, Marden Road, Staplehurst, Tonbridge, Kent, TN12 OPE			
RECOMMENDATION REFUSE			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none">Contrary to view expressed by the Parish Council			
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr Royston Keep AGENT N/A	
DECISION DUE DATE 19/06/14	PUBLICITY EXPIRY DATE 19/06/14	OFFICER SITE VISIT DATE 16/05/14	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
69/0066/MK2	Addition to form bathroom, kitchen and bay window.	Approved	19/04/69
MA/76/1064	Additional bedrooms and bathroom over existing ground floor extension	Approved	06/10/76
MA/94/0543	Erection of a three bay garage/workshop with games room.	Withdrawn	03/05/94
MA/01/0294	Erection of double garage	Approved	26/03/01

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site is part of the garden land associated with the semi detached dwelling "Bramleys" located on the southern side of Marden Road. The site is located around 300m west of the settlement boundary of Staplehurst as defined in the Maidstone Borough Wide Local Plan 2000. Therefore whilst not having any specific designation the site lies within the open countryside for development plan purposes.
- 1.2 The application site is the western half of the existing garden to Bramleys and is essentially rectangular and measures approximately 790sqm (21.6m by 36.6m). It is currently planted and domestic in character with a shed and vegetable patch
- 1.3 There is some sporadic residential development along this part of Marden Road, but its character is rural and open.

2.0 PROPOSAL

- 2.1 This application seeks consent for the erection of a three bed self build dwelling on the site. It is an outline application with all matters (access, scale, appearance layout and landscaping) reserved for future consideration.

- 2.2 An illustrative plan has been submitted which shows the proposed dwelling located to the east of the application set almost in line with Bramleys and served by a double garage and entrance drive from Marden Road. These are illustrative details and the Council is not making a decision on the detail of the scheme at this stage only the principle of a new residential dwelling on the site.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2012: Chapters 3, 4, 6, 7
National Planning Practice Guidance (NPPG) 2014:
Maidstone Borough Local Plan 2000: ENV28

4.0 LOCAL REPRESENTATIONS

- 4.1 None received.

5.0 CONSULTATIONS

- 5.1 **Parish Council:** Recommend approval and request that rigorous drainage conditions be applied.

- 5.2 **Southern Water:** There is a foul rising main crossing the site. The exact position of the rising main must be determined on site by the applicant before the layout of the proposed development is finalised.

- No development or new tree planting should be located within 3 metres either side of the centreline of the foul rising main;
- No new soakaways should be located within 5 metres of a public sewer; and
- All existing infrastructure should be protected during the course of construction works.

Should any sewer be found during construction works, an investigation of the sewer be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant has not stated details of means of disposal of foul drainage from the site. Southern Water requires a formal application for connection to the foul sewer to be made by the applicant or developer. They request an informative to that effect is attached to any grant of planning permission.

Initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

- 5.3 **Environment Agency:** No objection to the development at this location. Request that conditions relating to unexpected contamination and sustainable surface water drainage and a series of informatives are attached to any grant of planning consent.

- 5.4 **KCC Highways:** *"The proposed boundary between the existing and proposed properties removes the existing turning facility on the driveway. As a result there is no space to turn on either the existing or proposed site and this will lead to vehicles reversing onto Marden Road which is not conducive to highway safety. I would therefore recommend that additional space be provided for turning on both the existing and proposed sites."*

- 5.5 **MBC Landscaping:** there are no protected trees on or immediately adjacent to this site and there are no arboricultural constraints relating to this outline proposal. However, an Arboricultural Method Statement (AMS) in accordance with the recommendations of BS5837:2012 will be required should permission be granted.

The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

6.0 APPRAISAL

- 6.1 The application site lies outwith any village envelope or defined urban area and is within the open countryside for the purposes of the development plan.

The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:-

“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or
- (2) The winning of minerals; or
- (3) Open air recreation and ancillary buildings providing operational uses only; or
- (4) The provision of public or institutional uses for which a rural location is justified; or
- (5) Such other exceptions as indicated by policies elsewhere in this plan.

Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”

- 6.2 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan.
- 6.3 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm.
- 6.4 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;’

- 6.5 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). This was agreed by Cabinet on 27th January 2014 and on 24th February 2014 to be included within the draft Local Plan (to be sent out for public consultation).
- 6.6 In April 2013 when most recently calculated, the Council had a 2.0 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings, which is the figure against which the supply must be assessed. Taking into account housing permissions granted since that date, this position will not have changed significantly and would still remain below the 5 year target.
- 6.7 This lack of a five year supply is a significant factor and at paragraph 49 the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 6.8 It is noted that the NPPF has at its heart a presumption in favour of sustainable development and in this case, the application site is not within a site allocated for housing development. It is not located within the confines or next to a rural settlement but is found on a rural road with sporadic development nearly 400m from the eastern edge of the Marden settlement boundary. The dwelling is not proposed for a farm, forestry or other rural worker and to provide a dwelling in this location would result in an unsustainable form of development where any future occupiers would rely on the private motor car for services, facilities, health care needs etc.
- 6.9 It is accepted that the Council does not have an identified five year housing land supply and the development of a single dwelling can make a valuable, albeit small, contribution to the housing supply. The application site is not considered suitable for residential development as it is fundamentally unsustainable and due to the visual harm that would be caused by the development as outlined below.
- 6.10 There is some planting to the site's boundary with Marden Road, but this is generally low and provides limited screening to the site. The existing property Bramleys can be seen from the road and the proposed dwelling will also be readily viewed from the road, increasing built development in the area. The proposed development, for which there is no justification, would, therefore, be harmful to the character and appearance of the area.
- 6.11 As the application is in outline with all matters reserved for future consideration, the detailed appearance and location of the proposed dwelling have yet to be confirmed. I am, however, satisfied that a dwelling could be accommodated on the site without adversely affecting the residential amenities of the occupiers of surrounding properties.

- 6.12 I note the concerns of KCC Highways in relation to the possibility of the development on the site not providing space for vehicles to turn within the site resulting in vehicles reversing onto Marden Road. These comments are based on the submitted illustrative plan and access to the site is a matter reserved for future consideration. It is noted that KCC Highways do not raise an objection to the principle of a new dwelling on the site and, in my opinion, it is likely that a detailed scheme could provide sufficient on site turning space to avoid the need for vehicles to reverse onto Marden Road.

7.0 CONCLUSION

- 7.1 The proposed development lies outside any defined settlement, within open countryside and represents a form of unsustainable development for which there is no overriding justification. The proposals would further consolidate existing sporadic development detrimental to the character and appearance of the countryside hereabouts. In balancing issues, although the Council cannot currently demonstrate a five year supply of housing, I do not consider the benefit of providing a single house, which would make little difference to housing supply, outweighs this harm and policy conflict. I consider the adverse impacts would significantly and demonstrably outweigh the benefits and recommend refusal for the following reason.

8.0 RECOMMENDATION – REFUSE for the following reason:

1. The proposed development lies outside any defined settlement, within open countryside and represents a form of unsustainable development for which there is no overriding justification. The proposals would further consolidate existing sporadic development detrimental to the character and appearance of the surrounding area.

Case Officer: Annabel Hemmings

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

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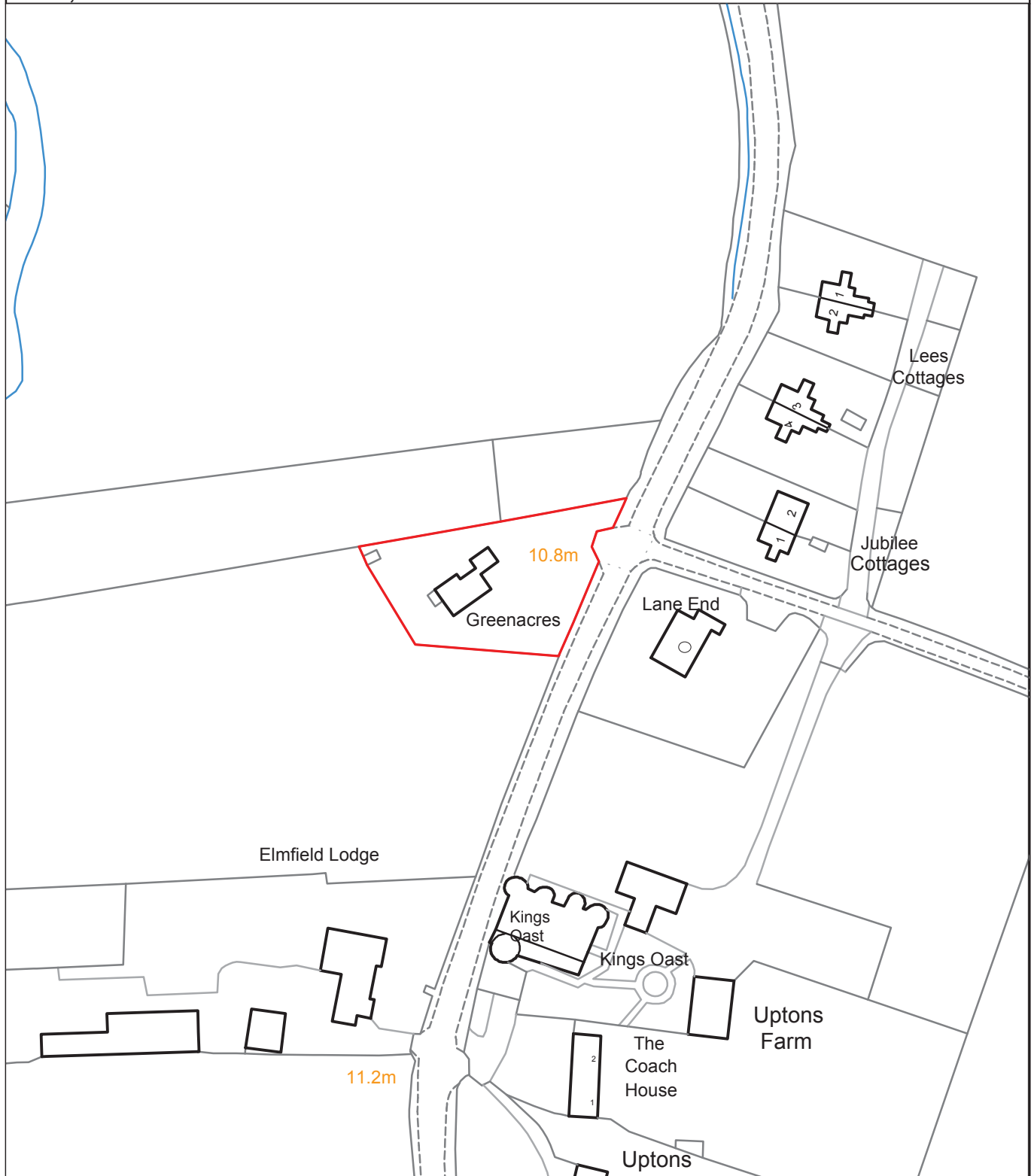


16. 5. 2014

THE MAIDSTONE BOROUGH COUNCIL

Green Acres,
Lees Road,
Laddingford,
Maidstone,
Kent, ME18 6DB

MBC Ref: MA 14/0712



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/0712		
APPLICATION PROPOSAL An application for the erection of a two-storey side extension		
ADDRESS Green Acres, Lees Road, Laddingford, Maidstone, Kent, ME18 6DB		
RECOMMENDATION Approval subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <p>The proposed two-storey side extension, subject to the recommended conditions, is considered acceptable in terms of design and appearance, impact on the character and appearance of the host building and the visual amenities of the locality generally, impact on neighbouring property, and highway safety. The proposals incorporate flood mitigation/proofing measures and are considered to address the issues relating to householder and other minor extensions to properties in Flood Zones 2 and 3 as identified by the Environment Agency. The proposals are considered to comply with Government guidance in the National Planning Policy Framework and the relevant Technical Guidance and the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.</p>		
REASON FOR REFERRAL TO COMMITTEE <p>The application is contrary to views expressed by the Parish Council.</p>		
WARD Marden And Yalding Ward	PARISH/TOWN COUNCIL Yalding	APPLICANT Dr Matthew Milner AGENT Cantium Design Practice
DECISION DUE DATE 25/06/14	PUBLICITY EXPIRY DATE 23/07/14	OFFICER SITE VISIT DATE 22/05/14
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): No relevant planning history		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located on the west side of Lees Road, opposite the junction of Symonds Lane with the east side of Lees Road, and the site comprises a detached two-storey dwelling occupying a plot of approximately 1255 sq. m/0.125 ha with an access and driveway to Lees Road. The site is adjoined either side (to the north and south) and to the rear (west) by open fields and running north to south approximately 95m from the rear boundary is part of the River Teise. Detached and semi-detached residential properties at Lane End and nos. 1 and 2 Jubilee Cottages stand opposite the site along Lees Road. The application property is set approximately 20m back from the Lees Road frontage and due to the presence of high hedging and trees along the road frontage the existing property has limited impact in views from and along Lees Road.
- 1.02 The application property is located in the open countryside outside of any village settlement as defined on the Proposals Map to the Maidstone Borough-Wide Local

Plan. The site forms part of an extensive area along the west side of Lees Road and Gravelly Ways to the south and bounded by the railway to the west which forms part of the Yalding Lees to Beltring Halt Area of Local Landscape Importance as defined on the Proposals Map.

- 1.03 The property is situated in Flood Zone 3 (high probability of flooding, ignoring the presence of defences) as identified by the Environment Agency.

2.0 PROPOSAL

- 2.01 The application proposes the erection of a two-storey side extension to the northern side of the existing dwelling. The proposed extension incorporates a playroom/garden room, utility room and entrance hall extension on the ground floor and a new bedroom with ensuite shower-room on the first floor. The proposed first floor accommodation is partially set within the roofspace of the extension.
- 2.02 The northern side wall of the existing dwelling has a staggered building line and the submitted plans show the proposed two-storey extension to extend 4.8m and 3.95m out from the existing main side wall and 2.85m out from the side of the existing front garage projection. The submitted plans show the proposed extension to extend to an overall depth of 7.2m along the existing northern side wall and the extension to be set back 3.5m from the front of the existing front garage projection and 4.6m from the main back wall of the dwelling. The ridge line to the pitched roof to the proposed extension is set 1.2m below the existing main roof ridge line to the property.
- 2.03 The proposed extension incorporates a pitched roof with gable end to the side, a cat-slide type roof slope to the front, and a rear dormer type window partially set within the rear roof slope. As noted in section 2.01 above, the proposed first floor accommodation is partially set within the roofspace of the extension. The submitted plans show the proposed extension to incorporate the main entrance door and a small utility room window to the front elevation on the ground floor, a small rooflight window to the first floor ensuite facility above, ground and first floor windows to the north facing side elevation, and large ground floor folding doors to the playroom/garden room with the dormer type first floor window to the proposed bedroom in the rear elevation. The application indicates that the roof to the proposed extension is to be finished with plain tiles to match the original roof tiles and the new external walls are to be render to match the finish on the existing building. The new windows are indicated as being proprietary double glazed aluminium casements.
- 2.04 In order to mitigate the potential impact of flooding on the property, flood proofing measures are proposed as part of the works. The details of the proposed flood proofing include solid concrete floor construction to the ground floor of the extension, the use of engineering bricks in the construction of external walls up to the required level for flood protection, the protection of new door openings to the extension by the provision of water-proofed solid wall planters arranged so that a temporary flood gate with rubber seals can be installed between the planters to increase flood defence should the need arise, the avoidance of under floor services where possible, and the provision of floor sumps with pumps at internal low points. The application further states that the design helps protect the currently vulnerable north elevation from the impact of flooding as this is the lowest point on the plot and currently the main entrance to the house.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.125 ha	0.125 ha	No change
Approximate Ridge Height (m)	8m (main)	6.8m	-1.2m
Approximate Eaves Height (m)	5.4m (main)	4.3m and 2.9m	-1.1m and -2.5m
Approximate Depth (m)	15.3m	7.4m	-7.9m
Approximate Width (m)	6.8m (main)	4.8m and 3.95m	-2m and -2.85m
No. of Storeys	2	2	No change
Net Floor Area	120 sq. m	165 sq. m	+45 sq. m
Parking Spaces	4/5 approx.	4/5 approx.	No change
No. of Residential Units	1	1	No change
No. of Affordable Units	0	0	No change

4.0 PLANNING CONSTRAINTS

- 4.01 The site is located in the open countryside outside of any village settlement as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan.
- 4.02 The site forms part of an extensive area along the west side of Lees Road and Gravelly Ways to the south and bounded by the railway to the west which forms part of the Yalding Lees to Beltring Halt Area of Local Landscape Importance as defined on the Proposals Map.
- 4.03 The property is situated in Flood Zone 3 (high probability of flooding, ignoring the presence of defences) as identified by the Environment Agency.

5.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Development Plan: Maidstone Borough-Wide Local Plan (2000) Policies ENV28, ENV35, H18, H33.
- Supplementary Planning Documents: Residential Extensions (Adopted 2009)
- Draft Local Plan policies: SP5, DM4, DM30, DM33.

6.0 LOCAL REPRESENTATIONS

- 6.01 2 neighbouring properties standing opposite the site were consulted by letter on the application. A site notice was displayed. No responses/representations on the application received from neighbours.

7.0 CONSULTATIONS

- 7.01 **Yalding Parish Council:** Object to this planning application. Comment that this property is in an area of high flood risk and access to the property was isolated for several days during the flood of December 2013 and the property was under threat of further exposure over several weeks. Comment that to increase the number of people at risk from flood waters in such a sensitive area would be foolish and a post Christmas flood risk assessment is required.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 The application is accompanied by drawing nos. 02 showing existing floor and roof plans, elevations, and site plan, 10 showing proposed floor and roof plans, elevations, and site plan, and the completed Environment Agency's Flood Risk Assessment form together with details of proposed flood proofing.

9.0 APPRAISAL

- 9.01 The key issues with this case are the design and appearance of the proposed two-storey side extension and the impact on the character and appearance of the host building and the visual amenities of the locality generally, the impact on neighbouring property and highway safety, and whether the proposed extension of the existing residential property is acceptable in terms of development within Flood Zone 3 identified by the Environment Agency as having high probability of flooding, ignoring the presence of defences.

10.0 Design, siting and appearance

- 10.01 Policy H18 of the Maidstone Borough-Wide Local Plan states that extensions and additions to residential properties will be permitted provided that the proposal is of a scale and design which does not overwhelm or destroy the character of the original property; and, will complement the street scene and adjacent existing buildings and the character of the area.
- 10.02 Policy H33 of the Maidstone Borough-Wide Local Plan (Adopted 2000) relating to extensions to dwellings in the countryside states (amongst other criteria) that extensions to dwellings in the countryside will not be permitted if they overwhelm or destroy the original form of the existing house; or are poorly designed or unsympathetically related to the existing house; or result in a development which individually or cumulatively is visually incongruous in the countryside.
- 10.03 With regards to the erection of extensions to properties within the countryside, the Council's Supplementary Planning Document – Residential Extensions (Adopted 2009) advises that in order to ensure that proposals do not adversely impact on the form and character of the original building or the character of the countryside, any extension should be limited/modest in scale. The SPD states that an extension should cause no adverse impact on the character or openness of the countryside. The SPD further states that many rural buildings have a simple form such as a rectilinear floor plan which fits well with their original function and the character of the countryside and others have an historic form and character which should be retained. The SPD states that where an extension is acceptable in principle, its form should be well proportioned and present a satisfactory composition with the house. The SPD further states that roof shape is critical to creating a successful built form and that the pitch of extension roofs should normally be as, or similar to, the main house roof pitch. The SPD states that particular account will be taken of the cumulative impact of extensions, including the effect on the character of the original property.
- 10.04 The Council's Supplementary Planning Document – Residential Extensions (Adopted 2009) states that in considering an extension to a residential dwelling in the countryside, the Local Planning Authority would normally judge an application as modest or limited in size if, in itself and cumulatively with previous extensions, it would result in an increase of no more than 50% in the volume of the dwelling. The gross volume will be ascertained by external measurement taken above ground level and including the volume of the roof. The guidance as to the term modest or limited should not be seen as a maximum to be sought. It is likely that, depending on the particular situation of the building, and the circumstances of each proposal, the size of the

extension and any previous extensions will fall in a range around the above figure although in some cases an extension may be inappropriate.

- 10.05 The proposed two-storey side extension in this case reflects the design characteristics of the existing property, external surfacing materials are shown in the proposals to match those used on the existing building, and the proposed extension is subservient in relation to the height, scale and footprint of the existing building. As a result of its siting to the northern side of the existing property, the proposed extension would be largely screened from any views from Lees Road by the existing two-storey property. As noted in section 1.01 of the report above, the property is set approximately 20m back from the Lees Road frontage and due to the presence of high hedging and trees along the road frontage the existing property has limited impact in views from and along Lees Road. The proposed extension is considered acceptable in design terms in the context of the existing property and the extension would not appear as visually intrusive and/or harmful to the visual amenities of the locality. In terms of design, siting and appearance, it is not considered that there is any overriding conflict between the currently proposed two-storey side extension and the above Local Plan policies and adopted SPD guidance.

Character and Appearance of the area

- 10.06 The site is located in the open countryside outside of any village settlement as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan. As noted in section 4.02 of the report above, the site forms part of an extensive area along the west side of Lees Road and Gravelly Ways to the south and bounded by the railway to the west which forms part of the Yalding Lees to Beltring Halt Area of Local Landscape Importance as defined on the Proposals Map.
- 10.07 Policy ENV28 of the Maidstone Borough-Wide Local Plan seeks to protect the countryside from inappropriate development which harms the character and appearance of the area.
- 10.08 Policy ENV35 of the Local Plan states that in the defined Areas of Local Landscape Importance particular attention will be given to the maintenance of open space and the character of the landscape and encouragement will be given to improvements in public access.
- 10.09 The development proposed in this case is an extension to an existing residential property which, as concluded in section 10.05 above, is considered acceptable in terms of design, siting and appearance, and impact on the visual amenities of the locality generally. For these reasons, it is not considered that the proposed two-storey side extension to the existing property would impact unacceptably on the wider area of the open countryside and/or the defined Area of Local Landscape Importance or conflict with the aims and objectives of policies ENV28 and ENV35 of the Local Plan in terms of maintaining the character and appearance of the area.

Residential Amenity

- 10.10 Policy ENV28 of the Maidstone Borough-Wide Local Plan states that in the countryside planning permission will not be given for development which harms the amenities of surrounding occupiers.
- 10.11 Policy H18 of the Maidstone Borough-Wide Local Plan states that extensions and additions to residential properties will be permitted provided that the proposal will respect the amenities of adjoining residents regarding privacy, daylight, sunlight and maintenance of a pleasant outlook.

- 10.12 Policy H33 of the Maidstone Borough-Wide Local Plan states that extensions to dwellings in the countryside will not be permitted if they result in an unacceptable loss of amenity or privacy for adjoining residential property. Further detailed guidance on these amenity considerations is set out in the Council's Supplementary Planning Document – Residential Extensions. The SPD states that extensions should not cause significant harm to the amenity of adjoining occupiers.
- 10.13 The closest neighbouring properties to the application site in this case are located on the opposite side of Lees Road to the east at Lane End and nos. 1 and 2 Jubilee Cottages. These neighbouring properties are 38m and 57m respectively from the closest part of the application property and will to a large extent be screened from the proposed two-storey side extension by the existing property on the application site. In the circumstances the proposed two-storey side extension has no impact on neighbouring property and is considered acceptable in this regard.

Flood Risk

- 10.14 The property is situated in Flood Zone 3 (high probability of flooding, ignoring the presence of defences) as identified by the Environment Agency. Government guidance in the National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The Technical Guidance to the National Planning Policy Framework identifies buildings used for dwellinghouses and sites used for holiday or short-let caravans and camping as more vulnerable in the flood risk vulnerability classification. In this case the application relates to an existing detached two-storey 3-bedroom dwellinghouse. The two-storey side extension proposed in the application provides a playroom/garden room and utility room on the ground floor and an additional bedroom with ensuite shower-room on the first floor. Government guidance in the Technical Guidance to the NPPF states that all development proposals in Flood Zone 3 should be accompanied by a flood risk assessment (FRA) but the Environment Agency's Flood Risk Standing Advice advises that for householder and other minor extensions the FRA requirements are minimal. The advice seeks to ensure extensions or alterations are designed and constructed to conform to any flood protection already incorporated in the property and include flood resilience measures in the design. The Technical Guidance to the NPPF states that minor developments (which includes physical extensions to existing dwellings) are unlikely to raise significant flood risk issues unless they would:
- Have an adverse effect on a watercourse, floodplain or its flood defences;
 - Would impede access to flood defence and management facilities; or
 - Where the cumulative impact of such development would have a significant effect on local flood storage capacity or flood flows.
- 10.15 In support of the current application the applicant states that the existing building was not flooded in the recent floods as it stands on elevated ground higher than the adjacent fields and highway although Lees Road was flooded to a depth that cut the property off for a short period. The applicant further states that the house has not suffered flood damage over recent years and the occupants have not been put at risk but merely inconvenienced while the flooding prevented them from reaching or leaving the building. The applicant states that there are no proposals to dramatically increase the occupancy of the building and if recent flood levels are not dramatically exceeded the proposals present no additional risk to the occupants.
- 10.16 As noted in section 2.04 of the report above, measures are to be included within the design of the proposals to mitigate the potential impact of flooding on the property. These measures include:

- Solid concrete floor construction to the ground floor of the extension.
- The use of engineering bricks in the construction of external walls up to the required level for flood protection.
- The protection of new door openings to the extension by the provision of water-proofed solid wall planters arranged so that a temporary flood gate with rubber seals can be installed between the planters to increase flood defence should the need arise.
- The avoidance of under floor services where possible.
- The provision of floor sumps with pumps at internal low points.

The application further states that the design helps protect the currently vulnerable north elevation from the impact of flooding as this is the lowest point on the plot and currently the main entrance to the house. The implementation of these flood proofing/mitigation measures can be secured by condition imposed on any grant of planning permission.

- 10.17 The proposed development does not raise any of the issues relating to minor developments set out in the Technical Guidance to the NPPF (see section 10.14 above) and the proposals are considered to be consistent with the aims of the Guidance by improving the safety for occupiers, and introducing flood resilient measures designed to reduce the consequences of flooding and facilitate recovery from the effects of flooding.
- 10.18 The proposals are considered to address the flood risk issues relating to householder and other minor extensions to properties in Flood Zones 2 and 3 as identified by the Environment Agency. Whilst the objection to the application from Yalding Parish Council on flood risk grounds is noted (see section 7.01 of the report), a refusal of planning permission on these grounds could not be sustained.

Highways

- 10.19 Policy H18 of the Maidstone Borough-Wide Local Plan states that extensions and additions to residential properties will be permitted provided that the proposal ensures that adequate car parking provision within the curtilage of the dwelling is provided in accordance with the adopted car parking standards. The Supplementary Planning Document – Residential Extensions states that extensions to properties result in increased built form and reduced space around a building and that the Council will seek to retain adequate off-street parking spaces (and also turning space within the curtilage where there is access onto a classified road) without diminishing the quality of front garden areas or the street scene.
- 10.20 The property has an existing access and driveway to Lees Road, an attached garage to the front of the dwelling, and a gravel parking and vehicle turning area within the site to the front of the garage. The existing access, driveway, garage and vehicle parking and turning area are not affected by the proposed two-storey side extension. The scale of development proposed (a home extension providing a playroom/garden room, utility room, and one additional bedroom) is not such that the development is likely to generate any material increase in parking requirements at the property or vehicle movements to and from the site. The proposals are not considered to conflict with the above Local Plan policy and SPD guidance with regards to parking provision and highway safety.

11.0 CONCLUSION

- 11.01 The application proposes the erection of a two-storey side extension to an existing detached residential property within an open countryside location which forms part of a defined Area of Local Landscape Importance and is within Flood Zone 3 as identified by the Environment Agency. The objection to the application from Yalding Parish Council on flood risk grounds has been addressed in the main body of the report under the heading Flood Risk (sections 10.14 – 10.18).
- 11.02 The proposed two-storey side extension, subject to the recommended conditions, is considered acceptable in terms of design and appearance, impact on the character and appearance of the host building and the visual amenities of the locality generally, impact on neighbouring property, and highway safety. The proposals are considered to address the issues relating to householder and other minor extensions to properties in Flood Zones 2 and 3 as identified by the Environment Agency. The proposals are considered to comply with the provisions of Government guidance in the National Planning Policy Framework and the relevant Technical Guidance and the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and all other material considerations. In the circumstances the grant of conditional planning permission can be recommended.

12.0 RECOMMENDATION – GRANT 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 external surfacing treatment to be used on the two-storey side extension hereby permitted shall be render and roof tiles to match the external surfacing materials used on the existing building;

Reason: To ensure a satisfactory appearance to the development.

3. The flood proofing measures set out in the details accompanying the Environment Agency's Flood Risk Assessment form submitted with the email dated 25.06.2014 shall be fully implemented and completed in accordance with the submitted details before any part of the two-storey side extension hereby permitted is first occupied/brought into use. The flood proofing measures shall be retained and maintained thereafter.

Reason: In the interests of the safety of the occupiers of the dwellinghouse and to prevent damage to the property in the event of flood.

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

Drawing Nos. 02 and 10, and Details of Proposed Flood Proofing accompanying the Environment Agency's Flood Risk Assessment form submitted with email dated 25.06.2014;

Reason: To ensure the quality of the development is maintained and to prevent harm to the amenity of neighbouring occupiers and the locality generally.

INFORMATIVE:

to Applicant: APPROVAL

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Case Officer: Jon Barnes

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

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













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Agenda Item 19

THE MAIDSTONE BOROUGH COUNCIL

The Ten Bells,
Upper Street,
Leeds,
Maidstone,
Kent,
ME17 1SE

MBC Ref: MA 14/0759



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/0759		
APPLICATION PROPOSAL Erection of a detached dwelling.		
ADDRESS The Ten Bells, Upper Street, Leeds, Maidstone, Kent, ME17 1SE		
RECOMMENDATION - Approve subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The application is within the village boundary and the principle of this development is acceptable. The specific considerations of this proposal are outlined within the main report below.		
REASON FOR REFERRAL TO COMMITTEE The application is being reported as the recommendation is contrary to the views of the parish council.		
WARD Leeds	PARISH/TOWN COUNCIL Leeds	APPLICANT Mr Charles Cast Developments Ltd. AGENT Giarti Ltd.
DECISION DUE DATE 1 st July 2014	PUBLICITY EXPIRY DATE 1 st July 2014	OFFICER SITE VISIT DATE 2 nd June 2014
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

MA/13/1591 - Change of use and conversion of existing building to a four bedroom single dwelling and erection of a car port - APPROVED WITH CONDITIONS.
MA/13/1592 - An application for conservation area consent for the removal of existing chimney and existing roof structures - APPROVED WITH CONDITIONS.
MA/12/2268 - An application for conservation area consent for the demolition of existing extensions- APPROVED WITH CONDITIONS.
MA/12/2267 - Change of use and conversion of existing building to two dwellings and erection of three dwellings (resubmission of MA/12/1202) - APPROVED WITH CONDITIONS.
MA/12/1203 - An application for conservation area consent for the demolition of existing extensions - WITHDRAWN.
MA/12/1202 - Conversion of existing building to two dwellings and erection of three dwellings in rear of site - WITHDRAWN.
MA/95/0831 - Conservation Area Consent for demolition of lean-to pool room - APPROVED.
MA/95/0796 - Demolition of existing lean-to pool room and replacement extension for bottle store kitchen extension and ladies W.C. new front porch

	extension and internal alterations – APPROVED WITH CONDITIONS.
MA/87/0579	– Erection of single storey front extension to provide toilet accommodation and erection of front porch – APPROVED WITH CONDITIONS.
MA/86/1747	– Erection of conservatory to rear to form extension to bar area – APPROVED WITH CONDITIONS.
MA/82/1170	– Additional car parking and erection of garage with store – APPROVED WITH CONDITIONS.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site relates to an existing public house known as the Ten Bells on the east side of Upper Street within Leeds village envelope. The site is within a Conservation Area with a Grade II* listed building to the north and a Grade II terrace of properties to the south.
- 1.2 The Ten Bells is an attractive public house, recently closed, which was probably erected in the 1730s. It makes a positive contribution to the character of the Leeds Conservation Area and in my view should be considered as a non designated heritage asset in its own right. It forms an excellent group with the listed buildings which flank it, Churchill Cottages and Vineys Cottages, the latter of which is Grade II*.
- 1.3 The Ten Bells is essentially built of red brick although the front elevation is rendered and painted. Roofs are covered in Kent peg tiles. To the front elevation the building is lit by sash windows with glazing bars, giving it a strong Georgian character. Its character and appearance is currently altered by a number of extensions which this application seeks consent to remove.

2.0 PROPOSAL

- 2.1 Planning permission is sought for the erection of a detached dwelling. This is proposed by virtue of the recent demolition of the existing pub building.
- 2.2 The proposed building would be located in an identical position to the existing pub building with a set back of some 9m from the road and a general central position within the site. The building itself would have a broad 'L' shape form and would measure some 15.5m in width and would have an overall depth of approximately 12.6m including the proposed front porch and projecting rear element. The building would include a pitched roof with additional pitched elements at two storey level. This roof form is also continued in the proposed porch to the front. The ridge height and eaves height of the building would measure approximately 7.9m and 5m respectively. There would also be a single storey sloping roof element to the northern facing flank elevation forming a utility room with a ridge height and eaves height of approximately 2.4m and 4.1m respectively.

- 2.3 This proposal would also see the car parking proposed on site to the front of the building with two spaces provided. Wide landscaping areas are proposed to front to soften the appearance of the building from the streetscene.
- 2.4 To provide some context to the site, it is important to discuss the recent planning history involving the development of this site. A previous permission was granted permission for erection of three additional dwellings within the curtilage of the existing pub. This includes one dwelling adjacent to the public house with two other properties located to the rear of the pub building. With this development, the existing pub building was to be retained and converted to provide two semi detached dwellings, a further later permission was allowed for its conversion to a single dwelling. This was on the basis that the building was of merit and was a non designated heritage asset despite not being listed. However, subsequent to this, a structural investigation found that many areas of the building were in a very poor condition and the building was subsequently demolished without formal planning permission. The council did not have the benefit of inspecting the building to investigate its condition prior to demolition.

3.0 SUMMARY INFORMATION

	Existing	Proposed
Site Area (ha)	-	0.0829ha
Approximate Ridge Height (m)	7.9m	7.9m
Approximate Eaves Height (m)	5.1m	5m
Approximate Depth (m)	16.2m	12.6m
Approximate Width (m)	15.5m	15.5m
No. of Storeys	2	2
No. of Residential Units	0	1
No. of Affordable Units	0	0

5.0 POLICY AND OTHER CONSIDERATION

The National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 Development Plan: ENV6, H27, T13, R11 of the Maidstone Borough Wide Local Plan 2000

6.0 LOCAL REPRESENTATIONS

No representations received

7.0 CONSULTATIONS

- 7.1 **Leeds Parish Council** - Raises objections with the following comments:-

We wish to object to this as we feel that the proposals do not represent a like for like development for the building that was demolished. It was a condition of the original planning application that the existing building was to be kept. As a Parish Council we were disappointed that this was demolished without permission or prior notice over a quiet weekend period, we feel that the building should therefore be replaced to the original design. We would wish to see this application refused and reported to the Maidstone Borough Council's Planning Committee.

7.2 Environmental Health Officer - Raised no objections with the following comments:-

There have been a number of applications in respect of this site relating to the change of use and conversion of the original building. The building has now been demolished and consent is being sought to replace the original building with a residential dwelling.

The main Environmental Health concern relates to traffic noise as the new dwelling will be sited adjacent to the busy B2163. I would therefore recommend that a traffic assessment condition is applied to any consent granted.

I note that provision has been made for the storage and collection of waste and recyclables.

Construction works may cause nuisance to nearby residents and therefore the normal informatives relating to construction activities should be applied to any consent granted.

Recommendation: No objection subject to the condition and informatives below.

7.3 KCC Highways - Raise no objections with the following comments:-

I have visited the site (24/6/14) and observed the construction that has currently been undertaken. The car parking allocation and forecourt proposed for the detached dwelling is to County Council standards and on behalf of the Highway Authority I confirm, subject to the following conditions, that I have no objection to this application.

7.4 Conservation Officer - Raises no objections with the following comments:-

The Ten Bells was a public house dating from the early 18th Century with later alterations and additions. It made a positive contribution to the character of the conservation area and in my opinion should have been considered as a non-designated heritage asset. Permission had been granted for its conversion to residential use, but in the course of these works the building was demolished; this demolition took place without prior consent and therefore constitutes a criminal offence.

Whilst structural reports have been submitted regarding the condition of the building prior to demolition I remain unconvinced that it was beyond feasible repair – the building showed no significant outward signs of structural failure and the fact that much pointing was missing, as related in the justification statement submitted, for example, is not an indicator of imminent collapse. Unfortunately the opportunity to inspect the building prior to demolition was not given and with the wholesale removal of the structure it is now impossible to judge its true condition. The Council needs to decide whether it would be expedient to pursue prosecution for unauthorised demolition or whether retrospective consent for demolition can be granted.

As regards the replacement building proposed, this closely mirrors the appearance of the demolished building and is therefore acceptable. As nothing remains of the original building, I have no objection to reinstatement along these lines. I raise no objections to this application on heritage grounds and recommend conditions re samples of materials, joinery details, the erection of a sample panel of brickwork for approval and removal of all PD rights.

9.0 CONSIDERATIONS

Principle of Development

- 9.01 The site is within the village envelope of Leeds and as a result new residential development is generally acceptable under policy H27 of the Maidstone Borough-Wide Local Plan (2000).
- 9.02 The loss of a public house for this use within a village has been fully considered under the previous granted consents. Policy R11 of the Maidstone Borough-Wide Local Plan (2000) concerns this and the proposal has complied with the elements of this under these previous permissions. The previous planning permissions establish the principle for residential development on this site in accordance with policy H27 of the Maidstone Borough-Wide Local Plan (2000). Therefore, I consider the principle of this development to be acceptable.

Visual Impact

- 9.03 The site is historically sensitive in that it is within the Conservation Area and between the Grade II* listed Vineys Cottages to the north and the Grade II listed Churchill Cottages to the south. The existing pub building itself was considered to be a non-designated heritage asset, although this now no longer exists. The proposed replacement building reflects some of the key characteristics of the former pub in its elevations which in my view attempt to acknowledge the historical context of this site and to create a sympathetic re-build of this building.
- 9.04 During consideration of the previous application for the conversion of the pub, significant negotiations were held with the developers to retain some features of the pub building. This principally comprised the roof turret to the rear of the building as well as the dormer windows and chimney. All these elements have been included within this proposed design which re-

creates them in a similar form and location within the building. The previous pub building included a number of modern extensions which detracted from its overall appearance which would have been demolished under the previous consents. The proposed building is of a scale and footprint which is identical to original form of the pub with an identical siting within the plot. This reinstates a dominant building within the site of an identical scale in an attempt to replicate the presence of the former pub building within the conservation area. As such, I am on the view that this building is acceptable in terms of its design and presence within this locality and would contribute to the surrounding conservation area and setting of neighbouring listed buildings.

- 9.05 The finish to the development will be key in achieving a suitable appearance to the overall scheme. The comments of the parish council have been fully considered which specifically relates to this matter. The materials included within this scheme have been submitted to the council as part of a condition discharge for the new dwellings within this site as previously permitted. Therefore, the appearance and character of these materials in the context of the conversation area and listed building has been assessed and are considered to be appropriate. The comments of the parish council requesting the use of painted reclaimed bricks I do not consider to be reasonable in this case, particularly if the were to be painted. The choice of render to the frontage would be appropriate and would break up the facing brick of the side elevations and chimney. The conservation officer has raised no objections and considers the proposed building to be acceptable in its overall design and form. Although to secure suitable detail, conditions requiring a sample panel of brickwork to be constructed on site for approval and joinery details will be secured as suggested by the conservation officer. The permission will also include restrictions to permitted development rights to ensure the character of the building is maintained. As such, I am of the view that the design as proposed is acceptable in its overall appearance and character.

Residential Amenity

- 9.03 In terms of the impact upon amenity, clearly the consideration of this was fully considered under MA/12/2267 which originally granted the conversion of the pub to residential use. I do not consider the amenity impact upon neighbouring properties is significantly altered by the fact that a new building is now proposed and therefore, I conclude that there would be no significant impact upon the amenity of any neighbouring properties. This includes a loss of light, privacy, outlook or overshadowing. I also consider a suitable level of amenity would be secured for future occupiers of the building and the surrounding development under construction as previously approved.

Highways

- 9.04 In terms of parking, the proposed car parking for the dwellings would be in front of the building. This would be a similar highway situation to the existing use and previous granted consents in terms of access points. The parking provision level I consider to be acceptable and the Highways Officer raises no objections on highway safety grounds.

Landscaping

- 9.05 In terms of landscaping, some details of additional landscaping are shown on the submitted block plan which is similar in character to that approved under the previous consents. I consider this to be sufficient to soften the appearance to the development from the streetscene to the front. However, little details have been provided in terms of landscaping and therefore a further condition to cover this is considered reasonable.

Other Matters

- 9.06 The site has been developed following the previous granted planning consents and therefore there are no areas of grassland or dense landscaping within the site. Therefore, I do not consider there would be any significant ecological issues as a result of this development.
- 9.07 There are no significant environmental health considerations in this application although the traffic noise condition recommended by the Environmental Health Manager should be attached to any approval.
- 9.08 In terms of sustainability, the site is within the village boundary of Leeds and is considered to be sustainable. Code level 3 of the Code for Sustainable Homes will be secured by condition in accordance with the previous consents allowed on this site which have been implemented. It would not be reasonable to secure a higher level under this application.

10.0 CONCLUSION

- 10.1 In conclusion, it is considered overall that the proposal is acceptable with regard to the relevant provisions of the Development Plan and amenity impacts on the local environment and other material considerations. I therefore recommend that the application should be approved subject to the following conditions.

11.0 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 shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings and the areas of hardsurface hereby permitted 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.

3. The development shall not commence until, a sample panel of brickwork is constructed independently on site for the prior inspection of the Local Planning Authority.

The development shall be carried out in accordance with the approved details;

Reason: To ensure the appearance and the character of the building are maintained.

4. The development shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

New external joinery in the form of large scale drawings.

The development shall be carried out in accordance with the approved details;

Reason: To ensure the appearance and the character of the building are maintained.

5. Notwithstanding the details shown on plan number 1034/092, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include additional planting to the front of the building, indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: To ensure a satisfactory appearance to the development.

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

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

7. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) and maintained thereafter;

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

8. No development shall take place until:

An acoustic survey, to identify the noise environment of the site, has been carried out.

Where habitable rooms will be exposed to unacceptable noise levels (in accordance with BS 8233), mitigation should include a scheme of acoustic protection sufficient to ensure internal noise levels (LAeqT) no greater than 30 dB in bedrooms and living rooms with windows closed. Where the internal noise levels (LAeq,T) will exceed 35 dB in bedrooms (night-time) and 45dB in living rooms (daytime) with windows open, the scheme of acoustic protection should incorporate appropriate acoustically screened mechanical ventilation.

Within gardens and amenity areas, the daytime 07.00-23.00 hours level of noise should not exceed 55dB (LAeq) free field. This excludes front gardens;

Reason: to protect residential amenity

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E, F and G shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

10. The dwellings shall achieve Level 3 of the Code for Sustainable Homes. The dwellings shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development.

11. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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.

12. The access road hereby permitted shall include the use of a bound surface for the first 5m of the access from the edge of the highway.

Reason: In the interests of highway safety.

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

Plan numbers 1034/001 RevA, 1034/001 RevB, 1034/002, 1034/003, 1034/004, 1034/005, 1034/006, 1034/007, 1034/008, 1034/090, 1034/091, Design and Access Statement and Application Form received 7th May 2014 and plan number 1034/092 dated March 2014.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

Informatives

1. There should be the provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
2. There should be the provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
3. Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.
4. Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the EHM.
5. Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
6. Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
7. Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
8. Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

9. The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.
10. Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

In order to minimise dust and dirt being blown about and potentially causing a nuisance to occupiers of nearby premises the following precautions should be taken.

- Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down the general site area, using a suitable water or liquid spray system.
- Where practicable, all loose material on the site should be covered during the demolition process.
- During the construction, reconstruction, refurbishment or modification of the building and where practicable the exterior should be sheeted, enclosing openings etc. as necessary.

Case Officer: Kevin Hope

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

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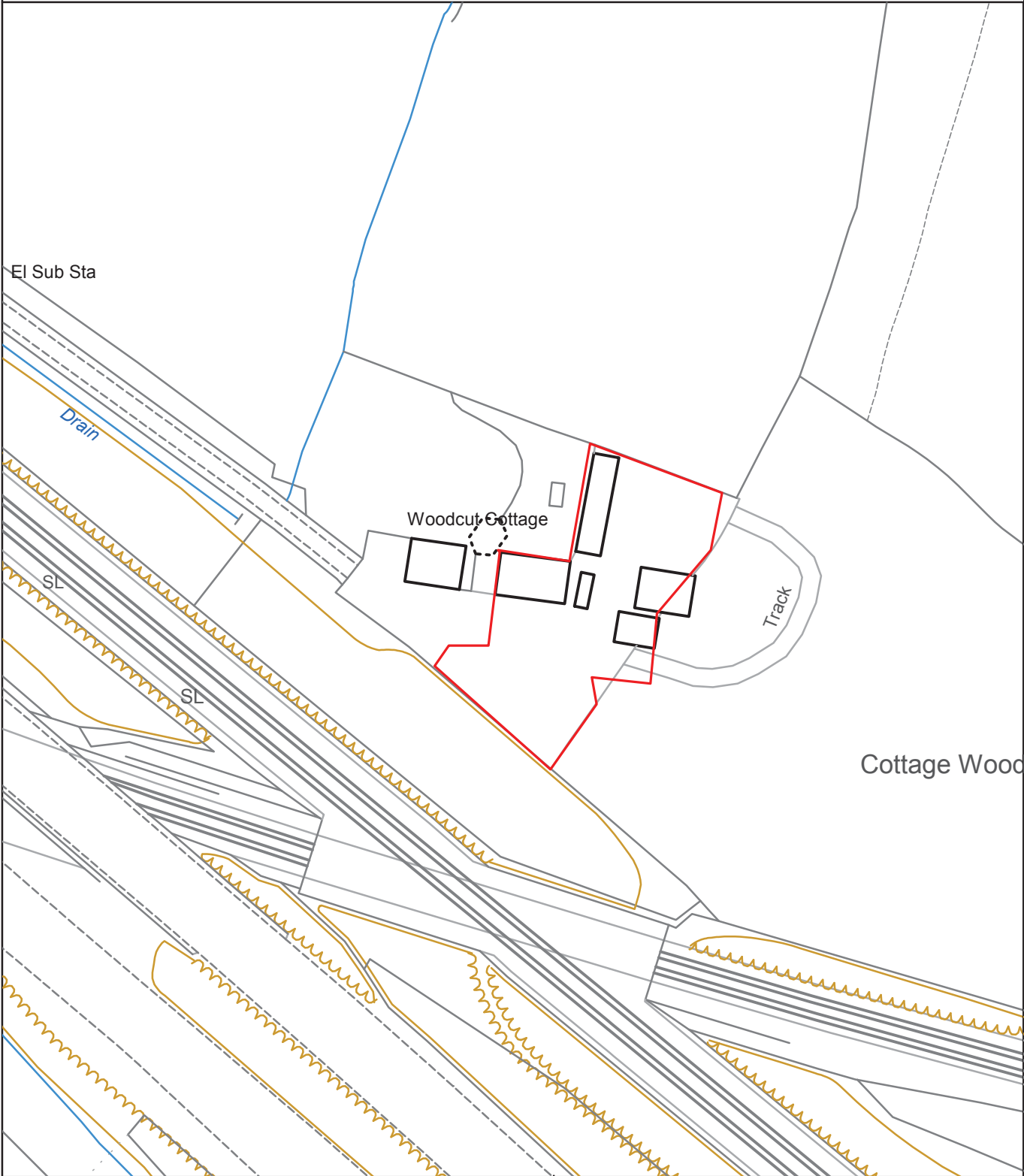
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THE MAIDSTONE BOROUGH COUNCIL

Woodcut Cottage,
Crismill Lane,
Thurnham,
Kent

MBC Ref: MA 14/500282



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 14/500282/FULL			
APPLICATION PROPOSAL			
Retrospective - use of land for a depot with associated storage, offices and parking as shown on drawing numbers 2147/14/B/2, 2147/14/B/4, 2147/14/B/5 and 2147/14/B/6, supported by Statement in Support of Planning Application, Transport Statement, Landscape and Visual Impact Assessment, Woodland Management document, Statement of Karen Fiona Ibrahim, Statement of Nicholas Lawson and information sheet about The Ideal Group, all received 6th June 2014			
ADDRESS Woodcut Cottage Crismill Lane Thurnham Kent ME14 3LY			
RECOMMENDATION APPROVAL SUBJECT TO CONDITIONS			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL			
Although the development is without policy justification and is being located within the open countryside and Kent Downs Area of Outstanding Natural Beauty in an unsustainable location is contrary to the Development Plan, it is considered that the very special specific circumstances of the case, primarily the site history, are such that they are considered to override the normal presumption against new development in the countryside for which there is no overriding policy justification contained in the Development Plan (Maidstone Borough-wide Local Plan 2000) and National Planning Policy Framework 2012.			
REASON FOR REFERRAL TO COMMITTEE			
The development for which planning permission is sought is contrary to the policies of the Development Plan.			
WARD North Downs	PARISH/TOWN Hollingbourne	COUNCIL	APPLICANT Mr Javid Ibrahim AGENT Ms Anna Bloomfield
DECISION DUE DATE 01/08/14	PUBLICITY EXPIRY DATE 01/08/14	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
MA/13/1559	Continued use of commercial area subject to certificate of lawful use defined under MA/99/0573 with adjustments to boundary.	Currently in abeyance pending outcome of enforcement appeal and application 14/500282.	Not applicable
<i>Summarise Reasons</i>			
The application was put in abeyance pending the outcome of enforcement appeal and application 14/500282 and has subsequently been superseded by the application currently under consideration; see PARAGRAPH *** below.			
MA/12/1845	Continued use of commercial area (B1) defined under application MA/99/0573 with adjustments to suit boundary embankment/route and retrospective change of use of B1 from C3 to extend commercial use area.	Withdrawn by applicant	Not applicable
<i>Summarise Reasons</i>			
The application was invalid on receipt and the information necessary to make the application valid was not subsequently provided by the applicant.			

MA/99/0573	Certificate of lawful development under section 191 in respect of:- 1) Use of land for repairs to motor vehicles, storage and dismantling of motor vehicles and motor vehicle parts, and sale of these items to the trade and general public; and for storage of, and/or repair of, other plant, equipment, machinery, engineering or building materials and miscellaneous items for sale to the trade and general public, and storage and cutting up of timber for sale as logs and firewood; 2) Use of building as a workshop for the repair and renovation of motor vehicles and other plant, equipment, machinery, engineering or building materials and miscellaneous items, for sale to the trade and general public; 3) Use of building for storage of motor vehicles and vehicle parts, and other plant, equipment, machinery, engineering or building materials and miscellaneous items for sale to the trade and general public.	Split decision	11/08/1999
<p>Summarise Reasons</p> <p>The use of the land and building outlined in red on the plan attached to the decision notice for repairs to and dismantling of second hand motor vehicles for resale is considered, on the balance of probability, to have existed on the land for a period in excess of 10 years and would therefore be exempt from enforcement action under the Town and Country Planning Acts. The description of the use as set out on the decision notice was modified from that submitted because the submitted evidence was not sufficiently robust to indicate that the other uses have constituted businesses for a continuous period in excess of 10 years.</p>			

MAIN REPORT

1.0 DESCRIPTION OF SITE AND SITE HISTORY

1.01 The site is within the open countryside and is in an area with the national designation of being within the Kent Downs Area of Outstanding Natural Beauty (AONB) and local designation of being within the North Downs Special Landscape Area (SLA) due to the natural beauty, scenic quality and distinctive character of the landscape. The site is located approximately 250m to the south east of Crismill Lane, an unclassified rural highway, approximately 2.3km from the defined settlement boundary of Maidstone.

1.02 The site is an irregularly shaped area located immediately to the east of Woodcut Cottage, a property occupied by, and in the ownership of, the applicant. The site is level and largely hard surfaced, with four outbuildings, decked areas and storage containers sited on it which serve the use for which planning permission is sought. To the east of the site is Cottage Wood, part of which, as identified on the site location plan, is within the ownership of the applicant. Cottage Wood, together with woodland belts in the vicinity of the site, is protected under Tree Preservation Order 10 of 1983, as amended by Tree Preservation Order 19 of 1988. A copy of this TPO is attached to this report as Appendix 1. Cottage Wood is also a Local Wildlife Site. A public right of way, the KH141, runs along the southern boundary of the site; there are other, more distant, public rights of way to the north and west of the site. To the north of the site is agricultural land, and to the south, significant transport infrastructure developments (including the M20, the Channel Tunnel Rail Link (CTRL) and mainline railway). The site itself is severed from these by landscaped embankments.

1.03 A Certificate of Lawfulness for an Existing Use or Development (CLEUD) has previously been granted under the scope of MA/99/0573 for the use of part of the application site "for repairs to and dismantling of second hand motor vehicles for resale". A copy of the decision notice and associated plans is attached to this report as Appendix 2.

1.04 Following the issue of the CLEUD, the land changed hands and was purchased by the applicant in November 2003, and the use for which planning permission is now sought, commenced, being as a depot for a company providing services to fire and water damaged

commercial and domestic properties, described in the application documentation as “emergency response, disaster recovery, environment management and property cleaning and repair”.

1.05 The current application was submitted in response to an enforcement investigation into the unauthorised change of use, as a result of which an Enforcement Notice was issued. This Enforcement Notice is currently under appeal by the applicant.

2.0 PROPOSAL

2.01 The current application seeks retrospective planning permission for the use of the land for the purposes set out in paragraph 1.04 above.

2.02 The application has been invited by officers in response to the appeal against the issue of the Enforcement Notice.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Development Plan: Maidstone Borough-Wide Local Plan 2000 ENV6, ENV28, ENV33, ENV34, T13

Draft Development Plan: Maidstone Borough Draft Local Plan SP5, DM1, DM9, DM10, DM37

Supplementary Planning Documents: Kent Downs AONB Management Plan 2014-2019 (2014)

4.0 LOCAL REPRESENTATIONS

4.01 A site notice was displayed at the site and the application was advertised as a departure from the Development Plan. The overall publicity expiry date was 8th July 2014.

4.02 No neighbour representations were received in response to the publicity exercise.

5.0 CONSULTATIONS

5.01 Kent County Council Highway Services Engineer: Raises no objection to the application, making the following detailed comments:

5.01.1 “It is noted that Crismill Lane, in its entirety, is a private street. Connection with the public highway is therefore at the junction with the A20 where all movements to and from the site are undertaken. I can confirm that this junction has a good crash record, the last injury crash here being in 2005. I would agree from the descriptions provided in the Transport Assessment that the retrospective (and proposed) use creates low volumes of traffic generation. It is also considered that there is adequate informal space within the site for car parking, deliveries and servicing. I write to confirm therefore on behalf of the Highway Authority that I have no objection to this development.”

5.02 Maidstone Borough Council Landscape Officer: Raises concern over the erosion of the protected woodland, however raises no objection to the application subject to the imposition of conditions requiring the submission of a detailed landscape scheme with maintenance details and a long term management plan and implementation of the approved details, making the following detailed comments:

5.02.1 *“My comments relating to MA/13/1559 dated 16/10/13 were as follows:*

The area of woodland to the east of the site extending to the southern tip, known as Cottage Wood, is protected by TPO No. 10 of 1983. There are also 3 individual Oak trees protected by TPO No. 24 of 1984 to the west of the northern boundary.

The Certificate of Lawfulness issued in 1999 was for commercial development up to the edge of the protected woodland. Clearly, since this time, it can be seen from aerial photographs that development has encroached into the woodland, removing woodland edge vegetation and potentially encroaching into the root protection areas of other trees causing long term damage/instability. The initial encroachment appears to have taken place between 2004 and 2008, with further hard surfacing and the removal of trees to the east of the access road occurring prior to the 2012 photograph. I am not aware of the planning history of this site and whether there are any other planning considerations that might have overridden the TPO. But without specific evidence and with the passing of time we will be unable to pursue enforcement action under TPO legislation anyway.

I would also add that, if this proposal is approved, there appears to be no space to seek replanting to mitigate the adverse impact to the woodland. However, please ensure that there is an informative/ advice note on any decision letter/notice issued to the effect that unauthorised work to protected trees is an offence which attracts a heavy fine.

*5.02.2 In terms of this retrospective application I would want to ensure that any potential further damage to protected trees/woodland is prevented by the creation of a physical barrier which clearly restricts activity to the developed area of the site. A timber post and rail fence reinforced with appropriate native shrub species of local provenance will help mitigate any potential damage which has already occurred. Any debris within the woodland area should also be removed and appropriate woodland management encouraged. Ideally, I would like also to see the phased removal of existing non-native conifers and laurel screen planting and its replacement with appropriate native species. I would suggest that an appropriate mix of species should predominantly comprise of Hawthorn (*Crataegus monogyna*) and Hazel (*Corylus avellana*) interspersed with groups of Holly (*Ilex aquifolium*), Field Maple (*Acer campestre*) and Dog rose (*Rosa canina*).*

5.02.3 Should you be minded to grant consent I would therefore recommend conditions requiring a detailed landscape scheme with maintenance details and a long term management plan in accordance with the principles set out in the Maidstone Landscape Character Assessment Supplement 2012."

5.03 Kent County Council Biodiversity Officer: Raises no objection to the proposal subject to the imposition of condition requiring the submission of a detailed woodland management plan and implementation of the approved details, making the following detailed comments:

5.03.1 "The site is seeking retrospective planning permission for the existing development. As a result of reviewing aerial photos it appears that the site has been cleared since at least 2008 and has limited potential to contain protected species.

5.03.2 Due to the length of time the development has been present we are satisfied, in this situation, that there is no requirement for an ecological survey to be carried out.

5.03.3 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged".

5.03.4 The applicant is proposing to bring the adjacent woodland back in to active management to benefit wildlife and they have submitted a woodland management plan.

While we are satisfied with the principle within the woodland management plan we are not satisfied with the detail. We recommend that if planning permission is granted, a detailed management plan is submitted as a condition. We would expect the woodland management plan to include the following:

- *Explanation about why the woodland is being managed.*
- *Clarification on the proposed number of years coppice rotation – is a 5 year gap sufficient? Often Hazel coppice is left for at least 6 or 7 years before coppicing.*
- *Time of year the works are to be carried out.*
- *Monitoring.*

5.03.5 *The woodland plan has suggested covering the hard core track in soil rather than excavating the hardcore to minimise disturbance within the woodland - we are concerned in heavy rain the soil will just wash off in to the surrounding woodland."*

5.04 Natural England: Did not wish to comment on the application.

5.05 Network Rail: Did not wish to comment on the application.

6.0 BACKGROUND PAPERS AND PLANS

Drawing numbers 2147/14/B/2, 2147/14/B/4, 2147/14/B/5 and 2147/14/B/6, supported by Statement in Support of Planning Application, Transport Statement, Landscape and Visual Impact Assessment, Woodland Management document, Statement of Karen Fiona Ibrahim, Statement of Nicholas Lawson and information sheet about The Ideal Group, all received 6th June 2014.

7.0 APPRAISAL

Principle of Development

7.01 As Members will be aware, there is a general presumption against new development in the open countryside for which there is no specific policy support, as set out in MBWLP policy ENV28.

7.02 This policy of restraint is supported in this case by policies ENV33 and ENV34 of the MBWLP which seek to protect both the AONB and the SLA, stating that in such areas priority should be given to protection and conservation of the landscape over other planning considerations.

7.03 Whilst broadly supporting employment generating uses, the NPPF sets out a presumption in favour of sustainable development, which is defined as having three dimensions, the economic, the social, and the environmental, and requires Local Planning Authorities to take account of the different characters of different areas whilst recognising the intrinsic character and beauty of countryside and contribute to conserving and enhancing the natural environment. The document goes on to state that "great weight should be given to conserving landscape and scenic beauty in...Areas of Outstanding Natural Beauty", identifying AONBs as having the highest status of protection in this respect.

7.04 The use for which planning permission is sought does not fall within any of the exceptions set out in policy ENV28, or elsewhere in other policies in the MBWLP. The use is therefore unacceptable in principle in this location.

7.05 Notwithstanding this, to my mind the circumstances of the case are such that in this exception a departure from the Development Plan is acceptable.

7.06 The majority of the site, prior to occupation by the applicant, benefitted from a CLEUD for uses which similarly would not be considered acceptable when assessed against planning policy, as shown on the documentation attached to this report as Appendix 2. The site was, therefore, at the time of occupation by the applicant; previously developed land (PDL), albeit in the open countryside and the ANOB and SLA.

7.07 Furthermore, it is understood that since the change in ownership, the use currently operating from the site, has been operating continuously. Whilst the Council's position, as set out in the Statement of Case associated with the appeal against the Enforcement Notice, is that the use is not immune from formal enforcement action, the determining timescale is a matter of days; it is not a matter of dispute that the business had been operating from the site for a continuous period in excess of 9 years and 11 months prior to the date of issue of the Enforcement Notice.

7.08 In taking formal enforcement action Local Planning Authorities are required to be reasonable and proportionate.

7.09 In the very specific circumstances of this case, namely the detailed site history, it was considered that the most expedient course of action to remedy the breach was the issuance of an Enforcement Notice in order to secure the Council's position and safeguard the woodland to the east of the site, which is also covered by the Enforcement Notice due to the activities taking place on this land at the time of the enforcement investigation, and the subsequent invitation of an application for planning permission in order for the use of the land identified on the site location plan and associated operational development to be regularised, and control exerted over the development which would satisfactorily remedy the harm identified during the taking of enforcement action.

7.10 For these reasons, it is considered that, subject to appropriate mitigation, the use, whilst contrary to Development Plan policy, is, in the very specific circumstances of this case, acceptable.

Visual Impact

7.11 As set out above, the site is located in open countryside designated as being within an AONB and SLA, and therefore recognised for its high quality of landscape and scenic value. However, set against this are the status of much of the site as PDL; the length of time that the use has been operating from the site without complaint to the Council.

7.12 Notwithstanding this, the use, which is commercial in its character and appearance, is visually intrusive in what is essentially a rural agricultural area within the Thurnham Vale (Hollingbourne Wooded Arable Land) Landscape Character Area, which is characterised by large open arable fields with mixed woodland blocks interspersed with sporadic development.

7.13 However, the applicant has provided a landscape planting plan (drawing number 2147/14/B/4) in support of the application which proposes the introduction of additional hedging and north planting along the southern and northern site boundaries, which would serve to effectively mitigate the appearance of the site over time, subject to the imposition of appropriate implementation and long term management conditions. In addition, the landscaping strategy includes the introduction of a native hedge along the eastern boundary of the site, which would provide a physical separation between the site and the woodland subject to the TPO, and thereby sever the use from this land and serve to protect the trees and safeguard their considerable landscape contribution.

7.14 Notwithstanding the details provided to date in respect of landscaping, as set out in the Maidstone Borough Council Landscape Officer's comments, amendments to the scheme are required, including the introduction of a post and rail fence to provide a physical barrier between the site and the woodland, particularly whilst the landscape is maturing. Whilst the comments in respect of the replacement of existing non-native planting is noted, it is considered that this goes beyond what can reasonably be required in connection with the current application, however the submission of a long term management plan and its implementation are considered to be both reasonable and necessary in this case, and due to the sensitivity of the site and the need for robust landscaping to be effectively established and maintained, I proposed a 10 year limit on this.

7.15 Subject to the conditions set out above, it is considered that, in the special circumstances of this case, the visual impact of the development can be mitigated to a satisfactory extent such that planning permission may be granted.

Biodiversity

7.16 It is noted that the existing hardcore track within the woodland, which is outside the proposal site, is shown on the landscape plan as being retained. This is considered to be inappropriate and prejudicial to the regeneration of the woodland and the restoration of soils to the area, for the reasons set out in the comments of the Kent County Council Biodiversity Officer, and for this reason this element of the operational development associated with the use is required to be removed.

7.17 The Kent County Council Biodiversity Officer has also raised concerns over the management of the woodland, and to this end, I propose to include the submission of an amended woodland management plan in the landscape condition referred to above, which shall include the elements suggested in order to provide improvements and enhancements to this woodland which has previously been used unlawfully in association with the operation of the site, although this has now ceased and the woodland is not within the scope of the redline of the application site.

7.18 Subject to the conditions set out above, it is considered that, in the special circumstances of this case, the impact of the development on biodiversity can be mitigated to a satisfactory extent such that planning permission may be granted.

Highways

7.19 The application is supported by a Transport Statement. The site is located on a private road of rural character and appearance and of variable surfacing quality. The highway is a non-through road, and as such all vehicle traffic has to exit via the junction with the A20, however there is not a record of significant accidents at this location. The site is located in a position relatively remote from public transport, however the nature and volume of vehicle activity associated with the use for which planning permission is sought is considered to be comparable with that associated with the previous lawful use. There is some space within the site for turning and parking of vehicles commensurate with the scale of the activities taking place, however due to the physical constraints of the site the number and scale of vehicles beyond that which can be accommodated on the land is restricted.

7.20 The Kent County Council Highway Services Engineer, as set out in the comments above, raises no objection to the proposal on the grounds of highway safety.

7.21 There is therefore not considered to be any objection to the proposal on highways grounds.

Residential amenity

7.22 There is a residential property immediately adjacent to the site, which is currently occupied by the applicant. Whilst this is currently a satisfactory arrangement, the character of the use is such that in the event of the use of the land and the occupation of the dwellinghouse being severed, harm to the residential amenity of the occupiers of this property may be compromised as a result of disturbance resulting from the activities on the application site, which by their nature are not limited to what might be described as conventional office hours and are likely to give rise to movements by vehicles larger than cars at unsociable hours. For this reason in the circumstances of this case I consider it reasonable and necessary to impose a condition restricting the use to occupation of the neighbouring property. This accords with the suggested condition set out in the Planning Statement submitted in support of the application.

7.23 It is not considered that there are any other neighbouring properties detrimentally affected by the use.

Other Matters

7.24 Given the history of the site, the nature of the use applied for; the absence of immediate neighbours; the lack of objection from Kent County Council Highway Services; the fact of Crismill Lane being a private highway; and the physical limitations on the site in respect of space, it is not considered necessary in this case to impose an hours of operation condition on the use, or restrictions on the numbers and size of vehicles which can be used in conjunction with it.

7.25 The site is not located in an area recorded by the Environment Agency as being prone to flood, and there are no heritage or archaeological assets in close proximity to the site.

8.0 CONCLUSION

8.01 For the reasons set out above, whilst the application seeks planning permission for a use which does not benefit from any local or national planning policy support in a site which is both unsustainable and subject to the highest levels of landscape protection, in the very special circumstances of this case it is considered that there are material factors such that planning permission should be granted subject to the conditions set out above.

9.0 RECOMMENDATION – GRANT PLANNING PERMISSION Subject to the following conditions:

CONDITIONS to include

1. The use of the land hereby permitted shall only take place in association with the occupation of the property identified as “Woodcut Cottage” as identified outlined in red on the attached plan, and when no longer used for these purposes shall cease and all associated paraphernalia removed from the land.

Reason: To safeguard the residential amenity of current and future occupiers of the dwellinghouse.

2. Within two months of the date of this decision, a long term management plan for the landscaping scheme shown on drawing number 2147/14/B/4 shall be submitted for consideration by the Local Planning Authority. The landscape scheme shown on drawing number 2147/14/B/4 and the approved long term management plan shall

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

Reason: To safeguard the visual and scenic quality of the landscape and ensure a satisfactory setting and external appearance to the development.

3. Within two months of the date of this decision, a woodland management plan, which shall include, inter alia, details of the coppicing schedule, including the time of year of the works, and a programme of monitoring, shall be submitted for consideration by the Local Planning Authority. The landscape scheme shown on drawing number 2147/14/B/4 and the approved long term management plan shall thereafter be implemented in full, and all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To safeguard the visual and scenic quality of the landscape, ensure a satisfactory setting and external appearance to the development and provide biodiversity enhancement of the site to mitigate the erosion of a biodiversity habitat.

4. Notwithstanding the details shown on drawing number 2147/14/B/4, within three months of the date of this decision a post and rail fence will be installed along the proposed hedge line demarking the eastern boundary of the site and the hardcore track on blue land will be removed and the land restored to a natural surface;

Reason: To provide a clear boundary between the proposed site and the adjacent woodland protected under Tree Preservation Order 19 of 1988 and to prevent further erosion of, and thereby harm to, this landscape and biodiversity asset.

Case Officer: Catherine Slade

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

WOODCUT COTTAGE,
CRISMILL LANE,
THURNHAM, KENT, ME14
3LY

Reference number: MA/14/500282

Officer Comment

As discussed within the report, there are trees within the vicinity of the site which are protected by Tree Preservation Orders and in the interests of the protection of these trees, I would like to include the following informative within the recommendation.

- 1. Trees in the vicinity of this site are protected under the Town and Country Planning Act by virtue of a Tree Preservation Order. Removal of, or any work to, such trees without the prior consent of, or notification to, the local planning authority is likely to result in contravention of legislation which could lead to a substantial fine and, where trees have been significantly damaged or cut down, a requirement to plant replacement trees.*

Recommendation

My recommendation remains unchanged with the inclusion of the additional informative.

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25.02.2014

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25.02.2014

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 14th August 2014**

APPEAL DECISIONS:

- 1. MA/14/0279** An application to vary conditions 2 and 3 of MA/12/0128 (erection of single storey side and rear extension) to amend external appearance of extension as shown on drawing no. P627/2 Rev H received 11/03/14 and e-mails from applicant received 04/04/14 & 11/04/14.

APPEAL: ALLOWED WITH CONDITIONS

85, BOUGHTON LANE, MAIDSTONE, KENT, ME15 9QP

Decision Type: PLANNING COMMITTEE

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- 2. MA/13/1719** Detached 3 bedroom cottage with associated garage and parking accessed from existing driveway as shown on drawing no.s 13.60.101; 13.60.sk10; sk11;sk12; sk13; sk100 Rev A; together with Design and Access Statement 13.60/ILMcC/jsc; Philip Wilson Arboriculture Tree Survey date stamped 4 October; BLA Arboricultural survey tr-903-11 & tr-1013-12; Ecological Scoping Survey November 2012.

APPEAL: DISMISSED

LAND ADJACENT WOODSIDE, PHEASANT LANE, MAIDSTONE, KENT

Decision Type: DELEGATED REPORT
