

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 18 June 2015  
Time: 6.00 p.m.  
Venue: Town Hall, High Street,  
Maidstone

### Membership:

Councillors Ash, Clark, Cox, English (Chairman),  
Greer, Harper, Harwood, Hemsley,  
Munford, Paine, Paterson, Mrs Stockell  
and Thick

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 25 June 2015

**Continued Over/:**

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**Issued on 10 June 2015**

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*Alison Broom*

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

6.	Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting	
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8.	Disclosures of lobbying	
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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 10

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 28 MAY 2015**

**Present:** Councillor English (Chairman) and  
Councillors Ash, Butler, Clark, Cox, Greer, Harper,  
Harwood, Hemsley, Munford, Paine, Paterson and Mrs  
Stockell

**Also Present:** Councillors Brice, Chittenden, Mrs Gooch,  
D Mortimer, Naghi, J Sams, Sargeant,  
Webb and J.A. Wilson

1. **APOLOGIES FOR ABSENCE**

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

2. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that Councillor Butler was substituting for Councillor Thick.

3. **ELECTION OF CHAIRMAN**

**RESOLVED:** That Councillor English be elected as Chairman of the Committee for the Municipal Year 2015/16.

4. **ELECTION OF VICE-CHAIRMAN**

**RESOLVED:** That Councillor Greer be elected as Vice-Chairman of the Committee for the Municipal Year 2015/16.

5. **NOTIFICATION OF VISITING MEMBERS**

Councillor Chittenden indicated his wish to speak on the reports of the Head of Planning and Development relating to applications 13/2038 and 14/504580.

Councillor Mrs Gooch indicated her wish to speak on the report of the Head of Planning and Development relating to application 14/506419.

Councillor D Mortimer indicated his wish to speak on the report of the Head of Planning and Development relating to application 13/2038.

Councillor Naghi indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/504580.

Councillor J Sams indicated her wish to speak on the reports of the Head of Planning and Development relating to applications 14/0828 and 14/504944.

Councillor Sargeant indicated that he was attending the meeting as an observer.

Councillors Webb and J. A. Wilson indicated their wish to speak on the report of the Head of Planning and Development relating to application 14/0836.

It was noted that Councillor Brice had indicated her wish to speak on the report of the Head of Planning and Development relating to application 13/1453.

6. URGENT ITEMS

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.

7. ITEMS WITHDRAWN FROM THE AGENDA

1. 14/504580 - DEMOLITION OF THE EXISTING TWENTY SEVEN CONCRETE GARAGES AND THE ERECTION OF FIVE HOUSES WITH 1 ALLOCATED PARKING SPACE PER DWELLING - 48 GRECIAN STREET, MAIDSTONE

The Committee considered the urgent update report of the Head of Planning and Development recommending that this application be withdrawn from the agenda to enable the applicant to be represented by his agent at a later date.

**RESOLVED:** That agreement be given to the withdrawal of application 14/504580 from the agenda to enable the applicant to be represented by his agent at a later date.

2. 14/504905 - ERECTION OF 1 NO. DETACHED HOUSE AND GARAGE FOR FARM OWNER/MANAGER - WARNHAMS FARM, HUNT STREET, WEST FARLEIGH, KENT

The Committee considered the urgent update report of the Head of Planning and Development recommending that this application be withdrawn from the agenda due to an administrative error.

**RESOLVED:** That agreement be given to the withdrawal of application 14/504905 from the agenda due to an administrative error.

3. 14/506419 - ERECTION OF 35 RESIDENTIAL DWELLINGS, TOGETHER WITH ASSOCIATED HIGHWAY WORKS, AND LANDSCAPING PROVISION – BELL FARM, NORTH STREET, BARMING, KENT

The Committee considered the urgent update report of the Head of Planning and Development recommending that this application be withdrawn from the agenda until a reptile survey has been submitted.

**RESOLVED:** That agreement be given to the withdrawal of application 14/506419 from the agenda until a reptile survey has been submitted.

8. DISCLOSURES BY MEMBERS AND OFFICERS

With reference to the report of the Head of Planning and Development relating to application 13/2038, Councillor Clark stated that he did not believe that he had pre-determined the application, and intended to speak and vote when it was discussed.

During consideration of the report of the Head of Planning and Development relating to application 13/2038, the Chairman disclosed an Other Significant Interest by virtue of being a Trustee of Hayle Park Nature Reserve Trust which would receive a financial contribution towards improvements and/or refurbishment and/or maintenance of the Nature Reserve if the application was approved.

9. EXEMPT ITEMS

**RESOLVED:** That the Minutes (Part II) of the meeting held on 16 April adjourned to 23 April 2015 be considered in public, but the information contained therein should remain private.

10. MINUTES (PARTS I AND II) OF THE MEETING HELD ON 16 APRIL ADJOURNED TO 23 APRIL 2015

**RESOLVED:** That the Minutes (Parts I and II) of the meeting held on 16 April adjourned to 23 April 2015 be approved as a correct record and signed.

11. APPOINTMENT OF POLITICAL GROUP SPOKESPERSONS

**RESOLVED:** That the following Members be appointed as Spokespersons for their respective Political Groups for the Municipal Year 2015/16:

Councillor Greer – Conservative  
Councillor Harwood – Liberal Democrat  
Councillor Munford – Independent  
Councillor Harper – Labour

12. PRESENTATION OF PETITIONS

It was noted that a petition would be presented in relation to application 14/0836.

13. DEFERRED ITEMS

1. 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
2. MA/13/1979 – OUTLINE PLANNING APPLICATION FOR UP TO 55 RESIDENTIAL DWELLINGS WITH MEANS OF ACCESS. ALL OTHER MATTERS RESERVED - LAND NORTH OF HEATH ROAD, COXHEATH, MAIDSTONE, KENT
3. 14/503960 - OUTLINE APPLICATION FOR 13 NO. DWELLING HOUSES WITH ASSOCIATED AMENITY SPACE, SHARED ACCESS ROAD AND NEW FOOTWAY WITH ACCESS, APPEARANCE, LAYOUT AND SCALE TO BE CONSIDERED AT THIS STAGE WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND EAST OF THATCH BARN ROAD AND SOUTH OF LENHAM ROAD, HEADCORN, KENT
4. 14/503957 - APPLICATION FOR PERMANENT CHANGE OF USE TO A FREE SCHOOL (CLASS D1) - GATLAND HOUSE, GATLAND LANE, MAIDSTONE, KENT

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

5. 14/504905 – ERECTION OF 1 NO. DETACHED HOUSE AND GARAGE FOR FARM OWNER/MANAGER – WARNHAMS FARM, HUNT STREET, WEST FARLEIGH, KENT

See Minute 7 above.

14. 14/0836 - ERECTION OF 110 DWELLINGS WITH CREATION OF A NEW ACCESS AND LANDSCAPING - LAND NORTH OF HEATH ROAD, COXHEATH, KENT

All Members stated that they had been lobbied.

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

Mrs McDermid presented a petition objecting to the application.

Councillor Hughes of Coxheath Parish Council, Mr Hawkins, for the applicant, and Councillors Webb and J. A. Wilson (Visiting Members) addressed the meeting.

**RESOLVED:** That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- The provision of 40% affordable housing equating to 44 dwellings within the application site of which 3 dwellings are to be Wheelchair Accessible Homes;
- A contribution for primary education of £2,360.96 per applicable house (x100) and £590.24 per applicable flat (x2) = £237,276.48 to be used towards the Coxheath Primary School enhancement;
- A contribution for secondary education of £2,359.80 per applicable house (x100) and £589.95 per applicable flat (x2) = £237,159.90 towards the expansion of Cornwallis School;
- A contribution of £5,281.74 to be used to address the demand from the development for book stock (supplied to Coxheath Library);
- A contribution of £3,376.63 for community learning to be used to supply new IT equipment to St Faiths Adult Education Centre in Maidstone;
- A contribution of £933.38 to be used to address the demand from the development for youth equipment (supplied to Youth Workers and organisations covering Coxheath);
- A contribution of £6,991.60 for social care (to be directed towards central Maidstone Changing Places Facility);
- A contribution of £68,724 to enhance healthcare facilities at Stockett Lane Practice and Orchard Surgery Coxheath;
- A contribution of £890.22 per dwelling (£890.22 x 110 dwellings = £97,924.20) to be directed towards Stockett Lane Recreation Ground;
- A contribution towards highway works at the junction of the A229 and B2163 (Linton Crossroads) to mitigate the impact of the development (the amount to be finalised by the Head of Planning and Development acting under delegated powers); and
- Details of a long term management and maintenance plan for on-site open space, including responsibility for management and management contribution including the duration of the contribution,



the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, with the amendment of conditions 3, 7 and 15 and an additional condition as follows:

Condition 3 (amended)

No development shall take place until a schedule/samples of the materials and finishes (to include slate roof tiles and weatherboarding) to be used in the construction of the external walls, roofs, windows and doors of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

Condition 7 (amended)

The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft and hard landscaping (comprising ragstone), (the landscaping scheme and SUDS scheme should be integrated to deliver green infrastructure by creating green open space which can encourage biodiversity and habitats), using indigenous species, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and should include consideration of how the boundary hedgerows can be managed and retained in the long term.

Reason: In the interest of ecology enhancement and visual amenity of the area.

Condition 15 (amended)

No development shall take place until details of all fencing, walling and other boundary treatments, which shall include, inter alia, gaps to allow passage of wildlife (to include gaps to provide movement for hedgehogs), have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details before the first occupation of the development hereby permitted and maintained thereafter.

Reason: To ensure a satisfactory appearance of the development, provide biodiversity mitigation and protect the amenities of the future occupiers of the dwellings.

### Additional Condition

No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority:

- Details of the roof overhangs and eaves;
- Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm); and
- Details of the junction of the timber boarding and the brickwork.

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area.

Voting:        7 – For        5 – Against        1 – Abstention

**FURTHER RESOLVED:** That an Implementation Group comprising of the developer, Borough Council Officers, representatives of the Parish Council, Ward Members and Councillor Harwood be set up to oversee the implementation of the development and to discuss the offer of the woodland area by the Applicant and whether and how this can be achieved.

Voting:        13 – For        0 – Against        0 – Abstentions

15. 13/2038 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING 62 DWELLINGS WITH ASSOCIATED CAR PARKING AND LANDSCAPING, INVOLVING THE DEMOLITION OF EXISTING DWELLING TO THE NORTH EAST OF SITE, WITH ACCESS AND LAYOUT CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND AT POSTLEY ROAD, MAIDSTONE, KENT

The Chairman and Councillors Clark, Cox, Greer, Harper, Harwood, Munford and Paine stated that they had been lobbied.

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

Mr Carter of the North Loose Residents' Association, for objectors, Councillor Wilby of Tovil Parish Council, Mr Escott, for the applicant, and Councillors D Mortimer and Chittenden (Visiting Members) addressed the meeting.

During the discussion on this application, the Chairman disclosed an Other Significant Interest by virtue of being a Trustee of Hayle Park Nature Reserve Trust which would receive a financial contribution towards improvements and/or refurbishment and/or maintenance of the Nature Reserve if the application was approved. Having disclosed this interest,

the Chairman left the meeting and the Vice-Chairman took the Chair for the remainder of the discussion and voting on the application.

**RESOLVED:** That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:

- The provision of 40% affordable residential units within the application site;
- A contribution of £109,784.64 towards the enhancement of teaching space being an additional classroom through reconfiguration of the existing building at South Borough Primary School;
- A contribution of £2,928.96 towards the provision of additional book stock and services (supplied to Kent History and Library Centre, Maidstone);
- A contribution of £514.84 towards youth equipment required for the new residents of this development alone (supplied to Infozone Youth Hub);
- A contribution of £38,808 towards extension, refurbishment and/or upgrade in order to provide the required capacity at Boughton Lane surgery branch to Mote Medical Practice or Grove Park surgery; and
- A financial contribution towards improvements and/or refurbishment and/or maintenance of Hayle Park Local Nature Reserve (the amount to be finalised by the Head of Planning and Development acting under delegated powers),

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions set out in the report, as amended by the urgent update report, and the additional conditions set out in the urgent update report.

Voting:        5 – For        4 – Against        3 – Abstentions

16. 14/0828 - THE REDEVELOPMENT OF LAND SOUTH OF ASHFORD ROAD FOR RESIDENTIAL DEVELOPMENT COMPRISING THE ERECTION OF 113/114 DWELLINGS, INTERNAL ACCESS ROAD, LANDSCAPED PUBLIC OPEN SPACE, A LAP, A CONVENIENCE STORE AND HIGHWAYS WORKS TO ASHFORD ROAD - LAND SOUTH OF ASHFORD ROAD, HARRIETSHAM, KENT

The Chairman and Councillors Clark, Paine and Harper stated that they had been lobbied.

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

Mr Powell, an objector, Councillor Chinnery of Harrietsham Parish Council, Mr Houghton, for the applicant, and Councillor J Sams (Visiting Member) addressed the meeting.

**RESOLVED:** That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- The provision of 40% affordable residential units within the application site OR the provision of 39% affordable housing within the application site and the provision of a community facility fully fitted out for occupation and use by the Parish Council on plot 9;
- A contribution of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the first phase of the 1FE expansion of Harrietsham Primary School;
- A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services (supplied to youth workers and organisations serving Harrietsham);
- A contribution of £48.02 per dwelling to be used to address the demand from the development towards additional book stock supplied to the mobile library service serving the development;
- A contribution of £71,028 (based on £360 per predicted occupier of market dwellings) towards the improvement of healthcare facilities at The Glebe Medical Centre, Harrietsham being the provision of two additional clinical rooms;
- A contribution of £3,500 per dwelling towards highway improvements to the A20 in Harrietsham;
- A contribution of £200 per dwelling towards the improvement and maintenance of public rights of way to the south of the A20 in the vicinity of Harrietsham (namely KH272, KH272A, KH276 and KH652 (in no particular preferential order)); and
- The provision of land identified on drawing number 061302-WARD-PLAN2 received 20 January 2015 for public allotments and a contribution of £907.80 per dwelling towards improvement and replacement of offsite outdoor sports facilities and children's and young people's equipped play areas at Glebe Fields OR a contribution of £1,575 per dwelling towards improvement and replacement of offsite outdoor sports facilities and children's and young people's equipped play areas at Glebe Fields and the improvement of infrastructure and provision capacity of the existing allotments to the west of the site,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the

report, as amended by the urgent update report, and the additional condition set out in the urgent update report.

Voting:        13 – For        0 – Against        0 – Abstentions

The Committee wishing to receive further assurances in relation to the delivery of the highway improvement works to coincide with the implementation of the development,

**FURTHER RESOLVED:**

1. That the issue of the phasing of the A20 Highway Improvement Scheme at Harrietsham be referred to the Strategic Planning, Sustainability and Transport Committee together with a request that a formal meeting be arranged with Kent County Council Highway Officers and Transport Planners to achieve a satisfactory timetable to ensure that the works are delivered to coincide with the implementation of the development comprised in application MA/14/0828 and other developments coming forward along the A20 corridor.
2. **To RECOMMEND to the STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORT COMMITTEE:** That representatives of Harrietsham Parish Council be invited to attend and participate in this meeting and that the matter be referred to the Joint Transportation Board if the Committee considers it necessary.

Voting:        13 – For        0 – Against        0 – Abstentions

17. 13/1823 - AN OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF 49 DWELLINGS AND ASSOCIATED CAR PARKING AND LANDSCAPING, WITH THE MATTER OF ACCESS TO BE CONSIDERED AT THE CURRENT TIME AND ALL OTHER MATTERS RESERVED - MAYFIELD NURSERY, ASHFORD ROAD, HARRIETSHAM, MAIDSTONE, KENT

All Members except Councillor Paterson stated that they had been lobbied.

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

Mrs Roots, an objector, and Councillor Chinnery of Harrietsham Parish Council addressed the meeting.

**RESOLVED:** That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

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

- A contribution of £2,360.96 per applicable house and £590.24 per applicable flat towards the first phase of the 1FE expansion of Harrietsham Primary School;
- A contribution of £413.56 to be used to address the demand from the development towards youth services (supplied to youth workers and organisations serving Harrietsham);
- A contribution of £2,352.78 to be used to address the demand from the development towards additional book stock supplied to the mobile library service serving the development;
- A contribution of £23,587 (£360 per predicted occupier based on size of market dwellings) towards the improvement of healthcare facilities at The Glebe Medical Centre, Harrietsham being the provision of two additional clinical rooms; and
- A contribution of £3,500 per dwelling towards highway improvements to the A20 in Harrietsham,

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, as amended by the urgent update report, and the additional informative set out in the urgent update report.

**Voting:** 12 – For 0 – Against 0 – Abstentions

**FURTHER RESOLVED:** That the details and timing of the highway works associated with this development be included in the reference to the Strategic Planning, Sustainability and Transport Committee as set out in Minute 16 above.

Note: Councillor Greer left the meeting during consideration of this application. He returned shortly afterwards, but did not participate further in the discussion or the voting on the application.

18. 14/504944 - DEMOLITION OF EXISTING PROPERTY 'HIGHFIELD' AND REPLACING WITH A SUSTAINABLE CONTEMPORARY DWELLING - HIGHFIELD, FAVERSHAM ROAD, LENHAM, KENT

All Members stated that they had been lobbied.

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 as amended by the urgent update report.

**Voting:** 13 – For 0 – Against 0 – Abstentions

19. 14/506180 - RETROSPECTIVE - CHANGE OF USE OF LAND FROM AGRICULTURAL LAND TO RESIDENTIAL GARDEN (USED AS GARDEN

SINCE APPROX. 1980S) - REDUCED SITE AREA - ROUGHLANDS,  
GOUDHURST ROAD, MARDEN, 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 condition and informatives set out in the report.

Voting:        10 – For        1 – Against        1 – Abstention

20. 13/1453 - CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR ONE GYPSY FAMILY WITH TWO CARAVANS, INCLUDING ONE STATIC MOBILE HOME, TOGETHER WITH THE ERECTION OF A UTILITY BUILDING AND LAYING OF HARDSTANDING - LAND OFF CLAPPER LANE, STAPLEHURST, KENT

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

Councillor Brice (Visiting Member) addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions set out in the report with the amendment of condition 4 as follows:

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:

- Details of the species, size, density and location of all new planting within the site;
- Native hedge planting along the southern boundary of the site; and
- Retention of and measures to protect the existing hedgerow alongside Clapper Lane.

Reason: In the interests of visual amenity and biodiversity.

Voting:        10 – For        0 – Against        3 – Abstentions

21. 13/1928 - ERECTION OF 124 DWELLINGS WITH PARKING, VEHICULAR AND PEDESTRIAN ACCESS AND ASSOCIATED HARD AND SOFT LANDSCAPING - MARDEN CRICKET & HOCKEY CLUB, STANLEY ROAD, MARDEN, KENT

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

Councillor Mannington of Marden Parish Council addressed the meeting.

**RESOLVED:** That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- The provision of 40% affordable residential units within the development;
- A contribution of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the build costs of extending Marden Primary School;
- A contribution of £2,359.80 per 'applicable' house and £589.95 per 'applicable' flat towards the first phase of expansion of Cornwallis School used by residents of Marden;
- A contribution of £1,046.56 to address the demand from the development towards youth services (supplied to youth workers and organisations serving Marden);
- A contribution of £5,953.96 to address the demand from the development towards additional book stock at Marden Library serving the development;
- A contribution of £18,628.35 towards the extension of and works to the Marden Medical Centre;
- A contribution of £78,120 towards the provision and improvement of offsite outdoor sports facilities and children's and young people's equipped play areas in Marden (the details to be finalised under delegated powers by the Head of Planning and Development in consultation with Marden Parish Council and the Parks and Leisure Department);
- A contribution of £7,762.50 towards the improvement of the KM276;
- A contribution of £25,956.92 towards improvement works to Marden Station; and
- The full build out, so as to be functional and available for public use, of the replacement sports facility already granted outline planning permission under MA/13/0358 or any further/replacement planning permission relating to the replacement sport facility prior to commencement of the development hereby being permitted,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report as amended by the urgent update report.

Voting:      13 – For      0 – Against      0 - Abstentions



22. 14/505920 - PARTIAL DEMOLITION OF EXISTING BARN AND DEMOLITION OF OTHER OUTBUILDING, CONVERSION AND EXTENSION OF BARN TO A B1 (A) OFFICE USE, WITH ANCILLARY WORKS FOR ACCESS, TURNING AND PARKING - LYNCH BANK FARM BARN, DETLING HILL, DETLING, KENT

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

Mr Collins addressed the meeting on behalf of the applicant.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that, having regard to the particularly prominent location of the site on the scarp slope of the North Downs Area of Outstanding Natural Beauty, when viewed from the A249, the urbanising effect the development would have with its associated hardstanding, lighting and car parking would cause unacceptable visual harm to the character and semi-natural landscape of the Area of Outstanding Natural Beauty and rural character of the area. The proposal was therefore considered to be contrary to policies ENV21, ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000 and provisions of the National Planning Policy Framework relating to the safeguarding of Areas of Outstanding Natural Beauty.

**RESOLVED:** That permission be refused for the following reason:

Having regard to the particularly prominent location of the site on the scarp slope of the North Downs Area of Outstanding Natural Beauty, when viewed from the A249, the urbanising effect the development would have with its associated hardstanding, lighting and car parking would cause unacceptable visual harm to the character and semi-natural landscape of the Area of Outstanding Natural Beauty and rural character of the area. The proposal is therefore considered to be contrary to policies ENV21, ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000 and provisions of the National Planning Policy Framework relating to the safeguarding of Areas of Outstanding Natural Beauty.

Voting:        8 – For        3 – Against        2 – Abstentions

23. 15/503305 - AN APPLICATION FOR ADVERTISEMENT CONSENT FOR 3 NO. VINYL FASCIA SIGNS - MAIDSTONE BOROUGH COUNCIL, MAIDSTONE HOUSE, KING STREET, MAIDSTONE, KENT

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

Mrs Franek addressed the meeting on behalf of the applicant.

**RESOLVED:** That advertisement consent be granted subject to the conditions set out in the report.

Voting:        12 – For        1 – Against        0 – Abstentions

24. 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.

25. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

26. DURATION OF MEETING

6.00 p.m. to 10.30 p.m.

## Planning Committee

**18 June 2015**

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

## Planning Committee Training

<b>Final Decision-Maker</b>	Planning Committee
<b>Lead Director or Head of Service</b>	Paul Riley, Head of Finance and Resources
<b>Lead Officer and Report Author</b>	Tessa Mallett, Democratic Services Officer
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All

### This report makes the following recommendations to the final decision-maker:

1. To agree the suggested modular approach to Planning Committee member and substitute member training.
2. To agree a date by which all Committee members and substitute members must attend the modular training.

### This report relates to the following corporate priorities:

- Great People
- Great Place
- Great Opportunity

### Timetable

<b>Meeting</b>	<b>Date</b>
Policy and Resources Committee	N/A
Council	N/A
Other Committee	N/A

# Planning Committee Training

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report outlines the training that has been provided to all Planning Committee members and gives details of the training being organised for the year ahead.
  - 1.2 This report also provides details of the Planning Committee member training requirements in the new Maidstone Borough Council Constitution.
- 

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The new Maidstone Borough Council Constitution came into effect at the Council's Annual Meeting on 23 May 2015. The new Constitution states:
- 2.2 "No Councillor will be able to serve on the Planning and Licensing Committees without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to the Committee as specified by the Committee. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the Committee and must be refreshed annually. If the specified training has not been completed by the due date, the Councillor will cease to be a Member/Substitute Member of the Committee until the training has been completed."
- 2.3 Essential Refresher/Induction training for Planning Committee members was held on 26 May 2015. Eight (out of 13) Committee members and three (out of 10) substitute members attended the training. The training covered the following:
  - Planning Policy & Guidance
  - Development Plan
  - National Planning Policy Framework (NPPF)
  - National Planning Practice Guidance (NPPG)
  - Planning Conditions
  - Reasons for Refusal
  - Material Considerations
  - Section 106/Planning Obligations
- 2.4 Further training is being arranged on a modular basis. There are nine modules in total, each will last two hours and will be delivered by Planning Officers. One module will be arranged every three weeks until all nine modules have been completed. It is planned that Parish Councils will be invited to nominate no more than two Parish Councillors to attend this training. The modules are:

1. Local Plan and Neighbourhood Plans, Supplementary Planning Documents and Ministerial Statements;
  2. National Planning Policy Framework and National Planning Policy Guidance;
  3. Local Plan Examinations in Public and the Duty to Co-operate and 5 Year Housing Land Supply;
  4. Transport;
  5. Heritage, Landscape, Open Space and Ecology;
  6. The meaning of Development and Permitted Development;
  7. Conditions, Reasons for Refusal and Section 106 Agreements
  8. Enforcement
  9. Planning Appeals
- 2.5 Records of Councillors' attendance at training are maintained by the Head of Finance and Resources. It has been suggested that attendance at training is publicised in the same way as attendance at meetings.
- 

### **3. AVAILABLE OPTIONS**

- 3.1 The Committee could decide to do nothing. However, this is not recommended as it is a requirement of the Constitution that all Planning Committee members and substitute members attend training, on an annual basis, to an agreed level, to ensure they are up to date with legislation and planning policies.
- 3.2 The second option would be to ensure all Planning Committee members and substitute members are able to demonstrate a particular level of professional competence by ensuring all Committee members attend the training outlined in 2.4 above by a date agreed by the Committee. This would include ensuring all on-going Committee members and substitute members attend refresher training on an annual basis. A further recommendation within this second option is that all Planning Committee members and substitute members undertake the Essential Refresher/Induction training outlined in 2.3 above, regardless of their previous membership of the Planning Committee, in order to demonstrate that a good level of understanding is being maintained across the whole of the Committee, in accordance with the Constitution.
- 

### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The second option outlined in 3.2 above is the preferred option as this will ensure all Planning Committee members maintain a set level of professional competence in order to make sound planning decisions.
- 

### **5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 5.1 The next step is for dates and times for the delivery of the nine modules to be arranged and publicised to all Committee members and substitute members.
-

## 6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	Attendance at this training will support the priority of making Maidstone a decent place to live.	Head of Finance and Resources
<b>Risk Management</b>	Non attendance at this training could result in uninformed planning decisions being made, which could expose the council reputational and financial risks.	Head of Finance and Resources
<b>Financial</b>	Minimal as the training is being delivered in house by experience Planning Officers. The training will be delivered at the Town Hall to avoid venue costs.	Head of Finance and Resources
<b>Staffing</b>	The staff resource required will be provided from existing resources.	Head of Finance and Resources
<b>Legal</b>	Non attendance at the training, followed by a decision being made at Committee by a Councillor who has not complied with the Rules of the Constitution, may amount to an avenue for legal challenge of that decision.	Head of Finance and Resources
<b>Equality Impact Needs Assessment</b>	The training will be held in the Town Hall where provision is already made for Councillors with particular needs.	Head of Finance and Resources
<b>Environmental/Sustainable Development</b>	Will be covered in the training to ensure Councillors are up to date with current legislation.	Head of Finance and Resources
<b>Community Safety</b>	N/A	Head of Finance and Resources
<b>Human Rights Act</b>	Issues relating to the relationship between planning law and human rights will be covered in the training	Head of Finance and Resources
<b>Procurement</b>	N/A	Head of Finance and Resources
<b>Asset Management</b>	N/A	Head of Finance and Resources

## 7. REPORT APPENDICES

- None

## **8. BACKGROUND PAPERS**

- Maidstone Borough Council – Constitution May 2015.

# Agenda Item 13

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

**18 JUNE 2015**

#### **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/13/1979 - OUTLINE PLANNING APPLICATION FOR UP TO 55 RESIDENTIAL DWELLINGS WITH MEANS OF ACCESS. ALL OTHER MATTERS RESERVED - LAND NORTH OF HEATH ROAD, COXHEATH, MAIDSTONE, KENT 18 December 2014
- 1.3.1 Deferred to:
- Seek additional details of surface water drainage (to address Environment Agency comments);
- Seek 40% affordable housing with appropriate viability evidence to demonstrate if this is not achievable; and
- Seek further ecological surveys of the site.
- Any S106 legal agreement should include a commitment from the developer to deliver the proposal.



- 1.4 14/503960 - OUTLINE APPLICATION FOR 13 NO. DWELLING HOUSES WITH ASSOCIATED AMENITY SPACE, SHARED ACCESS ROAD AND NEW FOOTWAY WITH ACCESS, APPEARANCE, LAYOUT AND SCALE TO BE CONSIDERED AT THIS STAGE WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND EAST OF THATCH BARN ROAD AND SOUTH OF LENHAM ROAD, HEADCORN, KENT

19 March  
adjourned to 23  
March 2015

1.4.1 Deferred for:

- A. Further assessment of the layout in the context of development proposed and/or approved on neighbouring sites, and specifically in terms of:

Southern Water drainage issues and SUDS;  
Strategic landscaping;  
Biodiversity (including movement of species through the site/creation of a wildlife corridor); and  
Detailing (including GCN-friendly gulleys, swift bricks, materials).

- B. Further information relating to the contribution requested by Kent County Council for Youth Services as Members queried whether this meets the necessary tests.

- 1.5 14/503957 - APPLICATION FOR PERMANENT CHANGE OF USE TO A FREE SCHOOL (CLASS D1) - GATLAND HOUSE, GATLAND LANE, MAIDSTONE, KENT

19 March  
adjourned to 23  
March 2015

1.5.1 Deferred for investigation of:

The safety issues relating to the collection and drop-off of children in a narrow lane (at busy periods) and the highways issues caused by an increase in vehicle movements as a result of the wider catchment area for this type of school.

The extent of properly-managed play areas within the boundaries of the site, taking account of the size standard and separation of Key Stages 1 & 2.

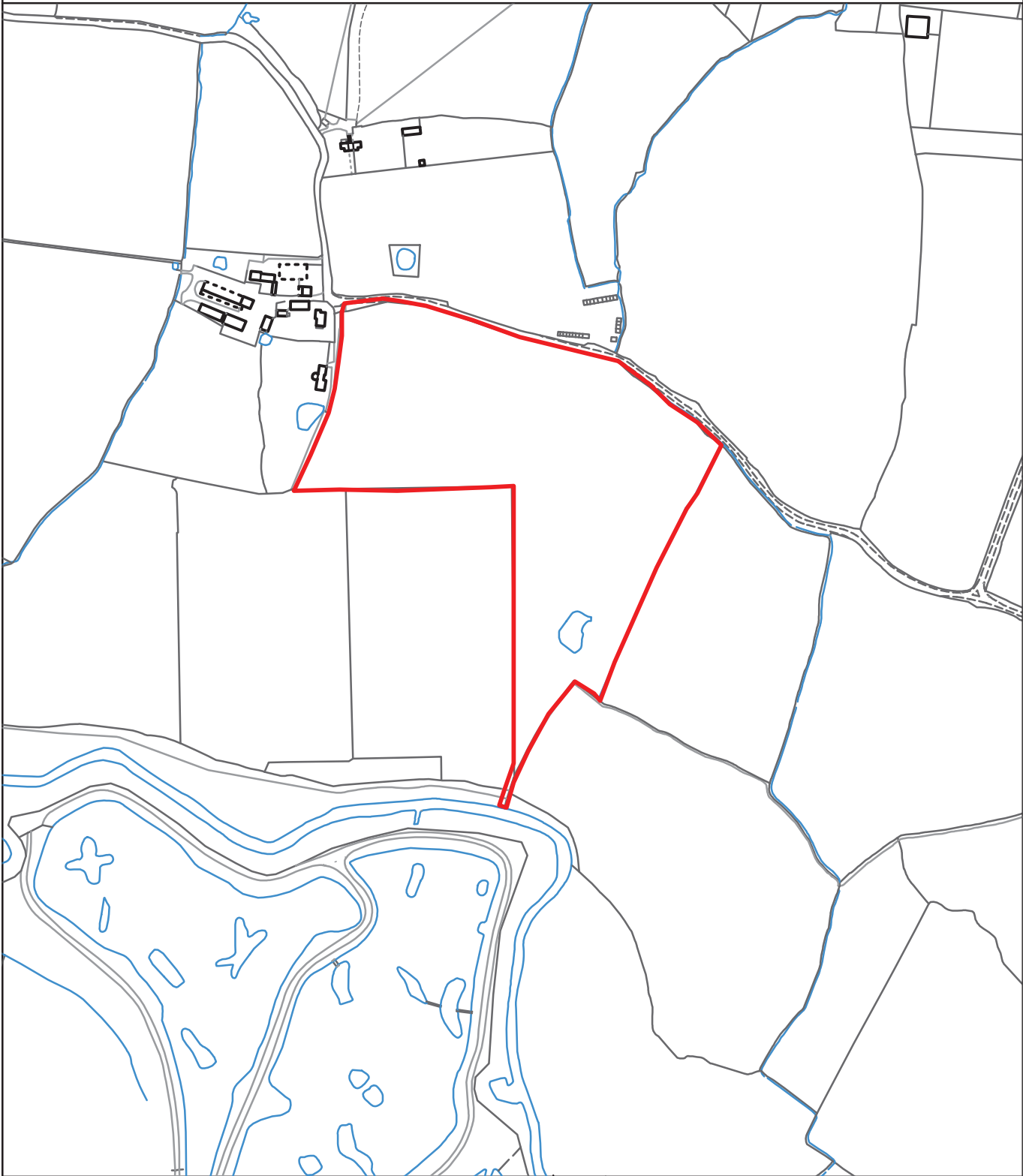
The need for this development – the area is not understood to have been identified as having a need for infant/primary school facilities.

# Agenda Item 14

## THE MAIDSTONE BOROUGH COUNCIL

Fishing Lake Boughton Bottom Farm  
Lower Farm Road  
Boughton Monchelsea  
Kent

MBC Ref: 13/0742



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**Rob Jarman**  
**Head of Planning**

## REPORT SUMMARY

<b>REFERENCE NO - 13/0742</b>		
<b>APPLICATION PROPOSAL</b> Proposal for formation of private syndicate fishing lake with 2 No. breeding ponds (for coarse fish), construction of "fishing pegs", access and parking areas with associated earthworks, new access, parking and pathways, the provision of an ecological pond, small scale pump chamber and associated works along with landscaping and to include the erection of a site maintenance building on land at Boughton Bottom Farm, Lower Farm Lane, Maidstone, Kent, ME17 4DD		
<b>ADDRESS</b> Fishing Lake, Boughton Bottom Farm, Lower Farm Road, Boughton Monchelsea		
<b>RECOMMENDATION - Permission granted</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  This is set out in the conclusions section of the report.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Recommendation contrary to views expressed by Boughton Monchelsea Parish Council		
<b>WARD</b> Boughton Monchelsea And Chart Sutton	<b>PARISH/TOWN COUNCIL</b> Boughton Monchelsea	<b>APPLICANT</b> Mr N Gough <b>AGENT</b> DHA Planning
<b>DECISION DUE DATE</b> 23/06/13	<b>PUBLICITY EXPIRY DATE</b> 23/06/13	<b>OFFICER SITE VISIT DATE</b> 18/9/13

## RELEVANT PLANNING HISTORY:

Under ref: MA/12/0482 a screening opinion was sought on whether the proposal was of a scale and impact to trigger the need for a separate Environmental Impact Assessment in addition to the need to seek planning permission from the Local Planning Authority.

It was concluded that the scale and impact of the proposal was not such as to warrant the submission of an Environmental Impact Assessment.

Members are advised that this does not represent any form of predetermination and the application will continue to be dealt with on its merits in accordance with adopted local plan policies and Government Guidance.

## **MAIN REPORT**

### **1.0 SITE DESCRIPTION**

- 1.1 The site comprises a large, slightly undulating field of irregular shape with its boundaries defined by existing hedgerows, fronting the south of Lower Farm Road. There is an existing small pond in the south east corner of the site while close to the extreme south-east corner of the site is an SSSI running along the meandering route of the River Beult. A public footpath runs along part of the field boundary in this south east corner.
- 1.2 The application site falls within countryside having no particular landscape designation though with the River Beult SSSI to the south. To the north of Lower Farm Lane the countryside is designated as a Special Landscape Area (SLA).
- 1.3 In a wider context the application site falls within an open agricultural landscape defined by large fields of irregular sizes. The nearest dwelling to the site is Bocton Oast which adjoins the western boundary.

### **2.0 PROPOSAL**

- 2.1 The current proposal has three main elements, as follows:
- 2.2 The main element is the creation of a lake as a mainly carp fishery which will also be stocked with bream and roach. The lake will occupy a central position within the site covering an area of approximately 1.48 ha. and varying in depth from approximately 1 metre to approximately 3 metres, providing shallower water for spawning fish with the deeper water providing shelter.
- 2.3 The lake will be constructed as part of a 'cut and fill' operation with spoil taken from excavations redistributed across the site so that no importation of material will be necessary. Cross sections within the site have been submitted showing alterations to the land contours with the applicants estimating that land raising of only between 300-500mm will be necessary from spoil arising from the excavations. The surface of the lake will generally be level with adjoining ground levels and enclosed by earth mounds composed of material excavated to form the lakes. Land raising will take place mainly around the perimeter of the proposed lake.
- 2.4 Top soil from the excavation will be stripped and stored on site for reuse. The underlying blue clay will also be removed and used to provide a natural lining to the proposed lake.
- 2.5 To ensure that the level of water in the lake will be maintained at all times a pump will be installed. The pump will be situated to the south of the site on the River Beult enabling water from the river to be pumped into the lakes and other ponds in times of drought. Given restrictions imposed on the abstraction licence

an ecology pond is to be provided in the north west corner of the site for topping up purposes as required.

- 2.6 With regard to landscaping, the intention is to provide ecological enhancement measures, including planting of woodland and copses taking between 5 and 7 years to mature. Planting will also take place on the bed of the lake to create a water habitat and to prevent bank erosion.
- 2.7 The enterprise will operate as a syndicate fishery offering a maximum of 11 'swims' intended to cater for people both new to fishing and carp specimen hunters. This number has been chosen in order to create the best conditions for a viable syndicate fishing lake. Each swim will have its own access and parking area from which a track will run down to a timber fishing platform abutting which will be a small grassed area. Each swim will be set amidst a wooded area abutting the proposed lake and be linked by a roadway running around the lake periphery.
- 2.8 The second main element is the provision of 2 rectangular breeding ponds (also to be cut and fill) to be constructed south of the main lake both to stock the main lake and to provide fish for sale to other fisheries. The intention is that this facility will minimise the possibility of disease while contributing to the finances of the operation.
- 2.9 The siting of the breeding ponds has been chosen to provide segregation from the main lake and to minimise disturbance. The area around the lakes will be extensively landscaped..
- 2.10 The third main element of the proposal is construction of a barn having a footprint 20x14 metres, an eaves height of just under 3 metres and a ridge height of just over 8 metres. As originally sited this building was just over 80 metres away from the boundary with Bocton Oast to the west but it has been re-sited so that the separation distance is now in excess of 120 metres to reduce its visual impact.
- 2.11 The building will be used to store maintenance equipment, the sale of agricultural plants and fish food, tackle shop, indoor hatchery, WC/shower facilities for anglers and an office/admin facility.
- 2.12 Other ancillary elements include the provision of a stone surface track between 2.5/3.5 metres wide around the lake which will be accessible via a gated entrance onto Lower Farm Lane. Not all 'fishing pegs' will have vehicle access with access on foot only to pegs close to the hatchery. Where car access is available this provision will also be made for disabled anglers.
- 2.13 A communal parking area for 20 vehicles will be provided to serve the development on the north side of the lake.
- 2.14 Fishing hours will normally be from dawn until dusk but night fishing will also be permitted by prior appointment with anglers allowed to use 'bivvy' type tents and umbrellas for shelter.

- 2.15 The application is also accompanied by an Ecological Survey, Reptile and Great Crested newt surveys and a landscape assessment.
- 2.16 In seeking to address the objections to the proposed development and clarify the impact of the proposal on the wider landscape the application has been amended/amplified by submission of the following details which have also been the subject of further consultation. The key elements of the revisions are summarised as follows:
- The development will continue to be served by a single access off Lower farm Lane but with minor amendments to the route of perimeter track around the proposed main fishing lake arising mainly due to the resiting of the proposed barn approximately 40 metres to the east of its current position.
  - Provision of a 15 metre wide woodland buffer running down the whole length of the western site boundary.
  - Long and cross sections of the site with the site layout plan accompanying this showing an alternative site access just to the north of Bocton Oast. It has since been confirmed that there will only be one site access onto Lower Farm Lane.
  - Computer generated aerial views of the lake.
- 2.17 In addition to the above the applicants have also provided the following information:
- Once construction works are complete the size of vehicles needing to gain access to the site on a regular basis will be no more than the size of a transit van.
  - Machinery brought onto site for maintenance purposes will be small items such as grass cutters and a tractor which will remain on site.
  - In the course of construction the existing field access into the site at the corner of Butt Green Lane will be used for a short time as the main construction access.
  - The excavation works will involve cut and fill operations with only the top 250/300mm of soil needing to be stripped and stored. The remaining subsoil would be continually moved and reprofiled.
  - The exposed clay would be used to line the lakes.
  - Top soil will be stored in 3 main areas - close to the western site boundary, close to the north east site boundary and one along the southern site boundary.
  - Given the scale of the earthmoving operations it is estimated that the site remodelling works should take no longer than 4/5 weeks.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T13  
Government Policy: NPPF 2012, NPPG 2014

#### **4.0 LOCAL REPRESENTATIONS**

4.1 The proposal represents 'major' development and has been advertised by way of press and site notices.

4.2 One objection was received to the proposal as originally submitted and is summarised below:

- Bocton Oast is a separate family dwelling occupied independent of the farm whose amenities must be taken into account in any decision.
- Does not accept that the proposal would support the diversification of Boughton Bottom Farm. The land, the subject of the current application, was bought by the applicant and questions whether it can be considered as falling within the definition of agricultural use.
- Proposal will have significant impacts not only upon the occupants of Bocton Oast but also the wider landscape.
- Proposal would harm long range views across the area from principal public vantage points to the north and give rise to unacceptable cumulative visual impacts with Monks Lakes and Riverfield Fish Farm on the A229 to the south.
- Given the amount of excavation not convinced that spoil levels would be only 1.5 metres above existing ground levels. In addition the height of the lake above surrounding land would appear intrusive while increasing flood risk to nearby properties.
- Construction and employee traffic will both have to use Lower Farm Road which is totally unsuitable for this purpose. In addition traffic generated by the proposed use has not been made clear.
- 24hr use of the lake will result in noise, activity and disturbance including light pollution to the residents of Bocton Oast while harming local wildlife and the River Beult SSSI.
- The proposed barn is too large and intrusive and should be single storey and sited closer to the breeding ponds.
- Does not accept that economic benefits of the proposal, which will not lead to farm diversification or improve employment opportunities in the area.
- Reference is made to a restrictive covenant preventing erection of buildings on land in front of Bocton Oast.

4.2 Despite the above objections, in the event planning permission being granted the objector considers the following should be secured by any consent:

- Native species tree belt to be provided along western site boundary with a minimum width of 15 metres
- Restrict use to between 0700- 1900hrs.
- Relocation of barn closer to breeding ponds.
- Construction management plan requiring use only of the proposed new access and removal of unnecessary emergency access to the site.

- Measures to prevent vehicles and activity coming close to the western site boundary.
- Not storage of spoil close to western site boundary where it might harm existing hedgerows
- Existing hedgerow along the western site boundary to be supplemented with additional planting to provide improved buffer zone between proposed development and Bocton Oast.

4.3 Following re-consultation on the revised details further representations were received from the same objector which are summarised below:

- The barn is still visually intrusive at 8 metres high and remains in the area covered by the covenant.
- The barn would be better placed in the south eastern part of the site and restricted to single storey.
- Any planning permission should be subject to a condition that the temporary access in the corner of the proposed site should only be used to facilitate the construction of the new vehicular access along Lower Farm Road. The new access should thereafter only be used by construction traffic associated with the development and the operation of the fishery.
- Highly unlikely that the largest vehicle necessary would be a 7 ton lorry considering the amount of materials necessary to construct the roadway around the lake.
- Machinery used to construct the lake should not be retained on site after the initial construction period.
- Though a considerable amount of top soil will need to be stored within the site but not necessarily near Bocton Oast.
- Storage of soil will give rise to flood risk - could be conditioned in the construction management plan which the applicant has agreed to.
- Western boundary does not need to be disturbed and should be prepared for the landscaping at the earliest possible time.
- A condition should be imposed requiring the 15 metre wide woodland buffer along the western boundary with Bocton Oast is provided in the first planting season following commencement of development.
- An alteration to the access for Bocton Oast, and also part of the proposed development is now being changed to part of the applicant's garden, a change from agricultural to residential. A condition should be imposed restricting the construction of a private residential driveway through a commercial area.
- The cut and fill drawings are too imprecise leaving situation open to interpretation.

4.4 It should be noted that the above representations were made by the former occupiers of Bocton Oast who have since moved away. The new occupants have been consulted on the proposal but to date no representations have been received from this source.

## **5.0 CONSULTATIONS**



## 5.1 Boughton Monchelsea Parish Council:

When the proposal was originally submitted the Parish Council raised objection on the following grounds and wish to reiterate these concerns in connection with the amended proposal:

- There is already a fishing lake nearby and a further lake in open countryside would have an extremely detrimental impact on the landscape. The applicant already refers to negative impact of Monks Lake due to artificial landforms.
- Lake inlet to River Beult will have a detrimental effect on the river and is in direct conflict with the Council's policy to protect river. Already problems in maintaining river levels and abstracting water for use in the proposed lake will make the situation far worse.
- River Beult is a Site of Special Scientific Interest (SSSI) containing protected species. Proximity of lake and associated activity to this could adversely affect wildlife and damage SSSI.
- Excavations to raise land levels around the lake in the order of 1.5 metres will have a significant adverse visual impact on the character of the area while increasing the risk of flooding in the area.
- Overnight fishing will have a significant environmental impact along with noise, general disturbance and light intrusion while vehicle parking will also have a negative visual impact.
- Proposed lake will appear as an unnatural lagoon feature in the landscape adversely affecting views from St Peters Church and the Greensand Way and represent a significant visual intrusion in this open landscape.
- Will result in unacceptable loss of agricultural land to leisure use.
- Concerns that neighbouring properties directly affected by the proposal were not notified of the application.

The objector also raises the following additional concerns:

- The site is within the Beult Valley Landscape Character Area while MBC's Landscape Character Assessment states that the area should be conserved and restored and that further artificial earthworks should be resisted.
- Section 58.15 of the MBC assessment states that there are generally few visual detractors though the artificial lakes on the A229 are particularly incongruous while Section 58.11 states that nationally scarce invertebrates have been recorded in the River Beult.
- Some of the information sent is incapable of reasonable interpretation and should be resubmitted.
- The proposed orchard shown on drawing JEC/306/1 does not fit with the character of the surrounding area.
- Application should be referred to Natural England.
- Failure to notify nearby residents of application.

**5.2 Environment Agency:** (comments dated 11/6/13):

We have no objection to the development at this location however we request the following conditions be included in any permission granted:

**Condition**

“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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect groundwater which may be present in the superficial deposits and to comply with NPPF.

**Informatives**

**Foul Drainage**

“The details for foul drainage have not been provided. In the first instance any sewage should be discharged to mains sewer. If you wish to discharge treated sewage effluent into surface water or to ground you may require an Environmental Permit from us.

**Surface Water Drainage**

“Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.

**Fuel, Oil and Chemical Storage**

“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.

### **Waste on site**

A waste exemption/permit may need to be applied for, depending on the specific type/amount of material that is to be imported onto site for construction/landscaping (stone, shingle and compost are mentioned at various points in the application).

The applicant is advised to contact Mr Jamie Hamilton in our Environment Management Team on 01732703065 for additional advice.

Please note 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. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.
- Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
- We recommend that developers should refer to the our Position statement on the Definition of Waste: Development Industry Code of Practice and; website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for further guidance.

### **Fisheries and Biodiversity**

We would be concerned if abstraction from the river Beult takes place without assessing the impact on the river especially as there are several sites near the proposed area that already abstract from the Beult. We are however aware that a licence to abstract (Licence serial no. S0/040/0006/003) has been issued to Mr Gough which allays our concerns.”

### **Further comments dated 11 May 2015:**

The Environment Agency was re-consulted in March 2015 following the submission by the applicant of a groundwater assessment and the following additional comments have been received:

“We have reviewed the information submitted and have the following comments to make, in addition to our previous comments shared under our response reference: KT/2013/116401/01-L01. We still consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below:

Condition: 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To protect controlled waters and ensure compliance with NPPF as the site is close to controlled waters and contamination released could impact on the river and its ecology

Condition: No development, including any demolition, shall take place until a Construction Environment Management Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include:

- strict parameters for:
  - the types of suitable import materials,
  - chemical and geotechnical acceptance criteria and
  - materials handling methods and emissions monitoring and controls.
- a materials management plan of all excavated and imported soils/fill/clay and pollution prevention measures for all activities.

Reasons: To protect controlled waters and ensure compliance with NPPF as the site is close to controlled waters and contamination released could impact on the river and its ecology.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

## **Additional information**

### **Groundwater quality**

This site is set on the Weald Clay and the type of proposal would ordinarily not present a significant risk to groundwater quality, providing drainage was fully managed. However the site information and development scope proposed does raise some concerns about groundwater quality raised below.

The geology is made up of alluvial related deposits and underlying bedrock of Weald Clay. The Weald Clay can have seams or layers of sandstone or limestone comprising sandy, silty lenses and also contain clay ironstone. These lenses may be water

bearing and allow local transmission of water. This is borne out by the field work undertaken to date, which showed water seepages and collapse of trial pit sides. It is also evident that the ground is partly water bearing via artificial mechanisms, i.e. the land drains identified in a number of trial pits. Disruption of these natural and artificial flow paths by excavation, dam construction and surcharge could lead to localised groundwater impacts at the site, which may pose problems for adjacent controlled waters or habitat. The development needs to ensure that there are no impacts on receiving water quality from iron precipitates or turbidity. We have recommended the Construction Environmental Management Statement condition above to address these concerns.

Please note that our comments do not cover groundwater flooding locally and we recommend that you consult KCC and your drainage engineers accordingly.

## **Informatives**

### **Pollution Prevention**

It is an offence under Regulation 38 of The Environmental Permitting (England and Wales) Regulations 2010 to cause or knowingly permit a water discharge activity or ground water activity. Care must be taken to ensure that neither the watercourse nor groundwater becomes polluted, particularly by, for example diesel fuel, petrol and oil from machinery. All fuels, oils and chemicals must be stored securely and any large containers left on site must be bunded. Care should also be taken when filling machinery to ensure that diesel/petrol/oil is not spilt on the ground. Spillages must not be washed away, but absorbed by some medium and then removed from site to a suitable licensed waste facility. Any significant incidents must be reported to the Environment Agency immediately (Emergency Tel No 0800 807060).

Copies of the Environment Agency's Pollution Prevention Guidelines (PPG5) and (PPG6) are available upon request or from the [.gov.uk](http://www.gov.uk) website.

Any waste generated in the course of the works must be disposed of in accordance with the provision of the Environmental Protection Act 1990. Persons carrying waste are required by law to register with us as a Waste Carrier (subject to certain exceptions). The deposit, keeping, treating or disposal of waste should only take place at premises licensed by us to receive the waste (subject to certain exceptions and exemptions). When you give waste to someone else, details of the transfer of waste should be described on a document called a Duty of Care Transfer Note. If any waste is to be used on site, the developer will be required to obtain the appropriate waste exemption or permit from us. You can refer them to guidance at: <https://www.gov.uk/environmental-management/wastent/waste>

### **Advice to applicant**

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. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the developer can contact us on 03708 506 506 or at [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) for advice at an early stage to avoid any delays.

### **Abstraction licence**

Please note that the applicant may need to apply for an abstraction licence in order to fill any new lakes. We are aware that a Licence has been listed as already in place (Licence serial no. S0/040/0006/003) but draw the applicant's attention to point 9.3 in the licence which indicates that if no abstraction has taken place since issue on 6 June 2011 then the licence is voided. If no construction and filling of lakes took place prior to 6 June 2014 then we believe the licence to be lapsed. This lapsing date takes precedence over the expiry date in 2018

- 5.3 **MBC Landscape:** There are no protected trees on this site but there are potentially 'important' hedgerows marking field boundaries. A SSSI covers the River Beult to the south.

The site lies on the northern edge of Landscape Character Area (LCA) 58, Beult Valley (2012 published version) which falls within the wider 'Valley' landscape type. The key features of this landscape type are expansive fields and a remote and tranquil character. The River Beult valley character is wet, low lying land with much Willow.

The key characteristics for LCA 58 are that the area is a low lying shallow valley of the meandering River Beult within the Low Weald. It contains many ponds and watercourses with important ecological interest, together with species rich native hedgerow field boundaries with mature oak trees as imposing hedgerow trees where boundaries have not been removed. There is mixed agriculture with large fields supporting arable cultivation and small riverside fields with pasture.

The analysis of the proposal in relation to LCA 58 states that, 'There are generally few visual detractors although the artificial fishing lakes on the A229 are particularly incongruous'.

Whilst the proposed landscaping does help fulfil a number of guidelines which will improve the landscape/habitat value of the site, the overriding concern is that development proposal does not comply with the recommended guideline action to resist further artificial earthworks (in the context of fishing ponds) and

intensifies the use of the land in a way which is uncharacteristic of the existing landscape character.

- 5.4 **Rural Advisor:** The proposal involves loss of some 6.6 ha of agricultural land in an area indicated as Grade 3 quality on the DEFRA classification map. The soils in this area are typically derived from underlying Weald Clay categorised as seasonally wet with impeded drainage in winter and with a tendency to set hard in summer restricting the potential for cultivation. As such does not consider that the proposal can be considered as a significant development of agricultural land. However raises concerns regarding the height, size and design of the proposed building to support the activity.
- 5.5 **MBC Heritage:** The nearest listed building is Charlton Farm which is some distance away to the east. This proposal will have no significant impact on its setting. As such NO OBJECTION is raised to the proposal on heritage grounds.
- 5.6 **MBC Environmental Health:** No objection subject to concerns relating to noise and health and safety being addressed.
- 5.7 **Kent Highways:** No objection subject to conditions to secure a construction management strategy and provision of visibility splays to the proposed access.
- 5.8 **Natural England:** No harm is identified to the River Beult SSSI subject to the development being carried out in strictly in accordance with the submitted details. Has not assessed the proposals impact on protected species which should be carried out independently by the Local Planning Authority by reference to Standing Advice.

The proposal appears to provide opportunities for biodiversity and landscape enhancements to the area.

- 5.9 **Kent Wildlife Trust:** The application site is located close to the Medway and Low Weald Biodiversity Opportunity Area (BOA) and landscaping accompanying the proposal suggests that the development can provide an enriched buffer to the BOA.

As such supports the proposal subject to an ongoing and fully funded environmental management scheme and the measures set out in the ecological survey report to mitigate the impact on protected species in the construction phase.

#### 5.10 KCC Ecology

"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.

*The Extended Phase 1 Habitat Report.* While much of the site is of limited potential ecological interest, there are habitats and features present (including ditches, ponds and tussocky grassland) that have potential to support reptiles, great crested newts and water voles. Trees with bat roosting potential were also identified. The extended phase 1 habitat survey was carried out over 2.5 years ago but we consider it likely that the results remain valid.

*The Reptile Presence / Likely Absence Survey Report and Great Crested Newt Survey Report* have also been submitted. These surveys are also over 2 years old, so the precise results should be treated with some caution as there may have been changes to the site since the surveys were carried out - see below.

The great crested newt survey recorded presence within ponds 3 and 5. The surveyors were not allowed access to pond 2, immediately west of the proposed development site. At the time of survey, the results indicated that a 'medium' size population of great crested newts was present in the area. Given the time that has elapsed since the survey was carried out, a resurvey will be required during 2015.

The proposed development will result in direct impacts to habitat with potential to support great crested newts. As such, a Natural England and European protected species mitigation licence (EPSML) will be required to derogate from the potential offences against great crested newts. To address the requirements of the EC Habitats Directive, Maidstone BC must therefore consider whether it is unlikely that a EPSML will be granted and must address its mind to the 'three tests':

- The development activity must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative; and
- Favourable conservation status of the species must be maintained.



We are only able to advise on the third point - whether the favourable conservation status of great crested newts will be maintained; the first and second points are considered to be planning matters outside of our expertise.

While the information submitted is limited in the detail of the mitigation measures that will be required, we consider that there is potential, post-development, for the site to provide more favourable habitat for great crested newts, both in terms of terrestrial habitat availability and in the creation of the proposed new wildlife pond, which should ensure that the favourable conservation status of great crested newts in the area is maintained. The details of the mitigation will be secured in the EPSML, which the applicant will be legally obliged to deliver. It is therefore not necessary for all of the details to be provided within this application.

We advise that Maidstone BC require by condition the submission of the EPSML licence authorising the activity to go ahead.

One grass snake was recorded during the reptile survey. The lack of other widespread reptile species is attributed in the report to the 'relatively recent' development of suitable reptile habitat. Given that over 2 years has passed since the survey, it is possible that other species will now be present. As mitigation is required in relation to the potential for impacts to great crested newts, and there will be more habitat available post-development we advise that at this time the submitted survey results are sufficient to inform the determination.

A detailed mitigation strategy, informed by an updated reptile survey, to avoid and mitigate for impacts to reptiles should be required by condition, if planning permission is granted.

We advise that the update survey for reptiles should be carried out during 2015. If the application is resubmitted, we would expect it to be accompanied by a new reptile survey.

The Extended Phase 1 Habitat Report also concludes that the waterbodies on the site have potential to support water voles. While it is stated in paragraph 1.5.7 of the Design and Access Statement that surveys for water voles have been carried out, we have not found this within the ecology reports that we have reviewed. We advise that this is sought to ensure that the potential impacts to water voles, if present, can be addressed by Maidstone BC in the determination.

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". It is proposed to provide native species hedgerow, tree and meadow planting within the site and we advise that this will provide ecological enhancements. Further details, incorporating the provision of additional habitat features such as log piles and hibernacula, should be required by condition, if planning permission is granted."

## **6.0 APPRAISAL**

- 6.1 The key issues in relation to this proposal are considered to be:
- (a) the principle of development
  - (b) loss of land from agriculture to leisure use
  - (c) visual impact on the surrounding countryside and nearby SLA
  - (d) impact on the character and amenities of nearby development
  - (e) wildlife and habitat considerations and
  - (f) highway and parking considerations.

### **6.2 (a) Principle of Development**

- 6.3 No specific justification has been submitted in support of the proposal which has been submitted in response to the demand for high quality carp angling facilities.
- 6.4 Policies ENV28 and ENV34 of the adopted local plan seek to resist development which causes harm to the character of the countryside and SLA.
- 6.5 Policy ENV28, as an exception, allows for the provision of open air recreational uses and ancillary buildings required for operational purposes while including measures for habitat restoration. However this form of development can only be located in the countryside.
- 6.6 The above policies also need to be considered against the NPPF. One of the 12 core planning principles set out in paragraph 17 of the NPPF states that Local Planning Authorities should:
- take account of the different roles and character of different areas,
  - promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- 6.7 In addition the NPPF also seeks to promote a prosperous rural economy and paragraph 28 states that:
- Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development by:
  - supporting sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings and;
  - promote the development and diversification of agricultural and other land-based rural businesses.
  - support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the

character of the countryside ....

6.8 The site adjoins an SLA on the north side of Lower Farm Road. The NPPF makes clear at paragraph 115, that great weight should be given to conserving landscape and scenic beauty in, amongst other things, AONB's. No specific countryside protection is afforded to areas outside AONB's on landscape quality grounds apart from recognition of the intrinsic character and beauty of the countryside.

6.9 In the circumstances, given the general support contained in the NPPF for development in rural areas that can be seen to promote a prosperous rural economy and which includes support for sustainable tourism and leisure uses, it is considered that the development is acceptable in principle.

**6.10 (b) Loss of land from agriculture:**

6.11 The NPPF at paragraph 112 states that Local planning authorities should take into account the economic and other benefits of the 'best and most versatile' agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

6.12 In this case, the rural advisors assessment of the site is that it falls within an area classified as Grade 3 on the DEFRA classification map (which is not the best and most versatile land). It is derived from underlying Weald Clay and the characteristics of this type of material is that the site becomes waterlogged in winter while drying out hard in summer limiting the lands agricultural potential. The applicants advise that the site was ploughed and seeded over 5 years ago and is mown on a regular basis to provide a hay crop.

6.13 In the circumstances, it is considered that there are no sustainable objections to the loss of this land from agricultural use. It should also be taken into account that permanent built development proposed is small in relation to the total site area. As such, should circumstances change and with limited reprofiling of the site, there would appear to be no practical reason why agricultural use of the land could not be reinstated in the future.

**6.14 (c) Impact on Rural Character**

6.15 The site has no specific local plan designation and the proposal is therefore subject to the general provisions of policy ENV28 relating to development in rural areas.

6.16 The site lies on the northern edge of Landscape Character area (LCA) 58, Beult Valley (2012 published version) which falls within the wider 'Valley' landscape type.

6.17 The key characteristics identified for LCA 58 are that it comprises the low lying broad shallow valley of the meandering River Beult within the Low Weald. It contains many ponds and watercourses with important ecological interest, together with species rich native hedgerow field boundaries with mature oak

trees as imposing hedgerow trees where boundaries have not been removed. There is mixed agriculture with large fields supporting arable cultivation and small riverside fields with pasture.

- 6.18** The analysis of LCA 58 in the context of this application states that ‘There are generally few visual detractors although the artificial fishing lakes on the A229 are particularly incongruous’ and, whilst the proposed landscaping does help fulfil a number of guidelines which will improve the landscape/habitat value of the site, the overriding concern is that the development does not comply with the recommended guideline action to resist further artificial earthworks (in the context of fishing ponds) and intensifies the use of the land in a way that is uncharacteristic of the current landscape character.
- 6.19** It is acknowledged that the site comprises an expansive open area having a remote and tranquil character. However the area also contains many ponds and watercourses having important ecological interest.
- 6.20** Dealing first with the impact of the proposed water features being (a) the main fishing lake, (b) the two breeding ponds and (c) the wildlife pond also intended to provide water for the breeding ponds and main lake when it is not possible to abstract water from the River Beult.
- 6.21** The main fishing lake, which will be the main expanse of open water on the site, will vary between 1 metre deep at the margins and 3 metres in order to meet the needs of this type of fishery. The shape of the lake with its various bays and islands means that once extensive landscaping and recolonisation by native flora takes place it will appear not only as a natural feature but also have the appearance of a number of smaller interlocking ponds. This is consistent with the acknowledged character of the area as one containing many ponds and watercourses. The lakes will be level with the surface of the adjoining land but will be enclosed by low earth mounds which will be landscaped.
- 6.22** Turning to the impact of the wildlife pond, this is a comparatively small water feature to be located in the north-west corner of site. Its small size and natural shape is consistent with other nearby existing ponds in the locality.
- 6.23** The remaining proposed water features are the two rectangular breeding ponds required to ensure that the fishery maintains stocks while providing income from the sale of surplus fish to other fisheries. The shape of these ponds, though unnatural, is required for operational reasons given the nature of the fish breeding process. The relatively small size of these ponds and proposed boundary screening which will reinforce existing hedgerows, means the visual impact of these ponds will be contained within in the site and will not on their own, have any perceptible impact on the character of the wider area.
- 6.24** Taking into account the above it is considered that the individual and combined effect of the water features, notwithstanding their size and number will continue to reflect one of the characteristics of the wider area as one containing many ponds and watercourses.

- 6.25** Regarding proposed changes to the levels and site profiles, no imported material will be required to carry out the proposed development which will involve cut and fill excavations to construct the fishing lake, breeding and wildlife ponds. Long and cross sections plans showing post development site profiles illustrate level changes in the order of between 300 and 500mm over parts of the site. The resultant earthworks will have low, smooth profiles which once recolonised by local flora or proposed landscaping will make it difficult to distinguish them from naturally occurring landforms while having little material impact on the current undulating appearance of the site.
- 6.26** Furthermore, given the retention of much of the existing hedgerow along Lower Farm Lane along with proposed landscaping, it is considered that proposed earthworks will have little perceptible visual impact when viewed from this direction. Consequently while the intention to resist further artificial earthworks in the area is acknowledged, this can only be on the basis of there being clear demonstrable harm to such development. Given the above analysis it is not considered that the proposed earthworks will result in any material change to site levels or the appearance of the area. As such no objection is identified to the proposal on these grounds.
- 6.27** Turning to the remaining built aspects of the development being (a) provision of a new access onto Lower Farm Lane (b) construction of a perimeter access track around the fishing lake, (c) access track, parking spaces and platforms to serve each swim and (d) provision of the barn, the impact of each of these elements will be assessed separately.
- 6.28** The new access will be just over 7 metres wide and in order to ensure adequate sight lines visibility splays of 2.4x60 metres in either direction will be required. This will involve the loss of approx. 130 metres of existing hedgerow but the intention is that this will be replaced with a native species hedgerow planted behind the line of the visibility splays. This will effectively replace the length of existing hedgerow to be lost, in visual amenity and wildlife terms it considered that there is no objection to the proposed access. The temporary loss of the hedgerow may have a short term effect in terms of loss of habitat but this will be mitigated in the longer term by new planting.
- 6.29** The siting and design of any gate also needs to be considered as no details have been submitted while any signage and lighting to identify and to secure the site should also be controlled.
- 6.30** Subject to the perimeter track and parking area for 10 cars having a finished surface appropriate to a rural area, the visual impact is considered to be minor.
- 6.31** The length of track serving each swim branching off the main peripheral track along with the associated parking area for one car and the fishing platforms are all considered to be minor in their impact. Regarding the need for each swim to be served by its own track and parking space, carp fishing often requires significant amounts of equipment. The need for a convenient offloading point near to each swim is therefore considered to be justified.

- 6.32** The proposed barn has a footprint of 20x14 metres, an eaves height of just under 3 metres and a ridge height of just over 8 metres. It is a multi-function building that will be used to store maintenance equipment, agricultural plant and fish food. It will also serve as a tackle shop, in door hatchery, provide WC/shower facilities for anglers, and provide an office/admin facility. The building is not required in support of an agricultural use. The test is therefore whether it meets the requirements of Policy ENV28, which as an exception, allows for the provision of open air recreational uses and ancillary buildings required for operational purposes.
- 6.33** Angling is a recreational use normally carried out in a rural setting. Given the support set out in the NPPF for recreational activities in rural areas and the exceptions set out in policy ENV28 for ancillary building to support such uses, the test here is whether the building is proportionate in size and scale to the proposed use and whether it is acceptable in design terms.
- 6.34** A layout plan has been submitted showing the ground floor taken up by maintenance vehicle storage, two spawning farms, chemical stores, WC's and tool storage areas. At first floor level a mezzanine is shown covering approximately 50% of the roof space. The mezzanine will be used for open storage, mess room with additional storage under the eaves level.
- 6.35** It is considered that given the size and nature of the activity, including the need to accommodate ancillary plant and equipment for maintenance purposes, the accommodation sought is proportionate in scale to the likely needs of the proposed uses.
- 6.36** Turning to the profile, design and height of the building, it is sited in relatively close proximity to existing farm buildings. In recognition of this it has been designed to reflect the local rural vernacular. It therefore incorporates a gable ended steeply sloping pitched roof with low eaves along with wide barn doors at ground floor level. A pair of hoist doors are also proposed at 1<sup>st</sup> floor level in both eaves. Though materials have not been specified the design shows weatherboard gable ends and weatherboard sections to the front and rear of the building. Other detailing includes exposed rafter feet, an external hoist and low roof overhangs support by timber posts.
- 6.37** In size and design terms it is considered that the building reflects the appearance of a traditional Kentish timber barn. Subject to details of external materials it is considered that it represents an acceptable form of development in keeping with the agricultural/rural character of the locality, taking account of its size, height and design.
- 6.38** The final element of the proposals is the inlet and pump from the River Beult. These elements are subject to the terms of the abstraction licence, intended to enable the various water features on the site to be topped up. Apart from the inlet onto the River Beult which will be a small pipe, there will be no external evidence of the other elements.

- 6.39** Although the proposal will result in changes to the character of the area it does not follow that these changes will have a negative impact. The current open character of the field contributes to the remote tranquil character of the area and will be replaced by an equally tranquil use, it being acknowledged that by its very nature coarse fishing is a tranquil activity. It is considered that the shape and size of the various water areas will remain in character with an area already partly defined by existing ponds and small watercourses.
- 6.40** The proposals involve some re-contouring of the site but the low height of the final landforms will not appear significantly different from the current undulating nature of the site. It is acknowledged that the proposal involves significant areas of planting, both to ensure that individual swims are screened and separated from one another, to screen the perimeter track and parking areas and proposed barn and to provide a 15 metre wide screen along the whole length of the western site boundary.
- 6.41** Extensive landscaping is proposed around the proposed lake. No objections are raised to the proposed planting which can be viewed as bringing greater visual interest to an otherwise largely flat and open agricultural landscape while substantially improving wildlife opportunities in the area.
- 6.42** In summary no objections are raised to the proposed development regarding its impact on the rural character or specific identified landscape characteristics of the wider area. However to ensure that the proposal does not adversely affect the night-time rural environment restrictions on external lighting would be appropriate.
- 6.43** (d) **Impact on adjoining development:**
- 6.44** Abutting the site to the west is an existing farm complex with Bocton Oast being the nearest dwelling to the site.
- 6.45** Concern has been raised that the proposal will intensify the use of the land in a way that is uncharacteristic with the tranquil landscape character of the area. For the reasons already set out above it is considered that the scale of the proposal represents a proportionate response to the proposed development and in visual amenity terms the landscape character of the area will not be materially harmed. It will also bring greater landscape diversity to the area while substantially improving opportunities for wildlife compared to the current species poor open arable landscape.
- 6.46** However concerns have been raised regarding the potential for noise and disturbance arising from the use which it is contended will be materially in excess of the use of the land for agricultural purposes. Given however that angling is normally a tranquil pastime, it is not a use that is likely to result in harm in terms of noise disturbance to nearby dwellings abutting the site boundaries particularly given the wide separation to the swims and proposed screening.

- 6.47 Noise and disturbance is likely to arise from vehicles gaining access to and manoeuvring within the site. However as only 11 swims will be available for use at any one time noise and disturbance associated with anglers gaining access to these over an extended period is unlikely to cause material harm.
- 6.48 The applicants advise that night fishing would be arranged by prior appointment and subject to strict conditions relating to the use of such things as radios and the use of lights. When taking into account that the separation distance from the nearest swim to the nearest dwelling (Bocton Oast) is in excess of 60 metres with a 15 metre wide tree belt and perimeter planting to the fishing lake intervening, it is not considered that the aural or visual amenity of this property is likely to be adversely affected.
- 6.49 Regarding the visual impact of the barn and its use, originally this was to be sited just over 80 metres away from the western site boundary along with minimal boundary planting. The barn has since been resited so that it is now in excess of 120 metres from the western site boundary with a 15 metre wide boundary tree belt and other substantial planting belts intervening. It is considered that it is now sufficiently isolated and well screened from Bocton Oast to avoid any material impact on this property. However the use of the barn should be restricted to purposes ancillary to the use of the wider site and for no other purpose.
- 6.50 A further point raised relates to the construction process and the siting and storage of topsoil mounds. The applicants advise that site reprofiling operations will take about 5 weeks and involve on site storage of about 1500 cubic metres of topsoil in the western part of the site. This equates to an area of about 15 metres wide by 75 metres long and about 2 metres high which will be divided into 3 areas along the western, north eastern and southern site boundaries. Given the overall size of the site, these can be easily accommodated.
- 6.51 In the circumstances it is not considered that the proposal will give rise to any material harm to the outlook or amenity of dwellings or development abutting the site.

**6.52 (e) Wildlife and habitat considerations:**

- 6.53 The NPPF at paragraph 118 gives significant weight to conserving and enhancing biodiversity and amongst other things, states that harm to SSSI's should be avoided while opportunities to incorporate biodiversity in and around developments should be encouraged.
- 6.54 The site lies just to the north of the River Beult which is a Site of Special Scientific Interest (SSSI). The application site comprises an undulating open field surrounded by ditches and hedges with an existing pond on the site. Though the field itself has little wildlife potential the proximity of the River Beult and existence of ditches, hedges and ponds required a Phase 1 Habitat Survey to be carried out.



- 6.55 This report concluded that that the site contains no rare flora or fauna though the ponds had the potential as Great Crested Newt habitats. However a subsequent newt survey revealed newts in two ponds though both ponds were located off site while it was concluded that none of the water bodies on site were suitable newt habitats.
- 6.56 In addition a reptile survey was carried out. Apart from one grass snake this revealed no other species. The presence of the single grass snake was not considered significant given the mobile nature of this species. However a great crested newt population was identified off site.
- 6.57 In response to this and following licence approval from English Nature, it is intended to erect reptile/newt proof fencing around the site for the construction phase.
- 6.58 Concerns have also been raised regarding the impact of abstraction on the River Beult SSSI. However the need to maintain water levels in the River Beult means that this is only likely to be allowed to take place on 10-15 days per year. The proposed ecology pond in the north west corner of the site is intended to provide water for topping up the lakes in the summer months. Natural England identify no harm to the River Beult SSSI subject to the development being carried out in strictly in accordance with the submitted details while acknowledging that the proposal appears to provide opportunities for biodiversity and landscape enhancements to the area.
- 6.59 As such it is not considered that concerns relating to any adverse impact on the River Beult SSSI can be supported.
- 6.60 The Kent Wildlife Trust consider that that the proposed landscaping will provide an enriched buffer to the Medway and Low Weald Biodiversity Opportunity Area and support the proposal subject to an ongoing and fully funded environmental management scheme and measures set out in the ecological survey report to mitigate the impact on protected species in the construction phase.
- 6.61 In conclusion, though the site currently provides wildlife habitat this is restricted mainly to hedgerow corridors, ditches and ponds with the majority of the site having little wildlife potential. The short section of hedge next to the proposed access will be removed and replaced to provide adequate visibility. The proposal will therefore result in a substantial rebalancing of the sites character in favour of wildlife with significant new water features and substantial new planting. In the circumstances the proposal clearly meets the requirement set out in the NPPF to create opportunities to incorporate biodiversity in and around developments and represents a significant factor in favour of the proposal subject to the requirement to submit an Ecology Enhancement Plan.
- 6.62 (f) Highway and parking considerations:**

- 6.63 Once operational, traffic generated by the proposal on a day to day basis will be minimal with an estimated 20 or so people visiting the site on a daily basis. It is considered that traffic generated by this this number of people will have little material impact on the free flow of traffic or highway safety generally in the locality.
- 6.64 As such in the absence of objection from Kent Highways and subject to conditions to secure a construction management strategy and provision of visibility splays to the access onto Lower Farm Road no objection is raised to the proposal on highway and parking grounds.
- 6.65 Other matters:**
- 6.66 The majority of the Parish Councils and objectors concerns have been addressed above. However concerns been raised regarding the planting of what appears to be a proposed orchard to the south of the two fish breeding ponds as not fitting in with the character of the surrounding area.
- 6.67 As stated earlier the planting of trees is 'not development' controllable under planning. Nevertheless in recognition of the Parish Councils concerns, should planning permission be granted an informative should be imposed seeking a more informal native species landscaping scheme for this part of the site.
- 6.68 The southern tip of the application site adjoining the River Beult lies within an area of flood risk (zone 2/3). However given the very small extent of the area involved, the nature of the proposed development and in the absence of any adverse comments from the Environment Agency, no objections are raised. The EA have been re-consulted regarding the impact of the development on groundwater but have raised no further objection.

## **7.0 CONCLUSIONS**

- 7.1 There is no objection to the principle of the proposed development given the strong support contained in the NPPF for development in rural areas that can be seen to (a) promote a prosperous rural economy (b) result in the development and diversification of agriculture while supporting sustainable rural tourism and (c) leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.
- The proposal will not result in loss of best and most versatile agricultural land contrary to the provisions of the NPPF and will not materially affect the remote and tranquil character of the wider area.
  - The proposal will reflect the character of the area as one partly defined by existing ponds and small watercourses. It will also bring greater landscape diversity to an area otherwise characterised by open fields.

- Site re-profiling works in connection with the various water features will appear as low level undulating earthworks and will not appear materially different from current site profiles.
- The proposed built development, including the proposed barn, is considered to be proportionate to and in scale with the proposed use while reflecting the landscape characteristics of the wider area.
- The proposals will not result in any material harm to the outlook or amenity of residents or uses overlooking or abutting the site and will result in a substantial increase in wildlife habitats in accordance with the provisions of the NPPF.
- No objections have been raised on highway or parking grounds

7.2 In the circumstances it is considered that the proposal will be in accordance with the adopted Local Plan and NPPF and will have wider benefits in terms of tourism, recreation, landscape and wildlife to this rural area. I therefore recommend permission subject to the following conditions.

**8.0 RECOMMENDATION** – GRANT permission subject to the following conditions:

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

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

2. The use of the site hereby approved shall be restricted to a recreational fishing lake and ancillary facilities and for no other purpose whatsoever.

Reason: In the interests of local amenity.

3. The use of the barn hereby approved shall be restricted to purposes ancillary to the use of the wider site as fishing lakes and for not for any other purpose. In addition the interior layout and uses of the barn shall be as shown on drawing no: 517.03.01 revA.

Reason: In the interests of local amenity.

4. The number of swims on the fishing lake hereby approved shall at no time exceed 11 and shall be sited and laid out as shown on drawing no: JEC/306/1 rev C.

Reason: In the interests of local amenity.

5. The engineering operations required for the construction of the fishing lake and associated development shall only be undertaken using materials excavated from within the site. No additional material shall be imported to the site in connection with the implementation of the permission hereby granted, except with the prior written consent of the LPA. No material related to the construction of the fishing lake and associated development shall be exported from the site.

Reason: To safeguard visual amenity, and to safeguard the res amenities of the occupiers of nearby residential occupiers and in the interests of highway safety and the free flow of traffic. In accordance with policies ENV28, ENV34 and ENV43 of the adopted Local Plan.

6. Use of the development hereby approved shall not commence until the access and sightlines onto the Lower Farm Lane have first been provided in accordance with the approved details and shall be retained as such at all times thereafter. The area in the sight lines shall be maintained at all times thereafter free of any obstruction in excess of 600mm above the adjoining carriageway level.

Reason: In the interests of highway safety and the free flow of traffic.

8. The length of existing hedgerow lost to provide the access and sight lines onto Lower Farm Lane shall be replaced by a native species hedgerow of the same in the first available planting season following first use of the access in accordance with details to be submitted for prior approval in writing by the LPA before development commences..

The hedgerow shall be allowed to grow up to a height of 2 metres and shall be retained at no less than 2 metres at all times. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with trees of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity.

9. Before use of the development hereby approved commences details of the 15 metre wide tree belt shown running along the whole length of the western site boundary (which shall include long term management measures) shall be submitted for prior approval in writing by the Local Planning Authority. The trees shall be planted in the first available planting season following commencement of the use and shall be retained at all times thereafter. Any trees which die, are removed or become seriously damaged or diseased within 5 years 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: In the interests of visual amenity.

10. Before use of the development hereby approved commences details of landscaping shown on drawing no: JEC/306/1 rev C. shall be submitted for prior approval in writing by the Local Planning Authority. The approved details of landscaping shall be planted in the first available planting season following commencement of the use and shall be retained at all times thereafter. Any trees which die, are removed or become seriously damaged or diseased within 5 years 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: In the interests of visual amenity.

11. Before development commences the size, design and siting of any gate/s serving the site access onto Lower Farm Lane shall be submitted for prior approval in writing by the Local Planning Authority. The approved details shall be in place before first use of the development hereby permitted and retained at all times thereafter in accordance with the approved details.

Reasons: In the interests of amenity and the free flow of traffic and highway safety.

12. No advertisements shall be displayed on the site without first obtaining the prior approval in writing of the Local Planning Authority. Details of any signs shall be submitted to and approved by the LPA and the signs shall only be displayed in accordance with the approved details.

Reasons: In the interests of visual amenity and the free flow of traffic and highway safety

13. No external lighting whatsoever shall be installed without first obtaining the prior consent in writing of the Local Planning Authority. Submitted details shall show the, size, design and siting of any lamp columns or lighting fitments, details of the output of any luminaires including light spread diagrams. The lighting shall only be installed in accordance with the approved details and retained as such at all times thereafter.

Reason: To safeguard the nighttime rural environment.

14. The measures set out in paragraph 5.2 of the reptile survey report carried out by Hone Ecology dated the 12th June 2012 shall be in place before the construction phase commences and retained for the life of the construction phase of the development hereby approved.

Reason: In the interests of wildlife protection.

15. In the course of implementing the development hereby approved should any contamination be identified, construction works in connection with that part of the development affected by the contamination shall cease until the following to deal with the risks associated with the contamination have been submitted to and approved, in writing, by the local planning authority being:

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

(b) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should 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;

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

Reason: In the interests of public safety and pollution prevention.

16. Details of fencing and other means of enclosure shall be submitted to and approved by the Local Planning Authority before development commences. Work shall only be carried out in accordance with the approved details and retained as such at all times thereafter.

Reason: In the interests of visual amenity.

17. Before the development hereby approved commences details of waste/foul water disposal shall be submitted for the prior approval in writing of the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of pollution prevention.

18. The development hereby approved shall only be carried out in accordance with the following plans: drawing nos: DHA/7319/01, 101, SK01, JEC/306/1 rev C, 517.03.01 rev A and 11124/02 and there shall be no deviation from the approved plans with regard to the area and depths of the lake and ponds.

Reason: In the interests of amenity.

## **INFORMATIVES**

In submitting landscape details for approval you are requested to consider a more informal layout for the proposed new orchard planting area.

The Greater Crested Newt fence cannot be erected as part of pre construction works until a licence has first been obtained from Natural England.

A potable water supply should be provided to the ground floor and to the staff welfare area of the new barn. Suitable and sufficient hand washing facilities should be provided in the fish spawning farms.

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 Environmental Health Manager regarding noise control requirements.

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 Environmental Health Manager.

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.

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.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Prior to use, Environmental Health should be contacted to ensure compliance with the Health and Safety at Work etc. Act 1974 and all relevant statutes.

A construction management strategy is required prior to the start of works details of which should first be agreed with KCC Highways.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web:

[www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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.

### Pollution Prevention

It is an offence under Regulation 38 of The Environmental Permitting (England and Wales) Regulations 2010 to cause or knowingly permit a water discharge activity or ground water activity. Care must be taken to ensure that neither the watercourse nor groundwater becomes polluted, particularly by, for example diesel fuel, petrol and oil from machinery. All fuels, oils and chemicals must be stored securely and any large containers left on site must be bunded. Care should also be taken when filling machinery to ensure that diesel/petrol/oil is not spilt on the ground. Spillages must not be washed away, but absorbed by some medium and then removed from site to a suitable licensed waste facility. Any significant incidents must be reported to the Environment Agency immediately (Emergency Tel No 0800 807060).

Copies of the Environment Agency's Pollution Prevention Guidelines (PPG5) and (PPG6) are available upon request or from the [.gov.uk](http://www.gov.uk) website.

Any waste generated in the course of the works must be disposed of in accordance with the provision of the Environmental Protection Act 1990. Persons carrying waste are required by law to register with us as a Waste Carrier (subject to certain exceptions). The deposit, keeping, treating or disposal of waste should only take place at premises licensed by us to receive the waste (subject to certain exceptions and exemptions). When you give waste to someone else, details of the transfer of waste should be described on a document called a Duty of Care Transfer Note. If any waste is to be used on site, the developer will be required to obtain the appropriate waste exemption or permit from us. You can refer them to guidance at: <https://www.gov.uk/environmental-management/wastent/waste>

### Advice to applicant

The CL:AIRE 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. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the developer can contact us on 03708 506 506 or at [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) for advice at an early stage to avoid any delays.

### Abstraction licence

Please note that the applicant may need to apply for an abstraction licence in order to fill any new lakes. We are aware that a Licence has been listed as already in place (Licence serial no. S0/040/0006/003) but draw the applicant's attention to point 9.3 in the licence which indicates that if no abstraction has taken place since issue on 6 June 2011 then the licence is voided. If no construction and filling of lakes took place prior to 6 June 2014 then we believe the licence to be lapsed. This lapsing date takes precedence over the expiry date in 2018

Note:

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

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 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: Graham Parkinson

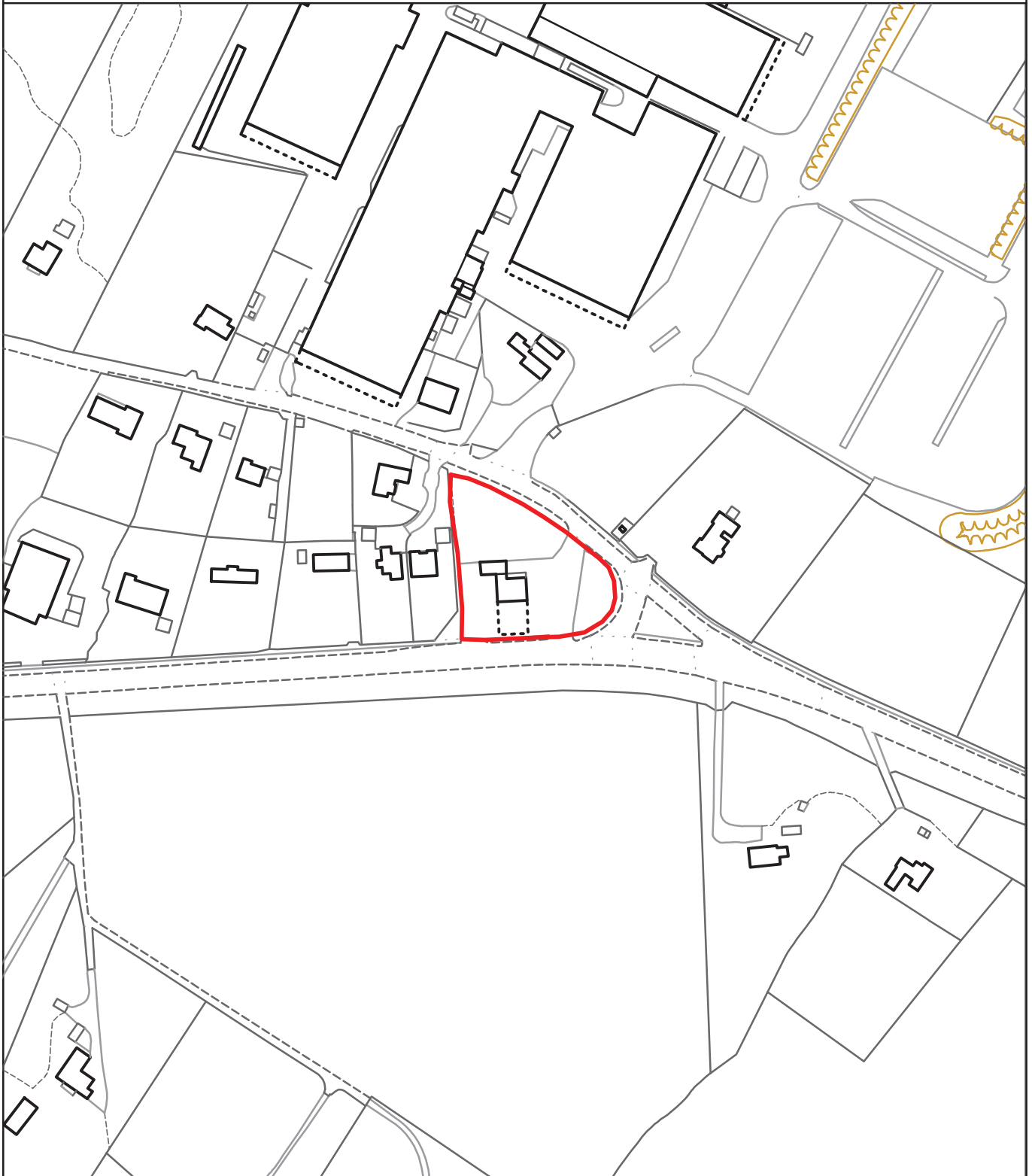
NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



## THE MAIDSTONE BOROUGH COUNCIL

Star Service Stations Ltd  
Ashford Road  
Lenham  
Kent  
ME17 2DB

MBC Ref: 14/500679



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**Rob Jarman**  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO - 14/500679/FULL</b>			
<b>APPLICATION PROPOSAL</b> Replacement forecourt building and forecourt alterations as shown on drawing numbers WPS-GEN003-07; dated April 2014 and WPS-GEN003-08; dated May 2014 and WPS-GEN-04 Rev6; dated 24-09-14 and WPS-GEN003-05 Rev9; dated 17-03-15 and WPS-GEN003-06 Rev3; dated 26-09-14 and WPS-GEN003-09 Rev4; dated 18-03-15 and WPS-GEN003-12 Rev 5; dated 18-03-15 and Transport Note Rev B by Transport Potential; dated May 2014.			
<b>ADDRESS</b> Star Service Stations Ltd, Ashford Road, Lenham, Kent, ME17 2DB			
<b>RECOMMENDATION</b> Approve with conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  The proposal is considered to comply with the Development Plan and National Planning Policy Framework and there are no overriding material considerations to indicate a contrary decision.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>  Lenham Parish Council has objected to the proposal and has requested the application be heard at planning committee.			
<b>WARD</b> Harrietsham And Lenham Ward		<b>PARISH/TOWN COUNCIL</b> Lenham	<b>APPLICANT</b> Lenham Service Stations Ltd <b>AGENT</b> Mr Derek Squibb
<b>DECISION DUE DATE</b> 30/10/14		<b>PUBLICITY EXPIRY DATE</b> 30/10/14	<b>OFFICER SITE VISIT DATE</b> 19/12/14
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
10/1623	Raise forecourt canopy by 1.0 metre	Permitted	10.11.2010
07/0882	Construction of two single storey extensions	Permitted	28.06.2007
02/1235	Single storey ATM enclosure extension	Permitted	16.08.2002

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.1 The application site relates to an established petrol filling station and associated shop and forecourt. The petrol station is located on the north side of Ashford Road and has four car petrol pumps and an HGV pump island, with a car washing area to the rear / side of the service station. The site is located within the open countryside as defined on the Maidstone Borough Plan 2000 Proposal Maps.
- 1.2 To the north of the application site is the Marley factory. To the west of the site is a small cul-de-sac development comprising three detached residential properties with access onto Dickley Lane.

### 2.0 PROPOSAL

- 2.1 This application proposes a replacement forecourt building and forecourt alterations including the replacement of the existing canopy and four petrol pumps, dedicated customer and staff parking areas, refuse area and jet wash to the east of the proposed service shop, new acoustic fence along the western boundary of the site and minor alterations to the existing northern access point onto Dickey Lane.
- 2.2 The proposed building would be formed of facing brickwork to the rear and flank walls and Kingspan colour coated steel insulated wall panels to the front and flank walls. The proposed building would have a curved roof over a floor area of approx. 525sqm. The forecourt pump layout would remain in broadly the same location as existing and a new forecourt canopy would be erected above the existing column supports. The jet wash area and refuse storage area would be located to the east of the main service building. The proposed building would be utilised as a petrol service station including the creation of a subway food area and retail shop of approximately 300sqm.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: T13, ENV28, R10 (xvii)

### **4.0 LOCAL REPRESENTATIONS**

- 4.1 Some three neighbours have objected to the proposed development on the following (summarised) grounds:

- Increased vehicle traffic
- Highways safety issues
- Removal of trees
- Location of staff parking areas
- Detrimental impact on the rural area
- Impact of the proposed shop on the local villages of Harrietsham and Lenham
- Additional noise from vehicle movements
- Shop and pumps relocated closer to residential properties to west of site
- Increased capacity of shops and pumping station
- Loss of amenity – noise and light pollution
- Detrimental effect on our living conditions
- Location of the gas bottle cage adjacent neighbour boundary
- Location of air/water/car vac bay.
- Lorries parking on Dickey Lane

Lenham Parish Council object to the proposed development for the following reasons: -

*‘Concerns relate to the proximity of the development to neighbouring residential properties. Parking and traffic flow problems, light and noise pollution and ventilation of food preparation areas. The building has a considerably increased footprint and roof height and is a significant departure from the site layout and visual appearance. We would request the application is reported to planning committee for consideration’.*

### **5.0 CONSULTATIONS**

- 5.1 MBC Landscape:** Tree Protection Orders (TPO) have been issued on an umber of trees during the course of the planning application to prevent the felling these trees. No objections raised by the Council Arborist following the final submission of amended plans which alter the layout and safeguards the existing trees located to the north and west of the proposed building. The Councils Arborist recommends a number of conditions to safeguard the existing trees on the site.
- 5.2 MBC Environmental Health Officer:** No objections following the submission of the amended details, subject to a number of conditions.
- 5.3 Environment Agency:** No objections subject to further contamination assessment conditions.
- 5.4 KCC Highways:** No objections following the removal of the proposed vehicle access on the northern point of the site. Advise that the minor alterations to the existing vehicle would improve access into the site for HGVs.

## **6.0 BACKGROUND PAPERS AND PLANS**

- 6.1** Amended plans have been submitted on two separate occasions since the original submission. The latest set of amendments were received in March 2015 and seek to address neighbour and Parish Council objection and to safeguard the existing trees located on the site. The proposal plans are as follows:-
- 6.2** WPS-GEN003-07; dated April 2014 and WPS-GEN003-08; dated May 2014 and WPS-GEN-04 Rev6; dated 24-09-14 and WPS-GEN003-05 Rev9; dated 17-03-15 and WPS-GEN003-06 Rev3; dated 26-09-14 and WPS-GEN003-09 Rev4; dated 18-03-15 and WPS-GEN003-12 Rev 5; dated 18-03-15 and Transport Note Rev B by Transport Potential; dated May 2014.
- 6.3** In comparison to the original plans the amendments include / change the following:-
- Omission of the staff parking area at rear of the building
  - Omission of new vehicle access onto Dickley Lane
  - Move the proposed building some 7.75m distance from the west boundary
  - Retain the air/water/car vac facilities in the existing location
  - Retain broadly the same petrol pump and HGV pump arrangement as existing
  - Additional parking provided on the semi-circular grassed area to the east of the building
  - Retention of trees on the west and north boundary.

## **7.0 APPRAISAL**

### **Principle of Development**

- 7.1** As this is an existing, lawful use, I raise no objections to the alterations to the petrol filling station. There are no policy objections to the intensification of the site, subject to all material considerations being assessed.
- 7.2** Policy R10 advises that development which would harm the vitality and viability of local centres will not be permitted.

- 7.3 The application site is located on the A20 in between Lenham and Harrietsham villages. Harrietsham village has one village shop offering day-to-day essentials such as foodstuffs and newspapers while Lenham has a slightly larger selection of shops including a recently approved Co-op providing for the day-to-day needs of local people. Given the limited selection of services in Lenham and Harrietsham it is expected that a majority of the local residents travel to supermarkets / major centres to purchase a wider range of groceries.
- 7.4 Given the distance of the application site from the centre of Lenham and Harrietsham, which would make walking inconvenient, I am of the view that the proposed retail shop would not be of a size or in a location which would likely have an unacceptable impact on the existing local convenience shops and facilities within either of these village centres.

### **Visual Impact**

- 7.5 I do not consider that the proposal would significantly alter the character and appearance of the site and locality as an existing petrol filling station building would be replaced. The existing building is of no particular architectural merit and its replacement is accepted.
- 7.6 The form of the development would be functional, but this is an accepted approach for such facilities, and bearing in mind the established use and building, I do not consider that this proposal would be of a significantly different character than the functional building it would replace.
- 7.7 The proposed building would have a larger footprint and the overall height would be higher than the existing service station. However, I do not consider the additional height and scale would unacceptably harm the character and appearance of the open countryside as the building would be set in the foreground of a number of large trees with the Marley factory located to the north forming a backdrop to the site. It is also considered that the proposed building footprint could be successfully accommodated on the site.
- 7.8 In terms of landscaping, it is regrettable that a number of tree species have been removed from the east of the site, however, further trees on the site have been safeguarded by a TPO during the course of this planning application. Given the loss of the trees on the eastern boundary new native landscaping and tree planting will be sought via condition to improve screening of the proposed development from east and produce a softer backdrop to the development, which I consider an enhancement to the existing situation.
- 7.9 I therefore consider the impact upon the character of the area to be acceptable.

### **Residential Amenity**

- 7.10 Concerns have been raised by the three residential properties located to the west of the site regarding the intensification of the site, and the impact the physical alterations would have on residential amenity. Key concerns are noise and disturbance and visual impact of the proposed building.
- 7.11 With regards to the noise and disturbance, it is noted that this is an established use, and as such there is a fallback position for the applicants. The existing petrol filling station does not have any restriction on hours of operation and I do not consider it would be appropriate to limit the hours as the proposal does not increase the number

of petrol filling pumps on the site. It is understood that there would be some noise and disturbance generated by a petrol filling station. However, it is important to look at the existing situation and assess whether the proposed situation would exacerbate this. Reviewing the existing layout it is apparent that the proposed building would be located closer to the neighbouring boundary than the current situation, however, the open forecourt and petrol filling pumps would remain in broadly the same location as existing and the number of pumps would not increase and, I therefore consider that these external activities would not result in an unacceptable increase in noise and disturbance above the existing situation. It is noted that the proposal includes the installation of a new 2m high acoustic fence along the western boundary which would limit the impact of the proposed development in terms of noise and disturbance and represent betterment over the current boundary treatment.

- 7.12 The shop floor sales area would increase in size, however, I do not consider the increase would be so significant as result in an unacceptable loss to neighbour amenity from intensification of use or to warrant any time restrictions. It is noted that the ATM and jet wash area would be located further away from the residential properties in the small cul-de-sac to the west of the site, than at present.
- 7.13 Following submission of the latest set of plans the layout and siting of the proposed building has been amended and the trees along the west and northern boundary of the site would be retained. The proposed building would be located some 7.75m distance from the west boundary and some 15.7m distance from the flank wall of the nearest neighbouring property. The proposed building would be higher than the existing petrol station, however, I consider the separation distance proposed is sufficient and together with the established tree screening and proposed 2m high acoustic fence along the western boundary, the proposal would not result in any unreasonable loss of neighbour amenity in terms of loss of light, outlook or privacy.
- 7.14 The proposal includes forecourt lighting which would be similar to the existing arrangement and would be fully recessed non glare on the underside of the forecourt canopy. I do not consider the proposal would result in a significant increase in light pollution over or above the existing situation. However, on a site of this nature it is important to ensure that there is no significant light spill to the neighbouring properties therefore further details will be required via condition. Any new advertisements would require advert consent.
- 7.15 Neighbours have objected to the location of the air/water/car vac locations adjacent to the western boundary. These operations would remain in the same location as existing therefore no amenity objections are raised as a result of this application.
- 7.16 Objections have also been raised as regard to the gas bottle display. This would be located to the side of the main building some 5m from the western boundary of the site which is considered acceptable and the safe storage of these bottles in cages would be the responsibility of the business.
- 7.17 Overall, it is therefore considered that the proposed development, by virtue of the scale, height, siting and design, would not result in any unacceptable loss of residential amenity to the neighbouring properties

### **Highways**

- 7.18 KCC Highways were consulted and raise no objections to this proposal. The existing vehicle access onto Dickley Lane would be altered following

recommendations from KCC Highways to improve this access point into the site. I therefore see no reason to object to the proposal on highways safety grounds.

### **Landscaping**

- 7.19 As stated above it is regrettable that a number of tree species have been removed from the east of the site however these trees were not protected by TPO and the land owner was therefore able to fell the trees without restrictions. However, further trees on the site have been safeguarded by a TPO applied during the course of this planning application. Given the loss of the trees on the eastern boundary new native landscaping and tree planting will be sought via planning conditions. The Council Arborist has recommended a number of conditions as set out below to ensure the existing trees on the site are protected during the course of construction.

### **Other Matters**

- 7.20 The Environment Agency and MBC Environmental Health Officer has assessed the application, and has recommended the imposition of conditions and informatives to ensure that contamination is dealt with appropriately. These conditions are set out at the end of this report.

## **8.0 CONCLUSION**

- 8.1 Given the above, I am satisfied that this proposal would have no adverse impact upon the character and appearance of the locality, upon residential amenity, or upon highways safety.

## **8.0 RECOMMENDATION – GRANT** Subject to the following conditions:

CONDITIONS to include

- (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) 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) An additional site investigation scheme, based on the 'Preliminary Land Quality Risk Assessment' to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of any remediation measures required and how they are to be undertaken.

3) 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 (2) 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. The site is located over a Principal Aquifer and it is reported to have residual hydrocarbon contaminants in groundwater.

(3) 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. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

(4) 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.

(5) 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.

(6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reasons: In the interest of highways safety and residential amenity.



(7) Prior to the first use of the premises, details of any plant or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 1999 Sound Insulation and Noise Reduction for Building Code of Practice and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

Reason: To protect the residential amenity of the locality in accordance with Policy EN1 of the Local Plan.

(8) Before the use hereby permitted begins, equipment to control the emission of fumes and smell from the premises shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.

Reason: To protect the residential amenity of the locality in accordance with Policy EN1 of the Local Plan.

(9) Any facilities used for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.

Reason: To prevent pollution of the water environment in accordance with Policies EN1 and EN16 of the Local Plan.

(10) Prior to the first operation of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

Reason: To prevent the transmission of odours into neighbouring properties to protect amenity in accordance with Policy EN1 of the Local Plan.

(11) No development shall take place until details of all types of illumination within the site, including canopy soffit illumination (if any) has been submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be installed in accordance with the approved details and thereafter maintained.

Reason: In the interests of residential amenity in accordance with the National Planning Policy Framework (2012).

(12) The development shall not commence until, details of all fencing, walling and other boundary treatments, including details of the acoustic fence proposed on the east boundary, 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. Boundary treatment shall include:

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

(13) The development shall not commence until an Arboricultural Method Statement (AMS) in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The AMS shall include, but may not be limited to:-

- o demolition or construction methodology and phasing of works;
- o demolition or construction details for any activity within the RPA or crown spread (whichever is the larger) of retained trees, including all excavation operations and level changes;
- o a programme of arboricultural supervision and/or monitoring during demolition or construction operations;
- o a schedule of access facilitation pruning works;
- o location of any new service/drainage runs, soakaways etc. in relation to retained trees and their RPAs;
- o consideration of location of site offices, contractor parking, rubbish and materials storage during demolition and construction;
- o details of construction of any new hard surfacing within RPAs of retained trees.
- o Details of tree protection measures during the course of the construction

Note: The ground contamination remediation scheme and the AMS should be developed together to avoid potential conflicts.

Reason: To ensure a satisfactory external appearance to the development and to safeguard the trees on site.

(14) 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 include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include enhancements to the semi-circular island on the east side of the site

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a high quality of design, and safeguard and enhance the character and appearance of the setting of adjacent listed buildings.

(15) The use or occupation of each phase of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with

plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory landscaped setting for the development.

(16) 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 building 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 in accordance with the National Planning Policy Framework (2012).

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

WPS-GEN003-07; dated April 2014 and WPS-GEN003-08; dated May 2014 and WPS-GEN-04 Rev6; dated 24-09-14 and WPS-GEN003-05 Rev9; dated 17-03-15 and WPS-GEN003-06 Rev3; dated 26-09-14 and WPS-GEN003-09 Rev4; dated 18-03-15 and WPS-GEN003-12 Rev 5; dated 18-03-15 and Transport Note Rev B by Transport Potential; dated May 2014.

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

Informatives:

(1) Foul drainage should be connected to the main sewer. Where this is not possible and it is proposed to discharge treated effluent to ground or to a surface watercourse the applicant may require an Environmental Permit from the EA. The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will only be granted where the risk to the environment is acceptable. We advise the applicant to refer to our Pollution Prevention Guidelines (PPG) 4: Treatment and Disposal of Sewage where no Foul Sewer is available which can be found at: <https://www.gov.uk/government/publications/sewage-treatment-and-disposal-where-there-is-no-foul-sewer-ppg4>

We refer you to our document Groundwater Protection: Policy and Practice (GP3) that is a report that highlights the importance of groundwater and encourages industry and other organisations to act responsibly and improve their practices. This can be found at: <https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>

(2) We will only allow for the discharge of clean, uncontaminated roof drainage to ground provided that all roof water down-pipes are sealed (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) against pollutants entering the system from surface run-off, effluent disposal, or other forms of discharge.

There must be no discharge into land impacted by contamination or land previously identified as being contaminated. There must be no direct discharge to groundwater, a controlled water. There must be no discharge to made ground.

(3) All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance "PPG1 - General guide to prevention of pollution", which can be found at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/290124/LIT\\_1404\\_8bdf51.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf)

(4) 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

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

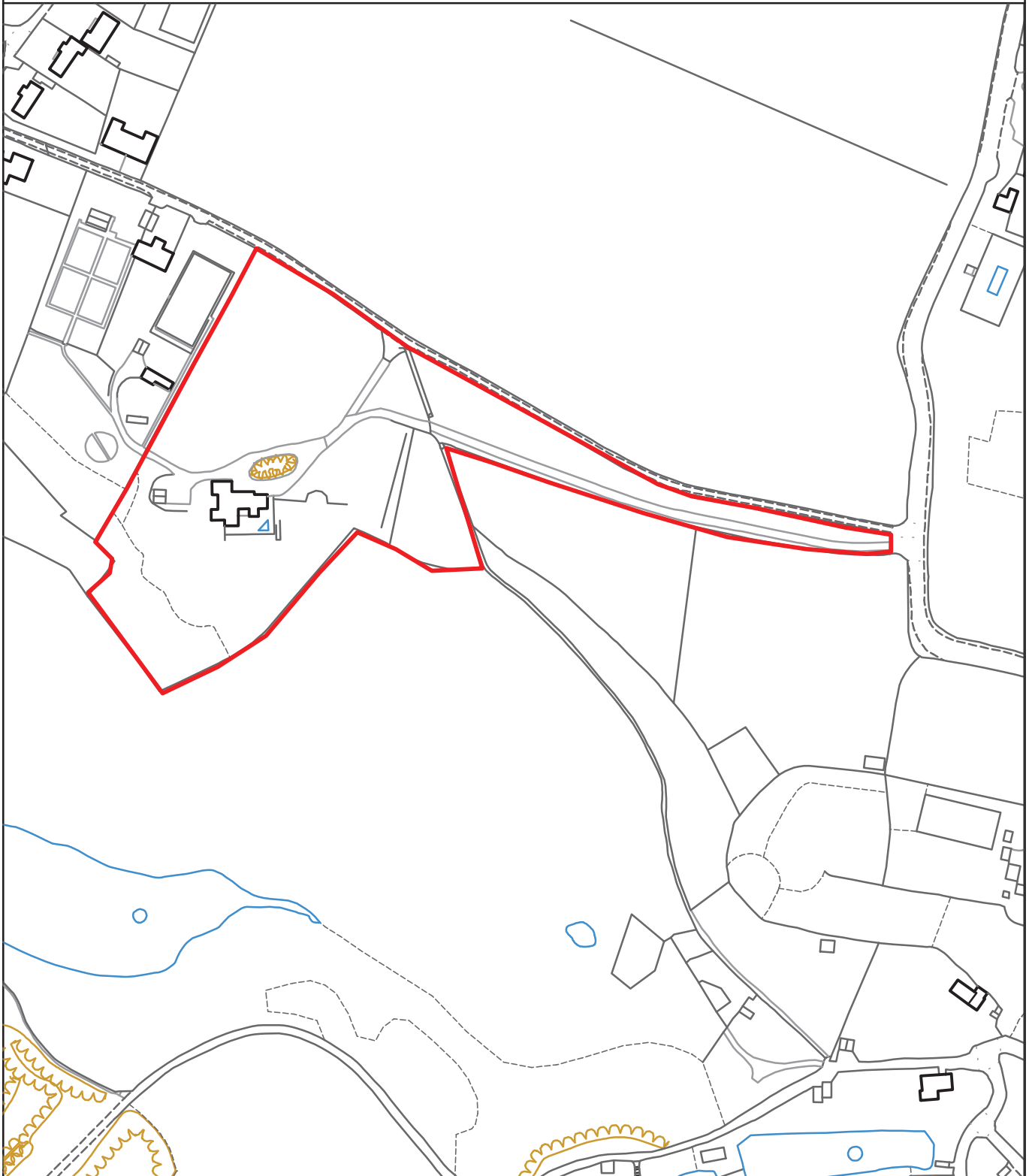
Case Officer: Andrew Jolly

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.

## THE MAIDSTONE BOROUGH COUNCIL

Boughton Manor  
Boughton Lane  
Maidstone  
Kent  
ME15 9RJ

MBC Ref: 14/501562



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**Rob Jarman**  
Head of Planning

**REPORT SUMMARY**

<b>REFERENCE NO - 14/501562/FULL</b>			
<b>APPLICATION PROPOSAL</b> Retrospective application for single storey detached annexe			
<b>ADDRESS</b> Boughton Manor Boughton Lane Maidstone Kent ME15 9RJ			
<b>RECOMMENDATION PER</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The proposed annexe will not appear as dominant or intrusive in the surrounding area. The use of a planning condition will ensure that the annexe remains ancillary to the main dwelling house and is only occupied by family members.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Objection from Parish Council who requested application be reported to Committee.			
<b>WARD</b> Loose	<b>PARISH/TOWN COUNCIL</b> Loose	<b>APPLICANT</b> Mrs And Miss Sarah And Victoria Williams <b>AGENT</b> Beck Associates	
<b>DECISION DUE DATE</b> 06/10/14	<b>PUBLICITY EXPIRY DATE</b> 06/10/14	<b>OFFICER SITE VISIT DATE</b>	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
07/1112	Application for Certificate of Lawfulness for erection of proposed double garage, garden store, games room and exercise room with changing area and sauna.	Approve.	05.07.07 not implemented
<i>Summarise Reasons: The proposed development is lawful and permitted development by virtue of Article 3 and Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.</i>			
13/1094	Erection of two storey extension to west elevation of main building, incorporating raised patio and basement extension.	Permitted.	12.08.13
<i>Summarise Reasons: The two storey extension would not appear as unduly prominent and would not cause any harm to the surrounding countryside or conservation area.</i>			
14/500936	Non material amendment to MA/13/1094 in relation to changes to doors.	Approve.	25.03.15
<i>Summarise Reasons: Satisfied amendments to doors not material.</i>			

**MAIN REPORT****1.0 DESCRIPTION OF SITE**

- 1.01 The application site relates to an extensive residential plot occupied by a large, detached two storey dwelling. The main dwelling is traditional in construction and is

of early 20<sup>th</sup> Century style, but is unlisted. It incorporates predominantly red brick construction with clay tile roof, although key elements of the front, rear and eastern side elevations include weatherboard and render panels with some tile hanging. The dwelling is set back a considerable distance from the road and is accessed via a long private driveway extending some 130m to its front courtyard. There is ample parking.

- 1.02 The immediate area is sparsely dispersed with residential properties. To the south the land slopes down towards the Loose Valley Conservation Area, although the site lies outside this. To the north are a number of agricultural fields forming a buffer between the site and the urban area. To the west the site borders an adjacent residential property, which has an extensive residential curtilage containing various ancillary buildings and structures and a tennis court.
- 1.03 The application site contains an existing garage and store building and also an existing double garage located to the north of the annexe building. The annexe building is located approximately 6 metres away from these buildings and it is sited at a slight angle, running from the north west to the south east. This enables it to be sited approximately 3 metres away from the top of the sloping embankment, following the natural contours of the land on this part of the site. This siting also enables the annexe to sit between two groups of existing mature trees located in the garden area, with none required to be removed.
- 1.04 The site is within the countryside and lies within the Anti Coalescence Belt and Area of Local Landscape Importance. The site boundaries to the south and west are densely screened with tree planting, which continues down the sloping embankments that lead to the site boundaries. The sloping embankment adjacent to the annexe contains a mix of deciduous and evergreen trees. The density of the planting is such, that even in the winter season, minimal long distance views are available through these trees to the south and west.

## **2.0 PROPOSAL**

- 2.01 The proposal is a retrospective application for the retention of a detached, single storey annexe within the residential curtilage of Boughton Manor. The annexe is of timber construction with roof felt shingles. It has a low pitched roof, with a total ridge height of 4.2 metres and an eaves height of 2.5m. The windows and doors are also all of timber construction. The annexe has an overall width of 6.7 metres and length of 20 metres. The patio deck has a width of 9 metres on the northern end of the annexe and extends approximately 3 metres from the building to allow room for garden furniture.
- 2.02 The annexe is accessed via a wheelchair ramp that leads to the front entrance and hallway on the east elevation. This then leads onto a utility area and a further inner hallway which serves the small carer's bedroom, bathroom and also the master bedroom with ensuite facilities. These are all located in the southern half of the building. The northern half contains the combined kitchen/sitting room leading to a patio deck on the north elevation, which wraps around to the front entrance ramp providing wheelchair access to the garden of Boughton Manor.
- 2.03 The applicant provided a supporting letter with the application to explain the background to the development. The applicant erected the annexe building to accommodate their father who has advanced Alzheimer's disease, which has sadly resulted in increased aggressive and abusive behaviour. With young children residing in the main house, they wanted to be able to care for their father and keep

him close by, with the assistance of full time carers and family members. The annexe fulfils this requirement. The building, although, detached, has all main services supplied from the main dwelling house.

- 2.04 When the applicant erected the annexe, they thought that the annexe would be allowed under Permitted Development as detailed in the Town & Country Planning (General Permitted Development) Order 1995. They have also applied for and received a Certificate of Lawfulness to erect other buildings in the curtilage of Boughton Manor. However, the fact that the annexe is capable of independent occupation means that it does require planning consent. The applicant submitted an application following advice from Maidstone Borough Council's Planning Enforcement Officer. The applicant has agreed to the use of a condition restricting the use of the annexe to a family member only and was also willing to enter into a S106 agreement, if it was thought to be necessary.

### 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)			
Approximate Ridge Height (m)		4.2m	
Approximate Eaves Height (m)		2.5m	
Approximate Depth (m)		6.7m	
Approximate Width (m)		20m	
No. of Storeys		1	

### 4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Development Plan: Maidstone Borough-Wide Local Plan 2000, Policies ENV32, ENV35 and H33.

Supplementary Planning Documents:

### 5.0 CONSULTATIONS

- 5.01 Loose Parish Council stated that *"they wish to see this application refused and request it is referred to the MBC Planning Committee. We are concerned that this is backland development which may cause harm to its close proximity to the Conservation Area and area of Local Landscape Importance. It is also well within the Southern Anti Coalescent Belt and outside the Urban Boundary. This is contrary to National Planning Policy document section 9- Protecting Green Belt Land (inc item 87) & section 6- (item 53). Concerns have also been raised in respect of the inappropriate sheer scale of the property in comparison to the main building. The materials used in construction also differ to those of the main house. Access to services and utilities has also raised further concerns, and there appears to be no evidence to support necessary building regulations, and what utility apparatus has been determined in relation to this property"*.
- 5.02 Loose Parish Council also provided additional comments in an email dated 31 March 2015:
- *"This application sets an undesirable precedent."*



- *As this building was built without prior approval, Loose Parish Council wish to see this application assessed against existing planning and building regulations.*
- *We disagree on the basis of the Section 106 Agreement and the stated condition, which would make it difficult to enforce in the long term.*
- *As per our previous response we would like to re-iterate that we find the elevations and materials unacceptable for this dwelling."*

### **Representations**

- 5.03 No objections or comments of any kind have been received on the proposal from local residents.

## **6.0 BACKGROUND PAPERS AND PLANS**

- 6.01 The application comprises the following plans:

- Application form;
- Drawing no. 24/31/01: Plans and Elevations;
- Drawing no. 24/31/02: Block Plan and Site Plan;
- Site Location Plan 1:2500;
- Supporting Letter from Beck Associates received 7<sup>th</sup> July 2014.

## **7.0 APPRAISAL**

### **Principle of Development**

- 7.01 The applicant built the annexe in the belief that it was permitted development. A retrospective application was submitted as soon as it was realised that consent was needed for an annexe. The annexe has a location adjacent to existing trees and its construction from timber ensures that it blends into its natural surroundings.
- 7.02 The use of planning conditions can ensure that the residential annexe remains ancillary to the main dwelling house. It can also be worded to ensure that it is only occupied by family members related to those residing in the main dwelling house. It is considered that the use of such a condition would ensure that the development does not become an independent dwelling house. In this instance, the applicant has also confirmed that all the main services are supplied from the main dwelling house, which further assists in ensuring that the annexe remains ancillary.

### **Visual Impact**

- 7.03 The single storey nature of the proposal and its timber construction ensure that it is not highly visible from the countryside to the south and the west. These boundaries include some substantial tree and shrub planting, which restricts views from the south and the Conservation Area beyond. Furthermore, the building is viewed in the context of the existing residential curtilage of Boughton Manor and its associated buildings and so does not appear out of keeping with its surroundings. Its low height and timber construction ensures that it is not dominant, but that it blends into its surroundings. The building is orientated to run along the side boundary of the application site, so that only the narrow end elevation of the building is visible from the south.
- 7.04 The annexe building is only single storey and from the west it is viewed with the new two storey element of the main house behind it. The low height and timber

construction of the annexe, which is nestled in the trees, does not appear as unduly prominent or cause any harm to the surrounding countryside or conservation area in this setting.

### **Residential Amenity**

- 7.05 The nearest neighbour is sited some 45 metres to the north west and I therefore conclude, because of its single storey nature, design and materials, that it would not have a significant detrimental impact upon the residential amenity of any neighbour, in terms of loss of privacy, outlook, daylight and sunlight.

### **Highways**

- 7.06 The development has no impact upon highways or upon parking provision at the site. The main house is served by a long access drive and ample parking.

### **Landscaping**

- 7.07 The landscaping on the site is already mature. The erection of the annexe has not required the removal of any trees. It has been sited between two existing groups of mature trees in the garden area and is adjacent to the sloping embankment that is planted up with trees.

### **Other Matters**

- 7.08 The applicant has set out the personal circumstances that provided the need for this development. The deteriorating health of their father and his need for constant care and close supervision can only be provided in the annexe. The annexe ensures that he can be looked after at home, near to family. The applicant is willing to accept the imposition of any conditions or enter into a S106 Agreement in order to ensure that they can provide this care at home. I consider that the use of a planning condition would be suitable in this instance.

## **8.0 CONCLUSION**

- 8.01 It is considered that the design and materials of the annexe are acceptable. Its single storey height, timber construction, orientation, location adjacent to existing tree planting and existing residential development on the site all combine to ensure that it does not appear over dominant or intrusive in the surrounding area. The use of a planning condition will ensure that the annexe remains ancillary to the main dwelling house. It is considered 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 such as are relevant. I therefore recommend conditional approval of the application on this basis.

## **9.0 RECOMMENDATION – GRANT** Subject to the following conditions:

1. The annexe building hereby permitted and as shown on plans 24/31/01 and 02 shall only be used as a residential annexe and shall permanently remain ancillary to main dwelling house known as Boughton Manor. It shall only be occupied by family members related to those occupying the main dwelling house.  
Reason: To prevent the creation of a separate residential dwelling in the countryside in accordance with Policy H33 of the Maidstone Borough-Wide Local Plan 2000.

## INFORMATIVES

### Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

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 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: Diane Chaplin

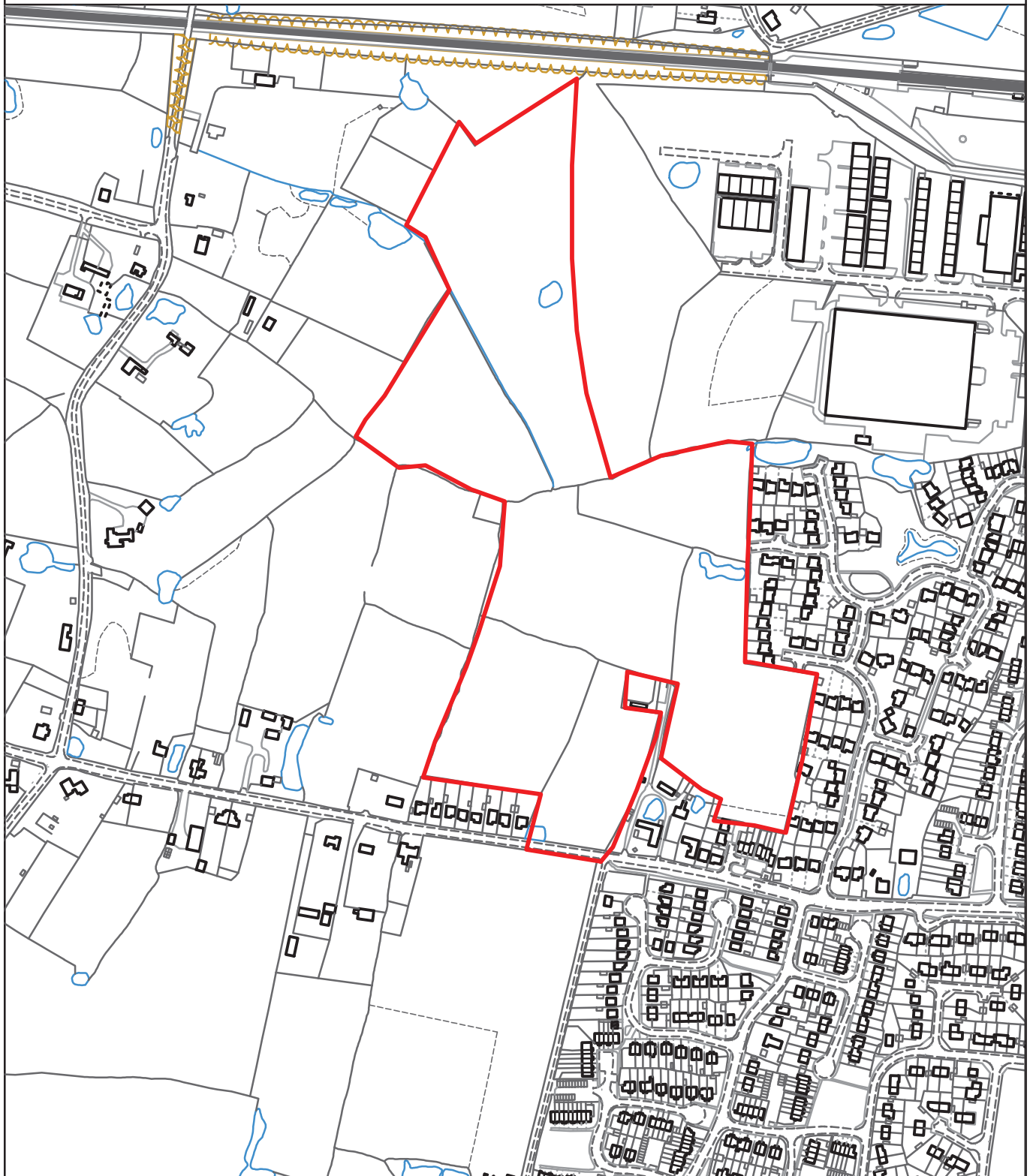
NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

# Agenda Item 17

## THE MAIDSTONE BOROUGH COUNCIL

Hen And Duckhurst Farm  
Marden Road  
Staplehurst  
Kent  
TN12 0PD

MBC Ref: 14/502010



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**Rob Jarman**  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO - 14/502010/OUT</b>		
<b>APPLICATION PROPOSAL</b>  Outline application for the erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.		
<b>ADDRESS</b> Hen And Duckhurst Farm Marden Road Staplehurst Kent TN12 0PD		
<b>RECOMMENDATION</b> Delegated Authority to approve subject to conditions and legal agreement.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  The development does not comply with policy ENV28 of the Maidstone Local Plan 2000. However proposed development would provide a mix of dwelling types. It would provide much needed affordable and market homes. The proposal would represent a sustainable form of development and would help to support local infrastructures.  For the reasons set out below, it is considered that there are no overriding material considerations to indicate that a refusal of planning permission is justified.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>  To seek the agreement of Members of the Planning Committee to amend the S106 contributions being sought and delete condition no 6 .		
<b>WARD</b> Staplehurst Ward	<b>PARISH/TOWN COUNCIL</b> Staplehurst	<b>APPLICANT</b> Mr Philip Aelen <b>AGENT</b> Mr Martin Page
<b>DECISION DUE DATE</b>  21/10/14	<b>PUBLICITY EXPIRY DATE</b>  21/10/14	<b>OFFICER SITE VISIT DATE</b>  02/09/2014
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b> None relevant		

## MAIN REPORT

### 1.0 BACKGROUND

- 1.01 The current application seeks an outline planning permission for the erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.
- 1.02 The site is a farm land adjoin Staplehurst village which is defined as a Rural Service Centre.

1.03 The application was reported to the Planning Committee of 16<sup>th</sup> April 2015. Members resolved to give the Head of Planning and Development delegated powers to grant planning permission subject to conditions and the prior completion of a S106 legal agreement in such terms as the Head of the Legal Partnership may advise to secure the following:

A: The provision of 40% (equated to 100) affordable housing.

At least 5% of the affordable units should be designed to provide Wheelchair Accessible Homes.

B: A contribution towards highway works at the junction of the A229 (Station Road) and Marden Road to mitigate the impact of the development (The amount to be finalized by the Head of Planning and Development acting under delegated powers)

C. A contribution towards improvement and enhancement of vehicle and cycle parking provision at the railway station development (The amount to be finalized by the Head of planning and Development acting under delegated powers).

D. Secure the following developer's contributions based on a pro rata assessment of the exact number of dwellings proposed at the Reserved Matters stage.

- Headcorn Primary School construction 40.65 pupils from HDF @ £14,286 per pupil = £580,725.90
- Headcorn Primary School land acquisition 40.65 pupils from HDF @ £3184.60 per pupil = £129,453.99
- Secondary education @ £11,799 per additional pupil (x41) = £487,888.65 towards the expansion of Cornwallis school
- Library bookstock £12,003.95 - project: bookstock for the new residents of this development alone (supplied to Staplehurst Library)
- Youth equipment £2110.58 - required for the new residents of this development alone (supplied to Youth Workers and organisations covering Staplehurst)

On site open space of (open space areas should be mixture of formal and semi natural areas and allotment areas) no less than 4.66 hectares shall be provided

- Financial contribution of £613.02 per dwelling is sought toward improvement or upgrade of facilities at Lime Trees, Surrenden Playing Field. (The amount to be finalized by the Head of Planning and Development acting under delegated powers)

E. A management company to be appointed by the developer to be responsible for on-going maintenance of the public open space.

The management company shall submit to and obtain the writing approval of the Local Planning Authority to the details required under sub section E.1 and E.2 below.

E1- Prior to the commencement of development of each phase as agreed under condition 5 of this permission, an Ecological Design Strategy (EDS) addressing ecological mitigation and enhancement of each phase in the context of wider site shall be submitted to and approved in writing by the local planning authority. The EDS shall include the following,

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints, informed by further survey effort as appropriate.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives (may be provided as a set of method statements). Incorporation of birds and bats boxes and swift bricks in the fabric of houses and on trees within the landscaped areas.
- d) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- e) Extent and location/area of proposed works on appropriate scale maps and plans.
- f) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- h) Persons responsible for implementing the works.
- i) Details of initial aftercare and long term maintenance.
- j) Details for monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details unless varied by a European Protected Species licence subsequently issued by Natural England. In the interests of securing the maximum benefit for biodiversity any variation of the agreed mitigation required by Natural England must not result in the reduction in the quality or quantity of mitigation/compensation provided and all features shall be retained in that manner thereafter.

E2- Prior to the commencement of development of each phase as agreed under condition 5 of this permission, a Landscape and Ecological Management Plan for each phase in the context of wider site shall be submitted to and approved in writing by the local planning authority. The Landscape and Ecological Management Plan shall include the following,

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation 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 prescriptions for achieving aims and objectives.
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- f) Details of the body or organisation responsible for implementation of the plan.
- g) On-going 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.

- 1.04 The Committee report and urgent update to the Committee report are attached as Appendix A to this report.

## **2.0 REASON FOR REFERRAL BACK TO PLANNING COMMITTEE**

- 2.01 Due to computer technical error, developer contribution request from NHS Properties Services was not uploaded and thus not included in the part “D” of the head of terms of the S106 of 16<sup>th</sup> April Committee report.

- 2.02 NHS developer’s contribution request is as follows:

- Financial contribution of £360 per dwelling @ occupancy rate of 2.34 per dwelling with regard to market housing only (equating to 150 dwellings) = £126,360 is sought toward improvement or upgrade of facilities at Staplehurst Health Centre. (The amount to be finalized by the Head of Planning and Development acting under delegated powers)

- 2.03 In light of the above, it is recommended that part “D” of the Section 106 be amended to include the NHS contribution request.

- D. Secure the following developer’s contributions based on a pro rata assessment of the exact number of dwellings proposed at the Reserved Matters stage.

- Headcorn Primary School construction 40.65 pupils from HDF @ £14,286 per pupil = £580,725.90
- Headcorn Primary School land acquisition 40.65 pupils from HDF @ £3184.60 per pupil = £129,453.99
- Secondary education @ £11,799 per additional pupil (x41) = £487,888.65 towards the expansion of Cornwallis school
- Library bookstock £12,003.95 - project: bookstock for the new residents of this development alone (supplied to Staplehurst Library)
- Youth equipment £2110.58 - required for the new residents of this development alone (supplied to Youth Workers and organisations covering Staplehurst)
- Contribution of £126,360 toward improvement or upgrade of facilities at Staplehurst Health Centre. (The amount to be finalized by the Head of Planning and Development acting under delegated powers)



On site opens space of (open space areas should be mixture of formal and semi natural areas and allotment areas) no less than 4.66 hectares shall be provided

- Financial contribution of £613.02 per dwelling is sought toward improvement or upgrade of facilities at Lime Trees, Surrenden Playing Field. (The amount to be finalized by the Head of Planning and Development acting under delegated powers)

2.04 Amendment of section “F” List of planning conditions of the Recommendation by the deletion of planning condition no 6 amendment of informative no 1 and renumbering of the remaining planning conditions:-

2.05 Condition no 6 states;

Prior to the commencement of each phase of development as approved under Condition 5 an Interim Certificate of Compliance with the Code for Sustainable Homes for that phase shall be submitted to and approved in writing by the local planning authority. The certificate shall demonstrate that the development within that phase will attain a minimum standard of Code Level 4. The development shall be carried out only in accordance with the details the subject of the certificate and prior to occupation of each dwelling a Code for Sustainable Homes Post Construction Stage Review is to be completed by an independent licensed Code of Sustainable Homes assessor demonstrating that the dwelling is expected to achieve Code Level 4. The results of the review must be submitted to the local planning authority in writing.

Reason: In the interests of sustainability and in compliance with NPPF.

2.06 Members will be aware that following the technical housing standards review, the previous government issued a [written ministerial statement](#) withdrawing the code for sustainable homes in March 2015. The statement (which is a material planning consideration) says *“planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency”*. As such, conditions cannot be attached to planning permission seeking a code level. Instead, the government will be introducing a new set of streamlined national technical standards that will be dealt with under Building Regulations, and it is advised that energy performance requirements in Building Regulations will be set at a level equivalent to the Code for Sustainable Homes Level 4.

2.07 Informative number 1 to be altered to refer to renumbered condition no 17 instead of no 21.

2.08 F. Grant planning permission subject to the imposition of the conditions set out below:

1) Details of appearance, layout, scale and landscaping, (the reserved matters) for any phase shall be submitted to and approved in writing by the local planning authority before any development begins on that phase. Development shall be carried out in accordance with the approved details.

The layout reserved matters details shall ensure that at least .04 Ha of the to the north and west of the Hen and Duck Farm listed buildings is set aside as an open space or structural open space as part of a deliberate strategy to minimise so far as possible harm to the setting of the listed buildings.

The landscaping reserved matters details shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 12 months from the date of this permission.

3) The development hereby permitted shall begin no later than 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.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan DHA/9702/01 Rev B and drawing site access round about T0191/SK01 RevP4 forming part of Appendix E of Transport assessment report.

Reason: To ensure that the location of the vehicular access is defined.

5) No development shall take place until a Scheme of Phasing has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Scheme of Phasing.

Reason: To ensure that the development is carried out in a satisfactory manner and in compliance with NPPF advice regarding good design.

6) Prior to the commencement of development of each phase of development as agreed under condition 5 of this permission, no development shall commence (in relation to that specific phase being pursued) until a materials schedule detailing the types and colours of external materials to be used, including colour of mortar and windows, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

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

7) No development shall take place until full details of both hard and soft landscaping for the site have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include existing and proposed contours and finished ground levels and structures (e.g. street furniture, refuse or other storage units, signs, lighting etc.). Soft landscaping

details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. Development shall be carried out in accordance with the approved details. The scheme shall include full details of all proposed boundary treatments and shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

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

8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of any of the dwellings hereby permitted, or completion of development, whichever is the sooner. 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.

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

9) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas allotment other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. The landscape management plan shall be carried out as approved.

Reason: In the interest of residential and visual amenity of the area.

10) Prior to the commencement of any development, a scheme for the protection of trees and hedges to be retained on site shall be submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and or ground protection in accordance with BS5837 (2012) "Trees in relation to Construction Recommendations". No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barrier and/or ground protection measures shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed nor fires lit, within any of the area protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground level changed, nor excavations made within these area without the written consent of the Local Planning Authority.

Reason: To Safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in compliance with National Planning Policy Framework 2012.

11) Prior to the commencement of each phase of development as agreed under condition 5 of this permission, no works (in relation to that specific phase being pursued) shall take place until a measured survey of that phase has been undertaken and a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground levels and finished floor levels in relation to a nearby datum point which shall be submitted to and approved in writing by the local planning authority. The development shall be completed and thereafter retained in accordance with the approved details.

Reason: In the interests of visual and residential amenities of the area.

12) Prior to the commencement of each phase of development as agreed under condition 5 of this permission, no works (in relation to that specific phase being pursued) shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall make provision for arrangements during the period up until the last dwelling is completed and shall include details of:

- a) A programme for the phasing of work to construct the development, including the roads, landscaping and open space;
- b) The location of temporary site buildings, compounds and areas used to store plant and materials;
- c) Arrangements for the routing, turning and access of lorries into the site;
- d) Arrangements for the parking of vehicles of site operatives and visitors;
- e) Measures to control and mitigate noise and vibration from construction activities, including piling;
- f) Arrangements for the storage, collection and disposal of waste;
- g) Measures to prevent mud and dust being deposited on the highway;
- h) The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing;
- i) Temporary lighting; and
- j) Noise generating plant.

Development shall take place in accordance with the approved plan.

Reason: In the interests of residential amenities of the area

13) Prior to the commencement of each phase of development as agreed under condition 5 of this permission, no works (in relation to that specific phase being pursued) shall take place until details of a scheme to address risks associated with contamination of the site and mitigation shall be submitted to and approved in writing by the local planning authority. Those details shall include:

- i) Assessment of radon affect and mitigation measures;
- ii) Assessment of electromagnetic radiation from the electricity sub-station and mitigation measures;
- iii) An acoustic assessment in respect of noise from Railway line to the north and noise from the electricity sub-station to the south and mitigation measures;
- iv) An Air quality assessment and submission of a mitigation strategy;

The approved mitigation measures shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenities of the area

14) If during the course of development of each phase approved under condition 5, any contamination is found which has not been identified in the site investigation and additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: In the interests of amenities of the future occupiers of the dwellings.

15) Prior to the commencement of development of each phase as agreed under condition 5 of this permission, an archaeological investigation of the phase shall be carried out comprising:-

- i historic landscape survey and assessment in accordance with a specification and written timetable which has been submitted to
- ii following on from the survey and assessment, any safeguarding measures to ensure and approved by the Local Planning Authority; and preservation in situ of important historic landscape features and/or further historic landscape recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure appropriate assessment of the historic landscape implications of any development proposals and the subsequent mitigation through preservation *in situ* and integration into main development scheme or preserved by record.

16) Prior to the commencement of development of each phase as agreed under condition 5 of this permission, an archaeological investigation of the phase shall be carried out to secured the implementation of:-

- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii following on from the evaluation and assessment, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation *in situ* or by record.

17) No development shall take place until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by

the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details prior to first occupation of the dwellings.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

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

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

19) Underground ducts shall be installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles, satellite dishes and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting that Order), no distribution pole satellite dish or overhead line shall be erected within the site area.

Reason: To avoid visual harm to the character of the area.

20) During the construction period, no construction or deliveries to the site shall take place on Sundays or Bank Holidays or outside the following times:

0800 to 1800 on Mondays to Fridays; and 0900 to 1300 on Saturdays.

Reason: In the interests of amenities of the occupiers of surrounding properties.

21) No development shall take place until full details of the vehicular access and emergency access have been submitted to and approved in writing by the local planning authority. The details shall include footway and verge crossings; visibility splays; and three-dimensional representations. No dwelling shall be occupied until the means of access have been constructed in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of Highway safety.

22) The roads and footways within the development shall be constructed and finished in accordance with a programme that has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until it has a direct connection with an existing highway.

Reason: In the interests of highway safety and residential amenities.

23) No dwelling shall be occupied until highway works agreed under section 278 of the 1980 Highway Act have been implemented in full to the satisfaction of the Local Planning and Highways Authorities. These works comprise:

1. Pedestrian and cycle links to be provided to the existing residential development to the east of the application site via Further Field and Marlfield.
2. A link for vehicular traffic through the development site towards Lodge Road is to be safeguarded.
3. Bus boarders are to be provided at two relevant bus stops.
4. Parking provision is to be provided in accordance with IGN3
5. Traffic calming is to be provided along Marden Road and the 30 mph speed limit is extended.
6. A pedestrian and cycle crossing to be provided on Marden Road to ensure safe access to the village centre from the site.

Reason: In the interests of highway safety and amenity.

24) Cordwood above 20cm in diameter from the site should be retained and placed within the site in locations and quantities to be agreed with the local planning authority prior to any tree felling take place.

Reason: In the interests of biodiversity and ecological enhancement in compliance with NPPF.

25) Within 6 months of the occupation of the 50<sup>th</sup> dwelling house the public open space shall be accessible to the public as opens-space and is maintained as such.

Reason: In the interests of amenities of the prospective residents of the development.

#### Informatives

1) Applicant is strongly advised that details pursuant to condition 17 be considered prior to or in conjunction with, approval of road and housing layout to ensure the optimum space can be allocated for storage and conveyance of storm runoff using sustainable drainage techniques

2) 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](http://www.southernwater.co.uk)

## REPORT SUMMARY

<b>REFERENCE NO - 14/502010/OUT</b>		
<b>APPLICATION PROPOSAL</b> <p>Outline application for the erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.</p>		
<b>ADDRESS</b> Hen And Duckhurst Farm Marden Road Staplehurst Kent TN12 0PD		
<b>RECOMMENDATION</b> Delegated Authority to approve subject to conditions and legal agreement.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <p>The development does not comply with policy ENV28 of the Maidstone Local Plan 2000. However proposed development would provide a mix of dwelling types. It would provide much needed affordable and market homes. The proposal would represent a sustainable form of development and would help to support local infrastructures.</p> <p>For the reasons set out below, it is considered that there are no overriding material considerations to indicate that a refusal of planning permission is justified.</p>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> <ul style="list-style-type: none"> <li>• It is contrary to views expressed by the Parish Council</li> <li>• It is a departure from the Development Plan as the site is located outside the defined settlement boundary of Staplehurst</li> <li>• It is a major development</li> </ul>		
<b>WARD</b> Staplehurst Ward	<b>PARISH/TOWN COUNCIL</b> Staplehurst	<b>APPLICANT</b> Mr Philip Aelen <b>AGENT</b> Mr Martin Page
<b>DECISION DUE DATE</b>  21/10/14	<b>PUBLICITY EXPIRY DATE</b>  21/10/14	<b>OFFICER SITE VISIT DATE</b>  02/09/2014
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b> None relevant		

## MAIN REPORT

### 1. DESCRIPTION OF SITE

The application site is 12.18 hectares and is situated to the northwest corner of Staplehurst village and is bound from south by Marden Road (B2079), from east by two storey residential properties in Further Field, Marlfield and Barn



Meadow. It is also enclosed from north east by the existing industrial estate at Lodge Road. The site is connected to Staplehurst rail way station that is just to the north east by a footpath and the village centre through existing road networks.

The site forms part of a wider farm land with boundary hedgerows, woodland and couple of small pounds.

There is a small group of heritage asset buildings to the south east just outside the application site but part of the Hen and Duckhurst Farm. These buildings comprise a Grade II listed 17<sup>th</sup> Century farmhouse together with other traditional structures in the form of a barn and a converted oast house formerly forming part of its farmyard.

The site is relatively flat and there is an electricity sub-station just beyond the southern boundary of the application site. The sub-station is accessed from Marden Road.

The character of the area is one of urban fringe comprising farm land, low density residential properties and industrial building units located on the edge of the rail way station to the north east.

Staplehurst has good basic services, shops, pub, restaurant, school, doctor surgery and good public transport link to major towns by railway and bus services.

## **2.0 PROPOSAL**

The proposal is in outline and seeks planning permission for the erection of up to 250 dwellings with allotments, open space and associated parking, garaging and estate road. Along with the approval for the principle of change of use of the land from agricultural use to residential, only the specific details of means of access to the site is being considered at this stage for approval and all other matters (layout, appearance, scale and landscaping) are reserved for future consideration.

The vehicular access to this development would be from the site frontage with Marden Road involving a new round about.

Although with an outline application the applicant is not required to provide any details of the reserved matters at this stage; an illustrative master plan has been submitted together with a design and access statement that provide an insight into the applicant's intention for this site.

The Master Plan and the D&A statement show a single vehicular access point of Marden Road via a roundabout with potential internal links to neighbouring development.

The layout shows a density of about 20.5 dwellings per hectare over the application site with a number of character areas of individual identity through the grouping of certain house types and variation in density. The existing landscape features (trees, hedge rows and ponds) as well as the Parish Council's aspiration for allotments site reflected in the draft neighbourhood plan are included to shape the master plan's layout; resulting in the creation of

green corridors, boulevard street-scape, mature ecology areas, play area, allotments and pedestrian connection link to the railway station.

The submitted Planning Statement states that 40% of the proposed dwellings on this site will be affordable and that the houses will be constructed to code level 4. Moreover the design and access statement indicates that out of 12.18 hectares of the application site only 7.52 hectares will be developable and the remaining 4.66 hectares would be set aside to provide allotments, Landscape and open space areas, swales and drainage facilities.

### **3.0 PLANNING CONSTRAINTS**

- A grade II listed building is situated to the southeast and just outside of the application site.
- Ponds within and outside the application site.
- Trees and hedge rows.
- Electricity sub-station just outside the application site.

### **4.0 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: SP3, H1(36), H2, DM2, DM3, DM4, DM6, DM10, DM11, DM12, DM13, DM14, DM16, DM23, DM24, DM30, ID1,

MBC Affordable Housing DPD (2006)

MBC Open Space DPD (2006)

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

### **5.0 LOCAL REPRESENTATIONS**

This application has been advertised by site notice, advertised in the local press and notification letters to neighbours.

39 letters of representations have been received objecting to the application for the following reasons:

- A single exit from this housing estate to Marden Road is not viable due to volume of traffic that would be generated at the traffic light at the junction with A229. Oliver Road will be used as a rat-run.
- Additional 250 dwellings would dramatically increase the amount of traffic on A229 and through the village particularly at peak congestion times.
- The development will be one big cul-de-sac causing traffic problem, noise and air pollution.
- Sewerage problem after heavy rain,
- Inadequate infrastructure in the village.
- New houses could cause overlooking and impact on the amenities of the occupiers of the adjoining properties.

### **6.0 CONSULTATIONS**

#### **6.01 Staplehurst Parish Council**

Notwithstanding references to the lack of MBC five year land supply, the application is premature in relation to the draft stage of the MBC Local Plan where the site's inclusion should be seen as an interim step rather than a definite position.

#### Staplehurst Neighbourhood Plan

The emerging status of the Staplehurst Neighbourhood Plan carries significant weight. Whilst acknowledging the site's inclusion in the emerging plan and the outline nature of the application, the Parish Council feels the application is not consistent with the plan and that a proposed 10% increase in houses in Staplehurst merits a more comprehensive appraisal of all the issues involved.

#### Access and Highways

The Parish Council is concerned about the proposed single access point and the strain the resulting traffic would put on Marden Road and the crossroads; references to not precluding potential further links are inadequate and a more definite proposition covering proposed site roads and other access points is essential. The Parish Council acknowledges that the proposed offsetting of the roundabout might calm traffic approaching the village but it can see no such impact on westbound traffic; it is concerned that the roundabout will be incompatible with the increasing number of heavy goods and agricultural vehicles that are using and will be using the road.

An assessment of cumulative traffic volumes should examine this proposal in the context of development envisaged in surrounding areas both in and outside the borough. The submitted plans do not clearly show a three metre path and cycleway on Marden Road east of the proposed development and to avoid damage to hedgerows this would mean narrowing the road and moving electricity poles.

#### Other Infrastructure

There are major problems of sewage disposal, flooding and general drainage issues on Marden Road and in the vicinity where infrastructure is failing to cope with current housing levels before even contemplating expansion. There is no evident connection with the sewer system to the west of the proposed site. Authorities are currently reviewing existing flood data, which adds to the sense that the application is premature.

There is a need to show how adequate provision would be made for schooling and healthcare; the Parish Council wishes to see details of how these and all the above infrastructure requirements would be addressed.

#### Parking

Comments that parking would only be provided on plot 'where possible' and about the consequent need to look to street-parking are not acceptable in the light of well-known parking problems in the village.

#### Conclusion

The premature nature of the application means it fails to deal satisfactorily with key issues of infrastructure and Neighbourhood/Local Plan context and these points need to be addressed if the application is to demonstrate how the site could sustain the proposed number of houses. For all the above reasons members of Staplehurst Parish Council have voted unanimously to

recommend REFUSAL and request that this application be reported to MBC Planning Committee.

## **6.02 Southern Water**

Following initial investigation, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. 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.

Additional off site sewers, or improvements to existing sewers will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.

Should the application receive planning permission, please include as an informative to the permission, the following requirement:

The applicant /developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The planning application form makes reference to drainage using Sustainable Urban Drainage System (SUDS).

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. It is critical that the effectiveness of these systems is maintained in perpetuity. 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, the drainage details submitted to the Local Planning Authority should:

- Specify 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.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved

in writing by, the Local Planning Authority in consultation with the Southern Water”.

Due to changes in legislation that came in to force on 1<sup>st</sup> October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will 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 is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW ([Tel:03303030119](tel:03303030119)) or [www.southernwater.co.uk](http://www.southernwater.co.uk)”.

### **6.03 Rural Planning Limited**

The proposed site comprises some 12.18 ha of low laying grassland on the western edge of Staplehurst at about 25m above sea level.

DEFRA's 1:250,000 scale mapping indicates land in this area to be Grade 3 quality however the mapping does not distinguish between Grade 3a(good quality and with 3b the “best and most versatile” (BMV) category of agricultural land).

It is doubtful, that the land will fall within the BMC category and overall I do not consider that the loss of agricultural land here per se is likely to form a determining issue in this instance.

### **6.04 UK Power Networks:** Has no objections

### **6.5 KCC Archaeological Officer**

The site lies to the north west of Staplehurst on traditional farmland. Hen and Duckhurst is a farm complex identifiable on the 1<sup>st</sup> Ed OS map and is considered to date from 17<sup>th</sup> century. The farm complex included several outbuildings, some of which are no longer upstanding but may survive below ground level within the application site. Hen and Duckhurst farmhouse is a Grade II listed building and is recorded within the English Heritage Farmstead Survey.

A Neolithic polished axe is recorded from within the site. This may be a stray find or it may represent part of wider prehistoric activity in this area. This area of the Weald is believed to have been exploited for its iron, timber and charcoal resources from the later prehistoric period. A Roman road extends through Staplehurst and small Roman farmsteads may be located nearby. Staplehurst developed as a later medieval market town but it is likely that this application site area was part of extensive farmland.

This large development site contains remnant historic landscape features, including field boundaries, footpaths and possible quarry sites. Some of these are still visible but some are probably surviving only as features below ground. It would be preferable and beneficial for the character of the new development, if as many of these historic landscape features as possible could be retained and integrated into the new development. A historic landscape assessment could be useful to identify some of the key historic landscape features and consider options to integrate into new development framework.

The application is supported by an Archaeological Deskbased Assessment by CgMs. The DBA is brief but I have no major comments on it.

The site may contain as yet unknown archaeological remains and it would be appropriate for a targeted programme of archaeological works to be undertaken. It would also be useful to undertake a historic landscape survey to inform retention of key historic landscape features. These issues can be addressed through conditions and I recommend the following conditions are placed on any forthcoming consent for the outline application:

*No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of*

- i historic landscape survey and assessment in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*
- ii following on from the survey and assessment, any safeguarding measures to ensure preservation in situ of important historic landscape features and/or further historic landscape recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority*

Reason: To ensure appropriate assessment of the historic landscape implications of any development proposals and the subsequent mitigation through preservation *in situ* and integration into main development scheme or preserved by record.

And

*AR5 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of*

- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*
- ii following on from the evaluation and assessment, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority*

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation *in situ* or by record.

## **6.06 KCC Economic Services**

Having had regard to the Section 123 of the Community Infrastructure Levy (CIL) Regulations 2010 that came into force on 6<sup>th</sup> April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

Following meetings with KCC service providers, the KCC have reassessed their requests in light of Section 123 of the CIL Regulation (in terms of pooling



of 5 obligations) and as a result the following contribution request that pass the test of sections 122 and 123 of the CIL Regulations:

- Primary Education @ £14,286 (new build) and £3184.60 (land acquisition) per additional pupil (x44) = £768,706.40 towards the Phase 1 of the Headcorn Primary School new expansion and site enlargement.
  - Secondary education @ £11,799 per additional pupil (x41) = £487,888.65 towards the expansion of Cornwallis school
  - Library bookstock £12,003.95 - project: bookstock for the new residents of this development alone (supplied to Staplehurst Library)
  - Youth equipment £2110.58 - required for the new residents of this development alone (supplied to Youth Workers and organisations covering Staplehurst)
- 
- KCC also would request delivery of 5 Wheelchair Accessible Homes within the affordable housing units and
  - Provision of Superfast Fibre Optic Broadband 'fibre to the premises' to all buildings of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings

#### **6.07 Maidstone Borough Council Conservation officer**

OBJECTS to the application on heritage grounds for reasons as detailed below:

The building complex at Hen and Duckhurst Farm includes the Grade II listed 17<sup>th</sup> Century farmhouse together with other traditional structures in the form of a barn and a converted oast house formerly forming part of its farmyard. This constitutes a good group of heritage assets.

This historic group has suffered from erosion of its original rural setting on two sides by late 20<sup>th</sup> century housing developments; these proposals would result in the total loss of the remaining rural setting and the heritage assets would be subsumed into a modern housing development. The total loss of the setting of this group of heritage assets would cause considerable harm to their significance. English Heritage published a Consultation Draft Good Practice Advice Note on The Setting of Heritage Assets in July 2014 which in Paragraph 8 addresses the issue of cumulative change in the following terms:

"Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting."

In this particular case, this is exactly what would happen if the proposed development were to take place. Section 66 of the Planning (Listed Buildings

and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving listed buildings and their settings; thus this is a matter of considerable importance and weight when coming to a decision.

The Heritage Statement submitted with the application is factually incorrect in stating that Hen and Duckhurst Farmhouse is not visible from the public realm when it can be seen quite clearly from Marden Road (Section 3.3). Despite this the Heritage Statement does not disagree that the proposals will cause less than substantial harm to the significance of this listed building (Section 2.4); I would agree with this assessment of the level of harm. As such, the application needs to be assessed against Paragraph 134 of the NPPF and only if public benefits outweigh the harm should permission be considered.

#### **6.08 KCC Ecology officer**

Information (*Letter from PJC Ecology dated 23rd January 2015*) has been provided to respond to the queries we raised in our previous advice dated 1st September 2014. Further details of the reptile, bat and great crested newt survey results have been submitted, providing further evidence to support the incorporation of mitigation / enhancement areas within the design of the proposed development.

The revised *Illustrative Masterplan* (Rev B, though this is not stated on the document itself) incorporates additional measures that aim to provide a functional network of habitat across the site to provide mitigation for the potential impacts to reptiles and great crested newts.

We advise that Maidstone BC needs to acknowledge that there would be a net loss in area of available habitat for reptiles and great crested newts as a result of the proposed development, but that the aim of the mitigation strategy would be to minimise the potential impacts by enhancing the habitat suitability of retained (undeveloped) fields and field margins to increase the carrying capacity of these areas. In relation to the potential impacts to great crested newts, as advised in the further information submitted, a European protected species mitigation licence will be required to derogate from the offences that are likely to occur as a result of the proposed development. As such, Maidstone BC must address the requirements of the EC Habitats Directive and consider whether it is unlikely that a licence will be granted and in so doing must address its mind to the three tests when deciding whether to grant planning permission for the proposed development. The three tests are that:

- The development activity must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative; and
- Favourable conservation status of the species must be maintained.

We are satisfied that the outline of the proposed mitigation is sufficient for us to conclude that the favourable conservation status of the species will be maintained. We are unable to advise on the first two tests as we consider these to be planning matters outside of our expertise. We do however draw



your attention to the information provided within pages 7 to 9 of the *Letter from PJC Ecology dated 23<sup>rd</sup> January 2015*.

We advise that the principles of the proposed mitigation strategy are acceptable and that the details, according with these principles, can be secured by condition, if planning permission is granted.

One of the principles of the National Planning Policy Framework is that “*opportunities to incorporate biodiversity in and around developments should be encouraged*”. In addition to any necessary mitigation, ecological enhancements should be secured within the application details to support Maidstone BC in meeting this NPPF principle. This can be subject to condition, if planning permission is granted.

We suggest the following condition wording:

Ecological Design Strategy – suggested condition wording:-

*No development shall take place until an ecological design strategy (EDS) addressing ecological mitigation and enhancement of the site has been submitted to and approved in writing by the local planning authority. The EDS shall include the following,*

- a) Purpose and conservation objectives for the proposed works.*
- b) Review of site potential and constraints, informed by further survey effort as appropriate.*
- c) Detailed design(s) and/or working method(s) to achieve stated objectives (may be provided as a set of method statements).*
- d) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- e) Extent and location/area of proposed works on appropriate scale maps and plans.*
- f) Type and source of materials to be used where appropriate, e.g. native species of local provenance.*
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.*
- h) Persons responsible for implementing the works.*
- i) Details of initial aftercare and long term maintenance.*
- j) Details for monitoring and remedial measures.*

*The EDS shall be implemented in accordance with the approved details unless varied by a European Protected Species licence subsequently issued by Natural England. In the interests of securing the maximum benefit for biodiversity any variation of the agreed mitigation required by Natural England must not result in the reduction in the quality or quantity of mitigation/compensation provided and all features shall be retained in that manner thereafter.*

Landscape and Ecological Management Plan – suggested condition wording:-

*A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation 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 prescriptions for achieving aims and objectives.*
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- f) Details of the body or organisation responsible for implementation of the plan.*
- g) On-going 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.*

## **6.09 KCC Highway Services**

I have the following comments.

1. My concerns relating to the pedestrian and cycle links have been addressed; these are to be provided to the existing residential development to the east of the application site via Further Field and Marlfield.
2. A link for vehicular traffic through the development site towards Lodge Road is to be safeguarded.
3. Bus boarders are to be provided at two relevant bus stops.
4. Parking provision is to be provided in accordance with IGN3
5. Traffic calming is to be provided along Marden Road and the 30 mph speed limit is extended.
6. A pedestrian and cycle crossing is required on Marden Road to ensure safe access to the village centre from the site.
7. Contributions will be required towards the enhancement of vehicle and cycle provision at the railway station subject to agreement with South Eastern Railway.

8. Traffic generated from the development of 197 units at Fishers Farm has been included in a revised assessment of the signalised junction of the A229/Marden Road/Headcorn Road using Linsig. The cumulative effects of the development proposals and background growth indicate that the junction would operate over capacity in the 2019 design year; -6.9% PRC during the AM Peak and -5% PRC during the PM peak. Mitigation in the form of puffin technology at the crossings would help to minimise the effects of this additional traffic with resultant PRC results of -3.1% during the AM peak and -2% during the PM peak.

9. I am concerned that the capacity assessment concludes that this junction will experience capacity problems during 2019 with background growth and including only a proportion of the allocation included in the Draft Local Plan. The allocation in respect of the Hen and Duckhurst site is 370 homes and for the Fishers Farm site 535 homes. This level of development will lead to significant capacity problems at the A229/Marden Road/Headcorn Road junction.

10. It is clear from the Draft Local Plan that the developments will be required to contribute towards improvements to the A229/Marden Road/Headcorn Road junction.

As at this stage the level of contribution towards highway works at the junction of the A229 (Station Road) and Marden Road to mitigate the impact of the development is not known as part of heads of terms the final amount to be clarified by officers.

## **6.10 Environmental Agency**

### *Flood Risk Condition:*

Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

We strongly recommend this condition be considered prior to or in conjunction with, approval of road and housing layout to ensure the optimum space can be allocated for storage and conveyance of storm runoff using sustainable drainage techniques.

### *Groundwater Protection*

The site is located in a very low sensitivity area with respect to Controlled Waters. The 'Geo-environmental Site Investigation' by BRD (reference BRD1883-OR2-A dated September 2013) did not reveal any significant contaminant concentrations. Consequently, we have no objection from a groundwater protection perspective.

## **6.11 Environmental Health**

Although the site has not been developed the recommendation to carry out a Phase 2 intrusive site investigation, as recommended by the Geo-Environmental Site Investigation report produced by BRD Environmental, BRD1883-OR2-A, September 2013 is required.

The site is in a radon affected area with a 3-5% probability of elevated radon concentrations, therefore an assessment should be carried out and the results and any proposed mitigation measures should be submitted to the Council for approval.

An acoustic assessment in respect of railway noise should be carried out and the results and any proposed mitigation measures should be submitted to the Council for approval. The assessment should include any noise emanating from the electricity sub-station which could affect residents and the consultant should be made aware that outline approval has been granted for the site on the north east boundary of this site for use as an industrial estate.

The transport assessment (TA) does not provide information on off/on-street parking allocation, this should be clearly stated. A robust Travel Plan should be produced in accordance with Section 5.3.2 of the Transport Assessment, stating how "the close proximity of the station and the ease of using local train services could be promoted through a Travel Plan" and Section 8.1.15 stating that "improvements to the footway will be provided to facilitate pedestrian movements and provide convenient link to the railway station."

An air quality assessment, including a mitigation strategy, and a sustainability statement should be prepared for submission with any full planning application made for this site.

As there is a large electricity sub-station located in the centre of the proposed development an assessment of electromagnetic radiation should be carried out and submitted to the Council, along with any proposed mitigation measures, should elevated levels be found.

Demolition and construction activities may have an impact on local residents so these should be addressed by following the standards adopted by the local authority in respect of demolition and construction sites.

#### REQUESTED CONDITIONS:

##### *Contaminated Land Conditions*

#### **DEALING WITH LAND CONTAMINATION**

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions ^IN; to ^IN; have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition ^IN; has been complied with in relation to that contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

## *SITE CHARACTERISATION*

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed) including buildings, crops,
  - livestock, pets, woodland and service lines and pipes.
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

## *SUBMISSION OF REMEDIATION SCHEME*

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan..

#### *IMPLEMENTATION OF APPROVED REMEDIATION SCHEME*

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

#### *REPORTING OF UNEXPECTED CONTAMINATION*

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition ^IN;, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition ^IN;, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition ^IN;.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

#### *Noise*

##### *INTERNAL SOUND LEVELS – RESIDENTIAL*

Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the "good" design range identified by BS 8233 1999, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance



with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise in accordance with Policy EN1 of the Local Plan.

#### *LOW FREQUENCY NOISE*

Prior to the first use of the electricity substation an acoustic report assessing the impact shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise (including low frequency noise) and vibration from the station to ensure that there is no loss of amenity to residential or commercial properties. For residential accommodation, the scheme shall ensure that the low frequency noise emitted from the substation is controlled so that it does not exceed the Low Frequency Criterion Curve for the 10 to 160Hz third octave bands inside residential accommodation as described in The DEFRA Proposed Criteria for the Assessment of Low Frequency Noise Disturbance 2005. The equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant no new plant shall be used without the written consent of the local planning authority.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise in accordance with Policy EN1 of the Local Plan.

#### *Radon (In a Radon suspected area)*

The applicant should be aware that the site is in a radon affected area with a 3-5% probability of elevated radon concentrations. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE 1999, 2001, AND 2007). If the probability rises to 10% or more, provision for further preventative measures are required in new houses. Test(s) for the presence of radon gas are recommended to be carried out. Further information can be obtained from Public Health England.

#### *Electromagnetic radiation*

The applicant must consult EDF Energy, the National Grid Company and PHE's Centre for Radiation, Chemical and Environmental Hazards to acquire information and advice that will take into account the proximity of the proposed dwellings. EDF Energy must confirm that the levels of emissions can be mitigated to an acceptable level in the dwellings and details of measures to ensure that the required levels are met must be submitted to the Council for approval. All necessary works must be carried out before the premises area occupied.

#### *Air Quality and Sustainability*

An air quality assessment (taking into account cumulative impacts from nearby committed developments), should be carried out and a mitigation strategy to minimise impacts of generated traffic on local air quality should be produced. This should include a robust Travel Plan, including measures to encourage sustainable transport modes and the use of low emission vehicles. Parking allocation should be designed in line with the above. The installation of electric

vehicle recharging infrastructure for off and on street charging should be considered.

The developer should seek all possible ways to promote sustainability.

#### **INFORMATIVES**

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

### **6.12 Maidstone Borough Council Housing**

I note that the application seeks outline planning permission for:

‘the erection of residential development for 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.’

The applicant has acknowledged in both the planning statement and the design and access statement for the need to follow the Council’s policy of 40% affordable units as stated in the adopted 2006 DPD.

Furthermore, at 4.3.7 of the planning statement, the applicant has stated that, *‘some 60% of these dwellings are anticipated to be for social rent with 40% being for intermediate accommodation such as shared ownership or discounted rent.’* Again, this is in line with what Housing would be requiring on this site.

The total development of 250 dwellings would equate to 100 affordable units. As this is an outline application the exact unit size and tenure mix is to be agreed at a future stage. However, in the design and access statement, the applicant has submitted an indicative site layout along with a suggested unit split in order to demonstrate how the land could be developed. The developer’s indicative affordable unit split is:

1 Bed units	37	37%
2 Bed units	34	34%
3 Bed units	23	23%
4 Bed units	6	6%

Although appreciating this is just an indicative unit split at present, we would consider this a good mix of unit sizes.

We would therefore welcome early engagement and consultation regarding the affordable mix, tenure and the spacing of these units, as this will affect any



proposed master plan layouts. Furthermore, we would like to be made aware at the earliest opportunity of the proposed size of the individual units and would be looking to have the vast majority of the 2 bed units to be suitable for 4 persons.

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.

### **6.13 MBC Park and leisure**

For a development of this size we would expect a minimum onsite provision of formal open space of 2.62ha (not including Green Corridors or Natural & Semi-Natural Green Spaces). The development is located within Staplehurst Ward. Staplehurst is generally underprovided for in all types of open space.

There is no set standard for minimum provision in terms of Natural and Semi Natural Open Space and Green Corridors.

A development this size will have an impact on existing areas of formal open space in the local area where no onsite provision exists. Local Areas of Equipped Play and Outdoor Sports Facilities, for example.

It is pleasing to note that the development proposes to include Allotments on site as Staplehurst currently has no provision for this type of Open Space.

We would have queries over the benefit of an on-site LEAP in terms of serving a development this size. Typically LEAP's only cover equipment for children aged 4-12 and generally of a size for developments of up to 100 homes. If the developer wishes to provide an on-site Equipped Play Area then a NEAP would be a better option, covering an age range of 4-14.

The onsite play provision would obviously depend on land layout and availability, however should a NEAP and associated teenage provision not be a viable option then an off-site contribution may be sought to cover a shortfall for the residents of the development.

The planned location of the equipped play area is also in a location not ideally central to the development which would result in other existing play areas in Staplehurst being closer to residents.

Lime Trees Open Space and Play Area will be directly adjacent to the proposed development site, whilst Surrenden Fields is approximately 0.25 miles away from the development and also adjacent to Staplehurst Primary School. It is not unreasonable to assume that residents of this proposed development would make use of these two sites for their play and recreation time.

In the light of Section 123 of the Community Infrastructure Levy (CIL) Regulations 2010 that came into force on 6<sup>th</sup> April 2015 planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

MBC Park and Leisure have assessed their request in light of Section 123 of the CIL Regulations (in terms of pooling of 5 obligations) and as a result have made the following request. MBC Parks & Open Spaces Department have confirmed that there have not been 5 pooled contributions since April 2010

towards Lime Trees, Surrenden Playing Fields. It is considered that this request pass the test of section 123 of CIL Regulation.

The Parks and Open Spaces have considered this application and would make the following comments;

The development of this size will have an impact on the existing areas of formal open space in the local area where no on site provision exists.

There is an already established area near the development site. We would recommend that the developer make an offsite contribution which can be used to improve and refurbish existing play provision at the sites known as Lime Trees, Surrenden Playing Fields.

The off site financial contribution be agreed at reserved matter stage.

We would seek per dwelling £1575.

The improvement, refurbishment and maintenance of the existing area of open space and equipped play and outdoor sport facilities at Lime Trees, Surrenden Playing Fields within Staplehurst.

## **7.0 BACKGROUND PAPERS AND PLANS**

Site Location Plan DHA/9702/01 Rev B ; Transport Assessment Statement July 2014; Flood Risk Assessment Report May 2014; Archaeological Desk Based Assessment Feb 2013; Arboricultural Survey by Tree: Fabrick, drawings tf930/TS/100 and 101Dec 2013; Ecological Survey Jan 2013 and updated report Feb 2014; Design and Access Statement May 2014; Site appraisal Report June 2024, Sustainable Design and Construction Statement August 2014, Planning Statement June 2014 and Statement of Community Involvement June 2014, Indicative Master Plan Drawing DHA/9702/04.

## **8.0 APPRAISAL**

The main issues for determination are-

- Principle of the development;
- Highway and traffic impacts,
- Visual impact and landscape
- Heritage assets,
- Impact on local Ecology;
- Flood Risk Surface Water and Foul Drainage,
- sustainability,
- Affordable housing and infrastructure contribution;

### **Principle of the development**

- 8.01 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.
- 8.02 The application site is mainly located in the countryside outside the defined settlement boundary of Staplehurst.
- 8.03 The saved policy ENV28 of the Maidstone

Borough-wide Local Plan 2000 is a material consideration which states:-

“In the countryside planning permission will not be granted 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.”

- 8.04 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.

- 8.05 The Reg 18 Maidstone Local Plan is a material consideration. In this plan, the application site is included as a residential allocation through Policy H1(36).

This refers to several important aspects to be taken into account notably

Design and layout by retention and enhancement of hedges and trees along the northern and western boundaries, application of high quality landscaping and screening of the electricity sub-station.

That primary access to the site to be from Marden Road, secondary or emergency access from Lodge Road, Pedestrian and cycle link to the industrial estate and railway station, cycle and pedestrian linkage to the existing residential areas and the village centre.

Phase 1 ecological survey, Water quality and flooding assessment, Noise assessment, open space provision Highway impact assessment and mitigation provision and contribution towards Community infrastructure.

The need for high-quality design and layout that responds positively to the site, preserves the significance of the heritage assets affected, and addresses the potential isolation of the site from existing communities.

- 8.06 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). Subsequent to this, the objectively assessed housing need was revised downwards to 18,600. This figure, which is based on central government population projections based on 2011 census data, was reported to, and accepted by, Cabinet on 10th September 2014.

- 8.07 In April 2013 when most recently calculated, the Council had a two year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings (at that time). Even when considered in light of the reduction in the assessed housing need and the housing permissions granted since that date, the Council remains in the position of being unable to demonstrate a 5 year housing land supply.
- 8.08 This lack of a five year supply is a significant factor and paragraph 49 of 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 settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. This position has been reflected in recent appeal decisions issued since the publication of the NPPF. In this policy context, the presumption in favour of sustainable development identified in paragraph 14 of the NPPF 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.
- 8.09 With respect to this case, the application site is located adjacent to the settlement boundary of Staplehurst which is identified as a Rural Service Centre (RSC) in the draft Local Plan under draft policy SP3, providing a range of key services including a school, shops, restaurants, doctors surgery and good public transport including rail link and bus service.
- 8.10 RSC's are considered the most sustainable settlements in Maidstone's settlement hierarchy, as set out in the draft Local Plan, outside of the town centre and urban area. They have been identified as such for their accessibility, potential for growth and role as a service centre for surrounding areas. 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".
- 8.11 It is considered that the application site is in a sustainable location in the context of the NPPF and draft Local Plan. The land is also classified as grade 3b moderate quality land.
- 8.12 The Parish Council has made reference to the on-going Local Plan and Neighbourhood Plan and that this application is premature and should not be considered in advance of the completion of that work. The Local Plan will be out for public consultation in due course. The Neighbourhood Plan although has been through public consultation it is being revised and has not being though public examination as yet and there are still a number other stages that the neighbourhood plan needs to go through which will take some while yet; as such it is considered that limited weight should be afforded to it. Therefore in view of the stage at which these plans are and likely timescales for their 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.
- 8.13 It is considered that in the light of the allocation of this site in the Reg 18 Local Plan and the NPPF advice regarding the short fall of 5 years housing land

supply and that the site is adjacent to an existing service centre and in a sustainable location the principle of the proposed development is acceptable.

### **Highway and traffic impacts**

- 8.14 The issue of access to the site is to be decided at this stage. A Transport Assessment statement has been submitted with the application which has been considered by KCC Highway Services. It is proposed that vehicular access to the site would be from Marden Road.
- 8.15 To encourage less reliance on cars, cycle and pedestrian links are proposed through the industrial estate to the rail way station and from the south via Marden Road to the rest of the village services.
- 8.16 KCC Highway consider the measures proposed as mentioned in 6.09 above including traffic calming along Marden Road and the 30 mph speed limit to be acceptable.
- 8.17 Concern has been expressed by the parish and local residents about additional pressure on the junction of Marden Road with A229 and potential congestion. In response to this issue Maidstone Borough Council has commissioned a capacity assessment of the junction and design consideration and preparation in response to potential increase in traffic and demand. This work is currently being carried out by consultant and the findings will inform the changes required and potential cost associated with the works need to be carried out.
- 8.18 KCC highway has also suggested that additional car parking and cycle storage provision be made available at the railway station. It is considered that although this would enhance cycle rack and car parking provision at the station, the station is outside the control of the applicant and the highway authority and as such this cannot be dealt with either as part of section 106 or planning condition. It is advised that an informative be added to any permission asking the applicant to seek the station management support in this regard.
- 8.19 KCC highway Services are recommending a series of measures that are outside the application site and these measures would have to be carry out under section 278 of the Highway Act and these would form part of a section 106 legal agreement.
- 8.20 The application site is considered to be in a very sustainable location with good access to public transport and essential services; on that overall basis, the impacts of the proposal in trip generation terms will be mitigated to an acceptable degree. Again, it is important to view objections on this count in the context of the allocation of the site for housing in the Reg 18 LP.
- 8.21 The issue of car parking provision, street layout and access to the site by service vehicles will be considered in detail at reserve matters stage.

### **Visual Impact and landscape**

- 8.22 The site is situated on the western edge of Staplehurst settlement where the countryside meets urban edge and residential pockets have encroached onto

the countryside. Properties surrounding the application site comprise a mixture of large industrial buildings and predominately two storey houses. The Development along the southern boundary fronting Marden Road is linear in character where two and single storey houses and hedge row gaps shape the road frontage. The western boundary of the site comprises open farm land subdivided to smaller fields enclosed by tall hedge and trees.

- 8.23 Views into the application site from the north are limited to the passengers of the passing trains. A wide buffer area separates the rail way track from the edge of the application site. This buffer although not within the application site provides opportunity for landscaping and softening of the northern edges of the development.
- 8.24 From the east the development would be visible to some of the properties in Lime Tree, Marfield, Further Field, Green Hill and Lodge Road that border the application site. Likewise views from the south would be limited to those bordering the application site and front Marden Road. These views would change substantially from open countryside and farm land to urban form and housing estate.
- 8.25 The application site has 76m wide frontage with Marden Road which is currently enclosed by 1.5m high boundary hedge. This frontage will be altered by introduction of a new vehicular access and houses; as a result countryside backdrop views will be replaced by an urban environment, when viewed from the south.
- 8.26 Countryside views and the farm land setting of Hen and Dockhurst Farm listed buildings towards north and west would also be lost if the submitted indicative master plan is pursued ( impact of the proposal on heritage asset is discussed below).
- 8.27 Views from Clapper Lane and the west towards the application site would be extremely curtailed by existing substantial hedge rows, trees and large buffer amenity area. The indicative layout plan shows that the applicant intends to provide allotments along northwest corner and a large amenity area along the western boundaries of the application site. These designated open space areas would act as a formal landscaped buffer area between the new urban edge and the countryside to the west and as such it is considered that the development would not be visible from longer distances.
- 8.28 Moreover, due to natural contour of the land and presents of hedgerows and trees long range views to the site from the west would be very limited and in fact not much different from the current situation provided the height of the buildings in the proposed development is confined to no more than two storey plus roof height.
- 8.29 The impact of the re-alignment of Marden Road and introduction of a new vehicle access would undoubtedly have a visual impact on the immediate area. However, as part of reserved matters pursuant to landscaping condition, landscaping would be used to enhance the new junction and views from the south (subject to suitable visibility splays).
- 8.30 Whilst the proposed development would change the character of the site, there would not be greater visual harm to the character and appearance of the area. As such it is consider that the general principle of development of this



site to be acceptable in relation to the visual change to the site and the development of this site represents an extension to the urban boundary and would constitute modest urban extension and infill development of houses further west on Marden Road.

### **Heritage assets**

- 8.31 The application site is subdivided by substantial hedgerows trees. There is also a complex of ex farm buildings just outside the application site boundary that are Grade II listed and are known as at Hen and Duckhurst Farm buildings.
- 8.32 The council conservation officer has objected to the development of the application site due to the loss of the setting of the Hen and Duckhurst Farm Grade II Listed Buildings.
- 8.33 The proposed new development would inevitably have a visual impact on the setting of Hen and Duckhurst Farm listed buildings which currently benefits from unobstructed views to the north and west across the site.
- 8.34 The Conservation Officer is of the opinion that the development would result in harm to the significance of these designated heritage asset. The proposed development would undoubtedly have a visual impact on the setting of the grade II listed building, however in my view, the level of harm would be less than substantial, therefore this needs to be weighed against any public benefit arising from the proposals in accordance with the tests set out in the NPPF.
- 8.35 The application is in outline and details of layout are reserve matters for future consideration. However, an indicative layout plan has been submitted that shows the applicant's intentions. The estate layout shows the houses would be close to the northern boundary of the listed building and as such the farm land and open space that forms part of the setting of the listed buildings would be developed for housing and access road.
- 8.36 Although the submitted layout plan is not for approval; to reduce the impact of the development on the setting of the heritage asset listed building and in compliance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that imposes a duty on the decision-maker to pay special regard to the desirability of preserving the setting of the listed buildings, it is recommended that an area of public open space is proposed directly to the north of Hen and Duckhurst Farm buildings in order to help to preserve the character, appearance and setting of the listed building and to reduce harm to the setting of the listed building. This can be incorporated in to the term of the reserved matters conditions.
- 8.37 It is considered that subject to the above provision of amenity land the proposed development would have an acceptable impact on the setting of Hen and Duckhurst Farm buildings due to the separation distance between the site and these heritage properties.
- 8.38 It is therefore considered that the significant public benefits arising from the additional 250 houses would, in my view, outweigh the limited harm to the setting of this group of buildings and in particular 17<sup>th</sup> century grade II listed building.

### **Impact on local Ecology**

- 8.39 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.
- 8.40 The KCC Ecology officer has confirmed that there is no objection to the development subject to conditions regarding Ecological Design Strategy and a Landscape and Ecological Management Plan. It is also expected that the applicant to demonstrate funding arrangement for the implementation, up keep and management of the designated ecology schemes and areas. The issue of funding and long term management will be addressed though long term maintenance and management of the landscaped areas, SUDS, ponds and swales. Funding for long term management of these areas will be secured by an appointed management company through a levy against each dwelling on site. It is considered that subject to the above mentioned conditions the development would be acceptable.
- 8.41 It is important to note that this application is in outline and landscaping, appearance and design are reserved matters and will be subject to planning conditions for submission later. It is considered that the reserved details would include details regarding swift brick and ecological protection measures for consideration by the Council.

### **Flood Risk, Surface water and Foul Water Drainage**

- 8.42 The NPPF requires that when determining planning applications, local planning authorities should ensure flood risk is not increased and measures should be taken to reduce the overall level of flood risk resulting from the development and the development should introduce through the layout and appropriate use of Sustainable Urban Drainage (SUDs) to deal with drainage issues.
- 8.43 The site is in zone 1 and not within a high risk flood area as identified by the Environment Agency; however a Flood Risk Assessment report (FRA) has been submitted for this major housing development.
- 8.44 The FRA is proposing a sustainable drainage system which utilises permeable paving with a porous sub base for all roads, car parking and drives areas. The drainage system will also make use of the existing ponds on the site. As this application is an outline, the detailed design for the development is not provided at this stage but the preliminary design works submitted indicate that a SUDs system will be used to accommodate the 1 in 115 year rainfall event with a 30% allowance for climate change.
- 8.45 The Environment Agency raise no objection to the proposal, subject to a condition requiring a surface water drainage scheme to be submitted for approval by LPA.
- 8.46 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.

8.47 To facilitate the development there will be a requirement to either upgrade the local network or requisition a new sewer to the point at which capacity is available. Assessment has shown that capacity is available at the existing waste water treatment works which is located approximately 780m to the northeast of the development site.

8.48 According to the applicant FRA report Southern Water has provided three potential options to upgrade the local network to provide the necessary capacity; these are as follows:-

- 1- Connection in Lodge Road.
- 2- Connection in Further Field Road
- 3- Connection in Marden Road

Following consideration of the above three options applicant has it is considered connection to Lodge Road would cause minimal disruption and is the most favoured option. The upgrade works in this option are as follows:-

The upgrade of 325m of 150mm diameter sewer to 225mm diameter, 208m of 225mm diameter sewer to 300mm and 40m of 300 diameter sewer pipes to 375mm diameter. This is considered the most direct route and follows wide industrial standard road which provides the necessary capacity.

8.49 Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested. Request that an informative setting out the need for the applicants to enter into formal agreement with them should be attached to any formal grant of planning consent. Also to ensure that the necessary foul water infrastructure measures are in place before the proposed dwellings are occupied it is considered appropriate to add a planning condition accordingly.

## **Sustainability**

8.50 The application site is situated just on the edge of settlement of Staplehurst which has essential services like school, doctor surgery, restaurant, shops, etc as well as is within walking distance of rail way station and bus service and as such it is considered that the application is in a most sustainable location for housing development.

## **Affordable housing**

8.51 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 seeks 40% delivery of affordable housing on this site.

8.52 The application proposes the provision of 40% affordable units; (equates up to 100 dwellings) as this is an outline application with only access under consideration at this stage, the breakdown of the proposed units is reserved for future consideration. MBC Housing has reviewed the application and welcomes the proposed amount of affordable units proposed in this development.

- 8.51 KCC also have request delivery of 5 Wheelchair Accessible Homes within the affordable housing on site. This can be added to the heads of terms.

### **Infrastructure contribution**

- 8.52 The Planning obligations have been considered in accordance with the legal tests set out in section 122 and 123 (that came into force on 6<sup>th</sup> April 2015) of Community Infrastructure Levy Regulations 2010 in that they are necessary to make the development acceptable.  
These tests have been duly applied in the context of this planning application and give rise to the following specific requirements.
- 8.53 It is considered that the proposed development would place extra demand on the local services and facilities and it is important to ensure that the development can fit in the local community the following contributions have been sought in line with the Council's policy CF1 of the Local Plan and the 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.
- 8.54 A number of contributions to be secured through the application. It is important that any contributions that are secured through a Section 106 agreement would meet the requirements of the three tests of Regulation 122 and 123 of the CIL Regulations 2015 and paragraph 204 of the NPPF 2012.
- 8.55 The following Contributions have been sought:-
- Primary Education @ £14,286 (new build) and £3184.60 (land acquisition) per additional pupil (x44) = £768,706.40 towards the Phase 1 of the Headcorn Primary School new expansion and site enlargement.
  - Secondary education @ £11,799 per additional pupil (x41) = £487,888.65 towards the expansion of Cornwallis school
  - Library bookstock £12,003.95 - project: bookstock for the new residents of this development alone (supplied to Staplehurst Library)
  - Youth equipment £2110.58 - required for the new residents of this development alone (supplied to Youth Workers and organisations covering Staplehurst)
  - On site opens space and allotment area no less than 4.66 hectares shall be provided and off site financial contribution shall be provided toward improvement or upgrade of facilities at Lime Trees, Surrenden Playing Fields. The final amount to be clarified by officers.

Developer contribution is also sought by KCC highway services towards engineering works to improve capacity of junction of Marden Road and A229.

In addition KCC highways has sought following highway works mentioned above as part of a section 278 highway condition.

1. Provision of pedestrian and cycle links via Further Field and Marlfield to the Staplehurst rail way station to be provided from the existing residential development to the east of the application
2. A link for vehicular traffic through the development site towards Lodge Road is to be safeguarded.
3. Bus boarders are to be provided at two relevant bus stops.
4. Parking provision is to be provided in accordance with IGN3
5. Traffic calming is to be provided along Marden Road and the 30 mph speed limit is extended.
6. A pedestrian and cycle crossing is required on Marden Road to ensure safe access to the village centre from the site.

## **9.0 Other matters**

### **Benefits**

- 9.01 Paragraph 47 of the Framework highlights the need for the supply of housing to be boosted significantly. It is accepted that the Council cannot demonstrate a five-year supply of deliverable housing sites and that there is a significant and serious shortfall of housing when tested against the Council's proposed housing target. There is also a rising and substantial need for affordable housing in the Borough. Against this background, the provision of up to 250 houses, with up to 40% (100 houses) of those affordable homes, is a matter that attracts significant weight in favour of the proposal.
- 9.02 Moreover, paragraphs 18 and 19 of the Framework are very clear that the Government is committed to securing economic growth in order to create jobs and prosperity and to ensuring the planning system does everything it can to support sustainable economic growth. The proposal will generate construction jobs and economic activity. In the longer term, as the site is occupied, residents will add to local spending levels and help to boot local economy.

### **The Balancing Exercise**

- 9.03 There would be traffic generated by the proposal, and pressure placed on existing facilities, but all this would be mitigated to a significant degree by the various measures set out above.
- 9.05 The proposal would have an adverse impact in landscape terms, and on the setting, and thereby the significance, of the listed buildings at Hen and Dockhurst Farm, The latter factor is one that attracts considerable importance

and weight in the balancing exercise. However, it is important to acknowledge that considerable importance and weight is not the same as overriding importance and weight.

- 9.06 The provision of new open-market and affordable houses and the associated economic activity are very weighty matters in economic and social terms. Notwithstanding that considerable importance and weight must be attached to the harmful impact on the setting of the listed buildings affected, in my view, the adverse impacts of the proposal, considered in their totality, do not come close to significantly and demonstrably outweighing the benefits, when assessed against the policies of the Framework considered as a whole. On that basis, the proposal benefits from the presumption in favour of sustainable development.
- 9.07 In spite of a number of contacts with NHS Properties they failed to submit any section 106 developer request.

## **10.0 CONCLUSION**

- 10.01 Development at this site would extend the urban boundary of Staplehurst further to the west and would infill the space between the urban area and the more sporadic development to the west of the site. The development would provide 250 new dwelling houses of which 40% would be affordable housing.
- 10.02 Whilst the development would have an impact upon the setting of the listed buildings of Hen and Duckhurst Farm buildings it is not considered that this would be a significant impact to resist development altogether. In addition to this, the need to provide sites suitable for housing holds significant weight which outweighs this harm. The site is situated in a sustainable location where there are very good public transport facilities (train and bus service) as well as a number of other services and facilities. The development would conform to the aspirations of the NPPF.
- 10.03 The proposed development due to its countryside location is contrary to policy ENV28 of the local plan. However, because of lack of 5 years housing land supply NPPF states that planning applications for housing development should be considered in the context of presumption in favour of sustainable development and policy ENV28 should be considered as out of date and not grounds for refusal.
- 10.04 It is therefore considered that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 agreement planning permission is granted.

- 11.0 **RECOMMENDATION** – GRANT Subject to a section 106 legal agreement and the following conditions:

The Head of Planning be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out in the report and to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the followings:

- A: The provision of 40% (equated to 100) affordable housing.
- At least 5% of the affordable units should be designed to provide Wheelchair Accessible Homes.
- B: Contribution towards highway works at the junction of the A229 (Station Road) and Marden Road to mitigate the impact of the development (final amount to be clarified by officers)
- C: Secure the following developers' contributions:
- Primary Education @ £14,286 (new build) and £3184.60 (land acquisition) per additional pupil (x44) = £768,706.40 towards the Phase 1 of the Headcorn Primary School new expansion and site enlargement.
  - Secondary education @ £11,799 per additional pupil (x41) = £487,888.65 towards the expansion of Cornwallis school
  - Library bookstock £12,003.95 - project: bookstock for the new residents of this development alone (supplied to Staplehurst Library)
  - Youth equipment £2110.58 - required for the new residents of this development alone (supplied to Youth Workers and organisations covering Staplehurst)
  - On site open space and allotment area no less than 4.66 hectares shall be provided and off site financial contribution shall be provided toward improvement or upgrade of facilities at Lime Trees, Surrenden Playing Fields. The final amount to be clarified by officers.
- D Grant planning permission subject to the imposition of the conditions set out below:
- 1) Details of appearance, layout, scale and landscaping, (the reserved matters) for any phase shall be submitted to and approved in writing by the local planning authority before any development begins on that phase. Development shall be carried out in accordance with the approved details.
- The layout reserved matters details shall ensure that at least .04 Ha of the to the north and west of the Hen and Duck Farm listed buildings is set aside as an open space or structural open space as part of a deliberate strategy to minimise so far as possible harm to the setting of the listed buildings.
- The landscaping reserved matters details shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 12 months from the date of this permission.

3) The development hereby permitted shall begin no later than 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.

4) The development hereby permitted shall be carried out in accordance with the following approved plan: Site Location Plan DHA/9702/01 Rev B

Reason: To ensure that the location of vehicular access is defined.

5) No development shall take place until a Scheme of Phasing has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Scheme of Phasing.

Reason: To ensure that the development is carried out in a satisfactory manner and in compliance with NPPF advice regarding good design.

6) Prior to the commencement of each phase of development as approved under Condition 5 an Interim Certificate of Compliance with the Code for Sustainable Homes for that phase shall be submitted to and approved in writing by the local planning authority. The certificate shall demonstrate that the development within that phase will attain a minimum standard of Code Level 4. The development shall be carried out only in accordance with the details the subject of the certificate and prior to occupation of each dwelling a Code for Sustainable Homes Post Construction Stage Review is to be completed by an independent licensed Code of Sustainable Homes assessor demonstrating that the dwelling is expected to achieve Code Level 4. The results of the review must be submitted to the local planning authority in writing.

Reason: In the interests of sustainability and in compliance with NPPF.

7) Prior to the commencement of development of each phase of development as agreed under condition 5 of this permission, no development shall commence (in relation to that specific phase being pursued) until a materials schedule detailing the types and colours of external materials to be used, including colour of mortar and windows, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

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

8) No development shall take place until full details of both hard and soft landscaping for the site have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include existing and proposed contours and finished ground levels and structures (e.g. street furniture, refuse or other storage units, signs, lighting etc.). Soft landscaping details shall include planting plans; written specifications (including



cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. Development shall be carried out in accordance with the approved details. The scheme shall include full details of all proposed boundary treatments and shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

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

9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of any of the dwellings hereby permitted, or completion of development, whichever is the sooner. 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.

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

10) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas allotment other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. The landscape management plan shall be carried out as approved.

Reason: In the interest of residential and visual amenity of the area.

11) Prior to the commencement of any development, a scheme for the protection of trees and hedges to be retained on site shall be submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and or ground protection in accordance with BS5837 (2012) "Trees in relation to Construction Recommendations". No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barrier and/or ground protection measures shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed nor fires lit, within any of the area protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground level changed, nor excavations made within these area without the written consent of the Local Planning Authority.

Reason: To Safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in compliance with National Planning Policy Framework 2012.

12) Prior to the commencement of each phase of development as agreed under condition 5 of this permission, no works (in relation to that specific phase being pursued) shall take place until a measured survey of that phase has been undertaken and a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground levels and finished floor levels in relation to a nearby datum point which shall be submitted to and approved in writing by the local planning authority. The development shall be completed and thereafter retained in accordance with the approved details.

Reason: In the interests of visual and residential amenities of the area.

13) Prior to the commencement of each phase of development as agreed under condition 5 of this permission, no works (in relation to that specific phase being pursued) shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall make provision for arrangements during the period up until the last dwelling is completed and shall include details of:

- a) A programme for the phasing of work to construct the development, including the roads, landscaping and open space;
- b) The location of temporary site buildings, compounds and areas used to store plant and materials;
- c) Arrangements for the routing, turning and access of lorries into the site;
- d) Arrangements for the parking of vehicles of site operatives and visitors;
- e) Measures to control emissions of dust and dirt that take account of Best Practice Guidance on The Control of Dust and Emissions from Construction and Demolition, 2006 (London Authorities);
- f) Measures to control and mitigate noise and vibration from construction activities, including piling;
- g) Arrangements for the storage, collection and disposal of waste;
- h) Measures to prevent mud and dust being deposited on the highway;
- i) The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing;
- j) Temporary lighting; and
- k) Noise generating plant.

Development shall take place in accordance with the approved plan.

Reason: In the interests of residential amenities of the area

14) Prior to the commencement of each phase of development as agreed under condition 5 of this permission, no works (in relation to that specific phase being pursued) shall take place until details of a scheme to address risks associated with contamination of the site and mitigation shall be submitted to and approved in writing by the local planning authority. Those details shall

include:

- i) Assessment of radon affect and mitigation measures;
- ii) Assessment of electromagnetic radiation from the electricity sub-station and mitigation measures;
- iii) An acoustic assessment in respect of noise from Railway line to the north and noise from the electricity sub-station to the south and mitigation measures;
- iv) An Air quality assessment and submission of a mitigation strategy;



The approved mitigation measures shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenities of the area

15) If during the course of development of each phase approved under condition 5, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: In the interests of amenities of the future occupiers of the dwellings.

16) Prior to the commencement of development of each phase as agreed under condition 5 of this permission, an archaeological investigation of the phase shall be carried out comprising:-

- i historic landscape survey and assessment in accordance with a specification and written timetable which has been submitted to
- ii following on from the survey and assessment, any safeguarding measures to ensure and approved by the Local Planning Authority; and preservation in situ of important historic landscape features and/or further historic landscape recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure appropriate assessment of the historic landscape implications of any development proposals and the subsequent mitigation through preservation *in situ* and integration into main development scheme or preserved by record.

17) Prior to the commencement of development of each phase as agreed under condition 5 of this permission, an archaeological investigation of the phase shall be carried out to secured the implementation of:-

- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii following on from the evaluation and assessment, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation *in situ* or by record.

18) Prior to the commencement of development of each phase as agreed under condition 5 of this permission, an ecological design strategy (EDS) addressing ecological mitigation and enhancement of each phase in the context of wider site shall be submitted to and approved in writing by the local planning authority. The EDS shall include the following,

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints, informed by further survey effort as appropriate.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives (may be provided as a set of method statements). Incorporation of birds and bats boxes and swift bricks in the fabric of houses and on trees within the landscaped areas.
- d) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- e) Extent and location/area of proposed works on appropriate scale maps and plans.
- f) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- h) Persons responsible for implementing the works.
- i) Details of initial aftercare and long term maintenance.
- j) Details for monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details unless varied by a European Protected Species licence subsequently issued by Natural England. In the interests of securing the maximum benefit for biodiversity any variation of the agreed mitigation required by Natural England must not result in the reduction in the quality or quantity of mitigation/compensation provided and all features shall be retained in that manner thereafter.

Reason: In the interest of biodiversity and local ecology and in compliance with NPPF.

19) Prior to the commencement of development of each phase as agreed under condition 5 of this permission, a Landscape and Ecological Management Plan for each phase in the context of wider site shall be submitted to and approved in writing by the local planning authority. The Landscape and Ecological Management Plan shall include the following,

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation 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 prescriptions for achieving aims and objectives.
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- f) Details of the body or organisation responsible for implementation of the plan.
- g) On-going 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.

20) No development shall take place until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

21) The development hereby permitted shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Southern Water”.

Reason: To ensure that foul and surface water is satisfactorily managed and disposed off from the site.

22) None of the houses hereby permitted shall be occupied until provision of Superfast Fibre Optic Broadband ‘fibre to the premises’ to all buildings of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings. Also underground ducts have been installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles, satellite dishes and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting that Order), no distribution pole satellite dish or overhead line shall be erected within the site area.

Reason: To avoid visual harm to the character of the area.

23) During the construction and fitting out of the development hereby permitted, there shall be no burning of waste material on the site.

Reason: In the interests of amenities of the occupiers of surrounding properties.

24) During the construction period, no construction or deliveries to the site shall take place on Sundays or Bank Holidays or outside the following times:

0800 to 1800 on Mondays to Fridays; and 0900 to 1300 on Saturdays.

Reason: In the interests of amenities of the occupiers of surrounding properties.

25) No development shall take place until full details of the vehicular access and emergency access have been submitted to and approved in writing by the local planning authority. The details shall include footway and verge crossings; visibility splays; and three-dimensional representations. No dwelling shall be occupied until the means of access have been constructed in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of Highway safety.

26) The roads and footways within the development shall be constructed and finished in accordance with a programme that has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until it has a direct connection with an existing highway.

Reason: In the interests of highway safety and residential amenities.

27) No dwelling shall be occupied until highway works agreed under section 278 of the 1980 Highway Act have been implemented in full to the satisfaction of the Local Planning and Highways Authorities. These works comprise:

1. Pedestrian and cycle links to be provided to the existing residential development to the east of the application site via Further Field and Marlfield.
2. A link for vehicular traffic through the development site towards Lodge Road is to be safeguarded.
3. Bus boarders are to be provided at two relevant bus stops.
4. Parking provision is to be provided in accordance with IGN3
5. Traffic calming is to be provided along Marden Road and the 30 mph speed limit is extended.
6. A pedestrian and cycle crossing to be provided on Marden Road to ensure safe access to the village centre from the site.

#### Informatives

1) Applicant is strongly advised that details pursuant to condition 21 be considered prior to or in conjunction with, approval of road and housing layout to ensure the optimum space can be allocated for storage and conveyance of storm runoff using sustainable drainage techniques

2) 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](http://www.southernwater.co.uk)

Case Officer: Majid Harouni

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.

1. Amend Recommendation

Amend Sub heading B

- B: A contribution towards highway works at the junction of the A229 (Station Road) and Marden Road to mitigate the impact of the development (The amount to be finalized by the Head of Planning and Development acting under delegated powers)

2. Add a new sub heading C

- C. A contribution towards improvement and enhancement of vehicle and cycle parking provision at the railway station development (The amount to be finalized by the Head of planning and Development acting under delegated powers).

3. Change existing sub heading C with new sub heading D

- D. Secure the following developer's contributions based on a pro rata assessment of the exact number of dwellings proposed at the Reserved Matters stage.
- Headcorn Primary School construction 40.65 pupils from HDF @ £14,286 per pupil = £580,725.90
  - Headcorn Primary School land acquisition 40.65 pupils from HDF @ £3184.60 per pupil = £129,453.99
  - Secondary education @ £11,799 per additional pupil (x41) = £487,888.65 towards the expansion of Cornwallis school
  - Library bookstock £12,003.95 - project: bookstock for the new residents of this development alone (supplied to Staplehurst Library)
  - Youth equipment £2110.58 - required for the new residents of this development alone (supplied to Youth Workers and organisations covering Staplehurst)

On site opens space of (open space areas should be mixture of formal and semi natural areas and allotment areas) no less than 4.66 hectares shall be provided

- Financial contribution of £613.02 per dwelling is sought toward improvement or upgrade of facilities at Lime Trees, Surrenden Playing Field. (The amount to be finalized by the Head of Planning and Development acting under delegated powers)

4. Add a new sub heading E

- E. A management company to be appointed by the developer to be responsible for on-going maintenance of the public open space.

The management company shall submit to and obtain the writing approval of the Local Planning Authority to the details required under sub section E.1 and E.2 below.

E1- Prior to the commencement of development of each phase as agreed under condition 5 of this permission, an Ecological Design Strategy (EDS) addressing ecological mitigation and enhancement of each phase in the context of wider site shall be submitted to and approved in writing by the local planning authority. The EDS shall include the following,

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints, informed by further survey effort as appropriate.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives (may be provided as a set of method statements). Incorporation of birds and bats boxes and swift bricks in the fabric of houses and on trees within the landscaped areas.
- d) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.
- e) Extent and location/area of proposed works on appropriate scale maps and plans.
- f) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- h) Persons responsible for implementing the works.
- i) Details of initial aftercare and long term maintenance.
- j) Details for monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details unless varied by a European Protected Species licence subsequently issued by Natural England. In the interests of securing the maximum benefit for biodiversity any variation of the agreed mitigation required by Natural England must not result in the reduction in the quality or quantity of mitigation/compensation provided and all features shall be retained in that manner thereafter.

E2- Prior to the commencement of development of each phase as agreed under condition 5 of this permission, a Landscape and Ecological Management Plan for each phase in the context of wider site shall be submitted to and approved in writing by the local planning authority. The Landscape and Ecological Management Plan shall include the following,

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation 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 prescriptions for achieving aims and objectives.
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

- f) Details of the body or organisation responsible for implementation of the plan.
- g) On-going 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.

5. Change existing sub heading D with new sub heading F

6. Amend condition 4

The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan DHA/9702/01 Rev B and drawing site access round about T0191/SK01 RevP4 forming part of Appendix E of Transport assessment report.

Reason: To ensure that the location of the vehicular access is defined.

7. Amend condition 13

Prior to the commencement of each phase of development as agreed under condition 5 of this permission, no works (in relation to that specific phase being pursued) shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall make provision for arrangements during the period up until the last dwelling is completed and shall include details of:

- a) A programme for the phasing of work to construct the development, including the roads, landscaping and open space;
- b) The location of temporary site buildings, compounds and areas used to store plant and materials;
- c) Arrangements for the routing, turning and access of lorries into the site;
- d) Arrangements for the parking of vehicles of site operatives and visitors;
- e) Measures to control and mitigate noise and vibration from construction activities, including piling;
- f) Arrangements for the storage, collection and disposal of waste;
- g) Measures to prevent mud and dust being deposited on the highway;
- h) The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing;
- i) Temporary lighting; and
- j) Noise generating plant.

Development shall take place in accordance with the approved plan.

Reason: In the interests of residential amenities of the area



8. Delete conditions 18 and 19

9. Change numbering of conditions 20, 21 and 22

To conditions 18, 19 and 20 respectively

10. Amend new Condition 18

No development shall take place until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details prior to first occupation of the dwellings.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

11. Amend new condition 19

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

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

12. Amend new Condition 20

Underground ducts shall be installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles, satellite dishes and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting that Order), no distribution pole satellite dish or overhead line shall be erected within the site area.

Reason: To avoid visual harm to the character of the area.

13. Delete new condition 21

14. Change the numbering of conditions 22, 23, 24 and 25

To: 21, 22, 23 and 24 respectively.

15. Additional condition

The following additional conditions to be added;

- 25) Cordwood above 20cm in diameter from the site should be retained and placed within the site in locations and quantities to be agreed with the local planning authority prior to any tree felling take place.

Reason: In the interests of biodiversity and ecological enhancement in compliance with NPPF.

- 26) Within 6 months of the occupation of the 50<sup>th</sup> dwelling house the public open space shall be accessible to the public as opens-space and is maintained as such.

Reason: In the interests of amenities of the prospective residents of the development.

16. Add additional informative

Informative

During the construction and fitting out of the development hereby permitted, there shall be no burning of waste material on the site.

**Recommendation:**

**My recommendation remains unchanged, subject to the amendment set out above.**

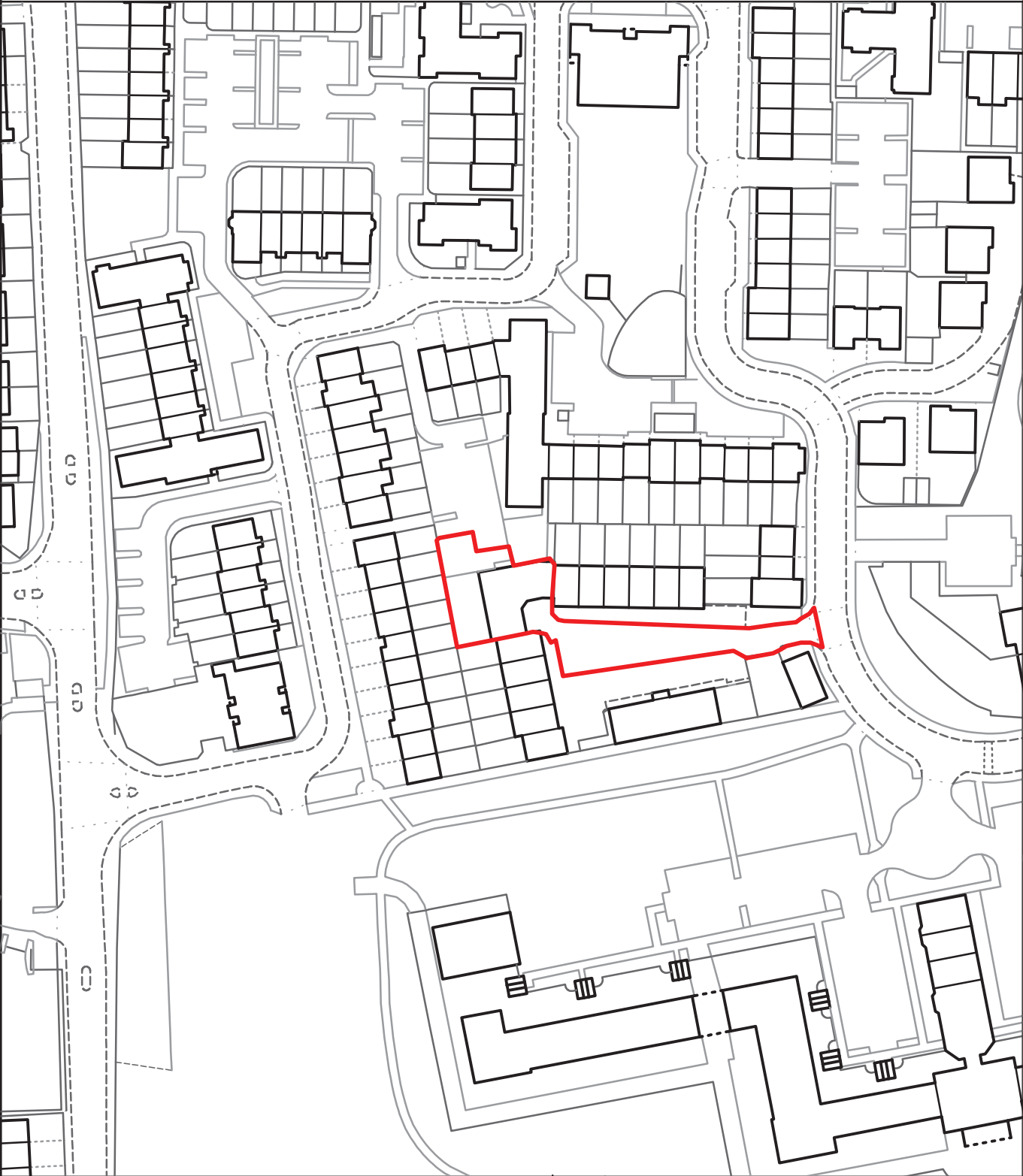


# Agenda Item 18

## THE MAIDSTONE BOROUGH COUNCIL

Detling House  
Burdock Court  
Maidstone  
Kent  
ME16 0GJ

MBC Ref: 14/502593



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**Rob Jarman**  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO -</b> 14/502593/FULL		
<b>APPLICATION PROPOSAL</b> Creation of 2(no) self contained flats including insertion of dormer windows and associated works and creation of 2 additional parking spaces.		
<b>ADDRESS</b> Detling House, Burdock Court, Maidstone, Kent, ME16 0GJ		
<b>RECOMMENDATION -</b> Permit		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Councillor Vizzard has requested the application be reported to Planning Committee.		
<b>WARD</b> Heath Ward	<b>PARISH COUNCIL</b> N/A	<b>APPLICANT</b> Mr Douglas Marr <b>AGENT</b> Jim Guest Design Ltd
<b>DECISION DUE DATE</b> 24 <sup>th</sup> June 2015	<b>PUBLICITY EXPIRY DATE</b> 11 <sup>th</sup> June 2015	<b>OFFICER SITE VISIT DATE</b> 28/11/14
<b>RELEVANT PLANNING HISTORY:</b>		

MA/14/0485 – Creation of 2 self-contained flats including insertion of dormer windows and associated works – Refused

MA/06/2167 - Alterations to existing block of flats to provide additional 2 flats in roof space including installation of 4 dormer windows – Approved with conditions

MA/06/0817 - Alterations to existing block of flats to provide additional 2 flats in roof space, including 2 dormers on east and 2 dormers on north elevations (resubmission of MA/05/2377) - Refused

MA/05/2377 - Alterations to existing block of flats to provide additional 2 bedroom flats in roof space - Refused

MA/96/0629 – Outline application for redevelopment of site comprising demolition of unlisted buildings on site; the conversion of St. Andrew's House for residential purposes; erection of up to 498 dwellings – Approved with conditions

### Harrietsham House, Burdock Court

14/502595 - Creation of 2 self-contained flats with creation of parking – Approved with conditions

MA/14/0483 – Creation of 2 self-contained flats including insertion of dormer windows and associated works – Refused

## 1.0 Relevant policy

- Development Plan:
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Draft Local Plan: SP2
- SPG4 – Kent Vehicle Parking Standards (July 2006)
- Kent Design Guide Review: Interim Guidance Note 3 (November 2008) – Residential Parking

## **2.0 Consultation responses**

2.01 Councillor Vizzard called the application into Planning Committee given local resident interest.

2.02 **KCC Highways:** Raise no objection.

## **3.0 Neighbour representations**

3.01 Several representations had been made by 17 interested parties for this application raising concerns over parking provision and traffic generation and highway safety; visual amenity; loss of privacy; loss of amenity space; ownership; access to bin store; and disturbance during construction works. A petition (34 signatures) was also submitted.

3.02 Since the amended parking provision was submitted on drawing no. 04/14/6 received 11<sup>th</sup> May 2015 no neighbour representations have been received.

## **4.0 Site description**

4.01 'Detling House' is a two storey corner block of apartments located in the north-western corner of Burdock Court, accessed from Tarragon Road. Properties in Marigold Way are to the west of the site; there is a parking area to the immediate north; and to the south and east are adjoining houses of Burdock Court which are three storey. The application site does fall within the defined urban area as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

## **5.0 Proposal**

5.01 The proposal is for the creation of 2 (2-bed) self-contained flats. To facilitate this, 4 flat roofed dormer windows would be inserted into the northern and western roof slopes of the existing building (2 on each elevation), along with 10 rooflights. The ridge height of the main roof would not be altered. The proposal also involves the creation of 2 new parking spaces sited close to the western elevation of 'Detling House' (on existing amenity land), which would be accessed from the north of the site through the existing parking area. The bin store would not be affected by the development.

5.02 The applicant is not the sole owner of the proposal site, as outlined on the site location plan, and has served suitable notice on the relevant parties.

## **6.0 Background information**

6.01 A previous application at Detling House for the creation of 2 self-contained flats (MA/14/0485) was refused for the following reason:

*"The number, location, scale and proportion of the proposed dormer windows would fail to respect the architectural integrity of the building, detracting from its appearance and overall design and the character and appearance of the surrounding area as a whole."*

- 6.02 This proposal included the insertion of 11 individually hipped dormer windows, with no alterations to the ridge height.
- 6.03 Also a material planning consideration is that planning permission was granted in 2007 under MA/06/2167, for a development similar to what is now proposed under this current application. The main differences between the two applications would be the number of rooflights proposed and the location of the additional parking spaces.

## **7.0 Principle of development**

- 7.01 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.
- 7.02 The application site is within of the defined settlement boundary of Maidstone, and whilst there is no specific saved policy relating to this type of development, the Development Plan does encourage new housing in sustainable urban locations as an alternative to residential development in more remote countryside situations. The National Planning Policy Framework (NPPF) also states that, *"...housing applications should be considered in the context of the presumption in favour of sustainable development"*.
- 7.03 For the above reasons I consider the policy principle of residential development at the site to be acceptable. From this, the key issues to consider are visual impact, residential amenity and highway safety.

## **8.0 Visual impact**

- 8.01 This building was designed as part of a comprehensive approach to this part of the site, and whilst positioned beside 3-storey town houses, it clearly forms part of an integrated design. The number of dormer windows has now been significantly reduced and the scale of those proposed has been noticeably reduced from what was refused under MA/14/0485 (from 11 to 4). The proposed works would no longer appear excessive or over dominant in appearance, and would now have a more comfortable relationship with the general architecture of the building; and the surrounding housing development, but particularly with the adjoining town houses. I am therefore satisfied that this proposal has overcome the previous reason for refusal (under MA/14/0485), and raise no objection on visual amenity grounds. The proposal is also now very much in keeping with the residential development previously approved under MA/06/2167.
- 8.02 I am also satisfied that the creation of the 2 new parking spaces would not have an adverse impact on the character and appearance of the surrounding area, as it would be seen in context with the surrounding existing car parking provision. Whilst the development would result in the loss of some amenity land, which is of grass and planted shrubbery, this is a relatively small area not readily viewed from any public vantage point; and in any case approximately 64m<sup>2</sup> of this amenity land would be

retained. I would not therefore consider this issue to be reasonable grounds to refuse this proposed development.

## **9.0 Residential amenity**

- 9.01 The north facing dormer windows would directly overlook a car park; and whilst there would be a certain amount of overlooking onto the properties and their garden areas in Marigold Way and Tarragon Road, I do not consider it to cause further significant harm to these occupants given the existing level of overlooking already caused by the first floor flats of 'Detling House'. Similarly, the west facing dormer windows would cause a certain level of overlooking onto the properties and their garden areas in Marigold Way, but again given the existing level of overlooking already caused by 'Detling House' I do not consider this to cause significant enough harm to warrant refusal of this application. The proposed rooflights, given their nature, angle and orientation, in my view, would not have a detrimental impact on the living conditions of any local resident.
- 9.02 The creation of parking spaces next to the western elevation of 'Detling House' does have the potential to cause some general noise and disturbance to the occupants of ground floor flat 1 in 'Detling House'. However, the applicant has confirmed that the nearest space will be allocated to the occupants of this flat, reducing any potential amenity harm. It is also my view that the comings and goings of 2 additional cars in this location would not cause significantly more harm to the amenity of the existing residents of Burdock Court or other surrounding properties, given the existing level of open car parking here. With this considered, I do not consider it possible to sustain a reason for refusal on residential amenity grounds in this instance.
- 9.03 I am therefore satisfied that this proposal, because of its scale, design, nature and location, would not appear overwhelming, or have a significant detrimental impact upon the residential amenity of any neighbour, in terms of general noise and disturbance and loss of privacy, outlook, and light.

## **10.0 Highway safety and parking implications**

- 10.01 The proposal includes the provision of 2 additional parking spaces located to the immediate west of 'Detling House', one to serve each 2 bedroom flat.
- 10.02 It has been agreed by Members of the Planning, Transport and Development Overview and Scrutiny Committee, and subsequently the Cabinet Member for Planning, Transport and Development, that the two sets of KCC parking standards (The 2006 KCC Supplementary Planning Guidance (SPG), '*Kent Vehicle Parking Standards*' and the 2008 *Kent Design Guide Review: Interim Guidance Note 3 – 'Residential Parking'*) are to be used on an interim basis as a material consideration in determining planning applications pending publication and subsequent adoption of a Parking SPD which can only be done following adoption of the new Local Plan.



- 10.03 The 2006 KCC Supplementary Planning Guidance (SPG) gives a maximum (not minimum) parking standard of 2 spaces per 2-bedroom property; and advice within the 2008 Kent Design Guide Review: Interim Guidance Note, suggests 1 space per 2-bedroom flat. Whilst bearing in mind the Government objectives to reduce the reliance and use of the private car, I am satisfied that the proposed parking provision in this sustainable location (where there is less reliance on the private motor vehicle) is in accordance with these KCC parking standards, and would not result in a highway safety issue. The Highways Officer has raised no objection in this respect.
- 10.04 If future occupants do have more than one car, extra demand for parking spaces in an area does not necessarily mean that highway safety issues would occur. Whilst the possible increase in demand for parking spaces in the area could mean that future or existing users may not be able to park close to their properties, such inconvenience is not grounds for objection.
- 10.05 Access to the proposed parking spaces would be over land in other ownership. The applicant has correctly served notice on the other landowners, and so I am satisfied that the application is valid in this respect, and any disputes between the owners would be a civil matter that needs to be dealt with privately. An outcome of any private dispute could be that access is not possible to the parking spaces. If this was the case, the highway authority has confirmed that they would not be able to sustain an objection to 2 (2-bed) flats not having any parking provision at this location, and so my recommendation would remain unaltered in this instance.
- 10.06 I am satisfied that the level of traffic movement to and from the site would be of no more detriment to the amenity of local residents than the current situation. I am also satisfied that the proposal would not have a detrimental impact on the capacity of the local road network. Bearing in mind Government advice to reduce car usage, the sustainable location of the site, and that there would be no significant highway safety issues arising from the development, I consider that an objection on the grounds of parking provision could not be sustained.

## **11.0 Other considerations**

- 11.01 Given the scale and nature of the proposal, I am satisfied that there is unlikely to be potential harm caused to protected species and their habitats and therefore consider it unreasonable to request further details in this respect.
- 11.02 I am satisfied, given the proposal's scale, nature and location that no further details are required regarding noise, land contamination, air quality, flood risk or drainage, landscaping and biodiversity.

## **12.0 Conclusion**

- 12.01 The main objections raised by the neighbours have been dealt with in the main body of the report. However, I would like to add that potential

disturbance during construction is not a material planning consideration in the determination of this application.

12.02 I am of the view that the proposal would represent appropriate development that would not be visually harmful to the character and appearance of the building or the surrounding area; and would not cause unacceptable harm to residential amenity, or highway safety. It is therefore considered that the proposal is in accordance with the relevant provisions of the Development Plan and the National Planning Policy Framework, and I therefore recommend 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 materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building, unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

- (3) The development hereby permitted shall be carried out in accordance with the following approved plans: 04/14/A and 04/14/2/A received 31/07/14 and 04/14/6 received 11/05/15;

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

INFORMATIVES - None

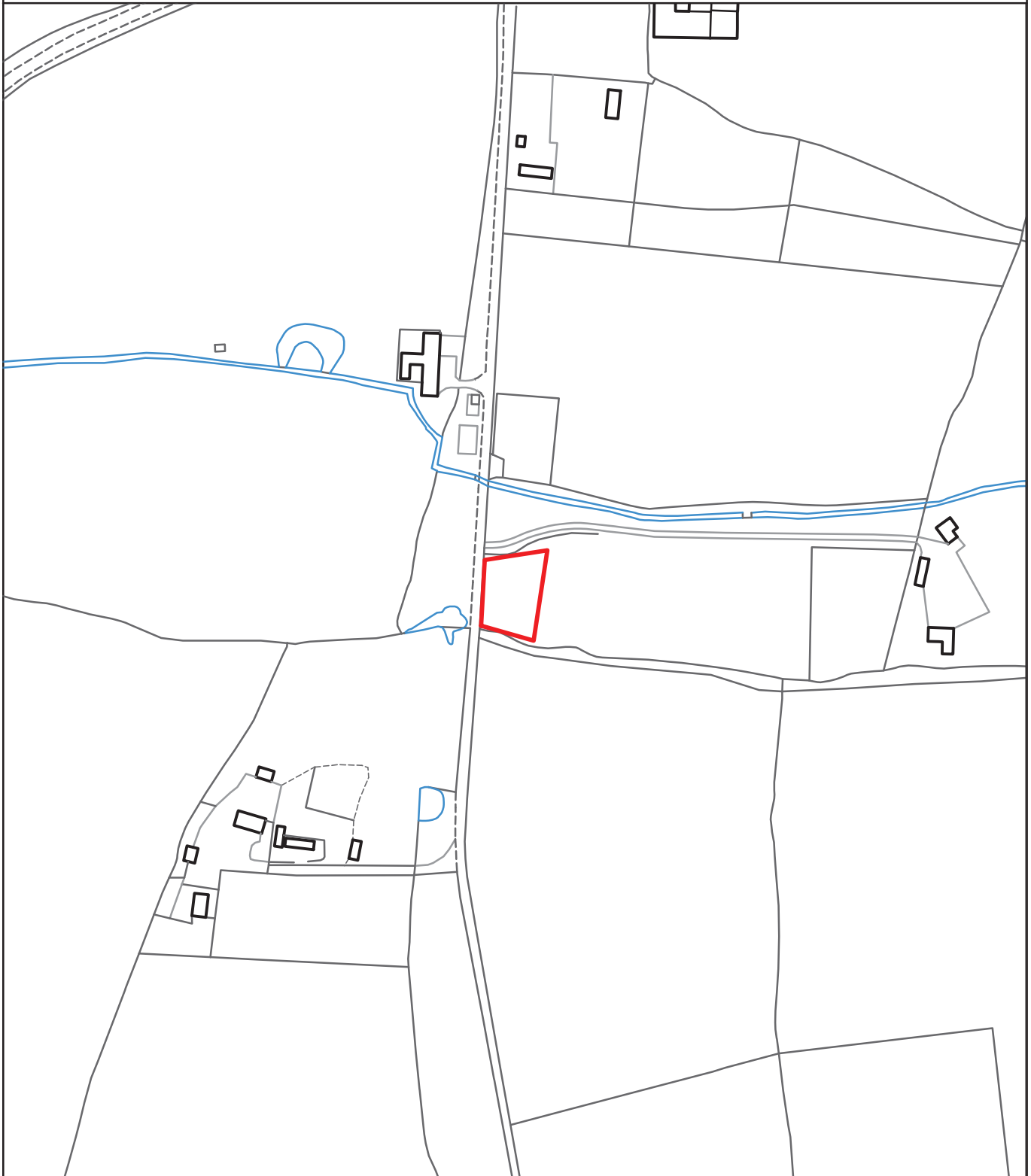
Case Officer: Kathryn Altieri

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.

# THE MAIDSTONE BOROUGH COUNCIL

Blossom  
Maplehurst Lane  
Frittenden Road, Staplehurst  
Kent  
TN12 0DL

MBC Ref: 14/503810



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**Rob Jarman**  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO -</b> 14/503810/FULL			
<b>APPLICATION PROPOSAL</b> Change of use of land from grazing to residential for one caravan and a touring caravan and one utility shed			
<b>ADDRESS</b> Blossom Maplehurst Lane Frittenden Road Staplehurst Kent TN12 0DL			
<b>RECOMMENDATION</b> Approve with conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>- Applicant's personal circumstances justify both the development that has taken place and also the need to be at this location.</li> <li>- Given the acknowledged shortfall in meeting the demand for new gypsy and traveller sites granting planning permission here will make a material contribution in satisfying the identified need for such sites while helping to minimise the pressure for similar development in more sensitive locations.</li> <li>- No demonstrable harm to the rural character of the area or that of the SLA.</li> <li>- Will not result in harm to the outlook or amenity of any nearby dwellings.</li> <li>- Is acceptable in highway and parking terms.</li> <li>- No objection on sustainability grounds.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council objects			
<b>WARD</b> Staplehurst Ward	<b>PARISH/TOWN COUNCIL</b> Staplehurst	<b>APPLICANT</b> Mr Thomas Smith <b>AGENT</b>	
<b>DECISION DUE DATE</b> 12/02/15	<b>PUBLICITY EXPIRY DATE</b> 12/02/15	<b>OFFICER SITE VISIT DATE</b> 29 <sup>th</sup> April 2015	

## MAIN REPORT

## **1.0 SITE DESCRIPTION**

- 1.01.1 The application site lies in the open countryside, to the south of Frittenden Road at the southern end of Staplehurst Village. The site falls within a Special Landscape Area (SLA) and is accessed off the private road of Maplehurst Lane.
- 1.02 There are already gypsy and traveller sites to the north and east of the application site with the access serving some of these sites abutting the northern site boundary.

## **2.0 Proposal**

- 2.01 Retrospective planning permission is sought to continue the use of this site for gypsy and traveller use involving retention of a mobile home and siting of a touring caravan. It was also intended to erect a new utility building having a footprint of 8.5x3.65 metres and a maximum height of 2.6 metres which was to be erected at the northern end of the site. The building was to be clad in shiplap with a felt roof and was intended to house clothes washing and drying facilities, shower/wc and a kitchen area.
- 2.02 However a building of dimensions of 18'x8' (just over 5.5 x 2.5 metres) has now been erected close to the southern side of the mobile home. The applicants now wish to use this as the amenity building rather than the larger building originally sought and consent is therefore also being sought to retain this building.
- 2.03 A septic tank has also been installed having a length of 2.25 metres, width of 1.7 metres and height of 1.95 and has a capacity of just over 3000 litres. All works in connection with this are below ground and abut the amenity building that has already been erected. The ultimate intention is to replace the septic tank with a bio pure treatment plant.
- 2.04 It is also intended to plant a native species tree and hedgerow mix along the site frontage.
- 2.05 The following has been submitted in support of the application:
- Applicant has lived in Chart Sutton with wife and parents for 15 years and now has 3 children aged 2, 4 and 5 years.
  - Moved to another site in Staplehurst but was unable to stay at this site and had to move.
  - Was unable to purchase a site but was given this plot of land.
  - Now has two children at a local school who are doing well. Wants to stay at current site to avoid disruption to their education and upbringing.
  - Applicant and wife have lived in Maidstone area all their lives and wish to stay in the area.
  - Have nowhere else to go but would move onto a private site if Maidstone Council provide one.
  - The site has full access to mains water and electricity.

- Confirms the site has never been flooded.

### **3.0 RELEVANT HISTORY**

- 3.01 The application site is located in the front part of an existing gypsy site which has a lengthy planning history. This existing site benefitted from a 3 year temporary permission granted on appeal following enforcement proceedings. The occupants have lived on this site since 2005.
- 3.02 Under ref: MA/13/0466 the existing site was granted planning permission on the 1<sup>st</sup> July 2014 for the permanent retention of a mobile home, touring caravan and pole barn, together with permanent permission for a utility room, 2 stable blocks and a sand school.

### **4.0 POLICY AND OTHER CONSIDERATIONS**

NPPF 2012  
NPPG 2014  
Planning Policy for Traveller Sites (2012)  
Maidstone Borough-Wide Local Plan 2000:  
ENV6- Landscaping  
ENV28- Development in rural areas  
ENV34- Special Landscape Areas  
T13- Vehicle parking standards

### **5.0 LOCAL REPRESENTATIONS**

- 5.01 **Neighbours:** 4 properties consulted – no representations received.

### **6.0 CONSULTATIONS:**

- 6.01 **Staplehurst Parish Council:** Objects on the following grounds:
- Unhappy about the retrospective nature of the application and that application failed to address questions of vehicle access, areas susceptibility to flooding and supply of power and water.
  - Proposed septic tank for sewage disposal appears inadequate for the location and nature of the ground.
  - Will further intensify previous piece-meal and irregular development in the countryside in contravention of Maidstone Borough Wide Local Plan Policy ENV28 and of DCLG Planning Policy C covering sites in rural or semi-rural settings and the need to ensure that the scale of such sites does not dominate the nearest settled community (DCLG Planning Policy for Traveller Sites March 2012).
- 6.02 **Kent Highway Services:** No objection

### **7.0 APPRAISAL**

- 7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all planning applications to be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 7.02 The key issues in relation to this proposal are considered to be (a) principle (b) personal circumstances (c) impact on rural character of area and SLA (c) impact on the outlook and amenity of properties overlooking and abutting the site (d) highway and parking considerations and (e) sustainability.

### **Principle of Development**

- 7.03 There are no saved Local Plan Policies relating directly to gypsy and traveller development. Policy ENV28 of the adopted local plan relating to development in the countryside states, amongst other things, that:

*“Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers”*

- 7.04 A key consideration in the determination of this application is central Government guidance contained with ‘Planning Policy for Traveller Sites’ (PPTS) published in March 2012. This places a firm emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.
- 7.05 Though work on the emerging local plan is progressing as yet there are still no adopted policies responding to the provision of gypsy sites. Local Authorities have the responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. To this end Maidstone Borough Council, in partnership with Sevenoaks District Council procured Salford University Housing Unit to carry out a revised Gypsy and Traveller Accommodation Assessment (GTAA). The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2012	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches
Total: Oct 2011 – March 2031	-	187 pitches

- 7.06 These figures were agreed by Cabinet on the 13<sup>th</sup> March 2013 as the pitch target and were included in the consultation version of the Local Plan.
- 7.07 Regulation 18 version of the Draft Local Plan states that the Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTTSA) revealed the need for 187 permanent Gypsy and Traveller pitches to be provided in the borough during the period October 2011 and March 2031. Accommodation for Gypsies and Travellers is also a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Draft Policy DM26 of the Regulation 18 version of the Draft Local Plan accepts that

this type of accommodation can be provided in the countryside provided that certain criterion is met. The Draft Plan also states that the Borough's need for gypsy and traveller pitches will be addressed through the granting of permanent planning permissions and through the allocation of sites. The timetable for adoption is currently beyond 2016.

- 7.08 Issues of need are dealt with below but in terms of broad principles Development Plan Policy and Central Government Guidance clearly allow for gypsy sites to be located in the countryside as an exception to the general theme of restraint. In the case of this site, the wider site in which it is located already benefits from planning permission as a gypsy and traveller site. As such there is considered to be no objection in principle to its continued use as a gypsy and traveller site and consideration turns on more detailed concerns.

### **Need for Gypsy Sites**

- 7.09 The PPTS gives guidance on how gypsy accommodation should be achieved, including the requirement to assess need.

- 7.10 As stated above, the projection accommodation requirement is as follows:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2012	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches
Total: Oct 2011 – March 2031	-	187 pitches

- 7.11 Taking into account this time period, since 1<sup>st</sup> October 2011 the following permissions for pitches have been granted (net):

- 61 Permanent non-personal permissions
- 16 Permanent personal permissions
- 0 Temporary non-personal permissions
- 33 Temporary personal permissions

- 7.12 Therefore a net total of 78 permanent pitches have been granted since 1<sup>st</sup> October 2011. It must be noted that the requirement for 105 pitches in the initial 5 year period includes need such as temporary consents that are yet to expire (but will before the end of March 2016) and household formation. This explains why the need figure appears so high in the first 5 years.

- 7.13 The latest GTAA demonstrates the ongoing need for pitches although any potential pitch needs to be assessed on its merits, and in rural areas with particular regard to its impact on the character and appearance of the countryside.

### **Gypsy Status**



7.14 Annex 1 of the PPTS defines gypsies and travellers as:-

*“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependents’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such”.*

- 7.15 The status of the applicant as a gypsy is accepted as both he and his family comply with the definition of gypsies as set out in Government guidance in Planning Policy for traveller sites.

**Personal circumstances:**

- 7.16 When considering gypsy and traveller applications great weight must be attached to, amongst other things, whether the education or upbringing of children would be disrupted if they had to leave the site along with the applicant’s local connections.
- 7.20 The applicant has two children of school age while he also has strong local connections. It is considered that these concerns taken both individually and together amount to a strong personal case for allowing continued use as a gypsy and traveller site in the absence of more compelling objections to the development. In the event of Members seeing fit to grant planning permission for the site there is the need to consider whether any permission should be made personal to the applicant. However subject to the site remaining for gypsy and traveller use only, it is not considered that such a restriction is justified here.

**Impact on rural character of area and SLA:**

- 7.21 Where a gypsy and traveller site is located in a rural area this should normally fall outside an AONB, Green Belt or area liable to flooding. The application site does not fall in an area the subject of any of these specific restrictions but is located in countryside falling within an SLA.
- 7.22 It is therefore subject to provisions of policies ENV28 and ENV34 of the adopted Local Plan. Policy ENV28 states that development will not be permitted in the countryside where it would harm the character and appearance of an area or amenities of surrounding occupiers. Policy ENV28 nevertheless makes clear that exceptions will be permitted if justified by other policies contained in the plan. In SLA’s landscape considerations will normally take precedence over other matters.
- 7.23 It is generally accepted that mobile homes comprise visually intrusive development out of character in the countryside. Consequently unless well screened or hidden away in unobtrusive locations they are normally considered unacceptable in their visual impact. Consequently where they are permitted this is normally on the basis of being screened by existing permanent features such as hedgerows, tree belts, buildings or land contours.

- 7.24 A key consideration here is that the application site is located on land already having planning permission for a gypsy and traveller site. Furthermore the character of the area in the vicinity of the application site is already made up of a number of a gypsy and traveller sites fronting the track to the north. Though these are mainly hidden from direct view from the track, glimpse views are nevertheless available to them through gates and breaks in boundary screening.
- 7.25 Development that has already taken place on the application site continues this pattern with 5 bar galvanised steel gates providing views into the site with the site perimeter being defined by close boarded fencing set close to the back edge of the track. As such the site in its current condition cannot be considered as being screened by existing permanent features though the intention is to plant a native species hedgerow in front of the fence to screen both it and the caravan site behind from view.
- 7.26 Given (a) the prevailing character of the area, already significantly defined by the prevalence of gypsy and traveller development in the immediate locality and (b) this site falls within in area already benefitting from planning permission for such purposes, it is considered that it would be difficult to make a sustainable case of further material harm to the character of the area. Regarding revisions to the amenity block, what has been erected on site is both smaller and more unobtrusively sited than that originally proposed and is considered proportionate in providing essential ancillary facilities for the site occupants.
- 7.27 As such, subject to a condition securing the proposed landscaping, it is considered that the visual impact on the rural character of the area and wider SLA is acceptable.

### **Residential Amenity**

- 7.28 There are considered to be no nearby dwellings likely to have their outlook or amenity materially affected by the proposals.

### **Highways and parking considerations:**

- 7.29 Site access is onto an existing unadopted track with good sight lines in both directions. In addition the site has more than sufficient space both for parking and turning to enabling vehicles to leave in a forward direction. As such, in the absence of objection from Kent Highway Services, it is considered there is no sustainable objection to the proposal on the above grounds.

### **Sustainability:**

- 7.30 Regarding whether the site is sustainably located i.e. well placed in relation to public transport and local services, compared to many gypsy and traveller sites this site occupies a relatively sustainable location with Staplehurst just over 1.5 kilometres to the west. Given this and the presence of adjoining gypsy and

traveller sites it is not considered that the proposal fails on sustainability grounds.

**Other matters:**

- 7.31 The majority of the Parish Council concerns have already been addressed but the following outstanding matters require a response.
- 7.32 Its concerns about retrospective nature of the application are noted. The Council is nevertheless required to assess such applications in the same way as one where development has not already commenced. The key difference here is that if Members feel the development is unacceptable consideration would then have to be given to the expediency of taking enforcement action sufficient to remedy the identified harm caused by the development.
- 7.33 The site already has access to electricity and water. Regarding whether the septic tank that has been installed is inappropriate given site conditions, in the absence of demonstrable evidence to this effect, this is not a matter that can be pursued here. Nevertheless were evidence of pollution subsequently to be found this would be a matter for resolution by the Environment Agency under its pollution prevention powers.
- 7.34 Concerns relating to the intensification of piece-meal and irregular development in the countryside and the need to ensure that the scale of gypsy and traveller sites does not dominate the nearest settled community are both noted. However it is not considered that the scale and impact of this single site, (which is already on land having the benefit of planning permission for a gypsy and traveller site) will add materially to either of these concerns.

## **8.0 CONCLUSIONS**

8.01 These are considered to be as follows:

- The applicant's personal circumstances justify both the development that has taken place and also the need to be at this location.
- Given the acknowledged shortfall in meeting the demand for new gypsy and traveller sites granting planning permission here will make a material contribution in satisfying the identified need for such sites while helping to minimise the pressure for similar development in more sensitive locations.
- No demonstrable harm to the rural character of the area and that of the SLA.
- Will not result in harm to the outlook or amenity of any nearby dwellings.
- Is acceptable in highway and parking terms.
- No objection on sustainability grounds,

8.02 As such it is recommended that retrospective planning permission be granted.

**9.0 RECOMMENDATION - GRANT** subject to the following conditions:

(1)The native species planting shown abutting the close boarded fence running along the whole length of the western site frontage shown on plan drawn at scale of 1:500

shall be planted in the first available planting season from the date of this permission. Any trees/shrubs becoming dead dying or diseased within 5 years of planting shall be replaced with by one of the same species and in the same location.

Reason: To screen the development in the interests of visual amenity.

(2)No more than one static residential caravan as defined in Section 24(8) of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 and one touring caravan, which shall not be used for habitation purposes, shall be stationed on the site at any one time. The caravans hereby permitted shall only be sited as shown on the approved drawings.

Reason: To accord with the terms of the application and in the interests of visual amenity.

(3)No commercial or business activities shall take place on the land, including the storage of vehicles or materials.

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside and nearby properties.

(4)No floodlighting or column lighting shall be installed and no more than one external light source shall be affixed to any mobile home.

Reason: To safeguard the night time rural environment in the interests of visual amenity.

(5)The site shall only be occupied by gypsies and travellers as defined DCLG guidance 'Planning policy for Traveller Sites' published in March 2012 as set out in Annexe 1.

Reason: To reflect the special circumstances of the application.

#### Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

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 application was acceptable as submitted

Case Officer: Graham Parkinson

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

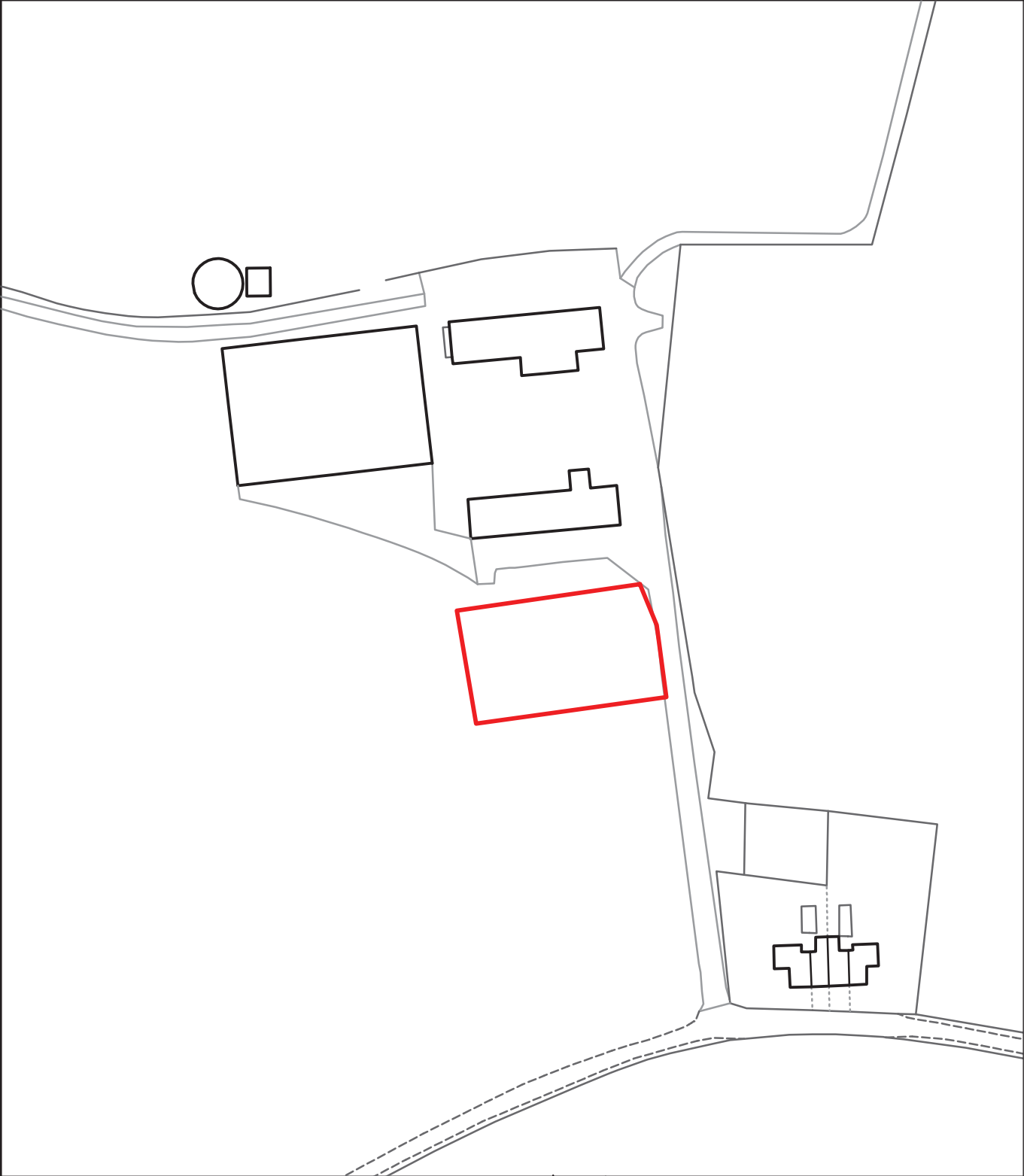
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

# Agenda Item 20

## THE MAIDSTONE BOROUGH COUNCIL

Warnhams Farm  
Hunt Street  
West Farleigh, Kent  
ME15 0ND

MBC Ref: 14/504905



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**Rob Jarman**  
**Head of Planning**

## REPORT SUMMARY

<b>REFERENCE NO - 14/504905/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of 1 no. detached house and garage for farm owner/manager as shown on drawing nos. WF/6/1, 2, 9, 10 received 21/10/14; 3A, 4A, 6A, 7A, 8A, 11A received 29/11/14; 5B received 5/12/14.		
<b>ADDRESS</b> Warnhams Farm Hunt Street West Farleigh Kent ME15 0ND		
<b>RECOMMENDATION</b> Refuse		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> Development in the countryside is strictly controlled and the case for a new farm dwelling has not been demonstrated in this case.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The Parish Council has requested committee consideration.		
<b>WARD</b> Coxheath And Hunton Ward	<b>PARISH/TOWN COUNCIL</b> West Farleigh	<b>APPLICANT</b> Mr Thomas Sewell <b>AGENT</b> Mr David Thompson
<b>DECISION DUE DATE</b> 30/01/15	<b>PUBLICITY EXPIRY DATE</b> 30/01/15	<b>OFFICER SITE VISIT DATE</b> 30/12/14
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>  MA/13/1473 - Erection of one detached dwelling and garage for an agricultural worker - Refused  MA/10/1130 - Erection of an extension to an agricultural building - Permitted  MA/08/0536 - Extension to existing barn to provide crop storage - Permitted  MA/07/2345 - 500 tonne grain silo (not implemented) - Permitted  MA/02/2281 - Erection of an agricultural building for general purpose/grain storage - Permitted		

## BACKGROUND

At the Planning Committee meeting of 16<sup>th</sup> April 2015 Members resolved to defer consideration to allow the preparation of a schedule of conditions that would be appropriate should Members be minded to grant permission. My Report and Urgent Update Report are included here as an appendix.

## Schedule of conditions

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

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

(2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
drawing nos. WF/6/1, 2, 9, 10 received 21/10/14; 3A, 4A, 6A, 7A, 8A, 11A received 29/11/14;  
5B received 5/12/14;

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

(3) 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 building(s) 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.

(4) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include full details of proposed means of surfacing and boundary treatments. The scheme shall include the following:

a) The planting of new hedgerows (with occasional hedgerow trees) along the southern and western boundaries of the field with Hunt Street and the access track.

b) The planting of new hedgerows (with occasional hedgerow trees) around the boundaries of the application site.

c) The planting of individual specimen trees within the application site.

Reason: No such details have been submitted.

(5) 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.

(6) Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D, E and F and Part 2, Classes A and B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development within those classes shall be carried out on the site without the prior written consent of the Local Planning Authority;

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

(7) The occupation of the dwelling hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336(1) of



The Town and Country Planning Act 1990) or in forestry, or a widow or widower of such a person, and to any resident dependents;

Reason: New residential development would not normally be allowed in this location and planning permission has only been granted in recognition of the needs of the agricultural holding.

**MY RECOMMENDATION REMAINS UNCHANGED**

14/504905

The appendix referred to in my report (ie the report for previous application MA/13/1473) was unfortunately omitted from the papers: I enclose it here.

**MY RECOMMENDATION REMAINS UNCHANGED**

## REPORT SUMMARY

REFERENCE NO - 13/1473		
APPLICATION PROPOSAL Erection of one detached dwelling and garage for an agricultural worker		
ADDRESS Warnhams Farm, Hunt Street, West Farleigh, Kent		
RECOMMENDATION REFUSE		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL  See report below		
REASON FOR REFERRAL TO COMMITTEE  See report below		
WARD Coxheath And Hunton Ward	PARISH/TOWN COUNCIL West Farleigh	APPLICANT Mr Thomas Sewell Farms Ltd AGENT Legacy Homes
DECISION DUE DATE 17/10/13	PUBLICITY EXPIRY DATE 17/10/13	OFFICER SITE VISIT DATE 03/09/13
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): see below		

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

- it is contrary to views expressed by the Parish Council

1.0 POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV35, ENV43  
Maidstone Borough-Wide Draft Local Plan: SP5, DM4, DM30, DM35  
Government Policy: National Planning Policy Framework, National Planning Practice Guidance

2.0 HISTORY

2.1 The following applications relate to the farm holding:-

MA/10/1130	Erection of an extension to an agricultural building
MA/08/0536	Extension to existing barn to provide crop storage
MA/07/2345	500 tonne grain silo (not implemented)
MA/02/2281	Erection of an agricultural building for general purpose/grain storage

3.0 CONSULTATIONS

- 3.1 West Farleigh Parish Council: wishes to see the application approved and reported to Planning Committee if officer view differs.

Rural Planning Ltd:

"Planning criteria

Following the withdrawal of PPS7, and its Annex A criteria for agricultural dwellings, the 2012 NPPF simply states (para. 55) that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as "the essential need for a rural worker to live permanently at or near their place of work in the countryside". There is, as yet, no further clarification nationally, or at the local level, to assist in deciding upon "essential need" in individual cases. However there is nothing to suggest that para. 55, albeit in summarised form, promotes any significant departure from the sort of functional and financial considerations that were set out in detail in Annex A, and there appears to be a general consensus amongst decision makers and advisors, and indeed the Planning Inspectorate, that the principles set out in Annex A continue to be a useful tool in judging applications for new isolated agricultural dwellings in the countryside.

The Annex A guidelines on functional need, in relation to permanent new agricultural dwellings, require inter alia that it is essential for the proper functioning of the enterprise that one or more workers is readily available at most times, for example if the worker is needed to be on hand day and night to care for animals or agricultural processes at short

notice or deal quickly with emergencies that could otherwise cause serious loss of crops or products.

Farm Business

Sewell Farms is a well established family farming business operated by the applicant Tom Sewell in partnership with his father J J Sewell, Mrs A J Sewell, and Mrs S Sewell.

Warnhams Farm comprises an owned arable holding of some 28.68 ha (70.86 acres); Sewell Farms also farm, on a rented or share-farmed basis, a further 808 acres (327 ha).

Other agricultural management and farm contracting work is also undertaken locally. The farm buildings adjoining the application site include two "Tyler " built enclosed concrete/asbestos structures, formerly hop-picking sheds, parallel to each other either side of an open yard, and each about 33.5m x 9.14m, and 5.5/6.0 m to eaves. One includes 3 round grain bins used for storage of about 400 tons of oil seed rape, with two free bays for general storage of machinery and fertiliser. The second has a clear floor area and is principally used for farm machinery storage.

Under MA/02/2281 consent was granted (and later implemented) for a general purpose agricultural building /1000 tonne grain store, 24.38m x 14.48m, 6.1m to eaves and 8.6m to ridge, with pre-cast concrete grain retaining walling to about 3.6m high and steel sheeting above. In the event it appears that the building, as erected, is 18m wide. An 18m square extension\*at the west end was added under MA/08/0536. A 500-tonne 11m radius, 11m tall grain silo was also erected under

MA/07/2345. Finally a 12m wide grain storage extension was erected on the north side of the building under MA/10/1130, to form an overall structure about 42m x 30m.

*Appraisal of claimed essential agricultural need*

Regarding the reference to the need to tend fruit on the farm, it is understood that this is not fruit that belongs to Sewell Farms. No fruit sales appear in the submitted accounts.

Rather, under MA/10/0449 planning consent was granted to allow the applicants Clock House Farm Ltd. (Coxheath) to crop raspberries under polytunnels on some 9.7 ha land north of the Warnhams Farm buildings, albeit part of this area is owned by Sewell Farms.

The other adjoining area of tunnels is on land belonging to Ferns Property Development. Clock House Farm Ltd. also have up to 15 ha polytunnels nearby (consented under ref. MA/09/1061) for strawberries and cane fruit on land on the south side of Hunt Street, land which is also understood to be owned by Ferns Property Development, albeit the north-western part (only) of this land is indicated on the submitted land occupation plan as land tenanted by Sewell Farms. Thus the references in the Planning Statement that suggest this fruit forms part of the applicant's business and responsibility (thus adding weight to a claimed need for someone to reside here to monitor irrigation etc.) would appear to be misplaced.

In any event the actual growers concerned, Clock House Farm Ltd., and other similar specialist growers, commonly have intensive fruit under tunnels on scattered parcels of owned or rented land, without requiring anyone to reside nearby: whilst regular crop monitoring is required, this does not essentially require day and night attendance.

The other main claimed functional reason for needing a new residence here is to monitor stored grain. However, again, many sites are used for storing grain successfully without anyone living next to them: grain in store, whilst needing regular checking, is not something which requires essential day and night attendance at most times.

Nor is the provision of security, at a farm yard such as this, normally regarded as a sufficient reason for a new permanent agricultural dwelling. The Planning Statement indicates that Mr Tom Sewell and family (the intended occupants of the proposed dwelling) currently reside in the area by arrangement with a local landowner for whom Sewell Farms carries out work. This is understood to be at Wateringbury, about 2 miles by road from Warnhams Farm. The arrangement is said to be temporary, but there is no specific indication that the arrangement could not continue for the foreseeable future. The Planning Statement affirms that there are no other residential farm properties which could be used to accommodate this farm worker, (my underlining). Be that as it may, it is understood that for many years the principal ownership partners of the business, J J and A J Sewell, have lived at Bowhill Farm House, just 0.5 miles from Warnhams Farm.

The Planning Statement suggests that other existing accommodation in the area would be too expensive. However... I do not consider it has been shown, therefore, that affordable existing property in the area could not be purchased or rented. It appears that this business has operated successfully to date notwithstanding the lack of any accommodation at the Warnhams Farm buildings. In summary, taking all the above into account, and applying the Annex A guidelines to para. 55 of the NPPF, in my view no essential need for the proposed dwelling, amounting to special circumstances, has been demonstrated in this case."

Environmental Health Manager: No response.

Kent Highways: No objections

**4.0 REPRESENTATIONS**

4.1 None received to date

**5.0 CONSIDERATIONS**

**5.1 Site Description**

5.1.1 This application relates to an area of farmland, which is located in the open countryside, in the parish of West Farleigh. The site, which is part of an arable field, lies in the Medway Valley Area of Local Landscape Importance and is highly visible in the landscape.

5.1.2 To the north of the site lies the farmyard for Warnham's Farm. This includes two 'Tyler' built enclosed structures, formerly hop-picking sheds, sited parallel to each other on either side of an open yard and a general purpose agricultural building/1,000 tonne grain store. This building has been erected as detailed in the planning history above.

5.1.3 The field, where the development would take place, is generally open, with only low banking to the road edge and no field hedge. An access track from Hunt Street leads up to the farmyard and a row of terraced cottages lie to the east of the track.

**5.2 Proposal**

5.2.1 Planning Permission is sought for the erection of a single dwelling and garage for an agricultural worker. It would have two storeys, with an eaves height of approximately 5.2m and a ridge height of approximately 8.2m. Its maximum width would be 16m and its depth approximately 15m.

5.2.2 Accommodation would comprise; on the ground floor - lounge, dining room, kitchen, breakfast area, dayroom, utility room, hall, two wc's and farm office. On the first floor - five bedrooms (including 2 en-suites) and bathroom. A detached double garage would also be provided.

## Planning Committee Report

- 5.2.3 The buildings would be located to the south of the existing farmyard and accessed via the existing farm-track.

### 5.3 Principle of Development

- 5.3.1 Policy ENV28 of the Local Plan does allow for buildings which are reasonably necessary for the purpose of agriculture, providing that there is no harm to the character and appearance of the area and amenities of surrounding occupiers.
- 5.3.2 The National Planning Policy Framework states that "Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances..."

The only circumstances given which is of any relevance to this proposal is whether it constitutes "the essential need for a rural worker to live permanently at or near their place of work in the countryside."

The National Planning Policy Framework does not define "essential need" or clarify how it should be assessed.

- 5.3.3 Annex A of the now defunct PPS7 did set out criterion for assessing essential need. Whilst PPS7 is now not in force, there does not appear to be anything to suggest that any significant departure from the sort of functional and financial considerations detailed in Annex A should now be made. Indeed, the Council's agricultural advisor, Rural Planning Ltd, has stated "... there appears to be a general consensus amongst decision makers and advisors, and indeed the Planning Inspectorate, that the principles set out in Annex A continue to be a useful tool in judging applications for new isolated agricultural dwellings in the countryside." In the absence of any other specifically relevant guidance, it is considered reasonable to explore the application against the guidelines of Annex A.
- 5.3.4 Annex A requires a functional test (i.e. whether it is essential for a full time worker to live permanently on site for the functioning of the enterprise and a financial test (as to whether it is a financially sound enterprise, with a reasonable prospect of sustaining the dwelling). It is considered that these two tests are in line with the National Planning Policy Framework because they would aid the assessment of whether the development constitutes sustainable development and that is a key principle of the National Planning Policy Framework. Clearly if the enterprise cannot support the dwelling proposed or the dwelling is so large that the retention of the agricultural occupancy condition is threatened, then there is the real risk that it would no longer be able to serve its original purpose, with the result being an unsustainable isolated dwelling in the countryside.
- 5.3.5 The Annex A guidelines on functional need, in relation to permanent new agricultural dwellings, require inter alia that it is essential for the proper functioning of the enterprise that one or more workers is readily available at most times, for example if the worker is needed to be on

hand day and night to care for animals or agricultural processes at short notice or deal quickly with emergencies that could otherwise cause serious loss of crops or products.

- 5.3.6 Firstly, it is understood that fruit farmed on the land does not belong to the applicant and indeed, no fruit sales appear in the submitted accounts. The Council's agricultural advisor has stated that, in any event, "the actual growers concerned, Clock House Farm Ltd, and other similar specialist growers, commonly have intensive fruit under tunnels on scattered parcels of owned or rented land, without requiring anyone to reside nearby: whilst regular crop monitoring is required, this does not essentially require day and night attendance."

He goes on to state:

"The other main claimed functional reason for needing a new residence here is to monitor stored grain. However, again, many sites are used for storing grain successfully without anyone living next to them: grain in store, whilst needing regular checking, is not something which requires essential day and night attendance at most times.

Nor is the provision of security, at a farm yard such as this, normally regarded as a sufficient reason for a new permanent agricultural dwelling."

- 5.3.7 The application appears to cite security as a key reason why a dwelling is needed. However, it is not considered to show any reason why this specific site has a significantly greater security need than any other (chemicals and farm machinery are likely to be stored upon many farms). No information has been submitted stating why, for example, security issues could not be dealt with in a different way, such as through the installation of CCTV, nor is there any supporting information from the Kent Police to indicate that there are overriding security issues which can only be dealt with in this way.
- 5.3.8 Considering all of these points, including the advice of Rural Planning Ltd, it is concluded that there is no essential functional need for a farm worker or manager to live permanently on site.
- 5.3.9 Notwithstanding this, it has not been conclusively shown that there is no other available property in the vicinity of the site which could accommodate the applicant. Indeed, paragraph 5.20 of the Planning Statement advises that "many of the available nearby dwellings ... are completely outside of the price range of an agricultural worker." This does not show that there are no suitable properties and in any event, no comparison is made between the cost of available properties and the cost of constructing the proposed dwelling, which is not expected to be low, given its very substantial scale.
- 5.3.10 There is also no specific indication as to why the applicant's current living arrangements (stated to be temporary) could not continue for the foreseeable future. It is also noted that, whilst the Planning Statement



## Planning Committee Report

advises that there are no other suitable properties available; the agricultural advisor has stated that he understands that the principal ownership partners of the business live just 0.5 miles from Warnham's Farm.

- 5.3.11 In terms of the financial test, it is accepted that the enterprise could sustain the proposed dwelling, based upon the financial information submitted.
- 5.3.12 However in order to remain sustainable, it is considered that agricultural dwellings should be suitable for general use by agricultural workers, rather than exclusively supportable by the applicant. In this case, this is a five bedroomed dwelling, with three reception rooms, and the agricultural advisor has stated that, in his opinion, the size and cost of the dwelling goes well beyond what could reasonably be regarded as suitable to contribute generally to the stock of agricultural dwellings. The development is therefore considered unacceptable and unsustainable for this reason also.
- 5.3.13 I note that emerging policy DM35 seeks to apply functional and financial tests and to limit the scale of the dwelling to the needs of the enterprise.

### 5.4 Visual Impact

- 5.4.1 The site occupies a very rural location, with sparse development along Hunt Street. There is no hedging alongside the road and in consequence, there are long range views for a considerable distance along Hunt Street in which the site is highly prominent.
- 5.4.2 It is noted that an attempt has been made to group the development with the existing farm buildings, as the site chosen is to the corner of the field, adjacent to the farmyard. However, as stated, this is a highly prominent and open site, rendered more prominent by the fact that it lies upon the slope of the Medway Valley, with the land rising in a southward direction. Development in this location will be highly visible in long range views especially from the west.
- 5.4.3 The proposed dwelling is of a substantial, rather than a modest, scale. Indeed it would provide accommodation well beyond the basic requirements of a dwelling with 5 bedrooms (2 being en-suite), large lounge, separate dining and breakfast areas and dayroom. This results in a very substantial footprint with maximum width and depth of approximately 16m and 15m. The dwelling also has a typical two storey eaves height and a roof pitch of around 35 degrees. These factors combined result in a dwelling of very substantial bulk, which, in this prominent location, would unacceptably erode the openness of the Medway Valley Area of Local Landscape Importance and harm its character and appearance.
- 5.4.4 The proposed double garage with pitched roof would further add to the bulk on site. It is also noted that in general, the design of the proposal

## Planning Committee Report

does not attempt to reduce the bulk. It does not utilise differing roofslopes or a reduced eaves height to reduce mass and although a catslide roof is proposed, this would face away from the road, with the full two storey eaves and solid section of brickwork facing the road. Indeed, the side elevation of the house, facing the road, generally lacks fenestration and would provide a bland appearance in views of the countryside.

- 5.4.5 As stated, the site is highly prominent in the landscape, due to the openness of the surrounding land. There are long range views for a considerable distance when approaching from the west. Due to its substantial scale and mass, the proposal is considered to result in significant harm to the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance. The application is therefore considered unacceptable in this regard.

- 5.4.6 I note that emerging policy SP5 of the draft local plan similarly seeks to preserve the quality of the Medway Valley Area of Local Landscape Importance.

### 5.5 Residential Amenity

- 5.5.1 The nearest residential properties are Warnhams Cottages, to the southeast of the farm yard. These dwellings would be located too far from the proposed dwelling (around 60m between the site and nearby dwellings) to experience any significant loss of light, outlook or privacy. There would be no significant noise and disturbance issues because only one dwelling is proposed and it would utilise the existing access track to the farm.

### 5.6 Highways

- 5.6.1 The proposal would utilise the existing farm access track, which is considered acceptable for this single dwelling. The Kent Highways Engineer raises no objection to the application.

### 5.7 Landscaping

- 5.7.1 There is no important landscaping which would be lost (the site is simply part of a field containing crops). Any landscaping to soften the proposal could have been dealt with by a condition.

### 5.8 Other Matters

- 5.8.1 There are no significant ecological issues due to the site's use as an arable field where I understand that crop spraying has taken place.

## 6.0 CONCLUSION

- 6.1 It is concluded that there is no essential need for this dwelling and it would therefore constitute unjustified and unsustainable development in the countryside. It would also be of a scale and mass which would

## Planning Committee Report

harm the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance. Refusal is recommended.

### 7.0 RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

1. In the opinion of the local planning authority, it has not been demonstrated that there is an essential need for a rural worker to live permanently on or near the site, nor would the dwelling be affordable or sustainable as an agricultural worker's dwelling as part of the general stock, due to its overall size and the extent of accommodation proposed. The proposal would therefore result in an unsustainable, isolated dwelling in the countryside, contrary to paragraphs 14 and 55 of the National Planning Policy Framework.
2. Due to its scale and mass, the proposal would harm the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance, contrary to policies ENV28 and ENV35 of the Maidstone Borough Wide Local Plan 2000 and paragraphs 17 and 109 of the National Planning Policy Framework.

## REPORT SUMMARY

<b>REFERENCE NO - 14/504905/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of 1 no. detached house and garage for farm owner/manager as shown on drawing nos. WF/6/1, 2, 9, 10 received 21/10/14; 3A, 4A, 6A, 7A, 8A, 11A received 29/11/14; 5B received 5/12/14.		
<b>ADDRESS</b> Warnhams Farm Hunt Street West Farleigh Kent ME15 0ND		
<b>RECOMMENDATION</b> Refuse		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> Development in the countryside is strictly controlled and the case for a new farm dwelling has not been demonstrated in this case.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The Parish Council has requested committee consideration.		
<b>WARD</b> Coxheath And Hunton Ward	<b>PARISH/TOWN COUNCIL</b> West Farleigh	<b>APPLICANT</b> Mr Thomas Sewell <b>AGENT</b> Mr David Thompson
<b>DECISION DUE DATE</b> 30/01/15	<b>PUBLICITY EXPIRY DATE</b> 30/01/15	<b>OFFICER SITE VISIT DATE</b> 30/12/14
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>  MA/13/1473 - Erection of one detached dwelling and garage for an agricultural worker - Refused  MA/10/1130 - Erection of an extension to an agricultural building - Permitted  MA/08/0536 - Extension to existing barn to provide crop storage - Permitted  MA/07/2345 - 500 tonne grain silo (not implemented) - Permitted  MA/02/2281 - Erection of an agricultural building for general purpose/grain storage - Permitted		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.1 This application relates to an area of farmland, which is located in the open countryside, in the parish of West Farleigh. The site, which is part of an arable field, lies in the Medway Valley Area of Local Landscape Importance and is highly visible in the landscape.
- 1.2 To the north of the site lies the farmyard for Warnhams Farm. This includes two large enclosed structures, formerly hop-picking sheds, sited parallel to each other on either side of an open yard and a general purpose agricultural building/ grain store.

- 1.3 The field, where the development would take place, is generally open, with only low banking to the road edge and no field hedge. An access track from Hunt Street leads up to the farmyard and a row of terraced cottages lie to the east of the track.

## **2.0 PROPOSAL**

- 2.1 Permission is sought for the erection of a single dwelling and garage for an agricultural worker. It would have two storeys, with an eaves height of approximately 5.2m and a ridge height of approximately 9m. The maximum dimensions of its 'footprint' would be approx. 14.3m by 13.6m.
- 2.2 Accommodation would comprise; on the ground floor - lounge, dining room, kitchen, dayroom, utility room, hall, two wc's and farm office. On the first floor - four bedrooms (including two en-suites) and a bathroom. A detached double garage would also be provided.
- 2.3 The buildings would be located to the south of the existing farmyard and accessed via the existing farm-track.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: ENV6, ENV28, ENV35, ENV43

## **4.0 LOCAL REPRESENTATIONS**

West Farleigh Parish Council wishes to see the application approved and reported to planning committee if the Planning Officer recommends refusal

13 letters of support have been received: the general point being made that the Sewell family are genuine farmers and a dwelling is needed here to support the farm.

## **5.0 CONSULTATIONS**

KCC Highways and Transportation has no objection.

In its initial response to this application Rural Planning Ltd. states:

"I refer to your letter of 12 December 2014 regarding the further application submitted on behalf of Mr Thomas Sewell for the erection of a detached house and garage for the farm owner/manager at the above site.

As you will be aware, a similar proposal was considered under MA/13/1473 and was the subject of my letter of 12 September 2013 and emails dated 24 February and 16 June 2014. The application was refused, on two counts; namely its scale and mass harming the open character and appearance of the countryside, and lack of essential agricultural need for a rural worker to live on site and lack of affordability and sustainability as an agricultural dwelling as part of the general housing stock.

The second issue (alone) falls within my advisory remit and in this regard I must advise, as before, that in my view, having regard to para. 55 of the NPPF, no essential need for the proposed dwelling for a rural worker, amounting to special circumstances, has been demonstrated in this case, for all the reasons set out in my previous letter and emails.

The only material change in circumstances, as far as I can see, is a redesigned dwelling which would provide a slight reduction (some 5%) in floor area; the dwelling would be some 256m<sup>2</sup> gross external floor area, with 4 bedrooms, rather than 270m<sup>2</sup>

with five bedrooms. Whilst the dwelling would appear to be affordable for the applicant, it would remain, in my view, of a size and cost beyond that which would be reasonably regarded as suitable to contribute to the general stock of agricultural dwellings in the area (the issue which formed part of the second reason for refusal previously).

My last letter included the following paragraph:

“The Planning Statement indicates that Mr Tom Sewell and family (the intended occupants of the proposed dwelling) currently reside in the area by arrangement with a local landowner for whom Sewell Farms carries out work. This is understood to be at Watlington, about 2 miles by road from Warnham Farm. The arrangement is said to be temporary, but there is no specific indication that the arrangement could not continue for the foreseeable future”.

In this regard the applicant's agent states that I said “there was no reason why the current living arrangements could not continue” without making further investigations. That is not correct; what I stated was that there was no specific indication (i.e. from the Planning Statement) that the arrangement could not continue for the foreseeable future. That still appears to be the position under the current application; nothing has been put forward, as far as I can see, to show that the current arrangements (albeit described as “temporary”) could not continue for the foreseeable future. I would suggest it is for the applicant to explain and verify the circumstances alluded to in this regard, rather than for me to investigate them.

Be that as it may, it remains the case that an essential functional need for residence at the particular site has not been demonstrated; nor has it been demonstrated, in my view (and having regard to the profits gained from the farm business) that affordable existing property in the area could not be purchased or rented.”

Rural Planning Ltd. has since stated:

“I have the following further comments, as requested, regarding Mr Thompson's letter of 13 January 2015.

Much of Mr Thompson's letter is a repeat of what he submitted in his letter of 03 January 2014 regarding the last application, which I received 20 February 2014, and responded to in my email of 24 February 2014. My response was to agree that my letter of 12 September 2013 should have referred to the 11m grain silo as “permitted” rather than “erected”, but that this detail hardly called into question the validity of the whole report, as Mr Thompson claimed. Otherwise I said that I considered I had provided a fair and objective assessment of the (lack of) case for an essential need for a rural worker to live at the site, for all the reasons set out in my letter.

Those issues were all before the Council when it refused the first application.

Regarding the size of the dwelling: in my letter of 02 January 2015, on the current application, I commented on the (slightly reduced) size of the currently proposed dwelling, as this was a specific matter raised by the previous Planning Officer in her email of 16 June 2014, to which I replied in my email of the same date; this issue was also part of the second reason for the refusal of the first application. Mr Thompson refers to the personal family reasons for wanting 4 bedrooms, and the need for a farm office, but he fails to address the issue that was the Council's concern previously, that the overall size of the dwelling was such that it would not be “affordable or sustainable as an agricultural worker's dwelling as part of the general

stock". It is difficult to imagine that this particular issue would be resolved simply by a redesign from 5 to 4 bedrooms and only a 5% overall reduction in size.

Otherwise (beyond again misquoting what I said about the current living arrangements) Mr Thompson largely appears concerned with two matters which he suggests I should not be taking into account in advising the Council on this application. These are 1) the use of Annex A of the former PPS7 as a means for judging "essential need", and 2) the specific issue (included as part of the Annex A criteria) of whether or not other suitable and affordable dwellings exist in the area.

You have pointed out the role that Annex A continues to play in Planning decisions, and various other similar Appeal examples can be referred to, if need be.

Furthermore I would observe that both these matters formed significant parts of the Planning Statement that Mr Thompson himself submitted in support of the application. He placed considerable reliance on the various aspects of Annex A in his para 5.10 onwards. He raised the specific issue of affordability of other local dwellings in his paras 5.20 and 5.21, and included various house particulars.

I consider it is entirely appropriate for me to comment on issues which form part of the Annex A criteria and which Mr Thompson, on behalf of the applicant, has himself commented (and relied) upon."

MIDKENT EHSS has no objection subject to a condition to cover potential contamination.

## **6.0 APPRAISAL**

### **Background**

- 6.01 This application is effectively a re-submission of application MA/13/1473 (Erection of one detached dwelling and garage for an agricultural worker) which was refused by Planning Committee on 3<sup>rd</sup> July 2014. I attach a copy of the report for that case, the general content of which is still relevant here. The key question here is whether there has been any significant change in circumstances to warrant a change in the Council's position.
- 6.02 The latest application shows a similar dwelling to that previously refused albeit the agents contend that the dwelling has been reduced in terms of 'footprint' and floorspace; has been reduced from five to four bedrooms; and the dwelling would be cut down into the land to reduce impact.
- 6.03 In terms of the need for the dwelling this latest application maintains that the 'functional and financial tests' are satisfied but also seeks to emphasise a number of points. A dwelling is said to be needed in connection with the monitoring and irrigation of fruit plants. The condition of grain and other crops needs to be continuously monitored, whilst a residential presence is needed for security purposes with regard to machinery, fertiliser, etc. The location of the dwelling has been chosen to allow a manager to view the site. The relevant farm worker currently lives close by in a temporary arrangement and this cannot be relied upon: a permanent on-site solution is needed.

### **Principle of Development**

- 6.04 As stated with the last application, new dwellings in the countryside for agricultural workers may be permissible but need to be specially justified. Annex A to the now superseded PPS7 is regularly used as a tried and trusted methodology to assess



such applications and I am satisfied that it is appropriate to have close regard to it in this case. The Inspectorate continues to use it in the determination of appeals.

- 6.05 As can be seen from the comments of Rural Planning Ltd. (reproduced above for the current application and in the Appendix for the previous refused application) our advisors have examined the content of this latest application and maintain their view that the proposals (albeit in amended form) continue to fail the 'functional test': this is both in terms of the principle of a residential unit here; but also in terms of the scale and cost of the accommodation proposed. In the absence of a proper justification, the principle of a dwelling (and a dwelling of this scale) must fail. I therefore recommend that the previous first reason for refusal be used again for this current application.

#### **Visual Impact**

- 6.06 I do not consider that the changes to the design of the house and its setting down into the land make a significant difference as far as impact on the countryside is concerned. I remain of the view that the site is highly prominent in the landscape, due to the openness of the surrounding land. There are long range views for a considerable distance when approaching from the west. Due to its substantial scale and mass, the proposal is considered to result in significant harm to the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance. I therefore recommend that the previous second reason for refusal be re-used here.

#### **Residential Amenity**

- 6.07 As previously, there would be no significant impact on neighbours.

#### **Highways**

- 6.08 There is no objection from the Highways Engineer and I remain of the view that the scheme does not present any significant highways problems.

#### **Landscaping**

- 6.09 The site is part of an open field and there are no important landscaping features here. Any landscaping to soften the proposal could be dealt with by condition should Members decide to grant permission.

#### **Other Matters**

- 6.10 The site remains part of an intensively managed field and there are no significant ecological issues in this case.

### **7.0 CONCLUSION**

- 7.01 As previously, it is concluded that there is no essential need for this dwelling and it would therefore constitute unjustified and unsustainable development in the countryside. It would also be of a scale and mass which would harm the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance. Refusal is recommended.

### **8.0 RECOMMENDATION – REFUSE for the following reasons:**

- (1) In the opinion of the local planning authority, it has not been demonstrated that there is an essential need for a rural worker to live permanently on or near the site, nor would the dwelling be affordable or sustainable as an agricultural worker's dwelling as part of the general stock, due to its overall size and the extent of accommodation proposed. The proposal would therefore result in an unsustainable, isolated dwelling



in the countryside, contrary to paragraphs 14 and 55 of the National Planning Policy Framework.

- (2) Due to its scale and mass, the proposal would harm the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance, contrary to policies ENV28 and ENV35 of the Maidstone Borough Wide Local Plan 2000 and paragraphs 17 and 109 of the National Planning Policy Framework.

#### Note to applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

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 application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and there were not considered to be any solutions to resolve this conflict.

Case Officer: Geoff Brown

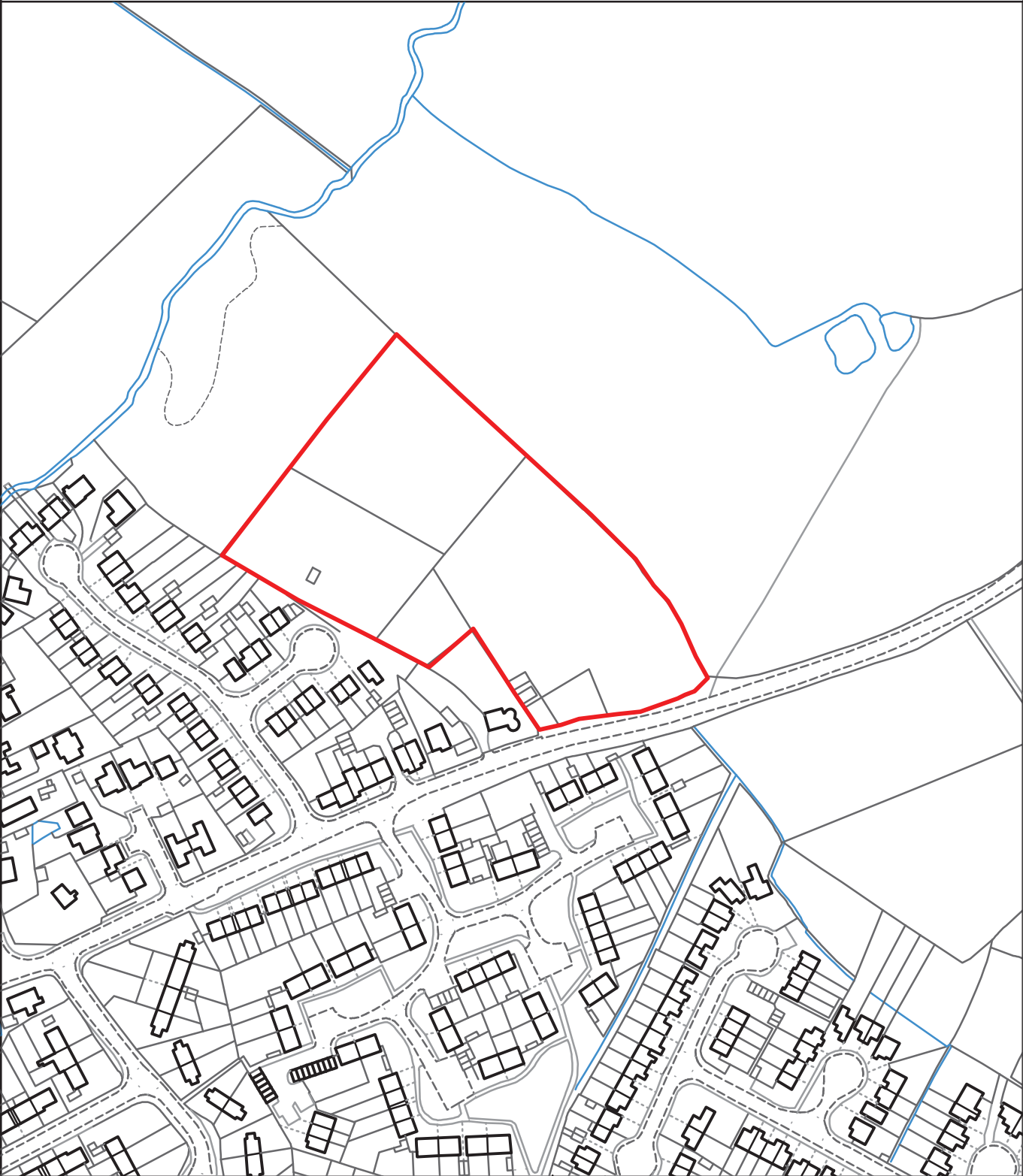
- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

# Agenda Item 21

## THE MAIDSTONE BOROUGH COUNCIL

Land To The North Of  
Lenham Road  
Headcorn  
Kent  
TN27 9TU

MBC Ref: 14/505162



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**Rob Jarman**  
Head of Planning

## REPORT SUMMARY

<b>REFERENCE NO</b> - 14/505162/FULL		
<b>APPLICATION PROPOSAL</b> Erection of 48 dwellings together with provision of associated landscaping and access		
<b>ADDRESS</b> Land To The North Of Lenham Road Headcorn Kent TN27 9TU		
<b>RECOMMENDATION</b> Delegated Authority to approve subject to conditions and legal agreement.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> <p>The development does not comply with policy ENV28 of the Maidstone Local Plan 2000. However proposed development would provide a mix of dwelling types. It would provide much needed affordable and market homes. The proposal would represent a sustainable form of development and would help to support local infrastructures.</p> <p>For the reasons set out below, it is considered that there are no overriding material considerations to indicate that a refusal of planning permission is justified</p>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> <ul style="list-style-type: none"> <li>• It is contrary to views expressed by the Parish Council</li> <li>• It is a departure from the Development Plan as the site is located outside the defined settlement boundary of Headcorn</li> <li>• It is a major development</li> </ul>		
<b>WARD</b> Headcorn	<b>PARISH/TOWN COUNCIL</b> Headcorn	<b>APPLICANT</b> Countryside <b>AGENT</b> DHA Planning
<b>DECISION DUE DATE</b> 26/02/15	<b>PUBLICITY EXPIRY DATE</b> 26/02/15	<b>OFFICER SITE VISIT DATE</b> 30/12/2014
<b>RELEVANT PLANNING HISTORY (including relevant history on adjoining sites):</b>		
14/503960/OUT: Erection of 13no dwellings with associated amenity space Decision pending.		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE:

- 1.01 The application site is 1.8 hectares (4.6 acres) of grazing land with stable buildings to the southwest corner. It has a single vehicular access on to Lenham Road and is well enclosed by the existing trees and hedge. There is a public right of way along the east boundary just outside the application site.
- 1.02 The site is situated along the north side of Lenham Road and northern boundary of Headcorn village. From the west it is enclosed by the properties along the eastern side of Oak Farm Gardens that are mainly two storey or chalet style semi- detached houses with linked garages
- 1.03 To the south side of Lenham Road are two storey houses and the site the subject of the outline planning application for 13 dwellings mentioned above.
- 1.04 There is a detached converted oast house with associated out buildings along the southwest corner and agricultural land beyond the eastern and northern boundaries of the site.
- 1.05 The character of the area is one of urban fringe comprising farm land, low density residential properties on the northern edge of Headcorn village.

- 1.06 Headcorn has good basic services comprising shops, pub, restaurant, school, doctor surgery and good public transport link to major towns by railway and bus services.
- 1.07 It is established that the site has Agricultural Land classification of 3b which means moderate quality agricultural land).

## 2.0 PROPOSAL

- 2.01 The application seeks full planning permission for the erection of 48 dwellings with associated vehicular access, car parking, garaging, and landscaping and amenity space.
- 2.02 The proposal involves demolition of the existing stable buildings to clear the land for the proposed housing development.
- 2.03 The proposal comprises 29 market sale houses of which 11no would be 3 bedrooms houses and 18no, four bedrooms houses. In addition 19 affordable dwellings would also be provided in this development of which 4no would be 1 bedroom dwelling units, 11no 2 bedrooms dwelling units and 4no 3 bedroom dwelling units.
- 2.04 Provision has also been made for 103no on site car parking spaces of which 68 spaces would be for the market sale houses, 25 parking spaces for the affordable housing units and 10 parking spaces for visitors.
- 2.05 The estate road is a linear access road which meanders through the centre of the site. Access to the properties would be either directly from the central spine road or via series of informal private drives. A spur road provides access to the affordable houses to the north-west corner of the site.
- 2.06 The proposal also involves a large amenity open space and SUDS attenuation storage water pond alongside the main open landscape area and eastern boundary of the site.
- 2.07 The proposal would result in a density of 26.66 dph. The layout design provides for verges, swales and public amenity space areas. These landscaping features would deliver a significant degree of softening and visual enhancement to the character of the development and contribute towards sustainable surface water drainage management. The proposed pond and open space along the eastern boundary would at the same time help to provide a substantial landscape buffer with the countryside beyond the site boundary to the east. Further landscaping comprising of hedgerow and hedge tree planning along the northern boundary would define and soften the edge of the development.

Break down of proposed market and affordable dwellings:-

Size	Affordable units	Private market units	total
1 Bedroom flat	4	0	04
2 Bedroom flat	11	0	11
3 Bedroom house	4	11	15
4 bedroom house	0	18	18
Total	19	29	48

## 3.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	1.8Ha (4.6 acres)
Overall Housing Density	26.66dph
No. of Storeys	2 (dwelling houses), 2+room in the roof space (apartments)
169	

Parking Spaces	Total of 103 comprising 68 allocated spaces for market dwellings,, 25 unallocated spaces for affordable dwellings and 10 on street parking spaces for visitors
No. of Market Residential Units	48 dwellings
No. of Affordable Units	19 = 40%

#### 4.0 PLANNING CONSTRAINTS

Public Right of Way KH587 outside the eastern boundary.

Tree Preservation Order Polygon MBC\_SBC Reference: 6401/TPO; outside the northern boundary.

#### 5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG)

Development Plan - Maidstone Borough-wide Local Plan (2000). Relevant policies - ENV28, ENV34, T13 and T23.

Supplementary Planning Document Affordable Housing DPD 2006 and Open space development draft local plan 2006.

Regulation 18 Consultative documents policies for development SS1, SP3, H2, DM2, DM3, DM4, DM11, DM12, DM13, DM14, DM23, DM24, DM30, ID1

Headcorn Neighbourhood Plan document is at advance stage and has yet to go through, an independent examination and finally a referendum.

#### 5.0 LOCAL REPRESENTATIONS

This application was advertised by Site notice and in the press. Also adjoining neighbours were notified by letter.

44 letters have been received objecting to the application for the following reasons:-

- The site is in a flood plain and the development would exacerbate flooding in the village by building more houses.
- The proposal will change the form and character of Headcorn from a village.
- Roads in Headcorn cannot cope with increase in traffic generation from the additional houses in this village.
- Additional pressure on the public transport and railway station from more houses in Headcorn.
- More pressure on the existing infrastructure (school, doctor surgery, etc).
- Existing sewerage system cannot cope.
- Not in compliance with Headcorn neighbourhood plan.
- Impact of the development on the local ecology
- Social housing does not enhance a community especially when outsiders are housed as priority.
- Increase in noise levels with so many extra people living nearby and coming and going of cars and of children playing.
- The owner of the adjoining field to the north is concern about being overlooked, trespass on their land and small holding.

#### 6.0 CONSULTATIONS

##### 6.01 Headcorn Parish Council

Headcorn Parish Council, acknowledge and promote sustainable growth of our rural village and encourage a diverse economy, whilst preserving our historical heritage, areas of outstanding beauty and our core farming economic base. Sustainable growth meaning a rate of growth that can be maintained without creating significant economic, social and environmental problems, especially for future generations.

This growth must be linked to mandatory essential infrastructure to preserve a minimum quality of life and for development to be sustainable.

At this time Headcorn suffers from significant infrastructure constraints and environmental issues that this objection letter highlights and must be considered in site allocations.

This planning application like other large planning applications in Headcorn are speculative in nature and have nothing to do with meeting specific local needs. Parish Council wish this application refused by the Planning Committee on the following summarised grounds

- Lack of employment.
- Transport Assessment is inaccurate.
- Access should be from the A274.
- Highway safety issues.
- Cumulative impact of traffic needs to be assessed.
- Disruption during construction.
- Density is too high.
- Sewage system is not adequate.
- It is unclear who would improve the drainage infrastructure.
- Surface water flooding.
- Not in accordance with Neighbourhood Plan.
- Increased social amenities needed.
- Increased medical facilities needed.
- Increased parking in High Street needed.
- Urbanisation.
- Lack of infrastructure.

## **6.02 KCC Economic Development**

Following meetings with KCC service providers, the KCC requirements for this development are as follows:

- Primary Education @ £4891.69 per applicable house (x29) & £1222.92 per applicable flat (x15) = £160,202.81 towards the Phase 2 of the Headcorn PS expansion project
- Secondary education @ £2359.80 per applicable house (x29) & £589.95 per applicable flat (x15) = £77,283.45 towards the expansion of Cornwallis school
- Library bookstock £2,304.76 - project: bookstock for the new residents of this development alone (supplied to **Headcorn** Library)

As set out in the original request letter, KCC would request provision of Superfast Fibre Optic Broadband be secured by Condition:

Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

INFORMATIVE – The BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises.

## **6.03 NHS Properties**

Having regard to the section 123 of CIL Regulation 2010, the NHS has received 5 contributions for S106 monies in respect of developments that directly impact on Headcorn Surgery. Therefore no developer contribution is requested.

#### 6.04 Kent Archaeology

The application site lies within a small valley with the stream running along the northern boundary. Such river valleys were favourable areas for prehistoric activity and there is some potential for prehistoric settlement. An isolated Neolithic flint artefact is recorded to the north and further remains may survive on site. The application site also lies adjacent to the historic farm complex of *Oak Farm*, which is identifiable on the 1<sup>st</sup> Ed OS map but is noted as being of 17<sup>th</sup> century origin. Remains associated with the farm would be of local heritage interest. There is also recorded the crash site of a Messerschmitt Bf109E. It crashed on Oak Farm land but the precise location is not known, however, "surface wreckage" has been recorded.

The application is supported by a rather brief DBA by CgMs. This DBA does not seem to mention the WWII crash site or Oak Farm in detail and the analysis of the data is too simple. As such the proposed mitigation is inadequate. WWII sites are considered to be very sensitive and need to be considered carefully, so unless there is more detailed information on the Messerschmitt crash site, some investigation work on this site would be needed to be undertaken.

In addition, I consider there is some potential for prehistoric and post medieval remains to survive on site and as such I recommend the following condition is placed on any forthcoming consent:

*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 by the Local Planning Authority.*

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

#### 6.05 Environmental Agency:

We have no objection and make the following comments:

**Condition:** Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

##### Additional information

##### **Flood risk and surface water drainage**

We have reviewed the submitted Flood Risk Assessment (reference AMA414 Rev B – 27<sup>th</sup> October 2014), and have the following comments to make:

The drainage scheme proposed should provide a sustainable drainage strategy to include SUDS elements with attenuation, storage and treatment capacities incorporated as detailed in the CIRIA SUDS Manual (C697).

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain

water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible.

SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles.

The FRA suggests the use of tanked crates as a method of attenuation storage. We advise against the incorporation of these into the drainage system as they silt up easily and quickly and are vulnerable to breakage in winter and general degradation over time. In addition, as they are below ground, their maintenance and repair is difficult to achieve without disruption. We advise that the applicant look at other storage methods. We therefore ask that an open feature be used instead in this location rather than a storage crate.

As the pre-existing drainage ditches and outfalls will be used to transfer flows from the development to the Hoggs Mill Stream, we require some improvement of them and require them to be upgraded and for proper permanent structures to be put in place. All ditches will need to be regularly maintained and cleared so as to ensure they do not block up and that flood risk is not increased. We ask that any headwalls and outfall pipes are adopted by a maintenance company after development is completed and are inspected and maintained to ensure flood risk is not increased.

We would need to be assured that the hydrobrake and garastor will be maintained throughout the length of their operation and will be adopted by a maintenance company once the construction of the development has been completed. Southern Water will not adopt the scheme and therefore, we would need to be ensured that maintenance and management of the drainage system be organised and officiated before the development starts being built. We need to be assured that once the development is finished, somebody maintains all aspects of the developments drainage.

The hydrobrake system will only work if there was an equal or higher head than upstream. How will highways drainage be prevented from entering the attenuation pond?

There are other SUDS which can be used here, given the local ground conditions, which should be considered. Swales, for example, are shallow, broad and vegetated channels designed to store and convey runoff and remove pollutants. In addition to the inclusion of swales, rain water butts could be introduced to all properties as an additional form of surface water storage as could water loving plants such as willow. We need to be assured that the smallest amount of surface runoff enters the Hoggs Mill stream from the development.

Ultimately, all drainage from the development site enters the Hoggs Mill Stream. This watercourse is very responsive and flashy and reacts rapidly to inflows and will rise rapidly as a result of rain. The Hoggs Mill has a history of flooding and therefore, any additional pressure placed on it could increase flood risk to properties downstream of the proposed development. Because of this, it presents flood risk to properties downstream and therefore, any development upstream, even in Flood Zone 1 as this will be, should be carefully considered.

The surface water drainage should be considered in all stages of the development and should be agreed as a whole system rather than a "stage by stage" process as often occurs with new housing developments.

## **Informatives**

### **Foul Drainage**

We note that foul drainage will be connected to the main sewer. If this changes we would wish to be re-consulted.



## **Fuel, Oil and Chemical Storage**

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance “PPG1 – General guide to prevention of pollution”, which can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/290124/LIT\\_1404\\_8bdf51.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf)

## **Waste on Site**

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:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

## **6.06 KCC Ecology Officer**

We are satisfied that the proposed development has fully considered the ecological impacts and we require no additional information to be submitted prior to determination of the planning application.

### **Bats**

Bats have been recorded within the surrounding area and bats are likely to forage/commute within the site (particularly along the hedgerows) and lighting can be detrimental to roosting, foraging and commuting bats. As such we advise that the lighting must be designed to minimise impact on the surrounding area, proposed pond and site boundaries. We also advise that the Bat Conservation

Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

The ecological survey highlighted that there are trees within the boundary of the proposed development site which have potential to be used by roosting bats – as the trees are to be retained we accept the conclusions of the ecologist that bat emergence surveys are not required. However if the plans change and the trees are proposed for removal we advise that there will be a requirement for emergence surveys to be carried out prior to works being implemented.

### **Great Crested Newts**

The majority of the proposed development is short grazed grassland which provides sub optimal habitat for great crested newts.

In order to consider the impact the proposed development would have on commuting/foraging GCN

GCN presence/absence surveys have been carried out on suitable ponds within 250m of the site and reviewed existing data.

We are satisfied with the conclusions of the report that due to the low numbers GCN recorded within the ponds and the sub-optimal habitat within the surrounding area there is limited potential for GCN to be impacted by the proposed development site.

To minimise the risk further the submitted information have recommended using a precautionary approach when carrying out the work – we advise that if planning permission is granted a details of the precautionary mitigation approach is submitted as a condition of planning permission. We advise that the submitted information must clarify the timing of the removal of the section of the hedgerow.

We are aware that concern has been raised that the mitigation proposed for this application is significantly less than mitigation required for other developments within the surrounding area. We advise that GCN mitigation for developments is not generic and it must be designed on a site by site basis. When reviewing GCN mitigation we ensure that we consider the following:

- Habitat within the site – is it suitable for GCN
- Distance from ponds
- Connectivity to the surrounding area and other ponds
- Are suitable hibernacula features present within the site or immediate area?

As stated above we are satisfied that the submitted information has adequately considered the impact on GCN and we require no additional information prior to determination.

### **Breeding Birds**

The proposed development will result in the loss of suitable breeding bird habitat, all nesting birds and their young are legally protected under the Wildlife and Countryside Act. As such all works must be carried out, outside of the bird breeding season (March – August inclusive), if that is not possible an ecologist must examine the site prior to works starting and if any breeding birds are recorded all works must cease until all the young have fledged.

### **Enhancements**

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

The submitted information has detailed that a number of enhancements could be incorporated in to the proposed development site including:

- Planting native species in to the existing hedgerows
- Designing the pond to provide suitable features for wildlife
- Inclusion of bat and bird boxes within the site
- Inclusion of bat features in to the new buildings – particularly around the boundary of the site.
- Including gaps within the garden fences to enable species to move freely through the area.

We advise that if planning permission is granted a detailed enhancement strategy (including details of how it will be managed) must be submitted for comments as a condition of planning permission.

Informatives

### **Bats and Lighting in the UK**

#### **Bat Conservation Trust and Institution of Lighting Engineers**

#### **Summary of requirements**

The two most important features of street and security lighting with respect to bats are:

1. **The UV component.** Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

2. **Restriction of the area illuminated.** Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

### **UV characteristics:**

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.

High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

### **Street lighting**

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

### **Security and domestic external lighting**

The above recommendations concerning UV output and direction apply. In addition:

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
- Lamps of greater than 2000 lumens (150 W) must not be used;
- Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
  - Light must not be directed at or close to bat roost access points or flight paths from the roost
  - a shield or hood can be used to control or restrict the area to be lit;
  - Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
  - Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby location.

## **6.07 KCC Highway Services:**

I can confirm that appropriate access, parking and internal road network is proposed at this site to allow for an efficient and safe development of 48 units. I note that footway provision is proposed along the site frontage and that an extension to the speed limit is fittingly proposed including enhanced gateway treatment. These works will require the applicant to enter into a Section 278 agreement with this authority for their necessary and appropriate implementation.

I also note the analysis regarding the levels of trip generation and trip distribution which indicates that 84% of trips will route via Kings Road to the A274 crossroads junction with Mill Bank, North Street and Moat Road. It is further understood that as part of the application for the Ulcombe Road and Mill Bank site (H1(39)) – 220 units, that contributions (partial) towards signalling this key junction in Headcorn are proposed.

It is considered that a holistic approach needs to be taken if there is any likelihood of improvements to transport infrastructure being delivered. To this end it is further considered taking into account this site, the Ulcombe Road Site H1(39) and site H1(40) that a contribution of £650 per residential unit should be sought in order to achieve signal control at the A274 crossroads junction in Headcorn described and suggested in the Transport Statement supporting the Ulcombe Road application (MA/14/505284). This takes into account a provisional cost estimate and necessary commuted (maintenance) sum which collectively are estimated to be within £250k. For added security against financial risk associated with a provisional cost estimate it would be advisable if possible to also include site H1(41) in this proposal for transport infrastructure improvements.

I note the STOP signing and lining on both side roads at this junction. This is a traffic management technique that requires a lot of justification to implement and there has clearly therefore been road safety problems to sanction this. It is further considered that extra waiting time pressures at this junction during periods of congestion and delay brought on by newly generated traffic could give rise to drivers taking undue risks when emerging in front of approaching traffic. It is for this reason and to regulate and rationalise traffic movements here

that I consider that signal control at the junction is desirable and that the levy described should be sought.

Subject to the above I write to confirm on behalf of the Highway Authority that I have no objection to the application submitted.

#### **6.08 MBC Park and Leisure**

The Parks and Open Spaces Team have viewed this application and would make the following observations;

For a development of this size we would expect a minimum onsite provision of formal open space of 0.50ha (not including Green Corridors or Natural & Semi-Natural Green Spaces). The development is located within Sutton Valence and Langley Ward.

There is no set standard for minimum provision in terms of Natural and Semi Natural Open Space and Green Corridors.

A development this size will have an impact on existing areas of formal open space in the local area where no onsite provision exists.

Whilst it is noted that the development plans to include an open green space it is worth noting that MBC would not seek to adopt any open space and so the developer would remain responsible for any areas requiring maintenance. Whilst the documentation provided does not fully indicate the size of open space provided on site, we would estimate this to be approximately 0.10ha and as such this would leave a shortfall in the required minimum onsite provision.

Based on a shortfall of 0.40ha we would seek an offsite contribution of £1260 per dwelling. A total of £60,480 = (48 x £1260).

Any offsite contribution we would request to be used for the improvement, refurbishment and maintenance of existing areas of open space and equipped play and outdoor sports facilities. Those facilities targeted would be at Hoggs Bridge Green Play Area within 0.25 miles of the development.

#### **6.09 MBC Heritage and Landscaping**

There are no protected trees on the site but there is a Tree Preservation Order (TPO) covering trees on land to the northeast.

The site falls within the Headcorn Pasturelands area (area 43) of the Maidstone Landscape Character Assessment 2012 (amended 2013), which is located within the broader Low Weald landscape type. I don't believe there are any arboricultural/landscape objections I can raise subject to standard pre commencement conditions requiring an Arboricultural Method Statement in accordance with BS5837:2012 (including tree protection details) and landscaping.

#### **6.10 Environmental Health**

That given the sensitivity around flooding in the area, the sustainable drainage system should be required as a condition as should its continued use.

**REQUESTED CONDITIONS:**

**HOURS OF WORKING (DEMOLITION/CONSTRUCTION)**

No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition where road closure or similar is needed or for safety reasons.,

## **LAND CONTAMINATION**

The development hereby permitted shall not be commenced until the following a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) Further work is needed to determine the area impacted by the potential arsenic contamination and to produce a remediation method statement (RMS and carry out a site investigation, the risk to all receptors that may be affected, including those off site and those involved in the development of the site. This is to take into account the proposed development and potential soil movement during the development phase.

2) The RMS should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

3) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should 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;

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

### **6.11 Kent Police Crime Prevention**

I have considered the planning application detailed above with regards to Crime Prevention Through Environmental Design (CPTED) matters, in accordance with the DCLG Planning Practice

Guidance March 2014 (Paragraphs 10 & 11) – Crime Prevention and the Kent Design Initiative (KDI) -

Design For Crime Prevention document dated April 2013.

The applicant has taken into considered crime prevention see page 45 section 4.10 of the (D&AS)

Design and Access Statement (D&AS), however to date we have had no communication from the applicant/agent and there are other issues that need to be discussed and addressed including a formal application for Codes, BREEAM and Secured By Design (SBD) if appropriate.

If this planning application is given approval and no contact has been made to the Crime Prevention Design Advisors (CPDAs) by the applicant/agent, then we would suggest that a condition be included as part of the planning approval to ensure that Crime Prevention is addressed effectively:

We suggest an informative:

#### **Informative,**

Prior to the submission of any reserved matters application, the applicant, agents, or successors in title, are encouraged to undertake pre-application (reserved matters) discussion with the local Planning Authority. As part of this pre-application discussion, it may well be necessary to consult

with external bodies such as Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that a comprehensive approach is taken to Crime Prevention and Community Safety. The contact details of the Kent Police CPDAs are ; John Grant & Adrian Fromm, Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ email: [pandcr@kent.pnn.police.uk](mailto:pandcr@kent.pnn.police.uk) Tel No- 01622 653209/3234.

### **MBC Housing:-**

- 6.12 The development is for a total of 48 units with the applicant proposing 40% affordable housing which equates to 19 units.

The proposed mix being suggested by the applicants is:

1 bed units – 4  
2 bed units – 11  
3 bed units – 4

All the 1 and 2 bed units for the development are being offered as affordable units, the rest of the site being made up of 3 and 4 bedroom houses.

Housing has been in contact with Countryside Properties with regards to the unit size and tenure mix and can confirm that the proposals have our support.

Housing has suggested the following tenure mix to fit in with the proposed site plan:

Size	Total Units	Rental	Shared Ownership
1 Bedroom	4	4	0
2 Bedroom	11	5	6
3 Bedroom	4	2	2
Total	19	11	8

Affordable Rent: Plots 29-39

Shared Ownership: Plots 23-28, 40 & 41

This will ensure a policy compliant scheme as well as delivering a range of suitable accommodation for each tenure.

- 6.13 **Southern Water:** Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. 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 additional off site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development.

Should this application receive planning approval, please note include, as an informative to the permission, the following requirement:

“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, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).”

Our initial investigations indicate that the existing surface water system can accommodate a surface water flow of 17.0l/s. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

The drainage application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely on facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangement exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system which may result in inundation

of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

Specify the responsibilities of each party for the implementation of the SUDS scheme;

Specify a timetable for implementation; and 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.

We request that should this application receive planning approval, the following condition is attached to the consent:

"Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Southern Water's current sewerage records do not show any public sewers to be crossing the above site. However, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and the potential means of access before any further works commence on the site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

**6. 14 Agricultural Classification/grade of the land:** The site is mainly Grade 3b (moderate quality) and therefore outside the "best and most versatile" category.

**6.15 Uk Power Networks:** Has no objection to the proposed works

## **7.00 BACKGROUND PAPERS AND PLANS**

**7.01** The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no 2490-10, 2490-11B, 2490-12C, 2490-13B, 2490-14B, 2490-20A, 2490-202, 2491A-203 Rev A, 2491A-204, 2491A-205, 2491A-206 Rev A, 2491A-207 Rev A, 2491A-21, 2490-22 A, 2490-23 A, 2490-24, 2490-25, 2490-26, 2490-27, 2490-28 A, 2490-29, 2490-30A, 2490-31, 2490-32, 2490-33A, 2490-34A, 2490-35A, 2490-36, 2490-37, 2490-38, 2490-39, 2490-40A, 2490-41A, Planning statement October 2014, Design and access Statement October 2014, Code for Sustainable homes Briefing produced by Turley October 2014, Ecology assessment by Aspect Ecology Ltd October 2014, Transport assessment Feb 2015, Flood risk assessment dated October 2014, Desk Study and Ground Investigation Report October 2014, Archaeological Desk Bases assessment April 2014, Agricultural land Classification Report October 2014, tree Condition Survey June 2014, Utilities Feasibility Report June 2014, statement of Community involvement October 2014, Southern Water appraisal of Sewer connection Received 2/06/2015.

## **8.0 APPRAISAL**

### **Principle of Development**

**8.01** 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. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

*"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.”

- 8.02 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.
- 8.03 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.
- 8.04 Paragraph 47 of the NPPF states that Councils should identify a 5 year land supply. The Council has undertaken a Strategic Housing Market assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge & Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011-31). The SHMA (January 2014) found that there is the 'objectively assessed need' for some 19,600 additional homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May 2014, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.
- 8.05 At April 2014, the Council had 2.1 year supply of housing assessed against the revised objectively assessed need figure of 18,600. The Council is unable to demonstrate a 5 year supply of housing land.
- 8.06 This lack of a 5 year supply is a significant factor and at paragraph 49 of the NPPF it is stated 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 5 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.”
- 8.07 In respect of the circumstances of the specifics of this case, the proposal site is located adjacent to the settlement of the Headcorn, which is identified as a Rural Service Centre (RSC) in the draft Local Plan under policy SP3, that provides a range of key services including a primary school, shops, restaurants, doctors surgery and good public transport including rail link and bus service. These facilities would require improvement or upgrade commensurate with any increase in population.
- 8.08 RSC's are considered the most sustainable settlements in Maidstone's settlement hierarchy, as set out in the draft Local Plan, outside of the town centre and urban area. They have been identified as such for their accessibility, potential for growth and role as a service centre for surrounding areas. 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”.
- 8.09 In February 2015 Cabinet considered a number of proposed housing allocations sites including this site and resolved that this site should not go forward to Regulation 19 Consultation on the grounds that, *“local infrastructure is insufficient, in particular for foul water sewerage, flood risk and highway congestion.”*



- 8.10 In the light of the above mentioned shortfall of five year housing land supply, bringing forward development on this sustainably located site immediately adjacent to a rural service centre would assist in helping to meet the shortfall and it is considered this to be a strong material consideration in favour of the development. Notwithstanding the recent resolution by Cabinet the current application should be determined on its planning merits on the basis of the adopted policies in the Development Plan and other material considerations.
- 8.11 Headcorn Parish Council has objected to this application and stated that it should be refused as it is in conflict with the emerging Neighbourhood Plan. Whilst works on the NP is on-going, it still has a number of key stages to go through including pre-submission to the Council, public consultation, independent examination and referendum. It is therefore considered that although Headcorn NP is a material consideration, in its current stage it is not grounds to refuse planning permission.
- 8.12 Paragraph 216 of the NPPF states that from the day of publication, decision-takers may give weight to the relevant policies in emerging plans, according to,
- *The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given).*
  - *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given and*
  - *The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater weight that may be given)*
- 8.13 In view of the key stages ahead in the adoption process, the unresolved and continued discussions with the lead authority over key issues such as affordable housing and relationship to emerging Local Plan (Spatial Strategy) to which Maidstone has an Objectively Assessed Need (OAN) and evidence base, it is considered that limited weight can be given to the draft NP in this case. The NP is an important material consideration, but is yet to be examined.
- 8.14 Having regard to the above ground, it is considered that 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. Below the key planning issues pertaining to this case comprising visual/landscape impact, residential amenity, access/highway safety, infrastructure, drainage/flood risk, ecology are assessed.

### **Design, Visual/Landscape Impact**

- 8.15 The site comprises 1.8ha of relatively flat pasture field with a detached stable block on the southwest corner of the site.
- 8.16 The land is graded as 3b therefore is not considered to be the “Best and Most Versatile” land. The land is partially enclosed by tall hedging and trees along all its boundaries except for the north west corner where it backs on to two storey houses or chalet type dwellings in Oak Farm Gardens. The site is visible in part from the east and the public foot path that runs along the eastern boundary and partially from Oak Farm Garden.
- 8.17 NPPF attaches great importance to the design issues of the built environment and considers good design to be a key aspect of sustainable development. The proposed development has been designed to maximise the use of existing features of the site, like trees, hedges and topography of the land to complement and enhance the environmental quality of the housing estate layout by introduction of large green amenity area and a large water pond along the eastern boundary. The street layout and orientation of the houses are designed to create a sense of place and community. The dwelling houses are orientated to maximise the use of sun light and day light as well as providing privacy protection to the future residents and safeguard the amenities of the occupiers of the properties to the west.

- 8.18 The proposed houses and the flat block to the south west are all two storey with pitched roof over. These would have maximum eaves and ridge height of 4.7m and 9.5m respectively. The flat blocks units along the northwest boundary would provide accommodation in the roof space involving dormers windows. The overall height of this flat block to the eave and ridge would be 7m and 10m respectively. This block would be marginally (/half meter) taller than the other buildings on site.
- 8.19 The proposed layout involves single north south access road which meanders through the centre of the site and access to the properties would be either directly from the central spine road or via series of informal private drives. A spur road provides access to the affordable houses to the north-west corner of the site.
- 8.20 The houses along the frontage with Lenham Road would be set behind the existing substantial trees and hedging; about 20m back thus giving the development an established soft landscaped frontage and maintain the rural character of this section of Lenham Road.
- 8.21 It is considered that there will inevitably be a significant visual impact as the openness of the site will be replaced by the proposed houses and will change from grazing use to a residential one. However it is considered that the development would not appear visually prominent or intrusive in the wider landscape due to domestic scale of the development against the backdrop of the existing houses of similar scale to the west and north-west and retention of the existing boundary hedge and trees. Furthermore a landscaping condition would ensure additional landscaping to be carried out around the site boundaries and within the site in order to further soften the impact of the development.
- 8.22 The proposed layout shows substantial size water feature and amenity areas along the eastern flank of the development. It is considered that this aspect of the proposal together with existing trees and hedging would bring about a visual enhancement and an attractive living environment and finished edge to the development. It is further considered that this arrangement would encourage habitat for diverse ecology of the locality. It is therefore important to ensure that native plants are used in the landscaping of the garden of the houses and the amenity areas along the eastern edge of the site in order to ensure that an ecologically balance and sustainable habitats are created for enjoyment of the residents and users of the footpath to the east and wildlife.
- 8.23 Given the context of the surrounding area, it is considered that the proposed mixed and varied house types, flat blocks and large amenity area with pond would provide a satisfactory range of dwellings and living environment for a mixed community that would complement Headcorn. The proposal is considered acceptable subject to a condition requiring the submission of external finished materials to ensure the development be in keeping with its wider surrounding.
- 8.24 The proposal would have a density of just over 26dph which is in keeping with the density of properties in the surrounding roads (Lenham Road, Knight's Way and Oak Farm Gardens). With respect to the detailed design of the houses it is considered that the proposed house types and materials are in keeping with the appearance, scale and character of houses in the locality. The palette of materials would comprise primarily red/brown bricks with complementary mortar colour rather than contrast with brick colour. The brick works will be interspersed with secondary focal elements including white weatherboarding and render to provide visual interest and variety. Pitched roofs will be clad in high quality man made slate with a riven finish and plain tile mixture of red/ antique/brown tones, to provide continuity throughout the development.
- 8.25 In conclusion, it is considered that the scale and particular location of the proposal are such that its impact is likely to be limited to the immediate surroundings. Furthermore, the impact of the development could be mitigated significantly by the additional planting along the boundaries of the site in the form of native hedgerow with hedgerow trees, which would soften the visual impact of the development and enable it to integrate easier with its rural surroundings. A landscaping condition and a condition requiring the submission of external finished materials to secure these are recommended.

## **Residential Amenity**

- 8.26 Paragraph 56 of the NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to make places better for people.
- 8.27 The submitted design and access statement states that the layout, scale and appearance of the development have evolved in a number of ways to take account of the policy requirements and pre-application advice.
- 8.28 The proposed development has been designed to provide high levels of day light, sunlight and privacy for the future occupiers and minimise impact on the amenities of the occupiers of adjoining residential properties to the west. It is considered that the proposal would not cause any adverse impact on the sun light and day light of the properties in Oak Farm Gardens to the west or the Oast house along the southwest corner of the site; as well as on dwellings proposed within the development.
- 8.29 Affordable housing on this site would be 40% (19 dwellings) of the development and these residential units are located along the north western corner of the site. The houses are designed with small front gardens and car parking space or garaging to the side and satisfactory levels of garden/amenity areas. Moreover the sitting and relationship of the houses with one another is well positioned and as a result no significant overlooking or loss of light would result.

### **Highways**

- 8.30 Paragraph 29 of NPPF states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that opportunities to maximize sustainable transport solutions will vary from urban to rural areas.
- 8.31 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impact of development is severe.
- 8.32 Concern has been expressed with regard to the impact on the existing road network. Local residents are concerned that the proposal will increase the risks on the public highway. The submitted highway report has been assessed by KCC Highway Services and their views have been reported in this report.
- 8.33 The proposal would provide a single vehicular access to the site from Lenham Road. KCC Highway Services is satisfied that the car parking provision and internal road network proposed would allow for an efficient and safe development of 48 units. It is also considered that footway provision proposed along the site frontage and an extension to the speed limit in Lenham Road further east to be acceptable. These works will require the applicant to enter into a Section 278 agreement with the highway authority.
- 8.34 Transport Assessment concludes that traffic generation and trip distribution which indicates that 84% of trips will route via Kings Road to the A274 crossroads junction with Mill Bank, North Street and Moat Road. It is also considered that the development 14/505284/OUT for 220 dwellings at Ulcombe Road and Mill Bank (pending inspector's decision) and members resolution to approve at 16 April 2015 Planning committee will also increase use of this junction.
- 8.35 It has been establish that there is a potential safety issue arising from the junction's existing substandard sight line visibility, and these developments will increase use of a junction with an existing potential safety problem, and that this would be mitigated if the lights were installed.
- 8.36 In light of the sub-standard sight lines at the junction, Kent Highway Services states that this is an issue, and that safety issues could arise in the future. It is considered that there are sufficient grounds to require signalisation of the junction. This was proposed as a highway mitigation measure with in application 14/505284/OUT.
- 8.37 It is considered that a holistic approach needs to be taken if there is any likelihood of improvements to transport infrastructure being delivered. To this end it is further considered taking into account this site,

the Ulcombe Road Site that a contribution of £650 per residential unit should be sought in order to achieve signal control at the A274 crossroads junction in Headcorn described and suggested in the Transport Statement supporting the Ulcombe Road application (MA/14/505284). This takes into account a provisional cost estimate and necessary commuted (maintenance) sum which collectively are estimated to be within £250k. For added security against financial risk associated with a provisional cost estimate it would be advisable if possible to also include site H1(41) in this proposal for transport infrastructure improvements.

### **Drainage and flood Risk**

- 8.38 Parish and local residents have raised the issue of foul water drainage in the village and southern water has stated that there is inadequate capacity and this was one of the reasons cabinet decided for the site to be removed from the emerging Local Plan.
- 8.39 The Parish Council has submitted a foul water drainage assessment report prepared by consultants on behalf of the Parish Council. The report refers to deficiencies within the existing foul water system due to narrow diameter of pipes including inadequate capacity and velocity as some pipes have potentially not been laid falling in the right direction or at sufficient angles. It is considered that this could result in a build-up of foul material, blockages and overflows and indeed submissions have been received showing evidence of such occurrences. Whilst this information has not been independently assessed, clearly there are issues with the existing system evidenced by the problems experienced on some roads in the village where overflows occur.
- 8.40 These issues are known to the applicant and in response they commissioned Southern Water to carry out a **Level 2 foul water Capacity Assessment**.
- 8.41 Southern Water has stated in their Assessment for the applicant/ Countryside properties that a connection to manhole TQ83445503 would be acceptable on the basis that a small increase in output to the Moat Road pumping station could be undertaken by Southern Water to offset the additional foul flow of 2.2 litres /second. Countryside would seek to run a pumped rising main to manhole TQ83445503 from a new foul water pumping station located on the application/development site.
- 8.42 Countryside properties maintain that, owing to the negligible additional flow arising from the proposed development, and compliance with Southern Water recommendation this development would not result in the overwhelming of the sewerage network.
- 8.43 With regard to the Surface Water Strategy the Flood Risk Assessment submitted states in summary that SUDs are proposed including filter strips, permeable paving, swales and ponds to ensure run-off rates would be the equivalent of existing greenfield run-off rates. All surface water from this development will be discharged via a new sewerage network within the development, to two outfalls on the site perimeter (at the north east and south west boundaries). This surface water shall then discharge from the site by existing off site pipes, via an attenuation pond (north east boundary) and via a 'crated' attenuation system (south west boundary), to where it will discharge into Hogg Stream at 'greenfield' run off rates. No surface water from the developed site shall enter the Southern Water public foul sewer network. On this basis no objections are raised by the EA and surface water drainage or the impact upon flooding are not considered grounds for objection.

### **Ecology**

- 8.44 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging application of biodiversity schemes in and around developments. Furthermore, planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats.
- 8.45 The application has been supported by an Ecological appraisal report. Ecological surveys have been carried out including species surveys for bats, GCN, reptiles, and aquatic invertebrates. Surveys confirmed the limited presence of GCN in ponds nearby. Due to use of the land for horse grazing the survey confirms limited wildlife on site except in the hedgerow areas. Thus mitigation proposed for this

site is significantly less than mitigation required of other developments; except in the hedge areas. Detail of precautionary mitigation approach would be required to clarify the timing of the removal of any hedgerow.

- 8.46 To mitigate the impact of the development and enhance biodiversity and landscape value of the development it is suggested that the hedgerows be protected during the construction period and also the open space land together with the pond in the eastern parts of the site to be designed to encourage wild life and biodiversity. It is also considered appropriate to impose a condition requiring the use of swift bricks, bird boxes in the new houses and use of appropriate fence type that facilitate movement of small mammals.
- 8.47 KCC Ecology has assessed the detail and raised no objections subject to conditions and informative.

#### **Code for Sustainable homes**

- 8.48 Following the technical housing standards review, the previous government issued a [written ministerial statement](#) withdrawing the code for sustainable homes in March 2015. The statement (which is a material planning consideration) says *"planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency"*. As such, conditions cannot be attached to planning permission seeking a code level. Instead, the government will be introducing a new set of streamlined national technical standards that will be dealt with under Building Regulations, and it is advised that energy performance requirements in Building Regulations will be set at a level equivalent to the Code for Sustainable Homes Level 4.

#### **Sustainability**

- 8.49 The application site is situated just on the edge of settlement of Headcorn which has essential services like school, doctor surgery, restaurant, shops, etc as well as is within walking distance of rail way station and bus service and as such it is considered that the application is in a most sustainable location for housing development.

#### **Other Matters**

- 8.50 The application is accompanied by a brief Archaeological assessment report. KCC Archaeological Officer considers the report not comprehensive and states that the site forms part of a small river valley that was favourable areas for prehistoric activity and there is some potential for prehistoric settlement. An isolated Neolithic flint artefact is recorded to the north and further remains may survive on site. The application site also lies adjacent to the historic farm complex of *Oak Farm*, which is identifiable on the 1<sup>st</sup> Ed OS map but is noted as being of 17<sup>th</sup> century origin. Remains associated with the farm would be of local heritage interest. Also crash of a Messerschmitt Bf109E is recorded on Oak Farm land but the precise location is not known, however, "surface wreckage" has been recorded. To ensure that the site Archaeology is fully recorded and assessed a condition is recommended to any forthcoming consent.

#### **Planning Infrastructure Contribution**

- 8.51 This development is likely to place additional demands on local services and facilities. To improve and enhance capacity and make the development acceptable in planning terms developer's contributions can be sought.
- 8.52 In terms of the remaining contributions previously agreed, Section 123 of the Community Infrastructure Levy (CIL) Regulations 2010 came into force on 6th April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010). It is therefore necessary to review all the contributions in light of this.
- 8.53 KCC has reassessed their requests in light of Section 123 of the CIL Regulations (in terms of pooling of 5 obligations) and as a result the following contributions have been sought.

- The provision of 40% affordable housing equates to 19 dwellings within the application site of which 3 dwellings to be Wheelchair Accessible Home.
- Primary Education @ £4891.69 per applicable house (x29) & £1222.92 per applicable flat (x15) = £160,202.81 towards the Phase 2 of the Headcorn PS expansion project
- Secondary education @ £2359.80 per applicable house (x29) & £589.95 per applicable flat (x15) = £77,283.45 towards the expansion of Cornwallis school
- Library bookstock £2,304.76 - project: bookstock for the new residents of this development alone (supplied to **Headcorn** Library).
- Based on a shortfall of 0.40ha an offsite contribution of £1260 per dwelling. A total of £60,480 = (48 x £1260) to be targeted towards Hoggs Bridge Green Play Area within 0.25 miles of the development.
- Developer contribution is also sought by KCC highway services £650 per dwelling. A total of £31,200 to provide signal control at the A274 crossroads junction in Headcorn.

8.54 The Planning obligations have been considered in accordance with the legal tests set out in Community Infrastructure Levy Regulations 2010 in that they are 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. These tests have been duly applied in the context of this planning application and give rise to the above mentioned specific requirements

## 9.0 CONCLUSION

- 9.01 Whilst the proposed development conflicts with Local Plan Policy ENV28, it is important to note that the Council cannot at present demonstrate a 5 years supply of deliverable housing land supply when measured against the Strategic Housing Market Assessment (SHMA) and Strategic Housing Land Availability Assessment (SHLAA). For the reasons set out above it is considered that the proposal is acceptable in the context of its surrounding in this large village and in compliance with NPPF.
- 9.02 The site is situated in a sustainable location adjoining the settlement boundary of Headcorn in the Local Plan, which offers a good range of facilities and services, and public transport links. The proposal site would represent a natural expansion of the village with very limited localised visual protrusion into open countryside.
- 9.03 There are no highway objections and contributions would be secured to mitigate impacts by providing signal control at the A274 crossroads junction in Headcorn. Also appropriate infrastructure would be provided and affordable housing. There are no ecology or amenity issues that cannot be mitigated by planning conditions.
- 9.04 The design of the proposed houses, flat blocks and estate layout is considered to be of a good quality and the landscaping provision within the development site would create an attractive environment for future occupiers.
- 9.05 There are clearly a number of benefits that weigh in favour of the proposed development comprising delivery of both open-market and much-needed affordable housing and being in a sustainable location in terms of access to everyday services and facilities. The development would also assist the local economy through the generation of construction and other jobs.
- 9.06 This is a proposal that would deliver a high quality development that would also provide significant infrastructure improvement. Having regard to all the above it is considered that this is a balancing test as required by NPPF; as such it is considered that compliance with NPPF policy is sufficient grounds for departure from adopted local Plan and recommend this development for approval.

**10.0 RECOMMENDATION** – GRANT Subject to a section 106 legal agreement and the following conditions:

The Head of Planning be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out in the report and to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the followings:

A: The provision of 40% affordable housing equate to 19 dwellings within the application site.

B: Secure the following developer's contributions:

- The provision of 40% affordable housing equates to 19 dwellings within the application site of which 3 dwellings to be Wheelchair Accessible Home.
- Primary Education @ £4891.69 per applicable house (x29) & £1222.92 per applicable flat (x15) = £160,202.81 towards the Phase 2 of the Headcorn Primary School expansion project.
- Secondary education @ £2359.80 per applicable house (x29) & £589.95 per applicable flat (x15) = £77,283.45 towards the expansion of Cornwallis school
- Library bookstock £2,304.76 - project: bookstock for the new residents of this development alone (supplied to **Headcorn** Library).
- Based on a shortfall of 0.40ha an offsite contribution of £1260 per dwelling. A total of £60,480 = (48 x £1260) to be targeted towards Hoggs Bridge Green Play Area within 0.25 miles of the development.
- Developer contribution is also sought by KCC highway services £650 per dwelling. A total of £31,200 to provide signal control at the A274 crossroads junction in Headcorn.

C: Grant planning permission subject to the imposition of the conditions set out below:

1) The development hereby permitted shall begin no later than 2 years from the date of this decision.

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no 2490-10, 2490-11B, 2490-12C, 2490-13B, 2490-14B, 2490-20A, 2490-202, 2491A-203 Rev A, 2491A-204, 2491A-205, 2491A-206 Rev A, 2491A-207 Rev A, 2491A-21, 2490-22 A, 2490-23 A, 2490-24, 2490-25, 2490-26, 2490-27, 2490-28 A, 2490-29, 2490-30A, 2490-31, 2490-32, 2490-33A, 2490-34A, 2490-35A, 2490-36, 2490-37, 2490-38, 2490-39, 2490-40A, 2490-41A, Planning statement October 2014, Design and access Statement October 2014, Code for Sustainable homes Briefing produced by Turley October 2014, Ecology assessment by Aspect Ecology Ltd October 2014, Transport assessment Feb 2015, Flood risk assessment dated October 2014, Desk Study and Ground Investigation Report October 2014, Archaeological Desk Bases assessment April 2014, Agricultural land Classification Report October 2014, tree Condition Survey June 2014, Utilities Feasibility Report June 2014, statement of Community involvement October 2014, Southern Water appraisal of Sewer connection Received 2/06/2015.

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

3) No development shall take place until schedule/samples of the materials and finishes to be used in the construction of the external walls, roofs, windows and doors of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

4) The development shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles. Where possible, and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved by the local planning authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves to manage surface water on site in accordance with the submitted flood risk assessment dated October 2014 and southern water report received 2/06/2015. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design feature. The development shall thereafter be carried out in accordance with the approved details.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties and pursuant to the National Planning Policy Framework 2012.

5) 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 resulting unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater resources and ensure compliance with the NPPF as infiltrating water has the potential to cause remobilisations of contaminants present in shallow soil made ground which could ultimately cause pollution of ground water.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no development within Schedule 2, Part1, 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 amenities of the prospective occupiers and adjoining properties.

7) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping,( the landscaping scheme and SUDS scheme should be integrated to deliver green infrastructure by creating green open space which can encourage biodiversity and habitats) using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and should include consideration of how the boundary hedgerows can be managed and retained in the long term.

Reason: In the interest of ecology enhancement and visual amenity of the area.

8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of any of the dwellings hereby permitted, or completion of development, whichever is the sooner. 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.

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

9) A landscape and habitats management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas other than privately



owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. The landscape management and habitat management plan shall be carried out as approved.

Reason: In the interest of habitat protection and visual amenity of the area.

10) Prior to the commencement of any development, a scheme for the protection of trees and hedges to be retained on site shall be submitted to and approved in writing by the local planning authority. All trees and hedge rows to be retained must be protected by barriers and or ground protection in accordance with BS5837 (2012) "Trees in relation to Construction Recommendations". No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barrier and/or ground protection measures shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed nor fires lit, within any of the area protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground level changed, nor excavations made within these area without the written consent of the Local Planning Authority.

Reason: To Safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in compliance with National Planning Policy Framework 2012.

11) No tree felling/vegetation clearance works, or other works that may affect nesting birds, shall take place between 1 March and 31 August inclusive. In the event that works are required to be carried out during the nesting period, a prior survey to establish the absence/presence of nesting birds should be undertaken by an appropriately qualified ecologist. A report of the assessment, together with proposals for any required mitigation/ compensation shall be submitted to and approved in writing by the local planning authority prior to any works being undertaken. Thereafter, the works shall be carried out in accordance with any necessary mitigation/ compensation measures.

Reason: In the interest of visual amenity of the surrounding properties.

12) Cordwood above 20cm in diameter from the site should be retained and placed within the site in locations and quantities to be agreed with the local planning authority prior to any tree felling take place.

Reason: In the interests of biodiversity and ecological enhancement in compliance with NPPF

13) Prior to the occupation of the first dwelling a scheme for management and maintenance of SUDS (if not included in the landscape management scheme condition 9 above) shall be submitted to and approved in writing by the Local Planning Authority. The SUDS system shall be management and maintained in accordance with the approved scheme thereafter.

Reason: In the interests of flood prevention and amenities of the local residents.

14) Prior to the commencement of any development, details shall have been submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor /slab levels of the buildings hereby permitted. The development shall be carried out in strict accordance with the details agreed.

Reason: In the interest of visual amenity of the surrounding properties.

15) No development shall take place until details of all fencing, walling and other boundary treatments, which shall include, inter alia, gaps to allow passage of small mammals (including hedgehogs), have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details before the first occupation of the development hereby permitted and maintained thereafter.

Reason: To ensure a satisfactory appearance of the development, provide biodiversity mitigation and protect the amenities of the future occupiers of the dwellings.

16) No development shall take place 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 harm to sensitive local ecology. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

17) 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 by the Local Planning Authority.

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

18) None of the dwellings hereby permitted shall be occupied until the car parking, garaging, car ports and visitor car parking spaces associated with that particular unit of accommodation have been constructed in accordance with the approved plans. The respective spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of residential amenities and high way safety.

19) None of the dwellings hereby permitted shall be occupied until sustainable surface water drainage works have been implemented in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until all the works necessary have been implemented in accordance with the approved details. The balancing pond, if required, shall be completed and be in operation before the occupation of the first dwelling. The submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, including any requirement for the provision of a balancing pond and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) include a timetable for its implementation in relation to the development; and,

iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2012.

20) None of the dwellings hereby permitted shall be occupied until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2012.

21) If, during development, contamination not previously identified, is found to be present on the development hereby permitted, then no further development shall be carried out until remediation works, in accordance with a Method Statement for remediation, including a timetable that has previously been submitted to and approved in writing by the local planning authority, have been completed and a verification report demonstrating completion of the works set out in the Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall detail how the unsuspected contamination shall be dealt with. The verification report demonstrating completion of the works set out in the

Method Statement shall include results of any sampling and monitoring. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: In the interests of residential amenities of the future occupiers of the dwellings.

22) Construction works including the use of plant and machinery on the site shall not take place other than between 08.00-18.00 hours Monday to Friday and 09.00-13.00 hours on a Saturday, and at no time on Sundays or bank/public holidays.

Reason: In the interests of residential of the adjoining properties.

23) No dwelling shall be occupied until highway works agreed under section 278 of the 1980 Highway Act have been implemented in full to the satisfaction of the Local Planning and Highways Authorities. These works comprise:

i- Extension of 30mph speed limit to the east of the application site.

ii- Relocation of a terminal speed limit gateway feature.

iii- Construction of appropriate visibility sightlines on to Lenham Road prior to the commencement of the construction of dwellings.

iv- New dropped kerb crossings and tactile paving provided on Lenham Road with the new vehicular access Road.

Reason: In the interests of highway safety.

24) No development shall take place (including, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP:

Biodiversity shall include the following.

a) Risk assessment of potentially damaging construction activities;

b) Identification of "biodiversity protection zones", including use of protective fences, exclusion barriers and warning signs;

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);

d) The location and timing of sensitive works to avoid harm to biodiversity features;

e) The times during construction when specialist ecologists need to be present on site to oversee works;

f) Responsible persons and lines of communication;

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity and ecology of the area

25) Details of bird and bat boxes/bricks to be provided in the development shall be submitted to and approved in writing by the Local Planning Authority within three months from the commencement of the development. The approved bird and bat boxes/bricks shall be installed before any respective dwelling is first occupied. Thereafter the approved bird and bat boxes shall be retained in accordance with approved details.

Reason: To enhance biodiversity in the interests of nature conservation and biodiversity protection in accordance of the NPPF.

26) None of the dwellings hereby permitted shall be occupied until underground ducts have been installed. The development should make provision for telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles satellite dishes and overhead lines and notwithstanding the provisions of the Town and Country

Planning (General Permitted Development) (England) Order 2015, no distribution pole satellite dish or overhead line shall be erected within the site area.

Reason: In the interests of residential and visual amenities of the area

27) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of Security, Crime Prevention and Community Safety in accord with principle of good design and in compliance with NPPF.

## INFORMATIVES

1) Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. 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.

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

3) A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 0330 303 0119) or [WWW.southernwater.co.uk](http://WWW.southernwater.co.uk).

### 4) Fuel, Oil and Chemical Storage

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance "PPG1 – General guide to prevention of pollution", which can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/290124/LIT\\_1404\\_8bdf51.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf)

### 5) Bats and Lighting in the UK

#### Bat Conservation Trust and Institution of Lighting Engineers

#### Summary of requirements

The two most important features of street and security lighting with respect to bats are:

i. **The UV component.** Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

ii. **Restriction of the area illuminated.** Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

#### UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit minimal UV component.
- High pressure Sodium Lamps (SON) emits a small UV component.

- White SON, though low in UV, emit more than regular SON.  
High
- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.  
Variable
- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

### **Street lighting**

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

### **Security and domestic external lighting**

The above recommendations concerning UV output and direction apply. In addition:

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
- Lamps of greater than 2000 lumens (150 W) must not be used;
- Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
  - Light must not be directed at or close to bat roost access points or flight paths from the roost
  - a shield or hood can be used to control or restrict the area to be lit;
  - Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
  - Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby location.

Case Officer: Majid Harouni

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

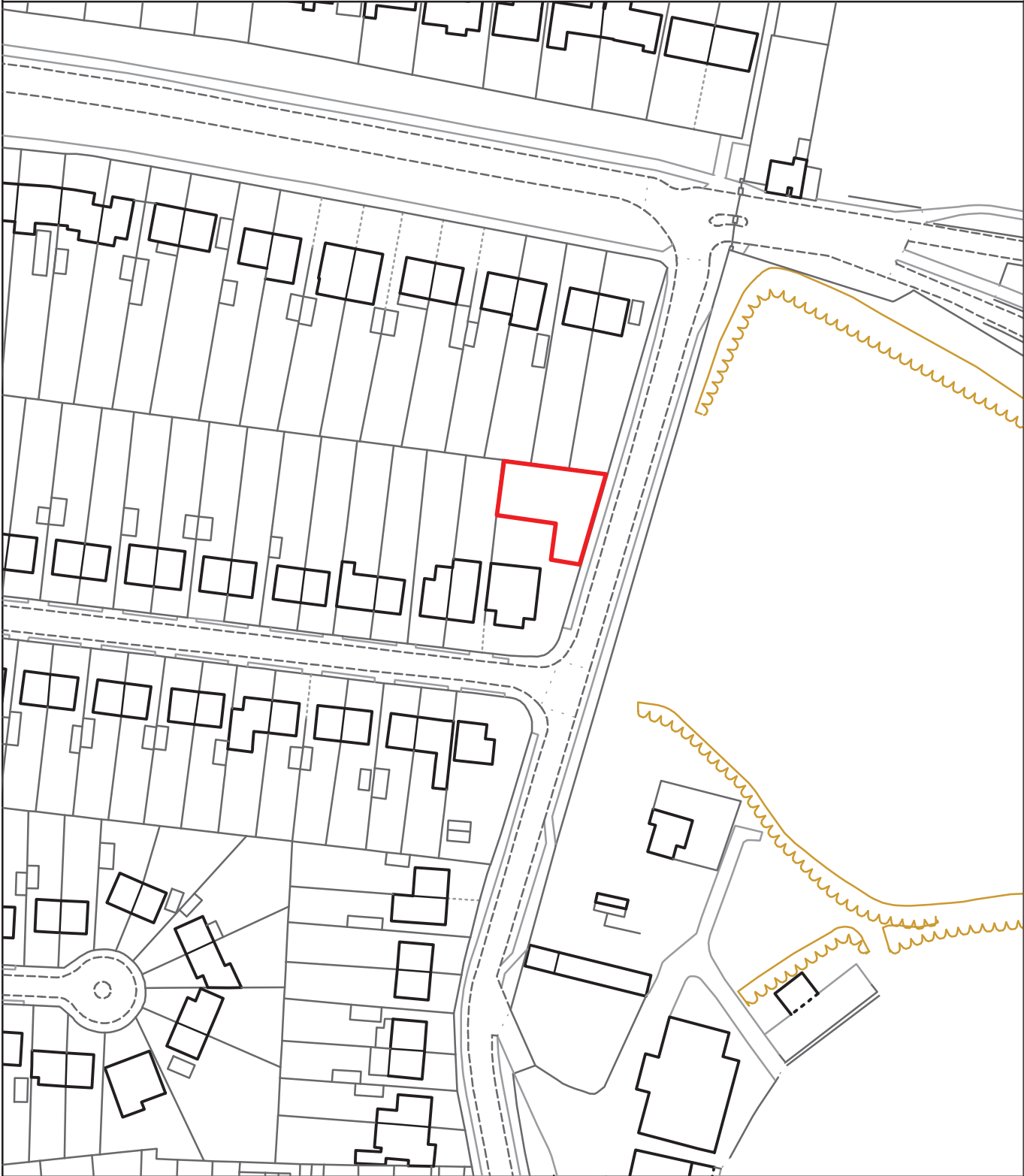
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

# Agenda Item 22

## THE MAIDSTONE BOROUGH COUNCIL

49 Meadow Walk  
Maidstone  
Kent  
ME15 7RY

MBC Ref: 15/502568



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**Rob Jarman**  
**Head of Planning**

## REPORT SUMMARY

<b>REFERENCE NO -</b> 15/502568/FULL		
<b>APPLICATION PROPOSAL</b> Erection of one new dwelling.		
<b>ADDRESS</b> 49 Meadow Walk Maidstone Kent ME15 7RY		
<b>RECOMMENDATION</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The applicant is a Ward Member. Councillor English has called application into Planning Committee.		
<b>WARD</b> High Street Ward	<b>PARISH COUNCIL</b> N/A	<b>APPLICANT</b> Mrs Parvin <b>AGENT</b> Mr Loughhead
<b>DECISION DUE DATE</b> 24 <sup>th</sup> June 2015	<b>PUBLICITY EXPIRY DATE</b> 10 <sup>th</sup> June 2015	<b>OFFICER SITE VISIT DATE</b> 24 <sup>th</sup> April 2015
<b>RELEVANT PLANNING HISTORY:</b>		

MA/08/0028 - Erection of single dwelling– Approved with conditions

## MAIN REPORT

### 1.0 Relevant policy

- Development Plan: ENV6
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Draft Local Plan: SP2, DM4, DM5
- SPG4 – Kent Vehicle Parking Standards (July 2006)
- Kent Design Guide Review: Interim Guidance Note 3 (November 2008) – Residential Parking

### 2.0 Consultation responses

- 2.01 Councillor English called the application into Planning Committee with concerns over scale of proposal.
- 2.02 **KCC Highways:** Raise no objection.
- 2.03 **Landscape Officer:** Raises no objection on arboricultural grounds.

### 3.0 Neighbour representations

- 3.01 3 neighbours have made representations (56, 58 and 60 Mote Avenue) raising concerns over:
- Loss of privacy/outlook
  - Overshadowing
  - Impact on trees
  - Unacceptable development of garden land
  - Loss of views
  - Highway safety
  - Visual impact/size of development

#### **4.0 Site description**

- 4.01 49 Meadow Walk is a detached house on the corner of Meadow Walk with Willow Way that has a side garage and parking space accessed from Meadow Walk. The proposal site slopes down at the rear, northwards towards the long back gardens of properties fronting Mote Avenue; and Mote Park is to the immediate east of the site.
- 4.02 The proposed development specifically relates to the end of the rear garden of 49 Meadow Walk. The garden area is of a general rectangular shape, measuring some 21m in depth that is laid to lawn with a vegetable plot, ornamental planting and domestic outbuildings. The general character of the area is largely residential and made up of detached and semi-detached housing. The application site does fall within the defined urban area as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

#### **5.0 Proposal**

- 5.01 The proposal is for the erection of a detached (4-bed) 2 storey dwelling (with accommodation in the roof) with 2 off-road parking spaces and an integral garage. Located in the rear garden of 49 Meadow Walk, the property would front onto and have its access from Willow Way. Set back more than 3.5m from the highway, the proposed dwelling would have a hipped roof; and in terms of external materials it would be of facing brick at ground floor level and weatherboarding at first floor, with concrete roof tiles. The proposed dwelling would stand some 9m in height from its main ridge line to ground level, and would have an eaves height of some 5m. The projecting element of the property would extend 2.8m from the front elevation, and would stand some 8m in height from its ridge to ground level.

#### **6.0 Background information**

- 6.01 Whilst no longer extant, the proposal site did have permission for a detached dwelling that was approved under MA/08/0028. The approved dwelling is of a different design to what is now proposed, but notwithstanding this, the current application must be considered on its own merits.

#### **7.0 Principle of development**

- 7.01 Development Plan policy and central Government guidance within the National Planning Policy Framework (NPPF) does encourage new housing in sustainable urban locations as an alternative to residential development in more remote countryside situations; and according to the NPPF, *"Housing applications should be considered in the context of the presumption in favour of sustainable development"*. The site is within a sustainable location. However, paragraph 53 of the NPPF does state;

*"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."*



7.02 The NPPF does not consider garden land to be 'previously developed land', and whilst there is no presumption in favour of this type of development, it is not prohibited provided that it contributes, protects and enhances the built environment.

7.03 I will now consider the proposal against the relevant policy and guidance.

## **8.0 Visual impact**

8.01 The NPPF makes it clear that all new development should seek to contribute, protect and enhance the built environment, including consideration to the extent to which the development is well integrated with the character of the surrounding area.

8.02 A residential property in this location has already been accepted under MA/08/0028; and whilst this permission is no longer extant, it is still a material planning consideration in the determination of this current submission, as it has previously been accepted that a new residential plot here would not appear out of character in terms of the pattern and grain of development in the wider area. Notwithstanding this, the proposed dwelling would have its own frontage onto Willow Way; it would respect the existing building line along this section of Willow Way; and there are examples of similar garden development along Willow Way, to the south of the proposal site. I would therefore consider it unreasonable to refuse this application on these grounds.

8.03 The proposed dwelling, with its hipped roof design standing some 9m in height, would not be too dissimilar in height and scale with the surrounding properties that are in Willow Way, Meadow Walk and Mote Avenue. The proposal's use of contrasting materials (weatherboarding, facing brick and concrete roof tiles), along with its window surround detailing and well-proportioned openings, would not appear out of keeping given the varied house types and mixed materials palette that exists in the area. To further ensure a satisfactory appearance to the development, a condition will be imposed requesting samples prior to the commencement of any works.

8.04 Whilst there is limited interest to the northern flank of the proposal, this elevation would be largely screened from public view by the existing boundary planting; and in my view the use of contrasting external materials, the property's set back from the road, its hipped roof design, and first floor windows in the southern flank that all provide visual interest would ensure that this proposal would not appear excessively bulky or over dominant from any public vantage point. In addition, the front extending element is set down lower to the main roof line, it is of a hipped roof design, it would project outwards a modest distance, and its proportions are in keeping with the overall form of the main building. This feature would also remain set back more than 3.5m from the verge, further ensuring the proposal's positive relationship with the character and appearance of the street and wider area. To my mind, the low level front boundary treatment and native landscaping would also open the site, and

would be an improvement on the existing blank 1.8m-2m high boundary treatment.

- 8.05 The site has no protected trees within or close to the site; the Landscape Officer accepts there are no other trees of merit within the site; no objection is raised to the loss of any of the existing planting; and they are satisfied that there are no significant trees which would form a constraint to this proposal. The applicant has also confirmed they will plant a native hedgerow along the front boundary to enhance the site's frontage, and to ensure this a landscaping scheme will be required by way of a pre-commencement condition.
- 8.06 I am therefore of the view that the proposed development would not appear out of context, cramped or visually incongruous within the setting of the wider area, but a cohesive development that would not cause significant visual harm to the character and appearance of the street. I do not therefore consider the proposal to be inappropriate garden development.

## **9.0 Residential amenity**

- 9.01 The closest property to the proposed development is 49 Meadow Walk. I am satisfied that the proposal would not result in a harmful loss of light, outlook and privacy (internally and externally) for the occupants of 49 Meadow Walk, given the 12m separation distance between the 2 houses; the proposed 2.4m high close boarded fencing; the hipped roof design of the new house; and the obscure glazed and fixed shut nature of the first floor southern flank openings (to be ensured by condition). I would also add that I have no objection to the new boundary treatment along the southern boundary, in terms of its impact on the amenity of 49 Meadow Walk's amenity; and because the proposed dwelling would be set in about 1m from this boundary; and sited within the plot more eastwards than 49 Meadow Walk, it would not appear oppressive enough to warrant refusal. The impact of the proposal would also be reduced by the drop in land level.
- 9.02 Equally, for the same reasons above and because the proposed first floor rear openings would not directly overlook the immediate private garden areas of these houses (given the proposed property's orientation), I am also satisfied that the living conditions of the other properties in Meadow Walk would not be adversely affected.
- 9.03 With regards to the properties in Mote Avenue, the proposed dwelling would be more than 25m away from any property; no first floor openings are to be inserted into northern flank of the property; and again the first floor rear openings would not directly overlook the immediate private garden areas of these houses. The existing boundary treatments would also be retained, ensuring adequate levels of privacy would be retained; and the proposal, given its scale and location, would not harmfully overshadow the rear gardens of these properties enough to justify refusal.

- 9.04 I am therefore satisfied that this proposal, because of its scale, design, nature and location, would not appear overwhelming, or have a significant detrimental impact upon the residential amenity of any neighbour, in terms of general noise and disturbance and loss of privacy, outlook, and light.

## **10.0 Amenity for future occupants**

- 10.01 Given the orientation, internal layout and fenestration detail of the proposed property; its separation distance from existing properties; and the adequately sized garden and suitable boundary treatments, I am satisfied that future occupants would benefit from acceptable (internal and external) living conditions.

## **11.0 Highway safety and parking implications**

- 11.01 It has been agreed by Members of the Planning, Transport and Development Overview and Scrutiny Committee, and subsequently the Cabinet Member for Planning, Transport and Development, that the two sets of KCC parking standards (The 2006 KCC Supplementary Planning Guidance (SPG), '*Kent Vehicle Parking Standards*' and the 2008 *Kent Design Guide Review: Interim Guidance Note 3 – 'Residential Parking'*) are to be used on an interim basis as a material consideration in determining planning applications pending publication and subsequent adoption of a Parking SPD which can only be done following adoption of the new Local Plan.
- 11.02 The proposal includes the provision of 2 off-road parking spaces located to the front of the property. Whilst the 2006 KCC Supplementary Planning Guidance (SPG) gives a maximum (not minimum) parking standard of 3 spaces per 4-bedroom property, the most recent advice within the 2008 Kent Design Guide Review: Interim Guidance Note, suggests 1.5 spaces for a property of this size on the edge of town and 2 spaces for a suburban location. I am satisfied that the proposed parking provision in this sustainable location is in accordance with these KCC parking standards, and the Highways Officer has raised no objection in this respect.
- 11.03 Given the grass verge (some 2m in depth) that separates the proposal site from the highway, I am satisfied that the front boundary treatments are suitable and would not cause a highway safety issue. The Highways Officer has again, raised no objection in this respect.
- 11.04 I am satisfied that the level of traffic movement to and from the site would be of no more detriment to the amenity of local residents than the current situation; and I am also of the view that the proposal would not have a detrimental impact on the capacity of the local road network. Bearing in mind Government advice to reduce car usage, the sustainable location of the site, and that there would be no significant highway safety issues arising from the development, I consider that an objection on the grounds of parking provision could not be sustained.

## **12.0 Other considerations**

- 12.01 Given the scale and nature of the proposal, I am satisfied that there is unlikely to be potential harm caused to protected species and their habitats and therefore consider it unreasonable to request further details in this respect.
- 12.02 I am satisfied, given the proposal's scale, nature and location that no further details are required regarding noise, land contamination, air quality, flood risk or drainage.

## **13.0 Conclusion**

- 13.01 The concerns raised by Councillor English and the local residents have been addressed in the main body of this report, and I would like to add that 'loss of a view' is not a material planning consideration in the determination of this application.
- 13.02 In my view, this proposal is acceptable in principle and it would not cause harm to the character and appearance of the surrounding area or upon the amenity of future occupants and surrounding neighbours. It is therefore considered that the proposal is in accordance with the relevant provisions of the Development Plan and the National Planning Policy Framework, and I therefore 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 materials to be used in the construction of the external surfaces of the building (to include weatherboarding, facing brick and swift bricks), and the front boundary treatment 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 and maintained thereafter unless otherwise agreed in writing by the local planning authority;

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 a satisfactory appearance to the development.

- (4) Before the development hereby permitted is first occupied, the first floor southern flank windows and the windows in the first floor western elevation serving a bathroom and an ensuite facility shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

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

- (5) No new windows or other openings shall be inserted into the first floor flank elevations without the permission of the Local Planning Authority;

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

- (6) Prior to the first occupation of the property hereby approved, the hard boundary treatments as shown on drawing reference '02 Indicative Landscaping Plan' (received 26th May 2015), shall be fully implemented and maintained thereafter unless otherwise agreed in writing by the local planning authority;

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

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

- i) Details of the species, size, density and location of all new planting within the site;
- iii) Details of native planting along the front (eastern) boundary of the site.

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

- (8) 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.

- (9) 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 2015 (as amended) (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.

- (10) 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) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further extensions, or enlargements or alterations to the roof, 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.

- (11) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Rev B and Planning Layout 01 Rev B received 26/05/15;

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

## INFORMATIVES

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

## Planning Committee Report

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.

# Agenda Item 23

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 18<sup>th</sup> June 2015**

### **APPEAL DECISIONS:**

**1. Application 1 Costs application in relation to Appeal Ref:**

**APP/U2235/C/08/2087987**

The application for an award of costs is allowed

**Application 2: Costs application in relation to Appeal Ref:**

**APP/U2235/C/08/2087987**

The application for an award of costs is allowed

**Application 3: Costs application in relation to Appeal Ref:**

**APP/U2235/A/09/2093611**

The application for an award of costs is refused.

**Application 4: Costs application in relation to Appeal Ref:**

**APP/U2235/A/09/2093624**

The application for an award of costs is refused.

Monks Lakes, Staplehurst Road  
TN12 9BS

(Delegated)

- 
- 2. 14/502252** Outline application for a development of 8 no. houses with access considered at this stage and all other matters reserved for future consideration.

**APPEAL:** Dismissed

Land At Junction Of New Cut Road And  
Bearsted Road  
Weaving  
Kent

(Delegated)

- 
- 3. 14/503784** Single storey side and rear extensions

**APPEAL:** Dismissed

81 Fennel Close  
Maidstone  
Kent  
ME16 0XT



(Delegated)

- 
4. **14/505587** Erection of a detached garage building to provide parking space for 3 cars and family play room in the roof space involving front dormer windows and external stair access way to the loft space.

**APPEAL:** Dismissed

Cobdown  
The Street  
Ulcombe  
Kent  
ME17 1DR

(Delegated)

- 
5. **14/501986** Erection of 12 dwellings with formation of access on to South Lane, landscaping and parking

**APPEAL:** Dismissed

South Belringham  
South Lane  
Sutton Valence  
Kent

(Delegated)

- 
6. **14/0834** Erection of a detached garden room and playroom to the rear garden.

**APPEAL:** Dismissed

36, Brockenhurst Avenue, Maidstone, Maidstone,  
Kent  
ME15 7ED

(Delegated)

- 
7. **14/502180** Outline application for the erection of 8 no dwellings

**APPEAL:** Dismissed

Land East Of  
Hockers Lane  
Detling  
Kent

(Delegated)

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**8. 14/503953** Erection of 4 no. dwelling houses

**APPEAL:** Dismissed

Lower Bell Riding School  
Back Lane  
Boughton Monchelsea  
Kent  
ME17 4JR

(Delegated)

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**9. 14/501029** Erection of detached outbuilding to the rear garden.

**APPEAL:** Dismissed

17 Brockenhurst Avenue  
Maidstone  
Kent  
ME15 7ED

(Delegated)

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