

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 25 February 2016  
Time: 6.00 p.m.  
Venue: Town Hall, High Street,  
Maidstone

### Membership:

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

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 3 March 2016

**Continued Over/:**

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**Issued on Wednesday 17 February 2016**

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**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	
7.	Disclosures by Members and Officers	
8.	Disclosures of lobbying	
9.	To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
10.	Minutes (Part I) of the meeting held on 4 February 2016 adjourned to 11 February 2016	1 - 9
11.	Presentation of Petitions (if any)	
12.	Report of the Head of Planning and Development - Deferred Items	10
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## **PART II**

**To move that the public be excluded for the item set out in Part II of the Agenda because of the likely disclosure of exempt information for the reason specified having applied the Public Interest Test.**

### **Head of Schedule 12A and Brief Description**

- |  |                       |           |
|--|-----------------------|-----------|
| 23. Minutes (Part II) of the meeting held on<br>4 February 2016 adjourned to<br>11 February 2016 | 5 – Legal Proceedings | 238 - 241 |
|--|-----------------------|-----------|

### **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 (PART I) OF THE MEETING HELD ON 4 FEBRUARY 2016** **ADJOURNED TO 11 FEBRUARY 2016**

**Present:**                      **Councillor English (Chairman) and Councillors Ash, Clark, Cox, Harper, Harwood, Hemsley, Munford, Paine, Paterson, Round, Mrs Stockell and J A Wilson**  
**4 February 2016**

**Also Present:**              **Councillors Mrs Blackmore, Brice, Burton, McLoughlin, B Mortimer and Sargeant**

#### 251. APOLOGIES FOR ABSENCE

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

#### 252. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor J A Wilson was substituting for Councillor Perry.

#### 253. NOTIFICATION OF VISITING MEMBERS

Councillors Brice and McLoughlin indicated their wish to speak on the report of the Head of Planning and Development relating to application 13/1456.

Councillor B Mortimer indicated his wish to speak on the report of the Head of Planning and Development relating to application 15/504345.

It was noted that Councillor Mrs Blackmore had indicated her wish to speak on the report of the Head of Planning and Development relating to application 13/1456.

Councillor Sargeant attended the meeting as an observer.

Councillor Burton entered the meeting shortly before application 13/1456 was introduced by the Case Officer, and indicated his wish to speak on the application and application 15/507493. The Chairman indicated that, notwithstanding Councillor Burton's late arrival, he would be able to speak on these items.

#### 254. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

255. URGENT ITEMS

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

The Chairman also drew Members' attention to the supplementary exempt report of the Head of Planning and Development relating to application 15/506426/MOD106.

256. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 13/1456, Councillor Paine stated that he knew the landowners from his previous role as a Trustee of a local Charity. However, he did not believe that this represented an interest in the application, and he intended to speak and vote when it was discussed.

257. EXEMPT ITEMS

**RESOLVED:** That the item on Part II of the agenda be taken in private as proposed.

258. MINUTES OF THE MEETING HELD ON 14 JANUARY 2016

**RESOLVED:** That the Minutes of the meeting held on 14 January 2016 be approved as a correct record and signed.

259. PRESENTATION OF PETITIONS

There were no petitions.

260. DEFERRED ITEM

14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT

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

261. 13/1456 - GROUND BASED PHOTOVOLTAIC SOLAR FARM, ACCESS, ASSOCIATED WORKS AND GRID CONNECTION - GREAT PAGEHURST FARM, PAGEHURST ROAD, STAPLEHURST, MAIDSTONE, KENT

All Members stated that they had been lobbied.

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

The Development Manager advised the Committee that a revised version of the first update report had been produced and uploaded onto the Council's website to reflect the fact that, in the final paragraph of her consultation response letter, Helen Grant MP had stated that she felt that there was a substantial argument for this application to be rejected. A copy of the letter had been attached to the first update report.

The Development Manager then drew the Committee's attention to the second update report, and, in particular, the additional tree protection conditions recommended by the Landscape Officer in relation to retained trees within the site area. He explained that reasons for these conditions had been omitted from the update report and that the reason in each case should read: In the interests of good arboricultural practice.

Mr Foulkes, for objectors, Councillor Buller of Staplehurst Parish Council (against), Councillor Mannington of Marden Parish Council (against), Ms Marriage, for the applicant, and Councillors Brice, McLoughlin, Mrs Blackmore and Burton (Visiting Members) addressed the meeting.

During the discussion on the application, the Development Manager amended the second sentence of paragraph 4.19 of the report to read "The proposal should **not** be regarded as a significant development of agricultural land where land of poorer ALC quality than the proposed site should be sought instead."

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members considered the proposed development to be unacceptable by virtue of its adverse visual effect upon the landscape character and appearance, contrary to the aims and objectives of the National Planning Policy Framework (2012), the National Planning Practice Guidance (2014), Saved Policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan (2000), the Council's Planning Policy Advice Notice (2014), the Maidstone Landscape Character Assessment (2012) and the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015). The planning harm that had been identified would not be outweighed by the planning benefits of the development.

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

The proposed development is considered to be unacceptable by virtue of its adverse visual effect upon the landscape character and appearance, contrary to the aims and objectives of the National Planning Policy Framework (2012), the National Planning Practice Guidance (2014), Saved Policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan (2000), the Council's Planning Policy Advice Notice (2014), the Maidstone Landscape Character Assessment (2012) and the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015). The planning harm that has been identified would not be outweighed by the planning benefits of the development.

Voting:            6 – For            4 – Against            3 – Abstentions

Councillor Harwood requested that his dissent be recorded.

262. EXCLUSION OF THE PUBLIC FROM THE MEETING

**RESOLVED:** That the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt information for the reason specified having applied the Public Interest Test:

**Head of Schedule 12A and Brief Description**

Exempt Report of the Head of Planning and Development –  
15/506426/MOD106 – Springfield Park, Royal Engineers Road, Maidstone

5 – Legal Proceedings

263. EXEMPT REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT - 15/506426/MOD106 - SPRINGFIELD PARK, ROYAL ENGINEERS ROAD, MAIDSTONE

The Committee considered the report of the Head of Planning and Development updating the position with regard to (a) the S106 agreement dated 1 August 2006 in respect of planning application MA/05/2350 for a mixed office and residential development, including a community facility, on land at Springfield Park, Royal Engineers Road, Maidstone and (b) the developer contributions.

The Committee gave instructions to the Officers as to the way to proceed in respect of this matter.

264. 15/504345 - CHANGE OF USE OF BUILDING FROM LIVE/WORK USE (SUI GENERIS) TO A MIXED BUSINESS (USE CLASS B1A, B OR C) AND RESIDENTIAL USE (USE CLASS C3) (RETROSPECTIVE) - AMERICAN OAST, TUTSHAM FARM, WEST FARLEIGH, KENT

The Chairman and Councillors Clark, Harper, Paine, Mrs Stockell and J A Wilson stated that they had been lobbied.

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

Mr Draper, an objector, Councillor Scott of West Farleigh Parish Council (against), Mr Collins, for the applicant, and Councillor B Mortimer (Visiting Member) addressed the meeting.

**RESOLVED:** That consideration of this application be deferred to enable the Officers to hold discussions with the applicant to establish any traffic management measures that could be introduced to prevent commercial traffic using Mill Lane.

Voting:        9 – For        1 – Against        3 – Abstentions

265. 15/507493 - OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO NINE DWELLINGS CONSIDERING ACCESS FROM CHARTWAY STREET WITH ALL OTHER MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) RESERVED FOR FUTURE CONSIDERATION - LAND NORTH OF WIND CHIMES, CHARTWAY STREET, SUTTON VALENCE, KENT

All Members stated that they had been lobbied.

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

Mr Deveson, an objector, Councillor Stancombe of Sutton Valence Parish Council (against), Mr Court, for the applicant, and Councillor Burton (Visiting Member) addressed the meeting.

The Chairman left the meeting following Councillor Stancombe's speech, and the Vice-Chairman (Councillor Harper) took the Chair for the remainder of the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the proposals would consolidate existing development and result in the urbanisation of the site, which would be harmful to the character and appearance of the countryside, contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, the NPPF 2012 and the NPPG 2014. Any planning benefits would not outweigh the planning harm.

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

The proposals would consolidate existing development and result in the urbanisation of the site, which would be harmful to the character and appearance of the countryside, contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, the NPPF 2012 and the NPPG 2014. Any planning benefits would not outweigh the planning harm.

Voting:        12 – For        0 – Against        0 – Abstentions

266. ADJOURNMENT OF MEETING

Following consideration of the report of the Head of Planning and Development relating to application 15/507493, the Committee:

**RESOLVED:** That the meeting be adjourned until 6.00 p.m. on 11 February 2016 when the remaining items on the agenda will be discussed.

267. DURATION OF MEETING

6.00 p.m. to 10.10 p.m.



**MAIDSTONE BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**MINUTES OF THE ADJOURNED MEETING HELD ON**  
**11 FEBRUARY 2016**

**Present:**                    **Councillor English (Chairman) and Councillors Butler, Clark, Cox, Hemsley, Paterson and Round**

268. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Ash, Harwood, Munford, Paine and Perry.

269. NOTIFICATION OF SUBSTITUTE MEMBERS

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

270. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

271. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

272. URGENT ITEMS

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

273. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

274. EXEMPT ITEMS

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

275. 15/507194 - CONSTRUCTION OF A DETACHED HOUSE AND A PAIR OF SEMI-DETACHED HOUSES WITH ASSOCIATED PARKING - LAND ADJ ULCOMBE C OF E PRIMARY SCHOOL, THE STREET, ULCOMBE, KENT

All Members except Councillors Butler and Paterson stated that they had been lobbied.

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

Mr Rogers, an objector, and Councillor Titchener of Ulcombe Parish Council (against) addressed the meeting.

**RESOLVED:** That consideration of this application be deferred to enable the Officers to request further guidance from the Highways Officer in relation to the adequacy of the vehicle access to the houses in terms of highway safety and the potential conflict with drivers and pedestrians using the adjacent school.

Voting:        6 – For        0 – Against        0 – Abstentions

Note: Councillor Clark entered the meeting following consideration of this application (6.30 p.m.).

276. 15/508307 - ERECTION OF 4 DWELLINGS AND RELOCATION OF ACCESS TO BUILDER'S YARD - EYHORNE GREEN, MUSKET LANE, HOLLINGBOURNE, KENT

Councillor Round stated that he had been lobbied.

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

Mr Snowden, an objector, Councillor Bennett of Hollingbourne Parish Council (against) and Mr Baty, for the applicant, addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the proposals represented an overdevelopment of the site resulting in an overly urban appearance and resultant loss of landscaping that would be out of character and harmful to the street scene and Conservation Area contrary to policies ENV6 and ENV34 of the Maidstone Borough-Wide Local Plan 2000 and the NPPF.

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

The proposals represent an overdevelopment of the site resulting in an overly urban appearance and resultant loss of landscaping that would be out of character and harmful to the street scene and Conservation Area contrary to policies ENV6 and ENV34 of the Maidstone Borough-Wide Local Plan 2000 and the NPPF.

Voting:        7 – For        0 – Against        0 – Abstentions

277. 15/508348 - CHANGE OF USE OF AN EXISTING FARM BUILDING TO PROVIDE 3 NO. RESIDENTIAL DWELLINGS WITH ASSOCIATED PARKING,

ACCESS, LANDSCAPING AND INFRASTRUCTURE WORKS ON THE LAND AT HOCKERS FARM - HOCKERS FARM, HOCKERS LANE, DETLING, KENT

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

Councillor Bowie of Detling Parish Council (against) and Mr Collins, for the applicant, addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the proposed development would result in harm to the character and appearance of the Kent Downs Area of Outstanding Natural Beauty, the Special Landscape Area and open countryside by reason of the change of use to residential and domestication of the site and encroachment into the open countryside which would be contrary to policies ENV28, ENV33, ENV34 and ENV45 of the Maidstone Borough-Wide Local Plan 2000 and the NPPF.

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

The proposed development would result in harm to the character and appearance of the Kent Downs Area of Outstanding Natural Beauty, the Special Landscape Area and open countryside by reason of the change of use to residential and domestication of the site and encroachment into the open countryside which would be contrary to policies ENV28, ENV33, ENV34 and ENV45 of the Maidstone Borough-Wide Local Plan 2000 and the NPPF.

Voting:        7 – For        0 – Against        0 – Abstentions

278. 15/509547 - OUTLINE APPLICATION FOR ERECTION OF 3 STOREY BUILDING CONTAINING 8 FLATS, AND ACCESS TO CAR PARK WITH 6 CAR SPACES, BIN AND CYCLE STORES TO INCLUDE ACCESS, APPEARANCE, LAYOUT AND SCALE WITH ALL OTHER MATTERS RESERVED - REAR OF REGAL HOUSE, 11-13 ALBION PLACE, MAIDSTONE, KENT

The Chairman and Councillors Clark, Cox and Round stated that they had been lobbied.

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

Mr Newton, an objector, addressed the meeting.

During the discussion on this application, Councillor Round stated that he was one of the Council's representatives on the Upper Medway Internal Drainage Board whose offices were situated at 17 Albion Place. Since the Board had not objected to the application and was unlikely to be affected financially by the development, Councillor Round indicated that he would continue to participate in the discussion and the voting on the application.

**RESOLVED:** That outline permission be granted subject to the conditions set out in the report as amended by the urgent update report.

Voting:        4 – For        3 – Against        0 – Abstentions

279. 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.

280. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements on this occasion.

281. DURATION OF MEETING

6.00 p.m. to 8.25 p.m.

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

**25 FEBRUARY 2016**

#### **REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT**

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.

<b>APPLICATION</b>	<b>DATE DEFERRED</b>
<p><u>14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT</u></p> <p>Deferred to enable the Officers to negotiate movement of the signage to locations that are less visually intrusive.</p>	14 January 2016
<p><u>15/504345 - CHANGE OF USE OF BUILDING FROM LIVE/WORK USE (SUI GENERIS) TO A MIXED BUSINESS (USE CLASS B1A, B OR C) AND RESIDENTIAL USE (USE CLASS C3) (RETROSPECTIVE) - AMERICAN OAST, TUTSHAM FARM, WEST FARLEIGH, KENT</u></p> <p>Deferred to enable the Officers to hold discussions with the applicant to establish any traffic management measures that could be introduced to prevent commercial traffic using Mill Lane.</p>	4 February 2016 adjourned to 11 February 2016
<p><u>15/507194 - CONSTRUCTION OF A DETACHED HOUSE AND A PAIR OF SEMI-DETACHED HOUSES WITH ASSOCIATED PARKING - LAND ADJ ULCOMBE C OF E PRIMARY SCHOOL, THE STREET, ULCOMBE, KENT</u></p> <p>Deferred to enable the Officers to request further guidance from the Highways Officer in relation to the adequacy of the vehicle access to the houses in terms of highway safety and the potential conflict with drivers and pedestrians using the adjacent school.</p>	4 February 2016 adjourned to 11 February 2016

# Agenda Item 13



## REPORT SUMMARY

<b>REFERENCE NO - 11/0511</b>		
<b>APPLICATION PROPOSAL</b> Change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions; conversion of the existing ball room to 2 dwellings, including extensions; demolition of existing garage block and erection of 4 terraced properties; conversion of existing glasshouses to 4 dwellings, including extensions; and the erection of 5 detached dwellings to the north and south of the access track, together with associated access and landscape works (PLEASE SEE MA/11/0512 FOR LISTED BUILDING CONSENT APPLICATION).		
<b>ADDRESS</b> Wierton Place, Wierton Road, Boughton Monchelsea, Maidstone, Kent, ME17 4JW		
<b>RECOMMENDATION: APPROVE subject to signing of Unilateral Undertaking and subject to conditions and expiry of advert for departure from development plan</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> As set out the report.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The proposal is contrary to the Development Plan and the recommendation is contrary to the views of Boughton Monchelsea Parish Council.		
<b>WARD</b> Boughton Monchelsea And Chart Sutton	<b>PARISH/TOWN COUNCIL</b> Boughton Monchelsea	<b>APPLICANT</b> Wierton Place Homes Ltd <b>AGENT</b> Guy Holloway Architects LLP
<b>DECISION DUE DATE</b> 03/07/11	<b>PUBLICITY EXPIRY DATE</b> 03/07/11	<b>OFFICER SITE VISIT DATE</b> Various
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

### Planning History:

The site has a significant planning and enforcement history. The relevant history is summarised below:

MA/11/1806 Listed Building Consent for a permanent memorial plaque - APPROVED SUBJECT TO CONDITIONS

MA/11/1805 Advertisement Consent for a memorial plaque upon internal gateway plaque - APPROVED SUBJECT TO CONDITIONS

MA/11/0512 An application for Listed Building Consent for internal alterations and extensions to facilitate the change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions and internal works; conversion and extension of the existing ball room to 2 dwellings; demolition of existing garage block and erection of 4 terraced properties; conversion and extension of existing glasshouses to 4 dwellings; and the erection of 5 detached dwellings to the north and south of the access track, together with associated access and landscape works – CURRENTLY UNDER CONSIDERATION, REPORTED ON PAPERS.

MA/01/0093 An application for listed building consent for the erection of garden implement store - APPROVED SUBJECT TO CONDITIONS

MA/01/0092 Erection of garden implement store - APPROVED SUBJECT TO CONDITIONS

MA/93/0945 Construction of single storey building comprising garaging and store - REFUSED

MA/93/0364 Single storey garages and storage extension – REFUSED

MA/89/1390 Extensions to provide ancillary residential accommodation, external WC, laundry and store rooms - APPROVED SUBJECT TO CONDITIONS

MA/88/0168 Extension to country club to provide gym, lounge bar, snooker room and store - APPROVED SUBJECT TO CONDITIONS

MA/77/0056 Conversion into 5 residential units of barn, cottage and stable block - APPROVED SUBJECT TO CONDITIONS

MA/77/0089 Extension and alteration to form club - APPROVED SUBJECT TO CONDITIONS

MA/77/0180 The change of use of premises from office and residential use to part private residence, part country club - APPROVED SUBJECT TO CONDITIONS

MA/76/1195 Erection of double garage - APPROVED SUBJECT TO CONDITIONS

MA/75/0138 Renewal of permission for conversion of stable block and grooms quarters to dwellinghouse; improvements to cottage; conversion of barn to dwellinghouse - APPROVED SUBJECT TO CONDITIONS

72/0089/MK3 Extension to form club – APPROVED

71/0180/MK3 The change of use of premises from office and residential use to part private residence, part country club - APPROVED SUBJECT TO CONDITIONS

70/0333/MK3 The change of use of premises to part private dwelling, part country club – REFUSED

70/0185/MK3 (a) the conversion of stable block and grooms quarters to dwelling house; (b) the carrying out of improvements to cottage; and (c) the conversion of barn to dwellinghouse - APPROVED SUBJECT TO CONDITIONS

67/0184/MK3 An outline application for change of use to residential hotel and country club - APPROVED SUBJECT TO CONDITIONS

The complex and sensitive nature of the application, the length of discussions and negotiations and various changes in case officers have resulted in this application and the accompanying application for listed building consent (MA/11/0512) being in for a significant period of time. The applications were on the papers for the Planning Committee meeting held on 14<sup>th</sup> February 2014, however they were withdrawn from the agenda prior to determination.

More recently, since Summer 2015, ecological information requested by the Kent County Council Biodiversity Officer relating to the presence of bats in the main buildings on the site was provided by the applicant in July 2015. A draft Unilateral Undertaking has also been submitted, which is intended to control the phasing of the development and also ensures that the Greenhouse is repaired before the new housing units are occupied.



## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is located within the open countryside, approximately 1km to the south of the village of Boughton Monchelsea, which is itself approximately 3 miles from the centre of Maidstone (as the crow flies). The site is located in an area with no specific environmental or economic designations within the adopted Maidstone Local Plan 2000 (MBWLP), however it is within a proposed Landscape of Local Value in the emerging Maidstone Regulation 19 Local Plan (MLP). The site is accessed from Wierton Road to the east by a sinuous tree lined single track private drive of some length (approximately 200m). The route access passes through land in the ownership of third parties, and is itself owned by persons who have now been correctly served with Owners Notices (and the correct Certificate provided to the Local Planning Authority).
- 1.02 On entering the main body of the site, which is irregularly shaped, there are two linear areas of hard surfacing to the north and the south of the access, which appear to have previously been utilised as overflow car parks associated with the former use of Wierton Place as a night club. These areas of hard surfacing are separated from the remainder of the site by two banks of trees that run from north to south within the site.
- 1.03 The main house (Wierton Place itself), which has an existing lawful use as a night club (known as the “Polo Club”) and a number of residential apartments, sits centrally within the application site oriented to face southwards over the Kentish Weald. This building, which was Grade II listed in 2002 along with a small detached garden building to the north west, was constructed in approximately 1857 (although a property has been recorded at the site from circa 1760), and comprises a substantial detached property constructed of red brick in Flemish bond with brick headers, and sandstone dressing, with a Kentish ragstone plinth to the rear. The property has a tiled roof, with large ornate chimney stacks, including four tall clustered stacks to the main part of the building. The historical core of the building is two storey, although it has been previously extended through the addition of a three storey extension to its western end. To the eastern end of the main building is a substantial (single storey flat roofed extension) which formerly housed the ballroom associated with the nightclub. Both of these extensions are believed to date from the Victorian or Edwardian era. To the north of the main building is an area of hard surfacing used for car parking ancillary to the use of Wierton Place, together with areas of landscaping. To the west of the main building, approached through a large arch, is a large block of single storey garages dating from the late twentieth century, which are of no architectural or historic merit. Beyond the garages are a small single storey detached garden building believed to be associated with the main property and built in a similar gothic style. The building is believed to have formerly functioned as an ice house; this building was listed in its own right at the same time as the main building.
- 1.04 To the north of the garage block and ice house, and to the north west of Wierton Place, is a walled garden, which contains original and little altered glasshouses which are Grade II listed in their own right in 1987, and as such were recognised for their highly unusual architecture and quality of construction prior to the main building. These glasshouses are in a state of significant disrepair, however, much of the original hardwood main frame remains intact. Although many of the glass panels have been lost as a result of impact from various objects and precipitation as well as the warping of the original metal louvre system, some remain intact. The building also

retains Victorian functional details including floor tiling, work benches and heating systems throughout.

- 1.05 The glasshouses take a linear form, with two wings extending out to the east and west from a central atrium. The wings take an asymmetric form in order to gain maximum growing benefit from the south facing aspect of the building, however the central atrium has a symmetrical layout, projecting forward of the wings, and is significantly greater in height and overall prominence. Architectural continuity is provided by the rear elevation of the building which extends the full width of the wings and atrium.
- 1.06 The glasshouses represent a particularly interesting building, considered to be of significant merit, as recognised by the relative listing statuses of it and the main property within the site – irrespective of its current condition
- 1.07 The land to the rear of the glasshouses is mainly laid to hard surfacing, although there are some containers within the area, as well as some brick/block constructions that do little to respond to the character of the glasshouses. This part of the site is in an unkempt state, seemingly used for the storage of building materials, together with cars in varying states of disrepair. It is entirely enclosed by the glasshouse building to the south (which it may have originally served as a storage area for gardening), and to the north, east and west by a band of woodland protected under TPO 9 of 1982. Vehicular access to this part of the site is gained via a track which runs to the south and west of the walled garden.
- 1.08 Land levels within the site generally fall from north to south. The northern half of the site, on which the existing and proposed buildings are sited, is approximately level falling to the south, which reflects the underlying geology of the Greensand Ridge. As set out above in paragraph 1.03, the main house overlooks this escarpment, which forms parkland falling away beyond the main garden which has been laid out to the immediate south of the property.
- 1.09 The boundaries of the site are largely defined by fencing of conventional rural construction, supported by mature native hedging. Along the northern boundary of the site is a woodland band protected under the scope of TPO 9 of 1982 to the north of which is a public right of way, the KM120, whilst the eastern boundary of the site is marked by a substantial coniferous hedge on land not within the control of the applicant.
- 1.10 To the west of the gardens and to the south west of the main building are the residential properties “The Old Coach House”, ‘Barn House’ and ‘Weald Barn House’. The closest of these, The Old Coach House, is located approximately 35m to the south of the closest of the additional proposed dwellings.

## **2.0 PROPOSAL**

- 2.01 This is a full planning application for the change of use of the existing nightclub to residential use, the conversion of the glasshouses to residential use, the rationalisation of the existing flatted accommodation, and the construction of new dwellings within the grounds of the listed building, together with enhancements to the landscaping within the site, and the rationalisation of car parking arrangements. The current application is accompanied by an application for listed building consent (MA/11/0512) which seeks listed building consent for those elements of the proposal works which require it.

### Number of Residential Units

2.02 The table below sets out the existing residential development that already exists on the site, the proposed residential development and the net gain of residential units.

<b>EXISTING AND PROPOSED RESIDENTIAL UNITS – WIERTON PLACE</b>						
	Existing Residential Units	Residential Units to be Removed	Residential Units to be Retained	New Residential Units	Overall Final Total of Residential Units on Site	Net Gain of Residential Units
Flats in the existing three storey addition to Main House	12	6 flats	6 flats retained (Units 4 to 9)	0	6	-6
Bungalow and Garage Block	1	1	0	4 (Units 16 to 19)	4	+3
Main House	1		1 (Unit 3)	0	1	0
Glasshouses	0		0	4 (Units 10 to 13)	4	+4
Conversion of Victorian Ballroom	0		0	2 (Units 1 to 2)	2	+2
Enabling development located on car park area	0		0	5 (Units 20 to 24)	5	+5
<b>TOTAL</b>	<b>14</b>	<b>7</b>	<b>7</b>	<b>15</b>	<b>22</b>	<b>+8</b>

2.03 Overall, the table demonstrates that there are currently 14 residential units on the site. As a total of 22 residential units are proposed on the site, this creates a total net gain or increase of 8 residential units. The amended Master Plan (drawing no. 09.79.101 Rev.E), received on 28<sup>th</sup> July 2015, identifies the location of all proposed development and labels the unit numbers. A brief breakdown of the proposal is set out below with a more detailed description given of the proposal from paragraph 2.04 onwards:

- The first floor apartment in the main house will remain as one residential unit, but it will be restored to its original Victorian layout incorporating the ground floor and basement that currently has a lawful use as a nightclub. This is labelled as Unit 3 on all the plans.
- There are 12 flats in the existing three storey addition to the main house, which comprise a mixture of one bedroom and studio flats. These will be converted into 6 two bedroom flats, resulting in a reduction in the overall number of flats by 6 units. The remodelled flats are labelled as units 4 to 9.
- The existing bungalow and garage block will be demolished and replaced with 4 new terraced units including the retention of the listed garden building/ice house. The new units will not result in an increase in built footprint compared to the existing garage block. These units are labelled as units 16 to 19.

- The existing Victorian ballroom located on the eastern end of the main house will be converted into two semi-detached dwellings with no increase in footprint. These units are labelled as units 1 and 2.
- The existing listed glasshouses will be repaired, restored and converted to conservatories for 4 new residential units. The workshops to the rear will be demolished and replaced with the main living areas of the new dwellings, resulting in only a marginal increase in footprint. These units are labelled as units 10 to 13.
- New building enabling development of 5 houses is located on the hardsurfaced overflow car park area. These units are labelled units 20 to 24.
- It should be noted that there are no units 14 and 15 due to amendments that have been undertaken to the scheme.
- The demolition of outbuildings, the bungalow and garage will remove 345 sq.m of built footprint. The erection of units 16 to 19 on the site of the garage block will create approximately 397 sq.m of footprint, an overall increase of 52 sq.m.
- The demolition of the modern outbuildings around the glasshouses will remove approximately 692 sq.m of footprint. The new conservatory units will have a footprint of 496 sq.m, resulting in a reduction in built footprint of approximately 196 sq.m.
- The new build enabling development (units 20 to 24) will have a total footprint of 624 sq.m.
- In total, over the entire site, there will be an increase in built footprint of 480sq.m from the all the new residential dwellings. The enabling development clearly comprises the main increase in built footprints on the site, with the other parts of the proposal resulting in only a marginal increase in footprint due to the demolition of various buildings that are modern and detract from the setting of the listed buildings on the site.

### **Detailed Description of Proposal**

- 2.04 The proposal for the change of use of the original building forming Wierton Place (the existing night club, exclusive of the later eastern addition forming the ballroom and western addition housing the existing apartments) is for the conversion of this element of the building into a single large property (unit 3), which would contain five large bedrooms at first floor, living areas at ground floor and a cinema/gym within the basement. Access and car parking serving this property would be from the front (north) of the building. The conversion would largely retain and restore the historic layout of the original Victorian building, however a new window would be installed within the side elevation of the main house, on its eastern elevation.
- 2.05 The existing flats within the existing addition to the western elevation of the original property, of which there are twelve, would be remodelled, resulting in six apartments (units 4 – 9 inclusive), two on each floor, a loss of six units within this part of the building. However, rather than the existing cramped one bedroom and studio flats as they are currently, the new apartments would all be more generous two bedroom units, with internal floor areas of between 98m<sup>2</sup> and 122m<sup>2</sup>. These properties would be accessed via a new glazed shared staircase which would be sited between the oldest part of the house and the more recent three storey addition to its western elevation, and would be recessed back from the main elevation by a minimum of 3m (not considering projecting bays).
- 2.06 The existing 'ballroom' extension at the eastern end of the main building is proposed to be altered to facilitate its conversion into a pair of "semi-detached" dwellings (units

- 1 and 2). The works proposed would see the retention of the existing walls (aside from an element of the existing 'link' to the main building which would be narrowed), with the introduction of a lightweight, glazed, flat roofed first floor area and terrace above the existing structure. The first floor extension would be set in from the ground floor walls of the existing building by approximately 1-3metres, allowing the creation of a first floor terrace for occupiers. These properties would each provide three bedrooms at ground floor level, and living accommodation at first floor in order to take maximum enjoyment from the views southward. Access to these properties would be from the front (north) for unit 2 and from the eastern side for unit 1.
- 2.07 The key element of the proposal is the conversion of the existing glasshouses within the north western corner of the application site, which, as set out above in paragraph 1.04 to 1.06 inclusive, were listed in their own right as a building of architectural and historic interest prior to Wierton Place itself. The conversion would include the total refurbishment of the existing glass and steel structure, which would form garden rooms to the proposed dwellings (the "wings") and a shared communal space (the central atrium), as well as the construction of two storey extensions to the rear of the east and west wings of the building, on the hard surfaced area currently used for informal storage. In total, the conversion of these glasshouses would provide four additional dwellings (units 10 – 13 inclusive), a negotiated reduction of two units in comparison to the scheme as originally proposed, together with a communal space within the central atrium opening out onto the (restored) walled garden, the use of which would also be shared by occupiers. The extensions behind the (refurbished) glasshouses would be flat sedum roofed, so as not to 'compete' with the form of the glass house, or to compromise views of the host building, whilst allowing the provision of habitable space. These would be single storey, and timber clad to the rear. Private garden areas and parking spaces would be provided to the rear (north) of these properties, with access gained from a new track that would run between the parking area along the northern boundary of the site and the main access point from Wierton Hill in the western side of the application site; pedestrian access only would be allowed to the walled garden to the south of the properties.
- 2.08 The conversion and refurbishment of the glasshouses, and therefore their retention, are a desirable outcome which will cost a considerable sum to achieve to an adequate standard, bearing in mind the heritage sensitivity of the original building, the (in places) dilapidated state of the historic structure, and the extremely specialised techniques which will be required for the glasshouses to have a realistic use for residential purposes. The residential use enables the glasshouses to be used as conservatories for the dwellings so that they can be preserved with as minimal alterations as possible. There are limited other options for re-use, none of which (including the proposed residential use) would be able to cover the prohibitive cost of the glasshouse restoration together with the restoration of the garden and enclosing wall. As such, enabling development to finance the project is proposed, the details of which are set out below.
- 2.09 It is proposed to demolish the existing residential unit known as the bungalow and the unsightly garage block that is sited to the west of the main building together with the flat roofed structure connecting it to the main building, and to replace it with a detached terrace of four contemporary, two storey flat roof dwellings (units 16 – 19 inclusive), which would retain the attractive, single storey ice house that forms part of the listing as an incorporation into the western-most unit of this terrace. This element would be seen in direct relation to the main building, and as such, is to be constructed at ground floor level of matching brickwork, with the first floor set back, and of a more lightweight, glazed construction, mimicking that of the dwellings proposed in the former ballroom (units 1 and 2). Again, a flat (sedum) roof would be

provided, with a significant overhang. This building, which would be significantly smaller in height and overall bulk in comparison to the original building, would sit back from the main frontage of the house and project outwards from the rear so as to appear more subservient in views from the main central point of the northern part of the site.

- 2.10 The second part of the new build element of the scheme (and the main enabling development) would see the erection of five houses within the eastern end of the application site (units 20 – 24 inclusive), on the land previously used as an overflow parking area. Two of these properties would be located to the north of the main access, and three to the south. These dwellings, which would all be detached and of two storeys in height, providing four bedrooms each, would be of contemporary design, being constructed of brick, render, and timber cladding, and provided with a sedum roof, consistent with the other extensions and new builds proposed. The properties to the north of the main access would be arranged around a parking courtyard with gardens to the north of them, whilst the properties to the south of the access would have a more linear arrangement responsive to the extent of the existing area of hard surfacing. These dwellings would be oriented to present their most open aspects to the west or south, and the interior of the site as a whole.
- 2.11 The two northernmost dwellings of this group would have a shared parking area immediately to the north of the main access to the site, whilst the three to the south would have a shared access which would run southwards along the eastern site boundary.
- 2.12 Each of these properties, whilst having clean lines, would incorporate overhanging elements that would project at first floor level to provide visual articulation as well as enhanced internal and external space above garden level. A minimum of two car parking spaces are proposed for each of these properties.
- 2.13 The position and orientation of these new build properties, and that of the access, have been amended from that originally proposed in order to reduce the impact of the adjacent hedge on future occupiers, improve the spatial relationship between the proposed dwellings, and allow occupiers to benefit from the views to the west and south west.
- 2.14 In addition to the above, existing car parking areas to the north of Wierton House and to the south of the walled garden are to be rationalised and existing areas of landscaping within the central part of the site enlarged and enhanced.
- 2.15 The applicants have agreed that the new properties would be constructed to the equivalent of a minimum of level 4 of the Code for Sustainable Homes (although this matter will now be dealt with under the scope of Building Control). In addition, it has been agreed that ecological enhancements will be incorporated within the development, such as the provision of swift bricks and bat boxes within suitable locations throughout the development. Solar panels are proposed on the roofs of the new four bed houses.
- 2.16 There are elements of demolition of existing structures within the proposal, which are detailed in drawing numbers 09.79.50 and 09.79.51 rev B. The buildings to be demolished are, in general, poorly constructed twentieth century additions of limited architectural or historic interest, and in some cases are actively detrimental to the character and appearance of Wierton Place as a heritage asset.

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

The National Planning Policy Framework 2012

National Planning Practice Guidance 2014

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T13

Maidstone Borough Local Plan Publication (Regulation 19) Feb 2016: Policy SP17, DM1, DM2, DM3, DM7 and DM13.

Supplementary Planning Documents: Affordable Housing Supplementary Planning Document 2006, Maidstone Landscape Character Assessment 2012, Maidstone Landscape Character Assessment Supplement 2012

Other: Historic England (formerly English Heritage) English Heritage Enabling Development and the Conservation of Significant Places, The Setting of Heritage Assets

### **4.0 LOCAL REPRESENTATIONS**

4.01 Local residents were notified and representations were received from approximately 25 households (some objectors writing more than one letter and also one from a planning consultant employed by local residents). The concerns raised within these letters are summarised below:

- The proposal would result in a significant level of traffic which would be to the detriment of the highway network and residential amenity of the neighbouring occupiers;
- The provision of a single access into and out of the site is unsafe;
- The proposal would result in more noise and disturbance, and smells by virtue of the increase in people living at the site;
- The proposal would have an unacceptable impact upon the setting of the listed building and conservation area;
- There are not sufficient car parking spaces;
- There is insufficient outside space for future residents;
- The proposal would result in an over-intensification of the site, and would not fit in with the historic pattern of development;
- There is insufficient water supply;
- What will happen with the sewerage;
- How will gas be supplied to the dwellings?
- The bat survey was not of sufficient standard;
- The proposed dwellings would be unattractive and out of keeping with the surrounding area;
- It is not clear where the alternative access into the site would be;
- Previous permissions have been declined at this site;
- The proposed materials are unacceptable;
- There would be a doubling of residential units within the hamlet of Wierton;
- The impact upon biodiversity has not been fully considered;
- Inspector's decisions elsewhere within the area have seen new dwellings refused;
- The conversion of the greenhouse would in fact be a new build;
- There are a lack of amenities for future occupiers within the area;
- The proposal would have a detrimental impact upon the setting of the Greensand Ridge;
- This would result in a significant precedent;
- The proposal would be contrary not only to ENV38, but also AH1, ENV34, ENV44, T3, T21 and T23 (not all of these remain in force);

- The proposal would undermine the Council's strategic objectives numbered 1, 2, 3, 5 and 6;
- The proposal would be contrary to policies CC1 and NRM5 of the South East Plan (2009);
- The proposal would be contrary to PPS1, PPS5, PPS7 and PPG13;
- The proposal would result in light pollution to existing residents;
- There would be an unacceptable loss of trees within the site;
- There is a lack of storage space within the development;
- The proposal would result in a loss of privacy to neighbouring occupiers;
- The proposal would impact upon the nearby Special Landscape Area;
- The premises has not been operating as a nightclub for a significant period of time, and as such, the application is misleading;
- The plans are not correct;
- There is poor telephone/internet connection within the locality;
- The business model put forward is out of date;
- There would be an unacceptable impact on an existing, and over-subscribed primary school;
- There is no 'planning gain' being offered as a result of this proposal;
- The proposal would result in an increase in crime in what is at present, a very safe area.

4.02 Following the last set of consultations in July 2015, 10 objection letters were received on the proposal (with some objectors writing more than one letter). The concerns raised are listed below:

- Do not believe that the protection of the heritage assets in their curtilage and minimising impact of any changes has been achieved.
- No attention has been paid to rural landscape and to the quiet and dark nature of the hamlet and surrounding area;
- Enabling builds should appear in the listed building consent;
- Previous withdrawn committee report failed to provide a balanced view;
- Reports should detail the different information and viewpoints of all rather than the viewpoint preferred by officers;
- Essential that officers ensure that their reports provide this balance as well as indicating their advice/reasoning/evidence
- Grade 2 listed greenhouse is clearly being demolished and only a very few aspects will be retained;
- Is not a renovation of this heritage asset but of its destruction and replacement with a modern double glazed copy. It is possible only the metal posts in the orangery will be saved.
- If the heritage asset is now beyond saving, it should be delisted and made safe or most likely removed and no further build should be permitted within the walled garden;
- Is an Enabling Plan needed if not possible to resurrect the glasshouses to any extent?
- As is clear in the NPPF, neglect must not be rewarded. We object strongly to this incorrect application of heritage.
- Treatment of foul water not been addressed;
- Grounds of grand house should be remain open and not split into individual garden spaces, yet indications that there are to be gardens for the terraced houses;
- There must be protection for all mature and significant trees across the whole site;



- Increased risk of Light and Noise pollution;
  - Loss of trees will further exacerbate light and noise pollution across the site and across the Weald Valley;
  - Local planning authority should establish that there are access, build and title rights;
  - Valuation Report is no longer valid due to relatively stable building costs and rapidly and substantially improved house prices. Add to this the reduced project costs in not renovating the greenhouse, then massive savings are in place which will have an impact on the need for the level of enabling works proposed.
  - Footprint of terraces have increased and they have delineated garden areas;
  - Believe residential use of Wierton Place is most sustainable, but believe that this is the wrong scheme and should be rejected;
  - Are there sufficient rights of access to enable scheme to go ahead?
  - How will internal changes to layout of terraces be safeguarded:
  - No details relating to drainage:
  - Support change of use, but scale wrong;
  - The value paid for the property could be achieved by changing the existing house back to a single unit and providing a conservation package to the listed glasshouses;
  - The longer the applications drag on, the more the preservation of the glasshouses becomes a lost cause. Council failed in its obligations to ensure that the listed building is maintained;
  - Strongly object to 5 new houses which are unsympathetic to their environment;
  - Inconsistent approach to applications for other listed buildings in area;
  - Not appropriate development alongside 2 listed buildings;
  - Will the greenhouse structure and materials be protected?
  - It is an inappropriate design.
  - Overall number of dwellings is inappropriate.
  - The development is not of a high quality design;
  - It does not contribute to conserving and enhancing natural environment;
  - It does not conserve an important heritage asset;
  - Isolated new homes in the countryside should be avoided;
  - Intrusive development;
  - Increase in amount of tarmac, traffic; noise and disturbance.
- 4.03 Petitions (with over 1.200 signatures) were also received, objecting to this proposal (and to two other proposals) on the basis that it is development in the open countryside. The petition was open for signatures online. No petition was received following the last consultation on the application.
- 4.04 The correct notice was not originally served on the owners of the site access, but this matter has now been resolved with the correct certificate of ownership having been provided to the Local Planning Authority and an Owner's Notice served on the relevant party. The driveway access to Wierton Place does not belong to Wierton Place, but to the adjacent land owners of the Buttercup Goat Sanctuary. However, the Land Registry Titles confirm that Wierton Place does have a legal right of way over the driveway with or without vehicles and also for access for maintenance work to fences, water pipes and electricity wires. The applicant has confirmed that this is for the whole extent of the drive and not just the width of the tarmacked area. The concerns of the adjacent land owner regarding the ownership of the access road is noted, however, the ownership of the access drive is not a planning matter, and as the correct procedure has now been complied with, this does not represent a reason for refusal of the application.

4.05 CPRE Kent objected to the proposal on the following grounds:

- It would result in additional dwellings within the countryside;
- There is local opposition to the scheme, which should be given weight;
- There are too many new dwellings within the development;
- The new dwellings would compromise the setting of the listed building;
- There is no management plan shown for the grounds;
- The site is unsustainable;
- The increase in traffic would be unacceptable;
- There is no provision for affordable housing within the development.

## 5.0 CONSULTATIONS

### Environmental Health Officer

5.01 The Environmental Health Officer recommended approval for the scheme, subject to the imposition of a contamination condition. This has been imposed, with Phase 1 relating to a preliminary risk assessment and site investigation already submitted as part of this application. The Environmental Health Officer considered that the Phase 1 document could be approved, but with the verification conditions requiring to be discharged as part of the contamination condition.

### KCC Development Investment

5.02 KCC have commented on the issue of contributions towards school and other service expansions from the development. They state that *“from our assessment of the site, there would appear to be 22 new dwellings being created, however there are 14 existing dwellings on the site. This leaves a net of just 8 new homes”*. They conclude that *“we will not be pursuing any contributions from this site”*.

### District Valuer

5.03 Maidstone Borough Council Housing and Community Services requested that if the applicants are to make a case for social housing to be excluded from this site, they would need to submit a viability appraisal which demonstrates that the scheme would not be viable with the inclusion of affordable housing. The applicant's submitted a Viability Report and the District Valuer was appointed by Maidstone Borough Council to assess the proposal.

5.04 The District Valuer reported that construction costs have increased for the proposal. This results in the scheme being on the margins of viability with the proposed enabling development. It would appear that it needs the proposed development to provide the applicant with an appropriate level of return for their risk, but equally it does not require more enabling development than proposed. As a result, the District Valuer, MBC and KCC all accept that no affordable housing provision or other contribution will be sought in connection with this development. The enabling nature of the development is required due to the significantly high development costs associated with the repair and refurbishment of both the listed main house and the unique and independently listed glasshouses.

### KCC Biodiversity Officer

- 5.05 The KCC Biodiversity Officer has commented that sufficient information has been submitted to determine the application. It is recommended that the implementation of the precautionary mitigation set out in the bat survey reports are carried out as part of the conditions of the planning permission.

#### **Environment Agency**

- 5.06 The Environment Agency commented that they “assessed this application as having a low environmental risk”, therefore, they have no comments to make.

#### **Parish Council**

- 5.07 Boughton Monchelsea Parish Council wish to see the application refused and reported to Planning Committee in the event of a recommendation for approval, making the following detailed comments in 2011:

*‘The Boughton Monchelsea Parish Council would like to see the above application(s) **REFUSED** because:*

*Adverse Effect on Open Countryside. The proposed development, both in scale and design, would be visually intrusive and harmful to the rural character and appearance of the countryside and cause visual harm to the character and appearance of Wierton Hill. It would be overly conspicuous and too intrusive to be absorbed without detriment in the rural setting. It would effectively double the size of the existing hamlet of Wierton. The very few new buildings which have been permitted within the parish to the south of Heath Road have been justified on agricultural or ecclesiastical grounds. No equivalent justification is shown to exist here. The development would be contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, Policy C4 of the South East Plan 2009 and guidance within Planning Policy Statement 7.*

*To approve these applications would be inconsistent with the decision made on another recent and nearby planning application, namely MA/09/1335 Wierton Hall Farm, East Hall Hill. This application was refused and the subsequent appeal was dismissed. In the appeal, the inspector concluded the following:*

*that permitting the proposed development would undermine policies that seek to protect the countryside  
that unacceptable harm would be caused to the character and appearance of the surrounding countryside  
that the proposed development would fail to preserve the setting of the existing listed building.*

*Adverse Effect on Listed Buildings. The development both in scale and design would be visually intrusive and compromise the setting not only of the existing listed buildings within the development site but also of other nearby traditionally constructed buildings. In particular, the design of the ‘wings’ to the existing house, and the five ‘enabling’ houses are detrimental to the context of the listed buildings. Without in any way conceding that this scheme does preserve them, the preservation of the listed Victorian greenhouses would not justify the implementation of the remainder of the development. The development as a whole would be contrary to Policy B6 of the South East Plan.*

*Adverse Effect on Special Landscape Area and the Greensand Way. The development would be inappropriate within the Special Landscape Area of the Greensand Ridge. It would be visible both from the internationally renowned*

*Greensand Way, so as to affect adversely the enjoyment of those using it, and also from the Weald to the south. Inevitably, the development would be lit and would also be visible by night.*

*Adverse Effect on Highway Network. Access from the development site to the highway is poor. The development would generate a type of traffic entirely different in nature from that generated by the current permitted use and a vastly increased volume of traffic which the adjacent public highway and the network of lanes leading from this (mainly single track with passing places) could not safely accommodate.*

*Adverse Effect on Local Infrastructure. Local infrastructure in terms of water pressure, sewerage and drainage is already stretched. Local amenities cannot absorb further development on this scale, particularly the village primary school, which is over subscribed.*

*Other Matters:*

*The development would require the removal of trees with Tree Preservation Orders (ref TPO number 9 of 1982, file reference 406/105/13).*

*There is no quota of affordable housing within the proposed development.*

*The Borough Council has not acted for many years on enforcement of the Victorian greenhouses. As detailed above, the preservation of the greenhouses does not justify the implementation of the remainder of the development.'*

5.08 The following comments were received in response to a reconsultation in 2014:

*"The Parish Council would like to comment on the amended applications as follows :*

- 1. We recognise that a residential solution for this site is appropriate however we need full visibility of the associated viability reports. We understand that these are now being released however we have yet to receive copies*
- 2. The comprehensive refurbishment of the existing greenhouses is incongruous with the existing listed buildings*
- 3. Although the most recent proposal contains two fewer properties, the total number of bedrooms in the development has only been reduced by two. The overall square meterage of new development appears to have actually increased.*
- 4. The increase in area of hardstanding is excessive and causes concern regarding surface water run off".*

5.09 Most recently, the following comments were received in 2015 following a further reconsultation on amendments to the scheme and additional information:

*"The Parish Council's original objections also still stand.*

*The applications were discussed and the following items were noted, the overall development had been reduced by two bedrooms from the original application. It was also noted that the glass houses are no longer incurring costs as they are gradually being demolished, this forms part of the listed building.*

*For the enabling work to take place the viability study is now out of date and should be carried out again. The scheme has changed in cost of development as house prices have increased since the original application was submitted and this would be the reason for a new viability study. There seems to be a difference between*

*applications 11/0511 and 11/0512 as they both do not seem to include the 5 bedroom detached dwelling.*

*It was also noted that this should be taken into consideration when making any decision Wierton Place sits right in the middle of the Greensand Ridge and this is an area of special value.*

*Members asked the Conservation Department to thoroughly investigate the existing trees on the site as some appear to have been removed. On the west side it seems that ground cover and hedgerows will need to be removed to allow enabling works and housing to take place.*

*The members stated that this is not a sustainable location to put the number of units in the application. There will also be high level light shining across the Weald. It is not accessible for public transport. The members would also like to see confirmation from the Environment Agency on Sewage, surface water etc.*

*The member would also like to see a full construction statement carried out on the site and it is a must that all construction traffic should come from the north.*

*The design is inappropriate for this Grade II Listed Building. The very contemporary design of the 5 new dwelling houses is damaging within a Heritage site.*

*The Parish Council would like to see the application refused on the above grounds and on their previous comments made which are added below for your information.*

*RESOLVED: all members present would like to see the application refused”.*

### **Historic England**

- 5.10 Historic England raise no objection to the proposal subject to the enabling development being suitably scrutinised and controlled, making the following detailed comments (summary only):

*“Wierton Place is a small country house dating from 1760, but substantially remodeled in the late nineteenth century. It is now listed at grade II, along with various associated garden buildings, including a kitchen garden wall and large greenhouses. English Heritage does not object in principle to enabling development as a means of securing the future of this group of assets that has fallen into disrepair. However, we are unable to identify from the applicant’s valuation report and appraisal what the conservation deficit is in this case, and therefore what quantum of development is necessary to address that deficit.*

*English Heritage recommends that planning permission should therefore only be granted if your Council is able to satisfy itself that the quantum of enabling development proposed is the minimum necessary to secure the future of the designated heritage assets in the Wierton Place estate and that the benefits of securing a positive future for those assets outweigh any disbenefits associated with the scheme. In the event of planning permission being granted, those benefits should be legally and enforceably tied to implementation of the enabling development.”*

- 5.11 Historic England, having been provided with a copy of the District Valuer’s report on the viability of the scheme, has confirmed that no objection is raised. The proposed development is the minimum necessary to secure the future of the listed buildings and a Unilateral Undertaking is proposed to ensure that the enabling development is tied to the work.

### **Conservation Officer**

- 5.12 The Conservation was fully involved by the Case Officer in discussions with English Heritage. Following various amendments to the scheme and submission of joinery details, he raises no objection to the proposed development, subject to the imposition

of suitable conditions relating to an appropriate programme of building recording and analysis, a programme of repairs to all the listed structures, large scale details relating to the main house, outbuildings and garden wall and samples of materials. required on the listed buildings.

### **KCC Senior Archaeological Officer**

- 5.13 KCC's Senior Archaeological Officer recommends the following conditions to be imposed 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 historic landscape survey and assessment 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 historic landscape and garden history interest are properly examined and recorded".*

*"No development shall take place until the applicant has secured and implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority;*

*Reason: To enable the recording of any items of historical or archaeological interest."*

*"No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.*

*Reason: To ensure due regard is had to the preservation in situ of important archaeological (including garden history) remains".*

### **MBC Landscape Officer**

- 5.14 The Landscape Officer has raised no objection to the proposal subject to the imposition of conditions. The conditions imposed include a landscaping scheme, which should include a long term management plan, safeguarding of trees during construction in accordance with the Lloyd Bore Tree Protection Plan and the Arboricultural Impact Assessment received on 24<sup>th</sup> July 2015.

## **6.0 BACKGROUND PAPERS AND PLANS**

- 6.01 The proposal is shown on drawing numbers D132799/1 rev 2, D132799/2, D132799/3, D132799/8 rev 1, D132799/9 rev 1, D132799/10, D132799/11 and D132799/12 received 31<sup>st</sup> March 2011; drawing numbers 09.79.50, 09.79.51 rev B, 09.79.104 Rev B, 09.79.105 Rev A, 09.79.106 Rev B, 09.79.107 Rev B, 09.79.108 Rev B, 09.79.109 Rev A, 09.79.111 rev A, 09.79.112 rev A, 09.79.113 Rev B, 09.79.114 Rev B, 09.79.115 Rev B, 09.79.125, 2082\_DR\_001-A, 2082\_DR\_002-A, received 25<sup>th</sup> June 2014; drawing numbers WM/Joinery/01,WM/Joinery/02, WM/Joinery/03, WM/Joinery/04, WM/Joinery/05, WM/Joinery/06, WM/Joinery/07, WM/Joinery/08, WM/Joinery/09 and WM/Joinery/10 all received 7<sup>th</sup> July 2015; drawing numbers 09.79.110 Rev B and 09.79.116 rev B received 8<sup>th</sup> September 2014; drawing number 09.79.101 rev E received 23<sup>rd</sup> July 2015; drawing numbers 2082\_DR\_001 rev B and 2082\_DR\_002 rev B received 24<sup>th</sup> July 2015; drawing numbers 09.79.117 rev A, 09.79.118 rev A, 09.79.119 rev A, 09.79.120 rev A, 09.79.121 rev A, 09.79.122 and 09.79.123 received 28<sup>th</sup> July 2015.

Supported by a Bat Survey Report (ref 6037/SBTG dated 5<sup>th</sup> September 2011) received 7<sup>th</sup> October 2011; Conservation Statement (dated June 2014), Design and Access Statement, Draft S106 agreement; Supplementary Arboricultural Impact Assessment (ref 2082\_RP\_002 dated 29<sup>th</sup> April 2014), Update Bat Survey Report (ref 6037/4687/SBTG dated 11<sup>th</sup> June 2014) received 25<sup>th</sup> June 2014; and Bat Activity Survey Report (dated 20<sup>th</sup> July 2015) received 20<sup>th</sup> July 2015; and an Arboricultural Impact Assessment (ref 2082\_RP\_001 date 24<sup>th</sup> July 2015) received 24<sup>th</sup> July 2015.

- 6.02 In addition, details relating to the viability of the scheme have been provided, and commented on by the District Valuer. These documents are confidential as they contain commercially sensitive financial information. Since then, a more detailed breakdown of the figures has been provided so as to leave no doubt as to the costings for the proposal. A Unilateral Undertaking is proposed to control the phasing of the works on the site and to ensure that the Listed Greenhouse is repaired to the satisfaction of the Local Planning Authority prior to the occupation of any of the new residential units.

## **7.0 APPRAISAL**

### **Principle of Development**

- 7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The application site is located within the open countryside where there is a presumption against allowing new residential development, in the interests of sustainability, and impact upon the character and appearance of the countryside.
- 7.02 To this effect, Maidstone Borough Wide Local Plan (2000) Policy ENV28 restricts development within the countryside to a small number of criteria. Residential development – without links to agriculture - does not constitute one of these uses.
- 7.03 Advice set out within the National Planning Policy Framework (herein referred to as the NPPF) states (Para. 47) that Councils should:
- ‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.’*
- 7.04 The NPPF provides a clear definition of ‘deliverable’. This states that:
- ‘To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.’*
- 7.05 The NPPF also refers to a Council’s position when there is a lack of a 5 year supply:
- ‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.’*

- 7.06 Maidstone Borough Council is currently not in the position of being able to demonstrate a five year housing land supply. The Maidstone Borough Local Plan – Publication (Regulation 19) is out for consultation from 5<sup>th</sup> February to 18<sup>th</sup> March 2016. Although not an adopted Local Plan document, it does now carry some limited weight as a material consideration in determining planning applications. However, its draft housing supply figures do not begin to count until May 2016 when the Plan is submitted to the Secretary of State. Until that date, the Council is still unable to demonstrate a five year housing supply and any decisions should be made on that basis.
- 7.07 Policy SP17 of the emerging Regulation 19 Local Plan is the Countryside policy that will largely replace ENV28. It is still a restraint policy with regard to development in the countryside, restricting development to agriculture, forestry, winning of minerals, open air recreation and such other exceptions. It also states in paragraph 8 of Policy SP17 that natural and historic assets will protected from damage. In this instance, it is put forward that the proposal will assist in protecting and preserving the listed buildings in the long term. Policy DM3 of the emerging Local Plan requires new development to protect and enhance the historic environment and to provide for the long term maintenance and management of all heritage assets, which this application is also considered to do.
- 7.08 Clearly, whilst the Council has a shortfall in housing provision, this does not make any site within the Borough acceptable for housing. Whether applying the adopted or emerging Local Plan policies, matters such as visual harm, sustainability and highway safety (amongst others) continue to be an important consideration for any proposal. As such, the Council has to still weigh up the harm caused against the need demonstrated. In this instance the main issue is whether the overall benefits of bringing back the listed structures into use, and the housing need, outweigh the relatively remote location of the application site, i.e. its sustainability.
- 7.09 The site is located within the open countryside, and positioned off a narrow country lane (Wierton Road) which is not provided with footpaths on either side. The site is not located upon a bus route (although these do run along Heath Road) and is not in close proximity to any railway station. I am aware of a previous recommendation which found this location to be sustainable on the basis that it is “within a short drive of the local primary [and secondary] school, and shop”, however I disagree with this conclusion; to my mind, occupiers would inevitably be reliant on private vehicles for transport to basic services and facilities by virtue of the distances involved and the fact that the walk to the nearest village of Boughton Monchelsea would prove difficult at any time but particularly of an evening, by virtue of the lack of lighting and pedestrian footpaths.
- 7.10 However, the unsustainable location of the site for residential development is outweighed by the heritage benefits that would accrue from the development, and in particular the change of use and associated restoration of glasshouses which might otherwise be lost. This is supported by the comments of Historic England. The new build elements of the proposal have been put forward as enabling development to finance the considerable costs of the works to restore and convert the existing buildings, which in the case of the glasshouses are extremely likely to continue to deteriorate if not converted to residential use. Viability documentation has been provided in support of the application (including updated information in 2014 and in November 2015) which has been scrutinised by the District Valuer and found not to exceed what would be required to undertake the required works to an appropriate standard. The margins, however, are such that no contributions will be being sought in respect of affordable housing or social/transport infrastructure, in accordance with the finding of the District Valuer.



- 7.11 It is important to note that the site already has a mixed lawful use for fourteen residential units and a nightclub, uses which themselves would generate significant vehicle movements and associated activities.

**Visual Impact/Architectural Quality**

- 7.12 As the site lies within the open countryside, the grounds of a listed building, and with land to the south being identified as being of Special Landscape Importance (SLA) – although the application site falls completely outside of this designation (Members will be aware that the emerging Regulation 19 Local Plan proposes to extend this designation to include the proposal site within the Landscape of Local Value. The site is served by a private drive, which has substantial tree planting on either side, restricting views into and out of it. Likewise, to the north of the site is a significant level of tree planting, which restricts views in. The existing building is prominent, being of two and three storey in height, and of a substantial scale. As such, it can be seen from the wider area, in particular from the south, where land levels fall.
- 7.13 The existing Grade II property and glasshouses are of significant historical and architectural interest, and their setting must therefore be protected, and where possible enhanced through any development being proposed. This proposal does see the erection of a significant level of development around the main building, including some alterations to it, as well as substantial extensions to the glasshouses and the introduction of new dwellings on the approach to the listed buildings. A key consideration is therefore whether the proposal is sympathetic to the listed buildings and their setting.
- 7.14 In terms of the alterations to the main building itself, I consider that the proposal would ensure a high quality of design, in so far as the glazed section that would sit centrally would provide a contemporary and lightweight appearance to the structure. At present, it is my opinion that the relationship between the original structure and the existing modern extensions to the east jars, with the materials and proportions of the addition being at odds with those of the original building. The proposal would provide a division between these two elements that would enhance the appearance of the building through the introduction of a visual separation between them, providing a cleaner ‘break’. I consider that this is to the benefit of the existing building.
- 7.15 The proposal includes alterations to the existing ‘ball room’ which would include a more substantial link to the main house. A significant level of discussion has taken place with regards to this element, as there was concern that this would prove overbearing on the main house. However, the plans as submitted are shown to utilise much of the existing structure, whilst creating a new point of access into the building. Subject to suitable materials being used, and a bond that matches the existing structures, this is considered to be satisfactory and acceptable.
- 7.16 The demolition of the existing garage block and bungalow, and the erection of a row of terraced properties to the west of the main house (opposite the entrance to the greenhouses) would, I consider, enhance the setting of the main building. The existing garage is of a significant scale and poor quality design and appearance, and is to my mind harmful in relation to the main house. Its loss, and replacement with a well designed row of residential properties, lighter in appearance and of an articulated design less dominant in bulk, would create more visual interest that would respond positively to the appearance of the remainder of the development. The proposals would be low slung, and would be provided with a sedum roof which would provide an overhang of the first floor. This would provide a delicate feature that would provide a suitable ‘top’ to the structure. The design would respond to that of the dwellings proposed to the former ballroom to the eastern end of the building and provide balance.

- 7.17 The applicant is seeking to retain the hardstanding to the front, albeit, in a more formalised manner, which again I consider to respond to the setting of the building (front gardens etc would appear as overly domestic in this setting, and it is important that these buildings remain subordinate in both appearance and function).
- 7.18 With regard to the proposed new build dwellings to the eastern side of the application site, these would be relatively detached from the main house, however they would form part of the context and would be visible in the approach to the main buildings. Careful consideration has been given to the design of these properties, to ensure that they appear as subordinate to the main building, and to not appear overbearing as one enters the application site. The properties to the north of the access are designed in such a way as to create a small courtyard, albeit of a contemporary form. The provision of a brick wall, with overhanging elements, and contemporary glazing would result in a well proportioned, and subtle building at this point of access. It is considered that neither of these buildings would have a negative impact upon the setting of the listed buildings, by virtue of their location, scale and design. Also external finish material will be of high quality.
- 7.19 This would also be the case with the properties located to the south of the access, at the eastern end of the application site. The buildings would have a similar 'low slung' design that would provide a horizontal emphasis, and which would also respond to the small change in land levels at this point – the lands falls gently to the south. Views of these properties would be limited from outside of the application site due to the level of vegetation that is both within, and adjacent to the properties' boundaries. Again, I consider the architecture of these properties to be of a high standard, with the relatively simple form, punctuated by projecting and recessed elements, and high standard finished materials.
- 7.20 With regard to the refurbishment of the glasshouses, I strongly consider that this is one of the major benefits of this planning application. The glasshouses are a particularly attractive, and relatively unusual, feature within the grounds of this property, and are independently listed in their own right. However, in recent years there has been serious neglect of this building, and as a result, they are now in a state of disrepair, and without a viable commercial use, would be likely to be lost should works not be undertaken within the short to medium term. That said; they remain listed, and as such, any works proposed should ensure that their form and elements of architectural interest are protected and retained.
- 7.21 This proposal would see the form of the front elevations of the buildings retained, and the unsightly rear elevations removed, and replaced with a more subordinate, and simple form. The proposed additions to the rear would be low set and despite the "punching through" of openings in the original rear brick wall to the glasshouses to allow movement between the existing and proposed structures, would not be prominent in key views from the south. Whilst the character of the buildings would undoubtedly change, by virtue of the domestic paraphernalia both within and outside of the buildings, I do not consider that this would be so substantial as to be to the detriment of their fabric, nor overall form. It should be noted that the number of dwellings proposed to be created from the glasshouses has been reduced from six to four, which would allow a lesser extent of built form to be added, better proportions to the dwellings, and increased separation between this element of the scheme and the trees protected under TPO 9 of 1982. The access to this part of the scheme has also been redesigned to go to the north of the site in order to provide distance between it and the occupiers of existing residential properties to the south west.
- 7.22 I would emphasise that the proposal is securing the repair and restoration of the glasshouses. They are not to be demolished or rebuilt as a new structure, which is a comment that has been raised in many objection letters. The repair and restoration

will be a detailed and costly process, but it will result in the long term preservation of the building for future generations. This is a major benefit and gain that will result from this application.

- 7.23 Overall, I consider the conversion works proposed to be of a very high quality of design. The works that are proposed to the listed buildings would, to my mind, enhance their appearance – particularly the glasshouses. In addition, the new build elements, whilst contemporary in design, would very much complement the existing buildings, whilst not competing with them. The site is well screened from long distance views, with much of the new development proposed within areas surrounded by tree cover which it is proposed to be retained. For these reasons, I do not consider that the proposal would cause any harm to the longer distance views into the application site and the development to be of an appropriately high quality of design. I therefore raise no objections on these grounds.

### **Residential Amenity**

- 7.24 The application site is a significant distance away from any existing residential properties, and there is existing substantial boundary treatment, and landscape buffers. As such, I do not consider that the proposal would result in any significant overlooking or overshadowing of these properties.
- 7.25 The new properties that would be erected closest to the nearest existing property would not have any windows that would overlook this property, nor would there be any new boundary enclosures erected. As such, I do not consider that there would be any significant impact upon these residents in terms of overlooking, or the creation of a sense of enclosure.
- 7.26 The proposal would result an increase in traffic movements, however, these would be confined to the northern side of the application site, and would be bound by the buildings to the south. As such, I do not consider that there would be an unacceptable level of noise and disturbance generated by these proposals. Any vehicle movements are also more likely to be within 'normal' times associate with residential use, rather than the late night hours associated with the nightclub use that are far more likely to cause disturbance to local residents, not just adjacent to the site but also along the roads leading to the main road.
- 7.27 There would be an increase in lighting within the site, due to the additional new properties, and increased fenestration within the existing buildings. However, with the existing buildings already being of a substantial scale – and provided with large amounts of glazing, together with the existing lawful use of the site – that of nightclub which will cease as part of this proposal – I do not consider that this proposal would result in an unacceptable level of light pollution, or disturbance to the existing neighbouring occupiers. A condition is recommended seeking details of any external lighting to be submitted for approval by LPA.
- 7.28 For these reasons it is considered that the application is acceptable in terms of impact on residential amenity.

### **Highways**

- 7.29 Kent County Council Highways Services have raised no objection to this proposal. The site is served by an existing access which would not be altered as a result of this proposal. This access road is relatively narrow, and speeds are restricted by the nature of its width, and also the speed bumps already in place. The access into and out of the site, on to Wierton Road has a low ragstone wall on either side, which provides for suitable visibility splays.
- 7.30 The existing lawful use of this site is for residential as well as a nightclub, and as such, it is not considered that the proposed only residential use would generate

significantly greater level of traffic movements beyond the present level generated by the current lawful use.

- 7.31 In terms of the level of parking within the site, this is considered to be sufficient for a development of this scale. In any event, should parking take place upon the internal access roads, as this is a no-through road, I do not consider that this would give rise to any highway safety concerns.
- 7.32 For these reasons it is considered that the application is acceptable in terms of highway safety.

### **Landscaping**

- 7.33 The proposal would not result in significant alterations to the landscaping within the application site. The majority of the existing trees are to be retained, in accordance with the submitted Lloyd Bore tree report. Of the trees that would be removed, it is proposed that replacement planting be provided. The landscaping masterplan proposes new tree planting, hedgerows, and herb gardens within the application site, which also takes into account the historic landscape of Wierton Place.
- 7.34 Within the area for the 'new development' the trees on each flank of the area are to be retained, maintaining a sense of enclosure. Any additional planting here would be restricted to individual garden areas. It is noted, that these areas are currently covered in hardstanding, and as such, the provision of such gardens would be an overall gain to the site. The enabling element of this development
- 7.35 A number of the new build properties would also be provided with sedum roofs, which would again benefit the scheme in terms of ecology, as well as benefiting visual impact.
- 7.36 Overall, it is considered that the loss of some of the trees on the site is outweighed by the new proposed landscaping and also the enabling development that will assist in the restoration and repair of the listed buildings on the site and also the restoration and maintenance of the historic gardens. The Landscape Officer has raised no objection to the proposal.
- 7.37 For these reasons it is considered that the application is acceptable in terms of impact upon the landscape of the locality, subject to the imposition of suitable conditions.

### **Other Matters**

- 7.38 The applicants have submitted viability appraisals that demonstrate that the cost of this development would result in no contributions being made available for affordable housing provision, or for contributions towards other infrastructure. These assessments have been independently verified. Whilst the provision of infrastructure is a strong material consideration for developments of this scale, to my mind, the overriding benefits of this development towards the protection and preservation of the listed building, and in particular the greenhouses, are considered justification for departing from this requirement. It has been accepted by the District Valuer that with increasing construction costs, the scheme is on the margins of viability with the proposed enabling development. It is the minimum necessary to ensure that the existing listed buildings are repaired and restored to an appropriate standard and to a use that will ensure their long term protection.
- 7.39 A breakdown of the number of existing and proposed housing units on the site is set out in paragraphs 2.02 and 2.03 of this report. It is noted that the overall increase in residential units would be 8. Much of the residential development is provided through the conversion of the existing buildings and will not result in any increase in footprint. For example, units 1 to 9 relating to the conversion of the main house and ballroom,

and new build units 16-19 located on the position of the existing garage block will result in an increase of just 52 sq.m in built footprint. Units 10 to 13 relate to the conversion of the glasshouses and the new build element of these dwellings are mostly located in the position of the existing workshop and storage buildings and actually results in a reduction of 196 sq.m. in built footprint. Units 20 to 22 will have a built footprint of approximately 624 sq.m. In total, however, over the entire site, there will be a net increase in built footprint of 480sq.m from the all the new residential dwellings.

- 7.40 The enabling development clearly comprises the main increase in built footprint on the site, with the other parts of the proposal resulting in a reduction due to the demolition of various modern buildings that detract from the setting of the listed buildings on the site. It is considered that this on balance the proposed increase in built form is acceptable to ensure that the scheme deliver long term protection of these heritage assets. Any reduction in the amount of enabling development would result in the scheme not being viable and thus prejudice long term preservation and protection of these listed buildings.
- 7.41 A draft Unilateral Undertaking has been provided by the applicant and the main Heads of Terms has been set out in the officer recommendation below. The legal agreement will split the development into phases with the occupation of the respective dwellings only being permitted once the works on that phase have been completed. In particular, the document focuses on ensuring that all restoration and repair of the main house, the glasshouses and the garden wall have been completed to the satisfaction of the local planning authority prior to the occupation of any of the converted or new residential units (units 1-2, 10-13 and 16-24). As there are existing dwellings within the main house, the proposed residential units within Wierton House itself, units 3 – 9, will be able to be occupied once the works to the main house are complete. This will then assist in the funding of the remaining works on the site. It should be particularly highlighted that no new residential units can be occupied until the glasshouses have been repaired and restored to the satisfaction of the Local Planning Authority as this was an issue of concern raised by local residents. It is also proposed that the legal agreement includes a Management Plan to identify how the long term maintenance of communal areas of the listed buildings and the gardens will be provided for.
- 7.42 In terms of the impact upon ecology, a bat assessment has been submitted with the application, that concludes that whilst the proposal would result in the loss of potential habitat, being an existing garage, suitable mitigation could be provided on site. Should this be built prior to the loss of the existing garage, the proposal would not result in the loss of any significant habitat, although, it is requested that some additional enhancements be made to the landscaping that would enhance the habitat within the grounds of the building.
- 7.43 For these reasons it is considered that the application is acceptable in terms of impact upon biodiversity, subject to the imposition of suitable conditions.

### **Conclusion**

- 8.01 Whilst the application site lies within the open countryside, where new residential development is ordinarily resisted, due to the fact that the Council does not have a five year land supply and, more importantly, because the proposal would have significant benefits in terms of enhancing both the setting of the listed house and bringing the listed greenhouses back into good condition, I consider that there is justification for departing from the Development Plan in accordance with national planning policy and guidance. The application has been re-advertised as a departure to the Local Plan. This advert will expire before the applications are determined on

the proposal. If any new issues are raised as a result of the advert, the proposal will be reported back to committee.

- 8.02 The applicants have submitted a thorough application, that demonstrates that a very high standard of design would be achieved within the site, and this is, in part the justification for allowing such a development. This is not a site where 'standard' house types would be acceptable as 'enabling' development.
- 8.03 Careful consideration has been given to the quality of the architecture proposed. It is considered that these proposals would not result in any significant visual harm to the locality. Indeed, I consider that the proposal would result in an enhancement of the setting of the buildings due to the works to take place to the listed structures. This is a key consideration in the determination of the applications.
- 8.04 There are no highway objections to this proposal, and I do not consider that there would be any significant impact upon the amenity of the existing residents close to the application site.
- 8.05 The viability work that has been carried out demonstrates that there is no scope for the provision affordable housing, or other developer contributions to be made as part of this development.
- 8.06 The terms of a s106 legal agreement (Unilateral Undertaking) will ensure that the new residential units cannot be occupied until the restoration and repair of the main house, the glasshouses and the garden wall have been completed to the satisfaction of the local planning authority.
- 8.07 It is for this reason that I recommend that delegated powers be granted to Officers to approve these applications, subject to the signing of a Unilateral Undertaking and subject to the conditions set out below.

**9.0 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 o a section 106 legal agreement in such a terms as the Head of Legal Services may advice to secure the followings:

- no new issues being raised as a result of the advertisement of the application as a departure to the local plan;
- a S106 agreement in such terms as the Head of Legal Services may advise to secure the following terms:
  - 1) The development is to be dealt with in phases and the Owner agrees that occupation of the respective dwellings can only take place once the works on that phase have been completed in accordance with the planning permission and the works carried out in accordance with the schedules of works set out in respect of the greenhouse/glasshouses and the main House to the satisfaction of the Council.
  - 2) Phase 1 must be completed before any occupation of the new dwellings.
  - 3) Phase 3 must be completed before any occupation of any dwellings included in Phases 4 or 5.

- 4) For the avoidance of doubt all phases can be developed contemporaneously but occupation of the respective dwellings may only occur in accordance with the above.
- 5) The Phases are as follows:

**Phase 1**

Demolition of out buildings currently used for industrial works and construction of the new greenhouse homes to the north of the greenhouse. Restoration of the greenhouse and garden wall. No occupation of units 10-13 inclusive until such time as the repair works have been completed.

**Phase 2**

Demolition of the garage and bungalow, and replacement with new-build terraced block consisting of four houses. No occupation of units 16-19 inclusive until such time as the works in Phase 1 have been completed.

**Phase 3**

Restoration and repair of the main house and adjoining additions. Units 3-9 inclusive. No occupation of the house and adjoining additions until these repair works have been completed.

For clarification until the works on Phase 3 are completed none of these obligations will prevent the occupation of the existing main house and flats in the extension to the house.

**Phase 4**

Conversion of the ballroom to two houses. Units 1-2 inclusive. No occupation until Phase 1 and Phase 3 works have been completed.

**Phase 5**

The enabling development of five houses Units 20-24 inclusive. No occupation until Phases 1, 2, 3 and 4 have been completed.

- 6) The Second Schedule shall set out a full method statement for the repair and restoration for the glasshouses.
- 7) The Third Schedule shall set out a full method statement for the repair and restoration of the main House.
- 8) A management plan should be set out to ensure the long term maintenance and repair of the communal areas of the listed buildings and gardens at Wierton Place.

**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 details of foul water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation

with Southern Water. The development shall be carried out and maintained thereafter in strict accordance with the approved details;

Reason: In the interest of pollution and flood prevention.

- (3) The development hereby permitted shall not commence until a detailed sustainable surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to the Local Planning Authority and approved in writing in consultation with the Lead Local Flood Authority.

The drainage details submitted to the Local Planning Authority shall:

- Include details of all sustainable drainage features; and
- Specify a timetable for implementation; and
- Provide a long term management and maintenance plan for the lifetime of the development which shall specify the responsibilities of each party for the implementation of the SUDS scheme and any other arrangements to secure the operation of the scheme throughout its lifetime; and
- Provide relevant manufacturers details on all SUDS features.

The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

- (4) No development shall take place until the applicant has secured and implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest.

- (5) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic landscape survey and assessment 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 historic landscape and garden history interest are properly examined and recorded.

- (6) No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure due regard is had to the preservation in situ of important archaeological (including garden history) remains.

- (7) No development, including demolition of existing structures, shall take place until a programme of building recording and analysis (the "Programme") of the main



building, the glasshouses and the garden building/ice house has been submitted to and approved in writing by the Local Planning Authority. The Programme shall include a written scheme of investigation, which shall be implemented in full in the implementation of the planning permission. The resulting report shall be submitted to the Local Planning Authority, the Historic Environment Record held by Kent County Council and the Maidstone Museum before first occupation of the development hereby permitted;

Reason: To ensure that historic building features are properly examined and recorded.

- (8) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a high quality appearance to the development and safeguard the fabric, appearance, character and setting of listed buildings.

- (9) No development shall take place until details (in the form of large scale drawings and samples as appropriate) have been submitted to and approved in writing by the Local Planning Authority in respect of the following:

Main House

- (i) Internal and external joinery (all windows to be timber); and
- (ii) New plasterwork; and
- (iii) Internal and external paint schemes; and
- (iv) All works to existing, and proposals for new, fire surrounds; and
- (v) All services, including computer cabling and lift machinery; and
- (vi) Works of making good; and
- (vii) Schedules of repair work and stone/brick-cleaning/replacement.

Outbuildings and works to the garden walls

- (i) Samples of materials, including sample panels of brickwork, stonework and re pointing; and
- (ii) Internal and external joinery details at an appropriate scale (all windows to be timber) except for joinery to existing glasshouse building which shall be undertaken in accordance with drawings WM/Joinery/01, WM/Joinery/02, WM/Joinery/03, WM/Joinery/04, WM/Joinery/05, WM/Joinery/06, WM/Joinery/07, WM/Joinery/08, WM/Joinery/09 and WM/Joinery/10 all received 7th July 2015 ; and; and
- (iii) Window details at an appropriate scale; and
- (iv) Repair schedules for the walls; and
- (v) Details of windows, eaves, ridges, doors and door surrounds, bands, plinth mouldings and quoins; and
- (vi) The details and design of any gates proposed.

The development shall thereafter be undertaken in accordance with the subsequently approved details except as agreed in writing by the Local Planning Authority;

Reason: To ensure the fabric, appearance and character of heritage assets are maintained and to secure a high quality of new development within the site.

- (10) No development shall take place until samples and details of the surface treatment of all hardstandings, courtyards, pathways driveways and access ways of the development 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 high quality appearance to the development and safeguard the fabric, appearance, character and setting of listed buildings and the historic gardens.

- (11) The development hereby permitted shall not commence until a programme of repairs to the main house, glasshouses, garden building/ice house and garden wall have been submitted to and approved in writing by the Local Planning Authority in consultation with Historic England and the development shall thereafter be undertaken in full accordance with the approved details;

Reason: To ensure that the fabric, appearance, character and setting of the heritage assets is preserved.

- (12) No dwelling units within the grounds of Wierton Place hereby permitted (excluding the 7 approved units within the main house) shall be occupied until such time as the restoration works to the glasshouses have been completed to the satisfaction of the Local Planning Authority and that such approval has been given in writing;

Reason: To ensure that the fabric, appearance, character and setting of the heritage assets is preserved and to safeguard against the introduction of new residential development in an unsustainable rural location for which the justification is that it represents enabling development to ensure the survival of heritage assets which may otherwise be lost.

- (13) 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 those to be removed and retained, together with a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment (Linton Greensand Ridge landscape type) 2012 and Landscape Character Assessment Supplement 2012. The landscape scheme shall include the following, inter alia:

The retention of all trees and hedges identified as such in the Arboricultural Impact Assessment (ref 2082\_RP\_001 date 24th July 2015) received 24th July 2015; and  
The provision of cordwood greater than 150mm in diameter arising from tree clearance retained and stacked safely within landscaped areas and other appropriate features of biodiversity enhancement; and  
The retention and where appropriate enhancement of existing tree lines; and  
The use of a range of native flowering and berry bearing species of trees; and  
Areas of grassland to be managed as rough grassland;

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned, domestic gardens.

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, ensure a satisfactory appearance to the development and a high quality of design, safeguard and enhance the character, appearance and setting of heritage assets, and enhance biodiversity assets.

- (14) The development hereby permitted shall be undertaken in full accordance with the Loyd Bore Tree Protection Plan shown on drawing numbers 2082\_DR\_001 rev B and 2082\_DR\_002 rev B received 24th July 2015 and detailed in Arboricultural Impact Assessment (ref 2082\_RP\_001 date 24th July 2015) received 24th July 2015;

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

- (15) The planting, seeding and turfing specified in the approved landscape details shall be carried out during the first planting season (October to February) following first occupation of the development hereby permitted. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of the development, die or become so seriously damaged or diseased that their long term health 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 safeguard existing trees and hedges to be retained, ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character, appearance and setting of heritage assets.

- (16) No tree identified as being retained as identified in drawing numbers 2082\_DR\_001 rev B and 2082\_DR\_002 rev B or the Arboricultural Impact Assessment (ref 2082\_RP\_001 date 24th July 2015) received 24th July 2015 shall be cut down, uprooted or destroyed, or topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, a replacement tree shall be planted and that tree shall be of such size and species, and shall be planted at such time and in a position to be agreed with the Local Planning Authority, as may be specified in writing by the Local Planning Authority;

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

- (17) 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) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of highway and pedestrian safety.

- (18) Prior to the commencement of the development, details of all fencing, walling and other boundary treatments including gates, together with any vehicle barriers to be

erected within the site shall be 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 development and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, safeguard and enhance the character, appearance and setting of heritage assets and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (19) The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

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

- (20) The development shall not commence until, details of the colour of the external finish of the new build dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character, appearance and setting of heritage assets and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (21) No external lighting shall be placed or erected within the site without the prior written approval of the Local Planning Authority. Any 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 minimise effects on fauna including bats. The development shall thereafter be carried out and retained in accordance with the subsequently approved details;

Reason: To prevent light pollution in the interests of the character and amenity of the area in general and to prevent harm to biodiversity assets.

- (22) The development shall be carried out in strict accordance with the Bat Survey Report (ref 6037/SBTG dated 5th September 2011) received 7th October 2011; Update Bat Survey Report (ref 6037/4687/SBTG dated 11th June 2014) received 25th June 2014; and Bat Activity Survey Report (dated 20th July 2015) received 20th July 2015 with the mitigation proposed (which shall include the provision of a bat roost within the main building, bat tubes incorporated in to the fabric of new buildings and bat boxes within the grounds attached to suitable trees) provided prior to occupation of the development hereby permitted and thereafter maintained;

Reason: In the interests of providing suitable mitigation for ecology.

- (23) The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority;

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

- (24) No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority;

Reason: To secure a high standard of design.

- (25) Notwithstanding the provisions 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 development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F, G and H, Part 2 Class A and Part 16 to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the property and the surrounding area, and in acknowledgement of the special circumstances of permitting this development.

- (26) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority;

- (a) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment set out in the approved Phase 1 Land Contamination Assessment by Ecologica, received on 16<sup>th</sup> October 2015. 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 actions.
- (b) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (a). 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, including the approved Phase 1 Land Contamination Assessment, require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003), unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for the carrying out the works
- Measures to minimise the production of dust on the site
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)

- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site
- Design and provision of site hoardings
- Management of traffic visiting the site, including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to minimise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site during the construction works
- The arrangements for public consultation and liaison during the construction works

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

- (27) The development hereby permitted shall be undertaken in strict accordance with the following plans and supporting documentation:

Drawing numbers D132799/1 rev 2, D132799/2, D132799/3, D132799/8 rev 1, D132799/9 rev 1, D132799/10, D132799/11 and D132799/12 received 31st March 2011; drawing numbers 09.79.50, 09.79.51 rev B, 09.79.104 Rev B, 09.79.105 Rev A, 09.79.106 Rev B, 09.79.107 Rev B, 09.79.108 Rev B, 09.79.109 Rev A, 09.79.111 rev A, 09.79.112 rev A, 09.79.113 Rev B, 09.79.114 Rev B, 09.79.115 Rev B, 09.79.125, 2082\_DR\_001-A, 2082\_DR\_002-A, received 25th June 2014; drawing numbers WM/Joinery/01, WM/Joinery/02, WM/Joinery/03, WM/Joinery/04, WM/Joinery/05, WM/Joinery/06, WM/Joinery/07, WM/Joinery/08, WM/Joinery/09 and WM/Joinery/10 all received 7th July 2015; drawing numbers 09.79.110 Rev B and 09.79.116 rev B received 8th September 2014; drawing number 09.79.101 rev E received 23rd July 2015; drawing numbers 2082\_DR\_001 rev B and 2082\_DR\_002 rev B received 24th July 2015; drawing numbers 09.79.117 rev A, 09.79.118 rev A, 09.79.119 rev A, 09.79.120 rev A, 09.79.121 rev A, 09.79.122 and 09.79.123 received 28th July 2015.

Supported by a Bat Survey Report (ref 6037/SBTG dated 5th September 2011) received 7th October 2011; Conservation Statement (dated June 2014), Design and Access Statement, Draft S106 agreement; Supplementary Arboricultural Impact Assessment (ref 2082\_RP\_002 dated 29th April 2014), Update Bat Survey Report (ref 6037/4687/SBTG dated 11th June 2014) received 25th June 2014; and Bat Activity Survey Report (dated 20th July 2015) received 20th July 2015; and an Arboricultural Impact Assessment (ref 2082\_RP\_001 date 24th July 2015) received 24th July 2015; Phase 1 Land Contamination Assessment by Ecologica received 16<sup>th</sup> October 2015;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, safeguard and enhance the character, appearance and setting of heritage assets, secure biodiversity assets and to safeguard the enjoyment of their properties by existing and prospective occupiers.

## INFORMATIVES

- (1) The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.
  - (2) You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)
  - (3) No construction vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).
  - (4) Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.
  - (5) Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 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.
  - (6) The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.
  - (7) As the development involves demolition and/or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected.
  - (8) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.
- Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (9) The installation of any communications equipment on the site which is normally permitted development under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 has been restricted by condition 25 of the planning permission. This is in order to protect and enhance the setting of the listed building. It is advised that a single installation of one telecommunications device or structure within the application site, that can be suitably sited and well screened from the listed building, would be more favourably received than multiple applications for individual satellite dishes or other equipment for each residential unit.

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 14



11/0512

Scale: 1:2500

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## REPORT SUMMARY

<b>REFERENCE NO - 11/0512</b>		
<b>APPLICATION PROPOSAL</b> An application for Listed Building Consent for internal alterations and extensions to facilitate the change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions and internal works; conversion and extension of the existing ball room to 2 dwellings; demolition of existing garage block and erection of 4 terraced properties; conversion and extension of existing glasshouses to 4 dwellings; and the erection of 5 detached dwellings to the north and south of the access track, together with associated access and landscape works (PLEASE SEE MA/11/0511 FOR FULL PLANNING APPLICATION).		
<b>ADDRESS</b> Wierton Place, Wierton Road, Boughton Monchelsea, Maidstone, Kent, ME17 4JW		
<b>RECOMMENDATION: GRANT LISTED BUILDING CONSENT subject to signing of Unilateral Undertaking and subject to conditions and expiry of advert for departure from development plan</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATIONS:</b> As set out in the report.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The proposal is contrary to the Development Plan and the recommendation is contrary to the views of Boughton Monchelsea Parish Council.		
<b>WARD</b> Boughton Monchelsea And Chart Sutton	<b>PARISH/TOWN COUNCIL</b> Boughton Monchelsea	<b>APPLICANT</b> Wierton Place Homes Ltd <b>AGENT</b> Guy Holloway Architects LLP
<b>DECISION DUE DATE</b> 29/05/11	<b>PUBLICITY EXPIRY DATE</b> 29/05/11	<b>OFFICER SITE VISIT DATE</b>
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

### Planning History:

The site has a significant planning and enforcement history. The relevant history is summarised below:

MA/11/1806 Listed Building Consent for a permanent memorial plaque - APPROVED SUBJECT TO CONDITIONS

MA/11/1805 Advertisement Consent for a memorial plaque upon internal gateway plaque - APPROVED SUBJECT TO CONDITIONS

MA/11/0511 A full planning application for the change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions; conversion of the existing ball room to 2 dwellings, including extensions; demolition of existing garage block and erection of 4 terraced properties; conversion of existing glasshouses to 4 dwellings, including extensions; and the erection of 5 detached dwellings to the north and south of the access track, together with associated access and landscape works (CURRENTLY UNDER CONSIDERATION - PLEASE SEE PAPERS).

MA/01/0093 An application for listed building consent for the erection of garden implement store - APPROVED SUBJECT TO CONDITIONS

MA/01/0092 Erection of garden implement store - APPROVED SUBJECT TO CONDITIONS

MA/93/0945 Construction of single storey building comprising garaging and store - REFUSED

MA/93/0364 Single storey garages and storage extension – REFUSED

MA/89/1390 Extensions to provide ancillary residential accommodation, external WC, laundry and store rooms - APPROVED SUBJECT TO CONDITIONS

MA/88/0168 Extension to country club to provide gym, lounge bar, snooker room and store - APPROVED SUBJECT TO CONDITIONS

MA/77/0056 Conversion into 5 residential units of barn, cottage and stable block - APPROVED SUBJECT TO CONDITIONS

MA/77/0089 Extension and alteration to form club - APPROVED SUBJECT TO CONDITIONS

MA/77/0180 The change of use of premises from office and residential use to part private residence, part country club - APPROVED SUBJECT TO CONDITIONS

MA/76/1195 Erection of double garage - APPROVED SUBJECT TO CONDITIONS

MA/75/0138 Renewal of permission for conversion of stable block and grooms quarters to dwellinghouse; improvements to cottage; conversion of barn to dwellinghouse - APPROVED SUBJECT TO CONDITIONS

72/0089/MK3 Extension to form club – APPROVED

71/0180/MK3 The change of use of premises from office and residential use to part private residence, part country club - APPROVED SUBJECT TO CONDITIONS

70/0333/MK3 The change of use of premises to part private dwelling, part country club – REFUSED

70/0185/MK3 (a) the conversion of stable block and grooms quarters to dwelling house; (b) the carrying out of improvements to cottage; and (c) the conversion of barn to dwellinghouse - APPROVED SUBJECT TO CONDITIONS

67/0184/MK3 An outline application for change of use to residential hotel and country club - APPROVED SUBJECT TO CONDITIONS

The complex and sensitive nature of the application, the length of discussions and negotiations and various changes in case officers have resulted in this application and the accompanying application for listed building consent (MA/11/0512) being in for a significant period of time. The applications were on the papers for the Planning Committee meeting held on 14<sup>th</sup> February 2014, however they were withdrawn from the agenda prior to determination.

More recently, since Summer 2015, ecological information requested by the Kent County Council Biodiversity Officer relating to the presence of bats in the main buildings on the site was provided by the applicant in July 2015. A draft Unilateral Undertaking has also been submitted, which is intended to control the phasing of the development and also ensures that the Greenhouse is repaired before the new housing units are occupied.

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is located within the open countryside, approximately 1km to the south of the village of Boughton Monchelsea, which is itself approximately 3 miles from the centre of Maidstone (as the crow flies). The site is located in an area with no specific environmental or economic designations within the adopted Maidstone Local Plan 2000 (MBWLP), however it is within a proposed Landscape of Local Value in the emerging Maidstone Regulation 19 Local Plan (MLP). The site is accessed from Wierton Road to the east by a sinuous tree lined single track private drive of some length (approximately 200m). The route access passes through land in the ownership of third parties, and is itself owned by persons who have now been correctly served with Owners Notices (and the correct Certificate provided to the Local Planning Authority).
- 1.02 On entering the main body of the site, which is irregularly shaped, there are two linear areas of hard surfacing to the north and the south of the access, which appear to have previously been utilised as overflow car parks associated with the former use of Wierton Place as a night club. These areas of hard surfacing are separated from the remainder of the site by two banks of trees that run from north to south within the site.
- 1.03 The main house (Wierton Place itself), which has an existing lawful use as a night club (known as the "Polo Club") and a number of residential apartments, sits centrally within the application site oriented to face southwards over the Kentish Weald. This building, which was Grade II listed in 2002 along with a small detached garden building to the north west, was constructed in approximately 1857 (although a property has been recorded at the site from circa 1760), and comprises a substantial detached property constructed of red brick in Flemish bond with brick headers, and sandstone dressing, with a Kentish ragstone plinth to the rear. The property has a tiled roof, with large ornate chimney stacks, including four tall clustered stacks to the main part of the building. The historical core of the building is two storey, although it has been previously extended through the addition of a three storey extension to its western end. To the eastern end of the main building is a substantial (single storey flat roofed extension) which formerly housed the ballroom associated with the nightclub. Both of these extensions are believed to date from the Victorian or Edwardian era. To the north of the main building is an area of hard surfacing used for car parking ancillary to the use of Wierton Place, together with areas of landscaping. To the west of the main building, approached through a large arch, is a large block of single storey garages dating from the late twentieth century, which are of no architectural or historic merit. Beyond the garages are a small single storey detached garden building believed to be associated with the main property and built in a similar gothic style. The building is believed to have formerly functioned as an ice house; this building was listed in its own right at the same time as the main building.
- 1.04 To the north of the garage block and ice house, and to the north west of Wierton Place, is a walled garden, which contains original and little altered glasshouses which are Grade II listed in their own right in 1987, and as such were recognised for their highly unusual architecture and quality of construction prior to the main building. These glasshouses are in a state of significant disrepair, however, much of the original hardwood main frame remains intact. Although many of the glass panels have been lost as a result of impact from various objects and precipitation as well as the warping of the original metal louvre system, some remain intact. The building also

retains Victorian functional details including floor tiling, work benches and heating systems throughout.

- 1.05 The glasshouses take a linear form, with two wings extending out to the east and west from a central atrium. The wings take an asymmetric form in order to gain maximum growing benefit from the south facing aspect of the building, however the central atrium has a symmetrical layout, projecting forward of the wings, and is significantly greater in height and overall prominence. Architectural continuity is provided by the rear elevation of the building which extends the full width of the wings and atrium.
- 1.06 The glasshouses represent a particularly interesting building, considered to be of significant merit, as recognised by the relative listing statuses of it and the main property within the site – irrespective of its current condition
- 1.07 The land to the rear of the glasshouses is mainly laid to hard surfacing, although there are some containers within the area, as well as some brick/block constructions that do little to respond to the character of the glasshouses. This part of the site is in an unkempt state, seemingly used for the storage of building materials, together with cars in varying states of disrepair. It is entirely enclosed by the glasshouse building to the south (which it may have originally served as a storage area for gardening), and to the north, east and west by a band of woodland protected under TPO 9 of 1982. Vehicular access to this part of the site is gained via a track which runs to the south and west of the walled garden.
- 1.08 Land levels within the site generally fall from north to south. The northern half of the site, on which the existing and proposed buildings are sited, is approximately level falling to the south, which reflects the underlying geology of the Greensand Ridge. As set out above in paragraph 1.03, the main house overlooks this escarpment, which forms parkland falling away beyond the main garden which has been laid out to the immediate south of the property.
- 1.09 The boundaries of the site are largely defined by fencing of conventional rural construction, supported by mature native hedging. Along the northern boundary of the site is a woodland band protected under the scope of TPO 9 of 1982 to the north of which is a public right of way, the KM120, whilst the eastern boundary of the site is marked by a substantial coniferous hedge on land not within the control of the applicant.
- 1.10 To the west of the gardens and to the south west of the main building are the residential properties “The Old Coach House”, ‘Barn House’ and ‘Weald Barn House’. The closest of these, The Old Coach House, is located approximately 35m to the south of the closest of the additional proposed dwellings.

## **2.0 PROPOSAL**

- 2.01 This is the listed building application that accompanies the full application also on the papers this evening. It relates to internal and external works to facilitate the change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions; the conversion and extension of the existing ball room to 2 dwellings; the demolition of existing garage block; and the conversion and extension of existing glasshouses to 4 dwellings.

### **Number of Residential Units**

- 2.02 The tables below sets out the existing residential development that already exists on the site and also the proposed residential development.

<b>Existing Residential Units:</b>	
Flats in the existing three storey addition to Main House	12
Bungalow	1
Main House	1
<b>TOTAL</b>	<b>14</b>

<b>Proposed Residential Units:</b>	
Flats in the existing three storey addition to Main House	6 (units 4-9)
Demolished Bungalow and Garage Block, including restoration of listed ice house	4 (units 16-19)
Restoration and conversion of Main House and nightclub	1 (unit 3)
Conversion of Victorian Ballroom	2 (units 1-2)
Restoration and conversion of glasshouses	4 (units 10-13)
Enabling development located on hard surfaced car parks	5 (units 20-24)
<b>TOTAL</b>	<b>22</b>

- 2.03 Overall, the tables demonstrate that there are currently 14 residential units on the site. As a total of 22 residential units are proposed on the site, this creates a total increase of 8 residential units. The amended Master Plan (drawing no. 09.79.101 Rev.E), received on 28<sup>th</sup> July 2015, identifies the location of all proposed development and labels the unit numbers. A brief breakdown of the proposal is set out below with a more detailed description given of the proposal from paragraph 2.04 onwards:

- The first floor apartment in the main house will remain as one residential unit, but it will be restored to its original Victorian layout incorporating the ground floor and basement that currently has a lawful use as a nightclub. This is labelled as Unit 3 on all the plans.
- There are 12 flats in the existing three storey addition to the main house, which comprise a mixture of one bedroom and studio flats. These will be converted into 6 two bedroom flats, resulting in a reduction in the overall number of flats by 6 units. The remodelled flats are labelled as units 4 to 9.
- The existing bungalow and garage block will be demolished and replaced with 4 new terraced units including the retention of the listed garden building/ice house. The new units will not result in an increase in built footprint compared to the existing garage block. These units are labelled as units 16 to 19.
- The existing Victorian ballroom located on the eastern end of the main house will be converted into two semi-detached dwellings with no increase in footprint. These units are labelled as units 1 and 2.
- The existing listed glasshouses will be repaired, restored and converted to conservatories for 4 new residential units. The workshops to the rear will be demolished and replaced with the main living areas of the new dwellings, resulting in only a marginal increase in footprint. These units are labelled as units 10 to 13.
- New building enabling development of 5 houses is located on the hardsurfaced overflow car park area. These units are labelled units 20 to 24.
- It should be noted that there are no units 14 and 15 due to amendments that been undertaken to the scheme.

- The demolition of outbuildings, the bungalow and garage will remove 345 sq.m of built footprint. The erection of units 16 to 19 on the site of the garage block will create approximately 397 sq.m of footprint, an overall increase of 52 sq.m.
- The demolition of the modern outbuildings around the glasshouses will remove approximately 692 sq.m of footprint. The new conservatory units will have a footprint of 496 sq.m, resulting in a reduction in built footprint of approximately 196 sq.m.
- The new build enabling development (units 20 to 24) will have a total footprint of 624 sq.m.
- In total, over the entire site, there will be an increase in built footprint of 480sq.m from the all the new residential dwellings. The enabling development clearly comprises the main increase in built footprints on the site, with the other parts of the proposal resulting in only a marginal increase in footprint due to the demolition of various buildings that are modern and detract from the setting of the listed buildings on the site.

### **Detailed Description of Proposal**

- 2.04 The proposal for the change of use of the original building forming Wierton Place (the existing night club, exclusive of the later eastern addition forming the ballroom and western addition housing the existing apartments) is for the conversion of this element of the building into a single large property (unit 3), which would contain five large bedrooms at first floor, living areas at ground floor and a cinema/gym within the basement. Access and car parking serving this property would be from the front (north) of the building. The conversion would largely retain and restore the historic layout of the original Victorian building, however a new window would be installed within the side elevation of the main house, on its eastern elevation.
- 2.05 The existing flats within the existing addition to the western elevation of the original property, of which there are twelve, would be remodelled, resulting in six apartments (units 4 – 9 inclusive), two on each floor, a loss of six units within this part of the building. However, rather than the existing cramped one bedroom and studio flats as they are currently, the new apartments would all be more generous two bedroom units, with internal floor areas of between 98m<sup>2</sup> and 122m<sup>2</sup>. These properties would be accessed via a new glazed shared staircase which would be sited between the oldest part of the house and the more recent three storey addition to its western elevation, and would be recessed back from the main elevation by a minimum of 3m (not considering projecting bays).
- 2.06 The existing 'ballroom' extension at the eastern end of the main building is proposed to be altered to facilitate its conversion into a pair of "semi-detached" dwellings (units 1 and 2). The works proposed would see the retention of the existing walls (aside from an element of the existing 'link' to the main building which would be narrowed), with the introduction of a lightweight, glazed, flat roofed first floor area and terrace above the existing structure. The first floor extension would be set in from the ground floor walls of the existing building by approximately 1-3metres, allowing the creation of a first floor terrace for occupiers. These properties would each provide three bedrooms at ground floor level, and living accommodation at first floor in order to take maximum enjoyment from the views southward. Access to these properties would be from the front (north) for unit 2 and from the eastern side for unit 1.
- 2.07 The key element of the proposal is the conversion of the existing glasshouses within the north western corner of the application site, which, as set out above in paragraph

1.04 to 1.06 inclusive, were listed in their own right as a building of architectural and historic interest prior to Wierton Place itself. The conversion would include the total refurbishment of the existing glass and steel structure, which would form garden rooms to the proposed dwellings (the “wings”) and a shared communal space (the central atrium), as well as the construction of two storey extensions to the rear of the east and west wings of the building, on the hard surfaced area currently used for informal storage. In total, the conversion of these glasshouses would provide four additional dwellings (units 10 – 13 inclusive), a negotiated reduction of two units in comparison to the scheme as originally proposed, together with a communal space within the central atrium opening out onto the (restored) walled garden, the use of which would also be shared by occupiers. The extensions behind the (refurbished) glasshouses would be flat sedum roofed, so as not to ‘compete’ with the form of the glass house, or to compromise views of the host building, whilst allowing the provision of habitable space. These would be single storey, and timber clad to the rear. Private garden areas and parking spaces would be provided to the rear (north) of these properties, with access gained from a new track that would run between the parking area along the northern boundary of the site and the main access point from Wierton Hill in the western side of the application site; pedestrian access only would be allowed to the walled garden to the south of the properties.

- 2.08 The conversion and refurbishment of the glasshouses, and therefore their retention, are a desirable outcome which will cost a considerable sum to achieve to an adequate standard, bearing in mind the heritage sensitivity of the original building, the (in places) dilapidated state of the historic structure, and the extremely specialised techniques which will be required for the glasshouses to have a realistic use for residential purposes. The residential use enables the glasshouses to be used as conservatories for the dwellings so that they can be preserved with as minimal alterations as possible. There are limited other options for re-use, none of which (including the proposed residential use) would be able to cover the prohibitive cost of the glasshouse restoration together with the restoration of the garden and enclosing wall. As such, enabling development to finance the project is proposed, the details of which are set out below.
- 2.09 It is proposed to demolish the existing residential unit known as the bungalow and the unsightly garage block that is sited to the west of the main building together with the flat roofed structure connecting it to the main building, and to replace it with a detached terrace of four contemporary, two storey flat roof dwellings (units 16 – 19 inclusive), which would retain the attractive, single storey ice house that forms part of the listing as an incorporation into the western-most unit of this terrace. This element would be seen in direct relation to the main building, and as such, is to be constructed at ground floor level of matching brickwork, with the first floor set back, and of a more lightweight, glazed construction, mimicking that of the dwellings proposed in the former ballroom (units 1 and 2). Again, a flat (sedum) roof would be provided, with a significant overhang. This building, which would be significantly smaller in height and overall bulk in comparison to the original building, would sit back from the main frontage of the house and project outwards from the rear so as to appear more subservient in views from the main central point of the northern part of the site.
- 2.10 The second part of the new build element of the scheme (and the main enabling development) would see the erection of five houses within the eastern end of the application site (units 20 – 24 inclusive), on the land previously used as an overflow parking area. Two of these properties would be located to the north of the main access, and three to the south. These dwellings, which would all be detached and of two storeys in height, providing four bedrooms each, would be of contemporary

design, being constructed of brick, render, and timber cladding, and provided with a sedum roof, consistent with the other extensions and new builds proposed. The properties to the north of the main access would be arranged around a parking courtyard with gardens to the north of them, whilst the properties to the south of the access would have a more linear arrangement responsive to the extent of the existing area of hard surfacing. These dwellings would be oriented to present their most open aspects to the west or south, and the interior of the site as a whole.

- 2.11 The two northernmost dwellings of this group would have a shared parking area immediately to the north of the main access to the site, whilst the three to the south would have a shared access which would run southwards along the eastern site boundary.
- 2.12 Each of these properties, whilst having clean lines, would incorporate overhanging elements that would project at first floor level to provide visual articulation as well as enhanced internal and external space above garden level. A minimum of two car parking spaces are proposed for each of these properties.
- 2.13 The position and orientation of these new build properties, and that of the access, have been amended from that originally proposed in order to reduce the impact of the adjacent hedge on future occupiers, improve the spatial relationship between the proposed dwellings, and allow occupiers to benefit from the views to the west and south west.
- 2.14 In addition to the above, existing car parking areas to the north of Wierton House and to the south of the walled garden are to be rationalised and existing areas of landscaping within the central part of the site enlarged and enhanced.
- 2.15 The applicants have agreed that the new properties would be constructed to the equivalent of a minimum of level 4 of the Code for Sustainable Homes (although this matter will now be dealt with under the scope of Building Control). In addition, it has been agreed that ecological enhancements will be incorporated within the development, such as the provision of swift bricks and bat boxes within suitable locations throughout the development. Solar panels are proposed on the roofs of the new four bed houses.
- 2.16 There are elements of demolition of existing structures within the proposal, which are detailed in drawing numbers 09.79.50 and 09.79.51 rev B. The buildings to be demolished are, in general, poorly constructed twentieth century additions of limited architectural or historic interest, and in some cases are actively detrimental to the character and appearance of Wierton Place as a heritage asset.

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

The National Planning Policy Framework 2012

National Planning Practice Guidance 2014

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T13

Maidstone Borough Local Plan Publication (Regulation 19) Feb 2016: Policy SP17, DM1, DM2, DM3, DM7 and DM13.

Supplementary Planning Documents: Affordable Housing Supplementary Planning Document 2006, Maidstone Landscape Character Assessment 2012, Maidstone Landscape Character Assessment Supplement 2012

Other: Historic England (formerly English Heritage) English Heritage Enabling Development and the Conservation of Significant Places, The Setting of Heritage Assets



#### **4.0 LOCAL REPRESENTATIONS**

4.01 Local residents were notified and representations were received from approximately 25 households (some objectors writing more than one letter and also one from a planning consultant employed by local residents). The concerns raised within these letters are summarised below:

- The proposal would result in a significant level of traffic which would be to the detriment of the highway network and residential amenity of the neighbouring occupiers;
- The provision of a single access into and out of the site is unsafe;
- The proposal would result in more noise and disturbance, and smells by virtue of the increase in people living at the site;
- The proposal would have an unacceptable impact upon the setting of the listed building and conservation area;
- There are not sufficient car parking spaces;
- There is insufficient outside space for future residents;
- The proposal would result in an over-intensification of the site, and would not fit in with the historic pattern of development;
- There is insufficient water supply;
- What will happen with the sewerage;
- How will gas be supplied to the dwellings?
- The bat survey was not of sufficient standard;
- The proposed dwellings would be unattractive and out of keeping with the surrounding area;
- It is not clear where the alternative access into the site would be;
- Previous permissions have been declined at this site;
- The proposed materials are unacceptable;
- There would be a doubling of residential units within the hamlet of Wierton;
- The impact upon biodiversity has not been fully considered;
- Inspector's decisions elsewhere within the area have seen new dwellings refused;
- The conversion of the greenhouse would in fact be a new build;
- There are a lack of amenities for future occupiers within the area;
- The proposal would have a detrimental impact upon the setting of the Greensand Ridge;
- This would result in a significant precedent;
- The proposal would be contrary not only to ENV38, but also AH1, ENV34, ENV44, T3, T21 and T23 (not all of these remain in force);
- The proposal would undermine the Council's strategic objectives numbered 1, 2, 3, 5 and 6;
- The proposal would be contrary to policies CC1 and NRM5 of the South East Plan (2009);
- The proposal would be contrary to PPS1, PPS5, PPS7 and PPG13;
- The proposal would result in light pollution to existing residents;
- There would be an unacceptable loss of trees within the site;
- There is a lack of storage space within the development;
- The proposal would result in a loss of privacy to neighbouring occupiers;
- The proposal would impact upon the nearby Special Landscape Area;
- The premises has not been operating as a nightclub for a significant period of time, and as such, the application is misleading;
- The plans are not correct;

- There is poor telephone/internet connection within the locality;
- The business model put forward is out of date;
- There would be an unacceptable impact on an existing, and over-subscribed primary school;
- There is no 'planning gain' being offered as a result of this proposal;
- The proposal would result in an increase in crime in what is at present, a very safe area.

4.02 Following the last set of consultations in July 2015, approximately 10 objection letters were received on the proposal (with some objectors writing more than one letter). The concerns raised are listed below:

- Do not believe that the protection of the heritage assets in their curtilage and minimising impact of any changes has been achieved.
- No attention has been paid to rural landscape and to the quiet and dark nature of the hamlet and surrounding area;
- Enabling builds should appear in the listed building consent;
- Previous withdrawn committee report failed to provide a balanced view;
- Reports should detail the different information and viewpoints of all rather than the viewpoint preferred by officers;
- Essential that officers ensure that their reports provide this balance as well as indicating their advice/reasoning/evidence
- Grade 2 listed greenhouse is clearly being demolished and only a very few aspects will be retained;
- Is not a renovation of this heritage asset but of its destruction and replacement with a modern double glazed copy. It is possible only the metal posts in the orangery will be saved.
- If the heritage asset is now beyond saving, it should be delisted and made safe or most likely removed and no further build should be permitted within the walled garden;
- Is an Enabling Plan needed if not possible to resurrect the glasshouses to any extent?
- As is clear in the NPPF, neglect must not be rewarded. We object strongly to this incorrect application of heritage.
- Treatment of foul water not been addressed;
- Grounds of grand house should be remain open and not split into individual garden spaces, yet indications that there are to be gardens for the terraced houses;
- There must be protection for all mature and significant trees across the whole site;
- Increased risk of Light and Noise pollution;
- Loss of trees will further exacerbate light and noise pollution across the site and across the Weald Valley;
- Local planning authority should establish that there are access, build and title rights;
- Valuation Report is no longer valid due to relatively stable building costs and rapidly and substantially improved house prices. Add to this the reduced project costs in not renovating the greenhouse, then massive savings are in place which will have an impact on the need for the level of enabling works proposed.
- Footprint of terraces have increased and they have delineated garden areas;
- Believe residential use of Wierton Place is most sustainable, but believe that this is the wrong scheme and should be rejected;
- Are there sufficient rights of access to enable scheme to go ahead?

- How will internal changes to layout of terraces be safeguarded;
  - No details relating to drainage;
  - Support change of use, but scale wrong;
  - The value paid for the property could be achieved by changing the existing house back to a single unit and providing a conservation package to the listed glasshouses;
  - The longer the applications drag on, the more the preservation of the glasshouses becomes a lost cause. Council failed in its obligations to ensure that the listed building is maintained;
  - Strongly object to 5 new houses which are unsympathetic to their environment;
  - Inconsistent approach to applications for other listed buildings in area;
  - Not appropriate development alongside 2 listed buildings;
  - Will the greenhouse structure and materials be protected?
  - It is an inappropriate design.
  - Overall number of dwellings is inappropriate.
  - The development is not of a high quality design;
  - It does not contribute to conserving and enhancing natural environment;
  - It does not conserve an important heritage asset;
  - Isolated new homes in the countryside should be avoided;
  - Intrusive development;
  - Increase in amount of tarmac, traffic; noise and disturbance.
- 4.03 Petitions (with over 1,200 signatures) were also received, objecting to this proposal (and to two other proposals) on the basis that it is development in the open countryside. The petition was open for signatures online. No petition was received following the last consultation on the application.
- 4.04 The correct notice was not originally served on the owners of the site access, but this matter has now been resolved with the correct certificate of ownership having been provided to the Local Planning Authority and an Owner's Notice served on the relevant party. The driveway access to Wierton Place does not belong to Wierton Place, but to the adjacent land owners of the Buttercup Goat Sanctuary. However, the Land Registry Titles confirm that Wierton Place does have a legal right of way over the driveway with or without vehicles and also for access for maintenance work to fences, water pipes and electricity wires. The applicant has confirmed that this is for the whole extent of the drive and not just the width of the tarmacked area. The concerns of the adjacent land owner regarding the ownership of the access road is noted, however, the ownership of the access drive is not a planning matter, and as the correct procedure has now been complied with, this does not represent a reason for refusal of the application.
- 4.05 CPRE Kent objected to the proposal on the following grounds:
- It would result in additional dwellings within the countryside;
  - There is local opposition to the scheme, which should be given weight;
  - There are too many new dwellings within the development;
  - The new dwellings would compromise the setting of the listed building;
  - There is no management plan shown for the grounds;
  - The site is unsustainable;
  - The increase in traffic would be unacceptable;
  - There is no provision for affordable housing within the development.

## **5.0 CONSULTATIONS**

### **Environmental Health Officer**

- 5.01 The Environmental Health Officer recommended approval for the scheme, subject to the imposition of a contamination condition. This has been imposed, with Phase 1 relating to a preliminary risk assessment and site investigation already submitted as part of this application. The Environmental Health Officer considered that the Phase 1 document could be approved, but with the verification conditions requiring to be discharged as part of the contamination condition.

### **KCC Development Investment**

- 5.02 KCC have commented on the issue of contributions towards school and other service expansions from the development. They state that *"from our assessment of the site, there would appear to be 22 new dwellings being created, however there are 14 existing dwellings on the site. This leaves a net of just 8 new homes"*. They conclude that *"we will not be pursuing any contributions from this site"*.

### **District Valuer**

- 5.03 Maidstone Borough Council Housing and Community Services requested that if the applicants are to make a case for social housing to be excluded from this site, they would need to submit a viability appraisal which demonstrates that the scheme would not be viable with the inclusion of affordable housing. The applicant's submitted a Viability Report and the District Valuer was appointed by Maidstone Borough Council to assess the proposal.
- 5.04 The District Valuer reported that construction costs have increased for the proposal. This results in the scheme being on the margins of viability with the proposed enabling development. It would appear that it needs the proposed development to provide the applicant with an appropriate level of return for their risk, but equally it does not require more enabling development than proposed. As a result, the District Valuer, MBC and KCC all accept that no affordable housing provision or other contribution will be sought in connection with this development. The enabling nature of the development is required due to the significantly high development costs associated with the repair and refurbishment of both the listed main house and the unique and independently listed glasshouses.

### **KCC Biodiversity Officer**

- 5.05 The KCC Biodiversity Officer has commented that sufficient information has been submitted to determine the application. It is recommended that the implementation of the precautionary mitigation set out in the bat survey reports are carried out as part of the conditions of the planning permission.

### **Environment Agency**

- 5.06 The Environment Agency commented that they "assessed this application as having a low environmental risk", therefore, they have no comments to make.

### **Parish Council**

- 5.07 Boughton Monchelsea Parish Council wish to see the application refused and reported to Planning Committee in the event of a recommendation for approval, making the following detailed comments in 2011:

*'The Boughton Monchelsea Parish Council would like to see the above application(s) **REFUSED** because:*

*Adverse Effect on Open Countryside. The proposed development, both in scale and design, would be visually intrusive and harmful to the rural character and appearance of the countryside and cause visual harm to the character and appearance of Wierton Hill. It would be overly conspicuous and too intrusive to be absorbed without detriment in the rural setting. It would effectively double the size of the existing hamlet of Wierton. The very few new buildings which have been permitted within the parish to the south of Heath Road have been justified on agricultural or ecclesiastical grounds. No equivalent justification is shown to exist here. The development would be contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, Policy C4 of the South East Plan 2009 and guidance within Planning Policy Statement 7.*

*To approve these applications would be inconsistent with the decision made on another recent and nearby planning application, namely MA/09/1335 Wierton Hall Farm, East Hall Hill. This application was refused and the subsequent appeal was dismissed. In the appeal, the inspector concluded the following:*

*that permitting the proposed development would undermine policies that seek to protect the countryside*

*that unacceptable harm would be caused to the character and appearance of the surrounding countryside*

*that the proposed development would fail to preserve the setting of the existing listed building.*

*Adverse Effect on Listed Buildings. The development both in scale and design would be visually intrusive and compromise the setting not only of the existing listed buildings within the development site but also of other nearby traditionally constructed buildings. In particular, the design of the 'wings' to the existing house, and the five 'enabling' houses are detrimental to the context of the listed buildings. Without in any way conceding that this scheme does preserve them, the preservation of the listed Victorian greenhouses would not justify the implementation of the remainder of the development. The development as a whole would be contrary to Policy B6 of the South East Plan.*

*Adverse Effect on Special Landscape Area and the Greensand Way. The development would be inappropriate within the Special Landscape Area of the Greensand Ridge. It would be visible both from the internationally renowned Greensand Way, so as to affect adversely the enjoyment of those using it, and also from the Weald to the south. Inevitably, the development would be lit and would also be visible by night.*

*Adverse Effect on Highway Network. Access from the development site to the highway is poor. The development would generate a type of traffic entirely different in nature from that generated by the current permitted use and a vastly increased volume of traffic which the adjacent public highway and the network of lanes leading from this (mainly single track with passing places) could not safely accommodate.*

*Adverse Effect on Local Infrastructure. Local infrastructure in terms of water pressure, sewerage and drainage is already stretched. Local amenities cannot absorb further development on this scale, particularly the village primary school, which is over subscribed.*

*Other Matters:*

*The development would require the removal of trees with Tree Preservation Orders (ref TPO number 9 of 1982, file reference 406/105/13).*

*There is no quota of affordable housing within the proposed development.*

*The Borough Council has not acted for many years on enforcement of the Victorian greenhouses. As detailed above, the preservation of the greenhouses does not justify the implementation of the remainder of the development.'*

5.08 The following comments were received in response to a reconsultation in 2014:

*"The Parish Council would like to comment on the amended applications as follows :*

- 1. We recognise that a residential solution for this site is appropriate however we need full visibility of the associated viability reports. We understand that these are now being released however we have yet to receive copies*
- 2. The comprehensive refurbishment of the existing greenhouses is incongruous with the existing listed buildings*
- 3. Although the most recent proposal contains two fewer properties, the total number of bedrooms in the development has only been reduced by two. The overall square meterage of new development appears to have actually increased.*
- 4. The increase in area of hardstanding is excessive and causes concern regarding surface water run off".*

5.09 Most recently, the following comments were received in 2015 following a further reconsultation on amendments to the scheme and additional information:

*"The Parish Council's original objections also still stand.*

*The applications were discussed and the following items were noted, the overall development had been reduced by two bedrooms from the original application. It was also noted that the glass houses are no longer incurring costs as they are gradually being demolished, this forms part of the listed building.*

*For the enabling work to take place the viability study is now out of date and should be carried out again. The scheme has changed in cost of development as house prices have increased since the original application was submitted and this would be the reason for a new viability study. There seems to be a difference between applications 11/0511 and 11/0512 as they both do not seem to include the 5 bedroom detached dwelling.*

*It was also noted that this should be taken into consideration when making any decision Wierton Place sits right in the middle of the Greensand Ridge and this is an area of special value.*

*Members asked the Conservation Department to thoroughly investigate the existing trees on the site as some appear to have been removed. On the west side it seems that ground cover and hedgerows will need to be removed to allow enabling works and housing to take place.*

*The members stated that this is not a sustainable location to put the number of units in the application. There will also be high level light shining across the Weald. It is not accessible for public transport. The members would also like to see confirmation from the Environment Agency on Sewage, surface water etc.*

*The member would also like to see a full construction statement carried out on the site and it is a must that all construction traffic should come from the north.*

*The design is inappropriate for this Grade II Listed Building. The very contemporary design of the 5 new dwelling houses is damaging within a Heritage site.*

*The Parish Council would like to see the application refused on the above grounds and on their previous comments made which are added below for your information.*

*RESOLVED: all members present would like to see the application refused”.*

### **Historic England**

- 5.10 Historic England raise no objection to the proposal subject to the enabling development being suitably scrutinised and controlled, making the following detailed comments (summary only):

*“Wierton Place is a small country house dating from 1760, but substantially remodeled in the late nineteenth century. It is now listed at grade II, along with various associated garden buildings, including a kitchen garden wall and large greenhouses. English Heritage does not object in principle to enabling development as a means of securing the future of this group of assets that has fallen into disrepair. However, we are unable to identify from the applicant’s valuation report and appraisal what the conservation deficit is in this case, and therefore what quantum of development is necessary to address that deficit.*

*English Heritage recommends that planning permission should therefore only be granted if your Council is able to satisfy itself that the quantum of enabling development proposed is the minimum necessary to secure the future of the designated heritage assets in the Wierton Place estate and that the benefits of securing a positive future for those assets outweigh any disbenefits associated with the scheme. In the event of planning permission being granted, those benefits should be legally and enforceably tied to implementation of the enabling development.”*

- 5.11 Historic England, having been provided with a copy of the District Valuer’s report on the viability of the scheme, has confirmed that no objection is raised. The proposed development is the minimum necessary to secure the future of the listed buildings and a Unilateral Undertaking is proposed to ensure that the enabling development is tied to the work required on the listed buildings.

### **KCC Senior Archaeological Officer**

- 5.12 KCC’s Senior Archaeological Officer recommends the following conditions to be imposed on any forthcoming consents:

*“No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic landscape survey and assessment 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 historic landscape and garden history interest are properly examined and recorded”.*

*“No development shall take place until the applicant has secured and implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority;*

*Reason: To enable the recording of any items of historical or archaeological interest.”*

*“No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved*

*by the Local Planning Authority. Development shall be carried out in accordance with the approved details.*

*Reason: To ensure due regard is had to the preservation in situ of important archaeological (including garden history) remains”.*

#### **Conservation Officer**

- 5.13 The Conservation was fully involved by the Case Officer in discussions with English Heritage. Following various amendments to the scheme and submission of joinery details, he raises no objection to the proposed development, subject to the imposition of suitable conditions relating to an appropriate programme of building recording and analysis, a programme of repairs to all the listed structures, large scale details relating to the main house, outbuildings and garden wall and samples of materials.

#### **MBC Landscape Officer**

- 5.14 The Landscape Officer has raised no objection to the proposal subject to the imposition of conditions. The conditions imposed include a landscaping scheme, which should include a long term management plan, safeguarding of trees during construction in accordance with the Lloyd Bore Tree Protection Plan and the Arboricultural Impact Assessment received on 24<sup>th</sup> July 2015.

### **6.0 BACKGROUND PAPERS AND PLANS**

- 6.01 The proposal is shown on drawing numbers D132799/1 rev 2, D132799/2, D132799/3, D132799/8 rev 1, D132799/9 rev 1, D132799/10, D132799/11 and D132799/12 received 31<sup>st</sup> March 2011; drawing numbers 09.79.50, 09.79.51 rev B, 09.79.104 Rev B, 09.79.105 Rev A, 09.79.106 Rev B, 09.79.107 Rev B, 09.79.108 Rev B, 09.79.109 Rev A, 09.79.111 rev A, 09.79.112 rev A, 09.79.113 Rev B, 09.79.114 Rev B, 09.79.115 Rev B, 09.79.125, 2082\_DR\_001-A, 2082\_DR\_002-A, received 25<sup>th</sup> June 2014; drawing numbers WM/Joinery/01, WM/Joinery/02, WM/Joinery/03, WM/Joinery/04, WM/Joinery/05, WM/Joinery/06, WM/Joinery/07, WM/Joinery/08, WM/Joinery/09 and WM/Joinery/10 all received 7<sup>th</sup> July 2015; drawing numbers 09.79.110 Rev B and 09.79.116 rev B received 8<sup>th</sup> September 2014; drawing number 09.79.101 rev E received 23<sup>rd</sup> July 2015; drawing numbers 2082\_DR\_001 rev B and 2082\_DR\_002 rev B received 24<sup>th</sup> July 2015; drawing numbers 09.79.117 rev A, 09.79.118 rev A, 09.79.119 rev A, 09.79.120 rev A, 09.79.121 rev A, 09.79.122 and 09.79.123 received 28<sup>th</sup> July 2015.

Supported by a Bat Survey Report (ref 6037/SBTG dated 5<sup>th</sup> September 2011) received 7<sup>th</sup> October 2011; Conservation Statement (dated June 2014), Design and Access Statement, Draft S106 agreement; Supplementary Arboricultural Impact Assessment (ref 2082\_RP\_002 dated 29<sup>th</sup> April 2014), Update Bat Survey Report (ref 6037/4687/SBTG dated 11<sup>th</sup> June 2014) received 25<sup>th</sup> June 2014; and Bat Activity Survey Report (dated 20<sup>th</sup> July 2015) received 20<sup>th</sup> July 2015; and an Arboricultural Impact Assessment (ref 2082\_RP\_001 date 24<sup>th</sup> July 2015) received 24<sup>th</sup> July 2015.

- 6.02 In addition, details relating to the viability of the scheme have been provided, and commented on by the District Valuer. These documents are confidential as they contain commercially sensitive financial information. Since then, a more detailed breakdown of the figures has been provided so as to leave no doubt as to the costings for the proposal. A Unilateral Undertaking is proposed to control the phasing of the works on the site and to ensure that the Listed Greenhouse is repaired



to the satisfaction of the Local Planning Authority prior to the occupation of any of the new residential units.

## **7.0 APPRAISAL**

- 7.01 Policy ENV9 of the adopted Maidstone Borough Wide Local Plan 2000 requires any development involving proposals to extend or alter a listed building to preserve the building, its setting and any features of special architectural or historic interest. Policy ENV10 sets out how consent will only be granted for the demolition of a listed building in exceptional circumstances. Every effort must be made to find a suitable alternative use. Policy ENV11 allows a change of use to a listed building if its character and features of special architectural or historic interest would be preserved or enhanced by the proposal. Policy ENV12 requires that proposals are assessed on whether they would harm the setting of a listed building.
- 7.02 Policy DM3 of the emerging Local Plan requires new development to protect and enhance the historic environment and to provide for the long term maintenance and management of all heritage assets. It is important to assess whether the proposal protects and enhances the listed buildings and structures within the site.
- 7.03 The existing Grade II property and glasshouses are of significant historical and architectural interest, and their setting must therefore be protected, and where possible enhanced through any development being proposed. This proposal does see the erection of a significant level of development around the main building, including some alterations to it, as well as substantial extensions to the glasshouses and the introduction of new dwellings on the approach to the listed buildings. A key consideration is therefore whether the proposal is sympathetic to the listed buildings and their setting.
- 7.04 In terms of the alterations to the main building itself, I consider that the proposal would ensure a high quality of design, in so far as the glazed section that would sit centrally would provide a contemporary and lightweight appearance to the structure. At present, it is my opinion that the relationship between the original structure and the existing modern extensions to the east jars, with the materials and proportions of the addition being at odds with those of the original building. The proposal would provide a division between these two elements that would enhance the appearance of the building through the introduction of a visual separation between them, providing a cleaner 'break'. I consider that this is to the benefit of the existing building.
- 7.05 The proposal includes alterations to the existing 'ball room' which would include a more substantial link to the main house. A significant level of discussion has taken place with regards to this element, as there was concern that this would prove overbearing on the main house. However, the plans as submitted are shown to utilise much of the existing structure, whilst creating a new point of access into the building. Subject to suitable materials being used, and a bond that matches the existing structures, this is considered to be satisfactory and acceptable.
- 7.06 The demolition of the existing garage block and bungalow, and the erection of a row of terraced properties to the west of the main house (opposite the entrance to the greenhouses) would, I consider, enhance the setting of the main building. The existing garage is of a significant scale, and is to my mind harmful in relation to the main house. Its loss, and replacement with a well designed row of residential properties, lighter in appearance and of an articulated design less dominant in bulk, would create more visual interest that would respond positively to the appearance of the remainder of the development. The proposals would be low slung, and would be provided with a sedum roof which would provide an overhang of the first floor. This would provide a delicate feature that would provide a suitable 'top' to the structure.

The design would respond to that of the dwellings proposed to the former ballroom to the eastern end of the building and provide balance.

- 7.07 The applicant is seeking to retain the hardstanding to the front, albeit, in a more formalised manner, which again I consider to respond to the setting of the building (front gardens etc. would appear as overly domestic in this setting, and it is important that these buildings remain subordinate in both appearance and function).
- 7.08 With regard to the proposed new build dwellings to the eastern side of the application site, these would be relatively detached from the main house, however they would form part of the context and would be visible in the approach to the main buildings. Careful consideration has been given to the design of these properties, to ensure that they appear as subordinate to the main building, and to not appear overbearing as one enters the application site. The properties to the north of the access are designed in such a way as to create a small courtyard, albeit of a contemporary form. The provision of a brick wall, with overhanging elements, and contemporary glazing would result in a well proportioned and subtle building at this point of access. It is considered that neither of these buildings would have a negative impact upon the setting of the listed buildings, by virtue of their location, and their high standard of design.
- 7.09 This would also be the case with the properties located to the south of the access, at the eastern end of the application site. The buildings would have a similar 'low slung' design that would provide a horizontal emphasis, and which would also respond to the small change in land levels at this point – the lands falls gently to the south. Views of these properties would be limited from outside of the application site due to the level of vegetation that is both within, and adjacent to the properties' boundaries. Again, I consider the architecture of these properties to be of a high standard, with the relatively simple form, punctuated by projecting and recessed elements, and high standard of finished materials.
- 7.10 With regard to the refurbishment of the glasshouses, I strongly consider that this is one of the major benefits of this planning application. The glasshouses are a particularly attractive, and relatively unusual, feature within the grounds of this property, and are independently listed in their own right. However, in recent years there has been serious neglect of this building, and as a result, they are now in a state of disrepair, and without a viable commercial use, would be likely to be lost should works not be undertaken within the short to medium term. That said; they remain listed, and as such, any works proposed should ensure that their form and elements of architectural interest are protected and retained.
- 7.11 This proposal would see the form of the front elevations of the buildings retained, and the unsightly rear elevations removed, and replaced with a more subordinate, and simple form. The proposed additions to the rear would be low set and despite the "punching through" of openings in the original rear brick wall to the glasshouses to allow movement between the existing and proposed structures, would not be prominent in key views from the south. Whilst the character of the buildings would undoubtedly change, by virtue of the domestic paraphernalia both within and outside of the buildings, I do not consider that this would be so intrusive as to be to the detriment of their fabric, nor overall form. It should be noted that the number of dwellings proposed to be created from the glasshouses has been reduced from six to four, which would allow a lesser extent of built form to be added, better proportions to the dwellings, and increased separation between this element of the scheme and the trees protected under TPO 9 of 1982. The access to this part of the scheme has also been redesigned to go to the north of the site in order to provide distance between it and the occupiers of existing residential properties to the south west.

- 7.12 I would emphasise that the proposal is securing the repair and restoration of the glasshouses. They are not to be demolished or rebuilt as a new structure, which is a comment that has been raised in many objection letters. The repair and restoration will be a detailed and costly process, but it will result in the long term preservation of the building for future generations. This is a major benefit and gain that will result from this application.
- 7.13 Overall, I consider the conversion works proposed to be of a very high quality of design. The works that are proposed to the listed buildings would, to my mind, enhance their appearance – particularly the glasshouses. In addition, the new build elements, whilst contemporary in design, would very much complement the existing buildings, whilst not competing with them. The site is well screened from long distance views, with much of the new development proposed within areas surrounded by tree cover which it is proposed to be retained. For these reasons, I do not consider that the proposal would cause any harm to the longer distance views into the application site and the development to be of an appropriately high quality of design. I therefore raise no objections on these grounds.
- 7.14 Historic England commented that the new build elements of the proposal have been put forward as enabling development to finance the considerable costs of the works to restore and convert the existing buildings, which in the case of the glasshouses are extremely likely to continue to deteriorate if not converted to residential use. Viability documentation has been provided in support of the application (including updated information in 2014 and in November 2015) which has been scrutinised by the District Valuer and found not to exceed what would be required to undertake the required works to an appropriate standard. The margins, however, are such that no contributions will be being sought in respect of affordable housing or social/transport infrastructure, in accordance with the finding of the District Valuer.
- 7.14 The existing lawful use of this site is for residential as well as a nightclub. The proposed residential development will provide the funds to enable the repair and restoration of the buildings and also a long term use that is not so reliant on changing trends and demands in the late night economy or commercial success. It will return Wierton Place to its original use as a dwelling house and its Victorian layout.
- 7.16 The proposal would not result in significant alterations to the landscaping within the application site. The majority of the existing trees are to be retained, in accordance with the submitted Lloyd Bore tree report. Of the trees that would be removed, it is proposed that replacement planting be provided. The landscaping masterplan proposes new tree planting, hedgerows, and herb gardens within the application site, which also takes into account the historic landscape of Wierton Place.
- 7.17 Within the area for the ‘new development’ the trees on each flank of the area are to be retained, maintaining a sense of enclosure. Any additional planting here would be restricted to individual garden areas. It is noted, that these areas are currently covered in hardstanding, and as such, the provision of such gardens would be an overall gain to the site.
- 7.18 A number of the new build properties would also be provided with sedum roofs, which would again benefit the scheme in terms of ecology, as well as benefiting visual impact.
- 7.19 The Landscape Officer has raised no objection to the proposal. Overall, it is considered that the loss of some of the trees on the site is outweighed by the proposed new landscaping. The new enabling development will also assist in the restoration and repair of the listed buildings on the site and also the restoration and repair of the historic gardens, which will enhance the setting of the listed buildings.

Conditions have been imposed to require account to be made of the historic garden in the landscaping proposals.

### **Other Matters**

- 7.20 The applicants have submitted viability appraisals that demonstrate that the cost of this development would result in no contributions being made available for affordable housing provision, or for contributions towards other infrastructure. These assessments have been independently verified. Whilst the provision of infrastructure is a strong material consideration for developments of this scale, to my mind, the overriding benefits of this development towards the enhancement of the listed building, and in particular the greenhouses, are considered justification for departing from this requirement. It has been accepted by the District Valuer that with increasing construction costs, the scheme is on the margins of viability with the proposed enabling development. It is the minimum necessary to ensure that the existing listed buildings are repaired and restored to an appropriate standard and to a use that will ensure their long term protection.
- 7.21 A breakdown of the number of existing and proposed housing units on the site is set out in paragraphs 2.02 and 2.03 of this report. It is noted that the overall increase or net gain in residential units would be 8. Much of the residential development is provided through the conversion of the existing buildings and will not result in any increase in footprint. For example, units 1 to 9 relating to the conversion of the main house and ballroom, and new build units 16-19 located on the position of the existing garage block will result in an increase of just 52 sq.m in built footprint. Units 10 to 13 relate to the conversion of the glasshouses and the new build element of these dwellings are mostly located in the position of the existing workshop and storage buildings and actually results in a reduction of 196 sq.m in built footprint. Units 20 to 22 will have a built footprint of approximately 624 sq.m. In total, however, over the entire site, there will be an increase in built footprint of 480sq.m from the all the new residential dwellings.
- 7.22 The enabling development clearly comprises the main increase in built footprint on the site, with the other parts of the proposal resulting in a reduction due to the demolition of various buildings that are modern and detract from the setting of the listed buildings on the site. It is considered that this increase in built form is acceptable to ensure that the scheme is viable. Any reduction in the amount of enabling development would result in the scheme not being viable, preventing the restoration and repair of the listed glasshouses.
- 7.23 A draft Unilateral Undertaking has been provided by the applicant and the main Heads of Terms has been set out in the officer recommendation below. The legal agreement will split the development into phases with the occupation of the respective dwellings only being permitted once the works on that phase have been completed. In particular, the document focuses on ensuring that all restoration and repair of the main house, the glasshouses and the garden wall have been completed to the satisfaction of the local planning authority prior to the occupation of any of the converted or new residential units (units 1-2, 10-13 and 16-24). As there are existing dwellings within the main house, the proposed residential units within Wierton House itself, units 3 – 9, will be able to be occupied once the works to the main house are complete. This will then assist in the funding of the remaining works on the site. It should be particularly highlighted that no new residential units can be occupied until the glasshouses have been repaired and restored to the satisfaction of the Local Planning Authority as this was an issue of concern raised by local residents. It is also proposed that the legal agreement includes a Management Plan to identify how the long term maintenance of communal areas of the listed buildings and the gardens will be provided for.

### **Conclusion**

- 8.01 The proposal would have significant benefits in terms of enhancing both the setting of the listed house and bringing Wierton Place and the greenhouses back into good condition, I consider that there is justification for departing from the Development Plan in accordance with national planning policy and guidance. The application has been re-advertised as a departure to the Local Plan. This advert will expire before the applications are determined on the proposal. If any new issues are raised as a result of the advert, the proposal will be reported back to Committee.
- 8.02 The applicants have submitted a thorough application, that demonstrates that a very high standard of design would be achieved within the site, and this is, in part the justification for allowing such a development. This is not a site where 'standard' house types would be acceptable as 'enabling' development.
- 8.03 Careful consideration has been given to the quality of the architecture proposed, and I am of the opinion that these proposals would not result in any significant visual harm to the locality. Indeed, I consider that the proposal would result in an enhancement of the setting of the buildings due to the works to take place to the listed structures. This is a key consideration in the determination of the applications.
- 8.04 The viability work that has been done demonstrates that there is no scope for the provision affordable housing, or other developer contributions to be made as part of this development.
- 8.05 The terms of a S106 Legal Agreement (Unilateral Undertaking) will ensure that the new residential units cannot be occupied until the restoration and repair of the main house, the glasshouses and the garden wall have been completed to the satisfaction of the local planning authority.
- 8.06 It is for this reason that I recommend that delegated powers be granted to Officers to approve these applications, subject to the signing of a Unilateral Undertaking and subject to the conditions set out below.

### **9.0 RECOMMENDATION – Grant Subject to a Section 106 Legal Agreement and the following conditions:**

The head of Planning be given DELEGATED POWERS TO GRANT listed building consent 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 following:

- no new issues being raised as a result of the advertisement of the application as a departure to the local plan;
- a S106 agreement in such terms as the Head of Legal Services may advise to secure the following terms:
  - 1) The development is to be dealt with in phases and the Owner agrees that occupation of the respective dwellings can only take place once the works on that phase have been completed in accordance with the planning permission and the works carried out in accordance with the schedules of works set out in respect of the greenhouse/glasshouses and the main House to the satisfaction of the Council.
  - 2) Phase 1 must be completed before any occupation of the new dwellings.
  - 3) Phase 3 must be completed before any occupation of any dwellings included in Phases 4 or 5.

- 4) For the avoidance of doubt all phases can be developed contemporaneously but occupation of the respective dwellings may only occur in accordance with the above.
- 5) The Phases are as follows:

**Phase 1**

Demolition of out buildings currently used for industrial works and construction of the new greenhouse homes to the north of the greenhouse. Restoration of the greenhouse and garden wall. No occupation of units 10-13 inclusive until such time as the repair works have been completed.

**Phase 2**

Demolition of the garage and bungalow, and replacement with new-build terraced block consisting of four houses. No occupation of units 16-19 inclusive until such time as the works in Phase 1 have been completed.

**Phase 3**

Restoration and repair of the main house and adjoining additions. Units 3-9 inclusive. No occupation of the house and adjoining additions until these repair works have been completed.

For clarification until the works on Phase 3 are completed none of these obligations will prevent the occupation of the existing main house and flats in the extension to the house.

**Phase 4**

Conversion of the ballroom to two houses. Units 1-2 inclusive. No occupation until Phase 1 and Phase 3 works have been completed.

**Phase 5**

The enabling development of five houses Units 20-24 inclusive. No occupation until Phases 1, 2, 3 and 4 have been completed.

- 6) The Second Schedule shall set out a full method statement for the repair and restoration for the glasshouses.
- 7) The Third Schedule shall set out a full method statement for the repair and restoration of the main House.
- 8) A management plan should be set out to ensure the long term maintenance and repair of the communal areas of the listed buildings and gardens at Wierton Place.

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) No development shall take place until the applicant has secured and implemented a programme of archaeological work in accordance with a written specification and

timetable which has been submitted to and approved in writing by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest.

- (3) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic landscape survey and assessment 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 historic landscape and garden history interest are properly examined and recorded.

- (4) No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure due regard is had to the preservation in situ of important archaeological (including garden history) remains.

- (5) No development, including demolition of existing structures, shall take place until a programme of building recording and analysis (the "Programme") of the main building, the glasshouses and the garden building/ice house has been submitted to and approved in writing by the Local Planning Authority. The Programme shall include a written scheme of investigation, which shall be implemented in full in the implementation of the planning permission. The resulting report shall be submitted to the Local Planning Authority, the Historic Environment Record held by Kent County Council and the Maidstone Museum before first occupation of the development hereby permitted ;

Reason: To ensure that historic building features are properly examined and recorded.

- (6) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a high quality appearance to the development and safeguard the fabric, appearance, character and setting of listed buildings.

- (7) No development shall take place until details (in the form of large scale drawings and samples as appropriate) have been submitted to and approved in writing by the Local Planning Authority in respect of the following:

Main House

- (i) Internal and external joinery (all windows to be timber); and
- (ii) New plasterwork; and
- (ii) Internal and external paint schemes; and
- (iii) All works to existing, and proposals for new, fire surrounds; and
- (iv) All services, including computer cabling and lift machinery; and
- (v) Works of making good; and
- (vi) Schedules of repair work and stone/brick-cleaning/replacement.

Outbuildings and works to the garden walls

- (i) Samples of materials, including sample panels of brickwork, stonework and re pointing; and
- (ii) Internal and external joinery details at an appropriate scale (all windows to be timber) except for joinery to existing glasshouse building which shall be undertaken in accordance with drawings WM/Joinery/01, WM/Joinery/02, WM/Joinery/03, WM/Joinery/04, WM/Joinery/05, WM/Joinery/06, WM/Joinery/07, WM/Joinery/08, WM/Joinery/09 and WM/Joinery/10 all received 7th July 2015 ; and; and
- (iii) Window details at an appropriate scale; and
- (iv) Repair schedules for the walls; and
- (v) Details of windows, eaves, ridges, doors and door surrounds, bands, plinth mouldings and quoins; and
- (vi) The details and design of any gates proposed.

The development shall thereafter be undertaken in accordance with the subsequently approved details except as agreed in writing by the Local Planning Authority;

Reason: To ensure the fabric, appearance and character of heritage assets are maintained and to secure a high quality of new development within the site.

- (8) No development shall take place until samples and details of the surface treatment of all hardstandings, courtyards, pathways driveways and access ways of the development 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 high quality appearance to the development and safeguard the fabric, appearance, character and setting of listed buildings and the historic gardens.

- (9) The development hereby permitted shall not commence until a programme of repairs to the main house, glasshouses, garden building/ice house and garden wall have been submitted to and approved in writing by the Local Planning Authority in consultation with Historic England and the development, insofar as it relates to the glasshouses, shall thereafter be undertaken in full accordance with the approved details;

Reason: To ensure that the fabric, appearance, character and setting of the heritage assets is preserved.

- (10) No dwelling units within the grounds of Wierton Place hereby permitted (excluding the 7 approved units within the main house) shall be occupied until such time as the restoration works to the glasshouses have been completed to the satisfaction of the Local Planning Authority and that such approval has been given in writing;

Reason: To ensure that the fabric, appearance, character and setting of the heritage assets is preserved and to safeguard against the introduction of new residential development in an unsustainable rural location for which the justification is that it represents enabling development to ensure the survival of heritage assets which may otherwise be lost.

- (11) Prior to the commencement of the development, details of all fencing, walling and other boundary treatments including gates, together with any vehicle barriers to be erected within the site shall be 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 development and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, safeguard and enhance the character, appearance and setting of heritage assets and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (12) The development shall not commence until, details of the colour of the external finish of the new build dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character, appearance and setting of heritage assets and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (13) The development hereby permitted shall be undertaken in strict accordance with the following plans and supporting documentation:

Drawing numbers D132799/1 rev 2, D132799/2, D132799/3, D132799/8 rev 1, D132799/9 rev 1, D132799/10, D132799/11 and D132799/12 received 31st March 2011; drawing numbers 09.79.50, 09.79.51 rev B, 09.79.104 Rev B, 09.79.105 Rev A, 09.79.106 Rev B, 09.79.107 Rev B, 09.79.108 Rev B, 09.79.109 Rev A, 09.79.111 rev A, 09.79.112 rev A, 09.79.113 Rev B, 09.79.114 Rev B, 09.79.115 Rev B, 09.79.125, 2082\_DR\_001-A, 2082\_DR\_002-A, received 25th June 2014; drawing numbers WM/Joinery/01, WM/Joinery/02, WM/Joinery/03, WM/Joinery/04, WM/Joinery/05, WM/Joinery/06, WM/Joinery/07, WM/Joinery/08, WM/Joinery/09 and WM/Joinery/10 all received 7th July 2015; drawing numbers 09.79.110 Rev B and 09.79.116 rev B received 8th September 2014; drawing number 09.79.101 rev E received 23rd July 2015; drawing numbers 2082\_DR\_001 rev B and 2082\_DR\_002 rev B received 24th July 2015; drawing numbers 09.79.117 rev A, 09.79.118 rev A, 09.79.119 rev A, 09.79.120 rev A, 09.79.121 rev A, 09.79.122 and 09.79.123 received 28th July 2015.

Supported by a Bat Survey Report (ref 6037/SBTG dated 5th September 2011) received 7th October 2011; Conservation Statement (dated June 2014), Design and Access Statement, Draft S106 agreement; Supplementary Arboricultural Impact Assessment (ref 2082\_RP\_002 dated 29th April 2014), Update Bat Survey Report (ref 6037/4687/SBTG dated 11th June 2014) received 25th June 2014; and Bat Activity Survey Report (dated 20th July 2015) received 20th July 2015; and an Arboricultural Impact Assessment (ref 2082\_RP\_001 date 24th July 2015) received 24th July 2015; Phase 1 Land Contamination Assessment by Ecologica received 16<sup>th</sup> October 2015;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, safeguard and enhance the character, appearance and setting of heritage assets, secure biodiversity assets and to safeguard the enjoyment of their properties by existing and prospective occupiers.

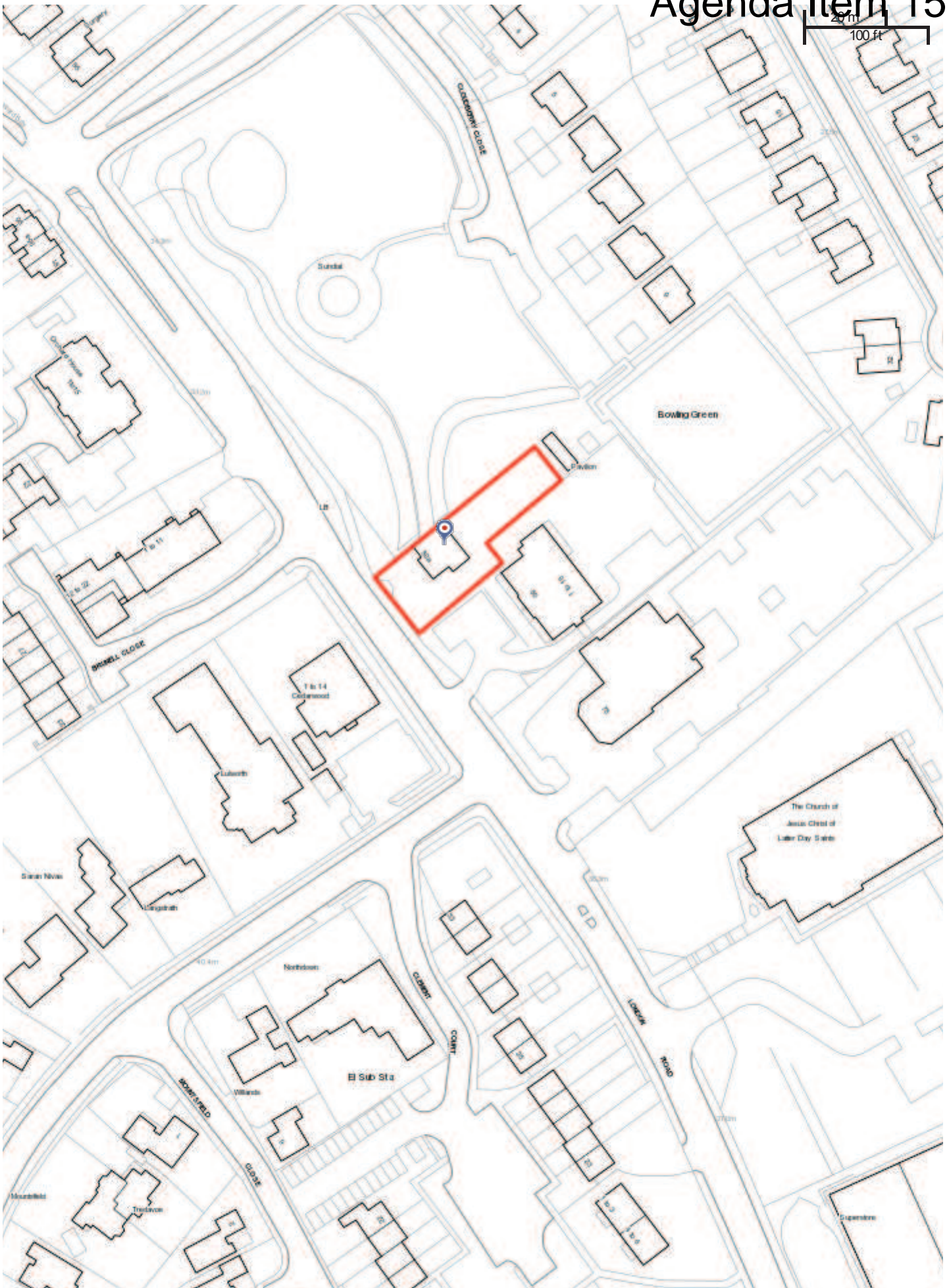
## INFORMATIVES

- (1) The proposal, whilst a departure from the local plan, is considered to represent a well designed development that would provide housing within a reasonably sustainable

location, and that would prevent the loss and result in the significant preservation and enhancement of the existing listed buildings. This, together with the Council's current lack of a five year supply of housing, results in this departure from the Development Plan being considered acceptable.

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.



15/504311

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## REPORT SUMMARY

<b>REFERENCE NO - 15/504311/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of existing detached dwelling, erection of four storey block of eight 2 bedroom flats with new access and associated car parking.		
<b>ADDRESS</b> Christmas Lodge London Road Maidstone Kent ME16 0DR		
<b>RECOMMENDATION</b> GRANT PERMISSION subject to planning conditions.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>- No objection to loss of Christmas Lodge notwithstanding its status as an Non Designated Heritage Asset (NDHA)</li> <li>- No objection to the principle of the use of the site for flats.</li> <li>- The proposal will contribute to the provision of housing units within the Borough with the flats will be sited in a sustainable location close to the Town Centre.</li> <li>- The proposal will not have any material impact on the London Road street scene or on the character and layout of the area.</li> <li>- The proposal is acceptable in design and layout terms and the size and layout of the proposed flats will provide an acceptable residential environment.</li> <li>- The proposal will not result in any material harm to the outlook and amenity of properties overlooking and abutting the site.</li> <li>- Is acceptable in highway and parking terms.</li> <li>- Is acceptable in wildlife and habitat terms.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Called in by Cllr Pickett the grounds that this will enable the Planning Committee to fully consider the important design issues raised in this prominent location		
<b>WARD</b> Bridge Ward	<b>PARISH/TOWN COUNCIL</b> Maidstone urban area	<b>APPLICANT</b> Mrs S Ackerman <b>AGENT</b> Michael Gittings Associates
<b>DECISION DUE DATE</b> 08/10/15	<b>PUBLICITY EXPIRY DATE</b> 08/10/15	<b>OFFICER SITE VISIT DATE</b> 28/08/15

## MAIN REPORT

### 1.0 SITE DESCRIPTION

- 1.01 The application site is located within the built up area of Maidstone with Maidstone Barracks Railway Station located to the south east of the site. The site is occupied by a two storey detached dwelling set just over 13 metres back from London Road (A20) fronting the site to the south west. The existing dwelling is designed in an 'arts and crafts' style but has been unsympathetically extended at the rear. The building is not listed, nor is it located within a conservation area.
- 1.02 Abutting the site to the north west and north east is an area of open space, which includes a bowling green, while to the south east is a block of flats (Briar Court) set just over 29 metres back from London Road and just behind the rear main wall of the house occupying the application site. On the common boundary there are TPO trees.

- 1.03 On the opposite side of London Road are blocks of flats between 3 and 4 storeys in height. The existing dwelling currently has off street parking for at least 3 cars while there is unrestricted on street parking available on nearby roads. With two storey residential properties also located nearby on London Road there is some variety in the design, scale and appearance of nearby buildings.

- 1.04 There are buildings close to the site at the rear used in connection with the bowls club.

## **2.0 PROPOSAL**

- 2.01 The proposal involves demolition of the existing detached 4 bedroom dwelling and its replacement with a 4 storey L shaped block of flats partly sited on the footprint of the house to be demolished. The block, which will accommodate 8 no: two bedroom flats each 60 sqm in area. The block will be set just under 19 metres back from London Road.

- 2.02 The part of the block closest to London Road will be sited slightly in front of the adjoining block (Briar Court) to the south east and at its closest point will be separated from this block by just over 4 metres. Running in a north east direction from the frontage block is a rear wing having a length of just over 16 metres that will face the adjoining open space. This rear wing is separated from the adjoining block of flats (Briar Court) to the south east by a distance of just under 8 metres.

- 2.03 The original proposal showed the block having a square profile capped by a deep overhanging flat roof with the exterior clad with render panels with substantial glazed areas. The application was reviewed by the Design Panel which suggested various design and siting changes to the building. The application has been amended and though the siting, size and square profile of the block remain as originally submitted, the exterior of the block has been redesigned. The roof detail has been minimised to show a narrow parapet with the exterior of the building mainly clad in face brickwork. The proportions of windows and doors have also been amended with linking render panels reinforcing the vertical emphasis of these and other features within the overall design.

- 2.04 The proposal as originally submitted showed parking and turning for 8 cars including a bin store and secure cycle parking in front of the block fronting London Road. The amended scheme shows the bin storage area resited and the secure cycle parking area moved to the communal amenity area at the rear of the site. The amended proposal retains 8 off street car parking spaces. This area is shown set behind landscaping shown abutting the access onto London Road.

## **3.0 RELEVANT HISTORY**

- 3.01 None

## **4.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: T13, H21

## **5.0 LOCAL REPRESENTATIONS**

- 5.01 49 neighbours notified – 7 objections received which are summarised as follows:



- Will cause loss of outlook, overshadowing, loss of daylight and privacy to residents of Briar Court particularly the kitchen areas.
- Design totally out of keeping with the surrounding area being a residential area of traditionally designed houses.
- Four storey block of flats in close proximity to each other will harm character of the area.
- Will result in increased traffic along London Road harmful to the free flow of traffic and highway safety.
- Lack of on site parking will result in displaced parking taking place in Queens Avenue.
- Views from properties in Little Buckland Avenue to the north east of the site will be adversely affected unless major tree planting is proposed along the north east boundary while also safeguarding the outlook from the bowling club.

**5.02 Allington Millenium Green Ltd (manage the neighbouring open space):**

- While not objecting to the development the application site is separated from the adjoining open space by a fence in the ownership of the applicants. This fence needs replacing with one in keeping with the character of the adjoining open space.
- Any building works should avoid disturbance to birds nesting in the adjoining open space.
- An existing tree screen abutting the north west site boundary will be allowed to grow up to screen the adjoining open space from the visual impact of the proposed development.

## **6.0 CONSULTATIONS**

**6.01 Kent Highways:** No objection subject to conditions to secure on site parking and turning and measures to mitigate impact of construction activity.

**6.02 MBC Heritage:** Considers building unlikely to be listable as it represents a relatively late example of its style while not representing a good design for this type of building. Not sure who architect was but if it was Hubert Bensted he is not an architect of national repute but only of local note (although some of his buildings were illustrated in the contemporary architectural press).

Based on comparison with old OS maps appears that the building has been significantly extended to the rear although in a sympathetic style.

The building is not unique (there are a few other and earlier examples of similar style, also probably by Bensted in Maidstone).

Paragraph 135 of the NPPF relating to Non Designated Heritage Assets (NDHA) states that the effect on the significance of an NDHA should be taken into account in determining the application and that a balanced judgement is required having regard to the scale of loss and the significance of the asset.

Though an appeal dismissed on another Bensted building, (the old St.Luke's School in St. Luke's Road, Maidstone) on the basis of the loss of a NDHA, in this case the building had additional value because of its grouping with the listed St. Luke's Church (the school having been the original mission church).

**6.03 EHO:** No concerns in relation to air quality or site contamination. However the site is adjacent to the heavily trafficked A20 and conditions should be imposed to ensure that acceptable internal noise environment is achieved.

Site lies within the Maidstone Town Air Quality Management Area but does not consider the scale of the development or its siting requires any specific air quality mitigation measures. Suggest that construction activities are controlled.

## **7.0 APPRAISAL**

- 7.01 The key issues in relation to this application are considered to be (a) principle (b) design siting and layout (c) impact on the outlook and amenity of properties overlooking and abutting the site and (d) highway and parking issues.

### **Principle:**

- 7.02 Dealing first with the loss of the existing building, given its design, age and historic associations it is considered to qualify as a Non-Designated Heritage Assets (NDHA). Paragraph 135 of the NPPF states that the effect of an application on the significance of an NDHA should be taken into account in determining the application. In weighing applications that affect directly or indirectly an NDHA a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.03 The Council's heritage advisor does not consider that the building possesses significant architectural or historic merit. As such its loss must be weighed against the benefits accruing from the development as whole in determining whether its loss can be justified. However a significant factor in favour of the proposal is the provision of 8 units of accommodation in a highly sustainable location.
- 7.04 Turning to the principle of redeveloping the site for flats, the application site lies within the built up area of Maidstone with flats immediately opposite and abutting the site to the south east. The site benefits from good access to facilities without the need for a private car and good access to public transport including the nearby Maidstone Barracks Railway Station. As such no objection is identified to the principle of flats in this location and consideration turn on matters of detail.
- 7.05 In this context policy H21 of the adopted local plan is relevant. This policy states, amongst other things, that proposals for redevelopment to secure self contained flats will be permitted subject to the intensified use of the site not harming the character, appearance or amenity of the surrounding area, the internal layout of the flats providing acceptable living accommodation, no resulting harm to the amenity of adjoining residents and that sufficient on site parking is provided in a manner that does not harm the setting of the proposal or the street scene.

### **Design siting and layout:**

- 7.06 The application site occupies an exposed location on one of the main routes into Maidstone. It is therefore important to ensure the proposal makes a positive visual contribution to the locality reflecting the significance of this site in the streetscape.
- 7.07 The proposal comprises a square profiled building of contemporary design which will be viewed in the context of other neighbouring buildings. The adjoining blocks of flats abutting the site to the south east known as Briar Court and The Pippin Public House are of traditional appearance with pitched and tiled roofs featuring prominently in their design. There is some variety in the appearance and scale of other buildings in this area that includes a building of contemporary design with a shallow pitched roof opposite the site in Brunell Close.

- 7.08 The NPPF at paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 7.09 The NPPF at paragraph 62 also states that local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design.
- 7.10 In accordance with the guidance on design review, the proposal was put before a Design Panel for assessment. The Design Panel made a number of comments on the proposal which are summarised below:
- The block did not need to be L shaped, a simple rectangular footprint could be used to minimise the impact on the adjoining block of flats and to allow views to be retained down the side of the block next to the existing block of flats.
  - Any rectangular block could be 'slid' deeper into the site to minimise impression of bulk and impact on the street scene.
  - Roof detail excessive both in depth and size of overhang – should be replaced by less 'heavy' detail such as a simple parapet while would prefer to see building clad in brick as opposed to the cladding proposed.
  - The void to solid proportions particularly on the elevation abutting the park excessive – should be reduced/rationalised with transoms deleted from windows in order to provide greater vertical emphasis.
  - Impact of parking to be reduced by resiting/breaking up with landscape strips while cycle bin store to be resited in a less prominent position.
- 7.11 The applicant advises that a reduction in scale or the resiting of the block would not bring any material benefit to the proposal. These changes would also reduce the size of the communal amenity space at the rear of the site which is considered to be an important part of the overall scheme. It is considered by the case officer that these arguments carry weight as set out below.
- 7.12 Dealing first with failure to resite the block further back from London Road to reduce the impression of bulk and impact on the street scene, the block is currently set just under 19 metres back from London Road. This is closer to the London Road than Briar Court, the block of flats abutting the site to the south east. However taking into account the size and siting of the existing house which is closer to London Road than the proposed block and that the proposal implements the other design recommendations of the Design Panel, resiting the block further back into the site is not considered justified in townscape terms.
- 7.13 Regarding maintenance of views down the flank of the proposed block next to Briar Court, the key concern here is whether the proximity of the blocks to one another will result in the development having a cramped and overcrowded appearance harmful to the character and layout of the area. The point has been made that the existing blocks of flats in the area are widely separated from one another and this layout should be replicated here.
- 7.14 Though blocks of flats on the opposite side of London Road are widely spaced the layout in the proximity of the application site differs from this. Briar Court, the existing block of flats to the south east of the application site lies in close proximity to The Pippin Public House which is also a large building. It is therefore considered that this



section of London Road is already characterised by large buildings sited in relatively close proximity to one another. In addition while built mass is coming closer to Briar Court it is considered there is still sufficient separation to permit oblique views down the side of the block.

- 7.15 As such it is not considered that the block as sited will give rise to an overly cramped or overcrowded appearance. The layout is not considered out of character with development on this side of London Road and will still allow views down the side of the proposed block.
- 7.16 The submitted drawings show parking in front of the block separated from London Road by areas of landscaping. This reflects the layout of Briar Court abutting the site to the south east. There are dense boundary hedges on both site boundaries and it is considered that this parking area will not result in any material harm to the street scene or character of the area. The proposal also shows an area of communal private amenity space sited at the rear of the proposed block. This external space with the 4 balconies is considered to improve the standard of residential accommodation that is provided.
- 7.17 It should be stressed the Design Panel acts in an advisory capacity. Its recommendations need to be placed in context of the overall consideration of a proposal. The applicant has responded positively to the Design Panel's recommendations and it is considered the building is now acceptable in design terms.
- 7.18 In conclusion it is considered the proposal, as amended, reaches a sufficiently high standard of design appropriate to this high profile site lying on one of the principal routes into Maidstone. As such it is considered to comply with the design provisions of policy H21 of the adopted local plan.

**Internal layout of the flats:**

- 7.20 It is considered the size and layout of rooms provides sufficient space for the normal range of furniture to be installed while enabling reasonable circulation space. As such the layout of the flats is acceptable.

**Impact on the outlook and amenity of adjacent properties:**

- 7.21 The main consideration here is the impact on the residents of Briar Court, which is the 4 storey block of flats abutting the application site to the south east. This block of flats has flank windows in its north west elevation which will directly overlook the south east elevation of the proposed block of flats. These existing windows provide the sole means of natural light and outlook to kitchens.
- 7.22 Whilst less important than living rooms and bedrooms, kitchens are recognised as rooms whose amenity should be safeguarded. However in this case, though the outlook from these windows will be materially changed, a minimum 'flank to flank' block spacing distance of 8 metres will be maintained and for part of the block this separation distance increases to just under 11 metres.
- 7.23 To place matters in perspective, views from these windows are gained over land not in the ownership and control of the occupants of Briar Court. It should be noted that in planning terms there is no right to a view as such. In addition if the maintenance of outlook from these windows is given overriding weight this would compromise development of the application site.

- 7.24 Turning to daylight considerations, daylight refers to background light levels available on an overcast day. It is considered that the block separation distances will enable sufficient daylight to the existing kitchens in the neighbouring building.
- 7.25 As access to daylight and sufficient outlook is being maintained there is considered to be no overriding objection to the proposal based on a material loss of outlook or daylight to the north west facing kitchen windows in Briar Court.
- 7.26 Regarding the impact on lounge windows at the front of Briar Court facing towards London Road, the proposed block of flats projects just over 7 metres forward of Briar Court with a separation distance of 4 metres between the blocks. Where potential conflict is identified in domestic situations the Council applies a 45 degree test to the nearest affected windows. When this test is applied the proposal complies with this guideline in relation to these windows. As such, while the outlook from these windows will be altered it is not considered there is sufficient harm to sustain an objection to the proposal. To ensure residents of Briar Court do not experience a material loss of privacy all windows on the south east elevation of the proposed block of flats should be obscure glazed. The use of obscure glazing will not impact upon the standard of the proposed accommodation as these windows are either to bathrooms or secondary habitable room windows.
- 7.27 Concern has also been raised that residents to the east of the site in Cloudberry Close and Little Buckland Avenue will have their outlook materially affected by the proposal. However the rear of the nearest property in Cloudberry Close is over 50 metre away while those in Little Buckland Avenue are over 80 metres away with a bowling green intervening. Given these separation distances and that these properties already have outlook onto the rear of Briar Court, it is not considered they will experience a material loss of visual amenity.

**Highway and parking considerations:**

- 7.28 Access is to be gained centrally to the site from London Road with good sight lines in both directions. Parking is being provided at a ratio of one space per unit which is line with the Council's normal standards for accommodation of this type and in this location. In addition, as the site is on a bus route and only a short distance from the town centre and Maidstone Barracks Railway Station it is in a sustainable location where future residents will be able to meet their needs without the use of a private car. As such the proposed parking provision is considered acceptable.
- 7.29 In the absence of objection to the proposal from Kent Highways no harm is identified to the proposal on parking grounds or any material impact on the free flow of traffic or highway safety along London Road.

**Wildlife and habitat considerations:**

- 7.30 The application site comprises an occupied building with areas of hardstanding with the remaining area mainly covered by lawn. The NPPF requires development to make provision for wildlife where possible. In order to secure this a condition (condition 9) requiring the provision of bat/swift boxes is considered an appropriate response in the circumstances.

**Other Matters:**

- 7.31 The Housing Standards Review by the Government earlier this year resulted in the withdrawal of the Code for Sustainable Homes and introducing a new system of

optional Building Regulations on water and access, and a new national space standard ("the new national technical standards"). This system complements the existing set of Building Regulations which are mandatory. This does not preclude renewable or low-carbon sources of energy within new development which is considered intrinsic to high design standards and sustainable development in accordance with the provisions of the NPPF.

- 7.32 Such measures contribute towards achieving the NPPF's key sustainability aim, support the transition to a low carbon future while encouraging the use of renewable sources being one of the core planning principles of the NPPF. A condition should therefore be imposed on how renewable energy will be incorporated into the proposal.
- 7.33 There is also a requirement that surface water drainage be dealt with via a SUDS in order to attenuate water run off on sustainability and flood prevention grounds and is a matter that can also be dealt with by condition.

## **8.0 CONCLUSION**

- 8.01 These are considered to be as follows:

- No objection to loss of Christmas Lodge notwithstanding its status as an NDHA.
- No objection to the principle of the use of the site for flats.
- The proposal will contribute to the provision of small housing units within the Borough while being sited in a sustainable location close to the Town Centre.
- The proposal will not have any material impact on the London Road street scene or on the character and layout of the area.
- The proposal is acceptable in design and layout terms while the size and layout of the proposed flats will provide an acceptable residential environment.
- The proposal does not result in any material harm to the outlook and amenity of properties overlooking and abutting the site.
- Is acceptable in highway and parking terms.
- Is acceptable in wildlife and habitat terms.

- 8.02 In the circumstances it is considered the balance of issues fall in favour of the proposed development and planning permission should therefore be granted.

## **9.0 RECOMMENDATION – GRANT PERMISSION subject to the following planning conditions:**

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of 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) Before the development hereby approved reaches damp proof course level details of all external materials (including surfacing for the roads, turning and parking areas) and details of new, replacement or retained boundary treatment shall be submitted for prior approval in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and retained permanently thereafter.

Reason: In the interests of visual amenity.

- (3) The development hereby approved shall not commence until details have been submitted for prior approval in writing by the Local Planning Authority of decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development. The approved details will be in place before first occupation of the development hereby approved and maintained as such at all times thereafter.

Reason: To secure an energy efficient and sustainable form of development that accords with the provisions of the NPPF. This information is required prior to commencement as construction works are likely to reduce the range of renewable or low carbon sources of energy that are available.

- (4) Before first occupation of the development hereby approved all windows in the south east elevation of the block shall be glazed in obscure glass and limiters installed to ensure that any opening parts of the windows do not open more than 115mm in any direction. The windows shall be retained as approved permanently thereafter.

Reason: To maintain privacy standards in the interests of amenity.

- (5) The development hereby approved shall not be occupied until the access onto London Road, car and cycle parking and turning areas all as shown on the approved plan no:2305/1/C have first been provided. They shall be retained at all times in accordance with the approved details thereafter with no impediment to their intended use.

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

- (6) 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 standard identified by BS 8233 2014 (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 be carried out in accordance with the approved details prior to first occupation of the any of the flats and be retained thereafter.

Reason: In the interests of aural amenity. This information is required prior to commencement to ensure that adequate measures are incorporated into the fabric of the building.

- (7) No surface water shall discharge onto the public highway during the course of implementing the development hereby approved or at any time thereafter.

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

- (8) Before first use of the access onto London Road a bound surface shall be provided for the first 5 metres of the access from the edge of the highway and retained as such at all times thereafter.

Reason: To prevent surface material being dragged onto the public highway in the interests of the free flow of traffic and public safety.

- (9) At the date 3 months following first occupation of the development hereby approved two swift boxes and two bat boxes shall be in place that are in accordance with details (including size, design and siting) that have previously

been submitted to and approved in writing by the Local Planning Authority with the boxes shall be retained in accordance with the approved details at all times thereafter.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

- (10) Prior to the commencement of development barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction -Recommendations' shall be in place for all trees to be retained with this protection in accordance with details that have been previously been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection 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 areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a high quality setting and external appearance to the development in accordance with the National Planning Policy Framework (2012). This information is required prior to commencement as any construction works has the potential to cause damage to the retained trees on the site.

- (11) Prior to first occupation of any of the dwellings hereby approved details of landscaping (including long term management) shall be provided for the two landscaped areas abutting the access onto London Road and the areas of proposed ground cover planting. The approved landscaping scheme shall be carried out in the first available planting season following completion of the development. Any part of the approved landscaping scheme becoming dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity.

- (12) The development hereby permitted shall not commence until a scheme for the disposal of surface water (which shall be in the form of a SUDS scheme) has been submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and retained permanently thereafter

Reason: To prevent pollution of the water environment and to ensure satisfactory drainage in the interests of flood prevention. This information is required prior to commencement as construction works are likely to restrict the drainage options that are available.

- (13) Demolition/construction activities shall only take place between 0800 -1800 hours (Monday to Friday) and 0800 -1300 hours (Saturdays) with no working activities on Sunday or Bank Holiday.

Reason: In the interests of amenity.

- (14) The development hereby permitted shall be carried out in accordance with the following approved plans being drawing nos: 2305/1 (but only the 1:1250 plan outlining the application site in red), 1/C, 2/C and 4.

Reason: In the interests of amenity.

### **INFORMATIVES**

Construction:

- (1) As the development involves demolition and / or construction the development should be carried out in accordance with the Mid Kent Environmental Code of Development Practice.

- (2) 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 to progress this aspect of the works prior to commencement on site.

- (3) Noise and Vibration transmission between properties:

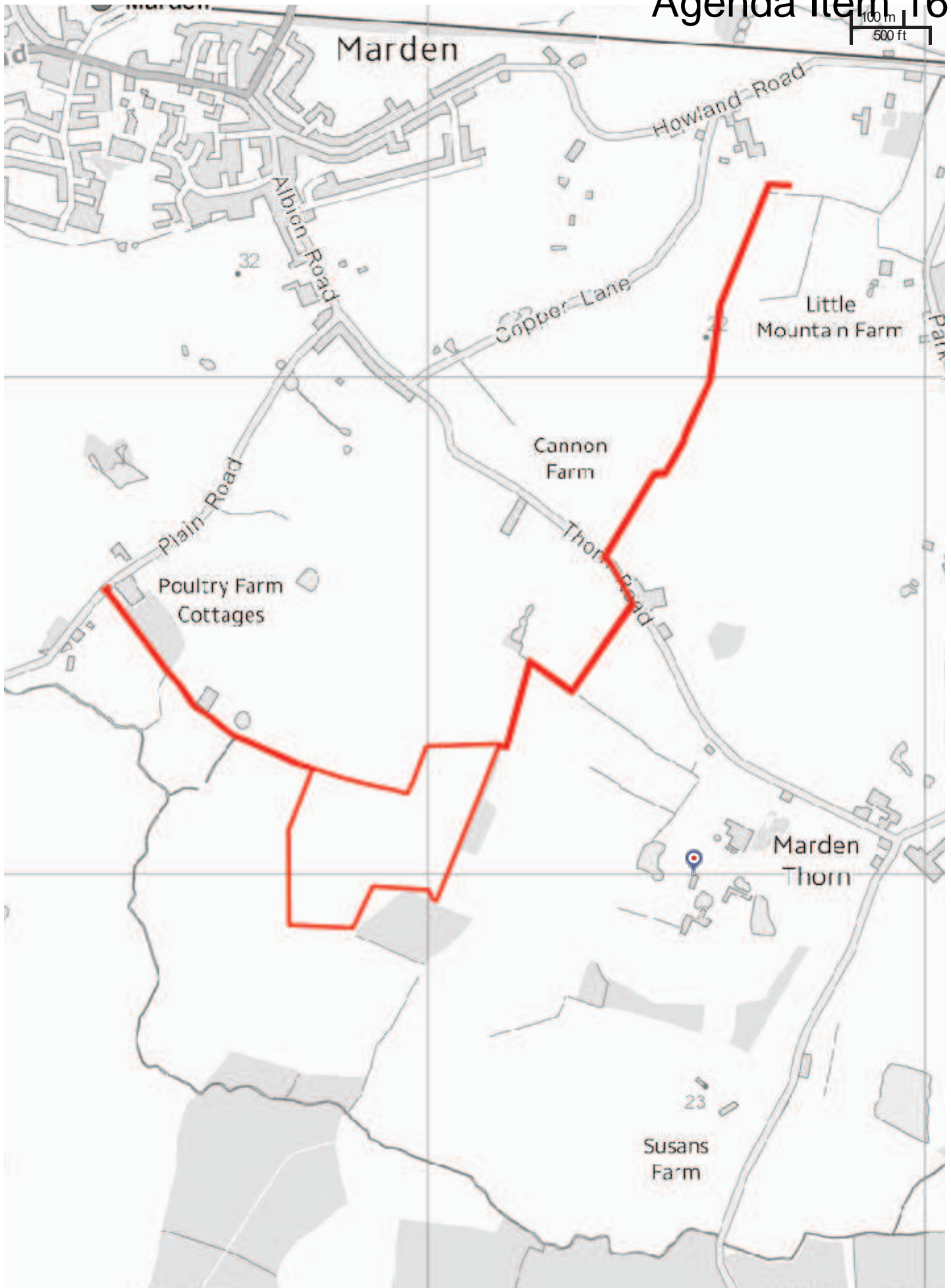
Attention is drawn to Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" - as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

- (4) Asbestos:

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

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.



15/505971

Scale: 1:10000

Printed on: 17/2/2016 at 11:01 AM

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## REPORT SUMMARY

<b>REFERENCE NO - 15/505971/FULL</b>			
<b>APPLICATION PROPOSAL</b> Construction of a solar farm to include installation of solar panels to generate up to 5MW of electricity with switch room, deer fencing and cameras, landscaping and associated works, together with measures to promote biodiversity.			
<b>ADDRESS Land At Widehurst Farm Thorn Road Marden Kent TN12 9LN</b>			
<b>RECOMMENDATION Grant permission subject to conditions</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <div>1. The principle of the development would be acceptable on planning policy grounds.</div> <div>2. The visual impact on the landscape and landscape character is considered to be moderate subject to conditions.</div> <div>3. Agricultural land classification of site is grade 3b which is not ‘Best Most Versatile’ agricultural land.</div> <div>4. Ecological mitigation measures can be successfully implemented subject to conditions.</div> <div>5. Potential harm caused by the development would be outweighed by the benefits of a significant contribution to renewable energy generation.</div>			
<b>REASON FOR REFERRAL TO COMMITTEE</b> The proposed development is a departure from the Development Plan (policy ENV28)			
<b>WARD</b> Marden And Yalding Ward	<b>PARISH/TOWN COUNCIL</b> Marden	<b>APPLICANT</b> Widehurst Energy Company Ltd <b>AGENT</b> Susenco Management Ltd	
<b>DECISION DUE DATE</b> 31/12/15	<b>PUBLICITY EXPIRY DATE</b> 26/2/16	<b>OFFICER SITE VISIT DATE</b> 7/10/15	
<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>
MA/15/503890	Screening opinion – proposed solar farm at Widehurst Farm	EIA not required	8/6/15

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.1** The application site extends to approx. 9ha. and is located approx. 1km south of Marden village, 600m east of Plain Road and 500m south of Thorn Road. The site boundaries are mainly defined by existing hedgerows except on the western side, with areas of mature woodland and tree belts to the south and east. Vehicle access to the site is via an existing farm track from Plain Road. The track currently serves an agricultural barn approx. 200m west of the application site and it is proposed to use this to form the site of the proposed construction depot.



- 1.2 The application site and surrounding area are generally flat but the land rises gradually to the north towards Thorn Road and Marden village. There are small areas of ancient woodland to the SE of site (Wilden Wood and Widehurst Wood) and existing hedgerows to the west of the site and to the north of the farm track.
- 1.3 There are 2 public footpaths (PROWs) in the vicinity of the site - KM285 runs north-south within approx. 30m of the western boundary and KM283 runs east-west between Plain Road and Marden Thorn, parallel to Thorn Road, approx. 2-300m north of the site.
- 1.4 The site is currently in arable use with a rotation of oil seed rape, beans and wheat. It is classified as Grade 3b agricultural land (moderate quality) and it is intended that the land will continue in agricultural use for the grazing of sheep whilst the solar farm is in operation.
- 1.5 The surrounding area is predominantly rural in character comprising agricultural land in arable use and orchards with scattered areas of woodland and sporadic development in the form of small farms and isolated dwellings. The land is not subject to any specific landscape designation.
- 1.6 The nearest residential properties to the site are:
  - Poulter's Hall, Plain Road, 600m (west)
  - Widehurst Cottages, Marden Thorn, 600m (east)
  - Ashley House 400m (north)
  - Longridge Farm 400m (north)
  - Canon Farm, 500m (north).

## **2.0 THE PROPOSAL**

- 2.1 Full planning permission is sought for the installation of solar panels with ancillary works on 9ha. of agricultural land (Grade 3b) for a period of 30 years. The site comprises 2 adjoining fields measuring approx. 350m x 300m. which form part of a larger agricultural unit at Widehurst Farm. The solar farm would have a power output of 5 Megawatts which is estimated to be sufficient to serve approx. 1200 homes.
- 2.2 The photovoltaic (PV) solar panels will be supported on metal frames in arrays covering an area of 9ha. The arrays would be laid out in two adjoining fields in over 40 parallel rows of solar panels, aligned east-west across the site. Each array consists of 36 PV modules (6x6) forming rows of between 4 and 12 arrays ranging in length from 50m to 150m.
- 2.3 The arrays would face south and inclined at a 15 degree angle from the horizontal approx. 0.8m high on the lower side increasing to a maximum height of 2.65m on the higher side in order to maximise the absorption of the sun's rays.
- 2.4 Several small ancillary structures would be required comprising 3 inverters, a customer cabin, a switchroom, a control room and a storage container situated in the central part of the site. The site would be enclosed by a perimeter fence comprising a 2m high stockproof fence with steel gates.
- 2.6 Access to the solar farm would be via an existing unsurfaced track from Plain Road which currently serves an agricultural building to the west of the application site. It is proposed that the existing building and adjacent hardstanding would be used as a temporary compound during construction. The existing farm track would

provide the only vehicle access to the site for maintenance purposes and serve the proposed ancillary buildings including the inverters, control room and switchroom.

- 2.7 The land around the solar panels would be sown with grass seed and is proposed to be used for grazing sheep whilst the solar farm is in operation. This will ensure that the land remains in agricultural use over the 30 year period that the solar farm is in operation and ensure that the grass is maintained without the need to use mowing equipment.
- 2.8 No staff based at the site and visitors would be limited to maintenance workers, estimated to involve approx. 10-20 visits per year.
- 2.9 Planning permission is sought for a 30 year period. After that time, the intention is that the site would be decommissioned, the equipment removed and the land returned to its former condition.
- 2.10 A range of landscape initiatives and biodiversity mitigation measures are proposed and are described in more detail in the report.

### **3.0 POLICY AND OTHER MATERIAL PLANNING CONSIDERATIONS**

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 In this case, the development plan consists of the saved policies of the Maidstone Borough Wide Local Plan (2000)
  - ENV6 – Landscaping, Surfacing and Boundary Treatment
  - ENV28 – Development in the Countryside.
- 3.3 Material considerations relevant to this planning application include:
  - The National Planning Policy Framework (2012) (NPPF)
  - The National Planning Practice Guidance (2014) (NPPG)
  - The National Policy Statement for Energy (EN-1) (2011)
  - The National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011)
  - The UK Renewable Energy Roadmap (2011) and its subsequent updates in 2012 and 2013
  - The UK Solar PV Strategy Part 1 (2013) and Part 2 (2014)
  - The Maidstone Landscape Character Assessment (2012) (amended 2013), Landscape Capacity Study (2015) and Landscapes of Local Value (2015)
  - Maidstone Borough Council Planning Policy Advice Note: Medium Scale (>50kW) Solar PV Arrays (2014)
  - Planning update March 2015 by The Rt Hon Sir Eric Pickles MP to the House of Commons dated 25<sup>th</sup> March 2015.
  - Letter from The Rt Hon Gregory Barker MP to all Local Planning Authorities dated 22<sup>nd</sup> April 2014 regarding the Government's solar PV strategy.
  - Safer Places, The Planning System and Crime Prevention.
- 3.4 The emerging Maidstone Borough Local Plan will provide a framework for development until 2031. It plans for homes, jobs, shopping, leisure and the environment, and will plan infrastructure to support these. The Draft Local Plan is now at Regulation 19 stage and although the emerging policies cannot be

afforded full weight they are material to the consideration of this application .  
Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving listed structures potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess. Such special regard has been paid in the assessment of this planning application.

## **4.0 CONSULTATION RESPONSES**

### **4.1 KCC Highways:**

“The proposals seek to make use of an existing access which currently serves agricultural vehicles. The access has a good crash history and provides good visibility for vehicles emerging the site. I am of the understanding that approximately the first 8m of the access track is highway land and I am concerned that there is already overrunning of the highway verges at the access. Could the applicant please provide tracking drawings that show HGVs can safely access and egress the site without overrunning the verge. In any construction management plan submitted it would be helpful for the applicant to provide photographs of the current state of the verges so that a comparison can be undertaken afterwards and any damage done will need to be rectified with the agreement with the Network Operations team within KCC Highways.

The applicant states that a public footpath runs along the western boundary of the site and is crossed by the access track. KCC's Public Rights of Way team should be consulted on this application if they have not been already. The applicant proposes three options for the routing of construction vehicles to the site. It is preferable to the local highway authority that Route 1 be used. This is to ensure that wherever possible HGVs utilise primary routes as opposed to narrow country lanes.

It is anticipated that the construction period for this site will be approximately 12 weeks, with around 105 HGV deliveries occurring within this time frame. The applicant advises that at the most intense times there will be a maximum of 5 deliveries, or 10 HGV movements, to the site in a day. In addition to this will be the movements of staff to and from the site - the applicant has advised that most of these movements will be accommodated by approximately 10 buses during peak periods. Once construction is complete it is expected that only 10-20 trips per year will be required to the site. It is therefore not anticipated that these proposals will lead to a significant impact on the highway network.

The applicant does not appear to have submitted a site layout plan. Could this please be provided showing the access road through the site and the associated parking and turning facilities within. Could the applicant also please provide tracking diagrams that shows HGVs are able to turn within the site and therefore exit the site in a forward gear.

In principle, I do not wish to raise objection to this proposal, however this is subject to provision of the requested information:

- ☐ Vehicle tracking of the site access
  - ☐ Site layout plan including internal access road, parking and turning areas
  - ☐ Vehicle tracking showing that HGVs can turn within the site
- Once this information has been provided I will be in a position to provide further comments”

The applicant submitted an amended Construction Transport Management Plan on 2/12/15 which included a site layout plan with internal access road, demarcation of parking and turning areas, and vehicle swept path tracking showing turning areas for HGVs within the site.

The Highway Authority has since confirmed:

☐ "A condition survey is to be undertaken and repairs will be undertaken as part of section 59 of the Highways Act.

☐ Improvements to the access will be undertaken by means of an appropriate highways license (this should be undertaken prior to commencement).

☐ HGV and staff movements are relatively low for the duration of construction (paragraph 3.5) and will be undertaken via route 1. It is my understanding that the duration of construction is 12 weeks.

☐ Temporary signage at the site entrance and direction signing in Marden will be provided.

☐ Contact details will be made available at the site entrance.

☐ Turning for HGV's and parking for staff will be undertaken on site. No vehicles will park on the public highway.

☐ Where/when necessary road sweeping facilities will be made available. Wheel washing facilities are to be made available, proposed near to the entrance with Plain Road.

☐ All traffic movements will be undertaken in accordance with the plan (paragraph 1.6).

Despite the relatively low number of HGV movements anticipated my only comment is that I note the swept paths on the private access track to the proposed site compound. This is some 250m distant and I also note the comment regarding wheel washing to be made available near to the access with Plain Road. It is considered that for HGV vehicles a significant length of reversing may be required within the site should an entering and exiting coincidence occur.

Reversing out onto Plain Road is undesirable both for road safety reasons and damage that may occur. I would recommend that a passing bay is constructed next to the access track, adjacent to Plain Road. It is considered that this would be a useful facility for the site in any event in the long term.

Subject to the above I consider that the construction traffic management plan proposed is acceptable"

#### **4.2 KCC PROW OFFICER:**

"There are several Public Rights of Way in the vicinity of the development. The access road is crossed by Public Right of Way footpath KM285 which then runs beside the development site. The location of Public Rights of Way in the area are indicated on the attached map extract. The existence of the right of way is a material consideration.

The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.

Following discussions with the applicant's representative I have confirmed the following:

- Public footpath KM285 is approx. 25m away from the edge of the nearest solar panel and the average distance to the footpath is 60metres. The maximum height of the solar panels is 2.65m. The inverter and substation will be in the middle of the layout at a fair distance. In time the hedge will grow and obscure the views from the footpath to the panels. The fence alongside the path will be a deer fence, sheep will be grazed and there will be hedging between the fence and the public footpath. In time the hedge will grow and obscure the views from the footpath to the panels. There is some distance between the hedge and PROW so there should be no issues with the hedge obscuring the footpath line.
- At the point where KM285 crosses the access track there will be a sign

indicating to drivers that pedestrians may be crossing the track. The main construction drop off area for the HGV's is to the west of this crossing point reducing the size of the construction vehicles crossing over the footpath. The attached map combines the development plans and Public Rights of Way sketch map to assist in understanding the effects.

If the above conditions are met within the development then I have no objection to the application.

Please inform the applicant of the following General Informatives:-

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.
3. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.
4. No materials can be stored on the Right of Way.

Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority."

#### **4.3 Natural England:**

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Marden Marshes SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

#### **Protected landscapes**

Having reviewed the application Natural England does not wish to comment on this development proposal.

#### **Protected species**

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

#### **Local sites**

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

### **Biodiversity enhancements**

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

### **Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" remains in place (Schedule 4, w). Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

### **Further comments dated 21/12/15:**

"The advice provided in our previous response applies equally to this application although we made no objection to the original proposal (15/505971/FULL). Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us."

### **4.4 KCC Ecology:**

"Fortunately for this site, the applicant has used an ecological consultancy that have provided a good amount of detail in the submission and once the additional information that I have asked for is included, I am reasonably comfortable that the proposal is likely to be acceptable – I will though reserve final judgement on this until all the information has been received.

These are the main points in respect of which I have asked for additional info / clarification:

- Consideration of ponds within 500m buffer of site – I understand that they have this info it was just not included in these reports – to ensure that the use of the landscape by GCNs is more fully understood. From my desk top assessment and conversation with the ecologist I don't think that this will materially alter the conclusions reached and approach proposed, but will ensure that it is demonstrated that there has been an appropriate level of wider consideration.
- More detailed plan of cabling route, showing how areas of potential ecological interest (e.g. hedgerows) are being avoided and the locations of the points at which directional drilling will be used.
- Clarification within the Reasonable Avoidance Measures appendix, ensuring that there is a clear chronology of measures, that the Ecological Clerk of Works will be

appropriately experienced and licensed, and that it is clear what action will be taken if the works are not completed within the great crested newt hibernation period.”

**Additional Ecology comments (17/11/15):**

“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 Ecological Appraisal reports for the proposed solar farm and for the associated grid connection have been submitted in support of this application, along with the Biodiversity Management Plan. We advise that the two Ecological Appraisal reports provide an adequate assessment of the potential for ecological impacts to occur as a result of the proposed development. While the potential for ecological impacts is identified within the reports, the recommended approach to mitigate by avoiding impacts, including on great crested newts, is supported with sufficient justification in the reports and is therefore acceptable.

The Biodiversity Management Plan provides details of the approach to mitigation (including implementation of ‘Reasonable Avoidance Measures’) and enhancing the site’s ecological value. We are satisfied that the mitigation (avoidance) proposals will adequately minimise the potential for ecological impacts and that the successful delivery of the proposed enhancement measures will increase the ecological value of the site.

It is essential that the ‘Reasonable Avoidance Measures’ are implemented as specified to avoid the need for a European protected species mitigation licence in respect of great crested newts.

We advise that the implementation of the Biodiversity Management Plan is secured by condition, if planning permission is granted. There is provision within the Biodiversity Management Plan for monitoring of the habitats to inform changes to the management measures proposed within the Biodiversity Management Plan, it would be appropriate for any revisions of the Biodiversity Management Plan to be submitted to Maidstone BC so that the effective delivery of the stated habitat enhancements can be monitored. This could be secured by condition, if planning permission is granted. During the lifetime of the development the applicant is proposing to enhance the ecological value of the proposed development site. As such, it is likely that the decommissioning of the development will result in ecological impacts. Therefore, if planning permission is granted, we advise that a condition is imposed requiring an ecological impact assessment to be carried out, including

any necessary specific species surveys. The results and any necessary mitigation proposals must be submitted for approval prior to any decommissioning works being implemented.”

#### **4.5 KCC Flood Risk Control:**

“The construction of solar farms and polytunnels present three main risks to flood risk management:

- ☐ Increased surface area of impermeable surfaces resulting in increased rates of runoff;
- ☐ Displacement of flood flows;
- ☐ Soil erosion leading to reduced capacity of watercourse channels downstream.

Given that this site lies within Flood Zone 1, we have no concerns with the displacement of flood waters.

However, we do have concerns over the potential for increased rates of runoff and soil erosion, the management of which will require the submission of additional detail at the detailed design stage. Whilst the FRA has recommended the use of 300mm deep swales to restrict the rate of runoff from the site and attenuate flows of surface water, it is presently unclear how these features will drain. Given the relative impermeability of the underlying clay, it is likely that they will take a long time to empty through infiltration alone. If they are to drain at a controlled rate through an outfall to an adjacent ditch or watercourse, the means of flow-control and the rate at which they will discharge will have to be agreed.

Although a grassland system beneath the panels would provide an element of attenuation for the surface water from the structures, the concentration of runoff beneath would be higher than that over natural grassland. Research in the United States by Cook & McCuen (Hydrologic Response of Solar Farms.” *J. Hydrol. Eng.*, 18(5), 536–541), has suggested this increase would not be great, but is an increase nonetheless. Other studies quantified this increase ranging from 1.5% to 8.6%, depending onsite specific parameters.

We would expect to see this potential increase accommodated, with the volume and rate of discharge quantified. To avoid the requirement for outfall structures, we would also recommend that it is demonstrated that 50% of the swale’s capacity is available within 24 hours of the calculated critical storm for the site, inclusive of the predicted effects of climate change.

Should your authority be minded to grant permission to this development, we would therefore recommend that the following Conditions are attached:

Condition:

(i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the recommendations within the reports prepared by (PFA Consulting – September 2015), and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through open infiltration features located within the curtilage of the site.

(ii) Development shall not begin until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and



ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason:

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

Condition:

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:

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

Please note:

Any feature on this site capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' (unless it shown by the EA's mapping to be a designated 'main river'); we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function.

Any works that have the potential to affect the watercourse or ditch's ability to convey water will require the formal written consent of either KCC or the Upper Medway Internal Drainage Board (depending on location - including temporary works, culvert removal, access culverts and outfall structures).

#### **4.6 Upper Medway IDB:**

"Please note that this proposal borders the Upper Medway Internal Drainage Board's district and drains to Marden Beech Stream (U18) which is managed and maintained by the IDB and on to the Lesser Teise.

The proposal therefore has the potential to affect IDB interests (by increased runoff and siltation of the downstream drainage system in particular). I note that the applicant considers that "the photovoltaic panels will not result in a material increase in runoff flow rates" but goes on to propose SuDS (consisting of swales along the site boundaries) in order to provide "betterment". It is considered likely that runoff rates will in fact be increased from the panels and access tracks, particularly as the solar panels are to be aligned down-slope. The introduction of swales over Weald Clay without any form of outlet could also increase runoff rates (if already full prior to a storm event).

Should the Council be minded to approve this application, it is requested that details of drainage be made subject to an appropriate planning condition requiring runoff to be restricted to no more than that of the Greenfield site (for a range of rainfall events up to the 1 in 100 year +CC) in direct consultation with KCC's Flood Risk Management Team.

#### **4.7 Environment Agency:**

"We have assessed this application as low risk and therefore have no comments to make".

#### **4.8 Rural Planning Ltd:**

"The NPPF states (para. 112) that local planning authorities should take into account the economic and other benefits of the "best and most versatile" agricultural land (Grades 1, 2 and 3a). 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.

The Government has also reaffirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper The Natural Choice: securing the value of nature (June 2011), including the protection of "best and most versatile" agricultural land (para. 2.35).

On 06 March 2014 the Government's National Planning Practice Guidance advised, in respect of proposed large scale solar farms, that the planning authority will need to consider (inter alia) where such a proposal involves greenfield land whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

The Secretary of States' statement to Parliament a year later (25 March 2015) confirmed the advice against the use of any BMV land for solar farms, rather than poorer quality land, unless "justified by the most compelling evidence".

The application submissions for this particular site include a detailed agricultural land classification (ALC) study, dated July 2015. The application site extends to some 9ha of arable land (cropped with oil seed rape, and beans at the time of the survey). The ALC study found that the land comprises Grade 3b (moderate quality), being a clay loam based soil principally limited by wetness. The land, therefore, is not within the "best and most versatile" category and may be considered "poorer quality land" in the context of para 112 of the NPPF, the NPPG, and the Secretary of States' statement to Parliament.

The Planning Statement explains that it is intended to plant the current arable land with species rich grassland and graze the available space under the panels with sheep, and you have requested details as to the practicalities of such a proposal. In this regard, please find attached a copy of a useful BRE/NFU publication "Agricultural Good Practice Guidance for Solar Farms", which includes methodology for this practice and give several examples of where sheep grazing has been successfully undertaken. I also attach (for completeness) an extract from the Borough Council's own Planning Policy Note on large solar arrays which includes reference to sheep grazing practice.

In conclusion, having regard to the NPPF and the NPPG, should it be considered necessary to use greenfield agricultural land for this development (which is not a matter within my remit), the proposal does comply, in essence, with the criteria as to poorer quality land being used in preference to higher quality land, and for the land to be continued in some form of agricultural use through the proposed return to grassland and the grazing of sheep.

#### **4.9 MBC Landscape Officer:**

"There are no protected trees on, or adjacent to, this site. However there are two blocks of ancient semi-natural woodland to the east of the site.

The site is located within Landscape Character Area 44, Staplehurst Low Weald, as defined in the Maidstone Landscape Character Assessment, which is nested within the Low Weald landscape type. The landscape guideline for this area is conserve.

The relevant summary of actions are:

- Conserve the intimate small scale Medieval field pattern, and the species rich hedgerow boundaries
- Promote enhanced species diversity within hedgerows where this has been weakened
- Avoid the use of single species hedgerows and shelterbelts within this landscape, where species rich hedgerows are so prevalent
- Promote the conversion of intensively managed grassland and arable land to species rich neutral grassland where there is potential
- Conserve, enhance and extend the frequent pattern of small ponds, and encourage good water quality within these and the larger water bodies at the foot of the Greensand Ridge through the promotion of sensitive management
- Conserve and increase extent of clean water ponds and small farm reservoirs
- Conserve the abundance of English oak and wild service trees within the landscape, which are frequent as hedgerow trees and as isolated specimens across farmland. Ensure continuity of this key feature by planting new oak trees to replace ageing specimens
- Consider views towards any proposals across the Low Weald from the elevated Greensand Ridge which rises to the north and the High Weald which rises to the south west
- Conserve the abundance of oak as a dominant species, and plant new isolated oaks within pasture and oak standards within hedgerows to replace ageing population
- Conserve and enhance the hedgerows, ensuring that they are correctly managed and gaps replanted
- Conserve the pastoral land and orchards
- Conserve and enhance the small scale field pattern and sense of enclosure, encouraging restoration and management of historic field boundaries
- Conserve the landscape setting of historic settlements
- Conserve the largely undeveloped rural landscape and the remote quality of isolated farmsteads and hamlets
- Soften the visual prominence of large agricultural barns through native planting and encourage native hedgerows around commercial and housing developments
- Enhance habitat opportunities around water bodies and ditches by promoting and managing a framework of vegetation in these areas

In terms of the Maidstone Landscape Capacity Study (LCS) sensitivity assessment 2015, Staplehurst Low Weald is assessed as being of high overall landscape sensitivity and is sensitive to change. The assessment states that development could be considered to support existing rural enterprises and existing commercial parks, although extensive, large scale or visually intrusive development would be inappropriate.

The general principles of the applicant's landscape and visual assessment, version 1 dated September 2015, are largely acceptable. My only comment is that the national character area profile referred to has been updated and the Landscape Assessment of Kent has not been referenced. The current version of the national profiles was published in September 2014. Additionally, the extract of Natural England's interactive map of the natural environment (appendix 1- entitled 'Landscape Designations') does not clearly show the designated ancient woodland. However, as the key document is the Maidstone Landscape

Character Assessment and this has been correctly referred to I only highlight these inconsistencies as a matter of course.

The applicant's landscape and biodiversity mitigation plan demonstrates the proposed location and species mix of the additional surrounding hedgerow/ tree screening. Whilst the layout is acceptable in terms of the provision of blocks of planting to increase connectivity between existing hedgerow and blocks of woodland and the relationship between the proposal and the adjacent ancient woodland is appropriate, I do have reservations about the structure of the proposed western hedgerow with its regular spacing of holly standards. A looser, more naturalistic, approach is considered more appropriate within the context of the existing landscape character. However, as this detail can be dealt with by condition, there are no arboricultural/ landscape grounds on which to object to this proposal, subject to approval of a detailed landscape scheme in accordance with the principles of the LCA guidelines which includes implementation details, a maintenance schedule and long term management plan with details of decommissioning and reinstatement of the site."

**Further Landscape comments (8/2/16):**

"Please find below an appropriate specification for hedgerows with standard trees suitable for the Headcorn Pasturelands landscape character area to help mitigate the effects of the proposed solar farm.

I would suggest that a small proportion of evergreen shrubs (Holly) and species which retain their leaves for a large proportion of the year (Hornbeam) should form part of the planting scheme to maximise the screening effect without compromising existing landscape character. The proposed hedgerow planting to the west of the site, which is shown to be comprised predominantly of Holly, would not be sympathetic to the landscape character. I would recommend slightly larger sizes are specified than indicated in our landscape guidelines, to ensure a more immediate impact, but the successful establishment of these hedgerows will be dependent upon appropriate ground preparation and maintenance regimes. The amended landscape details can be secured through a pre-commencement condition which also covers amended implementation details and a long term management plan, extending up to and beyond the period of reinstatement once the solar farm ceases to function.

The proposed plant specification is as follows:

Hedgerow shrubs (90-120cm whips or equivalent):

Carpinus betulus (Hornbeam) 30%  
Crataegus monogyna (Hawthorn) 15%  
Corylus avellana (Hazel) 30%  
Euonymus europaeus (Spindle) 5%  
Ilex aquifolium (Holly) 15%  
Salix caprea (Sallow) 5%

Hedgerow standard trees (Nursery standard size, 8-10cm, 2.7-3m):

Sorbus torminalis (Wild Service Tree) 5%  
Quercus robur (Oak) 95%

Individual tree planting (Nursery standard size, 8-10cm, 2.7-3m):

Acer campestre (Field Maple)  
Salix alba (White Willow)

Numbers to be specified and indicated on landscape plan  
Sorbus torminalis (Wild Service Tree)- least common species     }  
Quercus robur (Oak)- predominant species

Hedgerows shall be planted in double or triple rows in groups of species. Plants shall be approximately 45cm apart in staggered rows which are 30cm apart. Hedgerow standard trees shall be planted at irregular intervals individually or in small groups as appropriate to reflect the landscape character. "

**MBC Conservation Officer:** considers that the proposal will not result in harm to the setting of any listed buildings near the site and raises no objections.

#### **4.10 MBC Environmental Health:**

"Potential noise disturbance –

The plant is located away from residential properties and due to the distance, I cannot see any problems relating to noise from the plant.

Solar Glare – care should be taken to ensure that neighbouring residential properties are not affected by solar glare from the PV units.

#### **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."

#### **4.11 MBC Environmental Protection**

##### **"REQUESTED CONDITIONS:**

1. Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) 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 (*in areas of low background sound levels a target of NR30 shall be achieved*) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings 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.

2. The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the night time period. For the purpose of the assessment the Authority will accept 23:00 – 07:00 hours as covering the night time period

3. 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 Procedure for the assessment of low frequency noise complaints 2011 (NANR45). 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.”

## **5.0 LOCAL REPRESENTATIONS:**

### **5.1 Marden Parish Council:**

“Recommended approval with the following conditions:

1. Screening hedging to be planted as soon as possible
2. Any lighting must be emergency lighting that switches itself on and off automatically
3. There is discussion with Kent Highways regarding reinstatement to any damage caused to the roads.
4. The site to be decommissioned, reinstated and returned to agricultural after 30 years (specific reference is made to 6.2 of the Design & Access Statement regarding decommissioning)”

Further comments (Dec. 2015): “no further comments to add”

### **5.2 Neighbours/Interested Parties:**

18 letters were received in response to the consultation exercises associated with the planning application. The objections raised may be summarised as follows:

- Unacceptable visual impact on surrounding landscape
- Loss of agricultural land
- Solar panels should be placed on buildings
- Brownfield and industrial sites should be exhausted before using agricultural land
- Harm to local wildlife
- Adverse effect on views from 2 nearby PROWs
- Conflict with national and local policy and advice.
- No community benefit.
- A bond should be secured to ensure that the development is removed after the 30 year period.

5 letters of support were received making the following comments:

- Low impact on the surrounding area and will be screened by existing trees and hedges.
- Reduced reliance on fossil fuels  
Landscape impact outweighed by the benefits of the development.
- Screening would help mitigate the visual impact.
- Benefits for wildlife
- The development would allow diversification of agricultural land and allow sheep grazing.
- Smaller scale than recent solar farm at Knells Farm, Paddock Wood
- Disruption during construction would be short-term

### **5.3 Helen Grant MP:**

“I am a resident of Marden and have lived in Albion Road, TN12 9EA for the past two and a half years, very close to the subject land. I am also the Member of Parliament for the constituency of Maidstone & The Weald, where Marden is situated. In the interests of transparency my current tenancy will be terminating at the end of October but I am actively seeking alternative accommodation in or around the area.

The location of the proposed solar farm is in the midst of a very beautiful undisturbed pastoral scene. There are two public countryside footpaths close by that are well used by locals, ramblers and tourists every day. The land is also home to a range of wildlife, including protected species such as the crested newt, subject to survey, which are presently known to inhabit one garden just 600 metres from the site location. If this Application were to proceed it would completely ruin the vista and the general amenity of the locality. I do not believe the planting of screening hedgerows will quickly or adequately disguise the installation from the viewpoint of footpath users. As it is intended to retain the base land for sheep grazing the height of the lowest point of the panels must be elevated to allow for this by at least 700mm above ground level. There are also two houses owned by my constituents whose southerly aspects will be seriously blighted by the eyesore of 20,000 or so black glass panels. I am a supporter of renewable energy facilities but not at the expense of virgin English countryside.

I have this week instigated a survey of 956 nearby homes to ascertain the feelings of other local people about this and I will submit my findings to Maidstone Borough Council Planning Department as soon as I have collected a sizeable number of responses. Had widespread notice of this application been given to the village at the time it was first submitted my survey would have been issued earlier and the results would be available by now. I had no notification at all about the development however, until I made my own pro-active enquiries to the Council planning department. The public meetings in Marden organized by the prospective developer were equally poorly promoted, preventing full and open dialogue with the local people. I do not believe this application meets with current Government thinking on the use of agricultural land for this purpose. I therefore strongly oppose this application on the basis of all of my abovementioned comments”.

Further update 30/11/15:

Responses were received from 183 people of whom 126 (69%) were against the solar farm application, 41(22%) were in favour and 16 (9%) were undecided. The main concerns related to the unsightly impact on the landscape.

## **6.0 BACKGROUND PAPERS AND PLANS**

### **6.1 Supporting Statements:**

- Design & Access Statement,
- Environment Statement
- Decommissioning Method Statement,
- Landscape & Visual Assessment (LVA)
- Heritage Statement,
- Ecological Appraisal/Biodiversity Management Plan (amended)
- Statement of Community Consultation,
- Agricultural Land Classification,
- Transport Statement.
- Flood Risk Assessment

### **6.2 Submitted plans: drawing nos. 1047-A-16, E06, B03, F-01, G-01, H-01,J-01,K-01,L-01,**

## **7.0 ASSESSMENT OF PLANNING APPLICATION**

7.1 The main planning considerations relevant in the determination of this application are considered to be as follows:

- The acceptability of the principle of development.
- The visual impact of the development on the landscape.
- The impact of the development on biodiversity.
- The impact of the development on heritage assets.
- The impact of the development on living conditions at neighbouring properties.
- The impact of the construction and traffic on the local highways network.
- Crime Prevention.

### **Principle of Development**

- 7.2 Energy use in buildings accounted for nearly half of UK carbon dioxide emissions in 2005 and more than a quarter of these came from the energy used to heat, light and run homes. The Government has set a legally binding target to reduce greenhouse gas emissions by 80% by 2050 based on 1990 levels and Government guidance for planning policy and Building Regulations reflect this target.
- 7.3 The Government's Renewable Energy Strategy was published in July 2009. This sets a legally binding target to ensure that 15% of our energy comes from renewable sources by 2020. The Strategy suggests that renewables could provide around 30% of our electricity consumption by 2020 (compared to around 5% today).
- 7.4 The National Policy Statement for Energy (EN-1) (2011), published by the Department of Energy and Climate Change sets out an overarching national policy for energy. Whilst it relates principally to those energy projects that are of national significance (this development would not fall within that category), it is material because it describes the national approach to energy provision. It states that energy is vital to economic prosperity and social well-being and so it is important to ensure that the UK has secure and affordable energy. Producing the energy the UK requires and getting it to where it is needed necessitates a significant amount of infrastructure, both large and small scale set out in paragraph 2.1.2.
- 7.5 At paragraph 2.2.8, it states that to avoid the most dangerous impacts of climate change, the increase in average global temperatures must be kept to no more than 2°C, and that means global emissions must start falling as a matter of urgency. To drive the transition needed the Government has put in place the world's first ever legally binding framework to cut emissions by at least 80% by 2050, that will deliver emission reductions through a system of five year carbon budgets that will set a trajectory to 2050.
- 7.6 The National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011) provides further, specific advice relating to renewable energy. The UK Renewable Energy Roadmap (2011) and its subsequent updates in 2012 and 2013 make clear the Government's commitment to increase the amount of



renewable energy deployed in the UK. It says that this will make the UK more energy secure, will help protect consumers from fossil fuel price fluctuations, will help drive investment in new jobs and businesses in the renewable energy sector, as well as keep us on track to meet our carbon reduction objectives for the coming decades.

- 7.7 Specifically on the role that solar PV has to play in helping to deliver those objectives, the 2013 Update identifies it as one of the key renewable energy technologies that can help to create a balanced UK energy mix. There are significant advantages with solar PV, it says; it is versatile and scalable, with deployment possible in a wide range of locations including domestic and commercial buildings and where appropriate on the ground; solar projects can be developed and installed very quickly; and the fuel, solar radiation, is free [para 179].
- 7.8 In April 2014, the then Minister for Energy and Climate Change wrote a letter to all Local Planning Authorities regarding the Government's solar PV strategy. Whilst reinforcing the drive towards renewable and solar energy, it explains that the focus should be on delivering solar energy on domestic and commercial roof space and on previously developed land. It states that there is still a place for larger-scale field-based solar in the UK's energy mix but need to be sensitively placed.
- 7.9 A Planning update dated March 2015 by the then Secretary of State for Communities and Local Government, Eric Pickles to the House of Commons stated that the National Planning Policy Framework includes strong protection for the natural and historic environment and is quite clear that local councils when considering development proposals should take into account the economic and other benefits of the best and most versatile agricultural land. Yet, some local communities have genuine concerns that when it comes to solar farms insufficient weight has been given to these protections and the benefits of high quality agricultural land. As the solar strategy noted, public acceptability for solar energy is being eroded by the public response to large-scale solar farms which have sometimes been sited insensitively.
- 7.10 It goes on to set out that meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. When the Government published new planning guidance in support of the framework, they set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality.
- 7.11 The National Planning Policy Framework (NPPF) sets out an approach that is proactive towards renewable energy developments, is clearly supportive of proposals which generate renewable energy and it recognises the role which planning must play if the reduction in greenhouse gas emissions and renewable energy targets are to be met.
- 7.12 Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. In considering the issue of sustainability the NPPF requires due regard to be had to the three dimensions of sustainable development: economic, social and environmental. An economic role contributes to building a strong responsive and competitive economy including the provision of infrastructure; a social role relates to supporting strong, vibrant and healthy communities; and an environmental role by contributing to protecting and enhancing the natural, built and historic environment, and mitigating and adapting to climate change by moving to a low carbon economy.

- 7.13 In terms of the social aspect, the development would provide a sustainable source of energy for communities into the future. In terms of the economy, the development could be seen as a farm or farm diversification, providing both additional income and economic investment into the wider infrastructure enhancement whilst providing job opportunities during its construction and operational phase. In terms of environmental it is considered that the development would not have a significant impact on the wider landscape, and in promoting a major renewable energy source, would help to mitigate the impact of climate change and contribute to a low carbon economy. The application of the presumption in favour of sustainable development is addressed in the conclusion section.
- 7.14 Paragraph 93 indicates that planning plays a key role in helping to secure radical reductions in greenhouse gas emissions and providing resilience to the impacts of climate change. Paragraph 98 states that local authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy. It goes on to state that applications for renewable energy should be approved if impacts are, or can be, made acceptable.
- 7.15 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.
- 7.16 The NPPF also, as one of its core principles advises that local authorities should proactively drive and support sustainable economic development to deliver, amongst other things, infrastructure. In paragraph 19, it also indicates that the planning system should do everything it can to support sustainable economic growth and significant weight should be placed on the need to support economic growth through the planning system. In terms of supporting a prosperous rural economy local plans should promote the diversification of agricultural rural businesses.
- 7.17 The National Planning Policy Guidance states that particular factors a local planning authority will need to consider in relation to solar farms include:
- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
  - where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
  - that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.
- 7.18 The Councils Supplementary Planning Policy Advice note dated January 2014 relating to Domestic and Medium Scale Solar PV arrays up to 50kw sets out that medium sized stand alone or ground mounted solar PV installations should ideally utilise previously developed land, contaminated land, industrial land or brownfield sites and should avoid landscapes 'designated' for their natural beauty and/ or sites of acknowledged/recognised ecological/archaeological importance/interest.

- 7.19 Saved Policy ENV28 of the Maidstone Borough Wide Local Plan (2000) states that in the countryside, planning permission will not be given for development which harms the character and appearance of the area and development will be confined to a range of development types that do not include renewable energy projects and as such the application has been advertised as a departure from the Development Plan. Policy ENV28 is not entirely consistent with the policies contained within the NPPF because the former does not allow for solar farms in the countryside whereas the latter does, in certain circumstances. This reduces the weight that should be given to any conflict identified with saved Policy ENV28.
- 7.20 Policy DM3 of the Emerging Maidstone Borough Plan (renewable and local carbon energy schemes) provides general support for renewable energy development, subject to compliance with various criteria.(with an acceptance that “parts of the natural landscape features and resources mean that there is a technical suitability for such schemes” - para 11.8 in the pre-ambles). The Local Plan is emerging and is moving towards Regulation 19 stage (at the time of writing this report) and therefore is carrying more weight, but cannot be afforded full weight.
- 7.21 The application site is greenfield land, in agricultural use but is not a designated site of natural beauty or designated ecological or archaeological importance. However, this on its own does not automatically make the principle of development acceptable. An assessment has been carried out by the applicant in to the availability of other more suitable/appropriate sites in the Borough and the quality of the application site as agricultural land. The conclusion is that there are no other suitable/available sites of a similar size in an appropriate location and that the application site comprises land falling within Grade 3b as set out by the Ministry of Agriculture, Fisheries and Food Guidelines for Agricultural Land Classification (1988). As such, it is considered that the site is appropriate for the proposed development.
- 7.22 In addition, the agricultural use of the land would continue at the site, albeit at a much reduced intensity and there would be biodiversity improvements that are described later in this report. The development is temporary (although not short term) and a planning condition could ensure that the development is removed at the end of the 30 year period.
- 7.23 In 2015 the applicant submitted a screening opinion request to the Council. It was considered that, having assessed all the submitted information and having regard to Schedules 2 and 3 of the 2011 EIA Regulations, the proposal would not have significant effects on the environment by virtue of its nature, size or location and therefore an Environmental Impact Assessment would not be required. A further screening opinion has recently been carried out and reached a similar conclusion as before.
- 7.24 Having considered the matters set out above and the applicant’s submission it is concluded that there is no in principle reason why the site should not be suitable for development as a solar farm. However, it is necessary to analyse detailed impacts and these are set out below.

#### **Agricultural Land Classification**

- 7.25 The National Planning Policy Framework (2012) requires the presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the agricultural land classification) to be taken into account alongside other sustainability considerations. The framework expresses a preference for development to be directed to land outside of this classification (3b, 4 and 5).

- 7.26 In their supporting statement the applicants refer to the assessment of various potential sites which met the relevant criteria including not within a designated landscape area, not within flood risk area, good access to road network, easily screened from residential properties and close proximity to an overhead power line. Avoiding 'best and most versatile' agricultural land (ie. Grades 1, 2 and 3a) was also a determining factor. The study concluded that the application site met the relevant criteria.
- 7.27 The NPPF and NPPG require sequential assessments for other types of development such as retail uses proposed outside of shopping areas, or where vulnerable uses are proposed in areas at risk of flooding. In those cases, the requirement is explicit and the methodology is clearly described. That is not the case here. If a sequential approach to site selection was required, the Framework and/or the Practice Guidance would be clear about that but it is not.
- 7.28 The applicant is required to demonstrate that the use of agricultural land is necessary, which is a different and less onerous test. The reasons provided for the use of agricultural land are that the site needs to be commensurate with the available grid capacity in order to make full use of scarce grid capacity. The site is in close proximity to available grid capacity and the NPPG states that considerations for particular renewable energy technologies that can affect their siting include proximity of grid capacity. Roof top solar provision is more difficult to realise, less efficient and cannot achieve the same scale of contribution towards renewable energy targets.
- 7.29 Derelict brownfield sites can carry significant demolition and/or remediation costs that may render schemes unviable. According to the most recent Office of National Statistics from the National Land Use Database (2010) shows that there were 11 vacant, previously developed sites in Maidstone of which 8 had planning permission for housing, schools or a mix of uses and so would not be available. Two of the remaining three were below 1ha. in size and so would be too small for a solar farm. The remaining site (the former Syngenta site at Yalding) is now allocated in the emerging Local Plan and would also be unavailable.
- 7.30 Sites discounted from the emerging Plan are either too small for a solar farm or would be greenfield sites. The current application site is for a large site of 9 ha. and it is less likely that there would be available brownfield sites capable of accommodating development of this scale.
- 7.31 It is widely recognised that diversification has become a necessity for many farm businesses to survive and prosper in a world of widely fluctuating world commodity prices and ever increasing production costs. The quality of the site for agriculture makes the site more exposed to such fluctuations and the proposal would provide a stable source of income.
- 7.32 Having reviewed the applicant's submissions, it is concluded that a combination of the good relationship between the site and grid capacity, the lack of available brownfield or non-agricultural sites and the benefits associated with allowing the farm to diversify, demonstrate that the use of Grade 3b agricultural land of moderate quality for the development is appropriate in this case.
- 7.33 The Council's adviser on rural planning matters has examined the submitted assessment and agrees that Grade 3b is the appropriate classification for this site and thus does not constitute 'Best and Most Versatile Land' (BMV), whereas

grades 1, 2 and 3a are). As such, it is considered that the site does not constitute the 'higher quality' land that planning policy seeks to protect.

- 7.34 It is therefore considered that the applicant has made a sustainable case that a rural location is required due to land area requirements, lack of suitable brownfield sites, grid capacity, agricultural land classification, and technical and commercial feasibility. The application site, therefore, is considered to be suitable in principal for the proposed development.

### **Landscape and Visual Impact**

- 7.36 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The intrinsic character and beauty of the countryside should be recognised.
- 7.37 The NPPG acknowledges that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.
- 7.38 The Council Planning Policy Advice Note 2014 relating to medium scale solar farms states that the landscape/visual impact of a solar PV park is likely to be one of the most significant impacts of such a development. It sets out that the issues that should be considered which include the following:
- the proposal's visual impact, the effect on landscape, glint and glare and on neighbouring uses and aircraft safety;
  - that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
  - the need for, and impact of, security measures such as lights and fencing;
  - the potential to mitigate landscape and visual impacts through, for example, screening with native hedges.
- 7.39 Saved Policy ENV6 of the Maidstone Borough-Wide Local Plan (2000) states that in appropriate cases, the Borough Council will require a landscape scheme, including surfacing and boundary treatments, to be carried out as part of development proposals. Where required, such schemes should:
- Incorporate the retention of existing trees, woodlands, hedgerows, natural and man-made features which contribute to the landscape character or quality of the area; and
  - Provide a scheme of new planting of trees, hedgerows or shrubs as appropriate, using native or near native tree species, and wherever possible, native or near native shrub species.
- 7.40 Saved Policy ENV28 in the MBWLP (2000) states that in the countryside, planning permission will not be given for development which harms the character and appearance of the area and development will be confined to a range of development types that do not include renewable energy projects (as at the projects were not high on the planning agenda). There are no saved policies that relate specifically to solar energy in the Plan. Policy ENV28 is not entirely consistent with the policies contained within the NPPF because the former does

not allow for solar farms in the countryside whereas the latter does in certain circumstances. This reduces the weight that should be given to any conflict identified with saved Policy ENV28.

- 7.41 The Maidstone Landscape Character Assessment (2012) identifies the application site as falling within Landscape Area 44 (Staplehurst Low Weald). It describes the area's sensitivity as follows:

*Overall, the typical characteristics of the Low Weald landscape provide a strong sense of place. Very distinct elements include the frequency of mature oak trees within hedgerows and pasture, the verges, infrequent small woodland blocks, hedgerow and ditch lined lanes, field ponds, and scattered farmsteads and hamlets. Visibility is moderate. Whilst there are occasionally some long views to the Greensand Ridge to the north and the High Weald to the south, intervening vegetation encloses many immediate views across the gently undulating landform, except where arableisation and hedgerow removal has created a more open landscape.*

- 7.42 The Landscape Character Area, taken as whole, is described as having a good condition, a high sensitivity and moderate visibility. The Maidstone Landscape Capacity Study: Sensitivity Assessment (2015) reaffirms that the area in general has high landscape sensitivity and a moderate visual sensitivity. As guidelines and mitigation it suggests that new development should respect the local vernacular in scale, density and materials.
- 7.43 A detailed Landscape and Visual Assessment (LVA) has been undertaken by the applicant to carry out a detailed assessment of the visual impact of the proposed solar farm on the landscape and the visual resources of the study area. For this scheme, based on the potential extent of the likely significant effects, has been established as 5 km from the application site. The LVA concludes that the proposed solar farm is likely to have a mod effect on landscape features and character and such effects are not significant in EIA terms, ie. some adverse effects will arise but are not expected to be harmful.
- 7.44 The application site is situated within an area of level agricultural land with existing hedgerows to the north, east and west and small areas of mature woodland to the south and east. Although the land rises gently to the north towards Marden village, distant views of the site from the surrounding area are limited by mature hedgerows. The site is visible from various points in Plains Road, approx. 600m to the west, and from Thorn Road approx. 400m to the north but the main views are from the two public footpaths which run to the west and north of the site. In particular, KM285 runs north-south from the southern built-up confines of Marden to Widehurst Wood, passing close to the western boundary of the application site, within 20m of NW corner of the site and will provide unrestricted views of the proposed solar farm.
- 7.45 Although the application site benefits from existing hedgerows on 3 sides the western boundary currently lacks adequate landscape screening. There is an existing hedgerow to the west of footpath KM285 which will provide some degree of screening when the site is viewed from Plain Road 600m to the west, but extensive additional planting will be essential along the western boundary to mitigate the visual impact of the solar farm when viewed from the west. Negotiations have secured a significant improvement in landscape mitigation along the western boundary in accordance with the Landscape Officer's specification. Whilst the additional

screening will take several years to mature, once established it will provide an effective natural screen along the western boundary.

- 7.46 Footpath KM283 is approx. 300m from the northern boundary of the site and views from the north are relatively well screened by existing hedgerows despite the gradual increase in ground levels. The existing hedgerows are to be enhanced with infill planting and infilling gaps to provide a more effective screen. The existing vegetation assists in reducing distant views from Thorn Road and Marden village to the north. Similarly to the south and east there are 2 small areas of ancient woodland adjacent to the site boundaries which will provide landscape mitigation to screen the solar farm from the open countryside to the south. In the short term views of the south-western part of the site will be possible from footpath KM285 along the section between Widehurst Wood and the farm track from Plain Road. However in the longer term, once the proposed landscaping along the western boundary has matured, it is not anticipated that there will be any significant distant views into the site from the wider landscape.
- 7.47 The visual impact of the development will be more apparent during the 12 week construction period using a temporary compound 300m from Plain Road to the west of the site. There would be a short term negative landscape character impact. During construction there would be a medium to low level adverse visual effect due to increased activity, delivery of materials, operation of machinery and construction work but in the longer term the visual impact would be reduced.
- 7.48 During the period this application has been under consideration, an application at Great Pagehurst Farm, (MA/13/1456) approximately 1km to the east of Widehurst Farm, has recently been refused for the construction of a ground based photovoltaic solar farm, access, associated works and grid connection to include installation of solar panels. This was for a larger scale of development covering an area of approx. 19ha. and generating up to 13.6MW. Due to the proximity of this application to the Pagehurst Farm application, had permission been granted the issue of cumulative impact would have been relevant. However, due to the distance between the sites and the inability to view both sites together from a fixed vantage point without the need for an observer to turn their head, it is considered that there would have been no cumulative visual impact on the landscape.
- 7.49 Screening opinions have also been sought for solar farms on Riverfield Farm located on the north side of the A229 around 2.3km north of Staplehurst and at Faracre Farm, Goudhurst Road, approximately 1km to the south west of Marden. However, these have not materialised into submitted planning applications and cannot be taken into consideration as they may never come forward as applications.

### **Landscape mitigation**

- 7.50 A range of mitigation measures are proposed by the applicant. These have been significantly increased throughout the course of the application process, in particular along the western boundary, and comprise:
- Enhance landscape character – minimise visual impact particularly when viewed from 2 footpaths KM283 & KM285
  - New hedgerows along site boundaries, planting of shrubs, gapping up existing hedgerows to N&E including some tree planting, We have included for hedgerows to

be planted in double rows in groups of species. Plants will be approximately 45cm apart in staggered rows which are 30cm apart. Hedgerow standard trees will be planted at irregular intervals individually or in small groups as appropriate to reflect the landscape character.

- Link areas of dense woodland, small shaws and mature hedgerows
- Reinforce landscape character of the Low Weald, linking hedgerows around fields and orchards and safeguarding key landscape features such as ancient woodland
- Landscape mitigation to reflect semi-wooded landscape character including gapping up hedgerows and shaws thickening hedges to soften views of the solar farm
- Management of site by grazing & retain in agricultural use

The study emphasises that the mitigation measures will not have immediate effect but will take several years to mature after construction.

7.51 A detailed site assessment was carried out in consultation with the Council's Landscape Officer when the application was submitted it was considered that even though the proposed planting species would be appropriate for the site and indigenous to the area in accordance with the Council's Landscape Guidelines, the proposed species mix within the hedgerows would not provide an appropriate screening function from the outset of the development and all year round screening due to the lack of evergreen species. Additional landscaping details were requested in order to provide more effective landscape mitigation, particularly along the western boundary.

7.52 The Landscape Officer has recommended the following landscape specification :

'A small proportion of evergreen shrubs (Holly) and species which retain their leaves for a large proportion of the year (Hornbeam) should form part of the planting scheme to maximise the screening effect without compromising existing landscape character. The proposed hedgerow planting to the west of the site, which is shown to be comprised predominantly of Holly, would not be sympathetic to the landscape character.

Larger sizes are specified than indicated in the landscape guidelines, to ensure a more immediate impact, but the successful establishment of these hedgerows will be dependent upon appropriate ground preparation and maintenance regimes. A long term management plan, extending up to and beyond the period of reinstatement once the solar farm ceases to function would be required.

The proposed plant specification is as follows:

Hedgerow shrubs (90-120cm whips or equivalent):

Carpinus betulus (Hornbeam) 30%  
Crataegus monogyna (Hawthorn) 15%  
Corylus avellana (Hazel) 30%  
Euonymus europaeus (Spindle) 5%  
Ilex aquifolium (Holly) 15%  
Salix caprea (Sallow) 5%

Hedgerow standard trees (Nursery standard size, 8-10cm, 2.7-3m):

Sorbus torminalis (Wild Service Tree) 5%  
Quercus robur (Oak) 95%

Individual tree planting (Nursery standard size, 8-10cm, 2.7-3m):



Acer campestre (Field Maple)

Salix alba (White Willow)

Numbers to be specified and indicated on landscape plan

Sorbus torminalis (Wild Service Tree)- least common species

Quercus robur (Oak) - predominant species

Hedgerows should be planted in double or triple rows in groups of species. Plants shall be approximately 45cm apart in staggered rows which are 30cm apart. Hedgerow standard trees shall be planted at irregular intervals individually or in small groups as appropriate to reflect the landscape character.'

- 7.53 In response, revised landscaping details have been submitted (11/2/16) to address the concerns raised by the Landscape Officer indicating an amended hedgerow species mix to include a proportion of evergreen shrubs (Holly) and species which retain their leaves for a large proportion of the year (Hornbeam) to maximise the screening effect without compromising existing landscape character

### **Summary and conclusions**

- 7.54 The Council's Landscape Capacity Study Sensitivity Assessment (2015) describes the overall landscape sensitivity of the Staplehurst Low Weald as 'high'. The area it describes is much larger than the application site and it may be that the sensitivity of this site is lower than that across the character area as a whole, but there seems no obvious reason why that might be the case, but for the fact that traditional field boundaries seem to have been removed in the past.
- 7.55 The development would be locally significant in scale and would clearly change the character and appearance of the site as open, greenfield land. However, the applicant's LVA is considered to be acceptable and concludes that in the short term the solar farm will have a moderate adverse visual impact on some close range views from KM285 and from the farm track to the west. However this will decrease over time with mitigation planting and will vary from certain viewpoints, largely confined to views from the west along Plain Road. On balance, it is concluded that the overall negative impact on the landscape character would be moderate.
- 7.56 The visual harm caused by the development would be greater during the construction and dismantling phases and during the early years after construction. The harm would be short term but the overall impact on the landscape would be regarded as moderate in terms of views into the site from surrounding houses, roads, footpaths and elevated vantage points would also likely be moderate overall.
- 7.57 The proposed planting and screening required, particularly along the western boundary, would be significant in order to mitigate the visual harm caused by the development and the benefit of that planting would increase over time. A management and maintenance plan would be required by condition to ensure their growth and any trees, hedges or shrubs that die within the first 10 years to be replaced in the next available planting season. Although there would be some conflicts with the various national and local policies and guidelines that seek to protect landscape character and visual amenity and they have been set out elsewhere in this report. These conflicts would be reflected in planning harm and this constitutes a material planning consideration that weighs against the development in the planning balance.

### **Impact of the development on biodiversity.**

- 7.58 The Ecological Appraisal reports for the proposed solar farm and for the associated grid connection have been submitted in support of this application, along with the Biodiversity Management Plan. The two Ecological Appraisal reports provide an assessment of the potential for ecological impacts to occur as a result of the proposed development. While the potential for ecological impacts is identified within the reports, the recommended approach to mitigate by avoiding impacts, including on great crested newts, is supported with sufficient justification in the reports and is considered to be acceptable.
- 7.59 The Biodiversity Management Plan (BMP) provides details of the approach to mitigation (including implementation of 'Reasonable Avoidance Measures') and enhancing the site's ecological value. The Council's ecologist is satisfied that the mitigation (avoidance) proposals will adequately minimise the potential for ecological impacts and that the successful delivery of the proposed enhancement measures will increase the ecological value of the site. It is essential that the 'Reasonable Avoidance Measures' are implemented as specified to avoid the need for a European protected species mitigation licence in respect of great crested newts.
- 7.60 The implementation of the Biodiversity Management Plan should be secured by condition, if planning permission is granted. There is provision within the Biodiversity Management Plan for monitoring of the habitats to inform changes to the management measures proposed within the Biodiversity Management Plan, it would be appropriate for any revisions of the Biodiversity Management Plan to be submitted to the Council so that the effective delivery of the stated habitat enhancements can be monitored which could be secured by condition. The two areas of ancient woodland adjoining the southern and eastern boundaries provide important habitats which need to be safeguarded in the BMP.
- 7.61 During the lifetime of the development the applicant is proposing to enhance the ecological value of the proposed development site. As such, it is likely that the decommissioning of the development will result in ecological impacts. Therefore, if planning permission is granted a condition is imposed requiring an ecological impact assessment to be carried out, including any necessary specific species surveys. The results and any necessary mitigation proposals should be submitted for approval prior to any decommissioning works being implemented.

**Impact of the development on heritage assets.**

- 7.62 Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving heritage assets potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess. Such special regard has been paid in the assessment of this planning application.
- 7.63 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.64 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

7.65 Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

7.66 Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

7.67 The NPPG states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset.

7.68. There are no designated heritage assets situated within the application site but there are 84 listed buildings within 2km of the site of which only 9 are within 1km. There is a Conservation Area in Marden, where many of the listed buildings are concentrated. The nearest listed buildings to the site (all Grade 2) are as follows:

- Ashley House 460m to east
- Longridge 500m to north-east
- Poulter's Hall 600m to west
- Susans Farm 760m to south-east
- Thorn Cottage 820m to east
- Thorn Farmhouse 840m to east

In addition there are several other listed buildings within 1km of the site which have no functional or historic relationship with application site. No other designated heritage assets have been identified within 1km of the site

7.69 The topography of the surrounding area and established hedgerows and woodland mean that there should be no intervisibility between the development and

these heritage assets, and there is therefore unlikely to be any impact on their settings. A number of other more distant listed buildings in the surrounding area will not share intervisibility with the development. Subject to planning conditions, there would be no harm caused to heritage assets around the site and has no impact on the overall planning balance.

### **Impact on residential amenity**

- 7.70 The NPPF advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 7.71 Saved Policy ENV28 of the MBWLP(2000) states that in the countryside, planning permission will not be given for development which harms the amenities of surrounding occupiers.
- 7.72 There are two key matters relating to the impact of the development on living conditions at neighbouring properties, and these are set out below:

#### **Noise**

- 7.73 The only noise-generating equipment on site will be the transformer/inverter stations and the substations, which emit a low hum when in operation. No noise is emitted after dark as the invertors only work during daylight hours. This noise is approximately equivalent to air conditioning units. The noise diminishes dramatically with distance. At a distance of 200m, the noise would not be audible to the human ear.
- 7.74 The nearest transformer/inverter stations to residential property would be approx. 500 metres away from the site and thus would not be audible from residential properties in the surrounding area. The Council's Environmental Health Officer has confirmed that as the plant is located away from residential properties and due to the distance, do not envisage any problems relating to noise from the plant.
- 7.75 Some degree of noise from the construction works is a consequence of the proposed development and a condition is recommended limiting work between 0730 and 1800 Monday to Friday and 0800 and 1300 on Saturdays with no work on Sundays.

#### **Glint and glare**

- 7.76 Solar panels are designed to absorb, rather than reflect sunlight. The more sunlight they absorb, the more efficient they become. PV modules are constructed from specially treated low-iron glass, designed to minimise reflection and maximise transmission of light through the glass. Standard low-iron glass reflects approximately 7% of light. The glass used in solar PV systems reflects approximately 2% of the light and the glass used in PV modules has a lower reflectivity than natural surfaces such as grass, woodland and crops. Sunlight will be reflected upwards rather than in the direction of any observers at ground level. An observer would need to be at a high level, for example in a tall building or in an aircraft to be in a position where glint and glare might be experienced. People on the ground cannot be exposed to solar reflections from PV modules. There is no evidence to suggest that PV modules cause a hazard to aircraft.

- 7.77 Subject to planning conditions it is concluded that no serious harm would be caused to living conditions at neighbouring properties and this aspect of the development would be acceptable and compliant with relevant planning policies and guidelines.
- 7.78 In terms of traffic generation the impact of the development on living conditions at neighbouring properties would be short-term during the 12 week construction period. This would involve delivery of materials to the site by HGVs between 0800-1800 (weekdays) and 0800-1300 (Saturday). Thereafter there would be occasional visits by maintenance staff involving approx. 10-20 visits per year which would not cause any impact on residential amenity.

**Impact of construction traffic on the local highways network.**

- 7.79. Paragraph 32 of the NPPF states that all development that generates significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe and suitable access to the site can be achieved for all people; and
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.80 The applicant has submitted a Transport Statement, which proposes that access to the site from the north would be via 3 alternative routes:
- B2079 and Maidstone Road,
  - Staplehurst and Marden Road or
  - Staplehurst, Pagehurst Road and Thorn Road.

The applicants consider that the level of traffic during construction is likely to involve approx. 105 deliveries to the site over a period of 12 weeks and will not have a significant impact on the local highway network. No more than 5 deliveries per day are likely.

- 7.81 The only means of vehicle access to the site would be via the existing farm track from Plain Road which the Highway Authority is satisfied has adequate visibility. Vehicles will be able to turn within the site on the hardstanding adjacent to the existing agricultural building. Highways have recommended a number of highway improvements including a passing bay next to the access track, turning for HGV's and parking for staff on site, no parking on the public highway, road sweeping facilities, wheel washing facilities and temporary signage at the site entrance and direction signing in Marden will be provided. Subject to the implementation of these improvements no highway objections area raised.

**Flood Risk and Drainage**

- 7.82 Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk.
- 7.83 The applicant has submitted a Flood Risk Assessment Report. It concludes that: the site falls within Flood Zone 1 with a 1 in 1000 risk of flooding each year.

- 7.84 With regard to surface water drainage the existing site comprises 100% agricultural (permeable) area with a field drainage system in place, and as the solar panels will be elevated there would be no loss of existing permeable ground either beneath or adjacent to the solar array across the site.
- 7.85 The proposed solar panels would be arranged in rows and would be elevated above ground level by supports that would be fixed to the ground. Rainfall runoff would be shed from the angled panels to the permeable surface below, where it would be absorbed by the existing land drainage network. It is proposed to provide swales in the lower areas of the site to intercept extreme flows. The swales will be formed by creating shallow depressions 300mm deep. In this way the applicant maintains that the development would have a negligible impact on site drainage and surface water and will not increase flood risk elsewhere. A condition, requiring full details of this scheme and its implementation would be attached in the event of an approval. The Environment Agency and KCC Flood Control have raised no objection to the development which would not increase the risk of flooding.

#### **Crime Prevention.**

- 7.86 A development of this type would clearly include a number of high value components and is situated in a relatively isolated rural location. Kent Police have confirmed that such sites may attract unwanted attention from thieves or become targets for vandalism and criminal damage.
- 7.87 Kent Police have advised on other similar solar farm proposals where the following crime prevention measures should be considered:
- The site should be fully enclosed within a minimum 2m security fencing system (or higher). It is however, important that the gap between the base of any fencing and the ground is minimal, so that any equipment, such as the PV panels themselves or copper cabling, cannot be easily passed underneath.
  - Additional defensive planting of natural hedging can also be considered around the boundary as an added layer of security.
  - All inverter, substation, transformer and control buildings/cabinets should be fully alarmed with a monitored system and covered by CCTV.
  - Appropriate security locks and devices should be installed on all equipment cabinets and associated buildings. Locking device screws/bolts should not be easily accessible when closed, to deter by-passing of the locks themselves by a determined offender. One way security clutch head security bolts/screws or similar can also be utilised to prevent easy removal.
  - Hinge pins for equipment cabinets, associated buildings and gates should be hidden when closed and/or fitted with anti-lift devices.
  - All photovoltaic (PV) solar panels are individually security marked and all serial numbers recorded within a site inventory.
  - The PV's should be installed using one way security clutch head security bolts/screws or similar, as an added layer of security and in order to make removal more difficult for thieves.
  - Copper cable; transformers; inverters; switch gear and any other equipment of high value should be security marked. This can be achieved by using unique identifiers, such as serial numbers on the insulation sheathing and / or with the use of forensic marking solutions. A full equipment inventory should be kept.

- Appropriate crime prevention/security signage warning of the use of CCTV and forensic marking solutions should be installed on the exterior face of the security fencing and any gates.
- Given the amount of equipment and copper cable likely to be on site during construction, it is essential that the site is secured and appropriate temporary alarm and CCTV systems are installed, particularly if a security guard is not to be employed during construction. Any plant and associated fuel bowzers should also be secured, alarmed and immobilised at the end of each working day.
- A planning condition should be applied when planning consent is given to ensure that the developer will comply with minimum security, when it comes to Designing out of Crime as per the protocol dated April 2013 Kent Design Initiative (KDI).

7.88 In this case the site will be unmanned for most of the time with only occasional maintenance visits. In addition to a 2m high perimeter fence a CCTV system will be installed comprising 11 cameras around the site boundaries mounted on 2.5m galvanised steel columns.

### **Decommissioning**

7.89 National and local policies require local planning authorities to take into account the temporary nature of the solar farms and the fact that planning conditions can require the removal of installations when they are no longer required. In this case, planning permission is sought for a period of 30 years, after which the intention is that the site would be decommissioned and returned to its former condition and use.

7.90 "A planning condition securing the removal of the solar farm in line with a Decommissioning Strategy would be enforceable and would run with the land, rather than the current owner. The applicant has provided a statement as to how the site might be decommissioned in their Design and Access Statement and a more detailed strategy would be secured by planning condition.

7.91 In addition, if electricity production from the solar array has permanently ceased for more than six months during the anticipated 30 year period, a condition is recommended that the array and all associated structures shall be removed and the ground reinstated to its original condition.

## **8.0 THE PLANNING BALANCE AND CONCLUSIONS**

8.1 The proposal conflicts in some respects with some relevant saved policies of the adopted Local Plan and the starting point is to determine the application in accordance with the development plan unless material considerations indicate otherwise. However, there are a number of material considerations in this case, several of which should be given significant weight, and which when considered cumulatively indicate that permission should be granted.

8.2 Notwithstanding that the site is not previously-developed land and is grade 3b agricultural land, the development of this site for a solar farm would be acceptable in principle.

8.3 Significant weight should be afforded to the delivery of the amount of renewable energy being proposed here.

- 8.4 Significant weight should be placed on the economic growth that the proposal would bring, especially in this rural area. Weight should also be given to the employment creation.
- 8.5 There would be moderate but localised harm to landscape character and visual amenity and that would weigh against planning permission being granted.
- 8.6 The development would be acceptable in terms of biodiversity, heritage impacts, the impact on neighbours' living conditions, highways, flood risk and crime prevention, subject to appropriate planning conditions, which are recommended. In relation to biodiversity, taking into account mitigation measures, there would be likely to be an improvement and enhancement of the ecological value of the site.
- 8.7 Overall, applying the S38(6) test, the planning benefits which are likely to arise from this proposal are considered to outweigh the dis-benefits and adverse impacts. For that reason, permission is recommended. It is also concluded that the three dimensions of sustainable development are met in this case and the presumption in favour of sustainable development should be applied in this case. The adverse impacts of granting permission for this proposal are significantly and demonstrably outweighed by the benefits of the proposal when assessed against the policies in the NPPF taken as a whole.
- 8.8 It is therefore recommended that planning permission should be granted subject to conditions.

**11.0 RECOMMENDATION** – The Head of Planning and Development be delegated powers to GRANT planning permission subject to the following conditions and subject to no new material issues following expiry of the advertisement period:

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

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. Except as set out in these conditions, the development hereby permitted shall not be carried out except in accordance with the approved plans and supporting documents: Including submitted plans: 1047-A-16, E06, B03, F-01, G-01, H-01,J-01,K-01,L-01, amended Construction Management Plan dated Nov. 2015 and revised Biodiversity Management Plan dated February 2016.

Reason: in the interests of proper planning.

3. The planning permission hereby granted is for a period of 30 years from the date of first export of electricity from the development to the grid (the 'first export date'), after which the development hereby permitted shall be removed. Written notification of the first export date shall be given to the Local Planning Authority no later than 14 days after the event.



Reason: To ensure that the impacts of the development exist only for the lifetime of the development.

4. Not less than 12 months before the expiry of this permission, a Decommissioning Method Statement and a Decommissioning Biodiversity Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include details of the removal of the arrays, cables, fencing, tracks and buildings together with the repair of damage that may have occurred, restoration of the site, management of traffic during the decommissioning process, a decommissioning timetable, an ecological scoping survey, recommended specific species surveys and detailed mitigation strategies. The development shall be decommissioned in accordance with the approved details.

Reason: To ensure that the impacts of the development exist only for the lifetime of the development, in the interests of the amenity of the area and neighbouring living conditions.

5. If any of the individual solar panels hereby permitted ceases to export electricity to the grid for a continuous period of 6 months the Local Planning Authority shall be notified in writing by the operator of the panels. Within 3 months of that written notification, a Decommissioning Method Statement and Decommissioning Biodiversity Plan for the removal of the solar panel(s) and associated equipment and the reversion of that part (or parts) of the site to agricultural use, as set out in condition 4, shall be submitted in writing to the Local Planning Authority. Within 6 months of the written approval of those details from the Local Planning Authority, the approved details shall be fully implemented.

Reason: To ensure that the impacts of the development exist only for the lifetime of the development, in the interests of the amenity of the area and neighbouring living conditions.

6. Full details of the external finishes of all inverter stations, substations, control rooms, storage buildings and perimeter fencing/gates; and details of the locations and external appearance of security cameras (and their supporting poles) shall be submitted to and approved in writing by the Local Planning Authority before any of that development is constructed. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

7. No works associated with the development shall take place at the site and no vehicles associated with the development shall enter or leave the site on Sundays or public holidays or outside of the following hours: between 0730 and 1800 Monday to Friday and 0800 and 1300 on Saturdays and during hours of darkness.

Reason: In the interests of the amenity of neighbours of the site and to avoid harm to protected species.

8. No external lighting shall be used at the site unless otherwise agreed beforehand in writing by the Local Planning Authority.

Reason: In the interests of minimising the landscape impact of the development and the amenity of neighbouring residents.

9. No development shall take place until a scheme of measures to minimise the risk of crime has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is first brought in to use and thereafter retained and maintained for the lifetime of the development.

Reason: In the interest of security and crime prevention.

10. Prior to the commencement of development 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 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. Notwithstanding the detail submitted thus far, the implementation details shall provide for a long term management plan, extending up to and five years beyond the period of reinstatement once the solar farm equipment has been removed from the site; whilst the scheme shall include the following specification for new landscaping:

Hedgerow shrubs (90-120cm whips or equivalent):

*Carpinus betulus* (Hornbeam) 30%

*Crataegus monogyna* (Hawthorn) 15%

*Corylus avellana* (Hazel) 35%

*Euonymus europaeus* (Spindle) 5%

*Ilex aquifolium* (Holly) 15%

Hedgerow standard trees (Nursery standard size, 8-10cm, 2.7-3m):

*Sorbus torminalis* (Wild Service Tree) 5%

*Quercus robur* (Oak) 95%

Individual tree planting (Nursery standard size, 8-10cm, 2.7-3m):

*Carpinus betulus* (Hornbeam)

*Sorbus torminalis* (Wild Service Tree) (least common species)

*Quercus robur* (Oak) (predominant species)

Hedgerows shall be planted in double or triple rows in groups of species. Plants shall be approximately 45cm apart in staggered rows which are 30cm apart. Hedgerow standard trees shall be planted at irregular intervals individually or in small groups as appropriate to reflect the landscape character.

Reason: To ensure a satisfactory setting and external appearance to the development. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

11. 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 ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

12. Before development commences a Construction Management Plan shall be submitted to and approved by the LPA including details of the following highways improvements:

- A condition survey shall be undertaken under section 59 of the Highways Act.
- Improvements to the access shall be undertaken by means of an appropriate highways license
- vehicle movements to the site shall be via route 1 in the Traffic Management Scheme,
- Temporary signage at the site entrance and direction signing in Marden will be provided.
- Contact details shall be made available at the site entrance.
- Turning for HGV's and parking for staff shall be provided on site. No vehicles will park on the public highway.
- Road sweeping and wheel washing facilities will be made available during the construction period near to the entrance with Plain Road.

No vehicles shall reverse from the site onto Plain Road and a passing bay shall be constructed on the access track adjacent to Plain Road.

The improvements shall be implemented before development commences and maintained for the duration of the development.

Reason: in the interests of highway safety

13. A Biodiversity Management Plan shall be to be submitted to the LPA and approved in writing before development commences so that the effective delivery of the stated habitat enhancements can be monitored and inform any changes to the management measures proposed within the Plan. During the lifetime of the development proposals to enhance the ecological value of the proposed development site shall be implemented in accordance with the approved details.

The decommissioning of the development will result in ecological impacts and an ecological impact assessment shall be carried out, including any necessary specific species surveys. The results and any necessary mitigation proposals shall be submitted for approval and implemented prior to any decommissioning works being carried out.

Reason: in the interests of enhancing biodiversity

14. No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details. The CEMP should incorporate measures to protect habitat features (and the species supported by these habitats) during the construction of solar panels, buildings and ancillary development. The Plan shall include full details of construction methodology and details of the timetable for construction (including the time of year when construction will take place). The Plan shall also include details of a mitigation strategy (with particular emphasis on Great Crested Newts) and shall incorporate measures to ensure that no construction traffic/activities will adversely impact on field boundaries.

Reason: In the interests of ecology; particularly the protection of Great Crested Newts. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

15 Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the recommendations within the reports prepared by (PFA Consulting – September 2015), and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through open infiltration features located within the curtilage of the site.

16. Development shall not commence until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

17. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this 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 approved details.

Runoff shall be restricted to no more than that of a greenfield site (for a range of rainfall events up to the 1 in 100 year +CC) in direct consultation with KCC's Flood Risk Management Team.

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

18. Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) 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 (in areas of low background sound levels a target of NR30 shall be achieved) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings 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: in the interests of residential amenity

19. The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the night time period. For the purpose of the assessment the Authority will accept 23:00 – 07:00 hours as covering the night time period

Reason: in the interests of residential amenity

20. 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 Procedure for the assessment of low frequency noise complaints 2011 (NANR45). 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 the interests of residential amenity

## **INFORMATIVES**

Public rights of way:

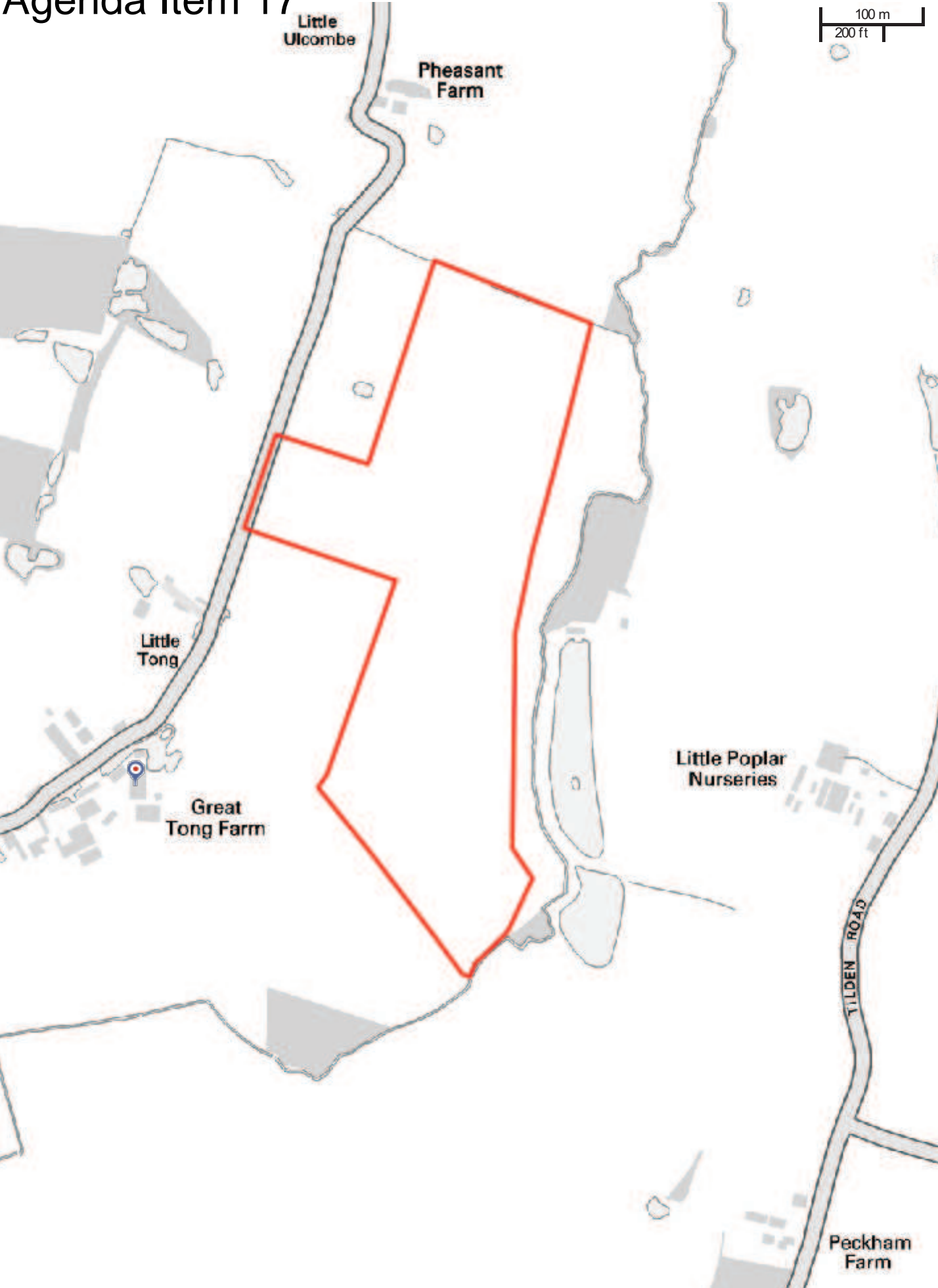
1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.
3. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.
4. No materials can be stored on the Right of Way.

Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

Case Officer: Tim Bloomfield

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

# Agenda Item 17



## REPORT SUMMARY

<b>REFERENCE NO - 15/505974/FULL</b>		
<b>APPLICATION PROPOSAL</b> Construction of a solar farm to include the installation of solar panels to generate electricity with two inverter stations, substation, control room, general storage, security fencing and cameras and associated temporary access track and site compound.		
<b>ADDRESS</b> Great Tong Farm Great Tong Headcorn Kent TN27 9PP		
<b>RECOMMENDATION</b> Subject to referral to The National Casework Unit and no new material planning issues being raised as a result of the publicity of this application as a departure from the provisions of the development plan (publicity period expires 26/2/16), I be given delegated powers to grant planning permission subject to planning conditions.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  <ol style="list-style-type: none"> <li>1. The principle of the development would be acceptable on Planning Policy grounds.</li> <li>2. Lack of suitable sites; land classification of site is Grade 3b/4 which is not 'Best and Most Versatile' agricultural land.</li> <li>3. The visual impact on the landscape and landscape character is considered to be moderate subject to conditions.</li> <li>4. Ecological mitigation measures could be successfully implemented, subject to conditions.</li> <li>5. The impact on surrounding heritage assets would amount to less than substantial harm.</li> <li>6. The development is acceptable in terms of flooding and drainage issues, subject to conditions.</li> <li>7. Potential harm caused by the development would be outweighed by the benefits of a significant contribution to renewable energy generation.</li> </ol>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The recommendation is contrary to the views of Headcorn Parish Council and committee consideration has been requested.  The development is a departure from the Development Plan.		
<b>WARD</b> Headcorn	<b>PARISH/TOWN COUNCIL</b> Headcorn	<b>APPLICANT</b> Solar Securities Ltd
<b>DECISION DUE DATE</b> 23/11/15	<b>PUBLICITY EXPIRY DATE</b> 23/11/15	<b>OFFICER SITE VISIT DATE</b> Various: main site visit on 9/12/15
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>  A screening opinion was adopted and issued on 21/6/13 under reference MA/13/0998 with regard to a solar farm on three separate parcels of land in this area with a combined area of approx. 63.4 hectares. It was concluded that an Environmental Impact Assessment was not required. However, the area the subject of this current planning application formed only a part		

of that wider proposal.

A screening opinion for this application was adopted and issued on 31 December 2015 based on the originally submitted plans and documentation, taking into account all other material considerations that had arisen throughout the determination period. This concluded that an Environmental Impact Assessment was not required. In view of the characteristics of the proposal, including the site's location outside any especially sensitive areas and removed from areas of dense population, the likely low height of the installation compared with surrounding features in the landscape, lack of pollution and wider impacts on the surrounding area, whilst clearly Schedule 2 development it was considered that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and that an EIA was not required. Overall, it was not considered that the development on its own or cumulatively would have significant effects upon the environment to warrant an EIA. It was considered that the development would not be of more than local importance and would not involve unusually complex and potentially hazardous environmental effects. Amended details were submitted for this application on 14/1/16 but these amendments do not materially affect the conclusions reached by the 31 December 2015 screening opinion.

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.1 This planning application relates to an irregularly-shaped agricultural field with an area of approx. 11.5ha in area, located around approximately 2km to the north of the centre of Headcorn. The site is wholly within Headcorn Parish but land within Ulcombe Parish is immediately to the east.
- 1.2 This is land in the open countryside and within the Low Weald Special Landscape Area as designated in the Maidstone Borough-Wide Local Plan 2000. The Maidstone Landscape Character Assessment places the land within Area 43 'Headcorn Pasturelands.'
- 1.3 In general terms this arable field forms part of a tract of predominantly agricultural land between Tilden Road (to the east) and Tong Lane (to the west), with Stickfast Lane to the north. Tong Lane is a 'byway' open to all traffic and is designated KH626.
- 1.4 There is a scattering of residential properties along the country lanes that criss-cross this area. The main concentration being those ranged along Tong Lane to the west of the application site.
- 1.5 In more detail, the application site is essentially located in a large, low-lying arable field which is fairly flat but falls gently towards the east down to the stream that flows south (to ultimately join the River Beult). Beyond the site to the north the land rises up towards the Greensand Ridge.
- 1.6 The site is bounded by a hedgerow to the north beyond which is open agricultural land bounding Stickfast Lane. The eastern boundary is comprised of a mature hedgerow containing significant trees, with a block of designated Ancient Semi-Natural Woodland to the north of two ponds, which are adjacent to this boundary on the east side. The southern boundary is marked by Public Right of Way KH582 which runs on a north-west/ south east alignment across the large arable field. The western boundary consists of a uniform maintained hedgerow adjacent to an orchard. The northern portion of this site boundary, which currently appears open, has been planted up fairly recently with whips which will establish into a hedgerow.



- 1.7 The landscape is fairly typical of the Headcorn Pasturelands character area in which the site is located, although, it is clear that over the years the original smaller scale field pattern has been opened up to form the larger arable field which this is now the subject of this application.
- 1.8 There are no Tree Preservation Orders (TPOs) protecting trees on, or adjacent to, this site and the site is not located within a Conservation area. However, as well as significant boundary trees, there are two mature individual trees growing within the southern portion of the site.

## **2.0 PROPOSAL**

- 2.1 Full planning permission is sought for the construction of a solar farm on the aforementioned arable field with a site area of approx. 11.5ha. This would be for a period of 25 years after which the development would be decommissioned. The construction and decommissioning phases would be likely to last for a period of up to 3 months each.
- 2.2 The plant is rated at 4.9MWp. It is estimated that the development would generate electricity equivalent to the annual needs of around 1084 average UK households. In relation to connection to the grid the indicative grid connection point is located approximately 1.2km to the south of the site, where it is proposed to connect to an existing overhead line. The exact connection route would be subject to a separate application under Section 37 of the Electricity Act 1989 if it utilises a new overhead line or an application for planning permission (or use of a permitted development order by a statutory undertaker) for an underground connection.
- 2.3 It would comprise photovoltaic panels mounted on a ground-based racking system supporting approx. 29,400 panels. The panels would be inclined approx. 15 degrees from horizontal, with approx. 1m of ground clearance to enable maintenance and grazing by sheep below the panels. The maximum height of the arrays above ground level would be 2.8m. The panels would be of a non-reflective blue/black colour.
- 2.4 There would also be ancillary works involving two containerised inverter stations (approx. 6m x 2.3m and 2.6m in height); one substation building (approx. 10.2m x 3.8m and 4.7m in height); one containerised control room building (approx. 3.1m x 2.4m and 2.6m in height); one containerised general storage building (approx. 6.1m x 2.4m and 2.6m in height); underground cabling; access tracks; security fencing and gates; security cameras on poles; and a temporary construction compound. All of the access tracks and ancillary buildings are located on the western margins of the site with access to Tong Lane via the main access track into the site, proposed to be located just to the north of the existing orchard.
- 2.5 The panels and the associated structures would be enclosed by a 2m tall plastic coated, steel mesh fence, coloured green. A CCTV security system would be installed, with cameras and infrared lighting supported on posts of up to 3.5m high at regular intervals around the perimeter fencing. Internal access tracks would be constructed of crushed stone.
- 2.6 A range of landscape initiatives and biodiversity mitigation measures are proposed and are described within this report. The two existing trees within the developable area would be retained.

- 2.7 A temporary construction compound is proposed for the construction and decommissioning phases. This would be used for the storage of materials, an office, welfare facilities and parking. It would be surfaced in compacted stone and would be removed after construction/decommissioning. The construction compound would be located in the western portion of the site abutting Tong Lane and to the north of the orchard.
- 2.8 Vehicular access is expected to be from the M20 onto Junction 7, then A274, then Tong Lane (ie the byway) thereby approaching the site from the south west. Tong Lane is formally surfaced and of an approx. width of 3 to 3.5m with passing bays at intervals.

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

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.2 In this case, the Development Plan consists of the saved policies of the Maidstone Borough-Wide Local Plan (2000). The following policies are relevant:
- ENV6 - Landscaping, Surfacing and Boundary Treatment
  - ENV28 - Development in the Countryside
  - ENV34 – Special Landscape Areas
  - ENV41 – Ponds, Wetlands and Marshlands
- 3.3 Material considerations relevant to this planning application include:
- The National Planning Policy Framework (2012) (NPPF)
  - The National Planning Practice Guidance (2014) (NPPG)
  - The National Policy Statement for Energy (EN-1) (2011)
  - The National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011)
  - The UK Renewable Energy Roadmap (2011) and its subsequent updates in 2012 and 2013
  - The UK Solar PV Strategy Part 1 (2013) and Part 2 (2014)
  - The Maidstone Landscape Character Assessment (2012) (amended 2013), Landscape Capacity Study (2015) and Landscapes of Local Value (2015)
  - Maidstone Borough Council Planning Policy Advice Note: Large Scale (>50KW) Solar PV Arrays (2014)
  - Planning update March 2015 by The Rt Hon Sir Eric Pickles MP to the House of Commons dated 25<sup>th</sup> March 2015.

- Letter from The Rt Hon Gregory Barker MP to all Local Planning Authorities dated 22<sup>nd</sup> April 2014 regarding the Government's solar PV strategy.
  - Safer Places, The Planning System and Crime Prevention.
- 3.4 The Maidstone Borough Local Plan will provide a framework for development until 2031. It plans for homes, jobs, shopping, leisure and the environment, and will plan infrastructure to support these. The Local Plan is emerging and its policies are material to the consideration of this application and whilst it is progressing to a submission, at this time it's policies cannot be afforded full weight. Regulation 19 consultation commenced on 5/2/16 and will expire on 18/3/16. Following consideration of the need to make any modifications to the Plan it is anticipated that the plan will be submitted to the Secretary of State in May 2017 with the Examination in Public commencing in September 2017. The following policies are relevant:
- SP17 - The Countryside
  - DM1 - Principles of good design
  - DM3 - Historic and natural environment
  - DM28 - Renewable and low carbon energy schemes
  - DM34 - Design principles in the countryside
- 3.5 The Headcorn Parish Neighbourhood Plan (2015) has Policy HNP28 on 'Commercial energy generation in Headcorn'. However, it is currently at Regulation 16 stage and is being considered by this Council: its policies can therefore only be afforded very little weight.
- 3.6 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving listed structures potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess. Such special regard has been paid in the assessment of this planning application.

#### 4.0 LOCAL REPRESENTATIONS

- 4.1 Amended details were submitted for this application on 14/1/16: all parties were re-consulted/re-notified. They cover a range of issues, principally: highways; public rights of way; drainage; agricultural land quality; landscape; security; heritage; ecology; and glint and glare.
- 4.2 On the original submission, **Headcorn Parish Council** states:

"The Council wish to see the application refused for the following reason:-

The application is larger than the agreed strategy for renewable energy contained within the emerging Headcorn Neighbourhood Plan. The effect on the rural landscape in terms of visual impact. The effect on the Historic Landscape and the surrounding Heritage properties The land should be retained for agricultural use The increased flood risk.

Referral to the planning committee is required and should the Committee be minded to approve the application the council require that the following conditions are applied:-

Mature planting, consistent with local species and maintained for the lifetime of the project Connection to the grid must be by underground cabling Funding must be made available for decommissioning and the land returned to agricultural use Land must be classified as agricultural throughout the lifetime of the project and afterwards Lighting at the site must be infrared and not susceptible to false triggers Any CCTV must be selected and sited with a view to minimal visual impact.”

Views on amended details are awaited.

4.3 On the original submission, **Ulcombe Parish Council** (ie the neighbouring parish) states:

“Ulcombe Parish Council wish to object to the above application in the strongest terms, for the following reasons:

- Lack of consultation process. Neither the Council or its parishioners have been consulted at any stage on this significant industrial scale application - contrary to guidelines from the National Planning Policy Framework (NPPF) , the Planning Policy Guidelines for Low Carbon and Renewable Energy (PPRE) and, surprisingly, Maidstone Borough Council's own Statement of Community Involvement. This site is within the Low Weald SLA and Maidstone’s proposed “ Local Landscape Value “ ( LLV ) in the draft Local Plan.

- Many of the supporting documents appear to be flawed or incomplete:
  - Ecological - concerns raised by Kent Amphibian and Reptile Group
  - Flood Risk - objection raised by KCC as the Lead Flood Authority and Upper Medway IDB Board
  - Access - the narrow access lane - a public byway/bridleway is unsuitable for heavy construction traffic - KCC Public Rights of Way have submitted an objection.

- The development by virtue of its size and scale - 11.5 hectares - is an industrial and urban development and is therefore contrary to Maidstone Policy ENV28 (development in the countryside) and policies ENV 34 and SP5. Neither does it meet the criteria set out in the NPPF which seeks to "preserve the intrinsic beauty of the countryside". It is also in conflict with Headcorn’s Neighbourhood Plan.

- Agricultural Land Classification - applicant has commissioned a soil study showing the land to be Grades 3b and 4, but when assessed by DEFRA the land was listed as Grades 2 and 3. Studies by local residents show the applicant’s soil to be severely flawed and therefore "without value". Prime agricultural land is protected from such developments by both the NPPF and the PPRE.

- Strong concern amongst residents that the heritage impacts of the site have not been fully considered - Historic England must be consulted on this application which will have an impact on the historic rural setting of the Low Weald and the Greensand Ridge. Of particular concern to Ulcombe parishioners is the impact of the development on the village , on the Grade 1 listed church which can be seen clearly from the site and vice versa, and on the 23 x Grade 2 listed buildings within one kilometre of the site.

- The proposed mitigation measures are considered completely inadequate. Native

hedging will take more than 10 years to reach maturity, will not screen the panels (nearly 3m high) and associated buildings ( four of which range from 2.6m – 2.9m high plus the substation at 4.7m high being the size of a bungalow in open countryside) and will not screen during the autumn/winter months when the leaves are off. There will also be a low frequency noise impact (no noise levels are stated) which will disturb the tranquillity of the rural environment. Furthermore, the loss of the long-range views from the adjacent footpath are considered a loss of amenity to the community and visitors alike.

- An independent Landscape and Visual Impact (LVIA attached) commissioned by Ulcombe Parish Council - following local concern - disagrees strongly with the applicant's submissions. For ease of reference, see all the points in the Conclusion in para 4.0, and in particular the concerns raised about:

- Alternative site appraisals in landscape terms (4.11)

- Lack of detail and inaccurate details provided (4.2)

- Conflict with planning policy (4.3)

- Judgements – ( 4.41)

- Cumulative Impact with other nearby solar farms proposed in the area (4.44)

- The LVIA concludes "In landscape character and visual impact terms, the harm caused by the development would outweigh the benefits. This Rebuttal demonstrates that the Great Tong Solar Farm Planning Application, 15/505974/FULL, would have significant adverse and unacceptable landscape character and visual impacts. This level of unacceptability should be considered of significant weight in the case against the development".

It was agreed unanimously by Ulcombe Parish Council to object to this application as being inappropriate within the tranquil rural landscape. The Council wish to see this referred to the Planning Committee."

On the amended details:

"Ulcombe Parish Council met again on 1st February, 2016 to discuss the new/amended documents submitted by the applicant.

We would make the following comments, to supplement our strong objection of October 2015:

- Details for associated buildings, cable trench, construction compound are listed as either "typical" or indicative. In the absence of more detailed information, it is not possible to make judgements on the impacts to the landscape, the visual amenity, archaeology and ecology.

- Ecology - the Great Crested Newt survey, by the applicant's own admission, is not compliant with Natural England guidelines on this European Protected Species. In line with concerns raised by Kent Reptile and Amphibian Group, the Kent Wildlife Trust and the KCC Biodiversity Officer, this planning application should be refused due to the lack of appropriate assessments as detailed in the NPPF and Habitat's Directive.

- Flood Risk - no full details supplied on mitigation of potential flood risk to properties within the parishes of both Ulcombe and Headcorn, and potential contamination of the River Beult (SSSI). Indicative measures and the use of conditions have not done nothing to allay the genuine concerns of local residents.

- Agricultural Land Classification - as previously stated, the soil report in support of the application is severely flawed and the ALC value cannot be determined. The NPPF and NPPG require the "compelling evidence" to justify the use of agricultural land for developments of this type.
- Heritage - the applicant clearly has no intention to investigate the concerns raised by local residents, the Kent Historic Buildings Committee and the landscape and visual impact assessment commissioned by Ulcombe Parish Council regarding the negative and significant impacts of the development on the setting of heritage assets
- this is contrary to local and national policy which seek to enhance and protect these assets.
- Construction traffic - residents are concerned that the traffic figures supplied in support of this application have been underestimated in comparison to other such developments being considered by MBC.
- Landscape and Visual Impact - the Parish Council have asked Harper Landscape Architects to comment further on the new evidence and their report is attached for the Council's consideration. As before, HLA disagree strongly with the judgements and flawed methodology submitted in the applicant's assessment, and conclude "In landscape character and visual impact terms, the harm caused by the development would outweigh the benefits.....This level of unacceptability should be considered of significant weight in the case against the development".

In conclusion, Ulcombe Parish Council agreed unanimously to object to this application. In our view it is contrary to Maidstone Saved Policies ENV28, SP17 emerging Local Plan, ENV34, the Headcorn Neighbourhood Plan and the NPPF which seeks to "preserve the intrinsic beauty of the countryside".

4.4 On the original submission, **East Sutton Parish Council** states:

"The Parish Council of East Sutton wish to see this application refused. This proposal is sited in a Special Landscape Area and will have a massive impact on the landscape especially when viewing from and to the Greensand Ridge. This has always been an agricultural site which sits perfectly within its surroundings and the Parish Council does not wish to see the loss of any further agricultural land."

On the amended details:

"The Parish council resolved that this application be refused. This application sits in the lee of the Greensand Ridge and will have a massive visual impact on a landscape of local value."

4.5 Letters of objection have been received from **the CPRE, the Kent Historic Buildings Committee, Maidstone Ramblers, local community group 'Protect Our Weald' (POW) and from 64 (mainly local) dwellings**. The following (summarised) points are raised (on both the original and amended details):

a) This would not be sustainable development: it would be contrary to Development Plan Policy, Central Government Guidance, various guidance notes and the Headcorn Neighbourhood Plan. There are no local targets in place as regards renewable energy: this site is not suitable and if sites are not suitable in the local area then a much wider search should be carried out for acceptable sites.

b) There is insufficient information on proposed buildings; the construction compound; the CCTV cameras; proposed landscaping detail; noise generated by the inverter stations and associated cooling/ventilation systems; the underground cabling; and the management of construction and construction traffic. There is generally a lack of detail: important issues should not be left to be dealt with by conditions.

c) This development is not acceptable in the countryside. The development would constitute poor design and the character of the Low Weald Special Landscape Area would be harmed, both in a visual sense but also because of noise. There would be a cumulative impact with other similar schemes. The site would be visible from rights of way, heritage assets and the Greensand Ridge. New planting would take years to mature and would not be effective. This would be a further erosion of the open space available to Headcorn residents.

d) POW supports the Landscape and Visual Impact Appraisal (LVIA) by Harper Landscape Architecture commissioned by Ulcombe Parish Council. That report is critical of the LVIA submitted with the application in terms of omissions, weaknesses and inconsistencies; lack of alternative site appraisal; lack of detail; incorrect interpretation of policy; poor judgement in terms of landscape and visual impacts; and lack of analysis in terms of cumulative impacts when other solar farm proposals are taken into consideration. The HLA report concludes that, in terms of landscape character and visual impact, the harm caused by the development is such that it would outweigh the benefits.

e) In terms of ecology, protected species would be adversely affected. POW includes an ecological assessment by consultant Martin Newcombe that is critical of the methodology of reports submitted with the application: insufficient survey work has been carried on great crested newts, birds, badgers, bats, brown hares and reptiles; whilst there is a lack of detail in terms of underground cabling, future land management, operational care and decommissioning. There is a need for proper survey work to be carried out.

f) On flooding issues, the concerns expressed by the various flooding/drainage consultees are highlighted. Land drains may be damaged by piling thereby increasing the risk of flooding and pollution. The development would increase run-off and cause flooding downstream. There may be topsoil erosion and silting from run-off.

g) The conclusions in the application documentation that the agricultural land quality is moderate to poor are disputed: the land is better quality than that. Productive harvests have been observed over the years. Two soil scientists were asked to comment on the submission and concluded that the methodology is flawed and that proper conclusions cannot be drawn from the information provided. The Council's agricultural advisor has supported the conclusions in the developer's report but he is not a soil practitioner. It is questioned whether sheep would actually be allowed to graze the site once the solar farm is established. Good quality agricultural land does not need to be used for such development: other land is more appropriate, for example on industrial estates.

h) On heritage issues, POW agree with the Kent Historic Buildings Committee that the development proposed would have significant negative impacts on the setting of designated and non-designated heritage assets. Cumulative impact of solar farm developments needs to be considered. Of particular concern is the impact on Grade 1 listed Ulcombe Church and other heritage assets on the ridge. Bannister and

Bannister's 'Historic Landscape Survey of Great Tong Farm' does not appear to have been included in the developers' assessment.

i) Archaeology interests would be adversely impacted.

j) The solar farm would encourage criminal activity.

k) The amenities of local residents would be harmed.

l) There would be conflicts between vehicles and pedestrians on the byway and on the local road network generally; and concerns as to damage to the byway and country lanes. Development such as this may give rise to hazards, including fire risks that the emergency services may not be able to access.

m) There may be danger to aircraft from glint and glare.

n) The despoiling of the countryside in this manner would have a negative impact on the local economy. Commercial interests and tourists would be deterred from coming to the area.

o) There may no longer be a need for the electricity produced by the rush to provide solar farms. Solar farms are not efficient producers of electricity and rely on subsidies. The equipment contains pollutants and is harmful to the environment.

p) A permission here may lead to further similar development in this area. If the development is no longer needed it is doubtful whether it would be decommissioned properly and the land restored to its proper condition.

q) Solar Securities are not members of the Solar Trade Association and the application is at odds with the 'commitments' of that association.

r) The developers have failed to take adequate steps to engage in consultation with both the local community and elected members. The Council's Constitution, The Council's Statement of Community Involvement and Central Government Guidance have not been followed properly.

#### 4.6 **Helen Whately MP** states:

"I recently met my constituent, Shellina Prendergast, in her capacity as a member of Protect Our Weald, a group with over 500 local supporters who are committed to safeguarding the environment in this special part of Kent. Shellina raised a series of concerns that the group has about this solar farm application, many of which I believe are salient and require further investigation.

One of the concerns raised was a lack of local consultation on the proposal, and in response I hosted a public meeting on Friday 2nd October in Headcorn. The developer was invited but to our disappointment was unable to attend as we had hoped they would present their plans and respond to questions. However, over seventy residents attended the meeting. There was heartfelt concern around the room about the development.

On behalf of my constituents, I am writing to urge MBC to give appropriate regard to the concerns of local residents in the planning process. I have summarised the most widely held concerns below:



- The threat from flooding: There are already significant problems with flooding in Headcorn and there are serious concerns that the solar farm will exacerbate the problem. I understand Kent County Council have raised concerns about flooding in relation to this particular application.
- Negative impact on the landscape: The field proposed to house the solar farm is located within a special landscape area as detailed in the emerging Local Plan. There are concerns about the visual impact of the solar farm, tall wire fencing and other features that will form part of the site. This will affect the immediate area, and also views across the Weald and to the Greensand Way. The proposed methods of concealing it were considered inadequate.
- Harm to the heritage setting: The application does not consider the potentially harmful impact on the many heritage assets surrounding the site of which there are circa 26. CPRE advised that Historic England should be consulted as part of the planning process.
- Discrepancy over agricultural land classification: The field was previously classified as Grade 2 and 3 agricultural land. A separate soil study commissioned by the developers has downgraded it to Grade 3b. There are concerns about the credibility of the developer's study, and clearly this is relevant given Government guidance against developing solar farms on good agricultural land.
- A lack of consultation: Residents feel that they have been given scant opportunity to discuss the proposal with the developer or planners. Note was made that Ulcombe Parish Council have rejected the application, Cllr Jenny Whittle has written a letter of objection, and the two borough councillors are opposed.

"I would be grateful if you could please ensure that the concerns above are considered in relation to the application. This is an important issue for local people and, whilst support exists for the general principles of generating sustainable energy, the suitability of this particular location for such activity is questionable."

**4.7 County Councillor Jenny Whittle states:**

"I write regarding the above application, and hope that it will be rejected by the Planning Committee for the reasons outlined below.

**Archaeological and Historic Landscape Impact**

Great Tong Farm is situated in an area of immense landscape importance. This is a Special Landscape Area of the Low Weald and adjacent to the Greensand Ridge. A solar farm spanning 11.5 hectares would have a significant impact on the open countryside, breaching saved policies ENV28 and ENV34 from MBC's existing Local Plan. It also conflicts with National Planning Framework para 109, which stresses "protecting and enhancing valued landscapes".

The site would also need to be secured by a fence at a minimum 2m height and CCTV. As the developer concedes, there would be "a need to balance the visual impact of the proposed site...with the necessary security". The proposed screening could take in excess of 10 years to mature and will not address the concerns relating to landscape blight. The CCTV and fence would be seen from miles around, particularly from the Greensand Ridge.

The KCC Senior Archaeological Officer has expressed concern about the potential impact on the fabric of the historic landscape and on designated heritage assets. She has also highlighted shortcomings with photographic evidence taken as part of the applicant's submission, requesting that long range views may need to be considered in more depth, including views from the Greensand Ridge to the north, especially from Sutton Valance castle (Scheduled Monument 1013537) and Ulcombe Church (Grade 1 Listed).

Neither the HS nor the LVA seem to address sufficiently the long range visual receptors. Most photo viewpoints are nearby ones (paragraph 3.7 LVA) where screening from hedgerows and trees is likely to be more effective. It is long range views from the Greensand Ridge which could be most affected and only one photo viewpoint is taken from the ridge. There are several designated heritage assets along the Greensand Ridge which do need to be considered in either the LVA or in the Heritage Assessment.

The KCC Archaeological Officer has also said that the proposed development could have an impact on buried archaeology and on historic landscape features. This view is reflected in the landscape study commissioned by Ulcombe Parish Council and the submission by Kent Historic Buildings Committee.

#### Flood Risk

KCC's concerns as stated in their submission relate to a lack of detail on appropriate drainage measures and the orientation of the panels potentially leading in cross contour discharge which is not optimal, and which may have greater erosive velocity and may require either additional measures across the contour to interrupt combined surface water flows. Run-off from the panels and soil erosion could lead to increased risk of flooding downstream towards Headcorn and threaten neighbouring properties. KCC as the Lead Flood Authority and the Upper Medway IDB have objected. The Environment Agency raised serious objections and twice urged the applicant to make contact with KCC as the Lead Flood Authority, which the Council did not action until 25th September when contacted by KCC. As Headcorn was badly affected by the flooding of December 2013, I am concerned about the risk of exacerbating flood risk in the village resulting from lack of appropriate drainage in place if the solar farm goes ahead.

#### Ecological Impact

As I write, the KCC Ecological submission is not yet ready, so I have turned to the submission prepared by Protect Our Weald. They engaged Martin Newcombe, a Wildlife Management Consultant, who found a number of shortcomings with the evidence provided by the applicant. These include an incomplete newt survey conducted in May 2014, with the pond nearest the site not having been surveyed. Mr Newcombe identified the presense of European Protected Species, Great Crested Newts on the site. Ornithological studies for ground nesting birds were also apparently carried out at the wrong time of year, at the end of breeding seasons. It is also said that the presence of other protected species, including badgers, bats, brown hare and reptiles was also not properly surveyed. The Kent Reptile and Amphibian Group and Kent Wildlife Trust have both written to express concerns.

#### Impact on Byway KH626

Construction and maintenance traffic would approach the development from the south-west Maidstone Road approach. The surface of Byway KH626, in common with similar routes in the area, is already in a poor condition for heavy vehicular traffic. The KCC Public Rights of Way Officer has requested details of planned surface improvements needed before construction begins, any repairs needed following construction and minimum surface standard conditions required once the site is operational are needed. The applicant's team has rejected entering into a Unilateral Undertaking (UU) or bond (i.e. upfront monies paid to ensure that if the developer goes into liquidation or ceases to operate for another reason, the road can be put back to at least the condition it was in previously without cost to the local taxpayers). The Public Rights of Way Team have objected to this application due to lack of forthcoming information about protecting this popular byway.

A general theme running through statutory responses from Kent Police and KCC departments is the lack of information accompanying this application. There has also been a lack of proper engagement and consultation with Headcorn residents, elected Members and key statutory parties.

There appears to be a rush to secure solar subsidies before proposed changes to legislation. I would strongly urge Maidstone Borough Council to refuse this application - the benefits of renewable energy cannot possibly be balanced against the substantial harm to the landscape and heritage assets."

## 5.0 CONSULTATIONS

5.1 Amended details were submitted for this application on 14/1/16: all parties were re-consulted/re-notified. They cover a range of issues, principally: highways; public rights of way; drainage; agricultural land quality; landscape; security; heritage; ecology; and glint and glare.

5.2 On the original submission, **Kent Police** stated:

"I have considered the planning application detailed above with regards to Crime Prevention Through Environmental Design (CPTED) matters, in accordance with the National Planning Policy Framework 2012 (Section 7 Para 58 & Section 8 Para 69) and the DCLG Planning Practice Guidance March 2014 (Design Section - Paras 10 & 11) – Crime Prevention, the Kent Design Initiative (KDI) - Design For Crime Prevention document dated April 2013.

The applicant/agent has taken into considered crime prevention and they have demonstrated in most places the seven attributes of CPTED in their Design and Access Statement (D&AS), however they have omitted some basic crime prevention measures for example marking up the solar array panels and if they are stolen how would they be able to identify them (metal theft) I have sent to you via your email address for your information, a crime prevention letter that we originally sent out with the first application for solar array farms, in the letter are some more basic crime prevention measures that they should consider. There are others, for example alarming the inverter stations please pass the letter on if you feel it is necessary and of use to the applicant.

Alternatively if you have already undertaken pre-application discussions with the applicant/agent you might want to consider issuing a letter including the below statement:

The applicant/agent is advised to seek the input of the Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that all efforts are made to incorporate the principles of Designing out Crime (A Kent Design Guide for Developers Designers and Planners) into the high quality design of any proposal.

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 Tel No- 01622 653209/3234.

Please be advised that the information contained within this response is provided by Kent Police Crime Prevention Design Advisors and refers to situational crime prevention. This advice focuses on Designing out Crime and improving Community Safety with regards to this specific development/planning application."

A standard 'crime prevention letter' for solar farms was also sent that I have not included here.

On amended details: no further comment.

5.3 On the original submission, **Rural Planning Ltd.** stated:

"As you will be aware, the NPPF states (para. 112) that local planning authorities should take into account the economic and other benefits of the "best and most versatile" agricultural land (Grades 1, 2 and 3a). 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.

The Government has also reaffirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper The Natural Choice: securing the value of nature (June 2011), including the protection of "best and most versatile" agricultural land (para. 2.35).

On 06 March 2014 the Government's National Planning Practice Guidance advised, in respect of proposed large scale solar farms, that the planning authority will need to consider (inter alia) where such a proposal involves greenfield land whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

The Secretary of States' statement to Parliament a year later (25 March 2015) confirmed the advice against the use of any BMV land for solar farms, rather than poorer quality land, unless "justified by the most compelling evidence".

The application submissions for this particular site include a detailed agricultural land classification (ALC) study. This study also looked at other areas of land nearby which fall outside the current application site.

The application site itself falls within a block of land ownership extending to just under 20 ha, mainly arable land, with the actual area of panels, by my estimate, covering just over 10 ha.

For this area, the ALC study found that the land comprises mainly Grade 3b (moderate quality), with a small area of Grade 4 (poor quality) in the south-eastern part. None of the land, therefore, is within the "best and most versatile" category.

The Planning Statement explains that it is intended to plant the current arable land with species rich grassland and graze the available space under the panels with sheep.

In conclusion, having regard to the NPPF and the NPPG, should it be considered necessary to use greenfield agricultural land for this development (which is not a matter within my remit), the proposal does comply, in essence, with the criteria as to poorer quality land being used in preference to higher quality land, and for the land to be continued in some form of agricultural use through the proposed return to grassland and the grazing of sheep.”

On the amended details: previous comments are confirmed.

5.4 On the original submission and amended details: **Historic England** states:

“This application proposes a photovoltaic solar array on agricultural land at Tong, near Headcorn and Ulcombe in Kent. The nearest listed buildings that may be affected by the current proposal encircle the application site and are typically separated from it by a single field. They include Little Tong and barn (both grade II), Great Tong (including barns, granary and oasthouse (all II)), Pheasant Farm (II), Little Ulcombe (II), and Jubilee Hall and barn (both II). There are other undesignated buildings which contribute to the rural character of the area that may also be affected by the current scheme, but we defer to your conservation officer and your archaeological advisors at Kent County Council to advise on any implications on undesignated heritage, including buried archaeology.

The topography of the landscape is low-lying and spacious and is dotted by shaws, ponds and streams: it is thus characteristic of the Low Weald. Many of the roofs of the above buildings are visible from the application site across this largely flat landscape and pass in and out of view behind shaws and hedges as you move around the site and the wider landscape.

The agricultural land that surrounds these buildings contributes something to the significance of these listed buildings by providing the context that explains their historical purpose. Where the ability to perceive the functional relationship between the listed buildings and their setting would be diminished, for example by changing the character of that agricultural land with the introduction of a solar array, we think this could result in some harm to the significance which they derive from that setting. We nonetheless think that any such harm in this case would be modest because of the topography of the land and position of the listed buildings in relation to the application site. In determining this application any harm to significance should be assessed and then minimised (para. 129), before being weighed against the public benefits of the application in the manner required by the NPPF, paragraph 134.

Rising up to the north of the site is the greensand ridge, with the grade-I listed All Saints’ Church perched on its south side, from which panoramic views of the patchwork of fields of the Low Weald can be enjoyed. The church is nonetheless set at some distance from the site and although the panels would be visible from there, we suggest that they are unlikely to be a dominant feature of that important view.

**Recommendation**

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be

consulted again. However, if you would like further advice, please contact us to explain your request.”

5.5 On the original submission, **The KCC Senior Archaeological Officer** stated:

“The site lies within an area of archaeological potential associated with multi-period activity. There are indications of prehistoric and Roman activity to the east and the site is surrounded by post medieval farm holdings some of which may have medieval origins. The site itself is virtually a single field but it is surrounded by an intricate pattern of small fields, small quarries, lanes, footpaths and utilised streams. The proposed development could have an impact on buried archaeology and on historic landscape features.

The application is supported by a Heritage Statement (HS) which provides baseline assessment data on archaeology, buildings and historic landscapes. The basic description of the known archaeological sites is reasonable but it would be preferable for a few issues be covered in more detail and the wide ranging impact of the solar farm on the historic environment needs to be more thoroughly considered.

In the HS, the geology and topography are more complex than suggested in 1.7 and 1.8. The BGS data we hold here suggests the solid geology is Weald Clay but it is overlain by two surviving outcrops/bands of River Terrace Gravels and there is a band of Alluvium following the current water channel forming the eastern boundary of the site. In addition, there are suggestions that this area is known for Bethersden Marble. River Terrace Gravels have potential for early prehistoric remains and I note some Palaeolithic flints have been identified nearby on the HER. There is potential for Palaeolithic archaeology on the site.

The topographical location of the site makes it favourable for prehistoric settlement and activity. The prehistoric industrial activity observed to the east of the stream has been noted but it should be clarified that in view of the number of recorded Mesolithic and Iron Age archaeological sites, there is potential for similar or associated remains to survive on the western side of the stream, within the application site.

Although this area is likely to have been woodland until the later Medieval Period, there may have been clearance for industrial workings, grazing and small scale quarrying. Some of the ponds may be former quarries and some of the field boundaries may be of medieval origin. This area has been gradually cleared for agriculture and Tong Farm itself is considered to be 16th century date or earlier. There are suggestions of Tong Farm being originally a moated manor complex. There are several small farms around the application site, including Little Tong, Jubilee Hall, Sparrow Hall, Peckham Farm and a lost farm of Ovenden. In view of the number of small farms and possible medieval sites, there is potential for medieval remains to survive within the fields.

With regards to historic landscape issues, there may be a need for further assessment work. The consideration of the historic landscape surrounding the historic farms, including Tong Farm, Jubilee Hall and Noah’s Ark Farm, has been rather limited. Although the site has been historically merged into one field, it is still part of a historic and complex field system and landscape used by many historic farm complexes. A landscape survey of Great Tong Farm itself by Dr Nicola Bannister provides some detail on the early landscape here and it would have been preferable for the heritage assessment to have included consideration of this Bannister assessment. The landscape associated with Tong Farm would have been far more complex and remnants of this early field system would be of local historic landscape

interest. In addition to Tong Farm, there are a number of post medieval farm complexes around the application site. This area still reflects a variety of landuse including small fields, smallscale industrial quarries, orchards, water meadows etc and many field boundaries and lanes. The character of the proposed development may have a detrimental impact on the surviving historic field system due to the scale and size of the development.

As well as the potential impact on the fabric of the historic landscape, there may be an impact on setting of the historic landscape and on designated heritage assets. Although some of the immediately adjacent setting impacts can be mitigated through hedgerows and trees, the long range views may need to be considered in more depth. For example, views from the Greensand Ridge to the north, especially from Sutton Valence castle (Scheduled Monument 1013537) and Ulcombe Church (Grade 1 Listed) need to be thoroughly considered.

Neither the HS nor the LVA seem to address sufficiently the long range visual receptors. Most photo viewpoints are nearby ones (paragraph 3.7 LVA) where screening from hedgerows and trees is likely to be more effective. It is long range views from the Greensand Ridge which could be most affected and only one photo viewpoint is taken from the ridge. There are several designated heritage assets along the Greensand Ridge which do need to be considered in either the LVA or in the Heritage Assessment. A high visibility scheme, such as this one, does need to consider long range views from key receptors. I would suggest that there needs to be photographic viewpoints taken from Sutton Valence Castle and from Ulcombe Church.

The LVA mentions in section 4.18 that some key heritage assets, including three Grade I churches and the Scheduled medieval moated site at East Sutton, are considered in the Heritage Assessment, however, they do not seem to have been included in the submitted version. They are not in Table EDP 4.1 of the HS, which lists "Designated Heritage Assets in the Wider Study Area" and I could not actually find any mention of churches or the Scheduled Monuments of East Sutton moat or Sutton Valence Castle. These designated heritage assets do need to be considered in more detail, preferably as part of the Heritage Assessment. An important issue is their sensitivity to the visual impact of the proposed scheme. The photo viewpoint approach taken by the LVA is important when considering the impact on the significance of the designated heritage assets.

In summary, although the Heritage Assessment does provide baseline assessment of known archaeological sites, including the historic farms nearby, it is slightly limited and I suggest the potential for prehistoric, Roman and medieval remains to survive on the site is greater than suggested.

The consideration of historic landscape issues is also rather limited and it would have been preferable for the historic landscape assessment to have utilised the landscape assessment by Dr Nicola Bannister. There may be no longer a visible, extant ancient field system within the application site itself but the surrounding landscape still displays small fields and boundaries, routeways and mixed land use which may date back to post medieval and sometimes medieval times. Due to the scale and size of the proposed development, there may be a detrimental impact on the historic character of the landscape in this area.

Of particular concern is the limited consideration of the impact on the significance of some designated heritage assets and their long range setting, and on the

significance of the historic landscape from long range views from the Greensand Ridge.

I recommend that prior to determination of this application, there needs to be more detailed assessment of the designated heritage assets located along the Greensand Ridge, mainly Sutton Valence Castle and Ulcombe Church. There also needs to be more assessment of the impact on the understanding and appreciation of the significance of the historic landscape when viewing from the footpaths along the Greensand Ridge.

It may be that mitigation for archaeological remains can be addressed through a condition but the impact on the setting of some designated heritage assets and on the historic landscape needs more detailed assessment.”

5.6 On the original submission, **The MBC Conservation Officer** stated:

“I am in agreement with the submitted Heritage Statement that there would be no adverse impact on the groups of listed buildings at Great Tong or Little Tong. With regard to the former the intervening distance and screening, both by planting and by modern farm buildings, should result in no intervisibility. At Little Tong screening is currently provided by an orchard; there is, of course, no guarantee that this may not be removed in the future so a condition re boundary screening would be appropriate.”

On the amended details:

“I have read through the supplementary heritage assessment as set out in EDP’s letter of 23<sup>rd</sup> December and agree with its findings.

As regards any potential impact on the settings of Ulcombe Parish Church and Sutton Valence Castle which lie some 2.5 – 3 km away I consider that whilst the solar farm might be visible from them it would form such a small element in the extensive views that it would not have any significant impact and would not, in my view, cause harm to the significance of these designated heritage assets.

On the subject of below-ground archaeology I note the potential of the site as highlighted by the KCC Archaeological Officer’s comments. These comments suggest that archaeological matters could be suitably covered by a condition; bearing in mind the potential it might be best if this required a programme of works in advance of development rather than a watching brief. In terms of the historic landscape, the proposals respect existing field boundaries (which have already been altered on the application site) and in my view they will not cause any irreversible harm; any short-term visual harm will be minor.

Recommendation

I RAISE NO OBJECTION to this application on heritage grounds subject to conditions re the planting of suitable boundary screening and the execution of an agreed programme of archaeological works prior to construction.”

5.7 On the original submission, **KCC Highways and Transportation** stated:

“Thank you for inviting me to comment on this application. In highway terms this byway is classified as a private street and I would recommend that this authority’s public rights of way section is consulted.



In terms of traffic generation of the completed proposal I do not consider that there are grounds to recommend a refusal to this application. It is considered that the main issue is that of construction and accommodating the ~80 HGV movements forecast to complete installation. I have visited Great Tong and consider that there are 5/6 passing places on the ~ 1.4km to the site access point. I have noted the wide margins to the byway on other sections and consider that the status/ownership of these margins needs to be confirmed. Land registry searches may help in this regard.

I consider that a key component will be to undertake agreed prior condition surveys of the access route and to establish an assured agreement that any damage to the byway and/or the margins are made good accordingly. Whilst I note from Section 4 of the Design and Access Statement that the submission of a Construction Traffic Management Plan (CTMP) and Construction Method Statement (CMS) is proposed as a condition to any planning approval notice; for assurance on this matter it is considered that a Unilateral Undertaking may also be helpful.

I would be grateful if further comment could be made on these issues by the applicant and if this authority's public rights of way section could be consulted, if not already done so, before completing my response on behalf of the highway authority."

On the amended details:

"Thank you for re-consulting me on this application. I am grateful for the additional information that has been submitted. I have studied the revised Design and Access Statement which includes a more detailed breakdown of anticipated HGV movements associated with the construction phase. I consider that the intensity of these movements is acceptable subject to the submission of a Construction Traffic Management Plan and Construction Method Statement by condition which should follow these anticipated movements.

I am also grateful for the examples of conditions submitted under which the applicant has previously operated. I consider that it would be appropriate and acceptable to follow one of these conditions as proposed below.

'Prior to commencement a condition survey of byway KH626 shall be carried out with a representative of the County's Public Rights of Way & Access Service and Development Planning Team. Within 1 month of the construction period ceasing a second road condition survey shall be similarly carried. Thereafter, any damage identified by the results of the two surveys shall be rectified by the applicant in agreement with the Highway Authority within six months of the Solar Farm being put on line. Should any damage occur during construction which affects the operation or use of the byway for any person, this shall be rectified forthwith.  
REASON: For operational, safety and maintenance purposes.'

Subject to the above I confirm on behalf of the highway authority that I have no objection to this application"

- 5.8 On the original submission, **The KCC Public Rights of Way and Access Service** stated:

"This development site is adjacent to Public Rights of Way that will be affected. I enclose a sketch map of the location.

I have asked the applicant for further details relating to Public Rights of Way in the area. In particular I would like details about the planned amount of traffic and type expected on the access drive, which is shared with Byway KH626. My understanding is that construction and maintenance traffic would approach the development from the south-west Maidstone Road approach. The surface of Byway KH626, in common with similar routes in the area, is already in a poor condition for heavy vehicular traffic. Details of planned surface improvements needed before construction begins, any repairs needed following construction and minimum surface standard conditions required once the site is operational are needed.

Secondly can the applicant confirm how close the development will come to PROW footpath KH582 and what security fencing is proposed at this boundary. I would also like details of the maximum height of installed panels and equipment.

As I have not received further details, I must object to the application. I would be happy to reconsider this decision should further information relating to Rights of Way detailed above be submitted."

On the amended details:

"I am pleased to say that I am satisfied with the re-positioning of the fence bordering Public Footpath KH582 and also confirm that I am happy with the positioning of the inverter station, as shown on the Revised Block Plan.

I am also confirm that I am satisfied in regard the protection that the revised site drainage will give to the interests of the public footpath.

I therefore raise no objection to the proposal as regards these elements.

However, I remain very concerned with regard to the likely impact of the construction traffic on the condition of Byway Open to All Traffic KH626, known as Tong Lane. Although the path is available to all classes of traffic it has not been constructed to take a large amount of heavy construction traffic and I feel that a significant amount of damage is inevitable. I do not wish to stand in the way of the completion of the development but also require the interests of the public in regard to the use of the byway to be protected.

I therefore object to the proposal unless the position of the public as respects the byway can be protected by the inclusion of either one of the conditions set out below, which I believe meet the six tests required for such a condition. I would have a preference for the first condition as the applicant has already expressed an intention to repair any damage caused and a condition in this form would secure the position of the County Council whilst placing no additional time pressure or financial burden on the applicant.

CONDITION 'Prior to commencement of the development a condition survey of byway KH626 shall be carried out with a representative of the County Council's Public Rights of Way & Access Service (PROWAS). On completion of the construction period a second road condition survey shall be similarly carried out. Thereafter, any damage identified by the results of the two surveys shall be rectified by the applicant in agreement with the PROWAS and certified by them as being completed to a satisfactory standard prior to the Solar Farm being put on line. Should any damage occur during construction which, in the opinion of a representative of the PROWAS, affects the operation or use of the byway for any person, this shall be

rectified within one week of notice being given to the applicant. REASON: For operational, safety and maintenance purposes.'

Or

CONDITION 'Prior to the commencement of the development, the developer shall place with Kent County Council a bond of £50,000 (fifty thousand pounds) and a condition survey of byway KH626 shall be carried out with a representative of the County's Public Rights of Way & Access Service (PROWAS). On completion of the construction period a second road condition survey shall be similarly carried out. Thereafter, any damage identified by the results of the two surveys shall be rectified by the applicant in agreement with the PROWAS and certified by them as being completed to a satisfactory standard within a period of six weeks after which the bond is to be returned in full. Should such repairs fail to be carried out by the applicant within the specified period, Kent County Council is to carry out the repairs and return the balance of the bond on completion. Should any damage occur during construction which, in the opinion of a representative of the PROWAS, affects the operation or use of the byway for any person, this shall be rectified within one week of notice being given to the applicant. REASON: For operational, safety and maintenance purposes.'

Please note that this letter supersedes that written by Terry Drury on behalf of the County Council's Highways Department, dated 22nd January, in matters relating to Byway Open to All Traffic, the delegated authority for the management of which lies with the Public Rights of Way and Access Service."

5.9 On the original submission, **The Environment Agency** stated:

"Following further review we can now remove our objection on the above planning application.

Additional information

We strongly recommend that Kent County Council as the Lead Local Flood Authority is consulted on this development.

We also strongly recommend that the applicant should also consider how they intend to manage silt runoff from the site during construction, and incorporate this into their environmental management plan/procedures submitted with planning applications. Various silt mitigation options are available, for example balancing ponds, grassed swales or soakaways, Silt-buster units, silt fencing or sediment mats. I suggest that options selected are site-specific and take into account the geology and soil type, site characteristics, risk to and vulnerability of the local watercourses."

On the amended details: no further comment and no objection.

5.10 On the original submission, **The KCC Sustainable Drainage Engineer** stated:

"Thank you for consulting us on the above application. Applications for development such as solar farms present three main risks to flood risk management:

Increased surface area of impermeable surfaces resulting in increased rates of runoff;

Displacement of flood flows;

Soil erosion leading to reduced capacity of watercourse channels downstream.

The Council has previously received objections to this application from both the Environment Agency and the Upper Medway IDB in relation to lack of clarity on

mitigation measures provided to manage surface water. We have been requested to provide additional response in our statutory consultee role as LLFA.

The applicant has provided a Flood Risk Assessment which acknowledges the need to manage surface water flows off the solar panels. It is stated that any erosion potential can be mitigated by the maintenance of coarse vegetation, aggregate and geotextile support, but the document also notes that additional drainage control measures may be required. The applicant provides a description of additional drainage measures around the boundary of the proposed development, and recommendations to avoid soil compaction and erosion (paragraphs 6.16 through 6.22).

Though consideration seems to have been given to appropriate measures no drainage layout has been provided. The indicative site layout included as Appendix A does not show any drainage features. In addition, no specific information as to the size of the temporary open drainage channel mentioned in paragraph 6.17 is provided. We also note that the orientation of the panels may result in cross contour discharge which is not optimal, may have greater erosive velocity and may require either additional measures across the contour to interrupt combined surface water flows. Attenuation of any increase in surface water runoff may also be required. If this is the case, an outflow location will need to be designated.

We would therefore object pending the provision of further information to address these matters.”

On the amended details:

“We have reviewed the submitted addendum to the previously submitted flood risk assessment and are generally satisfied with its analysis and associated recommendations.

However, we would suggest that the following condition is attached to any permission granted to ensure that other concerned parties are similarly content, and to ensure that the design of the proposed attenuation, settlement and outfall structures are subject to review and approval prior to installation:

Condition:

Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the recommendations within the reports prepared by S. M. Foster Associates Ltd, and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of to the receiving network at an agreed rate that does not exceed the rate of runoff from the existing site.

- (i) Development shall not begin until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

**Reason:**

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

**Please note:**

Any feature on this site capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' (unless it shown by the EA's mapping to be a designated 'main river'); we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream (or any other feature which has a drainage or water conveyance function).

Any works that have the potential to affect a watercourse or ditch's ability to convey water will require our formal land drainage consent (including culvert removal, access culverts and outfall structures)."

**5.11 On the original submission, The Upper Medway Internal Drainage Board stated:**

"The site of the above proposal, whilst being outside of the Upper Medway IDBs district, drains via an ordinary watercourse to Boarden Stream (U12), which is managed and maintained by the IDB, and onto the River Beult. The proposal therefore has the potential to affect IDB interests (by increased runoff and siltation of the downstream drainage system in particular).

I note and support the Environment Agency's objection to this proposal. Although the applicant has acknowledged the potential risks of increased runoff and soil erosion, and also recommended consideration of mitigation measures based on SuDS principles including a balancing pond, there is no definite proposal which demonstrates appropriate surface water management. The applicant should therefore be requested to provide further details which demonstrate that off site runoff can be attenuated to that of the pre-developed site, along with details of the SuDS future maintenance. Final details of drainage should be developed and agreed in direct consultation with KCC's Flood Risk Management Team."

**On the amended details:**

"As previously stated, whilst I have no objection to this proposal in principle, I do believe that it would be useful to develop an outline drainage proposal as requested by KCC's drainage and flood risk management team. I recall KCC lodging an objection against this application, and requesting further information in respect of drainage (mainly due to the cross-contour alignment of the solar panels).

As also stated previously, I feel sure that this matter could be dealt with relatively easily but, as the site is outside of the IDB's district, recommend again that the applicant develops an outline drainage plan in direct consultation with KCC's drainage and flood risk management team before this application is approved."

- 5.12 On the original submission, **Natural England** provided a response essentially raising no objection and directing the Council to its standing advice on such matters as protected species and ancient woodland.

On amended details: no further comment.

- 5.13 On the original submission, **The KCC Biodiversity Officer** stated:

“We have reviewed the ecological information which has been submitted and we advise that there is a need for additional information to be provided prior to determination of the planning application.

The following Ecological information has been submitted with the planning application:

Phase 1 survey of the site 2013

GCN survey and outline mitigation strategy

Ornithological Risk Assessment & Phase 1 Habitat Checking Survey Report.

As a result of reviewing the information we feel that, as the majority of the site is arable, the main impact from the proposed development (if granted) will be limited to GCN during the construction and decommissioning period and the loss of ground nesting bird habitat during the operational period.

Great Crested Newts

GCN surveys have been carried out (a mixture of eDNA and presence/likely absence surveys) as part of the planning application and it has confirmed that GCN have been recorded within ponds 500m from the proposed development site.

We provided pre application advice on this site and we made the following comments:

- There is a need to clearly identify limitations associated with the survey data – from reviewing the submitted information and other consultation responses we are not satisfied that the submitted reports have provided sufficient information clarifying why they are satisfied that the survey effort is sufficient to inform the determination of the planning application.

Potential limitations include:

The surveyors were declined access to a number of the ponds during the survey – we would expect the report to clearly address be updated to clearly explain why they are satisfied that it has not impacted the conclusions of the report.  
eDNA surveys not following standard NE methodology.

- The survey report needs to be updated to clearly show that, based on the current survey data, the ecologists have a good understanding of how the GCN use the proposed development site and surrounding area. This information would inform the detailed GCN mitigation strategy.

I don't believe there is a need for an updated GCN survey to be carried out as part of the determination of the planning application however the report does need to be updated to take these points in to account.

Mitigation

The applicants are proposing to use a precautionary approach to implement the construction of the solar farm – this is a route which has been used in other similar developments.

We do understand the reasoning for this method but in order for MBC to be satisfied that it is appropriate to use this method we would expect the detailed mitigation strategy to be submitted as part of the planning application.

This is a point we raise when we provided pre application advice in early 2015.

#### Breeding Birds

The proposed development will not result in the loss of hedgerows/trees and field margins but it will result in a loss of suitable breeding bird habitat for ground nesting birds – indeed skylark have been recorded within the survey area.

We question whether there is any potential to create skylark plots elsewhere within the landowners ownership. These plots plus the increase foraging habitat (due to the tussocky grassland) may provide a benefit to breeding birds within the area.

#### Reptiles

The original scoping survey identified that there was suitable habitat within the field boundaries which may be used by reptiles – however no survey has been carried out.

If the field boundaries are not being impacted by the construction of the proposed development we are satisfied that there is no requirement for reptiles surveys to be carried out as part of this application.

Please confirm where the fencing will be located – e.g. is it entirely within the arable fields or will it also be in the field margins. If it is going to be located within the field margins – please provide details of the area field margin which will be impacted and details about how this impacted will be mitigated.

#### Badgers

The scoping survey detailed there was potential for badgers to be present (although no evidence of badgers were recorded) however the 2015 phase 1 checking report is unclear. I'm unable to understand if the ecologist considered the presence of badgers during the updated survey.

There is a need for additional information to be provided detailing if the 2015 phase 1 checking report undertook a badger survey – if so we recommend a summary of the findings is submitted.

The results of this information will inform any mitigation which is required as part of the planning application (if granted) – e.g. the inclusion of the badger gates at certain locations within the fence to ensure foraging routes are not disturbed.

#### Cable route

No information has been provided on the route of the cable once it leaves the proposed development site. As such it is unclear what the impact the works to dig the cable trench will have on protected/notable species.

Please provide a map of the proposed cable route to enable us to review and identify if there is a need for an updated scoping survey to be carried out on the route. If

required we would expect the survey to be carried out prior to determination of the planning application.”

On the amended details:

“As detailed within our response below we accept that there are a number of limitations with the submitted survey data however due to the type of development we are satisfied that the survey results and outline mitigation strategies are sufficient to enable MBC to fully consider the impact the proposed development will have on protected/notable species when determining the planning application.

As detailed previously as a result of reviewing the submitted information we feel that, as the majority of the site is arable, MBC needs to consider the impact on GCN during the construction and decommissioning period and the direct loss of ground nesting bird habitat during the operational period.

#### Great Crested Newts

GCN surveys have been carried out (a mixture of eDNA and presence/likely absence surveys) as part of the planning application and it has confirmed that GCN have been recorded within ponds 500m from the proposed development site.

The results of the survey confirm that GCN are present within the surrounding area and may be present within the proposed development site. The site is currently an arable field and does not provide optimum GCN habitat however GCN are known to commute and (if suitable features available) shelter within arable fields. As such the greatest impact on the GCN population is likely to be during the construction period and must be considered by the determining authority when granting planning permission.

In order to mitigate any impact the applicants have proposed to implement a precautionary mitigation approach during the construction period to minimise the potential for GCN to be impacted.

There are a number of limitations associated with the survey data including:

- eDNA surveys did not follow current NE guidelines
- Access was not granted to all the ponds within the immediate area.

From reviewing the submitted report we are satisfied the survey data provides sufficient information to inform a detailed precautionary mitigation strategy.

The applicants have provided an outline of a precautionary mitigation strategy which confirms they have an understanding of the methodology which will need to be implemented. But if MBC are minded to grant planning permission we would expect a detailed mitigation strategy to be submitted as a condition of planning permission. Our original comments did request this information to be provided prior to determination but no information has been provided detailing at what time of year the construction work will be implemented (if granted) – as the methodology may change depending on the time of year it would be more appropriate for the precautionary mitigation strategy to be designed to be season specific.

We understand that additional information has been submitted by consultees which contradict the information provided by the applicant. The submitted information



details that the stream may be passable by newts at certain times of the year. We discussed this point with the applicant's ecologist and we are satisfied with their conclusions that the recommended precautionary mitigation approach will not change even if GCN are able to cross the stream.

#### Decommissioning

It is likely that the decommissioning of the development (if granted) will have an impact on the GCN population. As such if planning permission is granted we advise that a condition is including requesting the following to be submitted and approved by the LPA prior to any decommissioning works being implemented:

- Ecological scoping survey
- Recommended specific species surveys
- Detailed mitigation strategies.

#### Breeding Birds

No specific breeding bird survey has been carried out but there is suitable habitat within the site to be used by breeding birds.

At least 30 species of birds (within the UK) are known to nest within hedgerows and the development is proposing to retain and enhance this habitat within the site. As such we are satisfied that suitable hedgerow nesting habitat will be retained if planning permission is granted.

The development will result in a loss of potential ground nesting bird habitat and this impact cannot be mitigated within the red line boundary of the site. There is suitable habitat for ground nesting habitat within the surrounding area and instead of providing nesting habitat the applicant is proposing to create a wildflower meadow. As long as the wildlife flower meadow is managed appropriately it is likely to boost insect numbers and improved feeding habitat for breeding birds within the immediate area.

If planning permission is granted we would expect a detailed management plan to be submitted and include details of how the hedgerows and wildflower meadow will be managed to benefit nesting and foraging birds.

#### Reptiles

The original scoping survey identified that there was suitable habitat within the field boundaries which may be used by reptiles.

The applicants have confirmed that the suitable reptile habitat will not be impacted by the construction of the proposed development as such we are satisfied that there is no requirement for a specific reptile survey to be carried out.

If planning permission is granted we would expect the precautionary mitigation strategy to include details demonstrating the measures which will be implemented to ensure no construction traffic impacts the field boundaries.

#### Badgers

The additional information provided by the applicant has detailed that no evidence of badgers have been recorded within the site however from information provided we are aware that badgers are present within the immediate area.

From discussions with the planning officer I understand that there will be a gap under the fence. As there will only be earth under the fence it should allow badgers to create access points under the fence throughout the whole site.

Cable route

We understand that the route of the cable is not being considered as part of this planning application.”

5.14 On the original submission, **The Kent Wildlife Trust** stated:

“I have no objection, in principle, to the development. The Trust recognises that climate change poses a grave threat to wildlife and that renewable energy schemes, such as solar farms, will play an important role in combating this threat. I have no objection to the published proposals to mitigate ecological impacts and enhance local biodiversity. These should be secured by condition should the Council be mindful to grant permission.

However, the applicant has not described what measures will be taken to protect existing wildlife habitats during the installation of solar panels and associated infrastructure. Construction practices can vary significantly from site to site. Colleagues have observed such disregard for biodiversity interests where, far from achieving an enhancement, development has resulted in a net loss of local biodiversity. In some cases, soil condition has been damaged by compaction and capping to such an extent that the long term value of the land for agriculture may have been severely compromised.

If the Council is minded to grant planning permission, I urge it to require the submission for approval (before work commences on site) of a Construction Environment Management Plan. The CEMP should incorporate measures to protect habitat features (and the species supported by these habitats) during the construction of solar panels, fencing, access roads, construction compounds, service corridors and electricity substations and connection chambers. I would welcome the opportunity to comment on such details in due course.”

On the amended details:

“The applicant hasn’t addressed my principle concerns; nor, it seems, the concerns of KRAG, KCC Biodiversity Officer, many residents and possibly Natural England. In the absence of appropriate studies and justified mitigation measures in response to representations, the application is incomplete and doesn’t satisfy national and local planning policy considerations. I object to the grant of planning permission for the application in its current form.”

5.15 On the original submission, **The Kent Reptile and Amphibian Group** questioned the applicants’ methodology in terms of surveying for great crested newts; expressed concern at the conclusions that they would not be found on the application site; and questioned whether it is really the case that a great crested newt licence would not be needed.

On the amended details: despite the applicants’ submissions, significant concerns remain as to the methodology employed, incomplete survey work, and doubts are expressed as to whether the stream is actually a barrier to newt movement.

- 5.16 On the original submission, **MIDKENT Environmental Health** raised no objection subject to conditions to control potential noise from plant and machinery (in terms of potential impact on the residential amenities of local residents).
- 5.17 On the original submission and amended details **The MBC Landscape Officer** states:

“The proposed development is essentially located in a large low lying arable field which is fairly flat but falls gently towards the east of the site. Beyond the site to the north the land rises up towards the Greensand Ridge. The site is bounded by footpath KH582 to the south and by hedgerow to the north. The eastern boundary is comprised of mature hedgerow containing significant trees, with a block of designated Ancient Semi Natural Woodland to the north of two ponds, which are adjacent to this boundary on the east side. The western boundary consists of a uniform maintained hedgerow adjacent to an orchard. The northern portion of this site boundary, which currently appears open, has been planted up fairly recently with whips which will establish into a hedgerow.

The landscape is fairly typical of the Maidstone Landscape Character area (area 43, Headcorn Pasturelands) in which the site is located, although, it is clear that over the years the original smaller scale field pattern has been opened up to form the larger arable field which this is now the subject of this application. This is not consistent with one of the key characteristics of the landscape character, that being enclosed pasture. Therefore, this loss of the traditional field pattern and hedgerow boundaries effectively lessens the overall assessment of landscape quality.

There are no Tree Preservation Orders (TPOs) protecting trees on, or adjacent to, this site and it is not located within a Conservation area. However, as well as significant boundary trees, there are two mature individual trees growing within the southern portion of the site.

The Landscape Capacity Study: Sensitivity Assessment, January 2015 has assessed the Headcorn Pasturelands character area as being of high overall landscape sensitivity and sensitive to change. It describes the character area as follows:

**Key Characteristics:**

- Low lying landscape which forms part of the Low Weald
- Reservoirs along the foot of the Greensand Ridge
- Drainage ditches running southwards towards the River Beult
- Enclosed pasture
- Sparse development with scattered farms and small hamlets
- Dominance of mature oaks within pasture and as mature hedgerow trees

**Landscape Character Sensitivity: High**

Oak is notably dominant and the low lying landscape, with its ditches and ponds, provides a consistent pattern. There are some visual detractors, such as large scale barns, the busy Maidstone Road and recent linear development along its route. Habitat strength and connectivity are good with small scale hedged pasture with frequent ditches and water bodies. The traditional field pattern, mature standard oak trees, pastoral land use, isolated historic farm buildings and traditional buildings within the central core of Headcorn provide a strong sense of place. However there is a significant amount of recent and indistinct development which dilutes this slightly.

**Visual Sensitivity: Moderate**

Visibility is moderate. Whilst there are some long views across the Low Weald to the Greensand Ridge to the north, and open views of this landscape from the Ridge, intervening vegetation encloses many immediate views across the flat to very gently undulating landform. The population is concentrated within the key settlement of Headcorn and along Headcorn Road/Maidstone Road. There are also scattered properties and farmsteads throughout most of the area. This means there are relatively low numbers of people in residential properties with potential views of the landscape. There is a golf course and a well-developed footpath network. Overall there are moderate numbers of potential visual receptors.

Development potential is limited to within and immediately adjacent to existing settlements and farmsteads in keeping with existing. Other development could be considered to support existing rural enterprises, although extensive, large scale or visually intrusive development would be inappropriate.

Guidelines and Mitigation:

- Consider the generic guidelines for the Low Weald in the Maidstone Landscape Character Assessment 2012
- New development should respect the local vernacular in scale, density and materials
- Conserve the abundance of oak as a dominant species, and plant new isolated oaks within pasture and hedgerows to replace ageing population
- Conserve the pastoral land use and resist conversion to arable land
- Conserve and enhance the small scale field pattern and sense of enclosure
- Conserve the largely undeveloped rural landscape and the remote quality of isolated farmsteads
- Resist infill linear development along Maidstone Road
- Soften the visual prominence of large agricultural barns through native planting
- Enhance habitat opportunities around water bodies and ditches by promoting a framework of vegetation in these areas

The Landscape and Visual Appraisal (LVA) prepared by EDP follows the general principles of current guidelines. It assesses the effects of the proposed development upon the wider landscape resource as well as the effects on visual amenity. It does contain some inconsistencies but an appropriate methodology has been used.

The applicant has acknowledged that there is an error in the title block of Table EDP 2.5: Level of Effects Matrix, at the top of page 11 of the submitted Landscape and Visual Appraisal (EDP2964\_03a). 'Very High' has been misprinted several times in the title block at the top of page 11. Whilst this typographic error should be removed it doesn't change the 5 ratings which clearly remain as very high to very low.

From the higher Greensand Ridge escarpment to the north, along the Greensand Way, distant views of the site within the wider landscape are possible from specific viewpoints. The distance is such that the site forms a small part of the wider landscape and therefore the development proposal would cause a negligible/low visual change.

Closer to the site, the site becomes more visible from public viewpoints. Medium range views from Tilden Road to the east are largely hidden by the terrain and by intervening shaws and field boundaries. The PRoW running north west from Tilden Road, crosses the stream, and skirts the southern end of the application site. The path runs across the open field, without any tree or hedge cover, and there are full short range views looking north into the site. From the west views are filtered apart from the northern part of Tong Lane where there are reasonably full views towards

the site, although hedgerow planting has recently been put in place. Despite the fact that this will take years to provide a fully effective screen, it will certainly start to reduce the visual effect of the solar farm within 5-6 years of planting, once it starts becoming established. Views from the far northern part of Tong Lane and Stickfast Lane are generally unavailable but, closer to the site, there are filtered views, from the PRow which runs across farmland to the north of the site.

The most adverse effects will be experienced by users of footpath KH582 to the south of the site. From this path there are currently open views across the site extending up towards the escarpment. It is, however, clear from the revised Landscape Masterplan that the applicants recognise the openness of the site in short range views from the south and from the north west and have proposed a new native hedgerow to mitigate the effects. Whilst this planting will clearly help it will, in itself, inherently change the experience for users of this route.

In response to the LVA, Ulcombe Parish Council commissioned a Landscape Rebuttal Statement (LRS). It is clear that there are significant differences between the approaches taken by the consultants who produced the LVA and LRS and the conclusions reached. These are highly unlikely to be resolved.

Whatever the inadequacies of the LVA, there is sufficient information to enable consideration of the potential effects caused by the development proposal. It is concluded that, despite some inconsistencies, the broad principles and overall summary of anticipated landscape and visual effects are generally reasonable.

No arboricultural information has been submitted by the applicant but the layout is such that there is no proposal to remove any trees or hedgerows and there are unlikely to be any incursions into root protection areas. Therefore the details of tree protection can be dealt with by a pre commencement condition should the application be permitted. Likewise, implementation details for the landscape scheme, a maintenance programme and long term management plan, which extends up to and beyond the period of reinstatement once the solar farm ceases to function, can also be incorporated into the conditions.

Whilst the applicant's Landscape Masterplan schedules shrubs and trees that are broadly consistent with our Landscape Character Guidelines for the Headcorn Pasturelands landscape character area, I would suggest that a larger proportion of evergreen shrubs (Holly) and species which retain their leaves for a large proportion of the year (Hornbeam) should form part of the hedgerow planting to maximise the screening effect without compromising existing landscape character. I would recommend slightly larger sizes are specified than indicated in our landscape guidelines, to ensure a more immediate impact, but the successful establishment of these hedgerows will be dependent upon appropriate ground preparation and maintenance regimes. The amended landscape details can be secured through a pre commencement condition which also covers amended implementation details and a long term management plan, extending up to and beyond the period of reinstatement once the solar farm ceases to function.

The proposed plant specification is as follows:

Hedgerow shrubs (90-120cm whips or equivalent):  
Carpinus betulus (Hornbeam) 30%  
Crataegus monogyna (Hawthorn) 15%  
Corylus avellana (Hazel) 35%  
Euonymus europaeus (Spindle) 5%

Ilex aquifolium (Holly) 15%

Hedgerow standard trees (Nursery standard size, 8-10cm, 2.7-3m):

Sorbus torminalis (Wild Service Tree) 5%

Quercus robur (Oak) 95%

Individual tree planting (Nursery standard size, 8-10cm, 2.7-3m):

Carpinus betulus (Hornbeam)

Sorbus torminalis (Wild Service Tree) - least common species Numbers to be specified and indicated on landscape plan

Quercus robur (Oak)- predominant species

Hedgerows shall be planted in double or triple rows in groups of species. Plants shall be approximately 45cm apart in staggered rows which are 30cm apart. Hedgerow standard trees shall be planted at irregular intervals individually or in small groups as appropriate to reflect the landscape character."

## **6.0 APPRAISAL**

6.1 The main planning considerations relevant in the determination of this application are:

- The acceptability of the principle of development.
- The visual impact of the development on the landscape.
- The impact of the development on biodiversity.
- The impact of the development on heritage assets.
- The impact in terms of flooding and drainage issues.
- The impact of the development on living conditions at neighbouring properties.
- The impact of construction and operational traffic on the local highways network.
- Crime Prevention.

6.2 These matters are discussed in the detail in the following sections of this report:

### **Principle of Development**

6.3 Energy use in buildings accounted for nearly half of UK carbon dioxide emissions in 2005 and more than a quarter of these came from the energy used to heat, light and run homes. The Government has set a legally binding target to reduce greenhouse gas emissions by 80% by 2050 based on 1990 levels and Government guidance for planning policy and Building Regulations reflect this target.

6.4 The Government's Renewable Energy Strategy was published in July 2009. This sets a legally binding target to ensure that 15% of our energy comes from renewable sources by 2020. The Strategy suggests that renewables could provide around 30% of our electricity consumption by 2020 (compared to around 5% today).

6.5 The National Policy Statement for Energy (EN-1) (2011), published by the Department of Energy and Climate Change sets out an overarching national policy

for energy. Whilst it relates principally to those energy projects that are of national significance (this development would not fall within that category), it is material because it describes the national approach to energy provision. It states that energy is vital to economic prosperity and social well-being and so it is important to ensure that the UK has secure and affordable energy. Producing the energy the UK requires and getting it to where it is needed necessitates a significant amount of infrastructure, both large and small scale set out in paragraph 2.1.2.

- 6.6 At paragraph 2.2.8, it states that to avoid the most dangerous impacts of climate change, the increase in average global temperatures must be kept to no more than 2°C, and that means global emissions must start falling as a matter of urgency. To drive the transition needed the Government has put in place the world's first ever legally binding framework to cut emissions by at least 80% by 2050, that will deliver emission reductions through a system of five year carbon budgets that will set a trajectory to 2050.
- 6.7 The National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011) provides further, specific advice relating to renewable energy.
- 6.8 The UK Renewable Energy Roadmap (2011) and its subsequent updates in 2012 and 2013 make clear the Government's commitment to increase the amount of renewable energy deployed in the UK. It says that this will make the UK more energy secure, will help protect consumers from fossil fuel price fluctuations, will help drive investment in new jobs and businesses in the renewable energy sector, as well as keep us on track to meet our carbon reduction objectives for the coming decades.
- 6.9 Specifically on the role that PV has to play in helping to deliver those objectives, the 2013 Update identifies it as one of the key renewable energy technologies that can help to create a balanced UK energy mix. There are significant advantages with solar PV, it says; it is versatile and scalable, with deployment possible in a wide range of locations including domestic and commercial buildings and where appropriate on the ground; solar projects can be developed and installed very quickly; and the fuel, solar radiation is free [para 179].
- 6.10 In April 2014, the then Minister for Energy and Climate Change wrote a letter to all Local Planning Authorities regarding the Government's solar PV strategy. Whilst reinforcing the drive towards renewable and solar energy, it explains that the focus should be on delivering solar energy on domestic and commercial roof space and on previously developed land. It states that there is still a place for larger-scale field-based solar in the UK's energy mix but need to be sensitively placed.
- 6.11 A Planning Update dated March 2015 by the then Secretary of State for Communities and Local Government, Eric Pickles to the House of Commons stated that the National Planning Policy Framework includes strong protection for the natural and historic environment and is quite clear that local councils when considering development proposals should take into account the economic and other benefits of the best and most versatile agricultural land. Yet, some local communities have genuine concerns that when it comes to solar farms insufficient weight has been given to these protections and the benefits of high quality agricultural land. As the solar strategy noted, public acceptability for solar energy is being eroded by the public response to large-scale solar farms which have sometimes been sited insensitively.
- 6.12 It goes on to set out that meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of

high quality agricultural land. When the Government published new planning guidance in support of the framework, they set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality.

- 6.13 The National Planning Policy Framework (NPPF) sets out an approach that is proactive towards renewable energy developments, is clearly supportive of proposals which generate renewable energy and it recognises the role which planning must play if the reduction in greenhouse gas emissions and renewable energy targets are to be met.
- 6.14 Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. In considering the issue of sustainability the NPPF requires due regard to be had to the three dimensions of sustainable development: economic, social and environmental. An economic role contributes to building a strong responsive and competitive economy including the provision of infrastructure; a social role relates to supporting strong, vibrant and healthy communities; and an environmental role by contributing to protecting and enhancing the natural, built and historic environment, and mitigating and adapting to climate change by moving to a low carbon economy.
- 6.15 In terms of the social aspect, the development would provide a sustainable source of energy for communities into the future. In terms of the economy, the development could be seen as a farm or farm diversification, providing both additional income and economic investment into the wider infrastructure enhancement whilst providing job opportunities during its construction and operational phase. In terms of environmental it is considered that the development would not have a significant impact on the wider landscape, and in promoting a major renewable energy source, would help to mitigate the impact of climate change and contribute to a low carbon economy. The application of the presumption in favour of sustainable development is addressed in the conclusion section.
- 6.16 Paragraph 93 indicates that planning plays a key role in helping to secure radical reductions in greenhouse gas emissions and providing resilience to the impacts of climate change. Paragraph 98 states that local authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy. It goes on to state that applications for renewable energy should be approved if impacts are, or can be, made acceptable.
- 6.17 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.
- 6.18 The NPPF also, as one of its core principles advises that local authorities should proactively drive and support sustainable economic development to deliver, amongst other things, infrastructure. In paragraph 19, it also indicates that the planning system should do everything it can to support sustainable economic growth and significant weight should be placed on the need to support economic growth through the planning system. In terms of supporting a prosperous rural economy, local plans should promote the diversification of agricultural rural businesses.



- 6.19 The National Planning Policy Guidance states that particular factors a local planning authority will need to consider in relation to solar farms include:
- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
  - where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
  - that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.
- 6.20 The Council's Supplementary Planning Policy Advice Note dated January 2014 relating to large scale arrays sets out that such development should ideally utilise previously developed land, contaminated land, industrial land or brownfield sites and should avoid landscapes 'designated' for their natural beauty and/ or sites of acknowledged/recognised ecological/archaeological importance/interest.
- 6.21 Saved Policy ENV28 of the Maidstone Borough Wide Local Plan (2000) states that in the countryside, planning permission will not be given for development which harms the character and appearance of the area and development will be confined to a range of development types that do not include renewable energy projects (mainly because these were not prevalent at the time of adoption in 2000). There are no saved policies that relate specifically to solar energy in the Plan. Policy ENV28 is not entirely consistent with the policies contained within the NPPF because the former does not allow for solar farms in the countryside whereas the latter does, in certain circumstances. This reduces the weight that should be given to any conflict identified with saved Policy ENV28.
- 6.22 This site is within the Low Weald Special Landscape Area and therefore saved Policy ENV34 applies: in such an area particular attention should be given to the protection and conservation of the scenic quality and distinctive character of the area and priority should be given to the landscape over other planning considerations. Again, this policy was written in the context of renewable energy projects not being prevalent at that time and the aims of the policy need to be balanced against guidance that promotes renewable energy projects in the right circumstances.
- 6.23 Policy DM28 of the emerging Maidstone Borough Local Plan (Renewable and low carbon energy schemes) provides general support for renewable energy development, subject to compliance with various criteria (with an acceptance that "parts of the natural landscape features and resources mean that there is a technical suitability" for such schemes - para 17.155 in the pre-ample). The Local Plan is emerging and has reached Regulation 19 stage and therefore is carrying more weight, but cannot be afforded full weight.
- 6.24 The application site is 'greenfield' land, in agricultural use but is not a designated site of natural beauty or designated ecological importance. However, this on its own does not automatically make the principle of development acceptable. An assessment has been carried out by the developers as to the availability of other more suitable/appropriate sites in the Borough and the quality of the application site as

agricultural land. The conclusion is that there are no other suitable/available sites of a similar size in an appropriate location and that the application site comprises land falling outside the definition of 'best and most versatile' agricultural land as set out by the Ministry of Agriculture, Fisheries and Food Guidelines for Agricultural Land Classification (1988). As such, it is considered that the site is appropriate for the proposed development.

- 6.25 In addition, agriculture would continue at the site, albeit that sheep grazing represents a much reduced intensity in use, and there would be biodiversity improvements that are described later in this report. The development would be temporary (although not short term) and a planning condition could ensure that the development was removed at the end of a 25 year period.
- 6.26 As stated above in the 'history' section, a screening opinion was adopted and issued on 31 December 2016 concluding that an Environmental Impact Assessment was not required for this project.
- 6.27 Overall having considered the matters set out above and the developer's submission the view is that there is no in principle reason why the site should not be suitable for development as a solar farm. However, it is necessary to analyse detailed impacts and these are set out below.

#### **Agricultural Land Quality**

- 6.28 The National Planning Policy Framework (2012) requires the presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the agricultural land classification) to be taken into account alongside other sustainability considerations. The framework expresses a preference for development to be directed to land outside of this classification (3b, 4 and 5).
- 6.29 Objectors make the point that previously developed land and land in less sensitive attractive locations should be utilised in preference to 'greenfield' sites such as this one. The NPPF and NPPG require sequential assessments for other types of development such as retail uses proposed outside of shopping areas, or where vulnerable uses are proposed in areas at risk of flooding. In those cases, the requirement is explicit and the methodology is clearly described. That is not the case here. If a sequential approach to site selection was required, the Framework and/or the Practice Guidance would be clear about that but it is not.
- 6.30 The applicants are required to demonstrate that the use of agricultural land is necessary, which is a different and less onerous test. The applicants have sought to do this in a document entitled 'Use of Agricultural Land Assessment'. That document points out that the Council's Planning Policy Advice Note recognises that it is likely that agricultural land will need to be utilised for solar arrays of significant scale. That guidance states:

"Ideally large scale solar PV arrays should be directed towards previously developed land (PDL)/brownfield sites, contaminated land, industrial land. There are few sites of appropriate status and size in Maidstone Borough. Large scale solar PV arrays should avoid landscapes designated for their natural beauty, sites of acknowledged/recognised ecological/archaeological importance/interest. It is therefore likely that such development will look to land currently in use agricultural use"

- 6.31 The applicants' report includes a search for alternative sites using: The National Land Use Database of Previously Developed Land (NLUD-PDL); The Maidstone Borough-Wide Local Plan 2000; and the emerging Local Plan and relevant evidence base studies. This has involved examination of the suitability of such areas and industrial estates to test suitability. The report concludes that the use of agricultural land is necessary in this case as alternative 'brownfield sites' would not be as suitable. The principle reasons for discounting being the inadequate size of such sites, inadequate expanses of roof on which to place equipment, wrong orientation of roof slopes, acquisition difficulties (in terms of the complexity of landowner/leasing arrangements); and in some cases conflicts with adopted policies. Clearly, other sites that constitute high quality agricultural land would conflict with guidance.
- 6.32 Having reviewed the applicants' submissions, it is concluded that there is sufficient evidence to demonstrate that the use of 'greenfield', agricultural land for the development is appropriate in this case. Consequently, it is necessary to determine the quality of the agricultural land. An assessment has been carried out by the applicants in to the quality of the application site as agricultural land. It found that the site comprises mainly land falling within Grade 3b as set out by the Ministry of Agriculture, Fisheries and Food Guidelines for Agricultural Land Classification (1988), with an area of Grade 4 land in the south eastern portion. The Council's independent consultant has scrutinised the submitted assessment and agrees that Grade 3b/4 is the appropriate classification for this site and thus does not constitute 'Best and Most Versatile Land' (where grades 1, 2 and 3a are). As such, it is considered that the site does not constitute the 'higher quality' land that planning policy seeks to protect. Objectors question the accuracy of the applicants' conclusions on this matter but the reports have been independently reviewed and there is no significant evidence that this land constitutes higher quality agricultural land.
- 6.33 It is therefore considered that the applicants have made a sustainable case that a rural location is required and that this is not best and most versatile land. The application site, therefore, is considered suitable for the proposed development.

#### **Landscape and Visual Impact**

- 6.34 In my view this is the most important issue for consideration with this application. It should be noted that the scale of the overall development has been significantly reduced since pre-application advice was received
- 6.35 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The intrinsic character and beauty of the countryside should be recognised.
- 6.36 The NPPG acknowledges that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.
- 6.37 The Council's Planning Policy Advice Note 2014 relating to large scale solar farms indicates that the landscape/visual impact of a solar farm is likely to be one of the most significant impacts of such a development.
- 6.38 Saved Policy ENV6 of the Maidstone Borough-Wide Local Plan (2000) states that in appropriate cases, the Council will require a landscape scheme, including surfacing and boundary treatments, to be carried out as part of development proposals. Where required, such schemes should:

- .. Incorporate the retention of existing trees, woodlands, hedgerows, natural and man-made features which contribute to the landscape character or quality of the area; and
  - .. Provide a scheme of new planting of trees, hedgerows or shrubs as appropriate, using native or near native tree species, and wherever possible, native or near native shrub species.
- 6.39 Saved Policy ENV28 states that in the countryside, planning permission will not be given for development which harms the character and appearance of the area and development will be confined to a range of development types that do not include renewable energy projects (as at the time of adoption of the 2000 Local Plan renewable energy projects were not high on the planning agenda). There are no saved policies that relate specifically to solar energy in the Plan. Policy ENV28 is not entirely consistent with the policies contained within the NPPF because the former does not allow for solar farms in the countryside whereas the latter does in certain circumstances. This reduces the weight that should be given to any conflict identified with Policy ENV28.
- 6.40 The application site is within the Low Weald Special Landscape Area. Saved Policy ENV34 of the 2000 Local Plan covers Special Landscape Areas and states:
- “In the North Downs, Greensand Ridge, Low Weald and High Weald Special Landscape Areas, as defined on the proposals map, particular attention will be given to the protection and conservation of the scenic quality and distinctive character of the area and priority will be given to the landscape over other planning considerations.”
- 6.41 The Maidstone Landscape Character Assessment (March 2012, amended 19 July 2013) locates the site within landscape character area 43 (Headcorn Pasturelands). It describes the area’s sensitivity as follows:
- Overall, the typical characteristics of the Low Weald landscape provide a strong sense of place. Very distinct elements include the frequency of oak trees within hedgerows and pasture, the hedgerow and ditch lined lanes, field ponds and isolated farmsteads. Visibility is moderate. Whilst there are some long views across the Low Weald to the Greensand Ridge to the north, and open views of this landscape from the Ridge, intervening vegetation encloses many immediate views across the flat to very gently undulating landform.
- 6.42 The landscape character area as a whole is described as having a good condition and a high sensitivity, with a guideline of conserve.
- 6.43 The Maidstone Landscape Capacity Study: Sensitivity Assessment (January 2015) considers that the area in general has a high overall landscape sensitivity and is sensitive to change, with a high landscape character sensitivity and a moderate visual sensitivity. It suggests that development potential is limited to within and immediately adjacent to existing settlements and farmsteads in keeping with existing. Other development could be considered to support existing rural enterprises, although extensive, large scale or visually intrusive development would be inappropriate.
- 6.44 The applicant has submitted a Landscape and Visual Appraisal (LVA) with the planning application. This assesses the effects of the proposed development upon the wider landscape resource as well as the effects on visual amenity.
- 6.45 The LVA describes the site as being located in the agricultural landscape to the north of Headcorn and south of Kingswood. It comprises a field covering about 10 hectares,

which is framed by a woodland belt to the east and a public byway to the west. The site and immediate context lies in an undesignated landscape and is generally typical of the host landscape character area (Headcorn Pasturelands) with few landscape detractors. Overall the value of the site and its immediate landscape setting is considered to be high.

- 6.46 The LVA summarises that the level of effect on landscape character of the site itself would be moderate on the boundaries and there would be a beneficial effect on its landscape features through landscape and biodiversity enhancements. Effects of moderate or above would occur up to 0.5 km from the site where there is visibility to the proposals, diminishing with distance. The effects on the Special Landscape Area overall is assessed as minor. With regards to visual amenity, two residential properties closest to the site and users of the nearby PRoW are considered to be receptors receiving a level of effect of moderate or more and where views of the site are likely to change to a notable degree. It is stated that these effects would be mitigated, to a large extent, by proposed hedgerow management and tree planting, and would not be overbearing. Topography and tree cover are considered to make an important contribution to the limiting of visual effects, even in close proximity to site boundaries. The LVA concludes that the limited adverse effects on both landscape and visual receptors, in combination with the enhancements proposed, results in the development being acceptable in both landscape and visual terms.
- 6.47 In response, Ulcombe Parish Council commissioned a Landscape Rebuttal Statement (LRS). This report seeks to demonstrate that the proposed development will have adverse landscape character and visual impacts which would cause significant and unacceptable harm. It considers a number of points which are stated as demonstrating the incongruity of the development and the weakness of the landscape and visual impact arguments put forward in the LVA. The LRS concludes that, in landscape character and visual impact terms, the harm caused by the development would outweigh the benefits.
- 6.48 It is clear that there are significant differences between the approaches taken by the consultants who produced the LVA and LRS and the conclusions reached. These are highly unlikely to be resolved. Whatever the inadequacies of the LVA, there is considered to be sufficient information to enable consideration of the likely landscape and visual effects caused by the development proposal.
- 6.49 The Council's Case Officer and the Landscape Officer have carried out their own analysis of the landscape and visual effects of this development proposal. This has included examining the site from short and medium range views from the public right of way and road network around the site. In terms of long range views, the nature of the terrain hereabouts and intervening obstructions to views mean that the only potential for significant long range views is from the Greensand Ridge to the north. Objectors have placed great emphasis on what they see as the negative impact of the development in views from those elevated positions. Officers have considered the impact from the ridge, including visits to Ulcombe Church and points along the Greensand Way to the west of that. The distance is such (around 2.5 to 3km) that it is very difficult to actually pick out the site for the development from those vantage points. In the opinion of your officers views from the ridge (and in other long range views) would be distant and form a small part of the wider landscape and, as such, the development proposal would cause a negligible visual change.
- 6.50 Closer to the site, the site becomes more visible from public vantage points. Medium range views from Tilden Road to the east are largely hidden by the terrain and by intervening shaws and field boundaries. Public right of way KH582 runs north west from Tilden Road, crosses the stream, and skirts the southern end of the application site. The

path runs across the open field, without any tree or hedge cover, and there are full short range views looking north into the site from that stretch of the path. From the west, particularly from Tong Lane, views are obstructed, or at least heavily filtered, by field boundaries, the orchard and buildings; however, there are reasonably full views towards the site from the northern part of Tong Lane but a recently planted hedge does provide some screening there. Views from the far northern part of Tong Lane and Stickfast Lane are generally unavailable; however, closer to the site there are views, filtered by hedging, from public right of way KH340 which runs across farmland to the north of the site.

- 6.51 Whilst the landscape is fairly typical of the Maidstone Landscape Character area (area 43, Headcorn Pasturelands), it differs in that over the years the original smaller scale field pattern has been opened up to form the large arable field which this is now the subject of this application. This is not consistent with one of the key characteristics of the landscape character, that being enclosed pasture. Therefore, this loss of the traditional field pattern and hedgerow boundaries effectively lessens the overall assessment of landscape quality.
- 6.52 It is clear from the revised Landscape Masterplan that the applicants recognise the openness of the site in short range views from the south and from the north west. Landscape mitigation is proposed. The main features of this are a new hedgerow with trees of indigenous species to be planted off the north east side of the footpath (ie between the path and the perimeter security fence), thereby linking the stream-side vegetation with the south east corner of the existing orchard. At the north western boundary of the site a new hedge would be planted around the site of the construction compound and the existing recently planted hedgerow there would be left to mature. At the northern boundary of the site the existing hedge would be 'gapped-up' as necessary. Tree species proposed involves oak, hornbeam, wild service and spindle; whilst hedging would involve hawthorn, hazel, field maple and holly.
- 6.53 With regard to 'glint and glare', glint is known as specular reflection and is the result of direct reflection of the sun. Glare is a continuous source of brightness from diffused light; a reflection of the bright sky around the sun that is less intense than glint.
- 6.54 In response to concerns expressed on this issue, the applicants state that the whole concept of efficient solar power is to absorb as much light as possible while reflecting as little as possible. Solar panels use high transmission, low-iron glass which absorbs more light and produces smaller amounts of glare and reflectance than standard window glass. Standard low-iron glass reflects approximately 7% of light, which is significantly lower than the reflectivity of other surfaces, including crops, grass, water and fresh snow. Against this background, and given position, size and design of the development I am not convinced that any glint and glare would be significantly harmful to the character of the countryside as to withhold permission. Also on the glint and glare issue, there is one aerodrome located within 15km of the site, Headcorn Aerodrome, which is located approximately 3.6km to the south east. The applicants state that a review of the circuit diagram for the aerodrome shows that the site is not located within or in close proximity to the circuit for take-off and landing and therefore it is not considered that the proposed development would pose a risk to pilots.
- 6.55 As stated above, landscape and visual impact is the most important issue for consideration with this application. In my consideration, there would be clear views into the development from the public right of way (KH582) at the site's southern boundary so as to cause some significant harm in those views, particularly in the construction phase and the short term (ie before the proposed new hedging there reaches maturity). There would also be more limited harm from views towards the site from the northern part of

Tong Lane (again, particularly until such time as recently planted landscaping reaches maturity). Other views into the site are much more restricted or filtered as to not cause significant harm. Having considered the applicants' submissions on the issue, the views of the Council's Landscape Officer and the representations of consultees, local residents, etc. I conclude that overall, taking into account the proposed landscaping mitigation measures, there would be moderate but localised harm to the landscape quality of the locality and moderate but localised harm to visual amenity.

- 6.56 The potential cumulative impact of this site with the existing solar farm at Lenham Heath and other prospective sites the subject of applications has been considered, the nearest being the (as yet undetermined) application at Pullen Farm to the south west in Staplehurst Parish. Due to the significant distances involved and the inability to view the sites together from a fixed vantage point without the need for an observer to turn their head, it is considered that, even if other applications were approved, there would be no cumulative visual impact on the landscape. Planning Practice Guidance states that in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero. Screening mitigation is proposed for the proposed development to minimise any visual impact on the landscape, its character and visual amenity.
- 6.57 Screening opinions have been sought for solar farms elsewhere. However, these have not materialised into submitted planning applications and thus cannot be taken into consideration as they may never come forward as applications.

### **Biodiversity Impact**

- 6.58 The Conservation of Habitat and Species Regulations 2010 (as amended) contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provides for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.
- 6.59 The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the "three tests" under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:
- There are "imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment";
  - there is no satisfactory alternative; and
  - the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

- 6.60 The Supreme Court has clarified that it could not see why planning permission should not ordinarily be granted unless it is concluded that the proposed development is unlikely to be issued a license by Natural England. The fact that Natural England is not objecting to the application is not determinative of this issue as Natural England has referred to its generic Standing Advice for protected species.
- 6.61 Section 40 of the Natural Environment and Rural Communities Act (2006) states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.
- 6.62 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising the impacts on biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are most resilient to current and future pressures.
- 6.63 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Where development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or compensated for, then planning permission should be refused. Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted. Opportunities to incorporate biodiversity in and around developments should be encouraged.
- 6.64 Saved Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) states that proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources. Saved Policy ENV41 states that development will not be permitted which would lead to the loss of ponds, or which would harm their visual and wildlife functions.
- 6.65 In order for the development to be acceptable in biodiversity terms, the development should not cause unacceptable harm to biodiversity and should ensure that opportunities to incorporate and enhance biodiversity at the site had been taken advantage of.
- 6.66 Natural England has directed the Local Planning Authority towards its Standing Advice on protected species, which is material in the assessment of this application. Due weight has been given to it.
- 6.67 The applicants have submitted specialist reports on the subject of ecology. These principally involve a 'Preliminary Ecological Appraisal' (July 2013); an 'Ornithological Risk Assessment and Phase 1 Habitat Checking Survey Report' (August, 2015); and a 'Great Crested Newt Assessment' August (2015). These reports were supplemented with a 'follow-up' submission in early January which answers concerns voiced by consultees (as well as addressing other planning issues).
- 6.68 The application site principally involves a single field that has been used for intensive arable farming. As may be expected, the general results provided by the ecology reports conclude the site is of low ecological value. I agree with the Biodiversity Officer that the main impact from the proposed development would be the impact on great crested newts (GCN) during the construction and decommissioning period and the loss of ground nesting bird habitat during the operational period.



- 6.69 The GCN assessment makes it clear that it was not possible to survey all of the ponds in the study area. Access for survey purposes was not made available for all ponds identified. These ponds are identified within the assessment. However, the assessors considered that sufficient information has been obtained through the work undertaken to robustly assess the GCN population status in the study area and the likely impacts of development which may come forward within the application site.
- 6.70 On the evidence available the assessment considers it likely that two separate populations of GCN are present within the study area, one centred on ponds around the northern areas of the application site, and one to the far south of the application site. The survey results show that the population associated with the northern areas around the site would be a medium population size class. That to the far south of the site would be a small population size class on the evidence available.
- 6.71 In addition to GCN, other amphibian species were recorded during the survey effort. These include Smooth Newt *Lissotriton vulgaris*, Palmate Newt *Lissotriton helveticus* and Marsh Frog *Pelophylax ridibundus*.
- 6.72 The assessment states that GCN are known to be present in the study area, although their presence has not been recorded within the application site itself. No waterbodies would be lost to the development and impacts on terrestrial habitat would be limited. The site consists of arable farmland which is sub-optimal habitat. Impacts would be limited to minor permanent and temporary losses all of which fall well outside the core terrestrial habitat of known GCN breeding ponds. It is considered that no GCN licence would be required from Natural England as it is considered highly unlikely that GCN would be encountered during the construction phase.
- 6.73 The assessment states: "In summary, whilst known from the local area, it is considered that GCN do not represent a significant constraint to development. Subject to appropriate safeguards as described in this report consent could safely be granted."
- 6.74 The assessment proposes a GCN mitigation strategy, principally concerning suitable education and preparation pre-construction; and a precautionary approach to working during the construction phase with supervision from an ecologist where necessary. Post construction the land would be managed as grassland for the grazing of sheep delivering enhanced GCN terrestrial habitat.
- 6.75 On the issue of ground nesting birds, the proposed development would not result in the loss of hedgerows/trees and field margins but it would result in a loss of suitable breeding bird habitat for such birds (skylark have been recorded within the survey area). However, such a loss must be seen against the context of scheme that would replace arable land with a form of grassland. In addition to that the application proposes the formation of a wildflower meadow to the south of Public Right of Way KH582 (and therefore outside the area of the arrays) to provide foraging habitat for skylark and other ground nesting birds.
- 6.76 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". In my view the change in regime from an intensively managed arable field to grassland; with new hedgerows to be put in place and the formation of a wildflower meadow represents an ecological enhancement of the land.

- 6.77 The application, including specialist reports on ecology, has been fully considered by the KCC Biodiversity Officer: her comments are reproduced above. She is satisfied that subject to the various measures described in this report being controlled by planning conditions, no unmitigated harm would be caused to local biodiversity, including GCN and ground nesting birds, and that opportunities to enhance local biodiversity at the site would be appropriately taken up. Protect Our Weald commissioned an ecologist to carry out an alternative assessment of biodiversity at the site which is critical of the methodology and findings of the applicants' ecology reports; particularly so on the lack of specialist surveys on birds, badgers, bats, brown hares and reptiles and a perceived general lack of detail. The Biodiversity Officer has examined this rebuttal and all other relevant matters and concludes that the survey work carried out is adequate and that, given the characteristics of the site, the only specialist survey on particular species that is required is that of GCN.
- 6.78 Overall it is considered that subject to conditions, the proposed development would enhance the ecological value of the site, increasing biodiversity by improving habitat and increasing foraging potential. Conditions are listed below in the 'recommendation section'.

#### **Impact on Heritage Assets**

- 6.79 Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving heritage assets potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess. Such special regard has been paid in the assessment of this planning application.
- 6.80 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.81 Paragraph 132 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 6.82 Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial

harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

6.83 Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

6.84 The NPPG states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset.

6.85 The planning application is accompanied by a 'Heritage Statement' (and follow-up statement) which assesses the impact of the development on the setting of listed buildings and archaeology. The report points out that there are no designated or non-designated heritage assets on the site. The report uses a combination of 'Zone of Theoretical Visibility' analysis, combined with analysis of the National Heritage List for England and a site visit to conclude that only the setting of 7 listed buildings could be potentially sensitive: these all being Grade 2 listed and centred around Great Tong (to the south west), Little Tong (to the west of the site), and Pheasant Farmhouse (to the north). The report concludes that the impact would have negligible effects and the development would have less than substantial harm.

6.86 On archaeology, the report concludes that the site has a 'low' archaeological potential. In any case, even if archaeological deposits were present, the physical effect of the construction of the solar development would have minimal effect on these buried remains, by the very nature of the limited below-ground impacts of such schemes. Further archaeological investigation or mitigation, if deemed necessary, could be secured by a suitable condition attached to planning permission and completed in advance of, or concurrent with, construction. Any impacts on archaeological features would be extremely limited. For the most part, it is likely that any archaeology within the site would remain materially unaffected by such low-impact development, essentially amounting to preservation in situ, as deemed desirable by the NPPF.

6.87 I concur with the MBC Conservation Officer and with the submitted Heritage Statement that there would be no significant adverse impact on the groups of listed buildings at Great Tong or Little Tong (or indeed any listed building). With regard to the former the intervening distance and screening, both by planting and by modern farm buildings, should result in no intervisibility. Little Tong screening is currently

screened by an orchard. I also see that Historic England summarises the impact on setting of listed buildings in the area to be modest, stating:

“We nonetheless think that any such harm in this case would be modest because of the topography of the land and position of the listed buildings in relation to the application site”.

- 6.88 Objectors are critical of the application in terms of its perceived failure to take account of the impact of the development on the setting of heritage assets on the Greensand Ridge to the north, particularly Ulcombe Church and Sutton Valence Castle. Officers have considered the impact from the ridge, including visits to Ulcombe Church and points along the Greensand Way to the west of that. The distance is such (around 2.5 to 3km) that it is very difficult to actually pick out the site for the development from those vantage points. In the opinion of your officers the distance is such that views to and from those assets is so distant that the impact on their settings would not be significant. I note that Historic England has reached a similar conclusion.
- 6.89 On archaeology, the comments of the KCC Senior Archaeological Officer are of concern but, having considered the Heritage Report and consulted both Historic England and the MBC Conservation Officer, I take a different view. On the subject of below ground archaeology, she clearly considers the site to be potentially of more value than indicated in the Heritage Statement and I see that the very northernmost part of the site falls within an ‘Undated Ditch Enclosure’ area of archaeological potential. However, in my consideration the issue of potential archaeological remains can be adequately dealt with by a condition requiring a programme of works in advance of development. I see that in her concluding remarks she indicates that mitigation for archaeological remains could be addressed through a condition.
- 6.90 The KCC archaeologist also comments on the impact on the setting of heritage assets around the site and on the ridge: my consideration of these matters is dealt with above. With regard to her comments on the historic landscape, it seems to me that there will be no physical effects on the existing boundaries, surviving field systems, or any identified historic landscape features. It is also noted that this is a temporary development and, following the decommissioning of the solar scheme, the landscape would be restored to its existing state. In any event, this arable field is clearly not characteristic of the historic field pattern having, at some time, been cleared for the purposes of modern agriculture (in contrast to some of its neighbours).
- 6.91 Overall, I conclude that there would be less than substantial harm. As required by guidance this ‘less than substantial harm’ has been considered in the planning balance in the conclusion and has been weighed against public benefits of the proposal.

### **Flood Risk and Drainage**

- 6.92 Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk.
- 6.93 The applicant has submitted a Flood Risk Assessment (FRA) and a subsequent Addendum to deal with comments raised by consultees. The application site falls within Flood Zone 1, although it borders the stream to the east which lies within Zones 2 and 3.

- 6.94 As confirmed by consultees, applications for development such as solar farms present three main risks to flood risk management:

Increased surface area of impermeable surfaces resulting in increased rates of runoff;

Displacement of flood flows; and

Soil erosion leading to reduced capacity of watercourse channels downstream.

- 6.95 The amended FRA states that solar panels of the type proposed do not normally lead to a reduction in the accessible permeable area of a site unless significant surface water channelling occurs. The FRA proposes to deal with this potential issue of channelling during the construction phase through the creation of a peripheral open drainage channel around the eastern and southern boundaries of the site with a small downstream pond to balance increased run-off and promote silt settlement. After construction the risk of channelling would be low but, for the operational phase of the development, a range of measures is put forward ie the upgrading and retention of the peripheral drain; installation of lateral drains; and the establishment of a regular drainage monitoring regime. The detail of this is expected to be covered by condition.
- 6.96 The FRA states that the site is outside of Zones 2 and 3 and does not encroach on any flood conveyance route: consequently there would be no displacement of flood flow. The issue of soil erosion and silting would be dealt with by the aforementioned pond (approx. 12m by 12m) which would be sited at the southern end of the site without encroachment onto the water course.
- 6.97 Looking at the latest responses received from the relevant consultees, there is now no substantive objection from The Environment Agency, The KCC Sustainable Drainage Engineer or The Upper Medway Internal Drainage Board. I consider there to be sufficient evidence here to conclude that the development would not lead to significant flood or drainage-related problems, in terms of increased run-off, obstruction of flood flows or soil erosion/silting. I consider that the detail of the drainage system can be dealt with by condition.

#### **Impact on Surrounding Residential Amenity**

- 6.98 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 6.99 Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 6.100 Saved Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) states that in the countryside, planning permission will not be given for development which harms the amenities of surrounding occupiers.
- 6.101 Noise from the plant and machinery associated with a solar farm is not generally considered to be a significant problem, not least as a solar farm has no moving parts. The only noise generating equipment on site would be within the substation and inverter stations and I estimate that the nearest residential property is over 200m from the nearest such station. The Council's Environmental Health Officer is satisfied that noise is unlikely to be problematic, but consider that conditions controlling noise should be attached to any planning permission to ensure that no harm is caused to nearby neighbours of the site.

- 6.102 Noise from the construction works is a consequence of development and thus a condition is recommended limiting work between 0730 and 1800 Monday to Friday and 0800 and 1300 on Saturdays.
- 6.103 The applicants state that the whole concept of efficient solar power is to absorb as much light as possible while reflecting as little as possible. I am satisfied that glint and glare would not have an adverse impact on the residential amenities of local residents. Subject to planning conditions, no serious harm would be caused to living conditions at neighbouring properties and this aspect of the development would be acceptable and compliant with relevant planning policies and guidelines.

### **Highways Impact**

- 6.104 Paragraph 32 of the NPPF states that all development that generates significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe and suitable access to the site can be achieved for all people; and
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.105 The applicants have submitted an assessment of traffic generation and highways impacts in their Planning and Design and Access Statements.
- 6.106 The applicants state that during the construction and decommissioning phases of the proposed development, access to and from the site would be via the A274 and Byway KH626 only, with no access via Stickfast Lane to the north. Delivery of components would be made using standard articulated or flatbed lorries with offloading by forklift or small mobile cranes if required. The majority of construction works would be undertaken using small scale construction plant suitable for operation on agricultural land. They envisage that further details regarding the construction phase and the management of such, including making good any damage to Tong Lane as a direct result of the proposed development would be submitted in the form of a Construction Traffic Management Plan (CTMP) and Construction Method Statement (CMS), both of which could be conditioned as part of planning approval. Once operational, the proposed development would not generate any significant traffic movements, with security and maintenance staff the only likely visitors. These visits would typically be made by small vans and/or 4x4 type vehicles and the frequency of visits is expected to be approximately 4 to 10 per year.
- 6.107 Once the solar farm was completed and operational the volume of traffic to maintain and operate it would, in my view, be negligible. The significant highways issues centre on the traffic (particularly HGVs) generated by the construction and decommissioning phases. Such traffic would access the site from the south via the A274 (ie from the south west) and then Tong Lane. The latter is a byway open to all traffic and I have seen from site visits that it is already used by farm and commercial traffic, as well as by residents. The applicants estimate the total number of HGV movements to be 168 over a 3 month period. I note there are no substantive

objections from the highway or public rights of way officers: the concern expressed centres on the impact of construction traffic on the physical condition of Tong Lane as a byway. Having considered all views submitted I am satisfied that this issue can be the subject of a condition requiring the developers to rectify any physical damage after works are completed aided by surveys before works commence and after they finish.

- 6.108 On that basis, subject to conditions, the proposed development would not have a significant highways impact on the local road network and would not cause significant danger to vehicles and pedestrians. There is likely to be inconvenience, but the NPPF sets a high test and requires highways impacts to be 'severe' before a decision maker can justifiably withhold planning permission on those grounds. It is considered that the potential impacts of the proposed development would not amount to 'severe'.

### **Crime Prevention**

- 6.109 A development like that proposed would clearly include a number of high value components and is relatively exposed. Kent Police has been consulted and has confirmed that such sites may attract unwanted attention from metal thieves and/or become targets for vandalism and criminal damage.
- 6.110 Kent Police raises no objection but advises that a number of crime prevention measures should be considered by the developers and these include fencing, defensive planting, appropriate alarms, CCTV, etc. Kent Police point out that some basic measures appear to be missing from the submitted scheme.
- 6.111 Clearly, the applicants would not benefit from an insecure site and they are experienced in operating sites like this. A number of the measures recommended by the Police would already be incorporated in to the scheme. Details of some have not been provided, although the application clearly provides the more basic features like fencing and CCTV.
- 6.112 Representations raise issues over site security and an increase in criminal activity and I consider it appropriate to impose a condition requiring full details of all security/crime prevention measures. Subject to this condition I do not consider there to be any sound reason to object on the issue of crime prevention.
- 6.113 Kent Police states that the gap between the base of fencing and the ground should be minimal. In this case, the gap would be 10cm to allow wildlife to enter and leave the site in accordance with the ecology requirements. Whilst acknowledging that it is a matter of concern for local people, the biodiversity benefits would outweigh the security risks associated with that gap, particularly given that a range of other security measures will be secured by condition, including CCTV.

### **Decommissioning**

- 6.114 National and local policy require that local planning authorities take in to account the normally temporary nature of the solar farms and the fact that planning conditions can require the removal of installations when they are no longer required. In this case, planning permission is sought for a period of 25 years, after which the site would be decommissioned, removed from site and the site returned to its former condition and use.

- 6.115 A planning condition securing the removal of the solar farm in line with a decommissioning strategy would be enforceable and would run with the site, rather than the current owner.
- 6.116 In addition, if electricity production from the solar array has permanently ceased for more than six months during the anticipated 25 year period, a condition is recommended that the array and all associated structures shall be removed and the ground reinstated to its original condition.

### **Other Matters**

- 6.117 Objectors are critical of the pre-application public consultation exercise carried out by the applicants saying that it was wholly inadequate. The applicants have submitted a Statement of Community Involvement to explain the publicity that was carried out. Whatever the inadequacies of that publicity exercise, such inadequacies do not constitute a valid reason for refusal of a planning application. The Council has carried out full consultation/notification on the formal application.
- 6.118 Whether the applicants are members of the Solar Trade Association is not material to the determination of this application.
- 6.119 Some objectors make the point that the application lacks detail and that too much detail is left to conditions. I am satisfied that sufficient information has been submitted to allow proper consideration. Where relevant, consultees have submitted comments indicating that they have had sufficient information on which to base their judgements and that conditions are an appropriate means of securing detail.
- 6.120 This application has been advertised on the basis that 'the proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated.' The publicity period expires on 26/2/16.
- 6.121 Members should be aware that the National Planning Casework Unit has received a request to call this application in so that it can be determined by the Secretary of State rather than the Local Planning Authority.
- 6.122 This does not prevent the Committee from reaching a resolution on this application. That resolution will be related to the National Planning Casework Unit. It will then decide whether or not to call the application in.

## **7.0 THE PLANNING BALANCE AND CONCLUSIONS**

- 7.1 The proposal conflicts in some respects with some relevant saved policies of the adopted Local Plan and the starting point is to determine the application in accordance with the development plan unless material considerations indicate otherwise. However, there are a number of material considerations in this case, several of which should be given significant weight, and which when considered cumulatively indicate that permission should be granted.
- Significant weight should be afforded to the delivery of the amount of renewable energy being proposed here.
  - Significant weight should be placed on the economic growth that the proposal would bring, especially in this rural area and to the employment creation.



- Notwithstanding that the site is not previously-developed land and is agricultural land of grade 3b/4, the development of this site for a solar farm would be acceptable in principle.
- In my assessment of landscape and visual impact I concluded that overall, even with mitigation, there would be moderate but localised harm caused to the landscape character and moderate but localised harm to visual amenity and that would weigh against planning permission being granted. This makes this case finely balanced in terms of the benefits of renewable energy weighed against this harm to the Special Landscape Area.
- Whilst great weight should be given to the conservation of heritage assets, there would only be slight harm to the setting of listed buildings and this harm would be less than substantial in nature.
- The development would be acceptable in terms of biodiversity, heritage impacts, the impact on neighbours' living conditions, highways, flood risk and crime prevention, subject to appropriate planning conditions, which are recommended. In relation to biodiversity, taking into account mitigation measures, there would be likely to be an improvement and enhancement of the ecological value of the site.
- A large number of local people have objected to this application. It is the nature, rather than the amount of objections that should be considered.
- Overall, applying the s.38(6) test, I consider that, on balance, the planning benefits which are likely to arise from this proposal outweigh the disbenefits and adverse impacts. For that reason, I recommend that permission be granted. However, furthermore, I also conclude that the three dimensions of sustainable development are met in this case and the presumption in favour of sustainable development should be applied in this case. I consider that the adverse impacts of granting permission for this proposal are significantly and demonstrably outweighed by the benefits of the proposal when assessed against the policies in the NPPF taken as a whole. I recommend therefore that planning permission should be granted subject to conditions.

## **8.0 RECOMMENDATION**

8.1 Subject to referral to The National Casework Unit and no new material planning issues being raised as a result of the publicity of this application as a departure from the provisions of the development plan (publicity period expires 26/2/16), I be given delegated powers to grant planning permission subject to the following planning conditions:

## **9.0 PLANNING CONDITIONS**

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

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. Except as set out in these conditions, the development hereby permitted shall not be carried out except in accordance with the following approved plans:

10420-001/R2 Location Plan) received 18/8/15

10420-003/R1 (Proposed Access Route) received 18/8/15

10420-004/R1 (Solar Panel Elevations) received 18/8/15  
10420-005/R1 (Substation) received 18/8/15  
10420-006/R1 (Control Room) received 18/8/15  
10420-007/R1 (Storage) received 18/8/15  
10420-008/R1 (Fencing) received 18/8/15  
10420-009/R1 (Construction Compound) received 18/8/15  
10420-010/R1 (Inverter Station) received 18/8/15  
10420-002/R4 (Block Plan) received 14/1/16  
EDP2964/13C (Landscape Masterplan) received 14/1/16

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

3. The planning permission hereby granted is for a period of 25 years from the date of first export of electricity from the development to the grid (the 'first export date'), after which the development hereby permitted shall be removed. Written notification of the first export date shall be given to the Local Planning Authority no later than 14 days after the event.

Reason: To ensure that the impacts of the development exist only for the lifetime of the development.

4. Not less than 12 months before the expiry of this permission, a Decommissioning Method Statement and a Decommissioning Biodiversity Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include details of the removal of the arrays, cables, fencing, tracks and buildings together with the repair of damage that may have occurred, restoration of the site, management of traffic during the decommissioning process, a decommissioning timetable, an ecological scoping survey, recommended specific species surveys and detailed mitigation strategies. The development shall be decommissioned in accordance with the approved details.

Reason: To ensure that the impacts of the development exist only for the lifetime of the development, in the interests of the amenity of the area and neighbouring living conditions.

5. If any of the individual solar panels hereby permitted ceases to export electricity to the grid for a continuous period of 6 months the Local Planning Authority shall be notified in writing by the operator of the panels. Within 3 months of that written notification, a Decommissioning Method Statement and Decommissioning Biodiversity Plan for the removal of the solar panel(s) and associated equipment and the reversion of that part (or parts) of the site to agricultural use, as set out in condition 4, shall be submitted in writing to the Local Planning Authority. Within 6 months of the written approval of those details from the Local Planning Authority, the approved details shall be fully implemented.

Reason: To ensure that the impacts of the development exist only for the lifetime of the development, in the interests of the amenity of the area and neighbouring living conditions.

6. Full details of the external finishes of all inverter stations, substations, control rooms, storage buildings and perimeter fencing/gates; and details of the locations and external appearance of security cameras (and their supporting poles) shall be submitted to and approved in writing by the Local Planning Authority before any of that development is constructed. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

7. Prior to the commencement of the development a Construction Traffic Management Plan and Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Plans shall include full details of parking and turning arrangements and facilities for the wheel-washing of vehicles. The development shall be

carried out in accordance with the submitted Plans unless the Local Planning Authority gives its consent in writing to any variation;

Reason: In the interests of highway safety. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

8. Prior to commencement of the development a condition survey of byway KH626 shall be carried out with a representative of the County Council's Public Rights of Way and Access Service (PROWAS). On completion of the construction period a second road condition survey shall be similarly carried out. Thereafter, any damage identified by the results of the two surveys shall be rectified and certified by PROWAS as being completed to a satisfactory standard prior to the first export of electricity from the development to the grid. Should any damage occur during construction which, in the opinion of PROWAS, affects the operation or use of the byway for any person, this shall be rectified within one week of notice being given to the developer.

Reason: To ensure that the condition of the byway is not adversely affected by the development. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

9. No works associated with the development shall take place at the site and no vehicles associated with the development shall enter or leave the site, on Sundays or Public Holidays or outside of the following hours: between 0730 and 1800 Monday to Friday and 0800 and 1300 on Saturdays.

Reason: To protect the living conditions of dwellings in the locality.

10. Prior to the first export of electricity from the site, details of any plant (including ventilation, refrigeration and air conditioning) 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 (*in areas of low background sound levels a target of NR30 shall be achieved*) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings 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 living conditions of dwellings in the locality. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

11. The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the night time period. For the purpose of the assessment the Authority will accept 23:00 – 07:00 hours as covering the night time period.

Reason: To protect the living conditions of dwellings in the locality.

12. Prior to the first use of the electricity substation an acoustic report assessing the impact of noise 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 Procedure for the assessment of low frequency noise complaints 2011 (NANR45). 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: To protect the living conditions of dwellings in the locality. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

13. No external lighting shall be used at the site unless otherwise agreed beforehand in writing by the Local Planning Authority.

Reason: In the interests of minimising the landscape impact of the development and the amenity of neighbouring residents.

14. No development shall take place at the site before a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that features of archaeological interest are properly examined and recorded. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

15. No development shall take place until a scheme of measures to minimise the risk of crime that shall include details of the location and design of security cameras has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is first brought in to use and thereafter retained and maintained for the lifetime of the development.

Reason: In the interest of security and crime prevention. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

16. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The detailed drainage scheme shall be based on the recommendations within the application reports prepared by S. M. Foster Associates Limited, and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of to the receiving network at an agreed rate that does not exceed the rate of runoff from the existing site. The scheme shall include details of proposed implementation, maintenance and management and shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation; and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. The scheme shall take full account of any existing land drains on and around the site;

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

17. Prior to the commencement of development 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 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. Notwithstanding the detail submitted thus far, the implementation details shall provide for a long term management plan, extending up to and five years beyond the period of reinstatement once the solar farm equipment has been removed from the site; whilst the scheme shall include the following specification for new landscaping:

Hedgerow shrubs (90-120cm whips or equivalent):

Carpinus betulus (Hornbeam) 30%  
Crataegus monogyna (Hawthorn) 15%  
Corylus avellana (Hazel) 35%  
Euonymus europaeus (Spindle) 5%  
Ilex aquifolium (Holly) 15%

Hedgerow standard trees (Nursery standard size, 8-10cm, 2.7-3m):

Sorbus torminalis (Wild Service Tree) 5%  
Quercus robur (Oak) 95%

Individual tree planting (Nursery standard size, 8-10cm, 2.7-3m):

Carpinus betulus (Hornbeam)  
Sorbus torminalis (Wild Service Tree) (least common species)  
Quercus robur (Oak) (predominant species)

Hedgerows shall be planted in double or triple rows in groups of species. Plants shall be approximately 45cm apart in staggered rows which are 30cm apart. Hedgerow standard trees shall be planted at irregular intervals individually or in small groups as appropriate to reflect the landscape character.

Reason: To ensure a satisfactory setting and external appearance to the development. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

18. 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 ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

19. No development shall take place until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place only in accordance with the approved details. All trees to be retained must be protected by barriers and/or ground protection. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures 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 protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority.

Reason: In the interests of tree protection. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

20. No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details. The CEMP should incorporate measures to protect habitat features (and the species supported by these habitats) during the construction of solar panels, buildings and ancillary development. The Plan shall include full details of construction methodology and details of the timetable for construction (including the time of year when construction will take place). The Plan shall also include details of a species mitigation strategy (with particular emphasis on Great Crested Newts) and shall incorporate measures to ensure that no construction traffic/activities will adversely impact on field boundaries.

Reason: In the interests of ecology; particularly the protection of Great Crested Newts. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

21. No development shall commence at the site before details of a scheme of biodiversity enhancements reflecting those set out in the submitted Preliminary Ecological Appraisal (July 2013); the Ornithological Risk Assessment and Phase 1 Habitat Checking Survey Report (August 2015); the Great Crested Newt Assessment (August 2015); the 'Response to matters raised during consultation document' dated 23/12/15; and the TNEI letter dated 5/1/16 have been submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for implementation and how land will be managed during the life of the development. These shall include (but not be limited) to the following:

- Grassland and pond management/establishment.
- Hedgerow enhancements.
- Provision of wildflower planting both within the site but also in the new wildflower meadow to the south of the site.
- Monitoring of the successfulness of the various measures proposed.

The scheme shall be carried out in accordance with the approved details and implemented for the lifetime of the development.

## Planning Committee Report

Reason: In the interests of protecting and enhancing biodiversity in and around the site. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

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.

# Agenda Item 18



15/507259

Scale: 1:1250

Printed on: 17/2/2016 at 10:08 AM

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## REPORT SUMMARY

<b>REFERENCE NO - 15/507259/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of a new single storey, contemporary residential dwelling with associated landscaping, parking and access			
<b>ADDRESS</b> Land adjacent Rock House Boughton Lane Boughton Monchelsea Kent ME17 4LY			
<b>RECOMMENDATION – REFUSE PERMISSION with powers delegated to officers on the basis that no new material planning issues are raised up to the 26 February 2016 when the departure from the development plan notices expire</b>			
<b>SUMMARY OF REASONS FOR REFUSAL</b> The proposed new dwelling in the open countryside location does not conform with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000. The open countryside location with poor access to public transport, services and facilities is likely to result in reliance on the private car and as such the proposed development is not considered to represent sustainable development in accordance with the provisions of the National Planning Policy Framework (NPPF).  The proposed new dwelling is not justified as one of the exceptions in the NPPF (para. 55) where a new isolated home in the countryside could be permitted. The formation of the new access on Boughton Lane, the significant extent of the proposed built form, and the further domestication of this part of the open countryside is likely to be harmful to the character and appearance of the open countryside location.  The small contribution the new dwelling would make to the current shortfall in the required five-year housing supply is not considered to outweigh the conflict with the environmental aims of the NPPF relating to sustainable development and the visual harm that will result.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> The proposed new dwelling in the open countryside location represents a departure from the Development Plan.  Boughton Monchelsea Parish Council support the application and would like to see it approved. The Parish Council have stated that if officers are minded to recommend refusal then they would wish to see the application reported to the Planning Committee.			
<b>WARD</b> Boughton Monchelsea And Chart Sutton		<b>PARISH/TOWN COUNCIL</b> Boughton Monchelsea	<b>APPLICANT</b> Mr Doug Smith <b>AGENT</b> DHA Planning
<b>DECISION DUE DATE</b> 29/10/15		<b>PUBLICITY EXPIRY DATE</b> 26/02/16	<b>OFFICER SITE VISIT DATE</b> 30/09/15
<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>
MA/96/0150	Extension to existing outbuilding for enlarged garage and gymnasium.	Approved	13.03.96
MA/90/964	Conservatory extension.	Approved	24.07.90
MA/90/1046	Pool house enclosure.	Refused	29.08.90

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 The application site is located to the rear (west) of the substantial detached two-storey residential property at Rock House which is situated on the west side of Bottlescrew Hill, to the south of its junction with Boughton Lane. The existing residential property has a gated access drive off Bottlescrew Hill and an extensive garden area which is bounded by Boughton Lane to the north.
- 1.02 The application site covering 0.61 hectares was formerly an unused part of the garden to the existing residential property at Rock House. The land is now physically separated by a close boarded timber fence and hedge. The existing residential property incorporates a number of outbuildings mainly set around the hardstanding area to the rear (west) of the dwelling and accessed from the access drive.
- 1.03 The site has a relatively narrow frontage to Boughton Lane to the north from where it is accessed and 55m approx. back (south) from the frontage to Boughton Lane is the main body of the site with approximate maximum dimensions of 74m by 74m. The main body of the site comprises a central grassland clearing with mature woodland and hedging around the perimeter.
- 1.04 The existing residential property at Rock House, a substantial mid-19<sup>th</sup> century dwelling, is not a listed building but the site is located adjacent to The Quarries Conservation Area and within reasonably close proximity to a number of listed buildings, including Rock Cottage, Harts House, Swiss Cottage and The Maltings to the south of Rock House.
- 1.05 The site is located within the open countryside outside the urban area of Maidstone and any village development boundary shown on the Proposals Map to the Maidstone Borough-Wide Local Plan. The site forms part of an area of Local Landscape Importance as defined on the Proposals Map and part of the Southern Anti-Coalescence Belt as defined on the Proposals Map. The site forms part of an area identified as being of archaeological potential.
- 1.06 The site is adjoined by several Public Rights of Way, including footpaths KM101 to the west/south-west of the site and KM102 to the south of the site and bridleway KM331 to the south-west of the site.

### **2.0 PROPOSAL**

- 2.01 The application proposes the development of the site with the erection of a detached dwelling with roof garden and room, with associated landscaping and access from Boughton Lane.
- 2.02 The proposed dwelling is accessed from a 70m driveway off Boughton Lane and is to be more or less centrally located within the main body of the site south of the access. The proposed dwelling has a 24m x 17m footprint with a further detached garage/workshop block with a 15m x 7m footprint adjacent to the north-eastern corner of the dwelling fronting an entrance forecourt at the end of the access driveway.
- 2.03 The proposed dwelling is predominantly single-storey with a flat roof and incorporates a central open plan living and kitchen/dining room with two bedrooms either side of the central open plan area, a utility room and a study/library room. Within the proposed entrance hallway are stairs leading up to a first floor flat roofed addition with a 6m x

7.3m space providing a rooftop room with access to a roof terrace and garden. The gross internal floor area of the proposed dwelling is 399 sq. m.

- 2.04 Externally the proposed driveway and entrance forecourt are to be gravel with bands of ragstone. To the rear (west) of the proposed dwelling an extensive (17.8m x 25.8m approx.) landscape decked partly raised terrace with pond is proposed with a further smaller partly raised decked terrace area (14.5m x 6.8m approx.) with swimming pool to the southern side of the dwelling.
- 2.05 To the southern side of the proposed dwelling an elevated walkway is proposed extending 11m from the outside edge of the raised decking leading to a circular (5.5m diameter) raised cabin set amongst the existing tree canopies adjacent to the southern boundary. The mature woodland and hedging around the perimeters of the site is shown in the proposals to be retained with new planting provided along the access driveway.
- 2.06 The proposed dwelling is of modern contemporary design and construction. Materials incorporate fair-faced reinforced in-situ concrete, timber doors, sliding screens and cladding with grey aluminium glazed windows and sliding glass walls. The proposed detached garage/workshop outbuilding is to have a ragstone finish.
- 2.07 The Design and Access Statement submitted with the application states that the aim is for the house to achieve Passivhaus standard and utilise cutting edge yet practical technologies. The Statement states that the house will be fuelled by a ground source heat pump linked to an electric immersion system for top up heating and hot water and that concealed rooftop photovoltaic panels will generate power that will offset the immersion demands. The Statement states that the building fabric will be highly insulated and sealed to achieve very high U-values and airtightness and that all glazing will be high performance triple-glazed in thermally broken window frames. The Statement states that the dwelling will utilise a rainwater harvesting system and a charging point will be provided for an electric motor vehicle.
- 2.08 The applicant's Design and Access Statement states that the new low profile building is located discretely on the site. The applicant states that the existing landscape is to be retained and supplemented and this will the new dwelling will screen the proposed house.

### **3.0 PLANNING CONSTRAINTS**

- 3.01 The site is located within the open countryside outside the urban area of Maidstone and any village development boundary shown on the Proposals Map to the Maidstone Borough-Wide Local Plan.
- 3.02 The site forms part of an area of Local Landscape Importance as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan.
- 3.03 The site forms part of the Southern Anti-Coalescence Belt as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan.
- 3.04 The site forms part of an area identified as being of archaeological potential.
- 3.05 The existing residential property at Rock House and the south-eastern corner of the plot of the proposed development adjoins part of the northern boundary of The Quarries Conservation Area.

- 3.06 The site is within reasonably close proximity to a number of listed buildings, including Rock Cottage, Harts House, Swiss Cottage and The Maltings to the south of Rock House.
- 3.07 The site is adjoined by several Public Rights of Way, including footpaths KM101 to the west/south-west of the site and KM102 to the south of the site and bridleway KM331 to the south-west of the site.

#### 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 ENV6, ENV28, ENV32, ENV35, ENV49, T13
- Maidstone Borough Council Draft Local Plan: Policies SS1, SP5, DM1, DM2, DM4, DM5, DM6, DM10, DM30

#### 5.0 LOCAL REPRESENTATIONS

- 5.01 14 neighbouring properties were notified of the application and a site notice was displayed. No responses/representations on the application have been received to-date from the occupiers/users of the neighbouring properties.
- 5.02 The application has recently been re-publicised (press and site notices) as a departure from the local plan and the deadline for comments in respect of the press notice expires the day after (26<sup>th</sup> February) the committee meeting. The recommendation on the application takes into account the possibility of local representations being received on the application after the committee meeting.

#### 6.0 CONSULTATIONS

- 6.01 **Boughton Monchelsea Parish Council:** The Parish Council comment that they would like to support this application and see it approved. Comment further that the proposed house is fully sustainable and of modern construction, it is self-contained and in its own context, and that they would like to see continued screening for surrounding properties and the conservation area. Advised that members agreed that if officers are minded to recommend refusal then the Parish Council would wish to see the application reported to the MBC Planning Committee.
- 6.02 **Conservation Officer:** Raises no objection subject to conditions re full details/samples of materials, large scale details of doors and windows, landscaping and removal of all 'permitted development' rights. Commented as follows:

*'The application site lies just outside the boundary of the Boughton Monchelsea (The Quarries) Conservation Area and relatively close to listed buildings at Rock Cottage and Harts House. It is elevated considerably above these designated heritage assets. The land also falls within the curtilage of Rock House, which although not listed is a fine house of circa 1840 which in my view should be considered as a non-designated heritage asset.'*

*The application is accompanied by a detailed Heritage Statement which concluded that because of the height difference and the existing boundary planting to the application site there will be no inter-visibility between the proposed house and the designated heritage assets. I agree that this is likely to be the case – there might be*

*some glimpses of the proposed “contemplation cabin” from the conservation area but this, in my view, could add interest to the scene and would not cause harm. Neither do I consider that harm would result to the setting of Rock House from the proposals.*

*The proposed house is an interesting modern site-specific design which would not have any wide impact on the local landscape. Mention is made in the Heritage Statement of the draft Conservation Area Management Plan which is currently out for consultation and which suggests that Rock House (including the application site) could be considered for inclusion in an extended conservation area. This is not yet a firm proposal, but even if the conservation area were to be extended to include the site it is my opinion that these proposals would not cause harm to it.'*

6.03 **Environmental Health Officer:** Raises no objection. Comments that the proposed development does not have any implications for noise, air quality or radon. Recommends that as the development involves demolition and/or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected.

6.04 **Kent Highways:** Comments that the application proposes a new access on to Boughton Lane to the north of the site and that a submitted report shows that there is sufficient visibility achievable from this access in relation to the speed of vehicles at this section. Further comments that Boughton Lane is an unclassified road, and therefore a new access here would not require planning permission. Comments that there have been no accidents on this section of Boughton Lane and it is not expected that there will be a significant amount of traffic generated from this site. Advises that the site allows for the sufficient parking and turning of cars, however the applicant should provide tracking diagrams showing that a fire tender can safely access, turn around and exit the site in a forward gear. Subject to the above, and the conditions outlined below, Kent Highways do not raise objection:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- Gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.

- Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.

Advises that the applicant should contact KCC – Highways and Transportation regarding construction of the required vehicular crossing or any other works within the highway for which a statutory licence must be obtained and an informative should be attached to any grant of planning permission informing the applicant that it is their responsibility to ensure, before the development commences, 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.

**6.05 KCC Archaeological Officer:** Comments as follows:

*'The site of the application lies within an area of archaeological potential associated with Iron Age activity and post medieval industrial activity. The site lies c.300m north of the Scheduled Monument of Boughton Camp, an Iron Age settlement or oppidum. Associated Iron Age activity sites have been found in the surrounding area, for example c200m to the north opposite Boughton Mount and there is potential for Iron Age and later remains to survive. In addition, there are clear indications that this area was known for extraction of ragstone from the Medieval Period or earlier. Evidence of post medieval or earlier quarrying may survive on the site.'*

*I note the site is set within a strongly marked curving boundary, originally the boundary of Rock House land perhaps. The early maps also indicate a small outbuilding in the south west corner of the site. It is not very clear but the 1<sup>st</sup> Ed OS map suggests the application site may have been part of the post medieval Boughton Quarries industrial complex. Remnants of historic landscape features may survive on site.*

*The application is supported by a Heritage Statement by Heritage Collective. This statement seems to focus on the buildings and there is no assessment of archaeology or historic landscape issues. It would have been preferable for a Heritage Statement to cover all elements of the historic environment not just buildings. It is not clear from the application details whether the site is a former quarry site itself or how this land relates to Rock Cottage. However, there are no designated heritage assets on the site itself 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:*

- Archaeological field evaluation works and historic landscape survey in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*
- Following on from the evaluation and the historic landscape survey, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigations and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;*

*Reason: Pursuant to Articles 35(1) and (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority is satisfied that the requirements of this condition (including the timing of compliance) are so fundamental to the development permitted that such details must be submitted prior to the works, other than demolition works, commencing on site. This is because, at the time of granting permission, full details were not yet available but this information is necessary 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 Public Rights of Way Officer:** Comments that the development site is adjoined by several Public Rights of Way including footpath KM101 and KM102 and bridleway KM331 and that the existence of rights of way is a material consideration. Comments further that it is noted that this development does not directly affect the Right of Way and in light of this no objection is raised to the application. Recommends a number of general informatives to be attached to any grant of planning permission relating to the protection/safeguarding of the Public Rights of Way. Further recommends that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
- 6.07 **Natural England:** No comments to make on this application. Advise that the lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 6.08 **Southern Water:** Advise that the sewer records show the approximate position of a public foul sewer within the site and that the exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. Further advise that no development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works and that no new soakaways should be located within 5 metres of a public sewer. Advise that due to changes in legislation regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the property and 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. Request an informative is attached to any grant of planning permission relating to the need to make a formal application to Southern Water for a connection to the public foul sewer. Advise that their initial investigations indicate that there are no public surface water sewers in the area to serve this development and that alternative means of draining surface water from this development are required. Advise further that this should not involve disposal to a public foul sewer. Comment that the application contains a proposal for a swimming pool for private use and if the pool produces filter backwash water this would need to be discharged to the public foul sewer. Advise that the rate and times of discharge of this water to the sewer, and discharge of the contents of the pool (if these need to be drained to the sewer), would have to be agreed with Southern Water. 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."
- 6.09 **UK Power Networks:** No objections to the proposed works.

## **7.0 BACKGROUND PAPERS AND PLANS**

7.01 The current application is accompanied by the following drawings/documents:

Drawing No. RC-P-Location – Location Plan (Existing)  
Drawing No. RC-P-Location – Location Plan (Proposed)  
Drawing No. RC-P-Block – Block Site Plan (Proposed)  
Drawing No. RC-P-Site – Ground Floor Plan (Proposed)  
Drawing No. RC-P-L0 – Ground Floor Plan (Proposed layout)  
Drawing No. RC-P-L1 – First Floor Plan (Proposed layout)  
Drawing No. RC-P-LR – Roof Plan (Proposed layout)  
Drawing No. RC-E-001 – East Elevation (Proposed)  
Drawing No. RC-E-002 – South Elevation (Proposed)  
Drawing No. RC-E-003 – West Elevation (Proposed)  
Drawing No. RC-E-004 – North Elevation (Proposed)  
Drawing No. RC-EC-001 – East Elevation (Proposed in context)  
Drawing No. RC-EC-002 – South Elevation (Proposed in context)  
Drawing No. RC-EC-003 – West Elevation (Proposed in context)  
Drawing No. RC-EC-004 – North Elevation (Proposed in context)  
Drawing No. RC-S-AA – Proposed Section A-A  
Drawing No. RC-S-BB – Proposed Section B-B  
Drawing No. RC-GRG – Garage/Workshop Block (Proposed plan and elevations)  
Drawing No. RC-CC – Contemplation Cabin (Proposed plan and elevations)  
Design & Access Statement (August 2015)  
Planning Statement (September 2015) – DHA Planning  
Heritage Statement (July 2015) – Heritage Collective  
Arboricultural Report (20.04.15) – Phelps Associates  
Extended Phase 1 Ecological Survey & Phase 2 Ecological Surveys (October 2012) – AB Ecology  
Updating Extended Phase 1 Habitat Survey and Updating Protected Species Surveys (July 2015) – AB Ecology  
Site Access Sightline Statement (April 2015) – Paul Mew Associates  
Drawing DHA/10777/02 - Access to Facilities Plan

## **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.



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

- 8.02 The proposed erection of a dwelling on the site does not fall within any of the above categories considered as appropriate development in the countryside, and therefore the proposal represents a departure from the Development Plan. It is therefore necessary to consider whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified. The provisions of the National Planning Policy Framework (NPPF), particularly with regard to housing land supply, are a key consideration in this regard. Paragraph 47 of the NPPF states that Councils should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and completion in the market for land.”

- 8.03 The update of the Maidstone Strategic Housing Market Assessment (June 2015) established an objectively assessed need for housing of 18,560 dwellings between 2011 and 2031, or 928 dwellings per annum, and these figures were agreed by the Strategic Planning, Sustainability and Transportation Committee on 9 June 2015.
- 8.04 Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, the Council is able to demonstrate a housing land supply of 3.3 years as at 1 April 2015. The Council therefore cannot currently demonstrate a five-year supply of deliverable housing sites, and this position was reported to the Strategic Planning, Sustainability and Transportation Committee on 23 July 2015.
- 8.05 This lack of a five year supply is a significant factor and at paragraph 49 the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that, as noted above, relevant policies for the supply of housing (such as policy ENV28 of the Local Plan which seeks to restrict housing outside of settlements) should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. 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.
- 8.06 In terms of the location of the site, the NPPF advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements.
- 8.07 In this case the site access on Boughton Lane is some 300m from the closest part (the western edge) of the Boughton Quarries village settlement which is small and offers nothing in terms of facilities. The site lies marginally further to the south of the closest part of the main Maidstone urban area (as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan) where an extensive range of facilities and services exist, albeit some distance from the site.
- 8.08 The site is 15 minutes walk from bus routes along Loose Road/Linton Road into Maidstone town centre. There is a small shop/post office on Church Street close to the Boughton Monchelsea village centre to the south, a walk of 15 minutes away. The Boughton Monchelsea Primary School and the New Line Learning Academy are a

walk of 20-25 minutes away to the south and north of the site respectively. The access to these facilities is at least partly accessed from narrow country roads which are to a large extent unlit and lacking footways.

- 8.09 In the circumstances it is considered that future occupiers of the proposed dwelling would be heavily reliant on car-based journeys for their day to day needs. As a result the proposed development is not considered to represent sustainable development with regard to access to public transport and services, and would be contrary to the provisions of the NPPF in this regard.
- 8.10 The overarching principle of the NPPF is a clear presumption in favour of sustainable development. The NPPF states (para.55) that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. One of the special circumstances given in paragraph 55 of the NPPF whereby an isolated new dwelling in the countryside could be justified is the exceptional quality or innovative nature of the design of the dwelling. The NPPF states that such design should:
- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
  - reflect the highest standards in architecture;
  - significantly enhance its immediate setting; and
  - be sensitive to the defining characteristics of the local area.
- 8.11 In the Planning Statement supporting the application the applicant acknowledges that the proposal is effectively a new house in the countryside but is of the view that the proposal meets the above tests as set out in paragraph 55 of the NPPF, and the design quality together with the qualitative enhancements made to the landscape will ensure that the scheme has a positive impact upon the locality.
- 8.12 The applicant's Planning Statement states that the proposed new dwelling is sited and designed as a subordinate, but striking building that would complement the main dwelling at Rock House. The statement says that the external treatment of the building and its outbuildings uses a mixture of contemporary materials and technologies combined with local traditional materials such as ragstone and timber cladding. The statement advises that the new dwelling will be built to exacting standards utilising modern methods of construction and based on the 'fabric first' principles of Passivhaus design established in Germany over 25 years ago. The Planning Statement further states that there are very few examples of wholly Passivhaus design within the Borough of Maidstone that incorporate this technology and that it is hoped that its development here, together with long term monitoring of its benefits will be of assistance when future proposals of this nature come forward.
- 8.13 Whilst it is considered that the proposed dwelling will provide contemporary design and construction, and seeks to achieve Passivhaus standard, it is not considered that the design would be outstanding or innovative. It is also not considered that there is any overriding suggestion that the scheme would help raise standards of design more generally in rural areas. It is considered that the visual impact of the formation of the new access into the site on Boughton Lane, the significant extent of the proposed built form, including extensive partly raised decked terrace areas, and the further domestication of this part of the open countryside would be harmful to the character

and appearance of the open countryside setting. For the above reasons, it is not considered that the proposed development would satisfy the four criteria in paragraph 55 of the NPPF required to demonstrate its exceptional quality or innovative nature.

- 8.11 For the above reasons, the proposed erection of a new dwelling in the open countryside location is considered to be unacceptable. The development would represent unsustainable housing development in an isolated location, with regard to public transport and services, with future occupants reliant on the use of the private car. As such the proposal is contrary to the provisions of the NPPF. A further key issue is whether the likely adverse environmental impacts of the proposed development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

### **Landscape and visual Impact**

- 8.12 The open countryside site forms part of the Loose Valley Area of Local Landscape Importance as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan. Policy ENV35 of Maidstone Borough-Wide Local Plan states that in the defined Areas of Local Landscape Importance particular attention will be given to the maintenance of open space and the character of the landscape and encouragement will be given to improvements in public access.
- 8.13 As noted in paragraph 8.01 above, policy ENV28 of the Local Plan relating to development within the open countryside states that in the countryside planning permission will not be given for development which harms the character and appearance of the area.
- 8.14 Government guidance in the NPPF (para. 109) states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 8.15 The site forms part of the Southern Anti-Coalescence Belt as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan. Policy ENV32 of the Maidstone Borough-Wide Local Plan states that within the defined Southern Anti-Coalescence Belt, development which significantly extends the defined urban area or the built up extent of any settlement, or which, as a result of infilling, consolidates existing areas of development, will not be permitted.
- 8.16 The main body of the site in which the proposed new dwelling is to be sited is some 55m approx. back (south) from the frontage to Boughton Lane from where the site is accessed and the main body of the site comprises a central grassland clearing with mature woodland and hedging around the perimeter which forms a screen.
- 8.17 The submitted proposal for a new dwelling includes the following development:
- A new building with a 24m x 17m footprint,
  - A detached garage/workshop block with a 15m x 7m footprint,
  - A(17.8m x 25.8m approx.) partly raised decked terrace with pond to the rear (west) of the dwelling,
  - A further partly raised decked terrace area (14.5m x 6.8m approx.) with swimming pool to the southern side of the dwelling, and
  - the provision of an elevated walkway to the southern side of the dwelling extending 11m from the outside edge of the raised decking leading to a circular (5.5m diameter) raised cabin set adjacent to the southern boundary of the site,

- 8.18 It is considered that the proposal would result in visual impact in this open countryside location. This impact would be greatest in terms of the upper parts of the building including the views from, and across the Loose Valley to the west. With existing trees providing some screening, the impact would be particularly present during the winter months when this screening to the site is less dense.
- 8.19 It is considered that the proposal will introduce significant built form into this part of the open countryside. The scale and extent of the proposed development and the domestication of this land will impact on the character and appearance of this open countryside location. It is considered that the proposal will result in a harmful impact on the locality. The proposal would conflict with the Area of Local Landscape Importance and Southern Anti-Coalescence Belt designations and would conflict with policies ENV28, ENV32 and ENV35 of the Maidstone Borough-Wide Local Plan.

### **Residential Amenity and Standard of Accommodation**

- 8.20 The proposed detached dwelling with roof garden and room would be sited approximately 80m from the existing dwelling at Rock House to the east and approximately 70m from the neighbouring dwelling at Rock Cottage to the south-east of the site. With the separation from adjoining properties it is not considered that there would be any unacceptable loss of amenity to the neighbouring occupiers in terms of loss of light, overshadowing, loss of outlook, overlooking or loss of privacy.
- 8.21 The proposed internal room sizes, layout and private outdoor amenity space to the proposed new dwelling will provide good indoor and outdoor living conditions for future occupiers of the proposed dwelling.

### **Highways**

- 8.22 The proposed detached 4-bedroom dwelling is accessed from a 70m driveway off Boughton Lane with a new access being formed on Boughton Lane to serve the development.
- 8.23 Kent Highways advise that a report (submitted in support of the application) shows that there is sufficient visibility achievable from the proposed access in relation to the speed of vehicles at this section of the road. The proposed dwelling fronts onto an entrance forecourt at the end of the access driveway and a proposed detached garage/workshop block incorporating parking for 3 cars is proposed off the entrance forecourt. Kent Highways advise that the site allows for the sufficient parking and turning of cars and that subject to the applicant providing tracking diagrams showing that a fire tender can safely access the site, turn around and exit the site in a forward gear and a number of conditions (outlined in paragraph 6.04 above) being imposed on any grant of planning permission, Kent Highways do not raise objection to the application.
- 8.24 The proposed development incorporates adequate access and on-site parking arrangements and in terms of traffic movements, it is not expected that there will be a significant amount of additional traffic generated from the site. The conditions requested by Kent Highways can be imposed on any grant of planning permission together with a further condition requiring the submission and approval of tracking diagrams showing that a fire tender can safely access the site, turn around and exit the site in a forward gear. As the highways impact from the development can be successfully addressed through the use of conditions, the impact on the highways network does not form part of the recommended grounds for the refusal of planning permission.

### **Landscaping and ecology**

- 8.25 The site comprises a mixture of managed and unmanaged poor semi-improved grassland, scattered trees, woodland and hardstanding. A close boarded timber fence runs along the eastern boundary of the site. The western boundary and the northern boundary of the main body of the site are bordered by a hedgerow.
- 8.26 The proposed detached predominantly single-storey dwelling with roof garden and room is to be more or less centrally located within the main body of the site within an area of poor semi-improved grassland. The proposed dwelling incorporates a detached garage/workshop block adjacent to its north-eastern corner, a partly raised decked terrace to the rear (west) with a smaller partly raised decked terrace area to the southern side. To the southern side of the proposed dwelling an elevated walkway extends 11m from the outside edge of the raised decking leading to a circular (5.5m diameter) raised cabin set amongst the existing tree canopies adjacent to the southern boundary.
- 8.27 The Arboricultural Report submitted in support of the application concludes that with the erection of protective fencing in accordance with a 'Tree Protection Plan' will ensure no damage is caused. The Planning Statement submitted in support of the application states that poorer tree specimens at the site boundary will be replaced and that additional trees and planting will be added to augment and extend the woodland which is a defining characteristic of the area.
- 8.28 The Ecological Survey reports submitted in support of the application recommend that the proposals should minimise in the form of damage or removal of hazel coppice woodland and areas of ground flora to the northern, southern and western perimeters of the main body of the site and that during the proposed works appropriate exclusion fencing is erected to prevent access to these areas. The reports further recommend that the ecological value of the on-site vegetation could be significantly enhanced by simple habitat management, in particular, the planting of native trees, shrubs and wildflowers within the development would increase biodiversity value greatly.
- 8.29 The Ecological Survey reports recommend measures to protect areas of habitat considered suitable for supporting dormouse, to safeguard and enhance the use of the site by breeding birds, and to provide enhancement of the site for roosting bats and safeguard the use of the site by foraging and commuting bats.
- 8.30 The Ecological Survey reports state that the proposals will require initial clearance of small areas of rough grassland and tall ruderal habitat and that there is potential for high impacts on reptiles (grass snake and slow worms) through injury or killing during proposed clearance works. The reports recommend a strategy of exclusion and translocation is utilised to move reptiles from areas to be impacted by the proposals to appropriate areas within the site with reptile exclusion fencing installed along the perimeter of the working area at the site.
- 8.31 The Ecological Survey reports make recommendations for the provision of a scheme for the retention and protection of badger setts located on and adjacent to the site. The main badger sett within the site is located adjacent to the western boundary of the main body of the site with subsidiary annex entrance to the south-eastern corner of the main body of the site, both within the recommended tree protection/reptile exclusion fence line. The proposed building is in excess of 31m from the closest (partially used) main badger sett entrance and 23m from the closest subsidiary sett entrance.

- 8.32 Subject to the implementation of the recommendations of the submitted Arboricultural Report and Ecological Survey Reports being secured by conditions imposed on any grant of planning permission, it is considered that the landscape and ecological interests of the site can be adequately safeguarded. As the impact on ecology from the development can be successfully addressed through the use of conditions, the impact on the ecology does not form part of the recommended grounds for the refusal of planning permission.

### **Heritage impact**

- 8.33 The existing residential property at Rock House and the south-eastern corner of the plot of the proposed development adjoins part of the northern boundary of The Quarries Conservation Area. To the south of Rock House, within the Conservation Area, are a number of listed buildings, including Rock Cottage, Harts House, Swiss Cottage and The Maltings.
- 8.34 Government guidance in the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The NPPF states that the more important the asset, the greater the weight should be and that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 8.35 The NPPF states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. The NPPF states (para. 133) that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that there are substantial public benefits from the development that outweigh that harm or loss. The NPPF further states (para. 134) that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 8.36 The Conservation Officer has commented (see paragraph 6.02 of the report above) that he agrees with the conclusions of the Heritage Statement supporting the application that because of the height difference and the existing boundary planting to the application site there will be no inter-visibility between the proposed house and the adjoining designated heritage assets. The Conservation Officer raised no objection to the application subject to conditions being imposed on any grant of planning permission relating to details/samples of the materials to be used in the development, large scale details of doors and windows being approved, landscaping details, and removal of all 'permitted development' rights. As the impact from the development on heritage can be successfully addressed through the use of conditions, the impact on the heritage does not form part of the recommended grounds for the refusal of planning permission.

### **Archaeology**

- 8.37 As noted in the representations on the application from the KCC Archaeological Officer (see paragraph 6.05 of the report above), the site of the application lies within an area of archaeological potential associated with Iron Age activity and post medieval industrial activity. The site lies c.300m north of the Scheduled Monument of Boughton Camp, an Iron Age settlement or oppidum. Associated Iron Age activity sites have been found in the surrounding area, for example c200m to the north opposite Boughton Mount and there is potential for Iron Age and later remains to

survive. In addition, there are clear indications that this area was known for extraction of ragstone from the Medieval Period or earlier. Evidence of post medieval or earlier quarrying may survive on the site.

- 8.38 The KCC Archaeological Officer further comments that the 1<sup>st</sup> Ed OS map suggests the application site may have been part of the post medieval Boughton Quarries industrial complex. Remnants of historic landscape features may survive on site.
- 8.39 The KCC Archaeological Officer recommends a condition be imposed on any grant of planning permission requiring the submission and approval of a specification and timetable for implementation of archaeological field evaluation works and historic landscape survey. The condition following on from the evaluation and the historic landscape survey should include any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigations and recording in accordance with an approved specification and timetable. The recommended condition can be imposed on any grant of planning permission and will ensure the archaeological interests of the site are safeguarded. As the impact from the development on archaeology can be successfully addressed through the use of conditions, the impact on the archaeology does not form part of the recommended grounds for the refusal of planning permission.

#### **Drainage**

- 8.40 Southern Water in their representations on the application (see paragraph 6.08 of the report above) request that a condition be attached to any planning approval requiring the submission of details of the proposed means of foul and surface water disposal for the development for approval. The requested condition can be imposed on any grant of planning permission.

#### **Other Matters**

- 8.41 Whilst the Parish Council's support for the application is noted (see representations in paragraph 6.01 of the report above), as set out in the following conclusions it is not considered that there is any overriding justification in this case to permit a new dwelling in the open countryside location.
- 8.42 The application site covers an area of 0.61 hectares and the Council's normal policy is to seek affordable housing provision on sites over 0.5 hectares in area (or providing 15 units or more). In this case due to the circumstances of the proposal including provision of a single residential unit it is considered that seeking a contribution towards affordable housing would be unreasonable. The planning application has been advertised as a departure from the development plan.

### **9.0 CONCLUSION**

- 9.01 The site is located within the open countryside outside the urban area of Maidstone and any village development boundary shown on the Proposals Map to the Maidstone Borough-Wide Local Plan. The proposed new dwelling in the open countryside location does not conform with policy ENV28 of the Maidstone Borough-Wide Local Plan which seeks to restrict housing outside of settlements.
- 9.02 The open countryside location for the new dwelling with poor access to public transport, services and facilities will result in reliance on the private car for future occupiers and as such the proposed development is not considered to represent

sustainable development in accordance with the Government guidance in the National Planning Policy Framework (NPPF).

- 9.03 The design of the proposed building would not be truly outstanding or innovative and as a result the proposed new dwelling is not justified as one of the exceptions in the NPPF (para. 55) where a new isolated home in the countryside could be permitted.
- 9.04 The proposed development represents the introduction of significant built form into this part of the open countryside and the extent of the built form, together with the formation of the new access on Boughton Lane and the further domestication of this part of the open countryside will have a harmful impact on the character and appearance of the open countryside location. Such a harmful impact would conflict with the open countryside, Area of Local Landscape Importance and Southern Anti-Coalescence Belt designations for the location and would conflict with policies ENV28, ENV32 and ENV35 of the Maidstone Borough-Wide Local Plan.
- 9.05 The benefit from the development, including the small contribution to reducing the current shortfall in the required five-year housing supply, does not outweigh the conflict with the environmental aims of the NPPF relating to sustainable development or the guidance in the NPPF and the above Local Plan policies relating to protection of the open countryside and important landscape. Refusal of planning permission is therefore recommended for the following reasons.
- 10.0 RECOMMENDATION – REFUSE PERMISSION with powers delegated to officers on the basis that no new material planning issues are raised up to the 26 February 2016 when the departure from the development plan notices expire**
- (1) The proposal represents unsustainable housing development where future occupiers of the dwelling would be heavily reliant on private car based journeys, contrary to the environmental aims of the National Planning Policy Framework 2012 relating to sustainable development.
- (2) The proposed development represents the introduction of significant built form and the extent of the built form, together with the formation of the new access on Boughton Lane and the domestication of this land would have a harmful impact on the character and appearance of the open countryside location and this area of local landscape importance, consolidating existing development and conflicting with policies ENV28, ENV32 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and the guidance in the National Planning Policy Framework 2012.

Case Officer: Jon Barnes

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





## REPORT SUMMARY

<b>REFERENCE NO - 15/507424/OUT</b>		
<b>APPLICATION PROPOSAL</b> <p>Outline application for residential development of up to 62 dwellings (including a minimum of 40% (25) (affordable housing), planting and landscaping, informal open space, surface water attenuation, vehicular access point from Mill Bank and associated ancillary works. (with the exception of means of access all other matters are reserved for future consideration) as shown on drawing nos. 6252-L-03 Rev B; dated 17.08.2015 and 6562-L-02 RevG; dated 16 December 2015, and the following supporting documents: Affordable Housing Statement by Levvel; dated August 2015, Air Quality Screening Report by Wardell Armstrong; dated 21 August 2015, Arboricultural Assessment by fpcr; dated August 2015, Ecological Appraisal by fpcr; dated August 2015, Flood Risk Assessment and Surface Water Drainage Strategy by Hydrock; dated August 2015, Drainage Analysis by Utility Law Solutions Ltd; dated August 2015, Ground Conditions Desk Study by Hydrock; dated August 2015, Heritage Statement by CgMs; dated August 2015, Landscape and Visual Appraisal by fpcr; dated September 2015, Noise Screening Report by Wardell Armstrong; dated August 2015, Planning Statement by Gladmans; dated September 2015.</p>		
<b>ADDRESS</b> Land West Of Mill Bank, Maidstone Road, Headcorn, Kent TN27 9RJ		
<b>RECOMMENDATION</b> – Grant planning permission subject to conditions and the prior completion of a legal agreement.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <p>The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location adjoining the existing village boundary of Headcorn and is accessible to the village centre and local service. On this basis it is concluded that the proposed development would not result in significant planning harm.</p> <p>In this context and given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient ground to depart from the Local Plan.</p>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> <p>The proposal constitutes a departure from the Local Plan 2000.</p> <p>Headcorn Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.</p>		
<b>WARD</b> Headcorn	<b>PARISH/TOWN COUNCIL</b> Headcorn	<b>APPLICANT</b> Gladman Developments <b>AGENT</b>
<b>DECISION DUE DATE</b> 14/12/15	<b>PUBLICITY EXPIRY DATE</b> 14/12/15	<b>OFFICER SITE VISIT DATE</b> 09/10/2015
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b> <p>MA/89/1400 - Outline application for the erection of 104 no. two storey dwellings (34 flats 79 2-bed houses) – Refused</p>		

## **1.0 NEIGHBOURING SITES**

- 1.1 The application site was not put forward during the call for sites process. However, the call for sites brought forward three sites in proximity of the application. One site, on land at Moat Road (site HO-105), is to the immediate south and two others, Tong Farm north and south (HO3-261 & 262) which are on the east side of the Mill Bank with one of the sites being behind existing dwellings on the road frontage. All three sites were rejected from inclusion in the emerging local plan. The land at Moat Road was rejected because its development would create “unacceptable further expansion of the village into the countryside causing harm to its character and appearance” whereas development of the Tong Farm sites “would have an unacceptable visual impact on the countryside at the northern edge of the village”

## **2.0 DESCRIPTION OF SITE**

- 2.1 The site is an irregular shaped plot located on the western side of Maidstone Road / Mill Bank (A274) on the northern edge of Headcorn village. The site currently comprises farmland and is located outside the defined village envelope of Headcorn and is located in the open countryside and the Low Weald Special Landscape Area. Open countryside / farmland are located to the north, west and south of the site. Maidstone Road / Mill Bank abut the eastern boundary of the site. The north, east and southern edge of the site are bounded by an established hedgerow. The west boundary of the site is currently open with no change in the landscape between the site and adjoining fields.
- 2.2 The site has a gradual slope down from the south to the north, with the highest point within the southern part of the site bordered by wooded boundary. The site itself is relatively flat and varies between approx. 23.5 - 30m AOD. The topography continues to gradually fall away from the site further to the north.
- 2.3 Residential properties located on the west side of the A274 abut the southeast corner of the application site. Mill Bank Farm and associated buildings and a small cluster of residential properties are located to the southwest of the site. Residential properties on the opposite (east) side of the A274 face toward the application site with Headcorn Bowling Green opposite the northern section of the application site. PROW KH591 runs through the site from the northeast corner to the southwest corner of the site and there is a tree / hedge lined track running along the southeast and southwest boundary of the application site. The pedestrian footpath on the east side of the A274 runs up to the track in the southeast corner of the application site. The pedestrian footpath on the west side of the A274 runs the length of the site. The site is classified as Grade 3b agricultural land. There are several ponds adjacent the boundary of the application site, one adjacent the northwest corner and two adjacent to the southeast and southwest boundaries.

## **3.0 PROPOSAL**

- 3.1 Outline application for residential development of up to 62 dwellings (including a minimum of 40% affordable housing), planting and landscaping, informal open space, surface water attenuation, vehicular access point from Mill Bank and associated ancillary works. Access is being sought at this stage with all other matters reserved for future consideration.
- 3.2 The site for housing development (approx. 2.07ha) is proposed in the east and south section of the site with north and west sections dedicated as amenity green space (0.65ha) which includes additional landscaping / tree and hedgerow planting, natural and semi-natural open space (0.90ha) and a LEAP (0.04ha) and ecological mitigation with a trim trail through the open space. A detention basin is proposed in the northern

section of the site. Additional tree and hedgerow planting is proposed on the north, west and southern boundary.

- 3.3 Vehicle access into the site from the A274 would be in the southeast corner with emergency access toward the northeast corner of the housing development. A detailed layout of the housing development has not been submitted at this stage. The site area would provide for some 29 dwelling per hectare and the proposed layout plan indicates there would be a tree lined primary route running east to west through the site.

#### **4.0 PLANNING CONSTRAINTS**

- 4.1 Development in the open countryside and Special Landscape Area. The Barn Grade II listed building located on the east side of the A274. Listing as follows:

- 4.2 *'Barn, now house. C15 with C18, C19 and late C20 alterations. Timber framed, weatherboarded, on stone plinth, with plain tile roof. At right-angles to road. Three timber-framed bays with front and rear aisles. Full-height central entrance to north, to which porch with hipped roof added in C18. Mid C19 nearly full-height entrance inserted to south. C19 lean-tos to right and left. Hipped roof. Interior: principal posts with cut jowls, arch- braced to tie-beams and arcade plates. Rafters trenched for lapped collars, re-ordered with side purlins in C18, and with ridge piece inserted later. Mortices for curved passing shores to aisles; trench remains in north-west aisle tie. Most of wall studding replaced. Evidence for studs between nave and south aisle. Grooving for infilling to gable ends of nave and aisles. Scribed carpenter's marks. Stop-splayed edge-halved scarf joint. Covered yard erected to south 1866-98 and demolished 1984'.*

#### **5.0 POLICY AND OTHER CONSIDERATIONS**

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

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)

Maidstone Borough Council Local Plan Publication (Regulation 19) February 2016

Headcorn Neighbourhood Plan Regulation 16

#### **6.0 LOCAL REPRESENTATIONS**

- 6.1 A site notice was displayed at the site on 30.10.2015. Letters were sent to local residents and an advert was published in the local paper. The application was re-advertised in the local paper and by site notice as a 'Departure from the Local Plan' and as 'Affecting a PROW'. The description etc remain as initially submitted. These adverts expire on 19.02.2016.

- 6.2 Some 26 local residents have objected (it is noted that the website shows a number of duplicate objections). The following (summarised) issues were raised:

- Pressure on local infrastructure
- Too many houses in Headcorn
- Inadequate foul water drainage capacity
- Unsustainable location
- Flooding
- Increase runoff
- Pressure on local schools and doctors
- Traffic congestion

- Insufficient parking
- Loss of amenity
- Contrary to Headcorn's Neighbourhood Plan
- Contrary to the Development Plan
- Urbanisation
- Layout and density disproportionate with Headcorn
- Dangerous access
- Visual impact on the open countryside
- Out of keeping with Headcorn village
- Loss of agricultural land
- The site is outside the village envelope
- Exceeds proposed limit of 30 houses in the Headcorn NP.
- Contrary to Policy ENV28
- Loss of village identity
- Loss of wildlife habitat
- archaeology report is incorrect
- There is a significant Roman site abutting the SW corner of the proposed development
- demands of the resident population will outstrip the amenities
- Questions the level of social housing and whether 40% is too high
- Few employment opportunities in Headcorn
- Maidstone should plan strategically
- Impact on the setting of The Barn a grade II listed building
- Noise survey not submitted
- Cumulative impact of housing developments in Headcorn should be considered
- Transport Statement cannot be relied upon as it uses secondary data

**6.3 Headcorn Parish Council:** Objects to the application for the following reasons:

- In Flood Zone 1
- Has direct access onto the A274
- This site was identified as the most popular site for development in the
- Regulation 14 consultation of the Headcorn Neighbourhood Plan, although the proposed development is double the size of development that was consulted on.
- KCC have approved the application in spite of recent press coverage stating that they would be objecting to any further development on the A274. The concern centres on the Wheatshaf junction which with current traffic flows at peak times is already described as severe.
- MBC refer to the housing needs of Maidstone as a whole and do not look specifically at the "villages". There are other villages in the area that are crying out for new homes.
- The developer maintains that they have a right to connect to the existing foul drainage system, a point disputed by HPC
- It would be inconsistent for HPC to approve this development

The Council wish to see the application refused for the following reasons:-

- The inadequacies in the current foul water drainage system
- Lack of school places
- Consideration must be given to the cumulative effect of development in the village
- Traffic burden in Headcorn and on approaching routes

**6.4 Weald of Kent Protection Society:** Objects on the following (summarised) grounds:

- The application is premature due to Southern Water comments re: sewerage

- Pressure on local primary school
- Station car park is full
- Dangerous vehicle access
- Traffic generation
- The site is a greenfield site

## 7.0 CONSULTATIONS

### 7.1 KCC Ecology: *'The revised Ecological Appraisal has been provided. The results of the completed ecological surveys are reported and we are satisfied that sufficient ecological survey work has been carried out, at this time, to inform the determination of the application.'*

*It is concluded in the report that the site is of low ecological value, though there are areas of habitat with potential to support a range of wildlife, including the confirmed presence of protected species.*

*Low numbers of bats, albeit a reasonable range of species, were recorded commuting and foraging along the site boundary habitats. While great crested newt surveys were limited by access restrictions, the ponds closest to the site were surveyed and the presence of a 'low' population of great crested newts was confirmed. Low populations of slow-worms and viviparous lizards were recorded in suitable habitat on the site. The site provides suitable habitat for breeding birds. The dormouse survey recorded no evidence of dormouse presence.*

*The extent of habitat loss in close proximity to the known great crested newt ponds means that a European protected species mitigation licence (EPSML) will be required. While we acknowledge that the proposal is in outline form, we advise that it is necessary for the applicant to demonstrate at this stage how the appropriate level of mitigation will be achieved; the high protection afforded to great crested newts means that engagement with the EC Habitats Directive requirements is essential and there is no provision in the legislation to differentiate between outline and full planning applications.*

*Maidstone BC must therefore consider whether it is unlikely that a EPSML will be granted, which requires consideration of the three derogation 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 consider the first two points to be planning matters outside our expertise but we are able to advise on the third point.*

*In addition to the outline of the proposed approach to ecological mitigation, Figure 4 in the revised Ecological Appraisal provides an overview of the proposed mitigation layout, with additional notes provided. We previously queried whether there was sufficient acknowledgement of the need to ensure that the public amenity function of the open space does not compromise the achievability of the great crested newt mitigation and the delivery of biodiversity benefits.*

*We advise that the further details now provided adequately demonstrate that there is scope for the open space to achieve multifunctional benefits, and as such that the*

*application now includes sufficient information regarding the potential ecological impacts and how they can/will be addressed to enable an informed determination to be made.*

*We advise that a detailed mitigation strategy for the site and an ecological design and management strategy for the open space must be secured by condition, if planning permission is granted. We would be happy to suggest condition wording on request'.*

- 7.2 Environment Agency:** *'We have assessed this application as having a low environmental risk. We therefore have no comments to make'.*

- 7.3 Southern Water:** Advise that 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 required (by the developer) and provide to drain to a specific location. Southern Water recommend informatives should the application be approved.

Southern Water investigations indicate that there are no public water sewers in the area to serve the development. Alternative means of draining surface would be required which does not involve disposal to a public foul sewer. Advise KCC Lead Local Flood Authority should be consulted and request a condition for details of foul and surface water drainage should the application gain consent.

- 7.4 KCC Sustainable Drainage:** No objections. Requests detailed sustainable surface water condition is attached. 'We acknowledge that the approval being sought is for outline approval only we are pleased to note that a Flood Risk Assessment/Drainage Strategy has been submitted to outline how the surface water generated by these proposals can be accommodated and disposed of without increase in flood risk'.

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

Primary Education Provision: Primary Education contribution of £323,809.54 towards the second phase of permanently expanding Headcorn Primary School from 1FE to 2FE. A Primary Land acquisition contribution of £54,138.20 is also requested towards the cost of acquiring additional land to accommodate the expansion of Headcorn Primary School.

*'The proposed development is forecast to give rise to 17 primary pupils; these pupils cannot be accommodated within forecast school capacities and therefore this need can only be met through the provision of extended Primary Schools in the area.*

*Headcorn Primary School is located close to the proposed development site; the school currently provides for 210 pupil places (1 Form of Entry) and occupies a site of 2.1338 hectares; the site has considerable restrictions on developable space due to being divided by a stream which flows into the River Bult. KCC has commissioned*

*architects to examine the feasibility for the school to expand to 2FE (420 places); the results of the feasibility are that the school is capable of expansion, but at considerable cost.*

*The cost of the new accommodation will be higher than other expansion projects which aren't in an area of flooding. The per pupil cost of constructing the new accommodation and enlarging existing core facilities is on par with the per pupil cost of constructing a new primary school. The per pupil cost of constructing a 1FE primary school is currently £19,047.62.*

*Given the proposed development gives rise to 17 primary pupils KCC therefore requests £323,809.54 be secured from the development towards the construction of the school extension'.*

*'Should the proposed development proceed and the school be required to expand to 2 Forms of Entry (420 total pupil places) it could not do so within its current site. An assessment has been undertaken identifying additional land to the North of the existing school boundary which would be required to form part of the primary school to enable any future expansion. The additional land is required to meet Government space standards, without which any future expansion could not take place.*

*The additional land measures 3383m<sup>2</sup> and is identified on the attached plan. KCC has secured this land through a planning obligation at a cost of £3,184.60 per pupil'.*

**Secondary School:** Secondary Education contribution of £141,588 towards the first phase of expanding Maidstone Grammar School.

*'This proposal gives rise to 12 additional secondary school pupils during occupation of this development. This need can only be met through the expansion of appropriate Secondary Schools within the Borough.*

*The County Council requires a financial contribution towards extension of secondary school provision at £11,799 per pupil for the 12 additional pupil'.*

**Libraries Contribution:** A contribution of £2,977.24 towards new book stock supplied to Headcorn Library.

*'There is an assessed shortfall in provision: bookstock for Maidstone Borough at 1339 per 1000 population is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively'.*

**Community Learning:** A contribution of £1,903.40 is sought towards the cost of commissioning adult and community learning classes within the village, including rental of space and equipment required.

*'To accommodate the increased demand on KCC services the County Council requests £30.70 per dwelling towards the cost of commissioning adult and community learning classes within the village, including rental of space and equipment required'.*

**Youth Services:** A contribution of £523.28 is sought towards equipment to expand the range of youth focused activities able to take place at the Village Hall, to be utilised by KCC's commissioned youth worker.



*'To accommodate the increased demand on KCC services the County Council requests £8.44 per dwelling towards equipment to expand the range of youth focused activities'.*

- 7.6 KCC Highways:** *'Gladman developments have demonstrated that a satisfactory access can be provided at the location shown providing suitable visibility standards in relation to the speeds measured. I note the standard of access proposed in terms of width and corner radii and consider that this is also appropriate and satisfactory to the location.'*

*Gladman have also undertaken a fair and robust transport impact assessment for a maximum of 70 dwellings and an 'opening' or completion year of 2020. The relative traffic generation against existing flows and forecast flows from other developments is demonstrated to be less than 5% and less than daily variations in traffic flows. In the context of national planning policy it is not considered that an objection based on traffic generation could be successfully sustained.*

*I write to confirm on behalf of the highway authority that I have no objection to this outline application but note the following'.*

*It is considered that several additional features will be required on Mill Bank over the site frontage and reference has been made to these in the Transport Statement. Namely and for ease of reference at any full application stage:-*

*Gateway treatment and relocation of the speed limit to the Bowling Green/northern extent of the site to incorporate also a highlighted/enhanced footpath access/egress point.*

- An alternative emergency access point probably located in this area and maybe incorporated into the above.*
- An additional interactive sign also in this area possibly of actual speed and smiley face type to distinguish between the existing interactive speed sign.*
- The location of new bus stops and integration with them.*
- The identification and provision of uncontrolled pedestrian crossing points.*
- The provision of adjacent parking to formalise informal roadside parking that currently occurs at two locations.*

*All the above including the access arrangements would be required as part of a Section 278 agreement with this authority.*

*Subject to the above measures being included as part of any full planning application, I consider that this application is acceptable in transport terms.'*

- 7.7 Upper Medway Drainage Board:** No objections providing that any permission includes for details of SuDS, and its future maintenance, to be agreed in direct consultation with KCC's Drainage and Flood Risk Management Team,
- 7.8 KCC Public Rights of Way:** No objections to the application. Requests that a hard all-weather surface be created with a minimum of 2 metres in width for the full length of the path.
- 7.9 MBC Housing:** No objections. Affordable housing provision is in accordance with council policy. An alternative mix for the 25 affordable units is proposed.

#### **7.10 MBC Landscape Officer**

*'The site is located within landscape character area 43, Headcorn Pasturelands, as defined in the Maidstone Landscape Character Assessment, which is nested within the Low Weald landscape type. The landscape guideline for this area is conserve'.*

*The submitted Landscape and Visual Appraisal, dated September 2015, is an appraisal of the outline proposal and considers potential landscape and visual effects on that basis.*

*There are two groups of trees adjacent to this site protected by TPO No. 5 of 1986-group G2 located adjacent to the pond to the southwest corner of the site and group G3 to the southeast corner of the site.*

*The Arboricultural Assessment dated August 2015 is acceptable in principle but it is disappointing to note that the location of the site access would mean the removal of a B grade Oak, the highest value tree along the eastern boundary. However an arboricultural reason for objection on this ground would not be defensible on appeal due to the relative immaturity of the tree.*

*If you are minded to grant consent for this outline application I would want to see pre commencement conditions requiring an Arboricultural Method Statement, including a tree protection plan, in accordance with BS5837: 2012, together with landscape conditions.*

#### **7.11 MBC Spatial Policy:** Objects to the proposal (October 2015) concluding:

*'This application should be determined through the process set out in paragraph 14 of the Framework. The development would bring the benefits of reducing the borough's housing land supply deficit and providing affordable housing for which there is a recognised need. However, it would also have an adverse impact by virtue of the harm that it would cause to the character and appearance of the countryside in the locality. Given that the harm that would be caused to the countryside by this development may reasonably be considered to be "unacceptable", then this would outweigh the benefits of the development to a degree that is both significant and demonstrable.*

*'On that basis there is a policy objection to the proposed development such that planning permission should be refused'.*

Further comments received in January 2015 as followed:

*'Further to the spatial policy comments made on 8 October 2015 in respect of the above site, I am aware that the Headcorn Neighbourhood Plan is currently subject to Regulation 16 Consultation.*

*I note that the application site for 15/507424 Land West of Mill Bank/Maidstone Road has been considered in the emerging neighbourhood plan within the sustainability assessment and that at least part of the site ranks as one of the most sustainable potential development sites, in areas adjacent to the existing settlement. The Neighbourhood Plan itself does not allocate any sites for development.*

*Clearly you may wish to give this consideration as you assess and apply the planning balance required in the NPPF in relation to the submitted application and in the light of the still limited weight that the emerging Neighbourhood Plan has.*

*In terms of anticipated housing supply in the emerging local plan, there is not an overriding need to approve any application on this site. Clearly however, the*

*development would make a contribution towards the current lack of a five year supply, and in the absence of a submission plan, this must carry substantial weight. It is still the case that the Council can only demonstrate a 3.3 years supply of available housing land as indicated previously’.*

*It is for you to weigh the level of any harm arising from the development on the character and visual impact on the countryside as part of the consideration of the planning balance referred to above’.*

- 7.12 Kent Police:** No objections regarding crime prevention. Suggest conditions if granted.

**7.13 Headcorn Aerodrome:**

*‘I feel the attention of the planning committee and of the applicant should be drawn to the fact that this proposed development is very close to the Aerodrome and within the area covered by the safeguarding map. Obviously certain noise connected with the aviation activity will be apparent.*

*Subject to the above, I would not wish to inhibit the development unnecessarily provided that both your committee and the applicants themselves believe that this development will not be in any way inconsistent with existing and established use of and activity at Headcorn Aerodrome’.*

- 7.14 MBC Public Open Space:** The level of on-site open space proposed is in accordance with policy and an off-site contribution is therefore not required for this development. Advise that a LEAP (for 4-12 year olds) should be provided rather than a LAP. An amended plan was received on the 18.12.2015 changing the LAP to a LEAP.

- 7.15 NHS:** *‘On review of the application I can confirm that on this occasion we will not be seeking S106 contributions against this development. As this development is for 62 houses, the local surgeries have the capacity to cope with the additional patients anticipated as a result of these dwellings being built’.*

- 7.16 MBC Conservation Officer:** Raise no objections to this application on heritage grounds subject to detailed design and the maintenance of a strong hedgerow screen along the A274 boundary of the site

*‘The Northern corner of the application site lies opposite the listed barn now converted to residential use, separated from it by the busy A274. The listed building is largely screened by vegetation and outbuildings from the road; the road boundary of the application site is formed by a hedgerow which it is proposed to retain and enhance.*

*The application site plays little part in providing the setting to the listed building and in my opinion a suitably designed residential development would cause negligible harm to the setting of the listed building’.*

- 7.17 Southern Gas:** No objections. Advise on location of gas pipes.

- 7.18 UK Power Networks:** No objections

**8.0 AMENDMENTS**

- 8.1** Amended site plan (ref: 6562-02-G) was submitted on the 18.12.2015. The amendments are summarised as follows:

- Section of amenity green space relocated from central location to the southern corner of scheme
- LAP changed to LEAP
- Tree-line central access road

8.2 The amendments are not considered to materially affect neighbouring residential properties over or above the original scheme therefore re-consultation has not been undertaken in this instance.

## **9.0 APPRAISAL**

### **9.1 Principle of Development**

9.2 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:

9.3 *"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."*

9.4 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.

9.5 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.

9.6 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 49 of the NPPF states that *'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.

9.7 The update of the Maidstone Strategic Housing Market Assessment (June 2015) established an objectively assessed need (OAN) for housing of 18,560 dwellings between 2011 and 2031, or 928 dwellings per annum, and these figures were agreed by the Strategic Planning, Sustainability and Transportation Committee on 9 June 2015. Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, together with the requirement for an additional 5% buffer, the council is able to demonstrate a housing land supply of 3.3 years as at 1 April

2015. The Council therefore cannot currently demonstrate a five-year supply of deliverable housing sites, and this position was reported to the Strategic Planning, Sustainability and Transportation Committee on 23 July 2015. 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 National Planning Policy Framework as a whole.

- 9.8 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.
- 9.9 The new Local Plan has advanced and is at Regulation 19 stage and the Plan is scheduled for submission to the Planning Inspectorate for examination in May 2016. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure. The application site is not one of the allocated housing sites within the Plan. Clearly the Local Plan is gathering weight as it moves forward, but it is not considered to have sufficient weight to rely solely on to refuse or approve a planning application and it remains the case the most recently calculated supply of housing, which assesses extant permissions and expected delivery, is from April 2015 and this demonstrates a 3.3 year supply of housing. The Council is in the process of re-calculating this for April 2016, but at this present time that evidence base is not available.
- 9.10 In respect of the circumstances of the specifics of this case, the proposal site is located on the northern edge of Headcorn village boundary, in reasonable proximity to the services in the village centre as well as good public transport links. The site is located within 800m walking distance of the core village centre and within 400m of the nearest bus stop situated along the A274. Existing pedestrian footpaths to the south of the site on both sides of the A274 would allow future occupiers to walk into the village.
- 9.11 The Regulation 19 Local Plan identifies Headcorn as a Rural Service Centre and the Plan states Headcorn has a diverse range of services and community facilities which are easily accessible on foot or by cycle due to the compact form of the village. There are local employment opportunities and there is a local wish to ensure that existing employment sites are kept in active employment use. A regular bus service runs between Headcorn and Maidstone and the village has good rail linkages to other retail and employment centres, including London. Outside of the town centre and urban area, rural service centres are considered the most sustainable settlements in Maidstone's settlement hierarchy.
- 9.12 In this context, it is considered that the location of the site is sustainable in the terms of the NPPF as it is located on the edge of the Headcorn village boundary and within walking distance to the shops, services, employment opportunities, schools and train and bus stops within the village.
- 9.13 The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on residential development in the open countryside do not currently apply as the adopted Local Plan is considered out of date. In such

circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on edge of town developments. The development of this site is therefore in accord with the objectives of the NPPF being located directly adjacent to the edge of the urban area of Maidstone and in a sustainable location.

- 9.14 In regard to the Headcorn Neighbourhood Plan (NP), the NP is out for Reg 16 consultation for 6 weeks starting on 15 January 2016 and is therefore fairly advanced in the process and a degree of weight should therefore be afforded to the plan. The draft plan identifies approximately half of the developable area of the site as being potentially acceptable for development due to the sustainable location. The remainder of the site, comprising half of the developable area (approx. 1ha.) + greenspace (approx. 1.35 ha.), is classified as being one of the least sustainable sites for development according to the draft plan. Clearly the neighbourhood plan indicates that the front section (east) of the site would constitute sustainable development and I am of the opinion that the rear (west) section of the site would not be so significantly unsustainable to warrant refusal on sustainability grounds due to the connectivity within the site. Pedestrian access would be afforded into the village to the south of the site. The Headcorn Neighbourhood Plan also sets a cap of 30 houses for any individual housing development, and introduces phasing, with a proposed development level of 30 units every 5 years for new housing in developments of more than 2 units. The NP also sets affordable housing at 20%. The proposed development would therefore conflict with the aims and objectives of the emerging NP and the Parish Council object to the proposal. The NP is a material consideration, however, as the Borough cannot demonstrate a 5 year housing supply the relevant policies for the supply of housing in the NP are not considered up to date, due to the lack of five year housing land supply.
- 9.15 Given the sustainable location of the application site on the northern edge of the village, on balance, the principle of residential development is accepted in accordance with the NPPF. In the circumstances of this case, the key planning issues are considered to be visual impact (including whether the site can suitably accommodate the development), impact on heritage assets, residential amenity, access/highway safety, ecology and flood risk.

## **10.0 Design and layout**

- 10.1 The application is in outline with all matters reserved save for the access. As such the drawings in terms of layout that have been submitted are illustrative in form and designed to show how a development of 62 dwellings could be accommodated on the site.
- 10.2 The Framework Plan proposes an area of open / public space to the north and west of the site which would provide 0.65ha of amenity green space, 0.90ha semi-natural green space, a LEAP of 0.04ha and attenuation basin 0.04ha. The existing boundary along the west of the site is currently open and this would be enhanced with additional tree and hedgerow planting and ecological mitigation. The housing development would be off set a minimum of 20m from the existing landscaped boundary of the application site and the Design and Access Statement advises that the houses would be set back from the hedgerow along the A274 to the east. Given the built up character on the opposite side of the A274 I am of the opinion that housing development would not appear significantly incongruous when viewed from the road and a detailed layout and design would be fully assessed under a reserved matters application to ensure an appropriate setting is achieved in terms of connectivity / relationship with the road that would see the retention of the existing hedge along the east boundary.

- 10.3 The Framework Plan (ref: 6562-L-02 Rev G) provides the proposed location and size of the housing development with indicative access routes through the site and the indicative layout provided in the Design and Access Statement demonstrates that 62 houses could be accommodated on the site. The number of units and density is considered appropriate for the edge of urban boundary location (29 dwellings per hectare) and I am of the opinion that the site could accommodate the 62 houses subject to an acceptable layout and design.
- 10.4 The Design and Access Statement considers existing styles of development in the surrounding area and the material used, and advises that the new dwellings will be assimilated in a strong landscape framework. It also considers the historical pattern of development looking at maps dating back to 1896. Indicative information is given on proposed appearance and materials which are reflective of the character of the surrounding area. Materials, including surface treatment will be subject to a condition requiring detailed samples to be submitted as the house types are not yet being established. Whilst it is suggested that the storey heights will be 2 /2.5 across the site, again the precise details will be determined at reserved matters stage and slab levels will also be considered in conjunction with these details. In general terms the arrangement of houses is considered acceptable and the indicative layout demonstrates the number of dwellings can be accommodated on site with legible routes throughout. I would recommend the heights indicated are conditioned to set clear parameters for the reserved matters.
- 10.5 The Framework Plan shows a primary vehicle access on the A274 in the southeast corner of the site with an emergency vehicle access in the northeast corner of the housing development. The Framework Plan shows a central tree lined access running from east to west. There would be good connectivity within and through the site. The site would be permeable to pedestrians and cyclist via the proposed emergency access and PROW although it is noted that there is no footpath on the east side of the A274 to the north of the site, however, provision of uncontrolled pedestrian crossing points would be provided as part of the development proposal. In addition, the PROW which currently cuts diagonally across the site would be retained and resurfaced allowing permeability through the site and linking the site to Black Mill Lane to southeast and the northern corner of the site to the A274 and the PROW which continues on the opposite side of the road. The PROW within the site would also connect with the proposed trim trail and area of public open space in the western section of the site. The PROW through the site would be through a parcel of land which will benefit from ecological enhancement and additional tree planting and landscaping and would make an attractive pedestrian route. A footway connection is proposed from the southern side of the proposed access road to the existing footway on the A274 to the south of the site on the western side of the road which would allow safe pedestrian access into the village from the site.
- 11.0 Landscaping & Visual Impact**
- 11.1 Landscaping is a matter reserved for future consideration. Notwithstanding this, an illustrative site layout has been submitted which shows the retention of the landscaped boundaries on the eastern boundary, save for the location of the access routes into the site.
- 11.2 Where possible all existing trees and hedgerows would be retained and enhanced. Additional tree planting would be carried out within the site and hedgerow would be reinforced to plug gaps. A detailed landscape scheme would indicate the existing species to be retained and new native species to be planted.

- 11.3 The site is a greenfield site and its development for residential development would clearly have an impact visually on the locality. It is important to assess the impact of the proposed development in its setting and surrounding context. The existing boundary along the west of the site is currently open and this would be enhanced with additional tree and hedgerow planting and ecological mitigation. The Framework Plan shows an area of open / public space to the north and west of the site (as indicated above) and the housing development would be off set a minimum of 20m from the landscaped boundary of the application site and the Design and Access Statement advises that the houses would be set back from the hedgerow along the A274 to the east. Additional tree and hedgerow planting is also proposed along the southeast and southwest boundary of the site. The hedgerow along the eastern boundary of the site adjacent to the A274 would be retained and is key to enhancing the setting of the site when viewed from the road. The retention of the hedge would also help to retain the rural character of the area.
- 11.4 It is accepted that there will be views of the site from the A274 and the PROW KH591 which crosses the site and clearly what is currently greenfield pasture land will change to an urban form. However, considering the grain of development opposite and to the south of the site it is my view that the scheme will form a natural extension to the existing built form at this end of Headcorn. Viewed from the A274 the proposed development would be seen in the context of the neighbouring residential development to the south and residential development located on the opposite (east) side of the A274. I am of the view that the eastern boundary of the site would not therefore appear significantly out of character given the immediate built form the A274.
- 11.5 The site would be clearly visible from PROW KH591 and the proposal would undoubtedly change the existing rural character of this section of the PROW. The visual impact from the PROW does weigh against the scheme, however, the views from the PROW would be short range views only and provision of an area of open space to the north of the PROW would ensure that the footpath retains its open character and the footpath would not become hemmed in by housing development.
- 11.6 The provision of open space on the north and west boundary of the site is considered to provide a good landscape / natural buffer between the proposed housing development and surrounding countryside and would serve to limit the visual impact on the development on the open countryside.
- 11.7 Due to the relatively flat nature of the application site, coupled by the additional landscaping proposed along the north, west and south boundary I am of the view that the proposal would not appear significantly prominent from further ranging views. Views of the site would be afforded from PROW KH589 located to the northwest of the site, however any views would be limited due to the separation distances, gradient of the land and existing and proposed landscaping which would screen / act as a buffer to the housing development. The limited views of the site from PROW KH589 would also be seen in the context of the adjoining urban development to the south of the site. Views from the Greensand Ridge would be limited due to the distance from the site and in my view the proposed development would appear within the context and as an extension to the northern boundary of the village envelope, rather than an a prominent and isolated housing development within open countryside.
- 11.8 The site is also located within the Special Landscape Area, although I would advise this designation is not being carried forward in the emerging local plan. However, at the present time Policy ENV34 is still a relevant saved policy which seeks to protect and conserve the 'scenic quality and distinctive character' of the SLA. Clearly, as considered above the character will undoubtedly change from a greenfield site to built



development, however, the application has to balance the many issues, impact, gains and losses involved in meeting the need for houses. Due to the location and character of the site, being a relatively flat arable field, coupled by the additional landscape planting / buffer along the north and west boundary, I do not feel the development would cause significant wider harm to the landscape character of the area, but clearly the loss of the site itself will transform that element of the SLA. In coming to this conclusion I have balanced the harm against the public benefit accruing from the proposals which include 62 new houses, 40% of which would be affordable. I do not consider the development will cause 'harm' to the SLA as the scale and location of the development in relation to the existing built environment will not appear out of character in this location, but clearly at the reserved matters stage the height, design and form of the development will need to be fully assessed.

- 11.9 The boundary treatment throughout the site will however be essential to achieving a good scheme. Particular care will need to be taken in the proposed area of open space in the north and west of the site which would buffer the housing development from the open countryside. A fully detailed landscaping scheme will need to demonstrate an appropriate mix of indigenous landscaping and long terms management plan.
- 11.10 An Arboricultural report has been submitted and within this recommendations are made as to which trees should be removed. Few trees would be removed as part of the development proposal, although the Landscape Officer has commented on the loss of young oak tree to accommodate the vehicle access. The loss of the tree would be regrettable but would be offset by the overall benefits of the development and the additional tree planting throughout the site. There are no TPO's on the trees affected by the development. TPO trees located to the south and southwest of the site would not be affected by the built development and suitable conditions would ensure the protection of these trees. The landscape officer has not raised any arboricultural objections to the proposal.
- 11.11 The vehicle access and emergency vehicle access would require the removal of sections of hedgerow along the A274. The vehicle access points would be kept to a minimum to allow for visibility splays and it is noted that a majority of this hedge would be retained.
- 11.12 When considering the visual impact of the proposed development and its siting in relation to the existing urban boundary, it is my view that a well designed scheme will be capable of being absorbed visually into the environment at this end of Headcorn. Clearly there would be some visual harm arising from additional housing in the open countryside, however, in this instance the visual impact of the development is considered to be limited to short range views from the A274 and PROW within the site. It is not disputed that the character of the area as currently seen will change but in terms of the wider impact it is not considered to be significant. It is my view that development in this location is acceptable in landscape terms and that with a suitably composed landscape management strategy that is overseen by a management company and secured through the S106 agreement, the provision of landscaping on the buffers can be safeguarded.
- 11.13 Overall, it is considered that development of the site would cause some visual harm and therefore result in some conflict with policies ENV28 and ENV34 of the Local Plan but this would be relatively low harm. Additional landscaping, particularly along the north and west boundary, would to some degree mitigate the visual impact of the built development.

## **12.0 Impact on Heritage Assets**

- 12.1 The Barn is a grade II listed building located on the east side of the A274 on the northern edge of the Headcorn, with the Bowling Green to the north and open countryside to the east of The Barn. Objections have been raised in relation to the impact on the setting of this grade II listed building from the housing development and proposed emergency entrance into the site.
- 12.2 The Council Conservation Officer has been consulted and raises no objections to this application on heritage grounds subject to detailed design and the maintenance of a strong hedgerow screen along the A274 boundary of the site. The development would not have an impact in the Headcorn conservation area due to the separation distances. The site is not located within an archaeological priority zone.
- 12.3 With the exception of the primary access and to a lesser extent the emergency vehicle the existing hedgerow along the A274 would be retained.
- 12.4 Reviewing the Conservation Officer comments he is of the opinion that the application site at present plays a limited role in providing the setting to the grade II listed building due to the separation by the A274 and screening which includes vegetation and outbuildings. The setting to the north, east and south would be retained as existing and the proposed location of the emergency access would prohibit built development opposite The Barn. The Conservation Officer is of the opinion that a suitably designed residential development would cause negligible harm to the setting of the listed building and I have no reason to differ from this view.
- 12.5 Nevertheless the proposed housing development would have some visual impact on the setting of the listed building and there is a requirement to assess whether the impact is of significant harm to warrant refusal of the planning application. In order to reach a conclusion it is essential to consider Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special regard should be had to the desirability of preserving the building or its setting.
- 12.6 It is clear from the assessment undertaken by the conservation officer that he is of the view that that a suitably designed development would cause negligible harm to the setting of the listed building.
- 12.7 In my mind, this is a clear case of balancing the benefits of the development versus the impact to the setting of the listed building. The proposed development would undoubtedly have some visual impact on the setting of the nearby listed building due to the introduction on new housing and the emergency vehicle access point. The NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 12.8 In this instance it is therefore considered that the public benefits arising from an additional 62 houses (which include 40% (25) affordable housing) would, in my view and in light of the significant shortfall with regard to the 5 year supply, outweigh the negligible harm identified by the conservation officer and should not therefore prohibit the development of the site.
- 13.0 Infrastructure**
- 13.1 A development of this scale is clearly expected to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the

development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.

- 13.2 However, any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -

It is:

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

*A planning obligation ("obligation A") may not constitute a reason for granting planning permission to the extent that —*

- (a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and*
- (b) four or more separate planning obligations that—*
  - (i) relate to planning permissions granted for development within the area of the charging authority; and*
  - (ii) which provide for the funding or provision of that project, or type of infrastructure have been entered into before the date that obligation A was entered into.*

- 13.3 This section came into force on 6<sup>th</sup> April 2015 and means that planning obligations cannot pool more than 4 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

The following contributions have been sought:

- 13.4 There are requests made by Kent County Council as the Local Education Authority towards primary school education contributions that amounts to £323,809.54 towards the second phase of permanently expanding Headcorn Primary School from 1FE to 2FE. A Primary Land acquisition contribution of £54,138.20 is also requested towards the cost of acquiring additional land to accommodate the expansion of Headcorn Primary School. There will be a greater demand placed on schools within the local area from the occupants of the 62 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate in order to extend the existing school at Headcorn.
- 13.5 Kent County Council has sought a Secondary Education contribution of £141,588 towards the first phase of expanding Maidstone Grammar School. This proposal gives rise to 12 additional secondary school pupils and KCC advise that this need can only be met through the expansion of appropriate Secondary Schools within the Borough. There will be a greater demand placed on schools within the borough from the occupants of the 62 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate in order to expand Maidstone Grammar School.
- 13.6 Kent County Council has sought £2,977.24 towards new book stock supplied to Headcorn Library. It is likely that the proposed development of 62 dwellings would result in additional demand placed on the book stock at Headcorn library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

- 13.7 Kent County Council has sought 1,903.40 towards the cost of commissioning adult and community learning classes within the village, including rental of space and equipment required. It is likely that the proposed development of 62 dwellings would result in additional pressure on community facilities within Headcorn and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 13.8 Kent County Council has sought a contribution of £523.28 towards equipment to expand the range of youth focused activities able to take place at the Village Hall, to be utilised by KCC's commissioned youth worker. It is likely that the proposed development of 62 dwellings would result in additional pressure on youth services and facilities within Headcorn and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 13.9 Justification for the contributions is outlined at paragraph 7.5 above and within the evidence supplied by KCC in their contribution request and, I consider that the requested contributions have been sufficiently justified to mitigate the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the CIL tests above.
- 14.0 Drainage and flooding**
- 14.1 The issue of foul water drainage within the village has been raised as a critical issue by numerous residents, Councillors and the Parish Council.
- 14.2 The applicant has submitted a Flood Risk Assessment/Drainage Strategy to outline how the surface water generated by these proposals can be accommodated and disposed of without increase in flood risk. In summary the SuDS strategy proposes:
- Surface water discharge into the existing drainage ditch at the lower point of the site at a controlled rate.
  - Prevention measures by the potential inclusion of water butts.
  - Site Control features, in the form of an open detention basin in the northern section, to accommodate the additional surface water runoff generated by the development site.
  - Aim to limit, where possible, the impermeable fraction of development.
  - Infiltration is not viable due to the geology of the site.
- 14.3 Southern Water has advised that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Southern Water advises that the proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. 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 required (by the developer) and provide to drain to a specific location. Southern Water recommend informatives should the application be approved. Any future developer of the site is advised by Southern Water to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service the development. Should the application be approved a condition is recommended to ensure acceptable foul and surface water sewerage disposal is provided prior to the construction of the development.
- 14.4 Southern Water advises there are no public water sewers to serve the development and alternative means of draining surface would is required. KCC Lead Local Flood

Authority have been consulted in relation to the sustainable drainage scheme proposed and raise no objection in terms of surface water drainage subjected to specific details being submitted via condition which shall include details of the implementation, maintenance and long term management of the sustainable drainage scheme.

- 14.5 The site is located in Flood Zone 1 and the Environment Agency has raised no objections on flood grounds advising that the development of this site presents a low environmental risk in terms of flood risk.
- 14.6 Members are advised that a new development can only be required to mitigate its own impact and not solve existing problems.
- 14.7 Clearly, the proposed foul drainage from the development will not solve existing problems in the village but will be designed mitigate the development's impact, which is all that is required.
- 14.8 I therefore advise that issues relating to foul drainage are not grounds to object to the application as this could be dealt with by a planning condition via the Water Industry Act.
- 14.9 On this basis no objections are raised to the foul drainage and the LLFA and the EA raise no objection to the surface water drainage or in terms of the impact upon flood risk, subject to conditions.

#### **15.0 Residential Amenity**

- 15.1 Residential properties located on the east side of the A274 would be separated from the development by the width of the public highway and the further set back of the houses from the boundary of the site. The residential property known as Swans located to the south would be located in excess of 20m from the housing development area shown the Framework Plan and Black Mill Farm located to the southwest would be more than 100m from the housing development. Given these separation distances, in my view, there would be no unacceptable amenity impacts in terms of loss of privacy, light or outlook from the proposed development.
- 15.2 The application site is located approx. 2 miles from Headcorn Aerodrome and within an area covered by the safeguarding map. The application site is in proximity to existing residential development and I do not consider the noise connected with the aviation activity will be significantly harmful to future occupiers to warrant refusal.

#### **16.0 Highways**

- 16.1 Proposed vehicle access is put forward for consideration for this outline application. A single vehicle access is proposed onto the A274 in the southeast corner of the site with an indicative emergency vehicle access proposed in the northeast corner of the site.
- 16.2 The application documents include a detailed design of the vehicle access which has been reviewed and deemed to be acceptable from a highways safety perspective by KCC Highways.
- 16.3 As stated above the indicative layout demonstrates that the site would offer a good level of permeability throughout the site and pedestrian links would allow access to the village centre to the south of the site.
- 16.4 The developer has submitted a transport assessment working on a proposed development of 70 houses to demonstrate a worst case scenario. The assessment

includes, inter alia, traffic surveys, capacity studies and accident analysis and, has been reviewed by KCC Highway Authority. The transport assessment indicates the relative traffic generation against existing flows and forecast flows from other developments is demonstrated to be less than 5% and, less than daily variations in traffic flows. The transport assessment has had regard to three other committed housing developments in Headcorn, namely at Grigg Lane/Lenham Road (ref: 12/1949, 13/1943, 15/501342, 14/503960/OUT), a site off Lenham Road (14/503960/OUT and 14/505162/FULL) and the 220 housing scheme off Ulcombe Road (ref: 15/503325/HYBRID). KCC Highways advise that in the context of national planning policy it is not considered that an objection based on traffic generation could be successfully sustained in this instance.

16.5 The Transport Statement indicates that several additional highway features are also proposed to facilitate the development, including:

- The location of new bus stops at the site frontage.
- The identification and provision of uncontrolled pedestrian crossing points (to connect the PROW across the A274).
- The provision of adjacent parking to formalise informal roadside parking that currently occurs at two locations.
- Full details/design of the emergency access point.
- Relocation of the speed limit to the Bowling Green/northern extent of the site
- Gateway treatment to highlighted/enhanced footpath access/egress point.
- Speed reduction signage.

16.6 KCC Highways has no objections to the above highways treatment and advises they would be required as part of a Section 278 with the Highways Authority.

16.7 It is envisaged that the site could accommodate the sufficient on-site car parking in accordance with Council and KCC parking standards.

16.8 No objections are raised to the development on highways safety, capacity or parking grounds.

## **17.0 Ecology**

17.1 Following the submission of a revised Ecology Appraisal KCC have advised that they are satisfied that sufficient ecological survey work has been carried out to inform the determination of the application.

17.2 The Ecology Appraisal concludes that the site is of low ecological value. However there are areas of habitat with potential to support a range of wildlife, including the confirmed presence of protected species therefore suitable mitigation and protection measure will need to be adhered to if the development is granted permission.

17.3 The surveys indicate there is a low presence of bats, great crested newts, slow worms and viviparous lizards and the site provides suitable habitats for breeding birds.

17.4 KCC acknowledge that a European protected species mitigation licence (EPSML) will be required due to the proximity of the development to the ponds adjacent the site. In regard to the EPSML, KCC Ecology advises that consideration must be given to whether the EPSML will be granted which requires consideration of the three derogation 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.

17.5 KCC Ecology has provided specialist advice in relation to criterion three and have advised that the ecological mitigation and biodiversity benefits incorporated into the open space in the north and west of the site are sufficient and advise that the open space will be able to achieve multifunctional benefits, subject a detailed mitigation strategy an ecological design and management strategy for the open space being secured by condition.

17.6 In respect to criterion one and two, these are planning issues and I am of the opinion that the public benefits arising from the addition of 62 new houses and the Councils current shortfall in housing land supply are sufficient justification to address these points.

### **18.0 Affordable Housing**

18.1 The development is for a total of 62 units with the applicant proposing 40% affordable housing which equates to 25 units. The housing department raise not objections to the level of affordable housing which is in accordance with Policy, while some further discussions will occur between the applicant and housing department to ensure a suitable mix is provided in this location of the Borough. This is an outline application therefore the location of the affordable units has not been indicated however it is expected the detailed design would suitably integrate the units throughout the whole of the site, rather than concentrating the affordable housing in one location.

### **19.0 Other Matters**

19.1 A number of objectors have raised concerns regarding the impact of the development on local infrastructure, in particular pressure on local schools and doctor's surgery and their ability to accommodate additional pupils.

19.2 In this regard S106 contributions are being sought from the development towards extending Headcorn Primary School. It is also noted that KCC as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011. The NHS has been consulted and advises that the local surgeries have the capacity to accommodate the additional demand from the proposed development.

### **20.0 Environmental Impact Assessment**

20.1 The development is considered to fall within Schedule 2 development of the EIA regulations. Assessment against the EIA regulations should essentially answer the basic premise of whether significant effects upon the environment are likely such that the proposal should be accompanied by an Environment Statement (ES).

20.2 The Annex to the EIA section in the NPPG provides a table which gives indicative screening thresholds and guidance to help determine whether significant effects are likely for this type of development. The guidance threshold for sites which have not been previously developed is as follows:

- The site area of the scheme is greater than 5 ha.
- The development includes more than 150 dwellings.

20.3 Overall, it is not considered that the development on its own or cumulatively would have significant effects upon the environment to warrant an ES. It is considered that the development would not be of more than local importance, and would not involve unusually complex and potentially hazardous environmental effects. The development also does not exceed the thresholds laid out under the NPPG and on this basis, it is not considered that an ES is required.

20.4 The Secretary of State has recently undertaken a screening direction on another site in Headcorn and in doing so he had particular regard to the potential for cumulative effects of development in the Headcorn area. In that instance the Secretary of State concluded that the development was not likely to have significant effects on the environment, individually or cumulatively, and the development was not EIA development.

## **21.0 CONCLUSION**

21.1 The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins the existing urban boundary, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.

21.2 Development at this site would extend the grain of Headcorn village boundary development to the north in line with the existing built development on the opposite side of the A274. Whilst the development would have an impact on the open countryside and would cause negligible harm to the setting of a nearby listed building, on balance, it is considered that the public benefits, including 62 additional houses, 40% of which would be affordable, would outweigh the harm identified.

21.3 The site is on the village boundary of Headcorn in safe walking distance of a number of services and facilities located within village, including schools, doctors, services and local employment, with Headcorn train station located slightly further away in the southern part of the village, also accessible by foot. The proposed development includes measures to enhance connectivity from the site to the centre of Headcorn and the development of this site for residential purposes would represent an example of sustainable development and would conform to the aims and objectives of the NPPF and is not considered to result in significant planning harm.

21.4 Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.

21.5 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.

## **22.0 RECOMMENDATION -**

**Subject to a legal agreement in such terms as the Head of Legal Services may advise to provide the following:**



- The provision of 40% affordable residential units within the application site (25 affordable units).
- Contribution of £323,809.54 towards the second phase of permanently expanding Headcorn Primary School from 1FE to 2FE.
- Contribution of £54,138.20 towards the cost of acquiring additional land to accommodate the expansion of Headcorn Primary School.
- Contribution of contribution of £141,588 towards the first phase of expanding Maidstone Grammar School.
- Contribution of £1,903.40 towards community learning for the cost of commissioning adult and community learning classes within the Headcorn, including rental of space and equipment required.
- Contribution of £523.28 towards equipment to expand the range of youth focused activities able to take place at the Headcorn Village Hall, to address the demand from the development towards youth services locally.
- Contribution of £2,977.24 towards new book stock supplied to Headcorn Library to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- Contribution towards the upgrading/resurfacing of PRoW KH591 within the site (to be confirmed).

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

CONDITIONS to include

- (1) No development shall take place until approval of the following reserved matters has been obtained in writing from the Local Authority:
- a. Layout b. Scale c. Appearance d. Landscaping

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

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

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- (3) Prior to the commencement of any works above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

The details and samples of the materials submitted shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units;

Reason: To ensure a satisfactory appearance to the development.

- (4) Prior to the commencement of any works above damp proof course level, details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, relating to the detailed element, shall be submitted to and approved by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the dwellings or as agreed in writing with the Local Planning Authority and maintained thereafter.

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

- (5) Prior to the commencement of any works above damp proof course level, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter.

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

- (6) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall 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 long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall follow the principles of the Green Infrastructure and Landscape strategy (pages 40-42) of the Design and Access Statement and provide for the following:

- (i) Retention and enhancement of boundary trees and vegetation with new native tree and hedge planting and details of their protection (with temporary or permanent fencing) before and during the course of development.
- (ii) The provision of a native landscape buffer along the west and south boundary of the site to include tree planting.
- (iii) Native landscape planting between any boundary treatments and the site boundaries.
- (iv) Native tree planting along streets within the site.
- (v) Details of the double hedge along the east and south boundary.
- (vi) Native tree and landscaping for the amenity greens.
- (vii) Details of boundary treatments to include gaps to provide movement for hedgehogs.
- (viii) Details of wildlife friendly drainage.

Reason: To ensure a high quality design, appearance and setting to the development and in the interest of biodiversity.

- (7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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 external appearance to the development.

- (8) No development shall take place until an Ecological Design and Management Strategy (EDMS) has been submitted to and approved in writing by the local planning authority. The EDMS shall detail the habitat creation and enhancement measures and the long-term management of habitats on the site and shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Detailed design to achieve stated objectives;
- c) Aims and measurable 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 the duration of the Plan);
- f) Procedure for the identification, agreement and implementation of contingencies and/or remedial actions where the objectives are not being met;
- g) Details of the body/ies or organisation/s responsible for implementation of the plan.

The EDS shall be implemented in accordance with the approved details

Reason: To ensure a high quality design, appearance and setting to the development, and to protect and enhance biodiversity.

- (9) No development shall take place (including any demolition, ground works, site clearance) until an Ecological Mitigation Strategy, addressing the ecological impacts identified in the Ecological Appraisal (FPCR, November 2015), has been submitted to and approved in writing by the local planning authority. The content of the strategy shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) Extent and location of proposed works, including receptor site creation, shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works;;
- f) Ongoing monitoring provision.

The works shall be carried out strictly in accordance with the approved details.

Reason: To ensure a high quality design, appearance and setting to the development, and to protect and enhance biodiversity.

- (10) No occupation of the development hereby permitted shall take place until details of a scheme for the preparation, laying out and equipping of the play/amenity area, and its on-going maintenance have been submitted to and approved in writing by the Local Planning Authority. The facility shall be completed in accordance with the approved details prior to the first occupation of the development.

Reason: To provide open space to contribute to meeting the recreational needs of prospective occupiers.

- (11) The development shall not be occupied until details of the long-term management and maintenance of the public open space, including details of mechanisms by which the long term implementation of the open space (including play equipment) will be secured by the developer with the management body(ies) responsible for its delivery, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented and maintained.

Reason: In the interests of adequate open space provision and visual amenity.

- (12) The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 including tree protection details, 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.

Reason: For tree protection and to ensure a satisfactory external appearance to the development.

- (13) The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development.

- (14) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The flood risk management measures given in the Flood Risk and Surface Water Drainage Strategy, Hydrock Ref. R/14887/F001, August 2015, shall be confirmed against the detailed design values and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed with no increase in on-site or off-site flood risk.

No dwelling hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- (i) a timetable for its implementation, and
- (ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- (15) The development shall not commence until details of foul water drainage, which shall include details of any necessary off-site improvements to the local network, have been submitted to and approved in writing with the Local Planning Authority in consultation with Southern Water. The approved details and off-site works shall be implemented in full prior to the first occupation of the development.

Reason: In the interest of water pollution

- (16)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 (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: In the interests of highway safety.

- (17)No external lighting equipment shall be placed or erected within the site until details of such equipment have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

- (18)The details submitted pursuant to condition 1 shall show no buildings over a height of 2.5 storeys (any third floor to be within the roof space).

Reason: To ensure a satisfactory appearance to the development in its context.

- (19)The development shall not commence until detailed plans identifying road and footway widths, shared surface arrangements, junction layouts and parking and turning areas have been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

- (20)There shall be no occupation of the development hereby permitted until the provision, by way of a Section 278 Agreement between the applicant and Kent County Council Highways, of the works identified in the application are agreed with the planning and highway authorities.

Reason: In the interests of highway safety.

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

Drawings: 6252-L-03 Rev B; dated 17.08.2015 and 6562-L-02 RevG; dated 16 December 2015 and the following supporting documents: Affordable Housing Statement by Levvel; dated August 2015, Air Quality Screening Report by Wardell Armstrong; dated 21 August 2015, Arboricultural Assessment by fpcr; dated August 2015, Ecological Appraisal by fpcr; dated August 2015, Flood Risk Assessment and Surface Water Drainage Strategy by Hydrock; dated August 2015, Drainage Analysis by Utility Law Solutions Ltd; dated August 2015, Ground Conditions Desk Study by Hydrock; dated August 2015, Heritage Statement by CgMs; dated August 2015, Landscape and Visual Appraisal by fpcr; dated September 2015, Noise Screening

Report by Wardell Armstrong; dated August 2015, Planning Statement by Gladmans; dated September 2015.

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

## INFORMATIVES

to Applicant: APPROVAL

The Council's approach to this application:

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

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

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

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

### SW Informative

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.

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** **PLANNING COMMITTEE – 25/02/16**

### **APPEAL DECISIONS:**

**1. 15/503143**

Two storey rear and side extension and rear extension of single storey garage workshop.

**APPEAL: Allowed with Conditions**

35 Bodsham Crescent, Bearsted, ME15 8NL

(Delegated)

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**2. 15/504365**

Steel fabricated structure with fabric roof covering.

**APPEAL: Dismissed**

Round Oak Farm, Heniker Lane, Sutton Valence, Kent, ME17 3ED

(Delegated)

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**3. 14/505131**

Demolition of existing structure and erection of detached house with associated parking

**APPEAL: Dismissed**

The Piggeries, The Quarries, Boughton Monchelsea, Kent, ME17 4NJ

(Delegated)

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**4. 14/505113**

Erection of single storey detached dwelling with associated car parking.

**APPEAL: Dismissed**

Beresford Farm, The Quarries, Boughton Monchelsea, Kent, ME17 4NJ

(Delegated)

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**5. 15/505482**

Outline application for erection of 3/4 storey building containing 10 flats, and access to car park with 6 car spaces, bin and cycle stores

**APPEAL: Dismissed**

Regal House, Rear of 11 to 13, Albion Place,  
Maidstone, ME14 5DY

(Delegated)

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**6. 15/500646**

Prior Notification for the change of use of an agricultural building and land within its curtilage to provide 1 dwelling house falling within class C3.

**APPEAL:** Dismissed

The Barn, Hoppers Field, Tonbridge Road,  
Barming, ME16 9NH

(Delegated)

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**7. 15/500326**

Change of use of land to 7 no. gypsy/traveller pitches and associated works including 7 no. static caravans, 7 no. touring caravans, package treatment plant and hardstanding.

**APPEAL:** Allowed with Conditions

Land Adj Vine Cottage, Pye Corner, Ulcombe,  
Kent

(Delegated)

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**8. 15/505390**

Advertisement consent for 1x hoarding sign.

**APPEAL:** Dismissed

Land at Junction of New Cut Road and Bearsted Road, Weaving, Kent

(Delegated)

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**MAIDSTONE BOROUGH COUNCIL S.106 CONTRIBUTIONS SECURED & HELD (JANUARY 2016) TOWARDS:**

PUBLIC OPEN SPACE AND RECREATION	£ 2, 046, 117
CAR PARK WORKS	£ 24,062
KENT COUNTY COUNCIL COMMUNITIES	£ 700,037
CYCLE STORE	£ 15,095
KENT COUNTY COUNCIL HIGHWAYS	£ 31,963
TOWN CENTRE	£ 100, 795
PUBLIC ART	£ 10,000
HEALTHCARE	£ 554,563
WILDLIFE	£ 823

MBC S106 Contributions Held List (January 2016)

S106	Public Open Space & Recreation	Education	Adult Ed/Community Learning	Adult Social Services	Library	Youth & Community	Transport/Highways	Healthcare	Public Art/Town Centre	Spend By Date
Land off Button Lane (Bearsted) 95/1341	£35,819.20 Towards Mallards Way play area									No date
Linden Homes St Andrews Park (Heath) 96/0630	£4,124.50 Lighting repairs									No date
11 Buckland Hill 06/1661 & 07/0463	£3801.25 Towards enhancement of Brenchley Gardens									No date
Hadlow College, Oakwood Park 10/0485	£80,556.18 Towards Oakwood Park Open Space									No date
Pested Bars Road Boughton Monchelsea 01/0727	£4,801.70 towards BMC Parish Council for tree works									No date
Kent Frozen Foods, Land at Ware Street (Bearsted) 01/1297	£59,275.55 Towards Peveral Drive play area									May 2016 Is to be spent within time Parks & Leisure working with Parish Council
Land West of Sandling Place (North) 03/0886	£30,000 upgrade within 5 mile radius									No date
Land at Depot Site, George Street (High Street) 12/0590	£51,975 Collis Millennium Green, South Park Mote Park									February 2023
St Faiths Lane (Bearsted) 04/1608	£6,663.01 Bearsted PC Lighting Scheme							£1,307.47 (Residue) Wallis Ave, Mote Medical Practice & Marden Medical Centre NHS England are aware of the spend date		April 2016 Is to be spent within time Jan 2016 Parish Council contacted MBC advising small delay on scheme due to ecology report
Westree Works, Hart Street (Fant) 05/0492	£53,000 to Mote Park Improvement Project £14,192.49 to Mote Park play area									No date
Land at 390-408 Loose Road (South) 06/0273	£15,530 Towards enhancing & upgrading outdoor amenity space & play equipment at South Park									Oct 2019

S106	Public Open Space & Recreation	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Public Art/ Town Centre/ Misc	Spend By Date
Convent of Mercy Bicknor Road (Parkwood) 06/1044	£6,412.51 For Parkwood recreation Ground									No date
Land At Waterside, Fairmeadow 05/0211	£30,027.15 Towards landscaping and enhancing Brenchley Gardens									No date
Former Kent Police Workshops site Sutton Road (Park Wood) 06/1116	£13,113.14 Improvements to off site play area									No date
Furfield Quarry (Boughton Monchelsea) 01/1904	£34,000 improvement repair and enhancement of the Parkwood Play area including Parkwood Rec						£19,013.04 Shared cycle route & bus shelter			Sept 2022
Beaconsfield Road (Cartem Site) South 05/0335	£30,000 off site POS drainage works at Woodbridge Drive & resurfacing play area at Bridge Mill Way								£10,000 Public Art (on the site)	Oct 2016 Parks & leisure are iworking with Parish Cllrs and are aware of the spend date
Brook Cottage, Headcorn 03/2029							£12,950 Towards construction of additional culvert under Hoggs Bridge			No date
Victoria Court 17-21 Ashford Road (High Street) 94/0156									£24,062.80 Car Park works to serve the town	No date
Fintonaugh House (Providence Park) Fintonaugh Drive Penenden Heath 05/1101	£12,076 Penenden Heath Play Area resurfacing									December 2023
Former Leonard Gould Factory (Loose) 04/1363	£530 Allocated for King George playing fields & Loose POS									June 2020 Completed
Brunswick Street (High Street) 08/2477	£175.75 Collis Millenium Green									Feb 2021 Completed
Land at Oakwood Park Oakwood Road (Heath) 07/2328	£31,500 Off site renewal, improvement, replacement or maintenance of local play areas and public spaces within one mile of the site (Gatland Lane?)									Feb 2020

S106	Public Open Space & Recreation	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Public Art/ Town Centre	Spend By Date
46 Sittingbourne Road (East) 08/0108	£22,050 Improve Existing POS Within one mile radius of site									June 2021
Former Trebor Basset Site (Bridge) 99/1363	£105,676.80 Allocated to high level bridge & other improvements									No date
58-64 Sittingbourne Road (East) 09/0996	£17,325 Towards Off site open space and parks within the vicinity of the development							£6,327 (towards Northumberland Court Surgery)		No date
Senacre College Site (Parkwood) 10/1413 & 0846	£300,000 towards 1. MUGA in Parkwood 2. In Shepway North & South 3. Within a 3 km radius of the central point of land 4. Elsewhere in the borough									April 2022
Threeways Depot (Headcorn) 06/0389	£71,515.07 Provision of open space within one mile of site (for Headcorn PC)									May 2023
115 Tonbridge Road (Fant) 08/2323	£13,912.81 Towards replacement repair or maintenance of open space within one mile radius of site							£5,980 Towards the provision of facilities Within one mile radius		Feb 2018
Cedarwood, Queens Road (Bridge) 07/0415	£22,254.16 Upgrading off-site existing outdoor & amenity space within one mile of site									Nov 2022
Parisfield, Headcorn Road (Staplehurst) 07/0629	£18,900 Enhancement & provision of outdoor/ amenity space facilities within the parish of Staplehurst (Surrenden Road play area)									Nov 2017 Parks & leisure are working with Parish Council and are aware of the spend date
Ecclestone Road (High Street) 10/1478	£55,214.38 Improvement of river walk/ Woodbridge drive play area or provision of a community facility in a 2km radius									No date
Land adj 27 Hartnup St (Fant) 06/0767	£17,325 Open space to meet needs arising from the site							£9,900 Towards facilities in Maidstone Borough		No date
Astley Road (Kent Music School) Hastings Road (High Street) 10/0594	£39,554.79 Towards improvements to Mote Park play area and any unexpended sums on improvements to the Len Valley Nature Reserve							£21,240 improve existing healthcare facilities to the surgery sited at King Street NHS England are aware of the spend date		Dec 2022 (POS) Dec 2017 (PCT)

S106	Public Open Space & Recreation	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Public Art/ Town Centre /misc	Spend By Date
Eclipse Park (Next Store) (Boxley) 12/2314									£100,794.87 Town Centre development Town Team projects	Dec 2018
Wallis Avenue (Parkwood) 12/1051	£20,081.30 Parkwood Recreation Ground Outdoor Gym & Skate Park									March 2024
Rear of 48-54 Buckland Road (Bridge) 07/2477								£15,120 towards provision of primary healthcare services or facilities within a 3 mile radius of the land		Mar 2019
Land at James Whatman Way 09/0863								£ 81,370 Use within a 5 mile radius		August 2019
13 Tonbridge Road (Fant) 11/1078 & 12/0774 DOV	£16,092.61 Improvement , repair, refurbishment and renewal of the off site play area or open space within 2 KM radius of site		£1,267.85 Ad Ed courses at new library & archive centre	£823.35 Towards Telecare facilities	£1,267.85 Towards new library & archive centre			£11,088 Towards Vine Medical Centre		July 2023 (POS) July 2023(KCC) July 2020 (PCT)
59 Wheeler Street/Sherway Close (Headcorn) 06/1940	£ 22,503.18 Off Site towards the refurbishment upgrading and improvement at Days Green and Hoggs Bridge Recreational grounds or any other such play areas within the Parish of Headcorn									Sept 2023
Land to rear of 125 Tonbridge Road (Fant) 12/0381	£3,349.54 Towards Allotments adjacent to Bower St. Rocky Hill & Buckland Hill							£3,177.28 within one mile radius of the site		Nov 2018
The Willows, Church Green, (Marden & Yalding ) 10/0562	£16,770.60 Improvement works to the open space south of the development known as The Cockpit									Nov 2020
The Hollies, Land at Hook Lane (Harrietsham) 11/0592				£99,088.31 Care of elderly & physical /learning disabilities	£18,728.60 Local libraries Maidstone Central and mobile library service	£61,834.28 Towards youth services in Harrietsham		£56,099.17 Upgrade/ improve doctors surgery in Harrietsham to serve development	Wildlife Sum £823.48 towards management of receptor sites identified for the translocation of any relevant wildlife from the site	Nov 2024

S106	Public Open Space & Recreation	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Public Art/ Town Centre /misc	Spend By Date
Former Rose PH, Farleigh Hill, Tovil (South) 12/0367	£22,306.31 Green spaces & Play Areas in Tovil Parish and South ward for improvements to play equipment and ancillary items and access to Woodbridge Drive play area and secondly required tree works along the footpath at Hudsons Quarry									Feb 2024
Former BP Garage 531 Tonbridge Road 12/0825	£22,443.50 Toward enhancement, maintenance, repairing and renewal of play areas and green spaces within 1 mile of the Land, specifically at Gatland Lane Park							£12,012 Towards the provision of primary healthcare services and facilities within a five mile radius of the land		March 2020
Land at Hillbeck Res Home, (Bearsted) 12/1012								£5,850.03 For upgrading and improving up to 3 local surgeries known as Bearstead Medical Practice, Downswood Surgery and Grove Green Surgery, all within 2 miles of the Property		No date
Former Car Sales Site, Ashford Road (Harrietsham) 11/2154	£15,750 Improvements to play areas at Glebe Field Harrietsham							£10,080 upgrading facilities at Glebe/ Sutton Valance/ Cobtree/ New Grove Green Medical Centres/ surgery		September 2019
Land South of Wallis Avenue (Park Wood) 12/1051	£20,081.30 Provision of a skate park within 2 mile radius of the Land									March 2024
Hayle Place Hayle Mill Road 11/0580	£168,834 Towards off-site open space South Park, Armstrong Road							£25,015.58 within a two mile radius of the land		Nov 2019
The Old School 92A Melville Road (High Street) 11/2108			£431.76 Towards additional equipment, staff and classes at Maidstone Adult Learning Centre & Outreach	£755.59 Capital improvements works Telecare	£2,456.72 Towards provision of book stock, staff & extended hours at Kent History & Library Centre Whatman Way			£3,634.18 Towards all or any of the medical centres; Marsham St,St Lukes, Holland Rd, Brewer St and Grove Park		June 2025

S106	Public Open Space & Recreation	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Public Art/ Town Centre /misc	Spend By Date
Land at Oliver Road (Staplehurst) 12/2106	£20,165.70 (50%) Towards provision of allotments and outdoor sports facilities and for improving, enhancing and replacing the play area equipment at Surrenden Road play area							£18,920.75 (50%) Towards new healthcare services and facilities within the Parishes of Staplehurst and Marden		March 2025
The MAP Depot Site, Goudhurst Road, Marden 13/0115	£88,000 Towards the cost of upgrading Marden Playing Fields						£15,095.60 Towards the provision of Cycle Stores at Marden rail Station, library and post office	£27,321.58 Towards expansion works at Marden Medical Practice		June 2025
Westree Court Rowland Close 13/0718	£57,602.87 Refurbishment, enhancement, maintenance and repair including play equipment of POS within 1 mile radius of the Land, equal priority given to Cornwallis Park, Clare Park, Whatman Park, Mote Park or allotment sites at Rocky Hill and Buckland Hill									May 2025
Land at Oakapple (Former Nurses Home) Hermitage Lane 14/500412/FUL	£108,675 Towards open space/equipped play and outdoor sports facilities within one mile radius of site									June 2022
Westwood Grange Ham Lane Lenham 09/0315  (planning condition not S106)	£29, 925 towards parks and open space, improvements to the play equipment and open space within the locality of the development (Lenham Parish)									No date
Land North Sutton Road, (Imperial Park) Maidstone 13/0951	£134, 545.19 Towards improvements, refurbish and replacement of facilities inc pavilions, play equipment and play areas ground works and facilities at Senacre Recreation Ground or Park Wood Recreation Ground or any other MBC open space within 2 miles of the Land	£427,066.14  For costs of purchasing land for the new primary school	Community Learning £5709.23  For new small adult learning classes at adult education and outreach community learning facilities in the Borough	Adult Social Care £18,301.91  Towards Assistive Telecare technology within the dev, additional changing place facility within Maidstone and integrated dementia care within the Park Wood area of Maidstone	£24,169.21  For additional service capacity and book stock at Shepway Library, Kent History and Library Centre and Mobile Library Services visiting the land	Youth Services £1578.79  For additional capacity at centre based youth services within 3 miles of the dev and outreach services serving the Land		£133,919.97 For extension, refurbishment and/or upgrade at the 4 doctors surgeries at Wallis Avenue, Orchard Langley, The Mote and Cobtree		January 2026

S106	Public Open Space & Recreation	Education	Adult Ed/Community Learning	Adult Social Services	Library	Youth & Community	Transport/Highways	Healthcare	Public Art/Town Centre/misc	Spend By Date
Land at Northland and Groom Way, Old Ashford Road, Lenham 12/1777	£17,593.39 To be used for enhancing, maintaining, repairing and renewing amenity areas and green spaces within a 1 mile radius of dev									No date
Land at Langley Park, Sutton Road 13/1149								£106,200 (50%) Towards improvements to health care provision within the locality of the development		November 2025
22-26 Tonbridge Road 13/0941	£60,096.09 Not identified in S106	£30,397.50 Primary	£1,095.41	£1,767.16	£3,298.01					November 2025



By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted