

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 6 October 2016

Time: 6.30 p.m.

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Boughton, Clark, Cox, English,
Harwood, Hastie, Hemsley, Munford,
Perry (Chairman), Powell,
Prendergast, Round and Mrs Stockell

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 Items withdrawn from the Agenda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 - 13 October 2016

Continued Over/:

Issued on 28 September 2016

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

Alison Broom

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

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 15 September 2016 1 - 5
11. Presentation of Petitions (if any)
12. Report of the Head of Planning and Development - Deferred Items 6
13. 15/507450 - Former Syngenta Works, Hampstead Lane, Yalding, Kent 7 - 16
14. 16/501631 - Lested Farm, Plough Wents Road, Chart Sutton, Kent 17 - 29
15. 16/503947 - 3 Hockers Lane, Detling, Kent 30 - 41
16. 16/504014 - Highlands Farm, Yalding Hill, Yalding, Kent 42 - 50
17. 16/504509 - Land At Cripple Street, Cripple Street, Maidstone, Kent 51 - 59
18. 16/505808 - 12 West Street, Harrietsham, Kent 60 - 64
19. 16/506114 - F G Barnes And Sons Ltd, Sutton Road, Maidstone, Kent 65 - 69
20. Appeal Decisions 70
21. Chairman's Announcements

PLEASE NOTE

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

Due to a changeover in service provider this meeting might not be broadcast live or 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.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 15 SEPTEMBER 2016

Present: Councillor Perry (Chairman) and Councillors Boughton, Clark, Cox, Harwood, Hastie, Hemsley, Lewins, Munford, Powell, Prendergast and Round

Also Present: Councillors Garten and Mrs Gooch

135. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors English and Mrs Stockell.

136. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Lewins was substituting for Councillor English, and that it was understood that Councillor Garland would be substituting for Councillor Mrs Stockell. In the event, Councillor Garland did not attend the meeting.

137. NOTIFICATION OF VISITING MEMBERS

Councillor Garten indicated his wish to speak on the report of the Head of Planning and Development relating to application 15/503232.

Councillor Mrs Gooch indicated her wish to speak on the report of the Head of Planning and Development relating to application 16/503786.

138. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

139. URGENT ITEMS

The Chairman said 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.

140. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

141. EXEMPT ITEMS

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

142. MINUTES OF THE MEETING HELD ON 25 AUGUST 2016

RESOLVED: That the Minutes of the meeting held on 25 August 2016 be approved as a correct record and signed.

143. PRESENTATION OF PETITIONS

There were no petitions.

144. 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 the Case Officer had experienced difficulty in engaging with the School due to the summer holidays. However, it was hoped to report the application back to the Committee within the next couple of cycles.

145. 15/503232 - PROPOSED CONVERSION OF FIVE GROUND FLOOR GARAGES INTO A SELF CONTAINED TWO BEDROOM DWELLING ALONG WITH EXTERNAL ALTERATIONS TO THE FRONT AND SIDE OF THE BUILDING - 21 EYHORNE STREET, HOLLINGBOURNE, 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.

Mrs Lomax, an objector, Councillor Bennett of Hollingbourne Parish Council (against), Mr Barnes, for the applicant, and Councillor Garten (Visiting Member) addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report with an additional condition and an additional informative as follows:

Additional Condition

Prior to first occupation of the dwelling hereby permitted details of bat boxes/tubes to be installed within the eaves of the building 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 and maintained thereafter.

Reason: In the interests of biodiversity enhancement.

Additional Informative

The applicant is reminded that building works and delivery of materials should be carried out in accordance with the submitted construction method statement.

Voting: 9 – For 2 – Against 1 – Abstention

146. 16/503786 - OUTLINE (NO MATTERS RESERVED) - PROVISION OF A NEW ACCESS DRIVEWAY TO BARMING WATER TOWER FROM DRIVEWAY OF NO.80 REDE WOOD ROAD COMPRISING DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF A NEW DRIVE ACROSS REAR GARDEN OF NO.80; CONSTRUCTION OF NEW SINGLE GARAGE AT REAR; AND EXTENSION OF EXISTING DRIVEWAY TO WATER TOWER - BARMING WATER TOWER, NORTH POLE ROAD, BARMING, KENT

Councillor Munford stated that he had been lobbied.

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

Councillor Manser of Barming Parish Council (against), Mr Savell, the applicant, and Councillor Mrs Gooch (Visiting Member) addressed the meeting.

RESOLVED: That consideration of this application be deferred for one cycle to enable details to be provided in relation to:

- Landscaping to soften the impact of the acoustic fence;
- Access track surfacing materials (naturalistic approach);
- Closing up and landscaping of existing byway access;
- Preservation of ecological networks (gaps under fencing and hedgerow links); and
- Other potential enhancements to overcome harm to residential amenity.

Voting: 12 – For 0 – Against 0 – Abstentions

147. 16/505005 - PERMANENT STATIONING OF TWO ADDITIONAL MOBILE HOMES FOR THE APPLICANT'S DEPENDANTS - LITTLE BOARDEN, BOARDEN LANE, STAPLEHURST, KENT

Councillors Prendergast and Round stated that they had been lobbied.

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

Mr Bennett, an objector, Councillor Pyman of Headcorn Parish Council (against) and Mr Eastwood, 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 two additional units would be more prominent at the north-western end of the site and any supplementary landscaping would not mitigate the harm to the landscape and character of the countryside with the site being located in an unsustainable location removed from local facilities. This was contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework.

RESOLVED: That permission be refused for the following reason:

The two additional units would be more prominent at the north-western end of the site and any supplementary landscaping would not mitigate the harm to the landscape and character of the countryside with the site being located in an unsustainable location removed from local facilities. This is contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework.

Voting: 6 – For 4 – Against 2 – Abstentions

Councillors Cox and Harwood requested that their dissent be recorded.

Councillor Harwood left the meeting after consideration of this application (7.45 p.m.).

148. 15/509482 - EXTENSION TO EXISTING SITE TO FORM ADDITIONAL PLOT, COMPRISING OF THE SITING OF 1 STATIC MOBILE HOME AND 1 TOURING CARAVAN. RE-POSITIONING OF 1 STATIC MOBILE HOME AND ERECTION OF STORAGE/DAYROOM TO PLOT 1 (PART-RETROSPECTIVE) - QUARTER PADDOCKS, BLETCHENDEN ROAD, HEADCORN, KENT

Councillors Boughton, Prendergast 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.

Councillor Pyman of Headcorn Parish Council (against) addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report, as amended by the urgent update report, the additional condition set out in the urgent update report and an additional condition as follows:

Within 2 months from the date of this consent native species hedgerows shall be planted alongside the western and southern fence perimeters defining the plot hereby approved and planted abutting any post and rail fencing defining the adjoining paddocks. Any planting becoming dead, dying or diseased within 5 years shall be replaced with planting of the same species and size in the same location.

Reason: In the interests of amenity.

Voting: 10 – For 0 – Against 1 – Abstention

149. 15/503223 - PART RETROSPECTIVE - CHANGE OF USE AND REBUILDING OF FORMER CATTLE SHED TO PROVIDE TOURIST ACCOMMODATION AND CONSTRUCTION OF FLOOD DEFENCE BUND - BLETCHENDEN MANOR FARM, BLETCHENDEN ROAD, HEADCORN, KENT

All Members stated that they had been lobbied.

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

Councillor Pyman of Headcorn Parish Council (against) and Mr Parr, for the applicant, addressed the meeting.

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

Voting: 11 – For 0 – Against 0 – Abstentions

150. 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.

151. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

152. DURATION OF MEETING

6.00 p.m. to 8.45 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

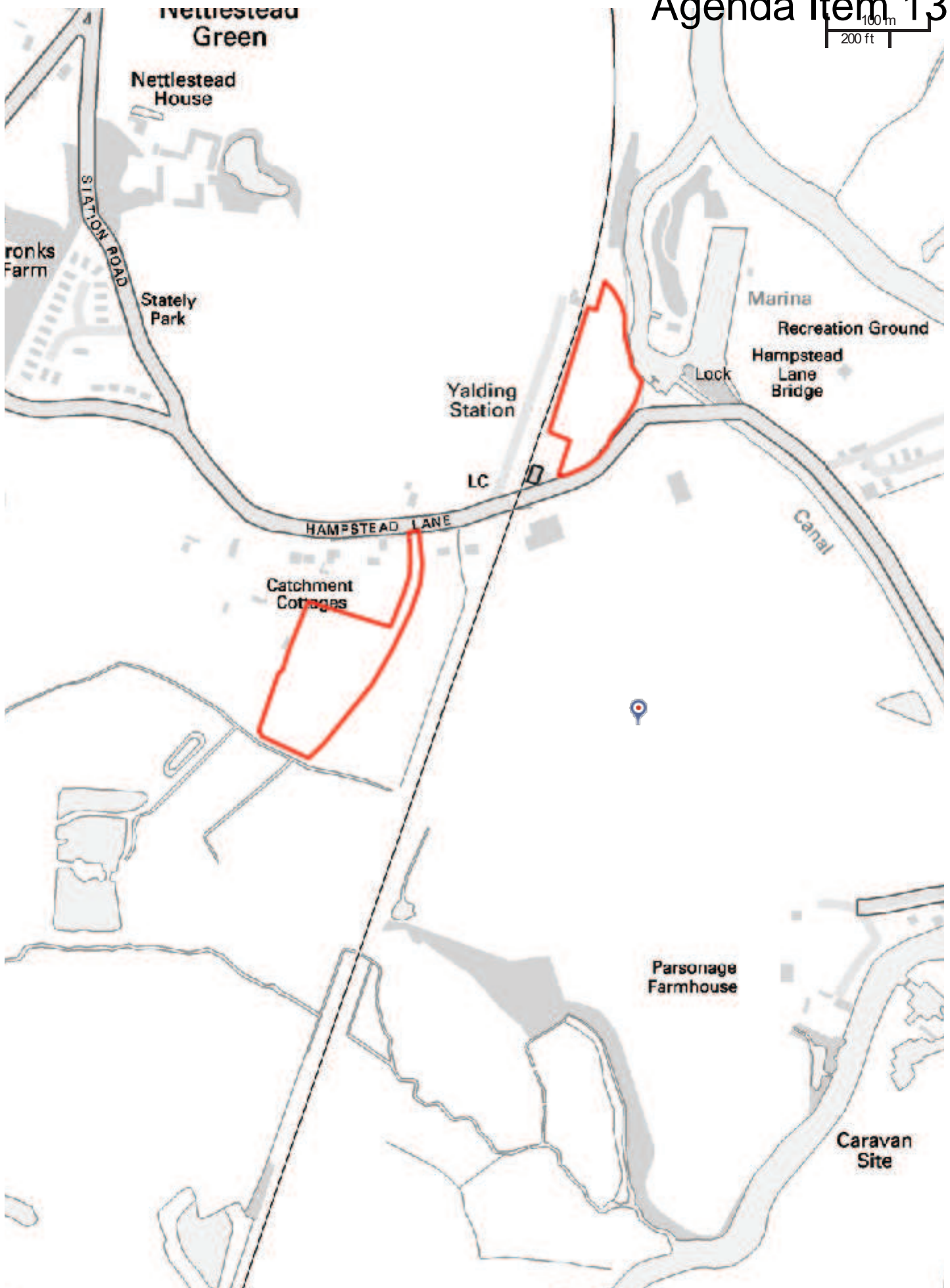
6 OCTOBER 2016

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

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

APPLICATION	DATE DEFERRED
<p><u>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>16/503786 - OUTLINE (NO MATTERS RESERVED) - PROVISION OF A NEW ACCESS DRIVEWAY TO BARMING WATER TOWER FROM DRIVEWAY OF NO.80 REDE WOOD ROAD COMPRISING DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF A NEW DRIVE ACROSS REAR GARDEN OF NO.80; CONSTRUCTION OF NEW SINGLE GARAGE AT REAR; AND EXTENSION OF EXISTING DRIVEWAY TO WATER TOWER - BARMING WATER TOWER, NORTH POLE ROAD, BARMING, KENT</u></p> <p>Deferred for one cycle to enable details to be provided in relation to:</p> <ul style="list-style-type: none">• Landscaping to soften the impact of the acoustic fence;• Access track surfacing materials (naturalistic approach);• Closing up and landscaping of existing byway access;• Preservation of ecological networks (gaps under fencing and hedgerow links); and• Other potential enhancements to overcome harm to residential amenity.	15 September 2016



15/507450 - Former Sygenta Works

Scale: 1:5000

Printed on: 28/9/2016 at 10:42 AM

© Ordnance Survey Maps - Maidstone
Borough Council Licence No. 100019636, 2015

© Maidstone Borough Council

REPORT SUMMARY

REFERENCE NO - 15/507450/REM		
APPLICATION PROPOSAL Reserved matters of appearance, landscaping, layout and scale pursuant to outline permission MA/10/2159 for the erection of a total of 16 residential units, comprising 14 semi-detached and two detached dwellings.		
ADDRESS Former Syngenta Works, Hampstead Lane, Yalding Kent		
RECOMMENDATION – Grant Planning Permission		
SUMMARY OF REASONS FOR RECOMMENDATION This is a reserved matters application with outline permission previously granted and the details of the reserved matters are considered to comply with the policies of the Development Plan, where relevant, and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE Yalding Parish Council objects to the application for the reasons set out below.		
WARD Marden And Yalding	PARISH/TOWN COUNCIL Yalding	APPLICANT St. Modwen Developments Ltd. AGENT Guy Hollaway Architects
DECISION DUE DATE 17/12/15	PUBLICITY EXPIRY DATE 29/03/16	OFFICER SITE VISIT DATE 6/10/2016
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
App No	Proposal	Decision
MA/10/2159	Erection of residential development with both outline and full details comprising: Outline up to 19 no. residential dwellings including means of access with all other matters reserved, the provision of a development platform, open space and landscaping on site 1. Full details for engineering operation including temporary access on site 1A.	Approved with conditions
MA/01/1733	Alterations to the external appearance of two buildings by virtue of the demolition of three buildings	Approved 2001
MA/01/1201	Outline application for the replacement of existing buildings with laboratory and associated offices with external appearance, landscaping and design reserved for future consideration	Approved 2001
Planning history relating to the entire former Syngenta Site		
MA/08/2505	Scoping opinion sought in respect of an environmental assessment to be submitted in relation to a proposed development being the	Issued 13/02/2009

	erection of a maximum of 250 dwellings, up to a maximum of 15,000 square metres of commercial floor space (B1/small scale B8), the provision of a recreation area for formal sports activities to the north of Hampstead Lane, and additional area of informal public open space, (forming the southern boundary of the proposed development) and a dedicated area for a nature reserve:	
MA/07/1148:	Outline application for a mixed-use redevelopment comprising: Employment development B1/B8 use (up to a maximum 29,265sqm.); Residential Development (up to a maximum 350 dwellings); A small retail convenience store (A1) (up to a maximum of 250sqm.); The provision of a recreation area for formal sports activities (to the north of Hampstead Lane); An additional area of informal open space; A dedicated area for nature conservation; The minor re-grading of an adjoining field (to the west) to alleviate wider flooding concerns. With access to be decided at this stage and all other matters reserved for future consideration.	Withdrawn 25/04/2008
MA/06/2029	Scoping opinion sought in respect of an environmental assessment to be submitted in relation to a proposed development being the erection of a maximum of 500 dwellings, up to a maximum of 350,000 square feet of commercial floor space (B1/small scale B8), a small retail convenience store (A1), the provision of a recreation area for formal sports activities to the north of Hampstead Lane, and additional area of informal public open space, (forming the southern boundary of the proposed development) and a dedicated area for a nature reserve:	ISSUED 29/12/2006
MA/06/1367	A consultation with Maidstone Borough Council by Kent County Council for remediation of the decommissioned Syngenta Works leaving the site contoured for future development (future development not part of application):	No objections 11/10/2006
MA/06/1074:	Erection of a hoarding to Hampstead Lane boundary to provide security and site safety.	Approved 14/07/2006

MAIN REPORT

1.0 Description of site

- 1.1 The application site relates to the Former Syngenta Works located adjacent to Yalding Station and on the north side of Hampstead Lane. The site benefits from planning permission 10/2159 for the 'Erection of residential development with both outline and full details comprising: Outline permission for up to 19 no. residential dwellings including means of access with all other matters reserved, the provision of

a development platform, open space and landscaping on site 1. Full planning permission for engineering operations including temporary access on site 1A was approved on 2 November 2012.

- 1.2 This application relates to site 1 and the outline planning application for up to 19 houses. The application site is some 0.96ha located on the north side of Hampstead Lane, bounded to the east by PROW KM188 and Hampstead marina, and to the west by the Maidstone West – Paddock Wood railway line and Yalding Station and car park. The site was formerly occupied by some of the Syngenta site's operational buildings but has been cleared of all buildings. The site is mainly hardstanding and has been vacant for some time. The site is fenced and there is a wall and railings along the Hampstead Lane frontage.
- 1.3 The application site is designated as an employment site under saved policy ED2 of the Maidstone Borough-wide Local Plan 2000 and is also subject to site specific and saved policy ED11. The site is located in flood zone 2 with part of the site in flood zone 3. The former Syngenta Works site opposite on the south side of Hampstead Lane is allocated in the emerging local Plan for mixed housing, employment and open space under policy RMX1 (4).

2.0 Background history

- 2.1 Planning application MA/10/2159 was reported to Planning Committee on 13.10.2011, where it was resolved that the Head of Planning and Development be given delegated powers to grant planning permission subject to conditions and the prior completion of a S106 legal agreement. A S106 agreement has been signed and sealed on 2.11.2012.

3.0 Proposal

- 3.1 This reserved matters application relates to outline planning permission MA/10/2159 which was approved for up to 19 residential units. Access was approved under the outline application with all other matters reserved for future consideration. As such, this application is now only assessing the appearance, landscaping, layout and scale of the development that has already been approved. The principle of the development of this site for up to 19 houses has been approved under the outline permission.
- 3.2 The reserved matters application proposes 16 houses in total, seven two storey semi-detached pairs and two 2 storey detached properties fronting onto the access road which would have a gentle curve running north to south across the site. The 16 houses would back on to the railway line / east boundary of the site with off-street parking at the front of the houses.
- 3.3 The vehicle access point onto Hampstead Lane would remain as approved under the outline permission. The area of the site between Hampstead Lane and the off-street parking spaces would be dedicated to landscaping, swales for SUDs and a children's play area with pedestrian access running through. Pedestrian links are proposed in the west corner of the site into the railway car park and along the eastern boundary onto the PROW adjacent the marina.
- 3.4 The location of the houses and access road (built development) was established under the outline planning permission and was dictated by the FRA which was approved by the Environment Agency under the outline permission.

3.5 Policy and considerations

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV30, ED2, ED11, T13, T23, CF1,
National Planning Policy Framework
National Planning Practice Guidance
Draft Local Plan (submission version) May 2016: SP16, SP17, RMX1(4), DM1, DM4, DM27

4.0 Neighbour responses

4.1 One neighbour objection has been received raising the following points:

- Flood Risk

5.0 Consultee responses

MBC Environmental Health Officer: No objections. Requests additional conditions.

Environment Agency: Objects to the application for the following summarised reasons: No safe means of access and egress during flooding, displacement of floodwater, Risk to life or property (internal floor levels).

Upper Medway IDB: Provided that Environment Agency and KCC's Drainage and Flood Risk Management Team's advice is followed in respect of local flood risk, this proposal should not affect IDB interests.

Landscape Officer: Raises no objection following the submission of revised landscape details.

KCC PROW: No objections. The development does not directly affect a PROW.

KCC Drainage: No objection. SUDs details will need to be submitted pursuant to condition 3 of the outline permission.

Conservation Officer: No objection.

KCC Highways Officer: Raises no objection.

KCC Biodiversity Officer: Raises no objection.

UK Power Networks: No objections

Southern Gas: No objections

Natural England: No comments to make on this application.

Kent Police: The development will need to comply with Secured By Design guidelines.

Southern Water: No objection. Requests conditions and informatives.

Yalding Parish Council: Objects for the following (summarised) grounds:

- Flood risk
- The Parish would prefer more 3 bedroom semi-detached houses and starter homes

- An updated viability assessment will need to be submitted prior to the start of the development as set out in the S106.

6.0 APPRAISAL

Principle of development

- 6.1 The site is located adjacent Yalding train station in a relatively sustainable location. I am satisfied that the principle of residential development here is acceptable, as previously accepted under MA/10/2159 and the number of units proposed, maximum building heights, broad layout and the vehicle access is consistent with the outline permission.
- 6.2 The main considerations are the details of the reserved matters (landscape, scale, design and layout), impact upon the character and appearance of the local area, the residential amenity of future and existing residents, flood risk and highways safety / parking provision.

Layout, scale, appearance and landscaping

- 6.3 An indicative layout was submitted with the outline application and the location of the housing / built development has been defined by the approved FRA which sees the houses located on a raised platform along the western section of the site adjacent the railway line. The indicative outline layout proposed a row of houses backing onto the railway line terminating in a cul-de-sac in the northwest corner of the site.
- 6.4 The reserved matters layout proposes an access road running south to north with a gentle curve ending at a small turning head in the northwest corner of the site. The turning head reduces the level of hard surface and removes the haphazard arrangement of houses at the end of the development on the indicate outline layout. The proposed layout provides a uniform building frontage with the houses fronting the road access with Juliet balconies and part recessed balconies on the principle elevations taking advantage of the marina and landscape setting at the front of the site. The building line follows the gentle curve in the road and would ensure the properties do not appear too regimented or urban for this semi-rural location. 16 houses are proposed in total, three less than the maximum approved under the outline permission. The reduction in the number of units would ensure the development does not appear cramped or overdevelopment.
- 6.5 A high quality design and landscape led approach is proposed and the layout and design has been reviewed and endorsed by Design South East (DSE) and minor layout amendments have been completed by the architect following suggestions by DSE. The houses would be set in the backdrop of an area of landscaping occupying almost half of the site. The landscape led approach would enhance the site frontage along Hampstead Lane and also provide a high quality landscape area in the foreground of the houses acting as a focal point within the site. The Design and Access Statement identifies how the design, form and materials take a cue from the local vernacular in and around Yalding. Materials include red multi stock bricks, timber cladding, timber louvres and slate roofs.
- 6.6 The houses would have pitched roofs in keeping with surrounding houses and the orientation and form of the roofs would allow a degree of spaciousness at roof level and allow views between houses.
- 6.7 In terms of scale all the houses would be two storeys in height, in keeping with the surrounding built development and in accordance with the maximum height limits set out in the outline planning permission.

- 6.8 Full details of the landscaping area have been submitted which includes a formal children's play space. Following the submission of amended details the council's landscape officer has agreed the species type and landscaping layout which would provide the setting for the housing development at the front of the site. Pedestrian permeability would be provided through the landscape section of the site and new pedestrian links to the station car park and PROW running along the eastern boundary of the site would be provided linking the site to the wider area.
- 6.9 The internal room size and layouts of the houses and gardens are all considered to be acceptable and would provide a good living standard in terms of minimum room size and outdoor amenity space.
- 6.10 Overall the proposal is considered to be of a high quality landscape led development and the architectural quality of the housing and landscape setting would enhance the site, and surrounding area and, would providing a positive entrance into Yalding from station.

Residential amenity

- 6.11 Given the significant separation distance from residential properties I am of the opinion that the proposal would not result in any unacceptable loss of neighbour residential amenity in terms of loss of light, outlook or privacy.

Highway safety/parking implications

- 6.12 A single vehicle access point is proposed onto the site as approved under the terms of the outline permission. 40 off-street parking spaces are proposed which includes two visitor parking spaces. This would be a slight overprovision of parking in terms of KCC Parking Standards which requires 34 parking spaces for the number / size of houses proposed. 16 houses are proposed, three less than the maximum approved under the outline permission therefore the vehicle trips generated and parking provision would be below the maximum that has previously agreed by KCC Highways. The reduction in the number of houses also reduces the number of parking spaces and areas of hard surface which would benefit the overall layout. The turning head at the end of the access road would allow refuse and services vehicles to turn on site and exit onto Hampstead Lane in forward gear. As such no objections are raised in terms of highways safety and parking provision.

Flood Risk

- 6.13 The outline application was supported by a comprehensive FRA and the vehicle access onto Hamstead Lane and location of the housing development within the site was agreed by the Environment Agency and approved as part of the outline permission. Conditions attached to the outline permission stipulate internal floor levels and that the housing should be located upon a raised development platform in order to safeguard future occupants from the risk of flooding.
- 6.14 Since outline permission was granted the EA has updated their flood modelling and have now raised objections to the vehicle access, previously approved floor levels and displacement of flood water. However, the area for development (the development platform) and vehicle access have been approved under the outline permission and under the terms of this reserved matters application these aspects cannot be revisited. The principle of the development has already been approved by the LPA and EA and the current application relates to the details of the reserved matters only, being; scale, layout, design and landscape, with the vehicle access approved at the outline stage.

- 6.15 Evacuation routes / plans and emergency access have been approved under the outline permission and will need to be adhered to and, future residents will need to register for the Environment Agency flood warning system. Pedestrian access would be provided to/from the site during the design flood event via a public footpath which crosses the railway line and continues to higher land to the north of the site during. The vehicle access point onto the site would remain as previously approved under the outline permission. The EA has also raised an objection regarding the displacement of flood water, however, the design, size and elevation of the development platform remains unchanged from the outline permission and therefore cannot be revisited under the reserved matters application. The reserved matters application is compliant with the outline permission in terms of flood risk as previously agreed by the EA.
- 6.16 In response to the EA comments the applicant has raised the internal floor levels of the houses to accord with the EAs latest modelling to ensure the occupants remain safe during an extreme flood event. In addition, the under croft parking which was initially proposed in the reserved matters application has been omitted, following the EAs recommendation. The flood resilience measures outlines in section 3.6 of the FRA shall be incorporated into the design where appropriate and can be secured by condition. The finished floor levels requested by the EA will also be secured by condition.
- 6.17 The details of the reserved matters are therefore in accordance with the outline permission and the accompanying FRA and therefore an objection on flood risk cannot be sustained.

Other matters

- 6.18 The Kent Police Crime Prevention Design Advisor advises that the development should be built in accordance with Secure By Design. However, the proposal is considered acceptable and I do not consider the need to incorporate any additional crime prevention measures to this application. The application has demonstrated that there would be satisfactory facilities for the storage of refuse on the site and so I raise no objection in this respect. The Environmental Health Officer has raised no objection and has request additional conditions which it would not be reasonable to attach at the reserved matters stage for the aforementioned reasons.
- 6.19 With regards to the Yalding Parish Council and the neighbour representation received, the issues of access; flood risk; unit mix was considered under the outline application.

Conclusion

- 6.20 I am of the view that this sustainably located proposal would not cause any demonstrable harm to the character and setting of the surrounding area; it would not harm the amenities of existing or future residents; it would not result in adverse highway safety conditions; and the matters of flood risk and sewerage disposal are addressed by the application. It is considered that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the National Planning Policy Framework, and all other material considerations such as are relevant. I therefore recommend conditional approval of the application as set out below.

7.0 RECOMMENDATION – APPROVE subject to the following conditions:

CONDITIONS

- (1) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

- (2) The occupation of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

- (3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to any property shall be carried out without the permission of the Local Planning Authority;

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

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

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

- (5) The development shall not commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: In the interests of visual amenity and to ensure an energy efficient form of development.

- (6) Prior to the occupation of the development details of the flood resilience measures utilised within the development as outlined in Section 3.6 of the FRA, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To safeguard future occupants of the development from flood risk

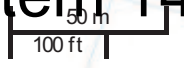
- (7) The development hereby permitted shall be carried out in accordance with the following approved plans:

15.015.01, 15.015.02, 15.015.07, 15.015.08, MHS139.15-C61 Rev B; received 23.09.2016 and the FRA by Herrington Consulting Ltd; dated September 2015 ,15.015.03 Rev A, 15.015.04 Rev A, 15.015.05 Rev A, 15.015.06 Rev A, 15.015.09 Rev A, MHS139.15-A30, MHS139.15-A31, MHS139.15-A32, MHS139.15-C62, MHS139.15-C63, MHS139.15-G01; received 1 March 2016

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

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.



16/501631 Lested Farm
 Scale: 1:2500
 Printed on: 28/9/2016 at 10:07 AM

© Ordnance Survey Maps - Maidstone
 Borough Council Licence No. 100019636, 2015

REPORT SUMMARY

REFERENCE NO - 16/501631/FULL			
APPLICATION PROPOSAL Extension of Lested Farm farmyard into an adjacent agricultural field (Revised Scheme to 15/506233/FULL). Development of an on-farm agricultural Anaerobic Digestion project that will generate clean renewable energy from animal manures and slurries, agricultural by-products from the growing and processing of fruit and vegetables, with the addition of some energy crops.			
ADDRESS Lested Farm Plough Wents Road Chart Sutton Kent ME17 3SA			
RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS			
SUMMARY OF REASONS FOR RECOMMENDATION Planning permission has been granted for a similar facility: this application represents an amendment to the extent and layout of the facility; and provides additional detail. The revisions and additional detail are considered acceptable and therefore the recommendation is that permission be granted.			
REASON FOR REFERRAL TO COMMITTEE AT THE REQUEST OF CHART SUTTON PARISH COUNCIL			
WARD Boughton Monchelsea And Chart Sutton		PARISH/TOWN COUNCIL Chart Sutton	APPLICANT Environment First Ltd AGENT
DECISION DUE DATE 24/05/16	PUBLICITY EXPIRY DATE 29/09/16	OFFICER SITE VISIT DATE 7/4/16 (and previously)	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): The relevant planning history is considered to be:			
App No	Proposal	Decision	Date
15/506233/FULL	Extension of Lested Farm farmyard into an adjacent agricultural field. Development of an on-farm agricultural Anaerobic Digestion project that will generate clean renewable energy from animal manures and slurries; and agricultural by-products from the growing and processing of fruit and vegetables produced on-site (with the addition of some maize).	Permitted	30/9/15
15/504352/FULL	Demolition of an existing office and construction of an extension to an existing office.	Permitted	13/10/15
14/503961/PNBC M	Prior Notification for the change of use of part of agricultural building to use falling within Class C3 (dwellinghouses) to provide 3no. residential units and design and external appearance of building operations reasonably necessary to convert part of the building.	Permitted	20/11/14
MA/11/1185	Variation of condition 4 of permission	Permitted	13/12/12

	MA/10/1591 to allow floorspace to be used for the storage of crops not produced within the administrative boundary of Kent.		
MA/11/1651	Erection of an empty bin store and ambient store for pumpkins and squashes (Unit B).	Permitted	16/1/12
MA/11/1650	Erection of an empty bin store and ambient store for pumpkins and squashes (Unit A).	Permitted	16/1/12
MA/10/1591	Retrospective application for amendments to building approved under reference MA/09/0227 (cold store and fruit packing building) including increased ridge height, elevational amendments, plant room and open shelter.	Permitted	18/2/11
MA/09/0227	Extension to cold store building approved under MA/07/0456 to provide fruit packaging and distribution building.	Permitted	16/9/09

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 Lested Farm is located in the rural area north of Chart Sutton village. This is land within open countryside and within the Southern Anti-Coalescence Belt as defined in the adopted Local Plan.
- 1.02 Access from Plough Wents Road (B2163) leads north into the farm which is a large scale agricultural enterprise with a range of large, utilitarian farm buildings stretching out in linear form away from the road. The farm is engaged in a range of agricultural activities including the production of fruit and vegetables and arable crops, livestock and game, and the storage and packing of fruit (some originating off-site). Animal feed is produced from 'waste' fruit and vegetables.
- 1.03 The application site is located on the northern margins of the current 'yard' and involves a roughly rectangular area of poor quality grassland that forms part of a much larger field. The site is bordered to the south by the farm buildings and to the west by a rough trackway and a line of hedging. Beyond that to the west is a neighbouring dairy farm. To the north and east of the application site is the grassland of the remainder of the field. The terrain here is largely flat and open in character. PROW KH366 runs east/west across the northern part of the site but inexplicably ends at a point to the east of the application site without apparently leading anywhere. There is a line of dwellings along the eastern side of Lested Lane to the south east of the site, the nearest of which is approx. 110-120m from the facility boundary.

2.0 PROPOSAL

- 2.01 The application proposes the northward extension of the farm 'yard' to accommodate a renewable energy plant that would use anaerobic digestion to produce gas that, in turn, would fuel a gas turbine to produce electricity. This would be a 0.4MW combined heat and power unit that would provide electricity for the equivalent of 751

homes in the first year; with heat to be used on the farm and possibly also for local housing.

- 2.02 The anaerobic digestion element of the process would be facilitated by three large circular tanks at the southern end of the site to be constructed of a concrete ringed base (clad in green coloured profiled sheeting) 6m high, on top of which would be a flexible plastic membrane (again green in colour) to give a total height of 11m. To the south of that would be the electricity generation equipment in the form of a series of cabinets and containers: these are of varying height but generally low level and significantly lower than the rigid bases of the tanks. To the north of the tanks are the feeding system, a pre-storage tank and the filling station beyond which is a narrow corridor to cater for PROW KH366. Containers, etc. are generally green in colour.
- 2.03 To the north of that would be a concrete silo clamp approx. 4m high and a gas flare approx. 4m high that would only be used in time of emergency. The facility would need to be hardsurfaced: principally in concrete but with asphalt and crushed concrete elements. LED lighting is proposed to be mounted on 2-3m high galvanised poles mainly in the central and eastern parts of the site.
- 2.04 A landscaping scheme is proposed that preserves the tree/hedgeline down the western boundary. A hedgerow of indigenous species would be planted around the northern and north eastern edges of the facility; whilst a new 'shaw' of indigenous species woodland is proposed at the eastern and south eastern margins of the site with a max. width of around 24m. This to involve a combination of oak, field maple, hornbeam, and indigenous hedge species.
- 2.05 The gas would be produced by feeding the facility with a combination of surplus fruit, cattle manure, maize and barley grains, and poultry manure amounting to a total of approx. 17,000 tons of material pa; a substantial proportion of which would be sourced from other farm units and transported in to the site. When asked to clarify the 'breakdown' of material and its origin the applicant states:

"Surplus fruit - 6000 tons – existing import into site already being used for animals feeds – source combination of our own packing and processing and other packers produce.

Cattle manure – 1500 tons – combination of our own farm and neighbouring farms
Crimped and silage maize, barley grains - 2000 tons (exact makeup depending on cropping year) - combination of our own farm and neighbouring farms - ratio depending on cropping yields

Poultry manure – 7000 tons (as per original submission) – import from local chicken farms – a product we already use on farm as a natural fertiliser."

The remains from the digestion process (i.e. the 'digestate') would, after appropriate processing and storage, be used as a natural organic fertiliser.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG): Particularly 'Renewable and low carbon energy'.

Maidstone Borough-Wide Local Plan 2000 Policies: ENV6, ENV28, ENV32, ENV43, ENV49

Maidstone Borough Local Plan (Regulation 19) Submission 2000 Policies: SP17, DM1, DM2, DM3, DM5, DM7, DM28, DM34, DM40

4.0 LOCAL REPRESENTATIONS

- 4.01 Chart Sutton Parish Council, when originally consulted on the application, had no objection.

Having being consulted on additional details, The Parish Council now states:

“Chart Sutton Parish Council recommends refusal of the revision of this application, and wishes it to be reported to Planning Committee for the following reasons:-

The Parish Council is concerned regarding the nuisance and loss of amenities to local residents through storage, handling and movement of waste material (especially manures), and would request that this is referred to the Environment Agency.

The Parish Council is extremely concerned regarding the smell which will emanate from the manures (especially chicken manure), and is not satisfied that the Odour Management Plan allows for the movement of chicken manure twice a day into the digester (figures state between 4,000 and 7,000 tons p.a.). Each time the manure is moved it will create an unsatisfactory odour which will affect local residents. This will be a continual problem. The evidence of low risk smells in the Odour Management Plan seems to be based on the digester itself, however the Parish Council is concerned regarding the actual storage/movement/handling of the chicken manure before it gets to the digester. This needs to be looked at in more detail, and as stated above, we would request that this is referred to the Environment Agency.

Also, what is in place in the event of a breakdown of the digester (regarding the storage of materials)? This may also need referring to the Environment Agency?

The delivery of waste materials from other farms will see a huge increase in the number of vehicle movements each day for all products. Also, these large vehicles will be exiting near bends on a busy road, which may be hazardous to other road users. The Parish Council therefore requests that this is referred to the Highways Agency.”

- 4.02 Letters of objection have been received from a local resident (who also writes on behalf of a local development company). In the original response, the objector indicated no objections to the recycling of surplus agricultural produce for the production of renewable energy using the agricultural anaerobic digestion method provided that the material to feed the plant was produced on site. This should be conditioned, as should a limitation on HGV movements. However, imported material would represent a move from agricultural to an industrial use of the site that would not be acceptable.

Having being consulted on additional details, the objector makes the following (summarised) objections:

(a) The applicant has now built out the facility without complying with planning permission. The applicant should have been told to stop works. Permission 15/506233 should be set aside in the light of the new information.

(b) The newly submitted information makes it clear that much of the material to feed the facility will actually be imported from off-site. The level of importation is such that this is not an operation associated with agriculture; more it is a commercial operation that uses up good quality agricultural land for commercial use.

(c) Volumes of waste to be delivered have been underestimated, as have HGV movements.

- (d) The development would cause noise and smells that would adversely affect neighbours. Smells would be caused by the storage of imported feedstuffs and the location of the digester is too close to properties in Lested Lane.
- (e) Planning permission should be refused as the development is contrary to policy. There would be an increase in traffic movements on local roads that are not suitable to accommodate them. There would be an unacceptable level of nuisance to local residents from noise and smells.

- 4.03 One local resident states that he is not opposed to an AD plant per se but objects on the following (summarised) points:
- (a) The adverse visual impact on the countryside and on views from housing.
 - (b) The inadequacy of landscaping and screening: trees would take many years to come to maturity and form an effective screen.
 - (c) The adverse impact of the facility on local residents in terms of smells and the potential harm to human health from animal waste.
 - (d) Increased HGV traffic on the B2163 would make this road increasingly hazardous.
- 4.04 A resident of Aylesford (whom, it is thought used to live in Lested Lane) objects to the development raising similar concerns to the other objector. Additional comments are made as to the adverse visual impact on the countryside of the development and inadequate screening.

5.0 CONSULTATIONS

- 5.01 Natural England has no comment.
- 5.02 The KCC Public Rights of Way Officer comments that the public rights of way network would not be affected.
- 5.03 KCC Highways and Transportation comments:

“The existing access to the farm has good visibility and a wide radius which allows for HGVs and large vehicles to access and egress the site with ease. There is space within the site for HGVs to turn and therefore exit the farm in a forward gear.

The existing trip generation associated with the farm is 701 movements per annum. The proposed trip generation at the farm as a result of this application is scheduled to increase by 350 to 1,051 vehicle movements per annum. This therefore equates to an increase of just under 1.5 vehicle movements per working weekday. It is felt that an increase in vehicle movements of this scale is expected to fall within the daily variations of traffic flows and the associated impact cannot therefore be regarded as severe in the context of the NPPF.

For the reasons outlined above and having considered the development proposals and the effect on the highway network, I raise no objection on behalf of the local highway authority subject to the following conditions regarding the construction:

- ☐ Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction as outlined in the submitted construction management plan.
- ☐ Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

INFORMATIVE: [on the need for highways authority consents]”

On additional details, the Highways Officer continues to have no objection but recommends a condition to control the number of lorry movements.

- 5.04 The MBC Landscape Officer has no objection but recommends amendment so that proposed landscaping details better reflect the adopted landscape guidelines.
- 5.05 MIDKENT EHSS has no objection subject to conditions to protect the residential amenities of local residents. In terms of odours, the Odour Management Plan is deemed to be acceptable: it would operate on the basis that vegetable matter would be properly stored on site; with the manure element delivered 'just in time' which should enable deliveries to be cancelled in the event of equipment breakdown and prevent the need for long term storage. The noise from plant and machinery is unlikely to cause significant amenity problems. Conditions should be imposed to ensure adherence to the Odour Management Plan and plant and machinery should not be operated until it has been demonstrated that the facility would not generate unacceptable noise nuisance to local residents.

6.0 APPRAISAL

Principle of Development

- 6.01 An important factor in the determination of this application is that a very similar development has already been granted planning permission under reference 15/506233/FULL (albeit that the conditions attached to that earlier permission have not been discharged). In my view it would be unreasonable to refuse the principle of this application in this location given the recent history. The applicant has unfortunately commenced on the construction of the project, presumably on the basis of the granting of that earlier permission.
- 6.02 The main difference here is that the development has pushed out further north into the field with a rearrangement of the facility so that both the silo clamp and the gas flare are now proposed to be sited to the north of the PROW. There has been a clarification on the type and origin of material to form the 'feed' for the plant; and the applicant has put forward, so far as is possible, the detail of the scheme to avoid pre-commencement conditions.
- 6.03 In common with advice within the NPPF, 'saved' policies of the Local Plan seek to protect the character, amenity and functioning of the countryside. Developments that are not sustainable and harmful to character should be rejected.
- 6.04 The Local Plan is of an age such that it does not offer significant advice on the issue of renewable energy projects, although agricultural development is governed by Policy ENV43. The emerging Local Plan (Regulation 19) Submission Policy DM40 allows for the construction of agricultural buildings and Policy DM28 is aimed at larger scale (which the Lested Farm scheme is not) renewable energy and low carbon schemes but its accompanying text recognises the benefits of such projects thus:
- "These schemes help to reduce regional and national carbon emissions and the council considers that, in the correct locations, such proposals are a benefit to the borough as a whole."
- 6.05 The NPPF and the NPPG guidance in 'Renewable and low carbon energy' clearly promote the benefits of projects such as the one proposed here.

- 6.06 Looking at general principles, small scale renewable energy schemes present significant benefits in terms of providing sustainable energy sources and reducing harmful emissions. There are also more localised benefits to the host farmer as regards the economic diversification of the agricultural business, the provision of power and heat to the farm and the conversion of waste material into beneficial fertilizer. In policy terms, a location on a farm would seem the optimum location (given that the source of the raw material for the facility would generally be the farm itself and local farms) and I see no conflict here with guidance and policies which promote renewable energy schemes and which allow for agricultural-related development that essentially demands a rural location.
- 6.07 This is a large scale and diversified farming enterprise, relatively well related to Maidstone itself and local villages and enjoying good access to the local road network via a 'B road' i.e. Plough Wents Road. Smaller farms, more remotely located, may not be suitable to accommodate the facility proposed here, particularly given the need to import additional material to supplement that produced on the holding itself. In general terms I consider Lested Farm to be of a type and location that would be suitable for such a project.

The Source of Material for the Facility

- 6.08 Whilst this facility would be farm-based and use material derived from the agriculture-based activities at Lested Farm, a substantial proportion of the material would be 'imported' from other farm units and transported in to the site: that is evident from the applicant's estimate of the breakdown of material given above. What is also evident is that there are difficulties in predicting the source of the material given the unpredictable nature of agricultural activity and productivity. The granting of planning permission 15/506233/FULL acknowledged this 'importation' issue: the report stated:

"The gas would be produced by rejected fruit and vegetables, cattle slurry, poultry muck and farmyard manure amounting to a total of 17,035 tonnes of material pa, a substantial proportion of which would be sourced from other farm units and transported in to the site."

Objectors correctly point out that this is not just an agricultural facility and that it is a plant processing a variety of agriculture-derived material, a substantial proportion of which would be imported. However, as with 15/506233/FULL, I continue to believe that this is an appropriate site for such a facility.

Residential Amenity

- 6.09 On residential amenity, there are no residential properties in close proximity to the site of the development. I note the presence of dwellings along the eastern side of Lested Lane to the south east of the site, the nearest house in that group being approx. 110-120m distant. The access road for deliveries, etc. is the 'spine road' through the middle of the Lested Farm buildings and that only directly affects the houses on the farm site itself (that already experience the comings and goings associated with the farm). I do not consider that general vehicle movements, loading/unloading, etc would be significantly more harmful to amenity than the existing situation.
- 6.10 A noise assessment has been submitted which concludes that, subject to noise mitigation measures, noise generated by the operation of the facility would be such as to be equal to or less than the background noise level. I have agreed with the

Environmental Health Officer that conditions should be imposed to secure the detail of the noise mitigation measures and that (other than testing) the plant and machinery should not be operated until such details have been approved. Another important factor in terms of amenity is air quality and odour management. The anaerobic digestion process itself takes place within an enclosed system and would not result in the release of significant odours. At the end of the process, the digestate is said to be virtually odourless. The risk of odour release to the atmosphere would be predominantly limited to feedstock delivery intake, storage and loading. An Odour Management Plan has been submitted to cover such issues as the method of inward transport of material, the containers used for transport, inspection of inward deliveries, on-site storage of material, and the loading of feedstock. In terms of odours, the Odour Management Plan is deemed to be acceptable: it would operate on the basis that vegetable matter would be properly stored on site; with the manure element delivered 'just in time' which should enable deliveries to be cancelled in the event of equipment breakdown and prevent the need for long term storage. Some release of odours would be inevitable but this is already a working farm, with a large dairy farm immediately to its west. Given this background, and the ability to impose conditions on potential noise, I do not consider that the development would have any significant impact on residential amenity.

Highways

- 6.11 As regards impact on the highway, the site enjoys a long-established, wide access onto a 'B road' (Plough Wents Road) that, in turn, provides access to the main highway network (the A274 is approx. 1.4km to the east). The site already accommodates significant heavy traffic as a result of the existing agricultural and agriculture-related activities. The submitted Planning, Design and Access Statement predicts an additional 350 lorry movements pa (1.5 per weekday) and I consider that the access and local highway network could satisfactorily accommodate that level of increase. I have acknowledged that there are difficulties in predicting the source of the material given the unpredictable nature of agricultural activity and productivity and it follows that prediction of lorry movements must be a broad estimate. In any event, it seems to me that the site's position as regards its access and its relationship to the 'A' and 'B' network is such that a larger volume than predicted of lorry movements would still be acceptable. Lorry and car parking areas for the plant are shown to be available to the south in the main part of the farm and I consider that acceptable.
- 6.12 The Highways Officer has no objection: she recommends a condition to control the number of lorry movements. I consider that such a condition would not be appropriate as it would not be enforceable, not least as there would be a significant number of lorry movements to the site that would not be associated with the facility. A more appropriate restriction would be to limit the overall throughput of the facility and that forms the basis of a condition recommended below.

Visual Amenity, Landscaping and Ecology

- 6.13 On these issues it must be pointed out that permission has been granted for a similar facility and the changes to that approved scheme embodied in this application do not, in my judgement, have any further adverse impact on the landscape. Landscaping details are now provided; principally relating to the provision of the shaw of woodland to help screen the development in views from the east and the boundary hedging that I consider acceptable. I do not consider that the Southern Anti-Coalescence Belt would be significantly eroded as a result of the complex of tanks, containers

proposed here, nor would the landscape qualities of the Landscape of Local Value promulgated in the emerging Local Plan.

- 6.14 The site was previously the subject of an ecological assessment that established that the grassland is of limited ecological value and that the proposed landscaping measures would provide ecological enhancement. A condition was imposed on that earlier permission requiring an assessment of the extent to which hedging to the west of the proposed development is utilised by bats and how the development may affect such bats. That further assessment is now submitted with this current application: the ecologist states that the western hedgerow is likely to be used by foraging and commuting bats but noise levels are likely to be low; and the position and likely usage of the gas flare and the external lighting are such that the ecologist judges that any bats utilising the hedge would be unlikely to be adversely affected. As previously therefore, there is no reason to object to this application on the grounds of impact on ecology.

Other Matters

- 6.15 Land in the Chart Sutton area is 'overwashed' by the general 'Grade 2' designation in terms of agricultural land quality. However, this is a relatively small area of land that has clearly not been used recently for any productive arable crop and there is evidence that its more recent uses have involved outdoor poultry or game pens sitting on the grassed surface. I conclude that the loss of this land to agriculture is not significant.

The land hereabouts is not within a recognised flood zone. On drainage and pollution issues I see that the Environment Agency raised no objection to the previous application. Against this background I see no reason to object on these issues.

7.0 CONCLUSION

- 7.01 The principle of this scheme has been established by the granting of permission under reference 15/506233/FULL. I continue to conclude that the development proposed here has the potential to present significant benefits in terms of the general benefits to the environment associated with renewable energy.
- 7.02 As previously, on a procedural note, I see that the agents state that the site area is approx. 0.48ha. The area is irregular and somewhat difficult to calculate, however I consider it to be at least close to, or above, the 0.5ha threshold for "Industrial installations for the production of electricity, steam and hot water" set by Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Given the doubt over the site area, I have assessed whether the development requires an environmental impact assessment: I conclude that it does not given that this is not a sensitive area and given my conclusions above on the various planning impacts of the scheme that lead to my opinion that it would not have significant effects on the environment.

8.0 RECOMMENDATION – GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS:

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

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

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

drawing no's:

layout-Kent-WS-160216.dwg received 24/2/16
cross section-Kent-WS-150723.dwg received 24/2/16
1534/1B (Site Survey) received 18/3/16
1534/2 (Proposed Landform) received 18/3/16
Ansichten-Kent-WS-160318.dwg received 22/3/16
KB-LEST00-RevA received 22/3/16
FR1003-A-06 received 29/3/16
KB-LEST00-RevA (adapted to show surfacing and lighting proposals) received 28/6/16
Proposed Parking Plan received 28/6/16

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

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

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

- (4) With the exception of the external lighting shown on KB-LEST00-RevA (adapted to show surfacing and lighting proposals) no further external lighting shall be installed at the site without the prior written consent of the Local Planning Authority;

Reason: In the interests of visual amenity.

- (5) Unless the Local Planning Authority gives consent to any variation, the development hereby permitted shall be operated in accordance with the Odour Management Plan dated 10/2/16 (with the exception of the Feedstock Delivery tonnage figures which have since been amended);

Reason: In the interests of residential amenity.

- (6) Apart from the testing of equipment and plant, no equipment and plant shall be operated on the site (including ventilation, refrigeration, air conditioning and ducting systems) until details of equipment and plant to be used in this project have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The details shall be such so as to ensure that the noise generated at any noise

sensitive premises (residential accommodation) shall be of a Rating Level (including relevant penalties) not exceeding the background noise level (LA90) when assessed using the method described in BS4142:2014. The equipment and plant shall be maintained in a condition so that it does not exceed this level, whenever it is operating. After installation of the approved equipment and plant, no new equipment or plant shall be used without the prior written consent of the Local Planning Authority;

Reason: In the interests of residential amenity.

- (7) Apart from the testing of equipment and plant, no equipment and plant shall be operated on the site (including ventilation, refrigeration, air conditioning and ducting systems) until details of equipment and plant to be used in this project have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The details shall be such as to 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 and plant shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it is operating. After installation of the approved equipment and plant, no new equipment or plant shall be used without the prior written consent of the Local Planning Authority;

Reason: In the interests of residential amenity.

- (8) Apart from testing, the electricity substation shall not be operated until details of the electricity substation have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The details 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 electricity substation shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it is operating. After installation of the approved electricity substation, no other electricity substation shall be used without the prior written consent of the Local Planning Authority;

Reason: In the interests of residential amenity.

- (9) Within three months of the date of commencement of power generation on the site a noise assessment shall be carried out by a suitably qualified acoustic consultant. The noise assessment report should establish compliance with the noise standards and requirements set out in conditions 6, 7 and 8 above. That noise assessment report shall be submitted for approval by the Local Planning Authority. If the noise assessment reveals that the noise level is above those noise standards and requirements, then that report shall contain the appropriate mitigation measures to ensure compliance. The approved mitigation measures shall be implemented to the satisfaction of the Local Planning Authority within 3 months from the date of the approval of the report and maintained as such so long as power generation continues at this site;

Reason: In the interests of residential amenity.

- (10) The facility shall not exceed a combined throughput capacity of 18,000 tonnes per annum. Monitoring records of the total throughput shall be made and retained at the site and made available for inspection at any reasonable time following a request from the Local Planning Authority;

Reason: The impact of the facility on highway safety and residential amenity has been assessed on the basis of the estimates of throughput provided and the Local Planning Authority would wish to maintain control over any future increase in the capacity of the site.

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 15



16/503947 - 3 Hockers Lane

Scale: 1:1250

Printed on: 28/9/2016 at 10:24 AM

© Ordnance Survey Maps - Maidstone
Borough Council Licence No. 100019636, 2015

REPORT SUMMARY

REFERENCE NO - 16/503947/FULL		
APPLICATION PROPOSAL Retention of existing dwelling at No.3 Hockers Lane. Construction of new single storey dwelling at rear of No.3; Demolition of existing dwelling and ancillary buildings including garages at No.1 Hockers Lane, and construction of replacement chalet dwelling and garage		
ADDRESS 3 Hockers Lane Detling Kent ME14 3JL		
RECOMMENDATION PERMIT SUBJECT TO CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The site lies part inside the development boundary of Detling with the remainder lying outside but adjoining the development boundary. • The site context is one which is detached from open countryside and is considered to closely relate to the residential development that surrounds the site to the north and east • The development includes a replacement dwelling which is considered to accord with policy H32 which permits replacement dwellings in the countryside. • The second dwelling will replace a collection of buildings which is considered acceptable in its site context and will preserve and enhance the character of the countryside in accordance with policy ENV28 		
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of Detling Parish Council and part of the development is contrary to the development plan as part of the site lies beyond the development boundary		
WARD Detling And Thurnham	PARISH/TOWN COUNCIL Detling	APPLICANT Mr B Stymest AGENT Shaw Design Services Ltd
DECISION DUE DATE 04/07/16	PUBLICITY EXPIRY DATE 17/06/16	OFFICER SITE VISIT DATE 2 nd June 2016

1.0 SITE DESCRIPTION

- 1.01 The application site comprises the area of land to the rear of 3 Hockers Lane and the curtilage of no.1 Hockers Lane. The site is occupied by a number of buildings including an existing garage serving 3 Hockers Lane along with no.1 Hockers Lane which is a detached bungalow to the east of the site and its associated garages and outbuildings. . The eastern boundary of the site is screened from the adjoining countryside by mature trees and hedging and is consistent with the eastern extent of Detling
- 1.02 There is an access track running along the northern boundary of the application site being the principle means of access to 1 Hockers Lane and the garage of no.3. This access track is also used as a public right of way running east from Hockers Lane between houses before leaving Detling village for open countryside. The site is bordered by residential properties to the north in Princes Way which extend along the northern boundary of the application site to the eastern boundary of the village. Thus

the application site is contained within a largely residential context enclosed by no.1 Hockers Lane to the east, Princes Way to the north and Hockers Lane to the west.

- 1.03 The front part of the sites falls within the village confines of Detling and the eastern, part of the site lies outside but adjoining the village confines. The boundary essentially runs through the rear gardens of Hockers Lane rather than the eastern boundary of the village.
- 1.04 Though Detling is defined as rural settlement it also lies within the North Downs AONB, a Special Landscape Area (SLA) while falling within a strategic gap.

2.0 PROPOSAL

- 2.01 The proposal has the following key elements to it:
- The demolition of all buildings on the site including 1 Hockers Lane.
 - 1 Hockers Lane to be replaced by a detached 3 bedroom house. The new dwelling will be a chalet bungalow.
 - The existing double garage of no.1 will be demolished and replaced by a new detached dwelling to the west of this which will be located between the new dwelling at no.1 and the existing dwelling at no.3 Hockers Lane which lies to the west.

3.0 RELEVANT HISTORY

- 3.01 15/509593: Retention of existing building at No.3 Hockers Lane with construction of new garage. Demolition of No. 1 Hockers Lane and construction of replacement dwelling. Construction of two additional dwellings with associated access and parking – **WITHDRAWN**
- 3.02 16/504644/FULL: Construction of replacement garage to serve 3 Hockers Lane –**APPROVED**

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV28, ENV31, ENV33, H27, H32, T13

5.0 LOCAL REPRESENTATIONS

- 5.01 10 Neighbouring properties consulted – 4 objections received which are summarised below:
- Proposed redevelopment of 1 Hockers Lane is not small or minor but is quite large and tall while lying outside the village envelope.
 - Harm setting of the village and character of the AONB.
 - No ecological survey has been provided.
 - Represents overdevelopment.
 - Concerns regarding capacity of existing sewer system to deal with additional waste.
 - Proposed unit to replace 1 Hockers Lane will result in obstruction of views across site from adjoining houses.
 - Will result in loss of privacy to houses abutting the site.

- Concerns that the size of vehicles gaining access to may breach legal size limitations.
- Site does not occupy a sustainable location.
- Presence of existing trees does not appear to have been taken into account.
- Replacement garage to serve 3 Hockers Lane will overshadow adjoining property,

6.0 CONSULTATIONS

6.01 Detling Parish Council: Objects on the following grounds:

- Dwelling to replace 1 Hockers Lane represents a massive increase in size and scale compared to the existing building and represents an excessive increase.
- Feel it is reasonable to replace an old building in open countryside with a new modern building of similar size but to replace it with two large building is not and also object to the second bungalow.
- This building will cause loss of privacy and amenity to neighbours as a consequence of light and noise emanating from a site positioned adjacent to their rear gardens.

- Concerned regarding the suitability of the existing driveway to service the existing houses and any increase in occupation leading to increased car use will increase potential danger. Do not accept the site lies within a sustainable location as Detling does not have a train or bus service no employment, shops, doctors, vet or services of any kind other than a pub, a church and village hall. Application states it is an anomaly that no 1 is outside the village envelope. Disagree with this statement as the village envelope was established many years ago. The proposal is in the open countryside outside of the development boundary and is an unsustainable site outside an unsustainable village.

6.02 **Kent Highways:** The access to the site is existing with good visibility and no history of vehicle injury crashes. The proposed parking provision for each property meets the standards set out in IGN3 while there is adequate turning space within the site for vehicles to egress out onto The Street in forward gear. As such raise no objections subject to conditions to secure on site parking and turning.

6.03 **Kent PROW:** The submitted plans show the existing application site and garage encroaching into the public footpath by approximately 0.5 metres along the length of the footpath subject to this being resolved raise no objection .

7.0 APPRAISAL

7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000. As the proposal affects land falling within an AONB the Local Planning Authority must also first screen the application to assess whether it should have been accompanied by an EIA.

7.02 The proposal does not fall within the categories of development where an EIA is normally required but given the sensitive nature of the AONB's higher level tests must be applied.

7.03 The main consideration is impact on the wider landscape. In assessing this it should be taken into account the development is tucked up against the village boundary in an area of garden which is enclosed by adjoining properties. Given the small scale of the development, the existing built form and its localised visual impact, it is considered the development is not EIA development.

7.04 The key issues are therefore considered to be the principle of development, whether there is any material impact on the character and setting of the AONB, SLA, strategic gap or the wider countryside, impact on the character setting and layout of this part of Detling village, design and layout, impact on the outlook and amenity of properties abutting the site, highway and parking considerations and wildlife and habitat concerns.

Principle of Development

7.05 Concerns have been raised regarding the sustainability of the site and that Detling is poorly served by public transport while having little in the way of facilities. Section 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should

avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

- 7.06 Taking into account the location of the site immediately abutting Detling, it is not considered the development will result in isolated dwellings in the countryside and will represent an example of sustainable development which will support the vitality of the village in a sustainable manner.
- 7.07 It should be noted that one of the new dwellings is a replacement of an existing dwelling which is supported by Policy H32 of the adopted local plan which states that planning permission will be granted subject to a number of criteria. Those parts of the policy relevant to this proposal require the existing dwelling to be lawful, the proposed dwelling not to be more visually intrusive than the existing dwelling, have a safe access, does not result in a material loss of amenity to adjoining dwellings, does not overwhelm or destroy the form of the original house is well designed and does not harm the countryside. These matters are discussed in more detail below but this confirms this aspect of the development is acceptable in principle.
- 7.08 The second dwelling which will be located between the new dwelling at no.1 Hockers Lane to the east and the existing dwelling at no.3 Hockers Lane to the west is on the most part outside the development boundary and therefore is as matter of principle contrary to policy ENV28. However, it is considered that the redevelopment of the site, which lies within a strong residential context and is the replacement of existing built form, will preserve the character of the countryside, the main policy aim of ENV28. Therefore, as such it is considered less weight should be given to the development boundary in this case and the absence of any countryside impact is a material consideration which lies in favour of the development.
- 7.09 It should be noted that similar development patterns are reflected in other previous decisions by the council including those at Oriel Close and Orchard View and where subject to the development not extending beyond the established eastern boundary of the village, this development was held to be acceptable..
- 7.10 Therefore, as matter of principle, the replacement dwelling is considered acceptable subject to detail which will be discussed below and due to the site context and the lack of identified harm, the context in which the second dwelling is considered is also acceptable in principle.

Impact on the character and setting of the AONB, SLA, strategic gap and the countryside.

- 7.11 Detling is washed over by AONB, SLA and strategic gap local plan designations and is therefore subject to policies ENV31, ENV33, ENV35 of the adopted local plan. The policies relating to the AONB and SLA require landscape preservation to take precedence over other planning considerations. In addition paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic

beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. Regarding strategic gaps the requirement here is that development should not compromise their key function of maintaining separation between built up areas.

- 7.12 A small segment of the western part of the application site falls within the settlement confines of Detling. However the majority of the site falls outside the settlement and is therefore also subject to policy ENV28 of the adopted local plan. However, the site is bordered by residential development to the north on Princes Way which runs the whole length of the application site and further residential development lies to the west on Hockers Lane.
- 7.13 The application site is already occupied by a number buildings being 1 Hockers Lane at its eastern extremity which is a detached bungalow along with a couple of garages and outbuildings which together with the built development to the north of the site create a residential built context which is an important consideration to any assessment of impact on landscape character. The assessment therefore revolves around whether the proposed development will cause a harmful impact when considered against this existing built context that would in terms of the rural character of the area, AONB and SLA and which will be assessed in detail in detail below.
- 7.14 Firstly, it is not considered the development is of sufficient scale to compromise the function of the strategic gap in maintaining separation between settlements particularly as development will not protrude between the established village edge. In terms of the impact on the village character and the wider countryside, the following points are made;
- 7.15 Whilst the proposed replacement chalet bungalow (plot 1) will increase the footprint and volume of the building currently occupying this part of the site, the existing bungalow is small and a new dwelling consistent with modern standards is therefore likely to be significantly larger as a consequence. The key test is whether the replacement dwelling will appear more visually intrusive in its setting.
- 7.16 This part of the application site is well enclosed by existing trees and hedging from views from open countryside to the east and occupies a relatively well enclosed location which is seen in the context of the adjoining residential development. Abutting the site to the north is a public footpath. Though views from this footpath will be available given the size, design and siting of the proposed dwelling, it is not considered there will an increased impression of built mass and which would appear out of character given its context in relation to other properties. It is therefore considered this part of the proposal complies with policy H32 of the adopted local plan and will not result in any material harm to the character and appearance of the adjoining countryside or landscape quality of the SLA and AONB as protected by env28.
- 7.17 Turning to the bungalow proposed on plot 2 (being the unit between the replacement dwelling to the east and the existing dwelling at no.3 at Hockers Lane. Though part of this dwelling falls within the settlement confines the majority falls outside the settlement boundary.
- 7.18 Though the proposed dwelling straddles the settlement boundary and encroaches into land beyond the development boundary the dwelling will replace an existing double garage with associated covered storage and workshop area, along with two garages to be demolished. All these buildings lie outside the settlement boundary and the applicant advises the proposed bungalow will replace the existing large detached

double garage while providing a transition between 3 Hockers Lane and replacement dwelling at the east end of the site.

- 7.19 Given the size of the double garage and the other outbuildings it is considered these bring a built mass commitment with the double garage and outbuilding having a steeply sloping gable ended pitched roof for part of its length though part of the building is single storey. The proposed bungalow, though having a larger footprint, has low eaves and ridge heights resulting in a dwelling with a low profile while its traditional design and proportions reflects and is in keeping with nearby development fronting both Hockers Lane and the public footpath running along the northern site boundary.
- 7.20 It is acknowledged the site lies partly outside the settlement boundary where new residential development would not normally be permitted. However given the existing dwelling fronting Hockers Lane and the dwelling replaced to the east the new dwelling will be consistent with the character of its surroundings, most notably development on the northern side of the public footpath which comprises single and two storey houses and the wider built area of Detling.
- 7.21 As such it is considered the circumstances of application site are such that the proposed new bungalow would not result in an unacceptable consolidation of existing residential development in the locality or would be harmful to the settlement integrity of Detling or would harm the character of the adjoining countryside or the landscape quality of the AONB and SLA.

Design and layout:

- 7.22 The immediate area comprises mainly detached bungalows standing in relatively spacious plots. The design, layout and proportions of the proposed dwellings reflect the predominant housing type in the locality in terms of scale, design and use of materials.
- 7.23 In terms of plot size and separation between dwellings, both proposed dwellings are served by reasonably sized and proportioned amenity area while the amenity area remaining with 3 Hockers Lane is also considered acceptable.

Impact on the outlook and amenity of properties overlooking and abutting the site:

- 7.24 Concerns have been raised regarding noise and disturbance, loss of privacy and outlook.
- 7.25 The unit on plot 1 replaces an existing residential presence with the main bulk of the chalet bungalow located largely on the footprint of the building to be replaced. As such it will not result in any significant change to the outlook of properties on the north side of the public footpath.
- 7.26 Regarding the unit proposed for plot 2, this has symptoms of backland development but for this to be overriding it has to result in specific demonstrable harm attributed to this type of development. Running along the north of the application site is the drive also used as a public footpath serving 1 Hockers Lane and the garage serving 3 Hockers Lane. As such and it is not considered the additional traffic generated by one extra dwelling will bring about a material increase in noise and disturbance to the occupants of houses abutting the track to the north.
- 7.27 The outlook of properties to the north of the access track would be different but given that there is no right to an outlook as such and separation distances are in excess of 20

metres with shrubbery in between it is considered it would be difficult to argue a specific loss of amenity in relation to these properties. Regarding the impact of houses in Hockers Lane a 'back to back' distance of just under 40 metres is maintained to the rear of 3 Hockers Lane with a similar distance to the rear of 5 Hockers Lane. When taking into account the low height and roof profile of the proposed bungalow it is considered there will be no material harm to the outlook of properties fronting Hockers Lane either in terms of loss of outlook or privacy.

- 7.28 Objection has also been raised to the siting of a double garage to serve 3 Hockers lane to replace that lost as part of the wider proposal. This was also submitted as a separate application under ref: MA/16/504644 and which has now been determined. The garage has therefore been deleted from this application.

Highway and parking considerations:

- 7.28 Kent Highways advise the existing access onto Hockers Lane has good visibility while the proposal has adequate on site parking and turning facilities to serve both proposed dwellings. The issue of parking to serve 3 Hockers Lane is addressed above in respect of the garage.

- 7.29 As such the proposal is considered acceptable on the above grounds.

Wildlife and habitat considerations:

- 7.29 The application is not accompanied by a phase 1 habitat survey. However given the domestic and well tended character of the application site it is not considered such a survey is necessary.
- 7.30 Nevertheless the NPPF requires development to make provision for wildlife and a condition requiring the provision of bat/swift boxes is considered an appropriate response in the circumstances.

Other matters

- 7.30 Reference has been made to other nearby development in Detling and that the proposal will contribute to the Councils 5 year housing supply figures. Regarding the Councils 5 year supply of housing land the Council considers itself to be in a position to demonstrate it can meet this requirement. As such the proposed dwelling yield is not considered a factor weighing in favour of the proposal.
- 7.32 The Housing Standards Review by the Government has resulted in the withdrawal of the Code for Sustainable Homes and introducing a 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.
- 7.33 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.

- 7.34 There is also a requirement that surface water drainage be dealt with via a Sustainable Drainage System in order to attenuate water run off on sustainability and flood prevention grounds which can also be dealt with by condition.
- 7.35 It is also contended the existing sewer system has insufficient capacity to deal with the additional waste generated by the proposal. The proposal involves a net increase of 1 dwelling and in the absence of compelling evidence in support of this objection it is not considered it can be taken forward as an objection.
- 7.36 The concerns of KCC PROW are noted. As the plans do not involve any physical works or encroachment onto the public footpath this is a procedural matter to be resolved between the relevant parties.

Conclusions:

- 7.37 Given the site context of the site and the detail of the proposal, it is considered the development would represent sustainable development. Part of the development would be a replacement dwelling and the second dwelling would be appropriate in its context. It is considered the proposals will not result in material harm to the character, layout or setting of Detling and would not have an adverse impact on the rural character and landscape quality of the AONB and SLA or compromise the function of the strategic gap. In addition the proposal will not result in a material loss of privacy, outlook or amenity to residents overlooking or abutting the site while being acceptable on highway grounds. Planning permission should therefore be granted as a consequence.

8.0 RECOMMENDATION –GRANT subject to the following conditions:

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

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

- (2) Before the development hereby approved commences details of all external materials (including surfacing for the roads, turning and parking areas) 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.

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 to accord with the provision of the NPPF.

- (4) No house shall be occupied until the access, car parking and turning areas serving it as shown on drawing no:1513/02 rev A have first been provided. They shall be retained at all times thereafter with no impediment to their intended use.

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

- (5) Following first occupation of either of the dwellings, the size, design and siting of two swift and two bat boxes (one type of each per dwelling) shall be submitted for prior approval in writing by the Local Planning Authority. The boxes shall be installed within 3 months of completion of the dwelling on which they are to be sited and retained as such at all times thereafter.

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

- (6) Prior to first occupation of the development hereby approved a landscaping scheme including the retention of existing trees and hedgerows shall be submitted for prior approval in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented within the first available planting season following first occupation of any of the dwellings hereby approved. Any existing trees, hedgerows or planting becoming dead, dying or diseased within the 5 years shall be replaced with one of the same species of a size and location to be agreed beforehand with the local planning authority.

Reason: In the interest of visual amenity.

- (7) All trees/hedgerows to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. The 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).

- (8) 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.

Reason: To prevent pollution of the water environment and to ensure satisfactory drainage in the interests of flood prevention.

- (9) The development hereby permitted shall be carried out in accordance with the following approved plans being drawing nos: 1513/01, 02 revA, 03, 04, 05, 06 rev A, 07, 08, 10, 11 and 12.

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 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) The submitted plans show the application site and garage encroaching into the public footpath by approximately 0.5 metres along the length of the footpath. Before the development commences KCC Public Rights of Way should be contacted so that concerns arising from this can be addressed.

Note to Applicant

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

Offering 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 application, following amendment, was acceptable.

Case Officer Graham Parkinson

Agenda Item 16



REPORT SUMMARY

REFERENCE NO - 16/504014/FULL		
APPLICATION PROPOSAL Retrospective application for change of use of land for the stationing of 2 Static mobile homes for Gypsy/Traveller occupation with associated hard and soft landscaping works.		
ADDRESS Highlands Farm Yalding Hill Yalding Kent ME18 6AL		
RECOMMENDATION - Permit		
SUMMARY OF REASONS FOR RECOMMENDATION The development is not considered to be adversely visually harmful to the countryside; and there are no residential amenity or highway safety issues.		
REASON FOR REFERRAL TO COMMITTEE - Recommendation is contrary to the views of Yalding Parish Council.		
WARD Marden And Yalding	PARISH COUNCIL Yalding	APPLICANT Mr H Wilson AGENT SJM Planning And Construction Ltd
DECISION DUE DATE 07/10/16	PUBLICITY EXPIRY DATE 11/07/16	OFFICER SITE VISIT DATE 07/07/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

MA/06/1410 - Change of use of land for stationing of 4 caravans for temporary seasonal accommodation - Approved

MA/03/0464 - Prior approval for erection of building to provide fruit packing shed and box holding store – Prior approval granted

MA/02/1044 - Prior approval for storage building - Prior approval granted

MAIN REPORT

1.0 Site description

- 1.01 'Highlands Farm' is located on the north-western side of Yalding Hill and to the west of 'Downs View Oast' which is on the other side of the road. The existing access runs some 100m in length, along the southern boundary of the site with orchard, polytunnels and agricultural land surrounding. The 2 existing buildings on site were allowed through the prior notification process (MA/03/0464 and MA/02/1044); and permission was granted in October 2006 on the same site for the temporary stationing of 4 caravans for seasonal accommodation associated to 'Spindlebush Farm'. There is a public footpath (KM190) approximately 100m to the east of the site that runs in a general north/south direction. For the purposes of the adopted Development Plan, the proposal site is within the countryside.

2.0 Proposal

- 2.01 This is a part retrospective application for the permanent stationing of 2 mobile homes for gypsy and traveller occupation with associated works including the laying of concrete bases. The applicant has also shown additional boundary landscaping along the south-western boundary to supplement the existing planting. The mobile homes are occupied by Henry and Terry Wilson (who are brothers), and their dependents. At the time of my site visit, there was a mobile home and tourer caravan (being lived in) set on 2 separate concrete aprons set close to the 2 existing buildings. So it is proposed to bring another mobile and tourer on site. The vehicle access is existing; and the caravans are set back some 100m from Yalding Hill and some 165m from Small Profits to the north of the site.

3.0 Policy and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan (submission version): SP17, DM7, DM16
- DCLG - Planning Policy for Traveller Sites (August 2015)

4.0 Consultations

- 4.01 **Yalding Parish Council:** Wish to see the application refused and reported to Planning Committee;

"The proposed development is visibly intrusive within the open countryside and would be harmful to the character of the area. Allowing this site would constitute an over intensification of gypsy/traveller sites in the Parish."

- 4.02 **KCC Highways Officer:** Raises no objection.

"I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority."

- 4.03 **Environmental Health Officer:** Raises no objection.

- 4.04 **Natural England:** Have no comment to make.

- 4.05 **KCC Archaeology:** Have no comment to make.

- 4.06 **Neighbour representations:** No representations have been received.

5.0 Principle of development

- 5.01 There are no saved Local Plan policies that relate directly to this type of development. Policy ENV28 of the MBWLP relates to development in the countryside stating that;

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

- 5.02 Policy ENV28 then outlines the types of development that can be permitted and this does not include gypsy and traveller development.

- 5.03 However, a key consideration in the determination of this application is central Government guidance contained with 'Planning Policy for Traveller Sites' (PPTS) amended in August 2015. This places an emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.

- 5.04 Issues of need are dealt with below but in terms of broad principles Development Plan Policy and Central Government Guidance allows for gypsy sites to be located in the countryside as an exception to the general development restraint policies.

- 5.05 In addition, the submitted version of the Development plan went to the Secretary of State for examination in May 2016 and examination will follow in October/November this year. This Plan and its policies are considered to hold significant weight; and policy SP17 of this Plan seeks to restrict development in the countryside, whilst policy DM16 accepts this type of accommodation can be provided in the countryside provided certain criteria are met.

Need for Gypsy Sites

- 5.06 Although the emerging local plan is well advanced, there are not yet any adopted development plan policies relating to the provision of gypsy sites. Members are reminded that Local Authorities have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012. The GTAA concluded the following need for pitches over the remaining Local Plan period:

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

- 5.07 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the emerging Local Plan, and it is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be a degree lower as a result of the definition change. The current GTAA provides the best evidence of needs available at this point of time and the decision needs to be based on evidence at the time of the decision.

- 5.08 The target of 187 additional pitches is included in Policy SS1 of the Maidstone Borough Local Plan which itself was agreed by Full Council on 20th January 2016 and submitted to the Secretary of State on 20th May 2016.

Supply of Gypsy sites

- 5.09 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004).

- 5.10 Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (net):

- 82 Permanent (non-personal)
- 16 Permanent (personal)
- 3 Temporary (non-personal)
- 33 Temporary (personal)

- 5.11 Therefore a net total of 98 permanent pitches have been granted since 1st October 2011. A further 89 permanent pitches are needed by 2031 to meet the need identified in the GTAA.

- 5.12 The PPTS states that local planning authorities should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient for the 10 year period following adoption of the Local Plan. The submission Draft Local Plan does allocate specific sites, and these are sufficient to provide 41 additional pitches by 2031. In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future. There will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can be met over the timeframe of the Local Plan. The Local Plan's adoption is currently timetabled for the latter half of 2017.

- 5.13 The PPTS directs that the lack of a 5 year supply of Gypsy pitches should be given weight in the consideration of granting a temporary consent. With the submission of the Local Plan, the council's position is that it can demonstrate a 5.6 year supply of G&T sites at the base date of 1st April 2016. In these circumstances, the PPTS direction to positively consider the granting of a temporary consent does not apply.

Gypsy Status

- 5.14 Since the application was submitted, the Government has issued revisions on the national planning guidance for Gypsy & Traveller development contained in 'Planning Policy for Traveller Sites' (PTS). The revised guidance came into force on 31st August 2015, and the planning definition of 'gypsies & travellers' have been amended to exclude those who have ceased to travel permanently. The revised definition is as follows;

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

- 5.15 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition in terms of ceasing travel temporarily, the PTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 5.16 The agent has confirmed that Henry and Terry (and their respective families) continually travel to horse fairs around the country to trade and deal as part of their culture. Typically, they travel to Appleby, Stow-on the Wold, New Forest and Bournemouth; and both are also self-employed horse dealers and landscape gardeners who travel from place to place. It is therefore reasonable to say that Henry and Terry have not ceased to travel permanently or temporarily; and that they will continue to travel for work for the purposes of making a living. With the evidence before me I am therefore of the view that they do lead a nomadic habit of life and accept that they fall within the gypsy status definition for the purposes of planning.

Sustainability

- 5.17 Gypsy traveller sites will almost inevitably be located in countryside locations, and the site is approximately 1km to the north of Yalding village. In my view, I do not consider the site to be so far removed from basic services and public transport opportunities as to justify grounds to refuse this application in terms of being unsustainable.

6.0 Visual Impact

- 6.01 Guidance in the PPTS states that local planning authorities should very strictly limit new traveller development in the countryside but goes on to state that where sites are in rural areas, considerations are that sites do not dominate the nearest settled community and do not place undue pressure on local infrastructure. No specific reference to landscape impact has been outlined however this is addressed in the NPPF and saved adopted Local Plan policy ENV28.
- 6.02 The access road is existing and the site is set back some 100m from Yalding Hill and well screened by the orchards in front and the dense hedgerow along the site's eastern boundary. The site is some 165m from Small Profits which is a rural lane to

the north of the site, and well screened from here because of the orchards, polytunnels and field margin planting. Glimpses of the site are possible from the public footpath to the east of the site, but again the surrounding orchards and boundary planting largely screens the development and the footpath is a significant enough distance away for any view to not appear dominant or incongruous. Whilst there may be longer views of the site to the south-west from Kenward Road (approx. 1km away) and Hampstead Lane (approx. 1.8km away, these views would be limited and very much read in context with the swathes of polytunnels that area strong characteristic of the area, and I raise no objection in this respect. It should also be noted that the visual impact of the buildings is not for consideration as these have already been accepted through the prior notification process some 10 years ago; and that permission was previously given on the site for the permanent stationing of 4 caravans for agricultural workers under MA/06/1410.

- 6.03 The site benefits from retained, well-established boundary planting; and the drawings also show additional planting along the south-western boundary of the site. A suitable condition will be imposed to ensure the retention and enhancement of the boundary planting is safeguarded. I am therefore satisfied that the development does not appear prominent or visually intrusive in the surrounding landscape and I consider an unrestricted permanent use of the site to be acceptable.

7.0 Residential Amenity

- 7.01 A residential use is not generally a noise generating use; and the nearest residential property would be more than 100m away from the additional pitches. Given this, I am satisfied that the addition of 2 more mobile homes would not have a significant detrimental impact on the residential amenity of any neighbouring residence, in terms of general noise and disturbance and privacy.

8.0 Highway safety implications

- 8.01 The 2 pitches make use of the existing access; there is sufficient parking and turning facilities within the site; and the development does not lead to a significant increase in traffic generation or an unacceptable intensification of use of the access. I am therefore satisfied that the development would not result in a highway safety issue.

9.0 Other considerations

- 9.01 The proposal site is within Flood Zone 1; the site consists of areas of hardstanding and well maintained grass areas; and no boundary planting will be removed as part of this development. I therefore raise no objections in terms of flood risk and it is considered unreasonable to request any further ecological information. Environmental health has raised no objections in terms of land contamination; air quality; noise; lighting and amenity. Whilst the Environmental Health Officer has requested further details of foul sewage, the applicant has shown on the plans that a 'Klargester' treatment plant has been installed and I consider this to be sufficient to be acceptable in terms of waste disposal.
- 9.02 The issues raised by Yalding Parish Council have been addressed in the main body of this report and it is also considered that the development would not result in an over concentration of gypsies and travellers in the area.
- 9.03 In accordance with National planning policy, the issue of intentional unauthorised development is a material consideration in the determination of this retrospective application. In this instance it is not considered to be reason alone to refuse this application as the development is considered to be acceptable.

10.0 Conclusion

- 10.01 For the reasons set out, the development is not considered to be adversely visually harmful to the countryside; and there are no residential amenity or highway safety issues. So in weighing up the material planning issues/policies and policy support to allow accommodation for gypsies and travellers in the countryside subject to the detail of any application, I take the view that in this instance an unrestricted permanent permission should be granted for 2 pitches in this location.

11.0 RECOMMENDATION –GRANT Subject to the following conditions:

CONDITIONS

- (1) The site shall not be used as a caravan site by any persons other than gypsies or Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015;

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.

- (2) No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be static caravans or mobile homes) shall be stationed on the site at any time;

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

- (3) When the land ceases to be occupied the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto the land in connection with the use shall be removed. Within 3 months of that time the land shall be restored to its condition before the use commenced.

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

- (4) Within three months of the date of the permission hereby granted a scheme of landscaping, using indigenous species which shall be in accordance with BS 5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' with 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 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 and shall include the following;

- i) Details of the species, size, density and location of all new planting within the site;
- ii) Retention of existing boundary planting;
- iii) New native hedge planting along the south-western boundary (as shown on drawing 2016-009-Block received 19/05/16);

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

- (5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following this approval; 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 safeguard the character and appearance of the countryside.

- (6) No external lighting whether permanent or temporary shall be installed on the site without the prior written consent of the Local Planning Authority;

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

- (7) No commercial activities shall take place on the land, including the storage of materials, without the prior written consent of the Local Planning Authority;

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

- (8) The development hereby permitted shall be carried out in accordance with site location plan received 14/09/16 and drawing 2016-009-Block received 19/05/16;

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

INFORMATIVES

- (1) The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the Act as caravan sites cannot operate without a licence. The applicant is advised to contact the Environmental Enforcement Team on 01622 602202 in respect of a licence.
- (2) If a sewage disposal method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required and provide evidence of obtaining the relevant discharge consent to the local planning authority.
- (3) 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.
- (4) Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Council's Environmental Services Manager.

- (5) Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Council's Environmental Enforcement Team.

Case Officer: Kathryn Altieri

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



REPORT SUMMARY

REFERENCE NO - 16/504509/FULL			
APPLICATION PROPOSAL Variation of condition 15 of 14/503167 (Residential development for 36 units and re-alignment of Cripple Street) - by amending the access arrangement serving the site by widening not realigning Cripple Street.			
ADDRESS Land At Cripple Street, Cripple Street, Maidstone, Kent, ME15 6BA			
RECOMMENDATION - Permit			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposals comprise amendments to the re-alignment of Cripple Street as previously approved and the changes proposed are not considered to result in any unacceptable highways safety issues or significant planning harm.			
REASON FOR REFERRAL TO COMMITTEE Councillor Derek Mortimer has requested the application be reported to Committee for the reasons set out below.			
WARD South	PARISH/TOWN COUNCIL Tovil	APPLICANT Millwood Designer Homes Ltd AGENT	
DECISION DUE DATE 08/09/16	PUBLICITY EXPIRY DATE 15/07/16	OFFICER SITE VISIT DATE 12/06/16	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/510461/FULL	Minor material amendment to application 14/503167/FULL for residential development for 36 units and re-alignment of Cripple Street - with amendment to proposed plans	Resolution to grant at committee	28.4.2016
Reasons for approval: The proposals constitute minor material amendments to the previously approved scheme on this site for 36 residential units and the changes proposed are not considered to result in significant planning harm			
14/503167/FULL	Residential development for 36 units and re-alignment of Cripple Street.	Approved at appeal	5.10.2015
Approved at appeal. The Inspectors decision and conditions are attached at appendix 1			

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.1 The site is located to the west of the urban boundary and lies within a countryside location. The site comprises a broadly rectangular shaped plot sited to the west of Bockingford Farmhouse, a Grade II listed building which is located within the urban boundary. The site is located within the open countryside, an Area of Local Landscape Importance and to the east of the Loose Valley Conservation Area.
- 1.2 Planning permission was granted at appeal for 36 dwellings, of which 11 (30%) would be affordable housing and the re-alignment of Cripple Street. The approved

dwelling will be predominantly 2 storeys in height with the some 1½ storey chalet bungalows. The planning permission included the re-aligned of Cripple Street along the front of the site, inverting the curve of the road into the application site and creating a landscaped area between the re-aligned street and field to the south of the site. An area of open space is approved on the eastern side of the site adjacent to Bockingford Farmhouse.

- 1.3 The site comprises rough grassland with established landscaped borders and is adjacent to the urban area and the properties of Broadoak Avenue, Buxton Close and Richmond Way. The land has a gently sloping topography with the land sloping west towards the Loose Valley. This is a slight gradient which increases further to the west of the site.
- 1.4 Within the vicinity to the west there are a small number of residential properties sporadically placed with most fronting Cripple Street including the grade II listed Bockingford House and Little Bockingford. The area to the west of the site is designated as the Loose Valley Conservation Area.
- 1.5 The area to the east of the site comprises a residential area of 1960's construction with the houses on Broadoak Avenue, Buxton Close and Richmond Way backing onto the PROW which abuts the application site. Bockingford Farmhouse is the exception with frontage onto the PROW and faces toward the application site. This residential area is a mixed area of single storey and two storey properties with the scale and density reducing to the west of this area.
- 1.6 To the north of the site is an area which received planning permission under 12/1848 for a residential development of 127 dwellings and landscape works. This area only was allocated under policy H1 of the MBWLP 2000. Beyond this the urban area extends north with further urban residential development. The area directly north of the site is comprises Site Allocation H1 (20) as mentioned above.

- 1.7 A public right of way (PROW) abuts the north and east boundary of the application site running from north to south and east to west.

2.0 PROPOSAL

- 2.1 Variation of condition 15 of 14/503167 (Residential development for 36 units and re-alignment of Cripple Street) - by amending the access arrangement serving the site by widening not realigning Cripple Street.
- 2.2 The approved scheme made fairly significant changes to the alignment of Cripple Street at the front of the approved housing development. This application seeks to vary the approved drawings numbers condition (Section 73 application) to retain the current road layout and instead seeks to widen Cripple Street by some 1m along a majority of the site frontage.
- 2.3 The above changes are considered to constitute minor material amendments and can be considered under the Section 73 application.

3.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV26, ENV28, ENV35, T13

- Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)
- Draft Maidstone Borough Local Plan (submission version) May 2016
- North Loose Neighbourhood Development Plan

4.0 LOCAL REPRESENTATIONS

- 4.1 **Cllr Derek Mortimer:** *'Should the officer be minded to approve this application I wish it called in to committee because the application now contradicts with the appeal inspectors findings at appeal and changes the whole aspect of the original submission.'*

Further summarised comments from Cllr Mortimer:

- Concerns that the new junction will cause a safety issue.
- The widening of Cripple Street would cause speeding
- Proposes a mini roundabout rather than a T-junction.
- Proposes a 20mph speed limit along the whole of Cripple Street
- Road safety is a huge issue through the valley.
- The costs saved by not implementing the re-alignment to Cripple Street could be used for other road safety considerations

- 4.2 **Cllr Brian Clark:** Request the costs saved by not implementing the re-alignment to Cripple Street could be used for other road safety considerations

- 4.3 **Local Residents:** Some eight letters of objection have been received from neighbouring properties. Comments are summarised as follows:

- Some nine neighbour objections have been received as summarised below:
- Widening Cripple Street will increase traffic speeds.
- Footpaths and cycles paths should be considered.
- Traffic safety, increased accidents and additional congestion.
- Harm to the rural character of the area and Loose Valley CA.
- MBC can now demonstrate a 5 year housing land supply.
- Additional stress on local infrastructure.

One letter of support has been received as summarised as follows:

- Proposal improve visibility
- A widened passing area on Cripple would be sensible

- 4.4 **Tovil Parish Council:** *"TPC's Planning Committee submits that the road will remain too narrow for two wide vehicles to pass simultaneously. In addition, there will be the temptation for south bound vehicles to pull into the bay of the entrance road to the new homes which will be dangerous if a vehicles is exiting that road.*

To aid safety, two passing lay-bys should be created on the open space facing Cripple Street – one bay on each side of the housing access."

5.0 CONSULTATIONS

- 5.1 **KCC Highways:** No objections. Advise all the recommendations in the safety audit produced in May 2016 need to be carried forward , including installation of SLOW markings, as recommended in the stage 2 safety audit, in line with existing bend

warning signs on Cripple Street to help advise drivers to reduce their speed accordingly and shall be secured via a S278 agreement.

- 5.2 **KCC PROW:** No objections. Request that the developer provide a new safe cycle crossing on Cripple Street and at the end of the new Greenway.
- 5.3 **MBC EHO:** No objections
- 5.4 **MBC Conservation Officer:** *'These amendments will cause no additional harm to the setting of the adjacent listed building or to the setting of the nearby conservation area'.*
- 5.5 **Kent Police:** No comments to add.
- 5.6 **UK Power Networks:** No objections
- 5.7 **Environment Agency:** No comments
- 5.8 **Natural England:** No comments to make
- 5.9 **Southern Gas Network:** No objections
- 5.10 **MBC Conservation Officer:** No objection on heritage grounds
- 5.11 **Southern Water:** No objections
- 5.12 **KCC Economic Development:** Confirm contribution request as per original permission.
- 5.13 **NHS:** Confirm contribution request as per original permission.

6.0 APPRAISAL

- 6.1 The applicant has applied to vary the approved drawings (condition 15) of planning permission 14/503167/FULL to include the above changes. Since the original application was approved the council now considers that it can demonstrate a 5 year supply of housing. Notwithstanding the 5 year housing land supply there is an extant development for 36 houses on this site and under the terms of the Section 73 application only the above proposed changes will be assessed. The principle of the housing development, including (inter alia) the, landscaping, ecology, drainage and planning obligations, will not be revisited as these aspects are not considered to be affected by the proposed amendments. As such I consider the key considerations to be highways safety, design, heritage impact, amenity impacts and parking provision.

Visual impact

- 6.2 The main change in the layout relates to the retention of the current layout of Cripple Street (save for the section which would be widened by some 1m) compared to the approved scheme which completely re-aligned Cripple Street along the front of the development. The area of open space between the re-aligned Cripple Street and front of the housing development on the approved scheme would now be located to the north of Cripple Street between the housing development and the road.
- 6.3 The change in layout means the front of the housing development (Plots 1, 2, 35 and 36) would be located further from Cripple Street than previously approved which would reduce the impact of the development on the streetscene.

- 6.4 The area of open space to the north of Cripple Street and unaltered housing plot layout would help retain a similar relationship and setting between the housing development and open countryside to the south of the site as previously approved.
- 6.5 Overall it is considered that the altered road layout and relocated section of open space would be visually acceptable in terms of the impact on the surrounding open countryside and streetscene.

Residential Amenity

- 6.6 The proposed amendments would result in only minor alterations to the current layout of Cripple Street and, by reason of the acceptable design, scale and separation distances, would respect the amenities of neighbour residents.

Highways

- 6.7 The application is accompanied by a Stage 2 Road Safety audit which has been assessed by KCC Highways. KCC highways raise no objections on highways safety grounds subject to all the recommendations in the Safety Audit being adhered to through a Section 278 Agreement. I have no reason to disagree with KCC Highways assessment on this matter. The proposal would not alter to the approved parking provision or the internal road layout. An additional condition is proposed to cover the alterations to Cripple Street including the provision of a safe cycle crossing point which would be secured via a S278 agreement with the Highways Authority.

Heritage Assets

- 6.8 The conservation officer has advised that the amendments would cause no additional harm to the setting of the adjacent listed building or to the setting of the nearby conservation area.

Other Matters

- 6.9 KCC Highways, the NHS, and MBC Parks and Open Space have all confirmed that the contributions sought and secured through the original Unilateral Agreement still apply and, the affordable housing department have confirmed the affordable housing provision as previously agreement is still applicable. A Deed of variation will be issued to tie this application to the original Unilateral Agreement to secure the contributions and affordable housing.
- 6.10 The alterations to the road layout would likely result in a cost saving for the development, however, all the required contributions, including 30% on-site affordable housing have been secured through the original Unilateral Agreement, therefore, it would not be reasonable or justified to request any further contributions through this section 73 application.

7.0 CONCLUSION

- 7.1 The principle of residential development at this site has been accepted by the Planning Inspectorate and it is considered that the development of the site for residential purposes is acceptable and it is recommended subject to completion of a section 106 agreement (Deed of Variation) section 73 application to alter the road layout be granted. The S106 Deed of Variation will tie the decision for this application to the previously agreed and signed S106 in order to secure the agreed contributions / obligations.
- 7.2 Where an application under Section 73 is granted, the effect is the issue of a fresh grant of permission. A decision notice describing the new permission should be issued, setting out all the conditions pertaining to it.

- 8.0 RECOMMENDATION** – GRANT Subject to the following conditions and Deed of Variation and Supplemental Deed linking the varied agreement to the Section 73 Application.

CONDITIONS

- (1) The development hereby permitted shall be begun before 3 November 2018.

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 hard and soft landscape works shall be carried out in accordance with the details approved under applications 16/500794/SUB and 16/503159/SUB.

Reason: To ensure a satisfactory appearance.

- (3) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the local planning authority.

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

- (4) The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

- (5) The development shall be carried out in accordance with the habitat management plan approved under application 16/503159/SUB and the site shall be managed in accordance with the approved habitat management plan thereafter.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

- (6) If ground works do not commence within 2 years of the Ecology Report dated August 2014, a further reptile survey of the site shall be undertaken and submitted to and approved in writing by the local planning authority. Any works required shall be undertaken in accordance with a timetable to be agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement

- (7) The development shall be constructed in accordance for the cycle storage details approved under application 16/500794/SUB. The cycle storage shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter retained.

Reason: To provide adequate transport arrangements.

- (8) The development shall be constructed in accordance with the refuse/recycling storage approved under application 16/500794/SUB prior to the first occupation of the development and thereafter retained.

Reason: In the interests of amenity and to safeguard the appearance of the area.

- (9) 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. The development shall be completed in accordance with the approved details.

Reason: In order to secure a satisfactory form of development.

- (10) No development shall take place until the implementation of a programme of archaeological works has been secured, the details and timing of which shall have been submitted to and approved in writing by the local planning authority.

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

- (11) The development shall be constructed in accordance with the boundary treatment details approved under application 16/500794/SUB and the boundary treatment shall be completed before the buildings are occupied.

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

- (12) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: To ensure suitable foul and surface water sewerage disposal is provided.

- (13) The development shall be constructed in accordance with the materials approved under application 16/500794/SUB

Reason: To ensure a satisfactory appearance to the development.

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

S101; P105C; P110; P111A; P112A; P113; P114; P115A; P116A; P117A; P118A; P119A; P120; P121; P122A; P123; P124; P125; P126; P127; P128; P129; P130A; P131A; P132; P133B; 5500H/01D as approved under planning application 14/503167/FULL.

AND drawing numbers; 14032 / C101E; dated April 2016 and 2940_DR_008; dated 25.04.2016 and P102T; dated 22.05.2016

Reason:

- (15) No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved 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 scheme throughout its lifetime.

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

- (16) The development shall not be occupied until a signed S278 Agreement, covering all the recommendations in the safety audit produced in May 2016 and the provision of a safe cycle crossing point on Cripple Street and at the end of the new Greenway, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the highways works covered in the S278 have been completed.

Reason: In the interests of highways safety.

INFORMATIVES

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.

Agenda Item 18



16/505808 12 West St

Scale: 1:1250

Printed on: 28/9/2016 at 9:48 AM

© Ordnance Survey Maps - Maidstone
Borough Council Licence No. 100019636, 2015

REPORT SUMMARY

REFERENCE NO - 16/505808/FULL		
APPLICATION PROPOSAL Subdivision of dwelling to create 2 separate dwellings (Part retrospective).		
ADDRESS 12 West Street Harrietsham Kent ME17 1JD		
RECOMMENDATION – Permit with conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000, the Submission Version of the Maidstone Borough Local Plan, and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE - It is contrary to the views of Harrietsham Parish Council.		
WARD Harrietsham/Lenham	PARISH COUNCIL Harrietsham	APPLICANT Mr Ross McCall AGENT Judd Architecture Ltd
DECISION DUE DATE 21/09/16	PUBLICITY EXPIRY DATE 26/08/16	OFFICER SITE VISIT DATE 05/08/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

No relevant planning history.

MAIN REPORT

1.0 Site description

- 1.01 The detached building is located on the northern side of West Street, some 30m to the west of the junction with Forge Meadow. Works started on its subdivision in April 2016 and the properties will be known as 12 and 14 West Street. The property is 2 storey with a shallow pitched roof; it has tile-hanging at first floor level and painted stone at ground floor level; there is an existing single storey rear extension of facing brick; and a detached single garage to the rear, accessed from the eastern side of the building.
- 1.02 West Street does vary in terms of the character and size of the residential properties found; there is on-street parking available; and there are GII listed buildings to the immediate west and south-west of the site. For the purposes of the adopted Local Plan, the application site is within the defined village boundary of Harrietsham.

2.0 Proposal

- 2.01 This is a part retrospective development that is for the subdivision of the existing (3-bed) house into 2 separate (2-bed) residential units. The only external changes are minor fenestration alterations at ground floor level and the front elevation is to be unaltered. One of the units will retain the existing single garage to the rear of the site; and the other unit will have no off-road parking provision.

3.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: H28
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Maidstone Local Plan (Submission version): SP6, DM1, DM2, DM27
- Harrietsham Neighbourhood Plan Area Application was approved 29/10/12

4.0 Consultee responses

- 4.01 **Harrietsham Parish Council:** Wish to see the application refused and reported to Planning Committee for the following reasons;

“Public Safety

West Street is a narrow road (7 meters in places) which is on a bus route and heavily used as access to the nearby commercial estate, it is also the route taken by local children walking to Harrietsham Primary School. Whilst West Street may not have parking restrictions imposed, it does have significant on-road parking problems and can become completely blocked by large vehicles trying to weave in and out of parked vehicles. Harrietsham Parish Council is concerned that access for the emergency services could be severely impeded by the current on-road parking and that any new development likely brings additional vehicles, which will make this situation worse. Harrietsham Parish Council note that, in an application for the adjacent property (10 West Street 13/1117 dated Sep 2014), the Maidstone Borough Planning department imposed a condition (condition 7) requiring off-road parking to be created and maintained stating that, development without adequate parking/turning provision is likely to lead to parking detrimental to road safety. Harrietsham Parish Council would wish to see a similar condition imposed on this development.

Public Health

Harrietsham Parish Council understands that concerns about the alleged disposal of dangerous materials (asbestos) in the grounds of the adjacent property (10 West Street) have been reported to Michael Swoffer at Maidstone Borough Council and that a Ground Contamination Survey has been requested, we request that any material impact arising from the findings of this survey should also be taken into account when considering this application.

Stop Notice

Harrietsham Parish council is aware that a stop notice was served on this development due to breach of planning regulations and considering the potential impact on public safety and public health previously outlined would request that this notice remains in place until these matters have been fully addressed.”

- 4.02 **KCC Highways:** Raise no objection.
- 4.03 **Conservation Officer:** Raises no objection on heritage grounds.

5.0 Neighbour responses:

- 5.01 4 representations have been made raising concerns over parking provision and highway safety.

6.0 Principle of development

- 6.01 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.
- 6.02 Saved policy H28 of the adopted Development Plan allows for minor housing development in this area; and central Government guidance within the National Planning Policy Framework (NPPF) does encourage new housing in sustainable locations as an alternative to residential development in more remote countryside situations. I consider the site to be in a sustainable location, within the village boundary of Harrietsham.
- 6.03 The submitted version of the Development plan went to the Secretary of State for examination on the 20 May 2016 and examination is expected to follow in October/November of this year. This Plan is considered to hold significant weight;

and there is policy support for this type of development in this location, subject to its details which the report will go on to assess.

7.0 Visual impact and design

- 7.01 The development will return the building to its original use as two dwellings; and the only external changes are minor ground floor fenestration alterations towards the rear of the building and the general refurbishment of the external walls were necessary. The Conservation Officer raises no objections in this respect and I am satisfied that the external works would not have an adverse impact upon the character and appearance of the building, the surrounding area, or upon the setting of any near-by listed building.

8.0 Residential amenity

- 8.01 The subdivision of this property does not significantly impact upon the living conditions of any local resident given the existing use and layout of the property; the minor fenestration alterations; and the separation distances of properties to the rear of the site. In addition, the level of traffic movements resulting from the proposed development, which would make use of the existing garage to then rear of the site, would be of no more detriment to the amenity of local residents than the current situation. The development would also provide adequate internal and external living space for future occupants. I am therefore satisfied that this proposal would not cause adverse harm to the residential amenity of existing and future occupants.

9.0 Highway safety implications

- 9.01 The development would see 1 unit retain the existing garage space and there would be no off-road parking provision for the other unit. For reference, the single property benefited from the single garage space.

- 9.02 The proposal has the potential to generate a marginal increase in car parking demand from an additional 2-bed house. Whilst this may represent at times some local inconvenience it is not considered that this represents a discernible or tangible detriment to road safety, or in the context of the NPPF a severe or significant impact. Neighbours have also made reference to the KCC SPG 'Kent Vehicle Parking Standards' (2006) and the 'Kent Design Guide Review: Interim Guidance Note 3 (2008) – Residential Parking', which recommends 1.5 spaces per 2-bed house in a village setting. However, this is only interim guidance and it does state that:

"This Guidance Note relates primarily to development proposals involving new streets and places. The Guidance Table can be applied to minor (often infill) developments, but regard needs to be had for the severity of concerns about safety and/or amenity before recommendations of refusal are made in respect of numerically "inadequate" parking. Unless demonstrable harm is likely to be caused, it may be inappropriate to make such recommendations."

- 9.03 The Highways Officer has confirmed that a highway safety objection to this application could not be sustained and confirms that no objection to this application is raised.

- 9.04 Furthermore, reference is made to MA/13/1117 that was for a new dwelling which was able to provide its own off-street parking. A condition refers to retaining this parking provision, but this does not mean that any other housing application in the village should be refused because there is no off-street parking provided. 10 West Street is a different application and every application must be considered on its own merits.

- 9.05 Bearing in mind Government advice to reduce car usage, the sustainable location of the site, and that there would be no significant highway safety issues arising from the development, I consider that an objection on the grounds of parking provision and highway safety could not be sustained and raise no objection in this respect.

10.0 Other considerations

- 10.01 Given the nature, scale and location of the proposal, I consider it unnecessary and unreasonable to raise objection or request further information in terms of landscaping and arboricultural issues; biodiversity; flood risk; air quality; noise; and land contamination. Foul sewage and surface water are to be discharged through the mains sewer.
- 10.02 The main issues raised by Harrietsham Parish Council and local residents have been addressed in the main body of this report. However, I would add that the issue of the illegal disposing of dangerous materials is not a material planning consideration, and these matters relate to 10 West Street. No ground excavation work is to be undertaken for the proposal, however an appropriate asbestos informative will be added.

11.0 Conclusion

- 11.01 The scheme is acceptable in terms of its design; its impact on adjacent residents; and the local highway network. As such, it is considered overall that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. I therefore recommend approval of the application on this basis.

12.0 RECOMMENDATION – APPROVE with conditions:

CONDITIONS

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans: PR01.PR02, PR03, PR04, PR05, PR06 received 12/07/16 and 02A received 20/07/16;

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

INFORMATIVES

- (1) The applicant is advised that no demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.
- (2) 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: Kathryn AltieriNB 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.



16/506114 Bircholt Road

Scale: 1:1250

Printed on: 28/9/2016 at 10:25 AM

© Ordnance Survey Maps - Maidstone
Borough Council Licence No. 100019636, 2015

© Maidstone Borough Council

REPORT SUMMARY

REFERENCE NO - 16/506114/FULL		
APPLICATION PROPOSAL Additional temporary car showroom, and associated external car display, remaining for up to 5 years, on an existing car dealership (sui generis) site.		
ADDRESS F G Barnes And Sons Ltd Sutton Road Maidstone Kent ME15 9FB		
RECOMMENDATION - PERMIT		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000, the Submission Version of the Maidstone Borough Local Plan, and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE - Maidstone Borough Council owns the land.		
WARD Park Wood	PARISH COUNCIL Boughton Monchelsea	APPLICANT Mr B Warren AGENT Bisset Adams
DECISION DUE DATE 10/10/16	PUBLICITY EXPIRY DATE 14/09/16	OFFICER SITE VISIT DATE 24/08/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

- 14/502739 – Advert consent – Approved
- MA/13/2134 - Refurbishment of existing motor retail dealership - Approved
- MA/04/1416 - Installation of aluminium cladding and canopy – Approved
- MA/04/1308 – Advert consent – Approved
- MA/93/0604 – Advert consent – Approved
- MA/92/1048 - Refurbishment to existing vehicle showroom – Approved
- MA/91/0781 - Change of Use to sale of motor vehicles - Approved

MAIN REPORT

1.0 Site description

- 1.01 The application site is an existing car showroom with an extensive outdoor car sales area known as F. G. Barnes and Sons Ltd. located on the western side of Bircholt Road, on the corner of the junction with Sutton Road. The existing building is at the northern end of the site, with the main car sales area to the south; and access for the site is taken from Bircholt Road. To the north is Sutton Road; to the east and south are other car sales and commercial units; and to the west is Parkwood Industrial Estate. The application site is within the defined urban area and is a designated employment/car showroom area as shown by the adopted Local Plan.

2.0 Proposal

- 2.01 The proposal is for the erection of an additional car showroom with associated external car display. The applicant states this would be for a temporary period of 5 years. The proposed building would be single storey; constructed from silver cladding and a light grey aluminium roof set on a concrete base; and would be sited fairly central within the site. The existing access would be unaffected, as to would the existing sales building.

3.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: R18(iii), ED2(iv)
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Maidstone Local Plan (Submission version): DM20
- Planning for Growth Ministerial Statement (March 2011)

4.0 Consultee responses

4.01 **Boughton Monchelsea Parish Council:** Raise no objection.

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

4.03 **UK Power Networks:** Raise no objection.

5.0 Neighbour responses: No representations received.

6.0 Principle of development

6.01 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.

6.02 The proposal site does fall within a designated employment site under saved policy ED2 of the adopted Local Plan, as well as within an area where vehicle showrooms are permitted under policy saved policy R18. Given the existing use of the site and the nature of the proposal, I am satisfied that the development under consideration here would be in accordance with these policies.

6.03 The proposal is also in line with the National Planning Policy Framework (NPPF) which seeks to promote sustainable economic growth. Indeed, a key reason for the proposed refurbishment here is to maximise the site's economic potential.

6.04 The submitted version of the Development plan went to the Secretary of State for examination on the 20 May 2016 and examination is expected to follow in October/November of this year. This Plan is considered to hold significant weight; and there is policy support for this type of development in this location, subject to its details which the report will go on to assess.

7.0 Visual impact and design

7.01 The proposal site is already an area given over to a car sales area and so the only real change to the site would be the erection of the new showroom. This building would be single storey and relatively modest in scale and height, standing some 4.7m in height from its ridge-line to ground level; appropriate external materials would be safeguarded by an appropriate condition; it would be set back some 20m from Bircholt Road; its dual pitched roof and large element of glazing to its front elevation would further reduce its overall massing; and it would appear in keeping with the existing development within and surrounding the site. There is some planting to the Bircholt Road frontage of the site, towards the northern end of the site, but this is modest given the constraints of the site. Given the existing use of the site, its surrounding industrial estate context and the constraints of the site, I do not consider it reasonable to request a soft landscaping scheme by way of condition.

7.02 With everything considered, I am of the view that the proposal would not appear visually harmful, but very much a development read in context with the character, appearance and setting of the surrounding area.

8.0 Residential amenity

- 8.01 Given the existing use of the site and its distance from any residential property, I am satisfied that this proposal would not have an adverse impact upon the living conditions of any local resident.

9.0 Highway safety implications

- 9.01 The proposal would not alter the existing access into the site; the site would continue to have sufficient parking provision and turning facilities; and the relatively modest increase in building would not result in a significant intensification of use of the site or put further pressure in terms of parking provision. KCC Highways also raise no objection and comment that there are adequate on street car parking restrictions around the site which ensures that the applicant would be required to manage the site is a self-contained way. I am therefore satisfied that the proposal would not result in any highway safety issues.

10.0 Other considerations

- 10.01 Whilst the applicant has stated this proposal will be for a period of 5 years, because I consider there to be no harm caused by it I do not consider it necessary to restrict this development to such a temporary timeframe.
- 10.02 Given the history of the site, and the potential for some level of ground works, I consider it reasonable to impose a precautionary land contamination condition. Foul sewage and surface water will be disposed of via mains sewer. In terms of energy assessment, this would be covered through Building Regulations and it is not considered necessary to require further information in this respect.

11.0 Conclusion

- 11.01 I am of the view that this proposal would not cause any demonstrable harm to the character, appearance and amenity of the surrounding area. I therefore consider that this proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant and recommend conditional approval of the application on this basis.

12.0 RECOMMENDATION – APPROVE with conditions:

CONDITIONS:

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

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

- (2) The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the building has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

- (3) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;
- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
 - b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
 - c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

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

- (4) The development hereby permitted shall be carried out in accordance with the following approved plans: FG001 (PL) 003 P2, 005 P2 and 007 P2 received 9th August 2016;

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

INFORMATIVES

- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
- (2) Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: Kathryn Altieri

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

Agenda Item 20

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 6th October 2016**

APPEAL DECISIONS:

- | | |
|---|--|
| 1. 16/501685 | First floor side extension above the existing garage and utility room

APPEAL: Dismissed

5 Gainsborough Drive
Maidstone
Kent
ME16 0UZ

(Delegated) |
| <hr style="border-top: 1px dashed black;"/> | |
| 2. 15/510348 | Two storey side extension with single storey front extension (Resubmission to 15/506786/FULL)

APPEAL: Dismissed

7 Claremont Road
Maidstone
Kent
ME14 5LZ

(Delegated) |
| <hr style="border-top: 1px dashed black;"/> | |
| 3. 16/500335 | Proposed dropped kerb

APPEAL: Dismissed

159 Willington Street
Maidstone
Kent
ME15 8ED

(Delegated) |
| <hr style="border-top: 1px dashed black;"/> | |
| 3. 16/500332 | Construction of steel-framed barn for tractor and agricultural tools, and area of hardstanding; Closure of existing access and create new vehicle access

APPEAL: Dismissed

Land North Of Knole Farmhouse
Malling Road
Teston
Kent
ME18 5BH

(Delegated) |
| <hr style="border-top: 1px dashed black;"/> | |