

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 4 August 2016

Time: 6.00 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 Items withdrawn from the Agenda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 - 11 August 2016

Continued Over/:

Issued on 27 July 2016

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Alison Broom

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

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
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 14 July 2016 - to follow
11. Presentation of Petitions (if any)
12. Deferred Items 1
13. 13/1607 - Forstal Farm, Stockett Lane, Coxheath, Maidstone, Kent 2 - 18
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20. Chairman's Announcements

PLEASE NOTE

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

The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

4 AUGUST 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.

<u>APPLICATION</u>	<u>DATE DEFERRED</u>
<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> Deferred to enable the Officers to negotiate movement of the signage to locations that are less visually intrusive.	14 January 2016
<u>15/503223 - PART RETROSPECTIVE - CHANGE OF USE AND REBUILDING OF FORMER CATTLE SHED TO PROVIDE TOURIST ACCOMMODATION - BLETCHENDEN MANOR FARM, BLETCHENDEN ROAD, HEADCORN, KENT</u> Deferred (a) for further investigation of the flood evacuation plan, including seeking confirmation from the Environment Agency as to whether the initial warning/informing system is possible as the occupants would be holidaymakers and (b) to seek further information on details of the private flood defence system.	2 June adjourned to 9 June 2016

Agenda Item 13



13/1607 - Forstal Farm, Stockett Lane

Scale: 1:2500

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REPORT SUMMARY

REFERENCE NO - 13/1607			
APPLICATION PROPOSAL Change of use of land from agriculture (orchard and open grassland) to tourism use for camping and caravanning with associated utility block and office/store.			
ADDRESS Forstal Farm, Stockett Lane, Coxheath, Maidstone, Kent, ME15 6HA			
RECOMMENDATION Approve			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none">• The proposal represents development for holiday camping/caravan use which is one of the exceptions allowed for within Policy ENV28• The proposal meets the criteria set out within Policy ED20 of the MWBLP 2000• The highways, residential amenity, landscape, ecological and other matters have all been assessed and are considered to either be acceptable or can be made acceptable subject to conditions.			
REASON FOR REFERRAL TO COMMITTEE As a result of the recommendation for approval, the application is 'called in' by Coxheath Parish Council who have objected to the application			
WARD Coxheath And Hunton Ward		PARISH/TOWN COUNCIL Coxheath	APPLICANT Mr R Lee AGENT The Penshurst Partnership
DECISION DUE DATE 16/02/14	PUBLICITY EXPIRY DATE 16/02/14		OFFICER SITE VISIT DATE 11.01.2013, 04.11.2015 and 14.04.2016
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
03/1778	An application for the prior approval of the Local Planning Authority for the proposed erection of agricultural building and associated hard standing/access track, as shown on dwg nos. 958/03 and 03/1965A received on 11.09.03.	Prior Approval Given	11.09.2003
05/02279	Retrospective application for the change of use of land to the stationing of 5 no static caravans during January, February and March. (resubmission of application MA/05/0545) as shown on drawing 958/25 A received on 30/11/05.	Refused	09.03.2006
12/2134	Change of use of land from agriculture (orchard and open grassland) to farm shop (A1), apple store (B8), and caravan and tent park with associated utility block (D2).	Withdrawn	19.03.2013

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.1. The site is formed by two fields which lie on the eastern side of Stockett Lane to the north of Coxheath. The site includes an access track which passes through the orchard of the farm to reach the highway on the northern side of Forstal Lane. An orchard which forms part of the farm but is outside of the application site would remain on the corner of Forstal Lane and Stockett Lane.
- 1.2. The boundary of the site which meets Stockett Lane is formed by mature native hedging with the level of the hedge and the level of the application site being raised from the road level. The site is relatively flat apart from this level change along the roadside boundary.
- 1.3. There is an existing building on site being the agricultural building permitted under 03/1778. The nearest neighbouring properties lie on the south side of Forstal Lane, some 120m from the main application site. The land is currently used as open paddock/grazing.
- 1.4. A Gypsy and Traveller site lies to the north of the PROW (some 70+m away) and this gypsy site is allocated within the emerging Local Plan. The gypsy site is occupied and therefore will be considered in terms of the impact of the proposal on residential amenity.

2. PROPOSAL

- 2.1. Planning permission is sought for a tourist development of 16 caravan pitches with associated hardstanding and central landscaped amenity area, an area for conventional tent pitches and a play area. A timber weather boarded utility building and office are also proposed to serve both parts of the campsite. The utility building equates to 116sqm of permanent development. 16 parking spaces are proposed within the caravan portion of the site and informal parking would occur within the camping portion of the site.
- 2.2. The caravan pitches would sit on the larger field which is closest to Forstal Lane and shares its longest boundary with Stockett Lane. Pitches 4-8 would lie close to Stockett Lane, pitches 1-3 would lie on the southern edge of the field, pitches 9-11 would lie on the field boundary between the campsite and the caravan site and pitches 12-16 would lie on the eastern edge of the field parallel to Stockett Lane.
- 2.3. Landscaping is proposed between the caravan pitches and along the access road and full details would come forward through a condition should permission be forthcoming.
- 2.4. The existing farm track would be upgraded as part of the application to light brown limestone gravel, the internal roads within the caravan pitch area would be Fleximat Grass and all paving would be Yorkstone.
- 2.5. The entrance on to Forstal Lane would be upgraded to allow a car and towing caravan to wait off the highway while the gates are opened. Two passing bays are also proposed along the northern boundary of Forstal Lane to allow for traffic to give way when larger vehicles pass along the highway.

- 2.6. 20 tent pitches are also proposed on the northern portion of the site which would be accessed beneath the undercroft roof of the utility block. Parking for the tents would be informal around the relevant pitch.

3.0 PLANNING CONSTRAINTS

- 3.1 The site lies within the Southern Anti-Coalescence Belt being open countryside outside of any defined settlement. A Public Right of Way lies approximately 70m to the north of the application site with the wider PROW network linking to Loose village. A public Sewer crosses the site in a diagonal line from southwest to northeast approximately.

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF): Paragraph 28

National Planning Practice Guidance (NPPG): None

Development Plan (Maidstone Borough Wide Local Plan 2000): Policies ENV6, ENV28, ENV32, ENV49, ED20 and T13.

Draft Maidstone Borough Local Plan (Submission Version May 2016): Policies SP17, DM1, DM7, DM27, DM42, and DM37.

Supplementary Planning Documents: None

5.0 LOCAL REPRESENTATIONS

- 5.1 72 representations have been made on the application as a result of the initial and subsequent consultations and site notice. Approximately half of the comments are repeat comments from the same households following re-consultation. The comments all raise objection and are summarised below (the four underlined comments highlight the issues raised most frequently in the various representations):

- Increase in traffic and resultant impact on highway safety
- The site would be accessed via narrow lanes and poor junctions locally
- There is already a parking problem in Stockett Lane as a result of the lack of parking for existing shops, doctors, and school.
- The highway is not suitable for large movements of caravans
- In order to prevent the likely misuse of this tourist camping site by travellers either reject it or limit stays by any one tent or caravan to no more than three weeks.
- Increase in noise and pollution
- Would it be used for travellers rather than tourists?
- Harm to the rural area
- Set a precedent for more caravans in the area
- The development will totally change the character of the village and destroy its agricultural heritage
- Additional load on sewerage
- Additional load on water supplies
- If granted as tourist use there could be further application for permanent residential use
- No tourist need for the development
- Coxheath does not have good road links to tourist attractions in Kent
- There is already an established site at Hollingbourne on the A20 which is better connected.
- A high occupancy would need required in the summer months to make the site profitable. This would result in a high turnover and more disturbance.

- Concerns re: safety at other road junctions locally as a result of turning vehicles towing a caravan.
- Loss of agricultural land
- Contrary to the village plan
- The site is on elevated land which is visible from Forstal Lane and development could cause loss of privacy
- Light pollution including from car headlights
- The lane is currently used by walkers and dog walkers who could be at risk of increased traffic
- Harm to rural character
- Loss of hedgerow
- Satnavs can lead people to the site via Loose and not Heath Road resulting in further safety concerns
- There are no footpaths/pavements to the site from the village
- Minimal economic benefit to the proposal
- Contrary to MBC Policy ENV28
- The proposal description should refer to the access track upgrading
- The removal of outbuildings should be on land within the red line and not outside it
- The height of the over-croft access which forms part of the utility/office block design appears to low to allow access to today's larger cars or emergency services
- Access should be considered off Stockett Lane rather than Forstal Lane in the interests of amenity
- No scheme for refuse collection/storage has been proposed
- No signage proposals have been provided
- The proposed hours of use would give rise to harm to residential amenity, contrary to Policy ED20.
- No cycle parking is proposed
- No external lighting scheme has been provided
- Concern that the site may be used to house economic migrants employed in agriculture or horticulture.
- Use should be restricted to Easter to October
- The site should not be used for the winter storage of touring caravans
- The layout of the scheme and the access road would compromise the viability of the small holding further
- Nuisance from campfires and barbeques
- The cumulative impact of traffic from the proposal, the site at Linden Farm and the Local Plan allocated site on Forstal Lane should be considered.

6.0 CONSULTATIONS

6.1 **Coxheath Parish Council:** Lack of information submitted as part of the application. They would have expected to see an economic justification, traffic assessment, evidence of possible affiliation with the Camping and Caravan Club for example, Clarification that the intention is to facilitate touring caravans and not static caravans which would be permanently in situ. Clarification on the use of the existing "workshop" referred to on the plans. Main PC comments summarised below:

- The roads around the site are inadequate to cope with the inevitable increase in traffic. Approach routes to the site would be largely restricted to narrow country lanes or through densely populated residential streets. This would inevitably raise road safety concerns. The NPPF states that developments should be located to minimise conflict between traffic and pedestrians. Workhouse Lane, Forstal Lane and long

stretches of Stockett Lane have no footways. We contend therefore that there would be substantial conflict.

- The proposal to change the use of land to cater for tourist caravans and camping is contrary to Policy ED20. In the absence of a business plan there is no proven need to overcome policy constraints, inadequate access, an intrusive feature in the landscape not surrounded by mature woodland, a detrimental impact of residential amenity, a considerable distance from the M20 motorway and a lack of high quality facilities.
- It would harm the character and appearance of the countryside and the amenity of neighbouring properties thereby contravening Policy ENV28. There would be significant urbanisation of this section of the anti-coalescence belt in contravention of Policy ENV32 and the creation of half a kilometre ribbon of development linking the built up area to the north of the village with gypsy/traveller sites further down Stockett Lane.
- The site is not surrounded by mature woodland and is on rising land to the north of the village, thereby failing to protect and enhance the visual landscape of the Greensand Ridge. We would argue that this contravenes NPPF paragraph 109.
- The residential amenity of neighbouring properties (particularly in Forstal Lane) would be affected detrimentally. Grass verges in front of these dwellings belong to householders. We would argue that caravan traffic would cause damage, therefore, to other properties.
- Concerns over hours of operation, light and noise pollution.
- Contrary to the NPPF 5ha of Grade 2a (high quality agricultural land would be lost if this application was to proceed.
- The application is contrary to the Coxheath Neighbourhood Plan.
- Should the Council recommend approval then the PC would wish for a Legal Agreement to be provided to cover the following matters:
 - A strict limitation to holiday touring caravans and not residential or static mobile homes;
 - Site closure for at least two months of every year;
 - A rule ensuring that no touring caravans are allowed to return to the site within a month of leaving;
 - The change of use to be applied to the area specified for caravans and camping plus the utilities and access, but not to the site as a whole;
 - Comprehensive all year round landscaping to the south, east and north of the site, particularly along Forstal Lane, to ensure that it blended with the surrounding countryside;
 - Strict rules over hours of operation and control of noise and light pollution;
 - A Section 106 funding agreement for traffic calming measures to be taken in Stockett Lane en-route to the site;
 - Wording to prevent the office/store ever being converted in to residential accommodation;
 - A requirement to return the site to its former (agricultural) condition if the tourism business fails.
- The PC would also like to see the following planning conditions
 - The utility block to be completed and operational before the site was allowed to open
 - The permanent removal of all hen house, temporary buildings and other buildings/caravans without current permission
 - The replanting of orchard areas that have been cleared
 - Control of construction hours, noise and cleaning operations
 - Control of lighting in the context of the very rural nature of the site

- Correction of the current status of the agricultural barn which does not have workshop use.
 - In summary, the PC feels very strongly that this application conflicts substantially with the Coxheath (Draft at the time of writing) Neighbourhood Plan together with the current Development Plan and that other considerations are not sufficient to outweigh these conflicts. It is our strong recommendation that the application should be refused.
- 6.2 **East Farleigh Parish Council** (adjoining Parish). Recommend refusal. Grounds are the same as they were for 12/2134 i.e. urbanisation of part of the Southern anti-coalescence belt, loss of agricultural land, loss of local amenity/rural character of the area and it would be detrimental to traffic levels and road safety. Additional Comments: Council considered the modified details to this application at its meeting this evening and would like to make the following comments:
- Council supports Coxheath Parish Council totally in its request for further information.
 - Council noted that KCC has made Highways safety comments without this further information.
 - Council wishes its previous comments on application 13/1607 to stand, but wishes to reserve the right to comment further once it has more information.
 - Council would like consideration to be given to how many months of the year the site would be open.
- 6.3 **Loose PC:** (adjoining parish) The Loose Parish Council wish to oppose this application and would like to see this refused by the MBC on the following grounds:
- There is nothing to suggest in the application that there is a proven need for this type of development in the area.
 - We have had sight of the draft [at the time of writing] neighbourhood plan that Coxheath Parish is in the process of instigating, and whilst this has not yet been approved, it has had public input, and does not show any designated development for this area which is outside the village envelope.
 - It would be a loss of grade 11 agricultural land, and the proposed need for a caravanning and camping site does not justify the change of use.
 - We have an issue with large caravans and other sizable vehicles accessing the site through narrow lanes, which will have safety implications for other road users and pedestrians.
 - It is felt that this proposal will be an incremental disfiguration and erosion into the visual amenity of the area, and of the anti-coalescent belt. The Southern anti coalescent belt was put in place to prevent development extending southward, and in linking villages together with Coxheath. We would not wish to see areas of highly valued amenity, such as this, becoming larger urbanised sites.
- 6.4 **Kent Highways Services:** No objection: I refer to the amended plans for the above planning application and consider that there are no highway implications associated with the proposals. I therefore have no further comments to add on behalf of the local highway authority. Detailed comments:
- The proposed passing bays providing a road width of 6m are acceptable subject to tracking diagrams showing that the bays can accommodate the largest caravans expected to use the site.

- It has been confirmed that the maximum width of a caravan in the UK is 2.55m and the maximum length is 5m. It is therefore anticipated that the passing bays outlined on the proposed site plan are of an adequate size to allow a car towing a caravan to pull in and allow another vehicle to pass in the opposite direction.
- The proposed passing bays should be completed under a S278 agreement with Kent County Council. Please contact the Agreements team..

6.5 **MBC Landscape:** No objection. There are no protected trees on or adjacent to the site. The area lies within the LCA 27-7, Loose Greensand Orchards and Pasture, for which guideline is 'conserve and reinforce'. The relevant generic guidelines for the landscape type are as follows:

- Appropriate proposals that would enable fruit and hop production to continue should be promoted.
- The conservation of the strong pattern of existing woodlands, hedgerows and shelterbelts and remaining hop gardens and orchards is important in maintaining the traditional landscape pattern and habitat connectivity.
- Reinstatement of the historic hedgerow network, particularly in-between woodland areas, to improve habitat connectivity.
- Conserve the species rich hedgerow boundaries and promote enhanced species diversity within hedgerows where this has been weakened.

In terms of the proposed change of use of the site, it is well screened with no trees of individual merit that would pose a constraint to the scheme. I, therefore raise no objections on arboricultural grounds.

6.6 **KCC Ecology:** No objection. We are satisfied that sufficient information has been provided to determine the planning application and we require no additional information to be provided. Conditions are recommended in relation to dormice and biodiversity enhancements.

6.7 **Environmental Health** – No objection. There are few EH issues of concern here. Had it been a residential use, I would have recommended a contamination land condition but this is for a seasonal/temporary use. The methodology to be used for drainage and other essential services to/from the utility block would need to be submitted. Conditions recommended in relation to Foul Drainage. Informatives recommended in relation to the need for Caravan Site Licencing and Moveable Dwellings Licencing.

6.8 **Richard Lloyd-Hughes** (Agricultural Consultant) In this case I would advise that the land concerned is fairly level ground, forming part of what, at one time, was a fairly intensive fruit farm. The farm is situated within the Mid Kent Greensand Fruit Belt where the Hythe Beds generally form the base for good, deep and fertile soils. The site lies within an area indicated as Grade 2 quality on the provisional 1:250,000 Land Classification Map, and in the absence of any submitted evidence suggesting this particular site has some unusual constraint, I would suggest that it be presumed to fall within the "best and most versatile" category that warrants particular consideration in terms of the effects of potential loss to development.

7.0 BACKGROUND PAPERS AND PLANS

Site Location Plan date stamped 20 November 2015

Design and Access Statement date stamped 13 September 2013

Proposed Site Plan date stamped 14 April 2015
Existing Site Plan date stamped 13 September 2013
Floor Plans and Elevations Utility/Office/Store date stamped 18 November 2013
Entry/exit Point Tracking Diagrams date stamped 8 April 2014
Reptile and Dormouse Survey date stamped 4 June 2015
Habitat Suitability Index Assessment date stamped 14 April 2015
Extended Phase 1 Habitat Survey date stamped 13 September 2013

8.0 APPRAISAL

- 8.1 The key issues in this case are the principle of development of this nature in the countryside and anti-coalescence belt, the impact of the proposal on the rural amenities of the locality, the appropriateness of the scale, layout and detailed design of the proposal, the impact on residential amenity for neighbouring dwellings and wider traffic/transport and parking issues.

Principle of Development

- 8.2 Paragraph 28 of the NPPF relates to supporting a prosperous rural economy and states that planning policies should support the sustainable growth and expansion of all types of business and enterprise in the rural area, both through conversion of existing buildings and well-designed new buildings. Paragraph 28 goes on to promote the development and diversification of agricultural and other land based rural businesses. In addition this policy supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.
- 8.3 Policy ENV28 of the MBWLP 2000 relates to development in the countryside and states that planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers and development will be confined to, inter alia, "such other exceptions as indicated by policies elsewhere in the plan". Policy ED20 which relates to holiday caravan and camping sites is one of the prescribed exception policies within the countryside.
- 8.4 Policy ED20 states that: the provision of sites for the stationing of holiday caravans and/or holiday tent will be permitted outside the defined urban areas and village boundaries provided that the following criteria are met:

(1) the site is not an intrusive feature in the landscape or detrimental by its siting or appearance to the visual or other amenity of the surrounding area; and

(2) the site is capable of being adequately screened and internally landscaped and it is possible to provide appropriate landscaping with indigenous species; and

(3) arrangements for access, parking and servicing of the proposed development are adequate and there are no highway objections to the proposed use of the site; and

(4) the presence of any similar uses in the locality and the combined effect that any such concentration would have, would be acceptable in terms of environmental impact and highway safety; and

(5) there is no detrimental impact on neighbouring land uses or residential amenity.

A holiday occupancy condition will usually be attached, preventing use of the site as a permanent encampment. The condition will limit occupation to a specified ten month period in any calendar year.

- 8.5 I shall now consider the 5 criteria of Policy ED20 in turn. The proposal represents a low scale utility/office/store building which appears to have been designed to have a rural 'stable-like' appearance with black timber weatherboarding, clay plain tiles and relatively low overall ridge height (4.3m). The remainder of the development would be Grasscrete style (green) hardstanding for parking/stationing of carvans, gravel driveways and open planting and amenity areas. Due to the siting of the development behind mature landscaping/hedging and the low nature of the permanent features of the development, I am of the view that the development would not represent an intrusive feature in the landscape or give rise to undue harm to visual amenity.
- 8.6 The applicant has also agreed to remove several structures from the site in an effort to 'offer up' the volume proposed for the utility building and, as such, the wider site would be improved through the removal of several unsightly/poor quality structures and chattels which would improve visual amenity to some degree.
- 8.7 The site is capable of being further screened by new planting and a scheme of indigenous structural landscaping and improvements to the existing hedgerows could be conditioned to be approved.
- 8.8 Access is proposed via Forstal Lane and it is intended that the hedge along the lane is relocated further back within the site to provide passing bays for larger vehicles to either wait or pass. The access is also proposed to be widened and visibility splays provided at the entrance. Tracking has also been provided for a car towing a caravan to enter and exit the site. KCC Highways have been consulted and raise no objection to the proposal on access, turning, parking or highway safety grounds. Accordingly the proposal, even in light of the many objections raised on this basis from local residents, cannot be refused on highway grounds.
- 8.9 There are no other similar tourist developments within the locality which could be argued to create a cumulative effect and thereby cause harm to the environment on cumulative visual impact or highways terms.
- 8.10 There is an established need for tourist accommodation in the form of caravan and camping facilities within the Borough as referred to within Policy ED20. In addition MBC's Marketing and Sales Officer (Culture and Leisure) has confirmed their remains a need within the Borough, especially in light of the Paramount facility which is being developed at Ebbsfleet and the need to have facilities available well in advance of the planned opening in 2021.
- 8.11 Objections have been raised on the grounds of disturbance to local residents from the proposed development on the basis of general noise from users of the campsite in the evenings and weekends (including barbeques) and comings and goings of vehicles along the local roads. I do not consider the site is close enough to nearby residents to give rise to harm to loss of amenity from general use of the main caravan/campsite as the nearest residential properties are some 70m away and such a distance, added to the existing mature landscaping would not result in an undue impact. Moreover, our environmental health colleagues have not raised an objection on these grounds, nor have they asked for a noise report. It is accepted that the proposal is on elevated land compared to the road level, however the hedge and landscaping in this location are established and even with the level change I consider there to be sufficient screening and distance between the site and nearby neighbours

to ensure a loss of privacy would not occur. It is therefore accepted that whilst the proposed use of the site may be noticeable from the nearest neighbouring dwellings, it is not anticipated to be to a detrimental degree.

- 8.12 Turning to the impact of the use of highway by caravans and additional traffic, again, environmental health have not raised concerns on these grounds and it should be noted that the LPA does not control which types of vehicles can use an adopted highway. Accordingly, it is only the use of the internal roads which can reasonably be considered in my view. The site is agricultural and there is already an access in this location which serves the smallholding. The proposal would increase vehicle movements to and from the site and along the internal track/roadway. Due to the distance of this track from the nearest neighbouring dwellings (70m), and the fact that the access road immediately runs in to the site rather than along a peripheral boundary, I am of the view that any additional noise at the access point of the site would be short and the traffic associated within the proposed use would immediately be consumed within the site and away from the boundary. I do not therefore consider an undue impact in terms of traffic noise would occur.
- 8.13 In light of the above considerations, I am of the view that the 5 criteria set out within Policy ED20, which is an exceptions policy for the purposes of Policy ENV28 have been satisfied by the proposal. In this respect, the proposed use can be considered to be acceptable in the countryside and anti-coalescence belt and the detail of the scheme meets the adopted policy for caravan/camping proposals within the Borough.

Landscaping

- 8.14 Policy ED20 requires landscaping to be appropriate and the proposal has been that a suitable scheme can be provided by way of the Planning Condition to ensure adequate screening and long term improvements to hedgerows. The relocation of the hedge along the northern side of Forstal Lane has previously been approved through a now lapsed Hedgerow Removal Notice and any planning permission would override the need for a further application under those regulations. As such, the principle of the relocation of the hedge has already been accepted and I find no reason to alter this view.

Ecology

- 8.15 The application has been accompanied by a reptile survey and a dormice survey and the findings have been assessed by KCC Ecology. The site has been found to be absent of reptiles and Great Crested Newts. Dormice have been found to be present and a scheme of precautionary removal of the hedgerow is proposed to be conditioned to allow for the safety of any dormice present. An informative is also recommended to remind the applicant of the need to ensure compliance with Wildlife Legislation.

Restrictions/Controls

- 8.16 The following matters are considered to be relevant to the application but can be adequately conditioned to either be controlled or conditioned to be forthcoming, should permission be granted; A scheme of refuse storage and collection, a scheme of external lighting, details of cycle storage/parking, restriction of occupancy both in terms of month of the year and length of stay/return to the site, limitation on amplified music, hours of arrival/departure (caravans only not general cars).

Other Matters

8.17 Various other matters have been raised through the consultation process by neighbours and the Parishes, some of which are not material planning matters being:

- Fear of possible future non-tourist uses (traveller site, permanent residential use, economic migrants or winter storage of caravans). None of these uses is being applied for here and any future application for such use would require a formal application.
- The site would set a precedent. Again, any application for a similar development locally would be assessed on its own merits and would be considered cumulatively with this site if approved.
- Likely profitability. The planning system does not, other than in certain circumstances, become involved in future business plans/profitability of a proposal. This is not one of those circumstances.
- Additional load on sewerage/water. The relevant Water Boards would control this matter and the applicant would require their agreement in each case to utilise these services for the proposal.
- Possible use of Satnav devices to access the site could take caravans through inappropriate roadways causing traffic disturbance. This is not something the Council can control however the applicant can be advised by way of an informative to consider the possible routes in by large vehicles towing caravans and provide sufficient information to users on the safest route to the site.
- The height of the undercroft roof within the structure of the utility block/office is not high enough for large domestic cars. The eaves height in this section would be sufficient for the majority of cars and this is not something for Planning to consider in detail.

8.18 The remaining matters raised by Neighbours, other than those already considered in the main body of the report shall be considered below:

- *Loss of agricultural land, harm to rural area, contrary to Policy ENV28* have all been overcome through compliant with Policy ED20 which allows for exceptions to Policy ENV28 as set out above.
- *Contrary to Neighbourhood Plan*. The emerging Coxheath Neighbourhood Plan was withdrawn (following an initial pre-submission consultation which ended on 20.12.13) on 02.10.14 and, as such, there is no draft plan to which weight could be apportioned at this time.
- *Outbuildings to be removed should be within the red line*. This is not the case, a Grampian style condition can be applied within a blue land area to ensure the removal of outbuildings is carried out.
- *Viability of the existing smallholding would be compromised by the position of the caravan site and the internal roadway*. As the land is a small holding and not a large farm, the division of the site by the roadway (which is existing in part would be extended/ upgraded) would still allow for parcels of land to be used for small scale fruit production or the keeping of poultry etc and, as such, I do not consider the proposal would result in the wider holding becoming unviable.

9.0 CONCLUSION

- 9.1 The proposal has been assessed against relevant national and local policy and there is a clear policy allowance for caravan and camping facilities for tourist use. The relevant policy in the adopted Local Plan, and the emerging policy in the Draft Maidstone Local Plan, are in favour of such development and the relevant test within those policies has been met in my view. For these reasons, the proposal is considered to not result in undue harm to the rural amenities of the countryside within which such facilities will always be sited.
- 9.2 The improvements to the access, the formation of the passing bays, the impact of additional vehicle movements and the impact to other road users has been assessed by Kent Highways and found to be acceptable in this instance.
- 9.3 The proposal, for the reason set out above, is not considered to give rise to harm to residential amenity and conditions are recommended to control external lighting and an increase in landscaping.
- 9.4 Subject to the conditions imposed I thereby recommend permission is granted.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

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

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

2. All accommodation units permitted at the site shall be occupied for holiday purposes only and no caravan shall be occupied by any one individual or group of individuals for any period longer than one month with no return by an individual or group of individuals within 4 weeks of leaving occupation of the site. The operators of the caravan park shall maintain an up-to-date register of the names of all owners/occupiers of individual accommodation units on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency, which would be contrary to National and Local Plan Policy.

3. No more than 16 holiday caravans and 20 tent pitches shall be on the site at any one time.

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

4. No caravans shall arrive or depart from the site outside of the hours of 07.00 – 20.00 Monday to Sunday.

Reason: In the interests of residential amenity.

5. No development shall take place until details of slab levels for the utility block and caravan pitches shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: In the interests of proper planning.

6. No development shall take place until details of the means of foul and surface water drainage have been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and retained at all times thereafter.

Reason: In the interests of the environment.

7. No development shall take place until details of particulars and samples of the materials to be used on all external faces of the utility block/office building hereby permitted, including window frames and doors, have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

reason: In the interests of visual and rural amenity .

8. No development shall take place until details of the surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas or roads, footpaths, hard and soft have been submitted in writing for approval by the Local Planning Authority. No works that are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details have been approved and works to which this condition relates have been carried out in accordance with the approved details.

Reason: In the interests of visual and rural amenity.

9. No development shall take place until details of all fencing/boundary treatments have been submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details are approved and works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter.

Reason: In the interests of visual and rural amenity.

10. The improvements to the access hereby approved shall be completed on site prior to first use of the development. The access and its visibility spay shall be retained at all times thereafter with no obstruction over 0.9m within the vision spay.

reason: In the interests of highway safety.

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

12. The development shall not commence until details of any lighting to be placed, erected or provided within the site has been submitted to and approved in writing by the local planning authority. Such details must demonstrate how they have had regard to biodiversity implications including upon bats. The development shall thereafter be undertaken in accordance with the subsequently approved details and no additional lighting to that approved shall be placed, erected or provided within the site at any time without the prior approval of the local planning authority.

Reason: In the interests of the character and amenity of the surrounding countryside and biodiversity and to prevent light pollution.

13. No development shall take place until full details of a landscaping and planting scheme for all internal planting (excluding boundary planting) has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development. Any plants found to be dead, diseased or dying within a five year period following completion of the planting scheme shall be replaced with plants of an identical size and species.

Reason: To ensure a satisfactory appearance to the development.

14. Prior to commencement of the development hereby permitted, details of hedgerow improvements and management along the western boundary of the site including details of supplementary native hedge planting and subsequent management along the boundaries of the site, shall be submitted to and approved by the Local Planning Authority. The development shall subsequently be carried out in accordance with the approved details and maintained thereafter.

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

15. Prior to commencement of the development hereby permitted, a scheme for the location and type of equipment to be provided within the proposed play area shall be submitted to and approved by the Local Planning Authority. The development shall be implemented prior to the commencement of the use and retained at all times thereafter.

Reason: To ensure sufficient facilities are provided on site.

16. There shall be no external amplified sound on the site between the hours of 2200 hours and 0700 hours;

Reason: in the interests of protecting the amenities of nearby residential property.

17. Prior to commencement of the development hereby permitted a scheme of cycle parking shall be submitted to and approved by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details and retained at all times thereafter.

Reason: In the interests of sustainable travel and to provide secure cycle storage.

18. No development shall take place until details of a scheme for refuse storage and collection facilities have been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and retained at all times thereafter.

Reason: In the interests of the environment and rural amenity.

19. Within 3 months of the date of this decision, a plan shall be submitted to the Local Planning Authority detailing the outbuildings and other structures on the site to be demolished. The approved scheme of demolition/removal shall be implemented and completed prior to completion of the utility block hereby approved.

Reason: In the interests of rural amenity openness of the countryside.

20. Two no. passing bays as shown to be provided on drawing number 1117.02 Rev C alongside the carriageway on Forstal Lane shall be completed, surfaced and drained in accordance with the approved plans. The passing bays shall be retained at all times thereafter with the neighbouring hedge being appropriately maintained to allow for the full width of the bays to be utilised.

Reason: In the interests of improving highway safety.

21. Prior to commencement of the development hereby approved, a precautionary scheme of hedge removal/relocation shall be submitted to and approved by the Local Planning Authority specifically with regard to the potential for Dormice to be in situ. The removal/relocation of the hedgerow shall be carried out in strict accordance with the approved precautionary approach.

Reason: In the interests of biodiversity.

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

Site Location Plan date stamped 20 November 2015
Design and Access Statement date stamped 13 September 2013
Proposed Site Plan date stamped 14 April 2015
Existing Site Plan date stamped 13 September 2013
Floor Plans and Elevations Utility/Office/Store date stamped 18 November 2013
Entry/exit Point Tracking Diagrams date stamped 8 April 2014
Reptile and Dormouse Survey date stamped 4 June 2015
Habitat Suitability Index Assessment date stamped 14 April 2015
Extended Phase 1 Habitat Survey date stamped 13 September 2013

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

INFORMATIVES

The applicant is advised that it will be necessary to make an application for a Caravan Site and Moveable Dwellings 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 Health Project Manager on 01622 602145 in respect of a licence.

The applicant is reminded of the need to comply with relevant Wildlife Legislation should any protected species be found during development works. Wildlife Legislation applies irrespective of your Planning Permission and prosecution can be made if there is any breach of this law.

The applicant is reminded of the need to complete a Section 278 Agreement with Kent County Council in relation to the formation of the passing bays. Please contact the Agreements Team on 03000 418181.

The applicant is advised to put measures in place to inform users of the site, especially those towing a caravan, to avoid the use of satnav post codes to find the facility as this may lead users down narrow rural lanes on the approach to the site. The applicant is therefore advised to provide users with an alternative route to the site which relies on major and minor roads rather than rural lanes.

The applicant is reminded that the 'Workshop' referred to on the plans has been approved for agricultural use only and has no planning permission to be used as a commercial workshop or other commercial enterprise. The applicant is therefore advised to ensure the building remains for agricultural use or an application is made for any alternative use/s.

The applicant is reminded of the need to apply for Advertisement Consent for any signage installed on the site which does not have deemed consent under the Advertisement Regulations 2006.

Case Officer: Lucy Harvey

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



15/507291 - Meadow View, Staplehurst

Scale: 1:1250

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REPORT SUMMARY

REFERENCE NO - 15/507291/FULL			
APPLICATION PROPOSAL Retrospective application for the provision of an additional mobile home and the re-location of two mobile homes for extended gypsy families residential use.			
ADDRESS Meadow View Marden Road Staplehurst Kent TN12 0JG			
RECOMMENDATION GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS			
SUMMARY OF REASONS FOR RECOMMENDATION <p>The proposed development represents the re-siting of two previously approved (but as yet unimplemented mobile homes) adjacent to an existing gypsy and traveller mobile home site, together with the stationing of a further additional mobile home within the existing site.</p> <p>The current application generally reflects the currently unimplemented permission albeit that a third additional mobile home is also now incorporated within the plot of the existing mobile home.</p> <p>It is not considered that the current proposals result in any significant or overriding additional impacts.</p> <p>The proposed development, subject to the recommended conditions, is considered to comply with Government guidance and the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material planning considerations in this case justifying a refusal of planning permission.</p>			
REASON FOR REFERRAL TO COMMITTEE <p>Whilst not objecting to the application, Staplehurst Parish Council requested that the application be referred to the Planning Committee.</p>			
WARD Staplehurst Ward	PARISH/TOWN Staplehurst	COUNCIL	APPLICANT Mr J Osborn AGENT N/A
DECISION DUE DATE 12/11/15	PUBLICITY EXPIRY DATE 12/11/15	OFFICER SITE VISIT DATE 04/07/16	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
MA/82/1207	Use of land for stationing one caravan for residential use.	Refused	28.10.82
	Appeal against refusal.	Allowed	11.06.84
MA/83/0006	Continuation of use of land for the stationing of one residential caravan.	Refused	18.02.83
MA/84/0447	Details of (i) Siting of caravan pursuant to Condition 3, (ii) Details of access pursuant to Condition 4, (iii) Details of landscaping pursuant to Condition 5.	Approved	11.06.84
MA/88/0799	Siting of one residential caravan.	Approved	21.12.88

MA/91/0067	Stationing of one additional mobile home. Appeal against refusal.	Refused Allowed	16.07.91 28.11.91
MA/10/0226	Change of use of land to allow relocation of one existing mobile home for residential use with associated works including hardstanding and fencing.	Approved	29.06.10
MA/11/1118	Change of use of land for the stationing of an additional 4 mobile homes for a gypsy family.	Approved	21.09.11
MA/13/0866	Retrospective application for new access driveway and gates.	Approved	05.09.13

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site is located off the north-eastern side of Marden Road and is broadly rectangular in shape with a width of 45m approx. and extending back from the Marden Road frontage to a depth of 140m approx. The site has a tarmac access drive along the north-western side boundary which provides access to an existing gypsy and traveller site at the north-eastern end of the site.
- 1.2 The existing gypsy and traveller site has a shingle surface and comprises two mobile homes and small amenity/utility block and a small enclosed yard with associated buildings. Between the existing gypsy and traveller site and the Marden Road frontage the site is grassed although two plots (35m x 25m approx.) enclosed by post and rail fencing and accessed from the access drive serving the existing site have been formed immediately to the south-west of the existing site. There is a small pond in the south-eastern corner of the site on the Marden Road frontage.
- 1.2 The site is adjoined to the north-west by White Acres, a gypsy and traveller site which the current application site was formerly part of. Beyond White Acres to the north-west is Stable Paddocks, a further gypsy and traveller site. Adjoining the application site to the south-east is Clara, a modern detached single-storey dwelling with a plot that extends along the full depth (140m approx.) of the application site. A pair of semi-detached dwellings adjoins Clara to south-east along the Marden Road frontage.
- 1.3 The site forms part of the open countryside, being some 850m approx. to the west of the closest part of the Staplehurst village settlement boundary as defined on the Proposals Map to the Maidstone Borough Wide Local Plan.

2.0 PROPOSAL

- 2.1 The Meadow View site and the main existing mobile home on the north-eastern end of the site originally formed part of the adjoining White Acres site to the north-west which currently incorporates four mobile homes on the north-eastern end of the site. The original White Acres site was divided up between the applicant's family in 2013 and the applicant's brothers kept the north-western part of original site and the applicant now owns the adjoining south-western part which is now known as Meadow View. The Meadow View site now has its own access drive from Marden Road following the grant of planning permission under application MA/13/0866.

- 2.2 Prior to the original White Acres site being divided up in 2013 planning permission was granted 21.09.11 under reference MA/11/1118 for the change of use of part of the north-eastern corner of the site for the stationing of an additional 4 mobile homes for a gypsy family. The use of the land was personal to the grandchildren of the applicant, Mrs J Warren (the current applicant's mother), their immediate family and their dependents. Two of the four additional mobile homes permitted have been erected within the current White Acres site but the other two mobile homes which fall within the site now known as Meadow View have not to-date been erected.
- 2.3 The current application seeks to provide the two additional mobile homes previously approved within the site now known as Meadow View but with the two mobile homes repositioned within the site. Two plots enclosed by post and rail fencing have been formed to the south-west of the original mobile home on the north-eastern end of the site. The two new plots are accessed from the existing access drive off Marden Road which serves the original mobile home. The two new plots which have been formed within the site extend further south-westwards from the original plot than the mobile homes previously permitted under reference MA/11/1118 but the submitted plan shows a distance of some 60m to be maintained between the frontage of the site to Marden Road and the post and rail boundary fencing to the closest new mobile home plot.
- 2.4 In addition to the proposed provision and repositioning of two of the four additional mobile homes previously permitted under reference MA/11/1118, a further additional mobile home is to be stationed within the plot of the original mobile home on the north-eastern end of the site. The submitted plan shows the additional mobile home stationed to the north-east of the existing original mobile home. The additional mobile home replaces an existing modest sized mobile home which appears to be unauthorised from a planning point of view.
- 2.5 The applicant has stated that the three additional mobile homes (two of which were previously permitted under reference MA/11/1118 in different positions within the site) are to accommodate his two sons and his daughter.

Response to request for clarification of gypsy status

- 2.6 Revised Government guidance which came into force in August 2015 makes it clear that persons claiming gypsy and traveller status must provide evidence to show that they intend to carry on a nomadic/traveller lifestyle. The definition of a nomadic lifestyle requires adult occupants to move from place to place in pursuit of work. The applicant has stated the following in connection with his gypsy status:
- He has lived at the site for 40 years (since he was 7 years old).
 - His three children were born at the site.
 - His wife and two of his children have permanent jobs in Staplehurst village.
 - He and his two sons travel to horse fairs 2-3 times a year.
 - As well as travelling to horse fairs 2-3 times a year, he also travels on his own through the summer months (June to end of September/October) advertising the work he does as a tree surgeon. He travels round New Romney, Guildford, Surrey, Hertfordshire and other places.

- The three new mobile homes are to accommodate his two sons and his daughter.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The Meadow View site and the main existing mobile home on the north-eastern end of the site originally formed part of the adjoining White Acres site to the north-west which currently incorporates four mobile homes on the north-eastern end of the site. Use of part of the original site as a gypsy and traveller site dates from an approval granted on appeal in the mid-1980s.
- 3.2 The original White Acres site was divided up between the applicant's family in 2013 and the applicant's brothers kept the north-western part of original site and the applicant now owns the adjoining south-western part which is now known as Meadow View. The Meadow View site now has its own access drive from Marden Road following the grant of planning permission under application MA/13/0866.
- 3.3 Prior to the original White Acres site being divided up in 2013 planning permission was granted 21.09.11 under reference MA/11/1118 for the change of use of part of the north-eastern corner of the site for the stationing of an additional 4 mobile homes for a gypsy family.
- 3.4 The use of the land was personal to the grandchildren of the applicant, Mrs J Warren (the current applicant's mother), their immediate family and their dependents. Two of the four additional mobile homes permitted have been erected within the current White Acres site but the other two mobile homes which fall within the site now known as Meadow View have not to-date been erected.

4.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough-Wide Local Plan: Policies ENV6, ENV28, T13
- Emerging Local Plan: SP17, DM3, DM16, DM34
- Planning Policy for Traveller Sites (PPTS)

5.0 LOCAL REPRESENTATIONS

- 5.1 Representations on the application have received from the occupiers of the neighbouring dwelling objecting to the application. The representations are summarised as follows:
- The family concerned have lived on the site for 38 years (with the obvious exception of those born on the site) and therefore could not legally be considered as gypsies.
 - The previous consent and the current application are in respect of named family residents. This will be problematic in the future with regards to the sale of the properties. To believe that if any householder vacated a property that it would be removed from the site is naïve. History suggests that a subsequent application, retrospective or otherwise for the building to remain on site would be highly likely to be granted as the soft option.

- The four homes in question would be unlikely to be sold to one gypsy family and there is the prospect of four separate owners or tenants which would be a very different situation. It is accepted that what might happen is not a basis for objection to a planning application.
- The application is specific to Meadow View but shows the ten existing cars being increased to twelve. This number must surely relate to the whole site and not the new proposed development as this would be vastly excessive. No reference is made to light goods vehicles.
- The proposed development extends further into the current meadow and is (in the objectors' opinion) inappropriate to the area.

6.0 CONSULTATIONS

6.1 **Staplehurst Parish Council:** Comment that Councillors voted that they had no objection to the application. Further comment that Councillors asked that appropriate screening measures be discussed with the occupier of the neighbouring property known as Clara and, to give parties the opportunity to speak in person, they requested that the application be referred to MBC Planning Committee.

6.2 **Kent Highways:** Advised that it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. No comments made on the application.

6.3 **Environmental Health Officer:** No objection subject to conditions and informatives. Commented as follows:

'A previous application for this site which was previously part of White Acres, MA/11/1118, (for an additional 4 gypsy mobile homes on site) was granted planning permission with the usual conditions regarding related family.

There is no indication of land contamination based on information from the contaminated land database and historic maps databases. There is also no indication of any significant chance of high radon concentrations and Air Quality is not currently an issue for potential residents of this site.

The application form states that foul sewage will be dealt with via a septic tank. There do not appear to have been any details received regarding the type and size of septic tank to be installed/used, and the plan supplied does not indicate any location or details pertaining to a septic tank. Further details of the provision of potable water and how foul sewage will be dealt with must be provided, (including the size of any septic tank or cesspool and where it will overflow to); and a condition should be applied to any permission granted in this respect. The applicant should also contact the Environment Agency to establish whether they will require a discharge consent from them and in this latter respect I note that there is a surface water pond on the site. (However, I also note that there are no known Private Water Supplies in the vicinity of this site.)

The site should be used for residential purposes only and maintained in good order. It should not be used for business purposes, it should also not be used for the use and/or storage of commercial vehicles. Any tourers on site should not be used for habitation.

The site should not be occupied before all the conditions of the Caravan Sites Licence are met.'

The following conditions and informatives are requested:

- Details of the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal must be submitted to and approved by the LPA prior to occupation of the site.
- No lighting whether permanent or temporary shall be installed on the site without the prior written consent of the Local Planning Authority.
- Informatives relating to the following are requested:
 - *The need to make an application for a Caravan Site Licence under the Caravan Sites and Control of Development Act 1960 within 21 days of planning consent having been granted.
 - * Provision to be made for the separate storage of recyclables from household waste.
 - * The clearance and burning of existing woodland or rubbish being carried out without nuisance from smoke etc to nearby residential properties.

7.0 BACKGROUND PAPERS AND PLANS

7.1 The application is supported by the following plans/documents:

- A proposed layout plan showing the siting of the three new mobile homes within the existing and new plots.
- A site layout plan showing the site boundary changes following the separation of the Meadow View site (current application site) from the adjoining White Acres site and the siting of the four additional mobile homes approved under application MA/11/1118.
- Supporting letter dated 04.09.15.
- Emails relating to applicant's gypsy status dated 22.03.16, 23.05.16 (2 No.).

8.0 APPRAISAL

8.1 Section 36(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 site lies within the open countryside, being 800m approx. to the west of the closest part of the Staplehurst village boundary as shown on the Proposals Map to the Local Plan, the application is specifically subject to policy ENV28 of the Local Plan. Policy ENV28 states that:

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

- (1) *that which is reasonably necessary for the purposes of agriculture and forestry;*
or
- (2) *the winning of minerals; or*

- (3) *open air recreation and ancillary buildings providing operational uses only; or*
- (4) *the provision of public or institutional uses for which a rural location is justified; or*
- (5) *such other exceptions as indicated by policies elsewhere in this plan."*

The policy further states that *"Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources."*

- 8.2 None of the exceptions to the general policy of development restraint in the open countryside apply to this application and as a result the proposal represents a departure from the Development Plan. In such circumstances it falls to consider whether there are any overriding material considerations justifying a decision not in accordance with the Development Plan and whether granting planning permission would result in unacceptable demonstrable harm which is incapable of being acceptably mitigated.
- 8.3 As a point of clarification it is considered that mobile homes fall within the definition of a caravan as set out under Section 13 of the Caravan Sites Act 1968 (as amended). In the event of planning permission being granted, an appropriate condition can be imposed to secure this.
- 8.4 The key issues for consideration in relation to this application are the principle of the development, justification for the development, the visual impact in the open countryside location, sustainability, impact on residential amenity and local amenity generally, highway safety and impact on ecological interests.

Principle of Development

- 8.5 The site lies in open countryside and is therefore subject to policy ENV28 of the adopted local plan.
- 8.6 Policy ENV28 relating to development in the countryside states, amongst other things, that;

"Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers."
- 8.7 Policy ENV28 sets out the type of development that can be permitted in the countryside but excludes applications for Gypsy and Traveller accommodation.
- 8.8 Whilst contrary to policy ENV28, a key consideration in the determination of this application is Government Guidance set out in '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 sites are likely to be found in rural areas.
- 8.9 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.

Need for gypsy sites

- 8.10 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 a Gypsy and Traveller and Travelling show people 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

- 8.11 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of need available 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.

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

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

Policy DM16 of the submission version of the Draft Local Plan, by implication, accepts this type of accommodation can be provided in the countryside provided certain criteria are met.

- 8.13 Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (net): *(NB these figures correct at 29th June)*

- 81 Permanent (non-personal)
- 15 Permanent (personal)
- 3 Temporary (non-personal)
- 33 Temporary (personal)

- 8.14 Therefore a net total of 96 permanent pitches have been granted since 1st October 2011. A further 91 permanent pitches are needed by 2031 to meet the need identified in the GTAA.

- 8.15 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.

- 8.16 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

- 8.17 Shortly before the current application was submitted, the Government revised the national planning guidance for Gypsy & Traveller development contained in 'Planning Policy for Traveller Sites' (PPTS). The revised guidance came into force on 31st August 2015, with the planning definition of 'gypsies & travellers' being 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 dependents' 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."

- 8.18 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, the PPTS 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 intension of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 8.19 In response to the above, the applicant has stated the following in connection with his gypsy status:

- He has lived at the site 40 years (since he was 7 years old).
- His three children were born at the site.
- His wife and two of his children have permanent jobs in Staplehurst village.
- He and his two sons travel to horse fairs 2-3 times a year.
- As well as travelling to horse fairs 2-3 times a year, he also travels on his own through the summer months (June to end of September/October) advertising the work he does as a tree surgeon. He travels round New Romney, Guildford, Surrey, Hertfordshire and other places.
- The three new mobile homes are to accommodate his two sons and his daughter.

- 8.20 As can be seen from the above, the applicant has lived at the site for a significant period of time, firstly as a child and more recently as a parent. It is considered highly likely that the applicant and his wife would occupy the existing main mobile home on the site for extended periods in order to provide a stable base for the their three children whilst they were growing up, attending local schools and seeking employment. This would not however preclude the adult members of the family continuing a nomadic lifestyle while one remained at the site to perform family care duties in providing a stable base for the children. The above supporting information provided by the applicant shows that he maintains a nomadic lifestyle to some extent in that he travels to attend horse fairs 2-3 times a year and to seek work as a tree surgeon during the summer months. There is also no reason to assume that the applicant and/or his wife would not pursue a nomadic lifestyle once the children were older. The applicant has also lived in a mobile home at the site for a significant period which is part of the gypsy and traveller lifestyle.
- 8.21 It must also be noted that the use of the four additional mobile homes permitted on the former White Acres site under application MA/11/1118, two of which would fall within the boundaries of the current application site now known as Meadow View, was personal to the grandchildren of the applicant, Mrs J Warren (the current applicant's mother), their immediate family and their dependents. The two new mobile homes proposed to the south-west of the existing site for occupation by one of the applicant's sons and his daughter accord with this previous permission in terms of use/occupation.
- 8.22 The applicant appears to occupy the existing Meadow View mobile home site with the benefit of the planning permission granted 29.06.10 under MA/10/0226 which restricts the use to Mrs J Warren (the applicant's mother) and members of her immediate family and their dependents. Whilst the information submitted by the applicant regarding a nomadic lifestyle and the intention to continue/pursue such a lifestyle in the future lacks detail, and it would have been useful to have more specific times, dates and locations of events and places/periods of work, and future intentions, it is considered that unless the Council is in possession of clear substantiated evidence to refute the applicant's claims of a nomadic working lifestyle and intention to continue this lifestyle, such claims must be taken at face value. As such it is considered that on the basis of the information submitted and available, the applicant could be considered to lead a nomadic lifestyle and fall within the revised definition of gypsies as set above.

Visual Impact

- 8.23 Guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside, and that where sites are in rural areas they should not dominate the nearest settled community and shall not place undue pressure on local infrastructure. No specific reference is made to landscape impact however, this is addressed in the NPPF and policy ENV28 of the adopted local plan.
- 8.24 Policy ENV28 states that development will not be permitted in the countryside where it would harm the character and appearance of an area or the amenities of surrounding occupiers. Policy ENV28 nevertheless makes it clear that exceptions will be permitted if justified by other policies contained in the plan.
- 8.25 It is generally accepted that mobile homes in the open countryside constitute visually intrusive development and are out of character in the countryside. Consequently unless well screened or hidden away in unobtrusive locations they are normally considered unacceptable in terms of their visual impact. Consequently where they are permitted it is normally on the basis of being screened by existing features such as hedgerows, tree belts, buildings or land contours.

- 8.26 In this case, the application site extends to a depth of 140m approx. back from the north-eastern side of Marden Road and the existing mobile home site is located at the north-eastern end of the site. The proposal is to provide two additional mobile homes to the south-west of the existing mobile home site within two plots enclosed by post and rail fencing that have already been formed. The submitted plan shows a distance of some 60m to be maintained between the frontage of the site to Marden Road and the post and rail boundary fencing to the closest new mobile home plot. A further additional mobile home is to be stationed within the plot of the existing mobile home at the north-eastern end of the site. The site is generally well screened along the Marden Road frontage by trees and hedging. The proposed additional mobile homes within the post and rail fenced plots are well set back (60m approx.) from the Marden Road frontage and the applicant has planted new hedging along the outside edge of the closest post and rail fencing to Marden Road. In the circumstances the proposed additional mobile homes will have limited visual impact in any public views from Marden Road.
- 8.27 The proposed additional mobile homes will be screened by existing trees and hedging along the south-eastern side boundary and by the existing adjoining White Acres gypsy and traveller site along the north-western side boundary. The applicant has indicated that he intends to carry out further screen hedge planting within the site. This can be secured by planning condition imposed on any grant of planning permission.
- 8.28 In light of the above, it is not considered that the proposed additional mobile homes will appear as visually intrusive in the open countryside location or that the proposed enlarged gypsy and traveller site will result in any overriding visual harm to the locality. In the circumstances it is considered that the proposals are acceptable in terms of visual impact.

Residential Amenity

- 8.29 Policy ENV28 of the adopted Local Plan states that in the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers. In this case the site is adjoined to the south-east side by a detached single-storey dwelling known as Clara which occupies a plot extending along the full depth (140m approx.) of the application site. A pair of semi-detached dwellings adjoins Clara to the south-east along the Marden Road frontage. The site is adjoined to the north-west by White Acres, a gypsy and traveller site which the current application site was formerly part of.
- 8.30 The site of the proposed two additional mobile homes to the south-west of the existing mobile home site will generally be screened from the rear of the neighbouring dwelling at Clara by existing trees and hedging along the south-eastern side boundary common with the neighbouring dwelling. Some additional hedge planting to reinforce the screening along the common side boundary close to the rear of the neighbouring dwelling can be secured by planning condition imposed on any grant of planning permission. Further conditions can be imposed on any grant of planning permission to control any external lighting to be installed at the site and to prevent commercial and business activities being carried out on the land. With these conditions in place it is not considered that the proposed additional mobile homes and enlargement of the existing gypsy and traveller site will have any significant and unacceptable unneighbourly impact on the neighbouring dwellings to the south-east of the site along the Marden Road frontage.

- 8.31 The site has separate access from the adjoining gypsy and traveller site at White Acres to the north-west. A high close boarded fence exists between the proposed additional mobile homes on the application site and the adjoining mobile homes on the neighbouring White Acres site. It is not considered that there will be any unneighbourly impact on the adjoining White Acres gypsy and traveller site as a result of the proposals.

Sustainability

- 8.32 Gypsy and traveller sites are mainly located in the open countryside and the proposed development follows this pattern. The site is some 850m approx. to the west of the closest part of the defined Staplehurst village settlement boundary allowing good access to schools, medical provision, services and shopping facilities. It is not considered that the site is sufficiently remote from services to justify refusal on sustainability grounds particularly having regard to the existence of the existing and adjoining lawful gypsy and traveller sites.

Highways

- 8.33 The site has a tarmac access drive off Marden Road which runs along the north-western side boundary of the site and provides access to the existing gypsy and traveller site at the north-eastern end of the site. The adjoining White Acres gypsy and traveller site has separate access further to the north-west along Marden Road. The two new mobile home plots which are currently laid out and enclosed by post and rail fencing will be accessed from the existing tarmac access drive within the site. The third mobile home proposed is within the plot of the existing mobile home at the north-western end of the site. Adequate space will be available within the original plot and the two new plots for the parking of the vehicles of the occupiers of the mobile homes and any overspill parking could take place along the existing access drive within the site without impacting on highway safety or local amenity generally. The access to Marden Road is satisfactory and any increased use of the access as a result of the proposed additional mobile homes will not be so significant as impact on highway safety in the vicinity of the access along Marden Road. Kent Highways have not raised objection.

Wildlife

- 8.34 The NPPF (paragraph 118) states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and the benefits of, the development in that location clearly outweigh the loss.
- 8.35 The site of the two new mobile home plots which are currently laid out and enclosed by post and rail fencing is grassland which is clearly currently maintained and cut on a regular basis. The two new mobile plots are therefore unlikely to result in any habitat loss. There is however, a pond in the south-eastern corner of the site close to the Marden Road frontage (outside the plots of the new mobile homes proposed) and there are other ponds in the near vicinity of the site. If Great Crested Newts are present within the ponds there may be potential that they may be foraging or commuting across the site. It is considered that whilst the proposals would not result in any habitat loss, they may affect any foraging or commuting Great Crested Newts whilst the development is being carried out. In light of the potential for Great Crested Newts to be impacted during the development works, a condition is recommended to be imposed on any grant of planning permission requiring the submission of an ecological scoping

survey of the site and surrounding ponds for the presence of Great Crested Newts together with, if required, a detailed mitigation strategy for the carrying out of the development and an enhancement strategy. With this condition imposed it is considered that any ecological and biodiversity interests at the site are safeguarded.

Drainage

- 8.36 The application indicates that foul sewage is to be disposed of via a septic tank and that surface water will be disposed of via soakaway and pond. As noted in the representations made on the application by the Environmental Health Officer (see section 6.3 in the Consultations part of the report above), no details have been provided in the application regarding the type, size or location of any septic tank to be installed/used and further details of the provision of potable water and how foul sewage will be dealt with must be provided (including the size of any septic tank or cesspool and where it will overflow to). The Environmental Health Officer advises that a condition should be applied to any permission granted in this respect. The condition requested by the Environmental Health Officer can be imposed on any grant of planning permission.

Other Matters

- 8.37 As noted previously in this report, the site is adjoined to the north-west by White Acres, a gypsy and traveller site which the current application site was formerly part of. Beyond White Acres to the north-west is Stable Paddocks, a further gypsy and traveller site. The grant of planning permission for a further three mobile homes on the application site (two of which have been granted previously as part of application MA/11/1118) would not lead to an unacceptable over-concentration of gypsy and traveller sites, the sites would not dominate the nearest settled community (Staplehurst village) or place undue pressure on the local infrastructure.

9.0 CONCLUSION

- 9.1 The application site (Meadow View) and the main existing mobile home on the north-eastern end of the site originally formed part of the adjoining White Acres site to the north-west which currently incorporates four mobile homes on the north-eastern end of the site. Prior to the original White Acres site being divided up in 2013 (and the site now known as Meadow View being formed), planning permission was granted 21.09.11 under reference MA/11/1118 for the change of use of part of the north-eastern corner of the site for the stationing of an additional 4 mobile homes for a gypsy family. The use of the land was personal to the grandchildren of the applicant, Mrs J Warren (the current applicant's mother), their immediate family and their dependents. Two of the four additional mobile homes permitted have been erected within the current White Acres site but the other two mobile homes which fall within the site now known as Meadow View (the current application site) have not to-date been erected. The planning permission granted under MA/11/1118 which allows two additional mobile homes to be erected within the Meadow View site appears to remain valid by virtue of it having been partially implemented within what is now the adjoining White Acres site.
- 9.2 The current application seeks to provide the two additional mobile homes previously approved within the site now known as Meadow View but with the two mobile homes repositioned within the site. A further additional mobile home is proposed to be stationed within the plot of the original mobile home on the north-eastern end of the site. The applicant has stated that the three additional mobile homes are to accommodate his two sons and his daughter which would be consistent with the use

restrictions imposed on the two additional mobile homes previously approved within the site under MA/11/1118, albeit a further additional mobile home is now being proposed. The previously imposed use restrictions on the additional mobile homes can be imposed by condition on the current proposals.

- 9.3 The submission version of the Draft Local Plan acknowledges that the Borough's need for gypsy and traveller pitches will be addressed through the granting of permanent planning permissions and through the allocation of sites. Policy DM16 of the Draft Local Plan and Central Government Guidance allows for gypsy and traveller sites to be located in the countryside as an exception to the general development restraint policies.
- 9.4 The application site is generally well screened along the Marden Road frontage by trees and hedging. The proposed additional mobile homes within the post and rail fenced plots which are already laid out are well set back (60m approx.) from the Marden Road frontage and the applicant has planted new hedging along the outside edge of the closest post and rail fencing to Marden Road. In the circumstances the proposed additional mobile homes will have limited visual impact in any public views from Marden Road. The applicant has indicated that he intends to carry out further screen hedge planting within the site. This can be secured by planning condition imposed on any grant of planning permission. With the provision of further screen hedge planting within the site and along the south-eastern side boundary, it is not considered that the proposals will have an overriding harmful impact on the character and appearance of the open countryside location, the visual amenities of the locality or the amenities of the occupiers of the neighbouring dwellings along Marden Road to the south-east of the site.
- 9.5 The applicant has lived at the site for a significant period of time, firstly as a child and more recently as a parent and appears to occupy the existing Meadow View mobile home site with the benefit of the planning permission granted 29.06.10 under MA/10/0226 which restricts the use to Mrs J Warren (the applicant's mother) and members of her immediate family and their dependents. Whilst the information submitted by the applicant regarding a nomadic lifestyle and the intention to continue/pursue such a lifestyle in the future lacks detail, and it would have been useful to have more specific times, dates and locations of events and places/periods of work, and future intentions, it is considered that unless the Council is in possession of clear substantiated evidence to refute the applicant's claims of a nomadic working lifestyle and intention to continue this lifestyle, such claims must be taken at face value. As such it is considered that on the basis of the information submitted and available, the applicant could be considered to lead a nomadic lifestyle and fall within the revised definition of gypsies.
- 9.6 As noted in 9.1 above, the site appears to have a valid planning permission for the erection of two mobile homes to the south-west of the existing mobile home site. The current application generally reflects the currently unimplemented permission albeit that the two previously approved mobile homes have been re-sited and a third additional mobile home is also now incorporated within the plot of the existing mobile home. It is not considered that the current proposals result in any significant and overriding additional impacts.
- 10.0 RECOMMENDATION – GRANT Planning Permission subject to the following conditions:**
- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

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

- (2) The use of the two plots (Plots 2 and 3 shown on the approved site layout plan (received 04.09.15)) hereby permitted to the south-west of the existing mobile home plot (Plot 1) shall be carried on only by Mr Jason Osborn's son and daughter, namely James Osborn and Melissa Osborn, their immediate family and their dependants;

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies who satisfy these requirements for Gypsy and Traveller Caravan Sites and to meet the applicant's specific requirements.

- (3) The use of the additional mobile home on Plot 1 (as shown on the approved site layout plan (received 04.09.15)) hereby permitted to the north-east of the existing mobile home shall be carried on only by Mr Jason Osborn and members of his immediate family and their dependents;

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies who satisfy these requirements for Gypsy and Traveller Caravan Sites.

- (4) No external lighting shall be placed on the two plots (Plots 2 and 3 shown on the approved site layout plan (received 04.09.15)) hereby permitted to the south-west of the existing mobile home plot (Plot 1) without first obtaining the prior approval in writing of the Local Planning Authority. Lighting shall only be installed in accordance with the approved details and shall be retained as such at all times thereafter;

Reason: To safeguard the night time rural environment.

- (5) No commercial or business activities shall take place on the land, including the storage of vehicles or materials or any livery use;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside.

- (6) Prior to any of the additional mobile homes hereby permitted being stationed on the land, details of the method of foul sewage treatment and disposal, general waste disposal and potable water provision shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details of the method of foul sewage treatment and disposal, general waste disposal and potable water provision and shall be retained as such at all times;

Reason: In the interests of the amenities of neighbouring occupiers and local amenity generally and to prevent pollution of the water environment.

- (7) Prior to any of the additional mobile homes hereby permitted being stationed on the land, a scheme of landscaping/planting for the site, using indigenous

species, including the provision of hedging and tree planting along the south-eastern boundary of the site between the south-western edge of Plot 3 (as shown on the approved site layout plan (received 04.09.15)) and the pond in the south-eastern corner of the site, shall have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a programme for the approved scheme's implementation and the scheme's long term management. The landscaping scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: To ensure a satisfactory setting and appearance to the development, and safeguard the character and appearance of the open countryside location.

- (8) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the stationing of any of the additional mobile homes on the land; 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 appearance to the development, and safeguard the character and appearance of the open countryside location.

- (9) Prior to any of the additional mobile homes hereby permitted being stationed on the land, an ecological scoping survey of the site and surrounding ponds for the presence of Great Crested Newts shall have been submitted to an approved in writing by the Local Planning Authority. If required, the survey shall inform a detailed mitigation strategy for the carrying out of the development and an enhancement strategy;

Reason: In the interests of biodiversity protection and enhancement in accordance with the National Planning Policy Framework 2012.

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

Site layout plan received 04.09.15.

Reason: To ensure the quality of the development is maintained, to prevent harm to the residential amenity of neighbouring occupiers, and to safeguard the character and appearance of the open countryside.

INFORMATIVES

- (1) Foul sewage

The details submitted pursuant to the requirements of condition 6 of this grant of planning permission should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further

treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

(2) Caravan site licence:

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.

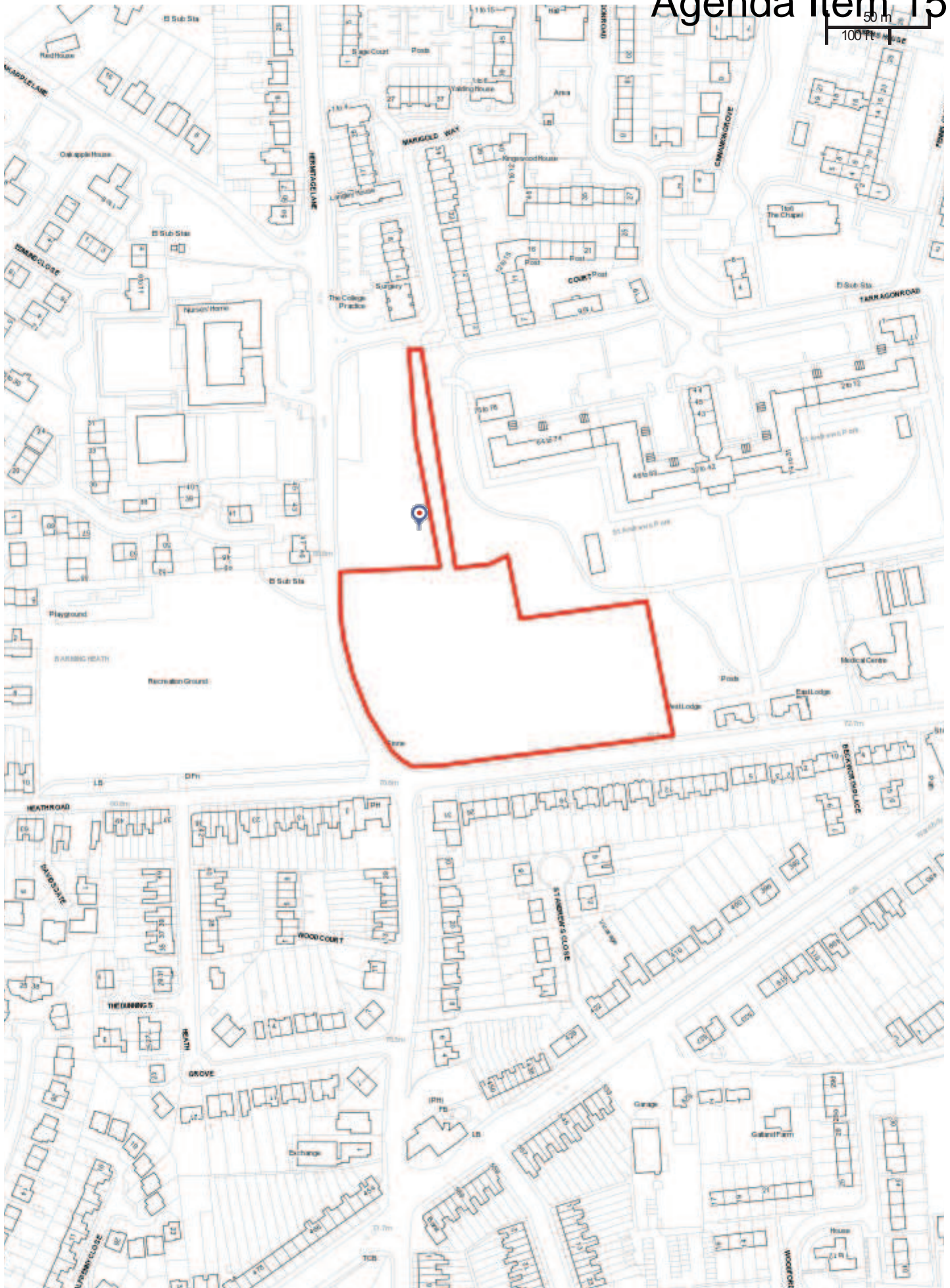
(3) General waste provisions:

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

Clearance and burning of existing wood or rubbish must be carried out without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from Environmental Enforcement/Protection.

Case Officer: Jon Barnes

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



15/507487 - Land off Marigold Way

Scale: 1:2500

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REPORT SUMMARY

REFERENCE NO - 15/507487/FULL			
APPLICATION PROPOSAL Variation of condition 23 of MA/12/1749 (Erection of 40 no. dwellings (including 40% affordable housing) together with public open space and new vehicle and pedestrian access from Marigold Way - pedestrian refuge - works not required by KHS			
ADDRESS Land off Marigold Way Maidstone Kent			
RECOMMENDATION GRANT REMOVAL OF CONDITION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> - The rationale for not providing the pedestrian refuge is accepted. - In agreement with KCC Highways a suitable alternative mechanism for securing the permeability of the site and its relationship with the surrounding area can be secured. 			
REASON FOR REFERRAL TO COMMITTEE The application seeks to remove condition 23 that requires a pedestrian refuge to be provided. An amendment to the original s106 agreement is sought to include a requirement for a financial contribution of £10,000 towards works to include a pedestrian phase to the traffic light controlled junction at Hermitage Lane/Fountain Lane/Heath Road/St. Andrews Road. This is an additional head of term to the S106 which was not included in the original committee report that Members considered on 21 st February 2013.			
WARD Heath Ward	PARISH/TOWN COUNCIL N/A	APPLICANT Taylor Wimpey (South East) Ltd AGENT Woolf Bond Planning	
DECISION DUE DATE 10/12/15	PUBLICITY EXPIRY DATE 09/10/15	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/506629/SUB	Submission of details to discharge conditions all subject to MA/12/1749.	Permitted	14/10/15
13/2189	An application to discharge conditions relating to MA/12/1749 (erection of 40 dwellings (including 40% affordable housing) together with public open space and new vehicle and pedestrian access from Marigold Way).	Permitted	12/10/15
12/1749	Erection of 40 dwellings (including 40% affordable housing) together with public open space and new vehicle and pedestrian access from Marigold Way	Permitted	18/4/13

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located within the urban confines of Maidstone, at the junction of Hermitage Lane and St Andrews Road. The site sits within the grounds of the listed former hospital, which has now been converted into flats as part of a larger comprehensive redevelopment. The application site has been redeveloped for 40 dwellings and these have now been occupied.
- 1.02 To the west of the application site is a recreation ground, containing sports pitches and children's play equipment. This is open on both the Hermitage Lane and Heath Road frontages.
- 1.03 To the east of the site are a small cluster of buildings, set behind a high ragstone wall. Further eastwards is a medical centre.
- 1.04 The application site is located within a sustainable location, within walking distance of the shopping parade upon the access road for the hospital (to the north), and to bus stops located upon the A20 (London Road) which provide a frequent service into the centre of Maidstone.

2.0 PROPOSAL

- 2.01 The application seeks to remove Condition 23 attached to the original planning permission. This condition relates to the provision of a pedestrian refuge and reads as follows:

'No occupation of the development hereby permitted shall take place until a pedestrian refuge has been provided upon Hermitage Lane (to the north of the existing traffic lights). Details of the positioning and the design of this refuge shall be submitted to, and approved by the Local Planning Authority prior to works being undertaken.'

Reason: In the interests of the permeability of the site, in accordance with the National Planning Policy Framework (2012).'

- 2.02 The current planing application is as a result of an enforcement investigation as the condition requires the pedestrian refuge to be provided prior to occupation of the development. Occupation has now taken place without the provsion of the pedestrian refuge.
- 2.03 The applicant has confirmed a willingness to pay a financial contribution of £10,000 (in lieu of the pedestrian refuge) towards the provision of pedestrian phasing at the traffic lights on the crossroad of Hermitage Lane/Fountain Lane/Heath Road/St. Andrews Road.

3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

Listed Buildings MBC and SBC Ref Number: 368/MA

Description: Grade II listed wall to the south of Oakwood Hospital, ST ANDREW'S ROAD, M

Tree Preservation Order Polygon MBC SBC Reference: 1039/TPO

Description: Oakwood Hospital, Maidstone, Kent.

4.0 POLICY AND OTHER CONSIDERATIONS

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

Maidstone Borough Wide Local Plan 2000
Policy T1 : Transport strategy
Policy T21 : Accessibility of New Developments
Policy T23 : Need for Highway/Public Transport Improvements

Open Space DPD 2006

Maidstone Borough Local Plan (submitted version) May 2016
Policy DM1 : Principles of good design
Policy DM2 : Sustainable design
Policy DM22 : Open space and recreation
Policy DM24 : Sustainable transport
Policy DM25 : Public Transport
Policy ID1 : Infrastructure Delivery

5.0 LOCAL REPRESENTATIONS

- 5.01 Adjoining neighbours were notified of the planning application as originally submitted. A site notice was also put up at the site. No representations have been received.

6.0 CONSULTATIONS

Kent Highways

- 6.01 For safe construction reasons (and any subsequent maintenance) it is not viable to build a central island (the pedestrian refuge required by condition 23) as originally proposed, without a road closure. A road closure on Hermitage Lane is not viable not least due to the proximity of Maidstone Hospital with its associated emergency facilities.
- 6.02 The proposal is to provide a pedestrian crossing facility. This is not achievable through a central island but can be achieved via a pedestrian crossing phase in front of the stop lines associated with the Hermitage Lane, Heath Road, St Andrews Road, Fountain Lane road junction and adjacent to the recreation ground. There will need to be some civils/construction work on the corner of the recreation ground for pedestrians to stand/wait.
- 6.03 A financial contribution was secured through the s106 agreement attached to the planning permission for the site on land to the south west of, Oakapple Lane. This application under reference 13/2079 was for outline planning application with all matters reserved for the demolition of existing structures and erection of up to 80 dwellings with associated works for access, parking, infrastructure, open space and landscaping. The additional provision of £10,000 from the current development will assist in the funding of necessary works. With a total cost of £120,000 it is recommended that the repay period within the s106 agreement is 10 years. It should be noted that an 'all red' phase to traffic would also be required as part of the pedestrian works which would add to the congestion issues at this junction.

7.0 BACKGROUND PAPERS AND PLANS

None

8.0 APPRAISAL

Background

8.01 Planning permission was granted for a development of 40 dwellings together with public open space and new vehicle and pedestrian access from Marigold Way under reference MA/12/1749. The application was resolved to be approved by the Planning Committee at the 21st February 2013 meeting. (Copy of the report is appended to the Agenda). The application was granted subject to a number of conditions and a S106 agreement.

8.03 Kent Highways in their comments on the original application stated that *'The installation of a pedestrian refuge to the north of the traffic lights should be investigated.'* Officer's comments at paragraph 5.6.7 of the Committee Report subsequently advised that :

'The applicant has been asked to investigate the opportunity of providing a pedestrian refuge to the north of the existing traffic lights, to enable safer crossing to the playing fields opposite. I consider that this would be of significant benefit and would seek to condition its provision accordingly should permission be granted.'

8.04 These comments translated into condition 23 of the consented scheme which reads as follows:

'No occupation of the development hereby permitted shall take place until a pedestrian refuge has been provided upon Hermitage Lane (to the north of the existing traffic lights). Details of the positioning and the design of this refuge shall be submitted to, and approved by the Local Planning Authority prior to works being undertaken.'

Reason: In the interests of the permeability of the site, in accordance with the National Planning Policy Framework (2012).'

8.05 With the development completed and the approved dwellings occupied, the development is in breach of condition 23. This current application seeks to regularise this situation and remove Condition 23. No other aspects of the approved development are affected, and as a result the assessment purely relates to the requirements of condition 23.

Highways impact

8.07 The original planning condition followed from comments received from KCC Highways. A pedestrian refuge to the north of the existing traffic lights was put forward to provide improved access from the eastern footway on Hermitage Lane to the open space (recreation ground) on the opposite side of the road (corner of Hermitage Lane/Heath Road).

8.08 After further assessment KCC Highways have now confirmed that they not wish to see the provision of the pedestrian refuge that is required by condition 23. Whilst the benefits are acknowledged, KCC highways consider that these benefits would be outweighed by the disruption that would be caused by the construction works that

would be required. These works would involve road closures for the construction and future maintenance of the refuge and this would have an unacceptable impact on the road network in the vicinity of the hospital.

- 8.09 In addition to considering the disruption that would be caused by the pedestrian refuge works, it is considered that the benefit to pedestrian movement can be satisfactorily achieved through alternative means. It is considered that the benefit for pedestrians can be achieved from changes made to the phasing of the existing traffic lights at the cross-road junction of Hermitage Lane/Heath Road/St Andrews Road. These traffic lights do not currently benefit from pedestrian phasing. #
- 8.10 KCC highways have highlighted that an 'all red' phase to traffic would also be required as part of the pedestrian works which would add to the congestion issues at this junction. Whilst further potential congestion is unfortunate it is considered that the benefits to pedestrian movement and safety would outweigh the delay to vehicles.

Compliance with s106 tests

- 8.11 A planning obligation needs to meet the following three tests, in that the planning obligation needs to be:
- Necessary to make the development acceptable in planning terms
 - Directly related to the development
 - Fairly and reasonably related in scale and kind to the development
- 8.12 It is considered that improvements to pedestrian access are necessary to make the development acceptable in planning terms and it is for this reason that the condition was attached to the original planning permission. As such it remains to be the case that improvements to the permeability of the site and its links to the recreation ground are an important aspect of the development.
- 8.13 The pedestrian phasing to the traffic lights is directly related to the development. The application site borders the crossroad junction and is by far the closest development to the traffic lights and access to the recreation ground would be beneficial for the occupants of the development.
- 8.14 A contribution figure of £406/dwelling has been requested from the applicant, this would total £16240. The applicant has advised that they are willing to pay a contribution of £10000. This reduced sum is due to the figure reflecting the cost of supplying a pedestrian refuge. In the absence of information to the contrary or Kent Highways raising issue with this figure this lower sum in this case is considered fair and reasonable.

Other matters

- 8.15 Two duplicate applications were submitted for the discharge of the conditions on the original planning application, with these applications determined within days of each other. It is considered that the later application is relevant under reference 14/506629/SUB.

9.0 CONCLUSION

- 9.01 The rationale for removing the condition that requires the provision of the pedestrian refuge is accepted. With the reasons behind the original condition its removal is acceptable on the basis that an alternative provision is made to improve/ensure the permeability of the site.

- 9.02 This alternative provision is sought through the securing of a contribution towards a pedestrian phase at the nearby traffic lights. Subject to a legal agreement to secure a financial contribution towards provision of the pedestrian phase the removal of the planning condition is acceptable.

10.0 RECOMMENDATION – That subject to the prior completion of a Section 106 legal agreement or deed of variation in such terms as the Head of Legal Services may advise to secure the following:

Variation to legal agreement

- Secure £10000 for pedestrian improvements/phasing to the traffic light signals on the crossroads of Hermitage Lane/Fountain Lane/Heath Road/St. Andrews Road.
- Link the original S106 to a reissued planning permission hereby approved that permits the development to proceed without the requirement to comply with condition 23.

The Head of Planning and Development be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out below:

- (1) The development shall be constructed in accordance with the materials approved under application reference 14/506629/SUB.

Reason: To ensure a satisfactory appearance to the development

- (2) The fencing, walling and other boundary treatment shall be maintained in accordance with the detail approved under application reference 14/506629/SUB.

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

- (3) The refuse storage facilities shall be maintained in accordance with the details submitted and approved under application reference 14/506629.

Reason: In the interest of amenity.

- (4) The colour of the external finish of the buildings shall be maintained in accordance with the details approved under application reference 14/506629/SUB.

Reason: In the interests of visual amenity

- (5) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

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

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

- (7) The landscaping scheme shall be implemented and managed in accordance with the details submitted and approved under application reference 14/506629/SUB.

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

- (8) The landscape management plan approved under application reference 14/506629 shall carried out in accordance with the approved plan over the period specified.

Reason: To ensure satisfactory maintenance and management of the landscaped area.

- (9) No lighting other than that approved under application 14/506629 shall be erected or placed within the site without prior application to the Local Planning Authority.

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

- (10) No development shall be carried out in accordance with the large scale drawing details submitted and approved under application reference 14/506629/SUB.

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

- (11) The development shall be carried out in accordance with the foul and surface water drainage details submitted and approved under application reference 14/506629/SUB.

Reason: In the interest of pollution and flood prevention.

- (12) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected

contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reasons: To protect vulnerable groundwater resources

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

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

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

Reason: To secure a high standard of design.

- (15) Development shall be carried out in accordance with the ragstone wall and brickwork sample panel approved under application reference 14/506629.

Reason: To ensure a high quality design.

- (16) The development hereby permitted shall be carried out in accordance with the ecological study submitted on the 26 September 2012. No occupation of the development shall take place until the mitigation proposed within the ecological report has been fully implemented.

Reason: To ensure enhancements to the biodiversity of the area, and to ensure that the development as a whole is of a high standard of (landscape) design

- (17) Development shall be carried out in accordance with the programme of archaeological work and written specification and timetable approved under application reference 14/506629/SUB.

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

- (18) No occupation of the development hereby permitted shall take place until the pedestrian access to St Andrews Road has been provided in accordance with the details submitted.

Reason: In the interests of the permeability of the site.

INFORMATIVES

- (1) Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

- (2) The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.
- (3) The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.
- (4) You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk
- (5) No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).
- (6) Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.

Case Officer: Rachael Elliott

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

APPLICATION: MA/12/1749 Date: 25 September 2012 Received: 26 September 2012

APPLICANT: Taylor Wimpey (South East) Ltd

LOCATION: LAND OFF, MARIGOLD WAY, MAIDSTONE, KENT

PARISH: Maidstone

PROPOSAL: Erection of 40 no. dwellings (including 40% affordable housing) together with public open space and new vehicle and pedestrian access from Marigold Way in accordance with plans numbered 1489/06; 1489/01A; 1489/02A and 1489/CARPORTS/01A as received on 22 November 2012, and plans numbered 1489/02; 1489/03; 1489/04; general landscape strategy plan; house type plans; planning and historic building statement; statement of community involvement; application site plan; planning supporting statement; transport statement; tree survey; environmental performance statement; ecology survey; site investigation and risk assessment report and flood risk assessment as submitted on 26 September 2012.

AGENDA DATE: 21st February 2013

CASE OFFICER: Chris Hawkins

The recommendation for this application is being reported to Committee for decision because:

- It is a departure from the Development Plan.
- Councillor Moss has requested it be reported for the reason set out in the report.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: H1, H11, ENV6, ENV22, ENV27, ENV34, T1, T13, T21, T23CF8 (iii) Affordable Housing Development Plan Document (2008); Open Space DPD (2008)
- South East Plan 2009: CC1, CC6, CC8, H1, H5, T4, T7, NRM4, NRM11, AORS6, AORS7, BE1
- Village Design Statement: N/A
- Government Policy: National Planning Policy Framework (2012), Ministerial Planning for Growth Letter.

2. HISTORY

MA/12/2250 Land Off Marigold Way, Maidstone, Kent. Application for listed building consent to demolish part of ragstone wall and installation of a security gate. Approved.

There is other planning history upon the neighbouring land, however, none of this is directly related to the planning application before Members.

3. CONSULTATIONS

3.1 **Maidstone Borough Council Landscape Officer** was consulted on this application and made the following comments:

3.1.1 'There are protected trees on and adjacent to this site. The Tree Preservation Order, TPO No. 1 of 1994, protects individual trees and groups of trees to the east and north/north east of the housing land.

3.1.2 The tree survey submitted by the applicant is comprehensive and shows the retention of the majority of the protected trees except for two B category trees, a Beech marked as T10 on the planning layout and a Sycamore marked as T11. There is no tree constraints plan but I assume the access road has been sited to minimise impact to adjacent protected trees but there is no evidence to indicate why it was considered more acceptable to lose these two trees as opposed to protected trees T27, T28 & T29 which are three Sycamores, one of which has been classified for removal.

3.1.3 However, apart from this question, I generally have no objection on arboricultural grounds subject to conditions requiring full compliance with the arboricultural impact assessment and arboricultural method statement. A detailed landscape scheme will also be required.'

3.2 **Maidstone Borough Council Environmental Health Officer** was consulted and raised no objections to this proposal subject to the imposition of a suitable safeguarding condition relating to contamination.

3.3 **Kent County Council (Mouchel)** were consulted on this application and requested that the following contributions be made:

3.3.1 A financial contribution of £287,090.27 towards primary school education. This would contribute to a new two form entry primary school within the locality that would be required due to the additional strain placed upon the existing school network by virtue of this development.

- 3.3.2 A financial contribution of £8289.68 towards the provision of new bookstock within the existing library in Maidstone.
- 3.3.3 A financial contribution of £1710.78 towards youth facilities within the locality of the application site.
- 3.3.4 A financial contribution of £621.94 towards community learning within the locality of the application site.
- 3.3.5 These requests are fully considered within the main body of the report.

3.4 Kent Highway Services were consulted on this application and made the following comments:

- Visibility Splays as proposed are considered acceptable;
- The crash record indicates that there is not a crash problem along Marigold Way, or along Hermitage Lane in the vicinity of this site;
- The nearby bus stops should be enhanced with bus boarders;
- The proposed pedestrian link should be wide enough to allow for cycle movements;
- The installation of a pedestrian refuge to the north of the traffic lights should be investigated.

- 3.4.1 Concern was initially raised with regards to the layout, and whether it would be to adoptable standards. Amended plans were subsequently submitted, and have been agreed with Kent Highway Services.
- 3.4.2 However, concerns remain that tandem parking is proposed, and that the garages, as shown should not be counted as parking spaces. This matter is fully considered in the body of the report.

3.5 Kent County Council Ecology were consulted on this application and made the following comments:

- 3.5.1 'Thank you for the opportunity to comment on this application. We have the following response to make:
- 3.5.2 Under the Natural Environment and Rural Communities Act (2006), "*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

- 3.5.3 The National Planning Policy Framework states that *"the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."*
- 3.5.4 Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.'*
- 3.5.5 Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.
- 3.5.6 The *Updated Extended Phase 1 Habitat Survey with Bat Emergence Survey* report has been submitted in support of this application. The assessment report lacks some clarity but concludes that most of the habitats present on the site are of *"relatively low ecological value"* (relative to what is not explained), although the trees and woodland have *"intrinsic ecological value"* and the potential for protected species use of the site was identified (bats and reptiles).
- 3.5.7 The report provides a summary of the bat emergence survey that was undertaken in relation to Tree 10. While no bats were recorded emerging from the tree, common pipistrelle activity was recorded. The flight paths are indicated on Figure 2 of the report, however there is no information to show the frequency of activity to enable an assessment of the importance of the site as foraging habitat. Extensive development works have taken place across the wider hospital site over the last 10-20 years which may have resulted in greater concentration of activity across the site.
- 3.5.8 There is habitat suitable for reptiles present on the site and the report states that a presence/absence survey was undertaken. The report of the reptile survey has not been submitted and we advise that this is sought so that the survey method, results and conclusions can be appraised.
- 3.5.9 Various recommendations are made relating to ecological mitigation, including:

- 3.5.10 No vegetation removal during the nesting bird season, unless preceded by an inspection undertaken by a suitably experienced ecologist. If nesting birds are identified, the vegetation must not be impacted or removed until the young have fledged;
- 3.5.11 Tree T10 must be soft-felled under the instruction of a suitably experienced and licensed ecologist;
- 3.5.12 The lighting scheme must be sympathetic to foraging and commuting bats (see end of this note for a summary of recommendations from the Bat Conservation Trust).
- 3.5.13 These measures must be implemented. One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". Ecological enhancement recommendations are provided within section 5 of the report. We advise that the landscaping scheme must incorporate these measures.'
- 3.6 Kent Country Council Archaeology** were consulted and raised no objection to the proposal subject to the imposition of a condition requiring a programme of archaeological work to be undertaken.
- 3.7 Southern Water** were consulted on this application and raised no objections to this proposal, subject to the imposition of conditions relating to the details of on site drainage.
- 3.8 EDF Energy** were consulted on this application and raised no objections to the proposal.
- 3.9 The Primary Care Trust** were consulted on the application and raised no objection to the proposal subject to the provision of contributions totalling £25,920 which would be spent on surgeries within the locality of the application site. This money has been requested in order to address the additional strain placed upon existing facilities within the area due to the increase in housing numbers.
- 3.10 The Environment Agency** were consulted and following discussions with the applicant, raised no objections to the proposal, subject to the imposition of conditions relating to surface water drainage, and contamination.

4. REPRESENTATIONS

- 4.1 **Councillor Moss** called the application to Committee for the following reasons:

- 4.1.1 'As the Draft Strategic Transport Strategy has been rejected and referred back to KCC the boundary wall of this development forms part of proposals by the local community to move it further on site to widen Hermitage Lane and improve the junction with Heath Road by creating a right filter lane.
- 4.1.2 It is asked that a decision be deferred until a further draft strategy has been produced.'
- 4.1.3 **Neighbouring occupiers** were notified of the application and 5 letters of objection have been received. The main concerns within these letters are summarised below:
- Increase in traffic movements which would be to the detriment of congestion and highway safety;
 - The existing infrastructure is not of sufficient quality to accommodate additional housing;
 - The housing development might exacerbate subsidence within the area;
 - It is an ambulance route;
 - The impact of anti-social behaviour on existing residents;
 - There is a family of foxes on the site;
 - Concern that the parking bays will be used by commercial vehicles;
 - More trees should be planted within the area;
 - The proposal would appear visually intrusive within the area;
 - There would be an increase in overlooking to existing properties;
 - There are already not enough doctors and schools within the area;
 - The proposal would not be in accordance with the Core Strategy;
 - The puncture of the grade II listed wall is unacceptable (this is subject to a separate listed building consent);
 - Development of this nature should be on brownfield land.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located within the urban confines of Maidstone, at the junction of Hermitage Lane and St Andrews Road. It sits within the grounds of the listed former hospital, which has now been converted into flats as part of a comprehensive redevelopment. The site subject to this planning application is allocated within the Maidstone Borough Wide Local Plan (2000) for use as a primary school, which was sought to accommodate the additional family houses constructed following the by the housing allocation within the hospital grounds. These houses have now all been constructed within the grounds.

- 5.1.2 At present the site is in part overgrown, although the southern section is on somewhat of a plateau that has shorter grass. The area beneath the trees within the northern section of the site is more overgrown.
- 5.1.3 There is a change in levels between the former hospital grounds and the plateau within the southern section of the site. This change in level is approximately 1.5metres.
- 5.1.4 Along the southern and western boundary of the application site is a ragstone wall, that forms the curtilage of the listed hospital – this wall is therefore listed. The wall also returns along the eastern boundary of the application site. The wall is approximately 2metres in height.
- 5.1.5 St. Andrews House is a Grade II listed building, of ragstone construction, which has now been converted (to a particularly high standard) to apartments. This property overlooks the open space to the front of the site, as well as the access road from its western elevation.
- 5.1.6 To the south of the site is St Andrews Road, which is characterised by two storey properties which are set back from the road by approximately 6metres. St Andrews Road is currently a no-through road, and as such on street parking occurs along its length.
- 5.1.7 To the west of the application site is a recreation ground, containing sports pitches and children’s play equipment. This is open on both the Hermitage Lane and Heath Road frontages.
- 5.1.8 To the east of the site are a small cluster of buildings, set behind a high ragstone wall. Further eastwards is a medical centre.
- 5.1.9 The application site is located within a sustainable location, within walking distance of the shopping parade upon the access road for the hospital (to the north), and to bus stops located upon the A20 (London Road) which provide a frequent service into the centre of Maidstone.

5.2 Proposal

- 5.2.1 This is a full planning application for the erection of 40 houses and associated open space, with access to be served from Marigold Way. The application has been subject to a significant level of pre-application discussion, prior to its submission.
- 5.2.2 The access to the site would be obtained from the north where there are currently two large metal gates – an informal access track has already been

formed to the southern part of the site. This access would consist of a blocked paved road with a width of 4.1metres, that would also include parking bays along its eastern side. A number of trees are proposed to be planted along the side of this access road to soften its view from the existing hospital building. This access road would be approximately 30 metres from St Andrew's House, with the existing path maintained.

5.2.3 The proposed houses are concentrated within the southern section of the application site, with an area of open space provided within the north eastern element – closest to St Andrews House. This area is to be provided with tree planting, and benches, but with no formal play equipment, as it was considered that there is good provision within the recreation ground opposite, and also as it would impact upon the setting of the listed building.

5.2.4 In terms of the housing provision, it is proposed that all properties be two storey in height, although there would be some variation in the eaves and ridge heights of the buildings. The density of the development would be approximately 30 dwellings per hectare. The housing provision would be split in the following way:

Private	
2 Bedroom 'FOG'	1
3 Bedroom House	15
4 Bedroom House	8
Affordable	
1 Bedroom Flat	1
2 Bedroom Flat	4
2 Bedroom House	2
3 Bedroom House	6
4 Bedroom House	2
Total	40

5.2.5 The development would effectively be arranged in three clusters. The first, which would be located on the western side of the site, adjacent to the access. This would consists of five large properties, that would each be provided with a garage and off street parking provision. These would be arranged in a fairly informal manner, and provided with brick walls and railings upon the boundaries. Soft landscaping is proposed to the front of each property.

- 5.2.6 The next area of development is built around a circular access, which is served with perimeter development (albeit with a FOG – flat over garage - provided internally) which consists of both terraced and detached housing. A central car parking area is also proposed, although the majority of dwellings are provided with parking within their curtilage. Visitor parking is also proposed along the access road. Again, the properties within this element of the site would be two storey in height, and would each be provided with a private amenity space.
- 5.2.7 The element of the proposal that is most related to the listed building would be the area to the east of the application site. This here, it is proposed that a new ragstone wall be constructed, that would match the existing (a condition would be imposed that would require a sample panel to be constructed on site prior to any works being undertaken), and would run along the rear of the five residential properties proposed. These properties would be set out within a more formal arrangement, creating a courtyard within the centre. The properties would be more traditional in form, with proportions that reflected the adjacent listed building. Towards the southern section, the buildings 'fan out' with the front of the properties facing St Andrews Road.
- 5.2.8 A section of landscaping is proposed within the inside of the listed wall that runs along St Andrews Road and Hermitage Lane. It is proposed that trees are planted, with some low level planting beneath.
- 5.2.9 The properties would all be constructed to level 4 of the code for sustainable homes, and the applicant has confirmed that they are willing to meet the contributions requested. The proposal would also see the provision of 40% of the units for affordable housing.

5.3 Principle of Development

- 5.3.1 The application site is located upon land that has been allocated within the Development Plan for the provision of a new primary school, as part of the overall development of the Hospital site. The housing development has now been completed, with no school provided on the land, or within the vicinity.
- 5.3.2 Since the adoption of the local plan, and the approval of the residential development, Kent County Council have amended their strategy in terms of the provision of primary education. This site would have been of a size suitable for a one form entry school, but no more. With the provision of the housing as approved within the recent past, and the housing proposed within the emerging Core Strategy the county have identified that a two form entry school is required, and as such, this site is no longer suitable for the primary provision as originally envisaged. Kent County Council have confirmed that they no longer wish to see this site developed for primary education, but will be seeking that

such a provision be made elsewhere within the vicinity, potentially through the allocation of sites within the Core Strategy. I therefore see no realistic alternative (other than KCC) for the school provision to be delivered at this site.

- 5.3.3 In addition to the unsuitability of the site for school provision, it is acknowledged that the Council no longer have a 5 year land supply as required by central government. This is considered to be a material consideration in the determination of this planning application. However, in this instance, I consider that the fact that the site is longer considered suitable for school provision is given greater weight, and it is this that allows from the departure from the Development Plan, rather than the matter of the 5 year land supply. Nonetheless weight has to be given to the *deliverability* of this site, and the fact that it is within a location that would otherwise be suitable for housing.
- 5.3.4 This is a very sustainable location for housing provision to be made. It is within close walking distance to a parade of shops, bus stops, the hospital, and within a longer walk to Barming Station. I therefore consider the principle of developing this site for such a use to accord with the general principles of the NPPF.

5.4 Visual Impact

- 5.4.1 I consider that the application site is located within a particularly sensitive location, being both within the grounds of a listed building, and also on the prominent junction of Hermitage Lane and St Andrews Road.
- 5.4.2 The application site is currently screened from Hermitage Lane and St Andrews Road by the high ragstone wall that surrounds it. Nonetheless, the proposed development would be visible from outside of the site, as the roofs of the buildings, and elements of the facades would project above this wall. Whilst this would undoubtedly change the character and appearance of the locality, I do not feel that this would be to its detriment.
- 5.4.3 The Conservation Officer concurs with this view, and is not of the opinion that the development would detract from the setting of this wall.
- 5.4.4 The site itself is relatively self contained – being surrounded on three sides by high walls, with an area of tree planting and shrubs to its north. As such, it would have very much a limited visual impact upon the wider area. Short to medium distance views would be impacted, however, views from longer distances would be more restricted and would be impacted upon less.
- 5.4.5 Internally, the design of the buildings is of a relatively high standard. Through pre-application discussions with the applicants it has been agreed that it would be appropriate to seek a more traditional approach within the site, and to

respond to the character and appearance of the nearby listed building. To my mind, this has been done successfully, with the individual dwellings being well proportioned, and constructed of materials that one would expect within this location. The applicant has indicated that the buildings would be constructed of brick, with some properties provided with timber effect cladding. The tiles within the development would be natural and resin bonded slate – the natural slate being used on the properties closest to the listed building.

- 5.4.6 I consider the design of the courtyard to be of a high standard. The buildings would be constructed of brick, natural slate with stone cills and soldier arches. Each property would have a chimney, and timber sash effect windows (which would be recessed). I would also recommend that any waste water/rain water goods be constructed on cast iron or aluminium to ensure a high quality finish. These properties would front on to an area of car parking, which would contain an element of tree planting, and would be constructed of block paving.
- 5.4.7 It has also been agreed that ragstone will be used within the construction of some of the internal boundary walls within the development. In particular at the point of access into the site as ragstone wall with piers is proposed, providing a formal entry point, responding to the formality of the existing building and grounds.
- 5.4.8 Front boundary treatments include the provision of metal railings (should the application be approved I would recommend the imposition of a condition that would require the submission of suitable details) along the front boundaries. This would provide an element of openness, whilst also creating defensible space to the dwellings. Soft landscaping behind this boundary would be allowed to grow through over time, providing a softer 'edge' to the development.
- 5.4.9 The provision of an area of open space on the western side of the access as one enters the site is also considered to respond positively to the existing built form on the site, and also to the existing open space. This would not be provided with any play equipment as I consider that this would be somewhat at odds with the more formal character of the remainder of the site. Benches, and litter bins are to be provided however.
- 5.4.10 I consider that the layout shown demonstrates a good level of landscaping provision within the development to ensure that it would not appear as cramped and overdeveloped. It would also respond to the garden setting in which it would sit. I also consider the buildings to be well designed, and to be of a form that one would expect within such a locality. I therefore consider that the proposal accords with the objectives of the NPPF in the respect of good design.

5.5 Residential Amenity

- 5.5.1 The proposed development would be set a sufficient distance away from existing residential properties to ensure that there would not be any significant impact upon residential amenity, in terms of overlooking, overshadowing or the creation of a sense of enclosure. The nearest residential property to St Andrews House would be some 60metres from the property, and at this distance I am satisfied that there would not be any overlooking, overshadowing or the creation of a sense of enclosure.
- 5.5.2 It is acknowledged however, that the proposal would see the creation of an access alongside the side of St Andrews House. This however, would be some 30metres from these properties, and would only serve the proposed houses – which number 40 in total. I am not therefore of the opinion that this would give rise to a significant level of noise and disturbance to the existing residents. It should also be noted that this site is allocated for a primary school, and that this would have been accessed in a similar manner.
- 5.5.3 Properties within St Andrews Road would be located behind the existing high wall, and would as a result not be overlooked, or overshadowed. In any event, there is a public highway between the site and these properties.
- 5.5.4 I do not therefore considered there to be any grounds to object to this application on residential amenity.

5.6 Highways

- 5.6.1 Kent Highway Services have assessed the application and raise no objections to the proposal. It is considered that the access into the site would be provided with suitable visibility splays on either side of Marigold Way, and which a suitable distance from the junction with Hermitage Lane.
- 5.6.2 Internally the layout of the proposal is considered to be acceptable, with the swept paths now demonstrating that the roads can be constructed to an adoptable standard.
- 5.6.3 In terms of parking provision within the application site, whilst concern has been raised with regards to the use of tandem parking spaces, and the provision of garages, I consider that the parking provision is acceptable, and would not lead to highway safety concerns. In any event, this would be very much a self contained site with parking unlikely to take place upon Hermitage Lane due to the volume of traffic that use it, and the traffic regulation orders in place. I am aware that parking has been raised as a matter of concern within the existing residential development, however, I do not consider that this proposal would exacerbate this.

- 5.6.4 In terms of access into and out of the application site, the proposed junction is considered to be acceptable, and of sufficient distance from the junction of Marigold Way and Hermitage Lane. There is no objection raised on this basis.
- 5.6.5 I do consider this to be a sustainable location, and as such the provision of a new pedestrian access through to St Andrews Road is welcomed. This would link the development in to the main Tonbridge Road, and the bus stops along this stretch, as well as the existing shops and facilities.
- 5.6.7 The applicant has been asked to investigate the opportunity of providing a pedestrian refuge to the north of the existing traffic lights, to enable safer crossing to the playing fields opposite. I consider that this would be of significant benefit and would seek to condition its provision accordingly should permission be granted.
- 5.6.8 To conclude, I consider that there are no grounds to object to this proposal on highway safety matters, and that the parking provision within the development is acceptable.

5.7 Landscaping

- 5.7.1 The applicant has submitted a landscaping masterplan for the site, however, specific details of the internal landscaping has not been submitted. Nonetheless, I am satisfied that the information submitted is of a sufficient level of detail to assess the proposal.
- 5.7.2 The landscaping provision within the development would see the retention of the existing trees along the boundary of the application site, as well as the wooded area to the western side of the site. These existing trees provide a soft buffer between the development and the surrounding area, and contribute significantly to the character and appearance of the locality. I therefore consider their retention to be of some importance to ensure this character is protected.
- 5.7.3 Internally, it is proposed that 25 additional trees be planted. These would be predominantly within the public highways; alongside the access, and within the courtyard area. Because a large number of existing trees are to be retained, I consider the level of additional planting proposed to be of a suitable level, and to allow for a softening of the development when viewed from within.
- 5.7.4 It is proposed that the majority of properties within the development be provided with small gardens to the front – with a number provided with railings

to provide a defensible space. I consider this to be good design, and to also respond positively to the grounds in which the proposal would sit. This would also ensure that the properties within the development would be spaced in an appropriate manner, and would not appear as cramped within the development.

5.7.5 Outside of the application site, the land would be maintained in a similar vein to at present, which closest to the site – behind the existing bank of trees, is relatively informal space. I consider that the provision of an area of open space adjacent to this would ensure that the ecology within this area be maintained, and also would result in the open space merging into the existing landscaping, in an appropriate fashion.

5.7.6 So to conclude, I consider that the applicant has demonstrated that a good level of soft landscaping could be provided within the application site, which together with the retention of the existing trees, would ensure that the development would assimilate with its surroundings in an appropriate manner.

5.8 Impact upon Listed Building

5.8.1 The proposal has been designed in such a way as to ensure that there is sufficient separation between the new development at the listed building itself. The nearest residential property would be approximately 60metres from the building, and would be separated by a bank of established trees.

5.8.2 The applicant was advised at the pre-application stage that it would be more appropriate for the development to effectively turn its back on the existing property, in order that the development does not compete with the building itself. It was also noted that to the east of the application site, a large ragstone wall separated existing development from the building, and it was therefore sought that this proposal did the same. As such, the applicant has proposed a new ragstone wall to be provided, as well as the properties facing away from St Andrews House. This, together with the high quality, traditional design of these properties, would ensure that the development would compliment the existing building, and as such, would not detract from it, nor its setting.

5.8.3 This clear separation between the proposal and St Andrews House would ensure that the development is seen as very much a subservient element of the evolution of the site.

5.8.4 The location of the access road would be in closer proximity to the existing listed building. However, this would be a narrow entrance point, that would be set some 30metres from the existing building. It would also be provided with additional tree planting, which would create a relatively formal 'avenue' that would responds to the context of the site.

5.8.5 As can be seen from the consultations section, the Council's Conservation Officer does not object to the proposal, but would require a number of matters to be conditioned appropriately. To my mind the material used, the joinery details, and the details of the ragstone wall are matters which are paramount to the success of this development, and would be conditioned accordingly.

5.9 Contributions

5.9.1 The applicant has submitted a draft S106 agreement following discussions with the Authority. Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets the following requirements: -

It is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

5.9.2 The applicants have submitted a draft Section 106 agreement that sets out that a minimum of 40% affordable housing would be provided within the development. This is in accordance with the Council's adopted Development Plan Document (DPD) and accords with the requirement through the National Planning Policy Framework for authorities to provide affordable housing. I consider that the provision of affordable housing is necessary to make the development acceptable, and is related and reasonable in scale. I therefore consider that this element of the proposal is acceptable in accordance with the regulations.

5.9.3 The County have requested that a total of £287,090.27 be provided towards primary school education. This would contribute to a new two form entry primary school within the locality that would be required due to the additional strain placed upon the existing school network by virtue of this development. Whilst it has been agreed that the site can be released from the requirement to provide a school, this is not on the basis that there isn't a need for primary education, rather that the site is not appropriate any longer. There is an identified need for primary school provision within the locality, and there is a realistic opportunity for a new school to be provided through the site allocation process of the emerging Core Strategy. This contribution would go towards meeting the additional strain placed upon the school facilities within the locality, and is

considered to be a reasonable sum, related to the scale of the development. I am therefore satisfied that this contribution meets the tests as set out above.

- 5.9.4 A financial contribution of £8289.68 towards the provision of new bookstock within the existing library in Maidstone has also been requested. Again, a significant level of justification has been submitted by the County for this provision, which would be brought about by the additional demand placed upon the facilities by the new development. I consider that the contribution would be necessary to make the development acceptable, and that it would be of a scale related to the development. I therefore consider that this would be in accordance with the regulations.
- 5.9.5 A financial contribution of £1710.78 towards youth facilities within the locality of the application site has been requested. Suitable justification has been submitted with regards to the proposal, and is considered to meet the test as set out above.
- 5.9.6 A financial contribution of £621.94 towards community learning within the locality of the application site. Suitable justification has been submitted with regards to the proposal, and is considered to meet the test as set out above.
- 5.9.7 Maidstone Borough Council Parks and Open Space were consulted and requested that a contribution of £63,000 be provided to enhance the existing facilities within the area, to address the additional strain placed upon them by this development. There is an existing playing field and children play area opposite the site that would benefit from the contributions, as it is most likely that residents of this development would use that facility. The contributions sought are in accordance with the Council's Open Space DPD. I consider that this request is reasonable, and is directly related to the development. I also consider it to be necessary to make the development acceptable.
- 5.9.8 The Primary Care Trust have requested that a contribution of £25,920 be provided to enhance health care provision within the locality. This contribution has been fully justified and would be spent on surgeries within a two mile radius of the application site. The surgeries have been identified as those that would be most likely to be affected by this proposal. I consider that this proposal would be necessary to make this development acceptable, and would be of a scale that is reasonably related to the development.
- 5.9.9 The applicant has agreed to make all of the contributions set out above, and has submitted a draft S106 agreement that includes all payments.

5.10 Ecology

5.10.1 In terms of ecology, a full report has been submitted and assessed by Kent County Council Ecology. This identifies that the site is of relatively low ecological value, although the trees and the woodland have intrinsic ecological value, and the potential for protected species within the site also has potential for habitat of bats and reptiles.

5.10.2 The applicant has submitted a strategy which includes a number of mitigation measures including:

- No vegetation removal during the bird nesting season (unless preceded by an inspection by a suitably qualified person);
- Tree T10 should be soft-felled under the instruction of a suitably qualified ecologist;
- The lighting scheme should be sympathetic to foraging bats.

5.10.3 Within the report, it is also requested that a number of measures be included within the landscaping scheme. It is agreed that these features, should be provided as part of any overarching landscaping proposal. which include:

- The retention of existing tree lines;
- The use of a range of natural flowering and berry bearing species of trees;
- Areas of grassland to be managed as rough grassland – both adjacent to existing woodland, and road verges;
- The provision of bird and bat boxes within the development;
- Deadwood habitat piles.

5.10.4 I consider that should these matters be addressed through the landscaping scheme, (with a condition recommended that includes these elements), there would be sufficient mitigation, and possible enhancement proposed that would ensure that the qualitative enhancements would at least balance out the quantitative loss of land. On this basis, I see no reason to object to the proposal on ecological grounds.

5.11 Other Matters

5.11.1 The proposal would be constructed to level 4 of the Code for Sustainable Homes. I consider that this represents a high level of design quality, and sustainability, and as such, accords with the objectives of the NPPF.

5.11.2 The matter of drainage has been fully considered both by the Environment Agency and Southern Water who raise no objection to the proposal subject to the imposition of suitable conditions relating to drainage details. I therefore raise no objection to this proposal on this basis.

5.11.3 The proposal was brought to Planning Committee due to the potential impact that this proposal would have on the changes to the highway network within the vicinity. These changes are not adopted policy and have only recently been subject to public consultation. In any event, the development is set wholly within private land, and would not physically impact upon any alterations to the road network should they take place in the future. I see no reason therefore to delay making a decision on this application on this basis.

6. CONCLUSION

6.1.1 This site has been allocated for the provision of a primary school since the adoption of the Local Plan in 2000. Indeed, the provision of a primary school within this site also formed part of the Section 106 agreement of the original housing application on the land to the north of the hospital. However, the time period for the delivery of the school (in accordance with the S106 agreement) has now lapsed, and the County Council have confirmed that the site is no longer appropriate for a primary school, as there would only be space for a one form entry, and there is a need for a two form entry within the locality. There is therefore, no realistic opportunity for this site to come forward for this use. It is for this reason that I am satisfied that it is acceptable at this point in time to depart from the Policy within the Development Plan.

6.1.2 The key matter for consideration is therefore the impacts upon residential amenity, highways, ecology, visual amenity and the listed building.

6.1.3 To summarise, I consider the proposal to be well designed, being of a layout that responds to the historic nature of its surroundings, and being of a density that would not appear as cramped within the site. The development would be of a design that would also respond to the setting of the listed building – to my mind a key building within the locality due to its age and size. Furthermore, the development would have no significant impact upon the existing highway network irrespective of the potential changes that may be provided (or otherwise) through the emerging Core Strategy and Integrated Transport Strategy. The proposal would also not have a significant impact upon the ecology within the locality.

6.1.4 In terms of the impact upon residential amenity, it is acknowledged that there would be the loss of the view of an open space from some residencies within St Andrews House, however, the separation distance of at least 60metres would ensure that the development would not be overbearing, or would it result in any unacceptable noise and disturbance, overlooking, creation of a sense of enclosure or loss of light.

6.1.5 The applicant has agreed to provide a minimum of 40% affordable housing, and to pay the requested contributions for primary school provision, libraries, youth and community facilities, parks and open space and for healthcare provision. I therefore consider that whilst a departure from the Development Plan, the development is of a high standard of design, and in all other respects meets with the requirements of this Council. It is for this reason that I recommend that Members give this application favourable consideration, and give the Head of Planning delegated powers to approve, subject to the completion of a suitable S106 legal agreement, and the imposition of the conditions as set out below.

7. RECOMMENDATION

The Head of Planning be given DELEGATED POWERS to approve subject to the receipt of a suitable Section 106 agreement that covers the following matters:

- The provision of a minimum of 40% affordable housing;
- A financial contribution of £287,090.27 towards primary school education.
- A financial contribution of £8,289.68 towards the provision of new bookstock within the existing library in Maidstone.
- A financial contribution of £1,710.78 towards youth facilities within the locality of the application site.
- A financial contribution of £621.94 towards community learning within the locality of the application site.
- A financial contribution of £63,000 towards the enhancement of parks and open space within the locality.
- A financial contribution of £25,920 towards the enhancement of existing health care provision within a 2mile radius of the application site.

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, which shall include natural slate, stock brick and timber joinery for plots 1-20 (inclusive) and synthetic slates, stock bricks and timber effect weatherboarding for plots 21-40 (inclusive), to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with the National Planning Policy Framework (2012).

3. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling at the point of access, and railings) and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with the National Planning Policy Framework (2012).

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

Reason: No such details have been submitted and in the interest of amenity in accordance with the National Planning Policy Framework (2012).

5. The development shall not commence until, details of the colour of the external finish of the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

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

6. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with the National Planning Policy Framework (2012).

7. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted in accordance with the National Planning Policy Framework (2012).

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

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with the National Planning Policy Framework (2012).

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include:
- The retention of existing tree lines;
 - The use of a range of natural flowering and berry bearing species of trees;
 - Areas of grassland to be managed as rough grassland - both adjacent to existing woodland, and road verges;
 - The provision of bird and bat boxes within the development;
 - Deadwood habitat piles.

together with indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted in accordance with the National Planning Policy Framework (2012).

10. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the

development for its permitted use and the landscape management shall be carried out in accordance with the approved plan over the period specified;

Reason: To ensure satisfactory maintenance and management of the landscaped area in accordance with the National Planning Policy Framework (2012).

11. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved 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 satisfactory setting and external appearance to the development in accordance with the National Planning Policy Framework (2012).

12. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

13. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development pursuant to the National Planning Policy Framework (2012).

14. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of

measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area in general pursuant to Policy ENV49 of the Maidstone-Wide Local Plan 2000.

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

- i) Details of the roof overhangs and eaves.
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the junction of the timber boarding and the brickwork.
- iii) Details of the joinery of the windows within plots 1-18. These windows shall be constructed of timber.

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

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area in accordance with the National Planning Policy Framework (2012).

16. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention pursuant to the National Planning Policy Framework (2012).

17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reasons: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework (2012).

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

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas, in accordance with Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

19. No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority.

Reason: To secure a high standard of design in accordance with the National Planning Policy Framework (2012).

20. No development shall take place until a sample panel of the ragstone wall, and brickwork has been constructed on site, and agreed in writing by the Local Planning Authority. Such details as are approved shall be fully implemented on site.

Reason: To ensure a high quality design, in accordance with the National Planning Policy Framework (2012).

21. The development hereby permitted shall be carried out in accordance with the ecological study submitted on the 26 September 2012. No occupation of the development shall take place until the mitigation proposed within the ecological report has been fully implemented.

Reason: To ensure enhancements to the biodiversity of the area, and to ensure that the development as a whole is of a high standard of (landscape) design in accordance with the National Planning Policy Framework (2012).

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

Reason: To enable the recording of any items of historical or archaeological interest pursuant to the National Planning Policy Framework (2012).

23. No occupation of the development hereby permitted shall take place until a pedestrian refuge has been provided upon Hermitage Lane (to the north of the existing traffic lights). Details of the positioning and the design of this refuge shall be submitted to, and approved by the Local Planning Authority prior to

works being undertaken.

Reason: In the interests of the permeability of the site, in accordance with the National Planning Policy Framework (2012).

24. No occupation of the development hereby permitted shall take place until the pedestrian access to St Andrews Road has been provided in accordance with the details submitted.

Reason: In the interests of the permeability of the site, in accordance with the National Planning Policy Framework (2012).

Informatives set out below

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.

The proposed development does not accord with the current Development Plan, insofar as Policy CF8(iii) allocates the site for a primary school; however, the applicant has demonstrated that the allocation of the land is no longer required for such a purpose and as such, I do not consider there to be any harm in allowing for its release for residential use, and to depart from the Development Plan accordingly.



15/510179 - 5 Tonbridge Road, Maidstone

Scale: 1:2500

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REPORT SUMMARY

REFERENCE NO - 15/510179/OUT			
APPLICATION PROPOSAL Outline application (All matters reserved) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.			
ADDRESS 5 Tonbridge Road Maidstone, Kent, ME16 8RL			
RECOMMENDATION GRANT OUTLINE PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS.			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> - The loss of the employment use of the site is on balance thought acceptable and significant weight is attached to the sites allocation for housing in the emerging local plan and contribution that the new housing will make to the 5 year housing supply. - The highways impacts associated with the development would be similar to the existing/potential employment use of the site and the development would be acceptable in highways terms. - Suitably worded conditions on an outline approval and the consideration of the reserved matters at the detailed application stage would seek to maximise the positive benefit from the removal of existing buildings and to ensure that the replacement buildings are in keeping with the character and appearance of the area. Other potential harm can be mitigated through conditions and detailed design, including a study of ground contamination, air quality and noise. 			
REASON FOR REFERRAL TO COMMITTEE The application has been called in by Cllr Harper to enable public debate on issues such as the impact on the highway, loss of employment use and impact on neighbouring residential properties. The application is a departure from the adopted Local Plan.			
WARD Fant Ward	PARISH/TOWN COUNCIL N/A	APPLICANT Corbens Place Ltd AGENT C.F. Thurlow Planning Consultant Ltd	
DECISION DUE DATE 07/03/16	PUBLICITY EXPIRY DATE 11/07/16	OFFICER SITE VISIT DATE 21/12/16	
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
9 Tonbridge Road			
15/504719/LDCEX	Lawful development certificate (Existing) - Open A1 Retail use of the land and buildings.	Permitted	3/6/15
15/506273/DEMR EQ	Prior notification of proposed demolition: Single storey building divided into 2 retail units, 2-storey building with shop on ground floor and offices on first floor and single storey outbuildings.	Prior approval not required	1/9/15

Units 4/5			
09/2236	Erection of a single storey side extension to an existing storage and distribution building	Permitted	29/1/09
04/1104	<p>Extension of existing warehouse building for use for purposed within Class B8.</p> <p><i>(1) The proposed development, due to its height and proximity to the site boundary, would result in overshadowing of the rear garden area of the adjacent dwelling 12 Rowland Close and would have an overbearing impact upon that property resulting in an unacceptable loss of amenity to occupants of the dwelling, contrary to policy ENV2 of the Maidstone Borough-Wide Local Plan 2000 and policy ENV15 of the Kent Structure Plan 1996</i></p>	Refused	5/8/04
04/0267	<p>Extension of existing warehouse building for use for purpose within class B8.</p> <p><i>(1) The proposed development, due to its size and proximity to the site boundary, would result in overshadowing of the adjacent residential property 16 Rowland Close and its rear garden area and would have an overbearing impact upon that property resulting in an unacceptable loss of amenity to occupants of the dwelling, contrary to policy ENV2 of the Maidstone Borough-Wide Local Plan 2000 and policy ENV15 of the Kent Structure Plan 1996.</i></p>	Refused	6/4/04
03/1774	<p>A change of use to storage and servicing of taxis and passenger carrying vehicles with ancillary offices and the installation of a second new window.</p> <p><i>(1) The proposed change of use to the storage and servicing of taxis and passenger carrying vehicles would be likely to generate an unacceptable level of noise and lead to a worsening of air quality to the detriment of occupiers of surrounding residential properties. As such the proposal is contrary to policy ENV15 of the Kent Structure Plan 1996, policies QL1 and FP5 of the Kent and Medway Structure Plan: Deposit Plan Sept 2003 and policies ENV1, ENV2 and ENV4 of the Maidstone Borough-Wide Local Plan 2000.</i></p>	Refused	7/1/04

02/1298	Demolition of existing buildings (3 no.) and the erection of 2 no. industrial units for use class B1c/B8 of 234 sqm each (units 1 and 2); use of unit 3 (existing) for use class B1c/B8 use; use of area to east of access drive for open storage in association with adjoining plant hire premises.	Permitted	9/12/02
5 Tonbridge Road			
15/503951/DEMR EQ	<p>Prior notification of proposed demoliton of a single storey building divided into 2no retail units, a separate 2 storey shop with office above, range of single storey outbuildings.</p> <p><i>The application is lacking in a satisfactory scheme of restoration, with the proposed stockpiling of crushed materials to a potential height of 7m causing particular concern for the visual amenities of the locality. In the absence of any certainty as to how long the site would remain in this condition, the Local Planning Authority is of the opinion that prior approval for this element of the works is required.</i></p>	Prior approval required	16/6/15
11/0648	Alterations to elevations and change of use of vacant storage building to A1 retail associated with use of 5 Tonbridge Road and external works including cladding and replacement windows.	Permitted	27/6/11
81/0981	Reformation of entrance	Permitted	22/7/81
01/1641	<p>Conversion of first floor from offices to 1 no. flat.</p> <p>(1)The proposed change of use would result in the loss of commercial floorspace in a designated area of existing economic activity, contrary to Policy ED2 of the Maidstone Borough-Wide Local Plan 2000 and Policy ED1 of the Kent Structure Plan 1996.</p> <p>(2) Due to the close proximity of the proposed habitable rooms to the main road, the proposed accommodation would not provide a satisfactory standard of residential amenity, contrary to Policies ENV2, ENV4 and H23 of the Maidstone Borough-Wide Local Plan 2000 and Policy H2 of the Kent Structure Plan 1996.</p>	Refused	11/12/01

5A Tonbridge Road			
87/0252	Change of use from first floor residential flat to office accommodation.	Permitted	10/7/87
5, 7 & 9 Tonbridge Road			
07/1637	Demolition of existing commercial buildings and redevelopment to provide for replacement storage and distribution premises with ancillary offices trade counter and parking	Permitted	1/10/07
87/1195	Erection of building to provide a builders merchants showroom with associated wholesale and retail use.	Permitted	1/12/87
85/1592	Erection of storage building, warehouses and administrative offices	Permitted	9/1/86
81/0403	Outline application for erection of storage and warehouse buildings and admin. offices. Existing site and buildings used as building merchants, storage and showrooms	Permitted	10/5/81
75/0398	Fireplace slabbing shop, toilet and office.	Permitted	18/6/75

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to an area of land located to the south of Tonbridge Road. Measuring approximately 0.77ha in area, the site has two existing access points from Tonbridge Road to the north of the site. The site lies to the west of Maidstone West railway station and contains a number of existing commercial buildings. The buildings on the site vary in size and appearance, although they do not exceed 2-storeys in height. The site is irregular shaped with the site at its widest in the centre of the site and goes into a point at the southern tip of the site. The site is on various levels with a fall in ground level from north to south and there are land level changes east to west. Existing retaining walls and building design take advantage of the site levels.
- 1.02 There are five distinct groups of buildings and a number of different commercial occupiers. Buildings fronting Tonbridge Road are currently in retail use, occupied by a fireplace shop and a golf shop. The area in the centre of the site is occupied by a taxi firm, including use for storage and repairs. FPS distribution occupies the lower section of the site and the extreme south of the site is used as a vehicle garage. All the site is currently occupied however should the application be successful all existing uses would need to vacate the site and all buildings would be demolished (a prior notification application for the demolition has been approved).
- 1.03 The railway line adjoins the site and curves around the site to the south and east. To the east of the site number 3 Tonbridge Road is an existing 3 storey building which benefits from a prior notification application for conversion to residential. This adjoining site is also the subject of a current planning application for demolition of existing buildings and the construction of a residential redevelopment. There is

currently a large area of hardstanding to the rear of the existing building. To the west of the site sited on higher ground and fronting Tonbridge Road is a large building providing the Vines Medical Practice with residential properties to the rear. The cul-de-sac of Rowland close adjoins the site to the south-western corner. The properties opposite the site in Tonbridge Road are in a mix of uses, with many converted to residential use.

- 1.04 The site is outside a conservation area, with the nearest listed buildings approximately 100 metres to the east and west of the site. There are no protected trees or landscape designations on the site.

2.0 PROPOSAL

- 2.01 The proposal seeks outline planning permission for up to 65 dwellings, with all matters (access; appearance; landscaping; layout and scale) reserved for future consideration.

- 2.02 The submitted indicative plans demonstrate that adequate layout and access can be provided for a development accommodating the number of residential units that are proposed. The number of units has been reduced from 83 as originally proposed to seek to protect neighbouring and visual amenity.

2.02 *Indicative access*

The indicative plans show a single point of access into the site. This access is shown from Tonbridge Road and utilises the existing southern access. The submitted planning application is accompanied by a Transport Statement. The indicative road layout shows a road along the eastern boundary of the site (adjoining number 3 Tonbridge Road), with spurs leading to undercroft parking and the individual dwellings to the southern part of the site.

2.03 *Indicative layout*

The plans show the site divided into two distinct character areas. These areas consist of higher density flats in a multi storey building on the northern part of the site fronting Tonbridge Road and four terraces and two pairs of semi-detached dwellings to the south of the site.

2.04 *Indicative scale*

The flatted block is shown as up to 6 storeys in height and the proposed dwellings are shown to be a mix of 2 and 2.5 storeys in height.

- 2.05 The application is also accompanied by an Energy Statement, Phase 1 Geo-environmental Assessment, Air Quality Assessment, Noise and Vibration Assessment, Flood Risk Statement and Archaeological Report.

3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance TQ75NE022

Air Quality Management Area (AQMA)

Employment Retention (Policy ED2)

Within Maidstone Urban Settlement Boundary

4.0 POLICY AND OTHER CONSIDERATIONS

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

Maidstone Borough Wide Local Plan 2000

Policy ENV6 : Landscaping, Surfacing and Boundary Treatment

Policy ENV7: Riverside Zone of Special Townscape Importance (Adjacent to,
boundary along eastern boundary)

Policy T1 : Transport strategy

Policy T2 : Public Transport Preference Measures

Policy T3 : Public Transport for Substantial Developments

Policy T7 : Safeguarding Railway Lines

Policy T13 : Parking Standards

Policy T23 : Need for Highway/Public Transport Improvements

Policy ED2 (xxiii) : Retention of Employment sites

Policy CF1 : Seeking New Community Facilities

Affordable Housing DPD 2006

Open Space DPD 2006

Maidstone Borough Local Plan (submitted version) May 2016

Policy H1 (14) : Housing allocations – American Golf, Tonbridge Road, Maidstone

Policy DM1 : Principles of good design

Policy DM2 : Sustainable design

Policy DM4 : Development of brownfield land

Policy DM5 : Air quality

Policy DM11 : Housing mix

Policy DM12 : Density of housing development

Policy DM13 : Affordable housing

Policy DM22 : Open space and recreation

Policy DM23 : Community facilities

Policy DM24 : Sustainable transport

Policy DM25 : Public Transport

Policy DM27 : Parking standards

Policy ID1 : Infrastructure Delivery

Other documents:

Kent Design Guide Review: Interim Guidance Note 3: Residential Parking

5.0 LOCAL REPRESENTATIONS

5.01 Adjoining neighbours were notified of the application as originally submitted. A site notice was also put up at the site. 11 objections have been received in response to the original consultation which are summarised as follows:

- Overlooking and loss of privacy
- Lack of parking provision and traffic problems
- Loss of tree and landscaping
- Layout and density of proposed building and the overdevelopment of the site
- Overshadowing
- Documents not provided to assess all issues
- Extension to storage building previously refused

- Loss of light
- Loss of employment land
- Lack of access for emergency vehicles
- Noise and light pollution
- Increase pressure on doctors and schools
- Potential increase in crime
- Impact on Listed Building and Conservation Area, opportunity to improve the site.

Following re-consultation one additional letter of representation has been received objecting primarily in relation to highways and parking

6.0 CONSULTATIONS

6.01 Crime prevention design advisor

(16/9/16) : The applicant /agent has not addressed crime prevention in their Design and Access Statement. The application is for outline planning approval however if crime prevention measures are not addressed and outline planning is given approval without a planning condition then the opportunities for designing out for crime will be missed which in turn could have a huge impact on sustainability of the future development.

(28/6/16) : I have met with Chris Thurlow and he will be submitting an application for (Secured By Design) if the development is given planning approval.

6.02 Network Rail

(8/1/16) : The developer/application must ensure that the proposal during construction and after completion does not affect Network Rail land. Comments outline a number of aspects and works that should be resisted.

(7/7/16) : No further comments

6.03 Southern Water

(11/1/16) : Comments outline matters relating to surface and foul drainage, highlight location of existing pipe work and the consents that would be required prior to development. Suggest conditions and informatives. In principle the site would appear to be able to accommodate the surface and foul water drainage needs for the proposed development.

(11/7/16) : No objection and original comments remain

6.04 Southern Gas Networks

(14/1/16) : The comments provide a plan showing the location of the pressure main and outlines the works that should not be carried out and the safety precautions.

6.05 Trees and landscape Officer

(4/1/16) : There are no protected trees on, or immediately adjacent to, the development site and there are no significant trees which pose a constraint to the proposal. Whilst I therefore raise no objection on arboricultural grounds, I am

concerned about the lack of space along the Tonbridge Road frontage to the north of the site to achieve a planting scheme to improve the amenity of the street scene.

(12/7/16) : I would only add that the revised layout is an improvement on the previous scheme in relation to the improved extent of soft landscaping along the Tonbridge Road frontage.

6.06 Environmental Health Officer

(21/12/15) : If you are minded to grant permission we would need to ensure that the mitigation measures given in the acoustics report were fully implemented. The measures include high performance acoustic double glazing, enhanced insulation to ceilings and an acoustic fence. The exact mitigation scheme cannot be produced without the exact proposed site layout being known.

In terms of the Phase I con land report, it indicates the presence of contamination on the site, and we would therefore wish to see a full intrusive investigation and a remediation strategy based on its findings.

The air quality assessment included with the application is completely inadequate as it provides no new information, either modelled or monitored, about air quality at the site, but simply refers to a diffusion tube 1.6km away. The site is in an Air Quality Management Area and approximately 100 metres from an air quality hotspot area, and therefore we would require a proper air quality assessment undertaken by a competent person in accordance with current guidelines and best practice. The assessment should contain

1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.

2) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development.

(19/7/16) , I would not consider the air quality assessment submitted previously to be adequate, as they have done neither modelling or monitoring to indicate the air quality which receptors will experience on site. Some of the properties, at least, are likely to need mechanical ventilation in order to achieve reasonable noise levels inside. I think it would be sensible if the ventilation scheme was designed to with both noise and air quality in mind. It must be capable of purge ventilation, and the noise of the system itself must be taken into account when designing the noise mitigation scheme.

We would also request onsite mitigation and the installation of EV charging points.

6.07 KCC Archaeological Officer

(19/7/16) : The site of the application lies close to, or contains, a Roman cemetery. Although there have been some targeted archaeological investigations towards the southern end of this site, I recommended the need for some specialist assessment of the archaeological potential and the extent of previous works on site. The applicant commissioned Wessex Archaeology to produce a Desk based Assessment. The DBA provides a useful account of the archaeological potential and is actually

extremely thorough. The report is possibly a bit too wide ranging but it does contain helpful information.

The Wessex DBA highlights that the site has archaeological potential associated with the Romano-British activity, especially a possible cemetery. The report also highlights that the site has been utilised before but details of existing ground disturbance is not clear. It is also noted that the site has been subject to some archaeological trenching and the results were negative.

Taking this information into consideration I suggest that there is still potential for archaeological remains to be impacted by the proposed development but a targeted programme of archaeological work, building on what is already known, would be appropriate. As such I recommend a condition is placed on any forthcoming consent:

6.08 **MBC Parks Officer**

(2/2/16) It is clear this development offers no opportunity for provision of formal public open space on-site.

It also exceeds the threshold number of dwellings that makes the development eligible for an off-site contribution.

We would therefore request an off-site contribution of £13,0725 from the developer the calculation for which is 83 units @ £1575 per unit.

The cost per dwelling is as set out in the 'Supplementary Planning Guidelines' and using Fields in Trust (the former National Playing Field Association) guidelines and cost for the provision of outdoor playing space.

The contribution would be used for the enhancement, maintenance and renewal of facilities across Green Space Amenity and Play Areas within a one mile radius of the development.

The contribution would be used for the enhancement, increased maintenance and renewal across the 8 types of green space within 1 mile of the proposed development.

The following 8 types of green space are defined in the Open Spaces Development Plan Document 2006:

1. Parks and Gardens
2. Natural and semi-natural areas
3. Amenity Green Space
4. Provision for Children and Young People (Equipped Play)
5. Green Corridors
6. Outdoor Sports Facilities
7. Allotments and Community Gardens
8. Cemeteries and Graveyards

Claire Park is located within 1 mile of the application site. The contribution requested above would be used towards the resurfacing of the MUGA (Multi Use Games Area), tennis courts and pathways within Clare Park as well as improvements to the bowls green which could include the green itself and its surrounds.

6.09 **Kent Highways**

(1/2/16) I accept the transport analysis that has been undertaken with respect to potential trip generation of the site (not requiring planning permission) and that of the development proposals and agree that there are no highway grounds to refuse this application in terms of net trips.

Whilst the parking provision proposed is over 90% of the maximum recommended for a town centre location, I note that the swept path analyses of refuse and emergency vehicles accessing the site is reliant on no on street parking on the access road.

Due to the proximity of Maidstone West railway station it is considered important that some regime of on street parking enforcement is provided to prevent obstruction and maintain efficient operation of the access road. It would be helpful to understand if it is intended to offer this road for adoption or if some form of private enforcement could be guaranteed through a condition.

I also note that the swept path access into the site is shown from the off-side of the A26 when heading westbound. It would be helpful to understand what the swept path analysis would be from the nearside lane of the A26 and from a central position on this one-way road.

(4/7/16) I am grateful for the additional swept path analyses provided. I note that a new Transport Statement has been submitted. From my response of 1 February however I would be grateful if confirmation could be given regarding the intended status of the access roads proposed. This is related to the need for parking enforcement (adjacent to Maidstone West station) to ensure larger vehicles can operate/access effectively. It would further be helpful if cross sections of the site could be provided particularly with regards to the access ramp proposed (gated entrance to car park).

7.0 BACKGROUND PAPERS AND PLANS

Planning Application Supporting Statement dated June 2016
Design and Access Statement Issue 4 dated June 2016
Ensphere Energy Statement
Flood Risk Statement dated November 2015
Noise and vibration assessment dated 3 December 2015
Transport Statement dated June 2015
Phase 1 Geo-Environmental Assessment dated December 2015
Air Quality Assessment dated December 2015
Historic Environment Desk-Based Assessment

Drawing no. 3930-OPL-001 Rev B (Site location plan)
Drawing no. 3930-OLP-0100 Rev B (Existing Site Plan)
Drawing no. 3930-OLP-1000 Rev E (Illustrative Site Plan)
Drawing no. 3930-OLP-1001 Rev E (Illustrative Plans Level 1 & Level 2)
Drawing no. 3930-OLP-1002 Rev E (Illustrative Plans Level 3 & Level 4)
Drawing no. 3930-OLP-1003 Rev E (Illustrative Plans Level 5 & Level 6)
Drawing no. 3930-OLP-1004 Rev E (Illustrative Plans Roof Plans)

8.0 APPRAISAL

Principle of Development

- 8.01 The main considerations relate to the loss of the existing employment uses, the suitability of the site to accommodate residential accommodation

Loss of the existing employment uses

- 8.02 The application site is within the urban area of Maidstone and is identified in the MBWLP 2000 as a site for B1 employment (business use) retention. Policy ED2 of the Local Plan sets out that :

‘Planning permission will not be granted to redevelop or use vacant business, industrial, storage or distribution sites or premises for non-employment purposes unless the retention of the site or premises for employment use has been explored fully without success.’

This identified allocated area covers the land west of Maidstone West station, the buildings at 1, 3 and 5 Tonbridge Road and the former MBC Council Offices at 13 Tonbridge Road. Since the adoption of the Local Plan in 2000 13 Tonbridge Road has been redeveloped to provide a medical centre to the front of the site and 10 dwellings to the south (application reference 11/1078). The site at 3 Tonbridge Road benefits from an extant consent for the conversion of the building to offices and 9 flats through a prior notification application (16/501842). The use of the building at 1 Tonbridge Road remains as offices.

- 8.03 As described in paragraph 1.02 of this report, the application site is currently occupied by a number of commercial businesses, including retail, distribution, car repairs and office uses. As set out by the Use Classes Order, these existing uses are within use classes A1 (retail), B1 (business), B2 (general industrial) and B8 (storage and distribution) use classes. Whilst the existing sites do provide employment uses, the use identified for retention by policy ED2 (B1 – business) is not currently the main use on the site. The planning statement submitted in support of the application sets out that the application site supports a total of 28 employees. With the size of the site, there is a relatively low employment density and it is considered that the current layout and uses do not make efficient use of the land on the application site.
- 8.04 The submitted application provides the following evidence in support of the proposal and the loss of the existing employment uses:
- Local Plan policies are out of date
 - Other sites have been redeveloped that are not in accordance with policy ED2
 - Lawful A1 retail uses to the front of the site
 - Site allocated for housing in the emerging Local Plan
 - Existing businesses could relocate elsewhere.
 - Indications from one tenant that larger floorspace is required due to the expansion of the business and another is considering retirement.
 - The existing premises are unlikely to be attractive to future occupiers.

More recent information from the agent suggests that the site largest employer is also looking to relocate away from the away from the site for the following reasons:

‘The anchor tenant on the site, FPS a motor parts distributor, has announced they will be leaving when their current lease expires. The reason is that neighbouring residential properties complain about noise from their units on site. FPS also have problems with large vehicles delivering to their premises having difficulty manoeuvring in the site.’

- 8.05 The council in providing agreement to the emerging Local Plan has also agreed to the loss of employment uses on the application site with the allocation of the site in the draft Local Plan to provide residential accommodation. It is considered that the loss of the employment uses is acceptable as a result of the information provided above about the long term suitability of the site to provide sustainable employment use and the allocation of the site for residential purposes.

Existing accommodation

- 8.06 The layout of commercial premises on the application site is sporadic; it is limited by existing buildings, level differences and the shape of the site. The current buildings have grown organically to meet the needs of current occupiers. The car repair use to the south of the site (abutting the railway line) is an example of the awkward arrangement of existing uses.

The FPS distribution use is the largest single occupier on the site currently occupying 3 large buildings to the centre and western boundary. The site planning history shows this business has expanded since the adoption of the council's existing Local Plan. The accommodation used by FPS is probably the best quality on the site, however the floor space is constrained by neighbouring development and the internal layout of the site.

- 8.07 The buildings fronting Tonbridge Road appear to provide suitable accommodation for the existing retail and office uses; however some upgrading would appear necessary. The buildings to the rear of the frontage buildings are older buildings that have ad hoc occupation with no room for expansion and limited again by access and neighbouring uses. No buildings on the site are considered worthy of retention and the applicant can currently lawfully demolish the existing buildings after submitting a prior notification to the council (August 2015).

Neighbouring uses

- 8.08 The character of the area surrounding the application site has changed significantly since the Local Plan was adopted in 2000. There has been a significant shift from commercial accommodation to residential uses, especially in this town centre location. Previous applications have also permitted residential development to the west of the application site (on land designated as employment retention under Policy ED2).
- 8.09 Central government have relaxed the legislation that controls the change of use to residential use and this has resulted in a rise in the conversion of B1 office space to residential use. As a result of these changes the existing commercial uses on the application site are less compatible with neighbouring uses. Complaints have been received regarding noise and disturbance from the existing uses on the application site and due to the nature and age of the planning permissions there is little restriction on the existing uses in term of planning conditions.
- 8.10 In conclusion the identified allocation of the site set out in the MBWLP dates from 2000, the prevailing character of the site and its surroundings has significantly altered since this time. The protection through policy ED2 has been significantly undermined in this town centre location by changes in demand, expectations and legislation. The site provides limited employment relative to the land area and existing commercial uses are keen to relocate due to their expansion needs and incompatibility with neighbouring uses.

- 8.11 Moving forward the emerging Local Plan has now been submitted to the Planning Inspectorate and this plan is considered to carry significant weight. The emerging plan does not seek the retention of employment uses on the application site. The emerging plan allocates the application site for residential use (together with the land to the east (3 Tonbridge Road) and land opposite (8 Tonbridge Road). The site allocation and other listed factors demonstrate the shift away from employment retention on the application site and provide a significant material consideration to justify a departure from Policy ED2 of the Local Plan.

Principle of residential development

- 8.12 The site is within the urban area of Maidstone, as defined in the adopted and emerging local plans. The site is considered to be in an extremely sustainable location and subject to consideration of all other material considerations residential development on the site is supported.
- 8.13 As set out in the core principles of the NPPF development of brownfield site should be encouraged, with the NPPF advising *'encourage effective use of land by reusing land that has been previously development (brownfield land), provided that it is not of high environmental value.'*
- 8.14 Policy DM4 of the emerging Local Plan states that *'Proposals for development on previously developed land (brownfield land) in Maidstone urban area....that make effective and efficient use of land and which meet the following criteria will be permitted :*
- i) *The site is not of high environmental value; and*
 - ii) *If the proposal is for residential development, the density of new housing proposals reflects the character and appearance of individual localities, and is consistent with policy DM12 unless there are justifiable planning reasons for a change in density.'*
- 8.15 Policy H1 (14) of the emerging Local Plan allocates the site for development of approximately 60 dwellings. The allocation is subject to the detailed consideration of design/layout, access, noise, air quality, land contamination and highways/transportation. Each of these issues is discussed later in the report.
- 8.16 Overall it is considered that significant weight can be attached to the emerging allocation for residential development within the new Local Plan. With the application site on brownfield land, not being of high environmental value and the sustainable location of the site within the Maidstone Urban Area the principle of development of the site is accepted subject to the following detailed consideration.

Residential density

- 8.17 Policy DM4 of the emerging Local Plan sets out that the density of new development should reflect the character and appearance of the locality. Policy DM12 set out that *'At sites within and close to the town centre new residential development will be expected to achieve net densities of between 45 and 170 dwellings per hectare.'* Policy H1 (14) in allocating the site suggests an approximate density of 75 dwellings per hectare with an allocation of approximately 60 dwellings on the site.
- 8.18 The submitted outline scheme proposes up to 65 dwelling on the application site. This would equate to a density of 84 dwellings per hectare. The number of units has been reduced from a higher density of 108 dwellings per hectare, reducing the number of units from 83 to 65. This amendment was sought to protect the amenity of

neighbouring residents and ensure that a satisfactory number of units could be accommodated on the site.

- 8.19 It is considered that the revised residential density achieves the necessary balance between making most efficient use of the land and assimilation with the character and appearance of the area.

Residential mix

- 8.20 Paragraph 50 of the NPPF set out that *'To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should : Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.'*
- 8.21 Policy DM11 of the emerging Local Plan re-iterates this requirement and seeks to use the Strategic Housing Market Assessment (SHMA) 2015 to inform and determine house sizes and mix.
- 8.22 Whilst the current application is in outline form with all details indicative, the application provides an indicative dwelling mix. This proposal would provide 41 flats and 24 houses. The mix includes 6 no. 1 bedroom units, 38 no. 2 bedroom units, 4no. 3 bedroom units and 16 no. 4 bedroom units with the mix of dwelling sizes for the proposed houses and flats set out in the table below:

Table 1: Indicative residential dwelling mix

Number of bedrooms	Square metres	No. of flats	No. of houses
1	50	6	
2	61	12	
2	65	5	
2	70	12	4
2	76	3	
2	79		2
3	76	1	
3	86	2	
3	92		1
4	124		10
4	194		6
TOTAL		41	24

- 8.23 The indicative plans show a mix of unit sizes and highlight the ability to provide a mix of dwelling sizes on the application site. It is considered that the submitted information and indicative plans have successfully demonstrated that the development can provide accommodation to meet local need as identified within the Strategic Housing Market Assessment.

Affordable housing

- 8.24 Chapter 6 of the NPPF promotes the delivery of a wide range of high quality homes, this includes at paragraphs 47 and 50 the provision of affordable housing. The Council's adopted Affordable Housing Development Plan Document (DPD) sets out at policy AH1 the requirement for affordable housing relating to *'housing sites or mixed-use development sites of 15 units or more, or 0.5 hectare or greater'* and

above this threshold 40% of units be provided as affordable accommodation. The application site meets the criteria set out in the DPD in relation to site area and 40% of the 65 dwellings would equate to 26 dwellings.

8.25 Paragraph 2.14 of the DPD sets out :

'the Council is aware that there may be circumstances whereby 40% affordable housing will not be viable if the Councils is expecting a full range of other planning obligations, such as contributions towards open space, highways, education, health, public art, etc. In such cases, the Council will priorities requirements, but the onus will lie with the developer to prove to the Borough Council's satisfaction why a site cannot economically sustain the provision of 40% affordable housing.'

This is reiterated in paragraph 2.16 which states :

'The onus will lie with the developer to prove to the Council's satisfaction why a site cannot meet this requirement.'

Policy AH1 states at point A :

*'The Council will seek to negotiate that a minimum of 40% of the total number of dwellings to be provided shall be affordable housing to meet the identified housing need, **unless the Council is satisfied of the exceptional circumstances that demonstrate that only a lesser proportion can be provided.**'* (Officer's emphasis)

8.26 The developer has sought to demonstrate that the provision of affordable housing on would make the submitted proposal financially unviable. The planning application was accompanied by a viability report and during the assessment of the planning application this viability information has been independently reviewed on behalf of the Council by a third party assessor. The third party assessment agreed with the applicant's report and concluded *'The scheme is unviable as currently presented and cannot provide further contributions to affordable housing'*.

8.27 With the viability information submitted by the applicant and the results of the independent assessment, it is concluded that the proposed development on the application site would not be financially viable if it were to include affordable housing provision.

Visual Impact

8.28 Tonbridge Road varies significantly in character and appearance as it moves out from the town centre and away from Maidstone West Station. Recent redevelopment has changed the character of the area and planned development is likely to affect the character further. Development in the immediate vicinity is generally between 2-4 storeys on the frontage, with higher 6 storey development further eastwards towards the town centre at Broadway Heights. Buildings behind the frontage (in line with south of the site) are predominantly lower 2-storey dwellings.

There is no dominant design, however to the south of the road there is generally a slight set back from the back edge of the footway with vehicular accesses kept to a minimum and minimal frontage landscaping (more recent development has taken into consideration the need to soften the street scene).

8.29 Whilst the existing buildings sit comfortably within the street scene they do not make a significant contribution to the area and the principle of their removal (as identified in

the accepting of the prior notification application for demolition) is considered acceptable.

- 8.30 The proposed development is in outline form and as such matters of scale, appearance and layout are reserved matters. Indicative plans have however been provided to demonstrate that the proposed quantum of development could be provided on the site. This indicates layout and storey heights. No detailed design has been provided at this stage.
- 8.31 The indicative plans show two key character areas within the site, the higher density apartments to the north of the site and the lower density housing to the south of the site. The development and layout to the south generally accords with development on neighbouring sites.
- 8.32 With a change in ground level in Tonbridge Road the application site is at a lower level than the neighbouring medical centre site (3 storeys), but higher than the existing three storey building at 3 Tonbridge Road.

The indicative information that has been submitted states that a building at the front of the site would be six storeys in height. The flatted building would include undercroft parking at the lower level and residential accommodation on the upper floor levels.

Whilst only indicative outline information is available at this stage, in the context of neighbouring development there are reservations about the suitability of a six storey building in this location. Notwithstanding these reservations it is highlighted that the current application is in outline form with all matters (including scale) reserved and the applicant requesting the provision of 'up to' 60 dwellings. It would be for the applicant to demonstrate through the submission of the detailed design at reserved matters stage that the development is in keeping with the character and scale of the surrounding area. This information could include the submission of existing and proposed street scene drawings and how the development would use existing and proposed ground levels.

Air quality

- 8.33 The application site is within the Air Quality Management Area (AQMA). This is designated as an area with poor air quality due to the nature of road networks and traffic movements. The severity of the air quality cascades southwards away from Tonbridge Road itself.
- 8.34 Paragraph 124 of the NPPF states :
- 'Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.'*
- 8.35 Policy DM5 of the emerging local plan sets out :
- 'Proposals located close to identified air quality exceedance areas as defined through the Local Air Quality management process will require a full Air Quality Impact Assessment in line with national and local guidance.'*
- 8.36 The application is accompanied by an Air Quality Assessment. The Environmental Health Officer (EHO) raises concerns regarding the adequacy of the report as it does not include modelling or monitoring to indicate the air quality which would be

experienced on site. The data used is taken from generic monitoring stations rather than from the location of the application site.

- 8.37 Whilst the information on air quality with the outline submission was found to be of poor quality, this can be adequately addressed through the use of planning conditions and a future reserved matters application.

Noise

- 8.38 The application is accompanied by a Noise and vibration assessment. Paragraph 123 of the NPPF sets out :

‘Planning policies and decisions should aim to :

-avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;

-mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through conditions;

-recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;

-identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.’

- 8.39 The main issue regarding noise relates to the standard of the proposed residential accommodation. The impact of road noise from Tonbridge Road that carries a significant volume of traffic and the adjacent railway line need to be considered. The submitted report in support of the planning application identifies mitigation measures including high performance acoustic double glazing, enhanced insulation to ceiling and an acoustic fence.
- 8.40 With the exact noise mitigation scheme dependent on the detailed design of the development a planning condition is recommended seeking a detailed mitigation proposal.

Land contamination

- 8.41 The application is accompanied by a Phase 1 Geo-Environmental Assessment which has identified ground contamination on the application site. The assessment recommends that a Phase II intrusive investigation of the land is carried out. With the application site currently occupied and the intrusive nature of the recommended investigation works a planning condition is recommended to seek the completion of this further work.

Residential Amenity

- 8.42 The core principles set out in the NPPF state that planning should *‘always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.’*

Point (iv) of Policy DM1 of the emerging local plan re-iterates this requirement and states proposal shall :

'Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of the nearby properties.'

- 8.43 The main consideration is the impact on the occupiers of the properties in Vine Mews and Rowland Close to the west of the site. Neighbours opposite the site in Tonbridge Road are considered a significant distance away and the property to the east (3 Tonbridge Road) is yet to be converted to residential.
- 8.44 It is considered that the submitted indicative plans demonstrate that the redevelopment of the application site with residential accommodation could take place whilst maintaining adequate residential amenity for neighbouring residential occupiers.

Vehicular Access and Parking

- 8.45 Whilst access is not due to be considered at this stage the indicative plans show access to the north-eastern corner of the site. This would reuse the existing access to Tonbridge Road (as outlined in the draft allocation).
- 8.46 The application satisfactorily demonstrates that safe access could be provided onto Tonbridge Road. The Transport Statement demonstrates to the satisfaction of the Highways Officer that the trip generation of the proposed residential use of the site would be less than existing uses.
- 8.47 The submitted indicative plans show parking provision of 70 car parking spaces, with 5. Spaces for visitors and the other 65 spaces allocated as one space per dwelling. This level of parking provision is considered acceptable for this town centre location.
- 8.48 A concern has been raised by Kent Highways regarding the potential of the access road within the application site to be used as overspill public parking for Maidstone West Railway Station. As a result Kent Highways state that appropriate parking enforcement methods would need to be provided within the application site. A planning condition is recommended to seek the submission and approval of these measures.

Trees, Landscaping and Ecology

- 8.49 The existing site has limited existing tree planting, landscaping or ecology capability. The site is predominantly occupied by buildings or hardsurfacing. There is some overgrown planting along the southwest boundary which appears to be as a result of planning conditions attached to permission to extend the existing distribution building. Other trees exist on the boundary to the east of site within the boundary of 3 Tonbridge Road.
- 8.50 The redevelopment of the site would allow for the enhancement of the site and its improvement in terms of tree planting, landscaping and ecology. The Tree/Landscape Officer raises no objection to the scheme and identifies the reduced number of units and the revised indicative layout allowing for greater opportunity for

landscaping to the front of the site, due to a greater set back from the highway shown.

8.51 Cllr Harwood has made a representation which seeks improvements to landscaping and ecology, requesting that the following is secured by a planning condition:

- Set back from the highway in line with the neighbouring Vines Medical Centre to allow for planting and landscaping to the front of the site.
- Incorporation of swift bricks into the northern and eastern flanks of all the proposed buildings
- Incorporation of bat boxes, tube or tiles.
- Felled wood from trees on the site used for woodpiles to provide hibernation sites for hedgehogs
- Detailed landscaping scheme to maximise hedgerow planting

8.52 It is considered that these requests would be acceptable and could be dealt with by condition in order to improve the site in terms of landscaping and ecological potential.

Developer Contributions

8.53 A development of this scale would place extra demands on local services and facilities and it is important to ensure that, if permitted, the development can be assimilated within the local community. As such, suitable infrastructure contributions to make the development acceptable in planning terms may be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.

8.54 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that any obligation must meet the following requirements: -

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development*

8.55 **Open Space** - With regard to public open space and the Council's adopted DPD, there is not space for on-site provision of Open Space and therefore a commuted sum towards off-site provision is requested. This would equate to £1575 per dwelling towards the resurfacing of the MUGA, tennis courts and pathways within Clare Park as well as improvements to the bowls green which could include the green itself and its surrounds. This is considered necessary and reasonable and would comply with the adopted DPD and pass the CIL tests.

8.56 **Healthcare** - A contribution of £62,136 (members will be updated at the meeting should this figure change to take into consideration the lowered unit numbers) is sought in order to deliver investment in The Vine Practice, Lockmeadow Clinic or The College Practice in order to provide the required capacity that this is directly related to the proposed new housing, which is considered necessary and reasonable and therefore accords with policy CF1 and passes the CIL tests.

8.57 **Education.** KCC has requested a contribution of £2,360.96 per applicable house and £590.24 per applicable flat towards an extension to South Borough Primary to allow permanent expansion to 2 Form Entry and £2,359.80 per applicable house and £589.95 per applicable flat towards Maplesden Noakes 1st Phase of expansion. Evidence has been submitted that the schools in the vicinity are nearing capacity and that the projections over the next few years, taking into account this development and

those permitted, show that capacity would be exceeded. The requested contribution for school expansion complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three tests above.

- 8.58 **Libraries** - KCC have identified that there would be an additional requirement for bookstock at local libraries on the basis that the development would result in additional active borrowers and therefore seek a contribution of £48.02 per dwelling. It is considered this request to be compliant with policy CF1 and to meet the tests set out above.
- 8.59 **Community Facilities** A community learning contribution of £30.70 is sought towards portable equipment for the new adult learners in Maidstone. This complies with policy CF1 and the three tests as set out above.
- 8.60 **Youth Services** - A contribution of £8.49 per dwelling towards local youth services is sought towards additional equipment for the new attendees supplied to InfoZone Youth Centre. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.

Other issues

- 8.61 Policy H1(14) of the emerging local plan encourages a joint development with the Slencrest House (3 Tonbridge Road), which is allocated under policy H1(16). This suggestion was highlighted to the applicant early in the application process. At that time the applicant stated that they had approached the neighbouring owner and was told that the neighbour was not envisaging redevelopment of the neighbouring site at this time. Since this time an application has been registered for 3 Tonbridge Road which seeks to demolish the existing building and erect 21 apartments, this application is currently invalid and is some time of determination. Although a joint development would have been preferred this cannot be insisted upon and each scheme must be considered on its own merits.
- 8.62 The site lies on a site of potential archaeological importance. The applicant has provided a desk based Archaeological Study which the KCC Archaeological Officer is happy with the findings and detail. Subject to a planning condition there is no objection is raised on archaeological grounds.
- 8.63 The application is accompanied by a flood risk statement. This identifies that the site is within Flood Risk Zone 1, which has the least risk. Southern Water have raised no objection and subject to a satisfactory surface water drainage system the scheme is not considered to raise undue issues regarding flooding or drainage.

Public transport and pedestrian improvements

- 8.64 Policy T2 of the Local Plan seeks to develop measures to aid bus and hackney carriage access and Policy T3 requires major developments to provide facilities for public transport. Policy DM24 of the emerging plan seeks to facilitate the delivery of transport improvements and Policy H1 (14) refers to the improvement of pedestrian and cycle links from the site to and through Maidstone town centre.
- 8.65 The application has been discussed with the Council's Planning Policy team and the Council's Consultant Transport Planner. The conclusion of these discussions are that the site is in an extremely sustainable location. The site is in close proximity to Maidstone West Train station (ranging from 50m to 250m), with the route benefiting

from a footpath along Tonbridge Road linking to the station. The town centre is within walking distance and other everyday services (including a doctors, schools and parks) are all within a short distance. Bus stops are located along Tonbridge Road and these provide access to the town centre, hospital, and other towns.

- 8.66 It is considered the key on this site is not to provide additional off-site works, but to ensure that the development itself promotes the use of the sustainable transport available. This could include the provision of secure cycle parking and a travel plan for the site, including measures to promote sustainable transport.

9.0 CONCLUSION

- 9.01 The proposal would result in the loss of land currently designated in the adopted local plan for employment retention. However with the emerging local plan now carrying significant weight, the existing mix of uses and their compatibility with neighbouring uses, the overall changing character of the area and the highly sustainable location of the site it is considered that the provision of housing towards the Council's 5 year housing supply outweighs the employment retention of the site in this case.

- 9.02 Subject to conditions the proposed redevelopment of the site could result in environmental enhancement which would seek to protect existing and future occupiers and the overall character and appearance of the area.

11.0 RECOMMENDATION –

That subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:

- Financial contribution of £2360.96 per applicable house and £590.24 per applicable flat towards an extension to South Borough Primary to allow permanent expansion to 2 Form Entry.
- Financial contribution of £2359.80 per applicable house and £589.95 per applicable flat towards Maplesden Noakes 1st Phase of expansion.
- Financial contribution of a contribution of £48.02 per dwelling towards additional bookstock required to mitigate the impact of the new borrowers from this development.
- Financial contribution of £30.70 is sought towards portable equipment for the new adult learners in Maidstone.
- Financial contribution of £8.49 per dwelling towards local youth services is sought towards additional equipment for the new attendees supplied to InfoZone Youth Centre
- Financial contribution of £1575 per dwelling towards the resurfacing of the MUGA (Multi Use Games Area), tennis courts and pathways within Clare Park as well as improvements to the bowls green.
- Financial contribution of £62 136 (members will be updated at the meeting should this figure change to take into consideration the lowered unit numbers) is sought in order to deliver investment in The Vine Practice, Lockmeadow Clinic or The College Practice

The Head of Planning and Development be given DELEGATED POWERS TO GRANT outline permission subject to the conditions and informatives set out in the report:

- (1) The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Scale b. Appearance c. Landscaping d. Access e. Layout

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this decision. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- (2) The details submitted in pursuance of Condition 1 shall show adequate land, reserved for parking or garaging to meet the needs of the development. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to this reserved parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity.

- (3) Landscaping details submitted pursuant to condition 1 shall be implemented in the first available planting season following first occupation of the development hereby approved. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority. The submitted details shall include landscaping to the northern boundary adjacent to Tonbridge Road and maximise native hedgerow planting.

Reason: In the interests of visual amenity.

- (4) Vehicular access pursuant to condition 1 shall be from Tonbridge Road (A26) only and shall provide visibility splays to the satisfaction of the Local Planning Authority which shall be provided and maintained prior to first occupation.

Reason: In the interests of highway safety this is necessary prior to commencement of development.

- (5) Prior to the development reaching damp proof course level written details and samples of the materials to be used in the construction of the external surfaces, including hard surfaces, of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The materials shall include, inter alia, swift and bat bricks. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

- (6) Prior to the development reaching damp proof course level, details of all fencing, walling, railings and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority, approved details shall be in place prior to first occupation of the relevant residential unit and maintained as such thereafter;

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

- (7) Prior to the development reaching damp proof course level, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority, the approved details shall be in place prior to first occupation of the relevant residential unit and maintained as such thereafter;

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

- (8) Prior to the commencement of development details of the proposed slab levels of the buildings and the existing site levels shall have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels. These details shall include details any proposed re-grading, cross-sections, retaining walls and other means to facilitate the development.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site. Details are required prior to commencement of development to ensure that no unnecessary altering of levels takes place to accommodate the scheme.

- (9) Prior to the commencement of development 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: To ensure an energy efficient form of development. Details are required prior to development to ensure the methods are integral to the design and to ensure that all options (including ground source heat pumps) are available.

- (10) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded. Details are required prior to commencement of development to ensure that works do not damage items of archaeological value that may be present.

- (11) Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

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

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

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Details are required prior to commencement of development to ensure that contamination is adequately assessed and remediated.

- (12) Prior to first occupation of the development a closure report shall be submitted to and approved in writing by the Local Planning Authority. The closure report shall include full verification details as set out in point 3 of condition 11. The report should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean. Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Details are required prior to commencement of development to ensure that contamination is adequately assessed and remediated.

- (13) Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter

Reason: To protect residential amenity. Details are required prior to commencement as the measures necessary may need to be integral to the design of the development.

- (14) Pursuant to Condition 1 a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:
1. An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.
 2. An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development.

Any scheme of mitigation set out in the subsequently approved report shall be fully in place prior to the first occupation of the building and maintained as such thereafter.

Reason: To protect air quality and the amenity of future residents. Details are required prior to development as the content of the report may inform design and layout.

- (15) Prior to the commencement of development a calculation of pollutant emissions costs from the vehicular traffic generated by the development should be carried out and submitted to and approved in writing by the Local Planning Authority. The calculation should utilise the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered, to calculate the resultant damage cost. The calculation should include the following:
- Identifying the additional vehicular trip rates generated by the proposal (from the Transport Assessment);
 - The emissions calculated for the pollutants of concern (NO_x and PM₁₀) [from the Emissions Factor Toolkit];
 - The air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB);
 - The result should be totalled for a five year period to enable mitigation implementation.
 - The calculation is summarised below:
Road Transport Emission Increase = Summation [Estimated trip rate for 5 years X Emission rate per 10 km per vehicle type X Damage Costs]
The pollution damage costs will determine the level of mitigation/compensation required to negate the impacts of the development on local air quality.

Reason: To ensure that the development does not exacerbate poor air quality and provide mitigation. Details are required prior to commencement to ensure that adequate compliance and implement methods can be provided.

- (16) Prior to the commencement of development a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development to reduce transport related air pollution from the development both during the construction phase and when in occupation. The scheme should be submitted to and approved by the Local Planning Authority with the approved scheme implemented in full prior to first occupation of the development and maintained as such thereafter. [The developer should have regard to the DEFRA

guidance from the document *Low Emissions Strategy - using the planning system to reduce transport emissions January 2010.*]

Reason: To ensure that the development does not exacerbate poor air quality and provide mitigation. Details are required prior to commencement to ensure that adequate compliance and implement methods can be provided.

- (17) Provision shall be made for EV “rapid charge” point (of 22kW or faster) and for charge points for low-emission plug-in vehicles. Details shall be submitted to and approved by the Local Planning Authority prior to the development reaching damp proof course level, provided in accordance with the approved details prior to first occupation and maintained as such thereafter.

Reason: To provide for low emission vehicles and a lower carbon footprint

- (18) No residential dwelling shall be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The agreed Travel Plan measures shall be implemented within three months of first occupation of any building hereby permitted and thereafter retained.

The Travel Plan should include the following:

- a) Setting objectives and targets.
- b) Measures to promote and facilitate public transport use, walking and cycling.
- c) Promotion of practices/facilities that reduce the need for travel.
- d) Monitoring and review mechanisms.
- e) Travel Plan co-ordinators and associated support.
- f) Provision of travel information.
- g) Marketing.
- h) Timetable for the implementation of each element.

Reason: In order to realise a sustainable pattern of development in the area.

- (19) Prior to first occupation details shall be submitted to the Local Planning Authority of a scheme for parking enforcement measures within the development. These measures shall be carried out in accordance with the approved measures prior to first occupation and maintained as such thereafter.

Reason: To prevent misuse of the site for commuter parking resulting in overspill of vehicles onto the highway.

- (20) Prior to the commencement of development a sustainable surface water drainage scheme, shall have been submitted to and approved in writing by the local planning authority. The surface water scheme should be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015). The scheme should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site. The scheme shall be implemented in accordance with the approved details prior to first occupation and maintained as such thereafter.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. Details are required prior to commencement to maximise the options that are available to achieve a sustainable drainage system.

- (21) Prior to the commencement of development details of facilities, by which vehicles will have their wheels, chassis and bodywork cleaned and washed free of mud and similar substances at the application site, details of construction vehicle loading/unloading and turning facilities and details of parking facilities for site personnel and visitors during construction phase shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to construction work commencing on site and maintained as such in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

Reason: To ensure that no mud or other material is taken from the site on to the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents and to ensure that adequate space is available on site to ensure construction phase can be carried out without a detrimental impact on highway safety and local amenities. Details are required prior to commencement to avoid unacceptable implications during the construction phase.

- (22) The development hereby permitted shall be carried out in accordance with the following approved plans:
Transport Statement
1:1250 Site Location Plan
Drawing number 2353/1/- (Block Plan) (Indicative Only) - Matters relating to point of access only.

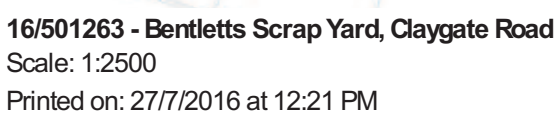
Reason: For the avoidance of doubt and in the interests of proper planning

INFORMATIVES

- (1) A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
- (2) Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.
- The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
- (3) A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sew capacity check to identify the appropriate connection prior to the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
- (4) Planning permission does not convey any approval for construction of the vehicular crossings, or any other works within the highway, for which a statutory licence must be obtained separately. Applicants should contact Kent County Council Highways (www.kent.gov.uk or 03000 41 81 81) for further information.

Case Officer: Rachael Elliott

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



REPORT SUMMARY

REFERENCE NO - 16/501263/FULL		
APPLICATION PROPOSAL Erection of 25 dwellings with associated garages, car barns and parking spaces, landscaping, tree planting and new pond, inclusive of amenity area for nature conservation and new shared surface access road off Claygate Road.		
ADDRESS Bentletts Scrap Yard, Claygate Road, Yalding, Kent, ME18 6BB		
RECOMMENDATION – Delegated powers be granted to the Head of Planning to grant planning permission subject to the imposition of the conditions and legal agreement.		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000 and the site is not located in a particularly sustainable location in transport terms. However, the existing scrapyard is visually and operationally damaging to the countryside, environment, amenity and the setting of the nearby listed building, such that the benefits of the proposed development are considered to outweigh any conflict with policy ENV28. <ul style="list-style-type: none"> • The site is allocated for housing development under emerging policy H1 (68) and the proposed development accords with the criteria within this policy. • 25 houses are proposed, 15 more than promoted under emerging policy H1 (68). The applicant's viability report demonstrates that 25 houses is the benchmark in order for the site to be viable for housing redevelopment due largely to the site decontamination costs. • The visual impact on the landscape character and setting of the grade II listed building is considered to be a visual improvement compared to the existing scrapyard. • The vehicle trip rate would increase for the proposed housing development (some 208 private cars compared to some 114 HGV/van/cars for the scrapyard use) but the large HGVs/commercial vehicles associated with the scrapyard use would be removed from the local road network. • A good quality housing layout / design is proposed. • Good quality open space / landscaping are proposed within the site. • Ecological mitigation and enhancement measures can be successfully implemented subject to conditions. • Potential harm caused by the development would be outweighed by the benefits of additional housing contributing to the 5 year housing supply. 		
REASON FOR REFERRAL TO COMMITTEE Departure from Local Plan 2000.		
WARD Marden And Yalding Ward	PARISH/TOWN COUNCIL Collier Street	APPLICANT Wealden Ltd AGENT Wealden Homes
DECISION DUE DATE 08/06/16	PUBLICITY EXPIRY DATE 08/06/16	OFFICER SITE VISIT DATE 01/04/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 14/504061/FULL – Erection of 29 houses and 2 bungalows, with associated garages, car barns and parking spaces, landscaping, tree planting and new pond; with new shared surface access road off Claygate Road – Withdrawn 14/504397/FULL (The Pest House / grade II listed) - Demolition of existing single pitch rear		

extension and replace with erection of single storey pitched roof extension inclusive of external and internal alterations; demolition of rear single storey container shed and replace with a garage – Permitted

97/1322 - Extension to existing workshop – Refused

E/3/210 – Enforcement Notice at land at Bentletts Farm, Yalding – Change of use from agricultural use to a use in connection with the industrial use on the adjoining land including the storage cleaning, packing and adapting for sale of parts of vehicles without the grant of planning permission – Date served 13/07/1967

E/3/209 – Enforcement Notice at land at Bentletts Farm, Yalding – A change of use from land forming part of the curtilage of the dwellinghouse to a use as a car park in connection with industrial use on adjoining land without the grant of planning permission – Date served 13/07/1967

67/0182/MK3 – Access to depot – Approved.

66/0326/MKE – The erection of an open span concrete building to replace existing storage and industrial building – Part Allowed/Part dismissed.

1.0 BACKGROUND

1.1 The site is allocated as a housing site in the emerging Local Plan under policy H1 (68). This draft policy states:

‘Bentletts Yard, as shown on the policies map, is allocated for development of approximately 10 dwellings at an average density of 5 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.

Design and Layout

1. The layout of development shall reflect the rural character of the area to create the appearance of one or more clusters of farm buildings.

2. Development proposals will be of a high standard of design and sustainability, incorporating the traditional domestic and agricultural building designs and materials of Kent Vernacular architecture.

3. Lighting on the site should be carefully designed so that it minimises landscape, heritage and ecological impacts.

Heritage Impact

4. Development should preserve and/or enhance the setting of the listed building known as The Pest House at the entrance to the site.

Landscape/ecology

5. The development proposals are designed to take into account the results of a landscape and visual assessment undertaken in accordance with the principles of guidance available at the time of the submission of an application.

6. The development proposals are designed to take into account the results of a detailed arboricultural survey, tree constraints plan and tree retention/protection plans.

7. Retention, enhancement and reinforcement of existing trees and hedgerows along the site's northern and southern boundaries to provide substantial structural landscaping to screen the development from the surrounding countryside.

8. The development proposals are designed to take account of the results of a phase 1 habitat survey and any species specific survey that may, as a result, be recommended together with any necessary mitigation / enhancement measures.

9. The development should be designed to ensure that land suitable for use as Great Crested Newt habitat should not be lost to development. Any landscaping and ecological enhancements at the western end of the site should include provision of a wildlife pond.

Land contamination and viability

10. It should be demonstrated that contamination of the site resulting from its scrap yard use has been remediated to the satisfaction of the local authority and the Environment Agency.

11. Any application should be accompanied by a detailed viability assessment and appraisal.

Flooding and water quality

12. The submission of a flood risk assessment which has been undertaken to a methodology agreed with the Environment Agency.

13. Measures should be secured to ensure adequate site drainage, including the implementation of sustainable drainage measures. Sustainable Urban Drainage measures should seek to enhance potential Great Crested Newt habitat.

Highways and transportation

14. Appropriate improvements to, or contribution towards, the junction with Claygate Road'.

2.0 DESCRIPTION OF SITE

- 2.1 The application site relates to a long standing Heavy Goods Vehicles (HGVs) scrap yard located within the open countryside off Claygate Road. The site amounts to approximately 2.5ha and is dominated by hardstanding with a number of industrial sheds mostly located in the eastern section of the site. A further building is located more centrally within the site at 90 degrees to the southern boundary. A majority of the site is used for open storage of HGVs and scrapyards operations. Sporadic trees planting lines the north and south site boundaries.
- 2.2 To the north, south and west of the site are agricultural fields / open countryside. To the east of the site there is a short linear development of residential properties fronting onto Claygate Road. The house located to the east of the vehicle entrance to the scrapyard is grade II listed and HGV movements entering and leaving the site pass in close proximity to this house. The grade II listed building is currently vacant and is in a state of deterioration.
- 2.3 A majority of the site is located in Flood Zone 1. Part of the site is located within Flood Zone 2.
- 2.4 Short to mid-range views of the open storage area (HGVs and scrapyard) and the industrial sheds are afforded from several points along Claygate Road; including the

site entrance; between the houses to the east of the site, and across the agricultural fields.

3.0 PROPOSAL

- 3.1 Erection of 25 dwellings with associated garages, car barns and parking spaces, landscaping, tree planting and a new pond, inclusive of amenity area for nature conservation and new shared surface access road off Claygate Road.
- 3.2 The housing development is proposed within the existing area of the scrapyards site with an additional area of public open space and ecological habitat created to the north of the site in part of the adjoining agricultural field.
- 3.3 The existing vehicle access would be retained serving as the only vehicle access to the site. The existing access would be upgraded and resurfaced and the hedgerow on the west of the entrance would be retained and reinforced. A spine road is proposed through the centre of the site with short secondary roads branching off the spine road.
- 3.4 The layout is divided into small distinct housing zones. Changes in materials and architectural styles delineate each of the housing zones. Materials take cues from the nearby listed building and surrounding rural properties. Materials include brick and clay tile-hanging, black and white weatherboarding, facing brickwork and ragstone boundary walls. Houses are two storeys in height and generally front onto the roads and open space within the site.
- 3.5 A central green space is proposed within the development with pedestrian links to an ecological / area of open space to the north of the development. New tree and landscaping is proposed in the around three existing ponds. A pedestrian path is proposed through this area providing a circular walk through the site.

AMENDED PROPOSAL

- 3.6 As a consequence of consultation responses from Design South East there has been a minor alteration to the housing layout in the following respect:
- Plot 6 – flipped.
 - Plot 7 – Reoriented; detached house type with large adjacent landscaped area to north. (Previously two plots.- 7 and 8 in this location)
 - Plots 8 onwards to 12 renumbered but house types remain as originally submitted.
 - Plot 12 - same house type but renumbered as plot 12 not 13.
 - Plots 13, 14 and 15 are new plots / house designs at the apex of the spine road.
- 3.7 Further consultation was not deemed necessary in this instance as the amendments did not increase the number of units and are not considered to result in any amenity impacts over or above the original submission.

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV6, ENV28, ENV41, ENV49, T13, CF1
Affordable Housing DPD (2006)
Open Space DPD (2006)
Draft Maidstone Local Plan (submission version) May 2016: SS1, SP17, DM1, DM2, DM3, DM7, DM13, DM27, DM34, H1 (68)

5.0 LOCAL REPRESENTATIONS

A Site notice was put up outside the site. Letters were sent to neighbours adjoining the site. 6 representations have been received, three in support, two objections and one comment. The representations are summarised below:

- Flood risk
- Surface water flooding
- Houses preferred to the scrapyard
- Noise pollution and land contamination from scrapyard would be removed
- Noise and highways safety issues from vehicles associated with existing use
- Bus stop laybys required
- Proposal would result in additional vehicle movements / congestion
- This brownfield site should be development for housing
- Too many houses are proposed

6.0 CONSULTATIONS

Collier Street Parish Council: Support the application. Comments from the PC are summarised as follows:

- Assurances regarding flood risk and drainage are needed
- Concerns regarding number of vehicles accessing the site at peak times.
- Request contribution towards a new village centre / hall

Kent Police: No objections

NHS: Request contributions

Southern Water: No objections

MBC Landscape Officer: No objections subject to conditions

MBC Conservation Officer: No objections subject to conditions

KCC Drainage: No objections subject to conditions

KCC Highways: No objections subject to conditions

Upper Medway IDB: No objections. Recommend conditions.

Environment Agency: No objections subject to conditions

KCC Economic Development: Request contributions

MBC Environmental Health: No objections subject to conditions

Design South East: Endorse the layout and design

7.0 APPRAISAL

Principle of development

- 7.1 Paragraph 215 of the NPPF states that, *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

- 7.2 Saved policy ENV28 seeks to protect the countryside by restricting development beyond identified settlement boundaries. In general terms, this policy is consistent with the NPPF, which at paragraph 17, recognises the intrinsic character and beauty of the countryside. However, the draft MBLP evidence base identifies objectively assessed needs for additional housing over the plan period 2016-2031, which the draft MBLP addresses, in part, by way of site allocations for housing outside sites outside existing settlement boundaries. The draft MBLP was submitted to the Secretary of State for Independent Examination on 20 May 2016 and examination hearings are expected to take place in September 2016. The draft MBLP will deliver the development (and infrastructure to support it) to meet objectively assessed over the plan period.
- 7.3 The existing settlement boundaries defined by the adopted Local Plan (2000) will be revised by the MBLP to deliver the development necessary to meet identified needs in accordance with the site allocations in draft MBLP policies and H1. In this instance the weight attached to ENV28 should be reduced due to the allocation of the site in the emerging local plan.
- 7.4 Paragraph 216 of the NPPF states that,
"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*
- 7.5 Inevitably any major development in a rural area such as this will clearly have an impact upon the environment. The site comprises the redevelopment of a brownfield site in the countryside. Paragraph 51 of the NPPF is relevant to the redevelopment of commercial sites and states that Local Planning Authorities:
- 7.6 *'should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate'.*
- 7.7 In addition paragraph 152 the NPPF advises that,
"Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate."
- 7.8 In allocating the site, the Council considers its use for housing is appropriate subject to the criteria outlined within draft MBLP policy H1(68) to mitigate the impact as far as

possible. On this basis, it is considered that in general, the proposed allocation is consistent with the principles and policies set out in the NPPF when taken as a whole.

- 7.9 In conclusion the weight to give the emerging local plan and the draft site allocation policy H1 (68) is considered to be substantial and clearly indicates that the Council considers a housing allocation at the site is appropriate subject to suitable mitigation.
- 7.10 The application proposes 25 units, 15 more units than promoted under emerging policy H1 (68) and, 25 houses would clearly have a greater impact on the countryside than 10 houses. However, given the substantial cost of clearing the contamination from the existing site the redevelopment of the site for housing would only be viable with a minimum of 25 houses as demonstrated by the applicant's viability appraisal.
- 7.11 In the circumstances of this case, the key planning issues are considered to be visual impact, impact on heritage assets, residential amenity, access/highway safety, ecology/biodiversity, land contamination and flood risk.

Visual Impact and landscaping

- 7.12 The application site relates to a long standing HGV scrapyards located within the open countryside off Claygate Road. The site is dominated by hardstanding with a number of industrial sheds mostly located in the eastern section of the site. There is a further building located more centrally within the site at 90 degrees to the southern boundary. A majority of the site is used for open storage of HGVs and scrapyards operations. The existing use of the site, in particular the large open storage areas, is considered to be visually damaging to the countryside.
- 7.13 The construction of 25 houses on the site would clearly have an impact on the countryside, and at two stories in height the houses would be larger than the existing buildings and the HGVs stored / scraped on the site at present.
- 7.14 Short to mid-range views of the site would be afforded from various points along Claygate Road; at the site entrance; between the houses to the east of the site and, across the agricultural fields to the north of the site.
- 7.15 The provision of open space on the north boundary of the site is considered to provide a good landscape / natural buffer between the proposed housing development and countryside and would serve to limit the visual impact of the development on the open countryside and would screen views from Claygate Road and soften the impact of the housing development. Additional tree and hedgerow planting would also be carried out within the site and along the site boundaries and the proposed site plan shows that the proposed development includes a significant increase in landscape / tree planting compared to the existing site which is dominated by hardstanding. A detailed landscape scheme could be secured via condition to ensure suitable native tree and hedgerow planting throughout the site.
- 7.16 Due to the relatively flat nature of the application site, coupled by the additional landscaping proposed along the site boundaries and the new ecology area, I am of the view that the proposal would not appear significantly prominent from further ranging views.
- 7.17 Clearly, as considered above the character of the site would undoubtedly change and it is likely that some of the houses would be visible from public vantage points along Claygate Road, however, the application has to balance the many issues, impact, gains and losses involved in redeveloping the site for housing. Due to the location

and character of the site, being a relatively flat site, coupled by the additional landscape planting along the site boundaries, I do not feel the development would cause significant wider harm to the landscape character of the area compared to the existing scrapyards. Houses in this location would not appear significantly out of keeping with the surrounding area as there are other residential properties in proximity to the site, although these are not planned housing developments.

- 7.18 An arboricultural report has been submitted and within this recommendations are made as to which trees should be removed. A majority of the site is currently hardstanding although there are trees located close to the boundary of the site. The proposal seeks to retain a majority of the trees on the site boundary with further tree and hedgerow planting proposed. There are no TPO's on the trees affected by the development and the landscape officer has not raised any arboricultural objections to the proposal.
- 7.19 The boundary treatment throughout the site would however be essential to achieving a good scheme. Particular care will need to be taken in the proposed area of open space in the north the site which would buffer the housing development from the open countryside and also the new replacement planting on the southern boundary of the site. A fully detailed landscaping scheme will need to demonstrate an appropriate mix of indigenous landscaping and long terms management plan.
- 7.20 When considering the visual impact of the proposed development and its siting in this rural location, it is my view that a well-designed scheme would be capable of being absorbed visually into the environment subject to a robust landscape proposal and management plan. Clearly there would be some visual harm arising from additional housing in the open countryside, however, in this instance the visual impact of the development is considered to be limited to short range views from the Claygate Road and a majority of the housing development would be screened by the existing and proposed landscaping.
- 7.21 It is my view that development in this location is acceptable in landscape terms and that with a suitably composed landscape management strategy that is overseen by a management company and secured through the S106 agreement, the provision of landscaping on the buffers can be safeguarded.
- 7.22 Overall, it is considered that development of the site would cause some visual harm which is inevitable with any built development in the countryside and there would therefore be some conflict with policies ENV28 of the Local Plan but this would be relatively low harm when weighed against the visual, environmental and amenity harm caused by the existing scrapyards use which would be removed from the site.
- 7.23 It is also acknowledged that the proposal for 25 houses would clearly have a greater visual impact on the countryside than 10 houses (emerging Policy H1 (68)). However, it is considered that the 15 additional houses could be accommodated on the site and additional landscaping, particularly along the north and south boundary would to some degree mitigate the visual impact of the proposed built development. As stated above the increase in the number of houses is supported by a viability report.

Layout / Design

- 7.24 The layout is divided into four distinct housing zones. Changes in materials and architectural styles delineate each of the housing zones. Materials take cues from the nearby listed building and surrounding rural properties. Materials include brick and clay tile-hanging, black and white weatherboarding, facing brickwork and

ragstone boundary walls. Houses are two storeys in height and generally front onto the roads and open spaces within the site.

- 7.25 A central green space is proposed within the development with pedestrian links to an ecological area to the north of the development. New tree and landscaping is proposed around three existing ponds in the northern part of the site. A pedestrian path is proposed through this area providing a circular walk through the site.
- 7.26 The layout and design has been reviewed by Design South East (DSE) and minor layout amendments have been completed by the architect following suggestions by DSE. The design and layout has been endorsed by DSE, advising that the proposal represents a 'refreshing approach to site layout. Clusters give different character areas with a clear split offered by the "green swathe" through the centre of the site.'

Residential Amenity

- 7.27 To the north, south and west of the site are open field and countryside. To the northeast and east of the site is a small cluster of residential houses fronting onto Claygate Road, including the grade II listed Pest House located at the entrance of the site.
- 7.28 Residential vehicle movements would replace large tow-truck and HGVs movements along Claygate Road and directly past the grade II listed Pest House. Whilst vehicle movements are likely to increase compared to the existing use there would be a reduction in the size of vehicles and a reduction in the noise associated with the vehicle activity from the scrapyard and vehicles entering the site. In addition, notwithstanding construction noise, the proposed housing development is likely to generate less of noise and disturbance than the existing scrapyard business on the site. It is also noted that the scrapyard use is unrestricted and vehicle movements / noise disturbance could increase if the site is operated at capacity.
- 7.29 There would not be an unacceptable loss of neighbour amenity in terms of loss of light, outlook or privacy due to the separation distance between the proposed development and nearest neighbouring properties. It is also noted that housing proposed in the eastern part of the site would replace existing commercial buildings.
- 7.30 The existing use is considered to be an unneighbourly development and the redevelopment of the site for 25 houses would result in less noise and distance than the scrapyard business.

Heritage Impacts

- 7.31 The grade II listed Pest House is located at the vehicle entrance of the site. This residential property is a dilapidated state of repair. The proximity of the existing scrapyard is considered to have a harmful impact on the setting of the grade II listed building, in particular the HGV and other vehicle movements along the site entrance in close proximity to the grade II listed building. It is thought that the proximity of the scrapyard has led to a lack of investment to the listed building as the proximity to the site and vehicle entrance does not make it an attractive / marketable residential premise.
- 7.32 The NPPF states that 'Local planning authorities should look for opportunities for new development ... within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.'

- 7.33 The council's conservation officer supports the proposed redevelopment of the site advising that the scrapyards have a significantly adverse impact on its setting and may be the reason for the listed building appearing somewhat run down. The conservation officer supports the proposed housing scheme and advises that the loss of the scrapyards would significantly enhance the setting of the listed building adding that the proposed development comprises a high quality development in a mix of vernacular and Georgian vernacular design.

Highways / accessibility

- 7.34 The existing vehicle access would be upgraded and resurfaced. A total of 87 car parking spaces are proposed of which 35 are in car barns, 6 in garages and 41 allocated open parking spaces and 5 visitor parking spaces. The proposed parking would be in accordance with KCC parking standards.
- 7.35 The proposed use would not give rise to an increase in vehicular movements over the existing uncontrolled scrapyards use. At present the Scrapyard is not operating at full capacity as the use being wound down on this site. Historically the site has been operating at near capacity generating some 32 HGV trips per day and some 82 car/van trips per day. The applicants transport statement advises that the proposed housing development would give rise to around 208 trips per day. However, the increase in vehicle trips is not considered to be significant compared to the existing use. Importantly, the HGV movements associated with the scrapyards would cease with the new use. On balance it is considered that the benefits from removing HGV movements from the site / local road network would outweigh the harm caused by any increase in private motor car movements in this location. On this point it is considered that the proposed development of 25 houses would not result in a significant number of vehicle trips and the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.36 KCC Highways has no objections to the proposed development on highways safety, capacity or parking grounds.

Community infrastructure contributions and affordable housing

- 7.37 A development of this nature is likely to place extra demands on local services and facilities and it is important to ensure that such a development could be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.
- 7.38 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Act. This has strict criteria setting out that any obligation must meet the following requirements: -
It is:

(a) Necessary to make the development acceptable in planning terms;
(b) Directly related to the development; and
(c) Fairly and reasonably related in scale and kind to the development.

- 7.39 NHS Property Services -

The NHS is seeking a contribution of £29,232 which is to be invested into supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity at Yalding Surgery and The Pond Surgery which are within a 2.5 mile radius of the development. This is considered to have been sufficiently justified by the NHS in order to mitigate the additional strain

the development would put on health services and complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three CIL tests above.

7.40 KCC Education –

A contribution of £59,024.00 has been requested towards primary school education (based on the 25 applicable houses). The proposal would give rise to additional primary school pupils during occupation of this development. KCC has advised that this need, cumulatively with other new developments in the vicinity, can be met through the enhancement to Yalding Primary School. I am satisfied that this contribution is reasonable and would help meet the additional demand to borrow library books. There is no current requirement for secondary education contributions from KCC.

7.41 A contribution of £1200.40 has been requested towards the library Bookstock to mitigate the impact from this development (based on 25 dwellings). KCC advise that the additional stock will be made available locally as and when the monies are received. KCC have not indicated which local library the monies would be used at and there are no libraries particularly local to this site. As such I do not consider that this request is wholly CIL compliant and consider that the monies should be put towards an off-site affordable housing contribution instead given the absence of an on-site contribution to affordable housing.

7.42 A scheme of this size would be required to provide 40% on-site affordable housing in accordance with council Affordable Housing DPD (2006) and emerging policy DM13 of the draft Maidstone Local Plan (submission version) May 2016. No on-site affordable housing is proposed as backed up by a viability report from the applicant.

7.43 The applicant was aware of these contribution requests and the application was accompanied by a Viability Report by RPC Ltd which concludes that the development could only viably make £150,000 of contributions with no offer of affordable housing on the site. The viability report advises that 25 houses is the baseline for a viable development on this site which is attributed to the high cost for clearing contamination from the scrapyard prior to development for housing.

7.44 The council instructed Dixon Searle Partnership to review the applicants Viability Report. The Dixon Searle assessment concurs with the findings of the applicants Viability Report. Dixon Searle have confirmed that the key assumptions on sales values and build costs are fairly represented in the applicants Viability Report and as such it would appear that there is little scope beyond that indicated by the applicant's agent to improve the planning obligations package put forward. The viability report and independent review confirm that a maximum contribution of £150,000 could be provided for this development before the scheme becomes unviable.

7.45 The above contribution requests from the NHS and KCC total £89,456.40. Given that on-site affordable housing is not deemed to be viable on this scheme it is considered that the remaining £60,543.60 should be provided towards an off-site affordable housing contribution within the borough as confirmed by the Housing department.

Biodiversity implications

7.46 An Extended Phase 1 Habitat Survey, bat survey and great crested newt and reptile survey has been submitted as part of the application.

7.47 Some trees on the site were deemed suitable for roosting bats and roosts were found in two trees on the southern boundary. A revised site layout plan has been

submitted which seeks to retain the trees on the north and south boundary such that none of these trees identified would be affected by the proposed development. An external lighting condition could be attached to ensure light spillage would not have a harmful impact on bat migration, or the character of this rural location.

7.48 The reptile surveys recorded a low population of grass snake within the site. The great crested newt survey advises that the site has a medium population of the species within 250m of the application boundary and a European Protected Species Mitigation (EPSM) licence will need to be sought and approved prior to the start of work. In regard to the EPSML, consideration must be given to whether the EPSML will be granted which requires consideration of the three derogation tests:

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

7.49 The proposed layout includes an area of ecological enhancement to the north of the housing development approximately 0.5ha in size which provides ecology mitigation and enhancements for the site. There are also green spaces, ponds and tree / landscaping planting proposed within the development site. The existing ponds adjacent the site to the north would be incorporated into the ecological area and will benefit from the site being cleaned of contamination from the existing scrapyard use.

7.50 Ecological mitigation and biodiversity benefits incorporated into the open space in the northern part of the site would satisfy criterion three subject a detailed mitigation, enhancement and management strategy for the open space being secured by condition.

7.51 In respect to criterion one and two, I am of the opinion that the public benefits arising from the addition of 25 new houses contributing to the 5 year housing supply and the environmental and other benefits associated with the termination of the scrapyard business are sufficient justification to address these points.

Other matters

7.52 The application is supported by a FRA and proposed drainage strategy. Southern Water, the EA and KCC Sustainable Drainage have been consulted and do not raise any objection on flood risk, foul or surface water drainage grounds subject to conditions. The site is located in Flood Zone 1 with some areas of the site in Flood Zone 2 and Environment Agency raises no objections subject to conditions and as such the LPA are satisfied that the development would not result in a flood risk issue.

8.0 CONCLUSION

8.1 The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000 and the site is not located in a particularly sustainable location in transport terms. However, the existing scrapyard is visually and operationally damaging to the countryside and nearby heritage assets such that the benefits of the proposed development are considered to outweigh any conflict with policy ENV28.

8.2 The site is allocated for housing development under emerging policy H1 (68) and the proposed development accords with the criteria within this policy.

- 8.3 25 houses are proposed, 15 more than promoted under emerging policy H1 (68). The applicant's viability report demonstrates that 25 houses is the benchmark in order for the site to be viable for housing redevelopment due to the site decontamination costs.
- 8.4 The visual impact on the landscape character and setting of the grade II listed building is considered to be a visual improvement compared to the existing scrapyard use.
- 8.5 Although there would be an increase vehicle in trips is expected, the increase would not be significant compared to the unrestricted scrapyard use. u Further, large HGVs/commercial vehicles would be removed from the local road network The proposal would be acceptable in terms of highways safety, capacity and parking.
- 8.6 A good quality housing layout / design is proposed. Good quality open space is proposed within the site and ecological mitigation and enhancement measures can be successfully implemented subject to conditions.
- 8.7 The redevelopment of the site would include a comprehensive scheme of decontamination bringing environmental benefits.
- 8.8 Potential harm caused by the development would be outweighed by the benefits of additional housing contributing to the 5 year housing supply and the environmental, ecology, heritage and other benefits associated with the termination of the scrapyard business on the site.
- 8.9 On balance it is therefore considered that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 agreement planning permission is granted.

11.0 RECOMMENDATION – GRANT subject to a legal agreement in such terms as the Head of Legal Services may advise to provide the following:

- Contribution of £59,024.00 towards the enhancement of Yalding Primary School.
- Contribution of £29,232 towards improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity at Yalding Surgery and The Pond Surgery.
- Contribution of £61,744 towards off-site affordable housing in the borough.
- Inclusion of a clawback requiring a further viability review to take account of any future increase in land value and/or reduction in decontamination costs of the site, which could result in a higher affordable housing contribution.

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

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. Finished floor levels for non-sleeping and sleeping accommodation shall be a minimum of 300mm and 600mm respectively, above the estimated flood level for the site.

Reason: To avoid flood risk.

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

- 1) A preliminary risk assessment which has identified:

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

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

- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

Reason: In the interest of health and safety

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

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

5. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

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

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

6. Prior to any development above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Details shall include the use of swift bricks within the development.

Reason: To ensure a satisfactory appearance to the development.

7. The vehicle parking spaces and/or garages and vehicle loading/unloading and turning facilities shown on the submitted plans shall be permanently retained for parking and turning and shall not be used for any other purpose.

Reason: In the interest of highways safety and parking provision.

8. No development shall take place (including any vegetation clearance or ground works) until a detailed Reptile Mitigation Strategy, in accordance with the submitted Receptor Site Survey and Enhancement Plan by Greenspace Ecological Solutions dated January 2016, has been submitted to and approved in writing by the local planning authority. The content of the Strategy shall include the:

- a) purpose and objectives of the proposed mitigation works, including the creation of compensatory habitat and protection of reptiles during construction works;
- b) detailed design(s) and working method(s) to achieve stated objectives;
- c) identification of 'biodiversity protection zones', including the use of protective fences, exclusion barriers and warning signs;
- d) timetable for implementation, demonstrating that the mitigation works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the works, including provision for specialist ecologists to be present on site to oversee reptile protection works.;
- f) provision for long-term management and monitoring of the compensatory habitat;
- g) provision for identification and implementation of remedial actions if monitoring shows that objectives are not being met.

The approved Reptile Mitigation Strategy shall be implemented in accordance with the approved details.

Reason: In the interest of ecology and biodiversity enhancement.

9. Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority.

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

10. Prior to any development above damp proof course level details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 and a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site;

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

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

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

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

12. No building hereby permitted shall be occupied until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter. Boundary treatment shall include:

Cut-outs at ground level in the garden fences of the new residential houses to allow wildlife to move freely between gardens;

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

13. The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

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

14. No building hereby permitted shall be occupied until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

15. No building hereby permitted shall be occupied until details of facilities for the separate storage and disposal of waste and recycling generated by this development including arrangements for waste collection have been submitted for approval to the LPA. The approved facilities shall be provided before the first use of the building(s) or land and maintained thereafter.

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

16. 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.

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

- i. The parking of vehicles of site operatives and visitors
 - ii. Loading and unloading of plant and materials
 - iii. Wheel washing facilities
 - iv. Measures to control the emission of dust and dirt during construction
 - v. A scheme for recycling/disposing of waste resulting from demolition and construction works
 - vi. Provision of measures to prevent the discharge of surface water onto the highway.
- Reason: In the interest of highways safety.

18. Prior to the occupation of the building(s) hereby permitted, a minimum of one electric vehicle charging point shall be installed at every residential dwelling with dedicated off street parking, and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

19. Prior to the commencement of development above damp proof course level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be 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: To ensure an energy efficient form of development.

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

22504A_10 Rev P1, 22504A_500 Rev P1, 22504A_502 Rev P1, 22504A_507 Rev P2, 22504A_508 Rev P2, 22504A_512 Rev P1, 22504A_513 Rev P1, 22504A_514 Rev P2, 22504A_519 Rev P1, 22504A_600 Rev P1; received 12.02.2016 and 22504A_50 Rev P5, 22504A_501 Rev P2, 22504A_503 Rev P2, 22504A_504 Rev P3, 22504A_505 Rev P2, 22504A_506 Rev P4, 22504A_509 Rev P3, 22504A_510 Rev P3, 22504A_511 Rev P3, 22504A_516 Rev P1; received 5.07.2016

And the following supporting documents:

Flood Risk Assessment with Drainage Strategy Layout by RCD Consultants Ltd; dated February 2016, Transport Statement; dated February 2016, Receptor Site Survey and Enhancement Plan; dated January 2016, Great Crested Newt and Reptile Survey; dated September 2014, Phase 1 Geo Environmental Desk Study and Preliminary Risk Assessment; dated February 2014, Extended Phase I Habitat, Bat Scoping Survey and Habitat Suitability Index Assessment; dated September 2014 and Bat Survey; dated 12 March 2015.

Reason: For the purpose of clarity and to ensure a satisfactory appearance to the development and a high quality of design.

INFORMATIVES

The site lies on clay geology and all precautions must be taken to avoid discharges and spills to the ground and controlled waters both during and after construction. For advice on pollution prevention, the applicant should contact the Environment Agency.

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



16/504639 - 529 Tonbridge Road, Maidstone

Scale: 1:1250

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REPORT SUMMARY

REFERENCE NO - 16/504639/FULL		
APPLICATION PROPOSAL Two bedroom dwelling		
ADDRESS: 529 Tonbridge Road, Maidstone, Kent, ME16 9LN		
RECOMMENDATION: APPROVE WITH CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION The development, subject to the conditions stated, is considered to comply with the policies of the Development Plan and NPPF and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE It has been called-in to Committee by Councillor Boughton for the reasons outlined below.		
WARD Fant Ward	PARISH/TOWN COUNCIL N/A	APPLICANT Mr Daniel Piggott AGENT Consult Construct
DECISION DUE DATE 22/07/16	PUBLICITY EXPIRY DATE 22/07/16	OFFICER SITE VISIT DATE 20/06/16
RELEVANT PLANNING HISTORY: None		

MAIN REPORT

1.0 Site description

- 1.01 529 Tonbridge Road is a detached house set back more than 20m from this highway, adjacent to the convenience store and housing development behind that is currently being built. Accessed from Elmstone Lane, the property sits to the west of 2 Elmstone Lane and does benefit from parking to the front. For the purposes of the Development Plan, the proposal site is within the defined urban area.

2.0 Proposal

- 2.01 The proposal is for the erection of a single (2-bed) dwellinghouse which will be attached to the eastern flank of 529 Tonbridge Road. The proposal would be set back and set down from 529 Tonbridge Road; it would have no side openings; its design reflects 529 Tonbridge Road; and the decking area to the rear would accommodate the changes in land levels from front to rear of the site. The proposal would also benefit from an off-road parking space to the front.

3.0 Policy and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6
- National Planning Policy Framework
- National Planning Practice Guidance
- Submitted version of Local Plan: SP1, DM1, DM2

4.0 Consultations

- 4.01 **Councillor Boughton:** Wishes to see the application reported to Planning Committee for the following reasons;

- *I am concerned that there is a light impact on the immediate neighbours of the site, as the proposed designs do seem to impede houses adjacent to the proposed development.*
- *A consequence of this is the loss of privacy to houses immediately adjacent to the proposed site.*
- *I also have concerns over access. This will now come from Elmstone Lane, a narrow and in parts unadopted road which has already had to come with the traffic impact of a development further down the lane. This proposal would exacerbate the problems faced with the road surface."*

4.02 **Environmental Health Officer:** Raises no objection.

4.03 **Neighbour representations:** 1 representation received raising concerns over residential amenity and traffic.

5.0 Relevant policy and guidance

5.01 Development Plan policy and central Government guidance within the National Planning Policy Framework (NPPF) does encourage new housing in sustainable urban locations as an alternative to residential development in more remote countryside situations. I have no argument against the site being in a sustainable location.

5.02 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 the autumn. This Plan and its policies are considered to hold significant weight; and subject to the details of this application, this proposal is in accordance with the relevant policies within the submitted Plan.

5.03 The NPPF also seeks development to contribute, protect and enhance the built environment and paragraph 64 of the NPPF states;

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

5.04 I will now go on to discuss the merits of this application.

6.0 Design, siting and appearance

6.01 The proposal would reflect the proportions and design of the adjoining property (529 Tonbridge Road), what with its 2-storey bay window feature; its gable-end pitched roof; and the use of matching external materials. The lowered ridge line and set back from the front of this property would also provide acceptable relief in the bulk of the buildings; and it should also be noted that there is no distinct character to the surrounding area in terms of house styles. In addition, whilst the new house would be built up to the shared boundary with 2 Elmstone Lane, the pattern and grain of development in the area is mixed and there is no uniform building line here for this proposal to adhere to. As such, it is my view that the modest gap left between the two properties would not result in significant enough harm to the streetscene to warrant refusal alone. I am therefore satisfied that this proposal would not appear visually harmful, cramped or out of context; and it would not cause unacceptable harm to the character, appearance of the surrounding area.

7.0 Residential Amenity

7.01 2 Elmstone Lane would be the closest property to the east of the proposal. There are no side openings to be adversely impacted upon by the new house; the proposal passes the BRE light tests from the front and rear openings of this neighbouring property; the proposal would have no side openings; no new openings would directly

overlook this neighbour; and the existing boundary treatment would ensure appropriate levels of privacy are maintained for both properties at ground floor level. In addition, given the siting of the proposal, I am satisfied that it would not appear overbearing or suppressive to this neighbour and would not significantly harm the occupant's enjoyment of their private garden area.

- 7.02 I am satisfied that the openings to 529 Tonbridge Road on its eastern flank are not the only/main openings serving habitable rooms and so raise no objections in this respect. I am also satisfied that the amenity (internally and externally) of the occupants of this property would not be adversely affected by the proposed development.
- 7.03 I am also satisfied that the proposal, given the separation distances and building orientations, would not have a detrimental impact upon the amenity of any future occupants of the development to the rear (granted under 15/502678); or upon any other existing neighbours in the locality.

8.0 Highway safety implications

- 8.01 The proposal makes use of the existing access; a parking space would be provided; the proposal will not lead to a significant increase in traffic generation or an unacceptable intensification of use of the access; and I also consider the local highway network to be capable of accommodating any additional traffic from 1 additional house. I am therefore satisfied that this proposal would not result in an adverse highway safety issue.

9.0 Other considerations

- 9.01 Given the scale, nature and location of the proposal and the site, I raise no objections in terms of biodiversity, arboriculture, flood risk, foul (connection to mains sewer) and surface water drainage (soakaway), noise, air quality, and land contamination and would consider it unreasonable to request further details in these respects.

10.0 Conclusion

- 10.01 The issues raised by Councillor Boughton and local residents have been addressed in the main body of this report. It is therefore considered that the proposal is acceptable with regard to the relevant provisions of the Development Plan and the National Planning Policy Framework and I recommend conditional approval of the application on this basis.
- 10.02 The red outline of the application site was recently amended to fully include vehicular access onto Elmstone Lane. The applicant has confirmed he owns this land and a re-notification has been carried out as required, which expires after the committee date. As such, delegated powers are sought to approve the application subject to no representations being received raising new material matters.

RECOMMENDATION – The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below and subject to no representations being received raising any new material issues:

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) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

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

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

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

- (5) 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 the property shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of future occupiers.

- (6) The development hereby permitted shall be carried out in accordance with plans: 16.213 001 and 002 received 27/05/16; and 16.213 003 received 05/07/16;

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

- (7) No development shall 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: To ensure an energy efficient form of development.

Case Officer: Kathryn Altieri

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

Agenda Item 19

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 4th August 2016**

APPEAL DECISIONS:

1. 15/509667

Erection of boundary fence and gates
(Retrospective).

APPEAL: Dismissed

Branns Farmhouse
Goudhurst Road
Marden
Kent
TN12 9NW

(Delegated)

2. 15/509807

Erection of first floor rear extension above
existing ground floor rear extension and loft
conversion with formation of part gable/part
hipped end to existing hipped ended roof and
rear dormer

APPEAL: Dismissed

10 North View
Maidstone
Kent
ME15 7UE

(Delegated)

3. 15/507908

Change of use from traditional orchard to new
build residential development comprising 4 no.
two-bed and 2 no. three-bed houses, together
with landscaping, parking spaces and access.

APPEAL: Allowed with conditions

Land Adj Highfield House
Maidstone Road
Marden
Kent
TN12 9AG

(Committee)

4. 15/508307

Erection of 4 dwellings and relocation of access to builder's yard as shown on drawing numbers P1515-200 Rev A, , P1515-300 Rev A, P1515-327; dated 14-10-2015 and P1515-100 Rev B, P1515-50 Rev B; dated 30-10-2015 and P1515-225 Rev B, P1515-226 Rev B, P1515-325 Rev B, P1515-326 Rev B; dated 01.12.2015, and supporting documents: Topological Survey by Boundaries Partnering; dated 8-05-2015 and Arboricultural Implications Report (ref: ha/aiams1/musketla); dated 23-06-2015 and Preliminary Ecological Appraisal by KB Ecology (ref: 2015/06/02); dated 16-06-2015 and Design and Access Statement; dated 9-10-2015.

APPEAL: Allowed with conditions

Eyhorne Green
Musket Lane
Hollingbourne
Kent
ME17 1UU

(Committee)

5. 15/508517

Proposed two storey extension to a curtilage Listed Oast house. This is a linked appeal with 15/508518/LBC (APP/U2235/Y/3146763).

APPEAL: Dismissed

Southernden Farm Oast
Southernden Road
Headcorn
Kent
TN27 9LL

(Delegated)

6. 14/500212

Breach of Listed Building Consent, the installation of a five-light set of patio doors in the rear elevation of the extension at ground floor level to replace a three-light casement window involving the construction of a soldier arch above; the installation of a deepened two-light casement window at first floor level in the rear elevation of the extension to replace a shallower three-light window; the installation of a three light french window opening to replace a two-light french window opening at ground level in the south elevation of the extension; and the installation of a fully glazed door to replace a

two-light casement window in the south elevation of the extension at ground floor level.

APPEAL: Allowed and notice quashed

Honywood Farm
West Street
Lenham
Kent
ME17 2EP

(Enforcement)
