

AGENDA

ADJOURNED PLANNING COMMITTEE MEETING



Date: Thursday 13 July 2017

Time: 6.00 p.m.

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Boughton, Clark, Cox, English
(Chairman), Harwood, Hemsley,
Munford, Powell, Prendergast, Round
(Vice-Chairman), Spooner,
Mrs Stockell and Vizzard

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda

Continued Over/:

Issued on 7 July 2017

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Alison Broom

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

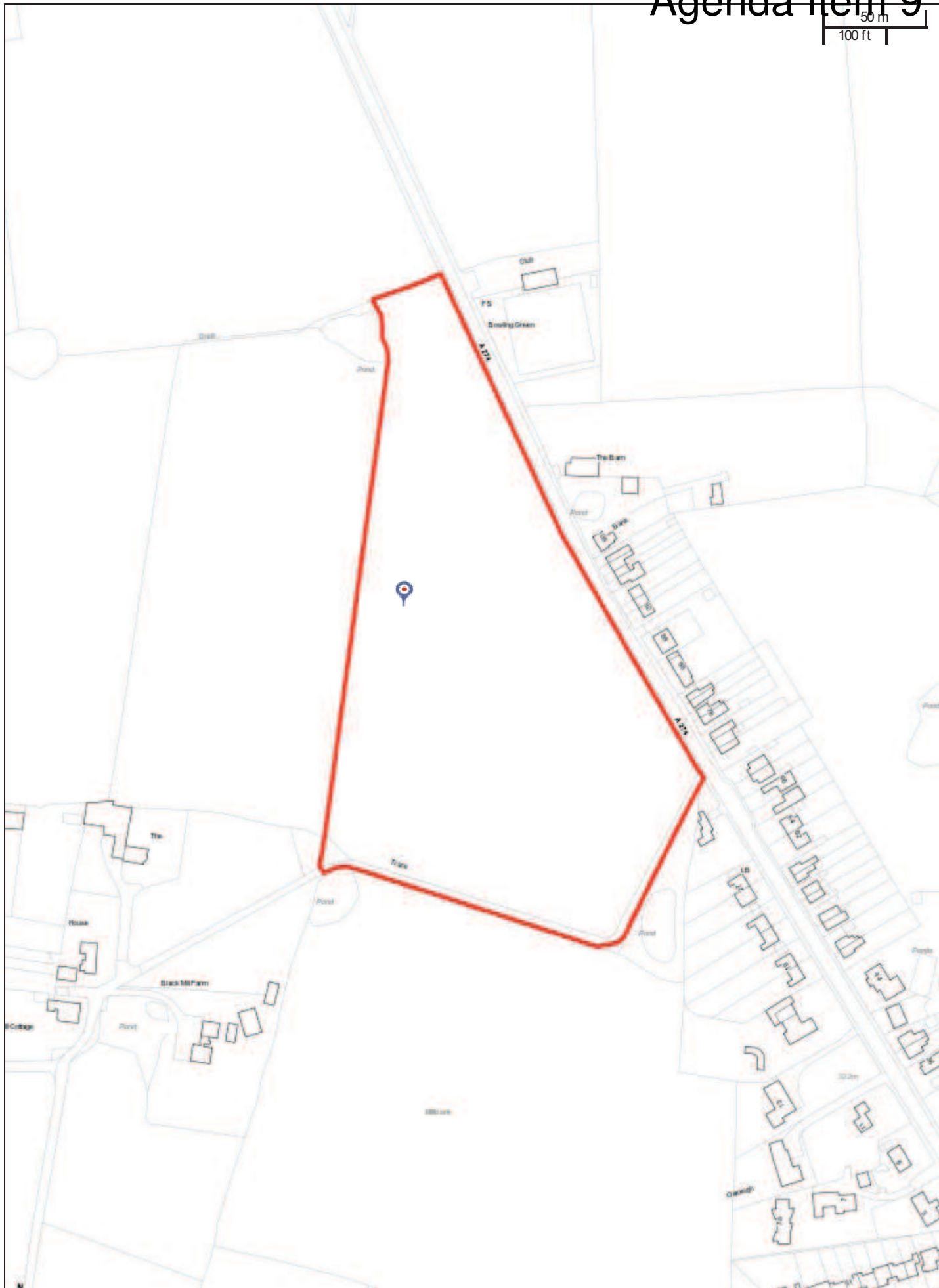
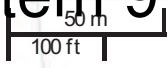
5. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
6. Disclosures by Members and Officers
7. Disclosures of lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. 17/501093 - Land West Of Mill Bank, Maidstone Road, Headcorn, Kent 1 - 12
10. 17/501593 - Great Oak Farm, Friday Street, East Sutton, Maidstone, Kent 13 - 19
11. Report of the Head of Planning and Development - S106 Contributions for Town Centre 20 - 22
12. Appeal Decisions 23 - 24
13. 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.

For full details of all papers relevant to the applications on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection by appointment during normal office hours at the Maidstone Borough Council Reception, King Street, Maidstone, Kent ME15 6JQ.



17/501093 - Land West Of Mill Bank

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REPORT SUMMARY

REFERENCE NO: 17/501093/REM			
APPLICATION PROPOSAL: Approval of reserved matters (appearance, landscaping, layout and scale) pursuant of 15/507424/OUT - Outline application for residential development of up to 62 dwellings (including a minimum of 40% affordable housing), planting and landscaping, informal open space, surface water attenuation, vehicular access point from Mill Bank and associated ancillary works (access approved).			
ADDRESS: Land West Of Mill Bank, Maidstone Road, Headcorn, Kent, TN27 9RJ			
RECOMMENDATION: GRANT PLANNING PERMISSION subject to the conditions and informatives set out at the end of this report.			
SUMMARY OF REASONS FOR RECOMMENDATION:			
<ul style="list-style-type: none"> • Outline approval in place for 62 dwellings with requirements on extent and height of built development and extent of open space met by this reserved matters application. • The design and appearance of the development is in keeping with the character of the surrounding area. The development is acceptable in relation to the impact on local residential amenity including loss of daylight, sunlight, outlook and privacy. • The proposal will provide a good standard of residential accommodation. • The proposal is acceptable in relation to flooding and drainage, impact of the proposal on the local highway network and impact on trees and ecology. 			
REASON FOR REFERRAL TO COMMITTEE:			
Headcorn Parish Council has requested that the application is determined by the Planning Committee.			
WARD: Headcorn	PARISH COUNCIL: Headcorn	APPLICANT: Bovis Homes AGENT: N/A	
DECISION DUE DATE: 14/06/17	PUBLICITY EXPIRY DATE: 14/04/2017	OFFICER SITE VISIT DATE: 28/03/2017	
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):			
App No:	Proposal:	Decision:	Date:
15/507424/OUT	Outline application for residential development of up to 62 dwellings (including a minimum of 40% affordable housing), planting and landscaping, informal open space, surface water attenuation, vehicular access point from Mill Bank and associated ancillary works. (Access being sought) committee 25/02/2016	Approved	24/08/2016
17/500190/SUB	Submission of Details to pursuant to Condition 8 - Habitat Management Plan and Condition 9 - Mitigation Strategy subject to 15/507424/OUT	Approved	19/05/2017

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site covers an area of 3.7 hectares on the west side of Mill Bank (A274) with Mill Bank running into Maidstone Road outside the site. The application site frontage to Mill Bank is 280 metres in length.
- 1.02 A line of existing residential properties (72 to 106 Mill Bank and The Barn) are located opposite the site frontage on the east side of Mill Bank. Headcorn Bowling Green is also on the east side of the road opposite the northern part of the application site. The properties on the east side at 72 to 100 Mill Bank and 29 Mill Bank to the south are within the Headcorn Village boundary with the application site located just outside.
- 1.03 The southern boundary of the site is shared with the detached property at 29 Mill Bank. The application site boundary includes the majority of an unmade vehicle access track immediately to the north of 29 Mill Bank. This track provides secondary access from Mill Bank to the group of residential properties to the south west of the application site (The Croft, Old House, Black Mill Cottage and Black Mill Farm) with primary access from Black Mill Lane.
- 1.04 The north and east site boundaries are marked by an established hedgerow, with a hedgerow also separating the main part of the site from the access track to the south. The west boundary of the site is currently open with no change in the landscape between the site and adjoining fields. The ground level on the site has a gradual slope down from the south to the north.
- 1.05 A public right of way (PROW KH591) runs across the site from the north east boundary (just to the north of The Barn) to the pond adjacent to the southwest corner. When travelling northwards the pavement on the east side of Mill Bank stops at the south east corner of the application site. The pedestrian footpath on the west side of the A274 runs the length of the site continuing for some distance to the north (junction of Tattlebury Lane). There are two informal vehicle parking laybys on the east side of Mill Bank that are within the application site boundary. When traveling north along Mill Bank the 30 miles per hour speed limit changes to 40 miles per hour outside the site and adjacent to The Barn and 106 Mill Bank.
- 1.06 The Barn adjacent to 106 Mill Bank and opposite the site frontage is a grade II listed building. The site is classified as Grade 3b agricultural land. There are several ponds adjacent to the boundaries of the application site. The trees surrounding the ponds to the south east and south west boundaries are covered by group Tree Preservation Orders. The site is located in the Low Weald Special Landscape Area. The application site, together with Headcorn Village is designated as a Landscape of Local Value in the emerging Local Plan.

2.0 PROPOSAL

- 2.01 At the planning committee in February 2016 members resolved to approve outline planning permission for the residential development of this site for up to 62 dwellings. The application under reference 15/507424/OUT was approved on the 24 August 2016 with a legal agreement providing 25 affordable units and financial contributions towards education, community learning, youth services, libraries and public right of way improvements.
- 2.02 The outline permission approved the vehicle access from the A274 in the southeast corner of the site, and the emergency access toward the northeast corner. The

approved internal site access consisted of a tree lined primary route running east to west through the site. All other matters (landscape, scale, appearance and layout) are being considered as part of the current reserved matters application.

- 2.03 The site for housing development to the east and south of the site with areas to the north and west provided as communal amenity green space. The proposal includes additional landscaping, tree and hedgerow planting, natural and semi-natural open space, a Local Equipped Area for Play (LEAP) and ecological mitigation. A detention basin is proposed within the open space in the northern section of the site.
- 2.04 The development provides 25 affordable units (40%) and 37 (60%) market units. Within the affordable accommodation the development provides 10 shared ownership units (SO – 40%) and 15 social rented (SR – 60%) units. This is in line with the indicative policy advice that gives a 30/70 tenure split and the s106 legal agreement attached to the outline approval.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, ENV49, T1, T13 and CF1
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)
- Maidstone Borough Council Local Plan Publication (submission version) February 2016; SP5, SP17, DM1, DM2, DM3, DM7, DM11 to DM13, DM22, DM24, DM25, DM27, DM34 and ID1
- Headcorn Neighbourhood Plan Regulation 16: HNP1 to HNP3, HNP9, HNP12 and HNP13.

- 3.01 In the Regulation 19 version of the emerging Local Plan, policies which do not have proposed main modifications will not be subject to further public consultation. The implication is that the Local Plan Inspector does not consider that changes are required in order for these policies to be considered sound. Whilst the position will not be certain until the Inspector issues his final report, a reasonable expectation is that these policies will progress unaltered into an adopted Local Plan. In these circumstances, it is considered that approaching full weight can be afforded to these policies in the determination of planning applications.
- 3.02 In relation to the weighting there are no major modifications proposed to policies SP5; DM1; DM2; DM22; DM25; DM27. Major modifications are proposed to policies SP17, DM3, DM7 DM11 - DM13, DM24, DM34; and ID1. The final inspector's report is due at the end of July with adoption of the plan anticipated in mid September 2017.
- 3.03 In accordance with legislation the examiner of the Headcorn Neighbourhood Plan recommended that the draft Regulation 16 plan should not proceed to a local referendum. Whilst a final committee decision has not been made on the examiner's report, it is considered that due to its conclusions very limited weight should be attached to the draft Headcorn Neighbourhood Plan.

4.0 LOCAL REPRESENTATIONS

- 4.01 The planning application has been advertised with individual letters sent to adjoining properties, a site notice and a press notice.

- 4.02 **Local residents:** Nine representations received from local residents objecting to the proposal on the following grounds (summarised):
- With neighbour and parish council objection, outline planning permission should not have been given;
 - Objections have all been based on factual evidence relating to inadequate infrastructure including sewage, road safety, school places and Drs Surgery;
 - Consultation is pointless as the council appear to take no notice of opinions;
 - The proposal is 'well outside' the village envelope and reminiscent of 1950s-1960's "ribbon development";
 - The site is outside the village and is greenfield land and rural character will be lost;
 - The council appears to be allowing all the land between Headcorn and Maidstone to be developed and the village is disappearing;
 - The development is not needed as the housing land needed to accommodate demand has been reduced.
 - Traffic and parking issues including cumulative impact and loss of the lane;
 - Nuisance from construction phase, car parking, noise and dust;
 - Overdevelopment
 - Loss of privacy;
 - Design uninspiring, not in keeping and not respecting the Kent Vernacular;
 - Contrary to the neighbourhood plan that says developments are a maximum of 30 houses;
 - Sewerage and drainage problems
 - Impact is unclear including boundaries on the track at the southern edge of the site, known as 'Muddy Lane';
 - Pavements and pavement widths are inadequate;
 - The proposal will worsen road safety local speed management issues;
 - Consultation by the applicant has been inadequate and inconsistent;
 - Submitted plans are unclear in terms of paths, parking for existing residents, bus stops; emergency access point.
 - The removal of the hedge would cause harm to the listed building;
 - The access is in the wrong location (NB: approved with the earlier outline permission)
- 4.03 **Local resident:** One representation has been received from a local resident in support of the proposal on the following grounds (summarised):
- Headcorn needs a decent supply of modern houses to allow new and ideally young people to move to the village and support local amenities;
 - Headcorn needs new houses to ensure affordability for the children and grandchildren of existing residents;
 - The impact on traffic congestion will be minimal when compared to the travel habits of existing residents;
 - The privatisation of infrastructure and utilities has led to a lack of investment in these areas;
 - It is more productive to work with developers to invest in infrastructure through the s106 or CIL system;
 - The development is an efficient use of land;
 - Development of this site prevents use by travellers or flytipping;
 - The development will help the local economy creating direct and indirect employment;
 - The development provides a network of paths that link with existing footways;
 - The development should contribute towards local highway improvements.

4.04 An informative on the decision notice for the outline approval for this site advised the applicant of a request for a development delivery group to be set up. In response to this a meeting took place on the 9 March 2017 in the council offices with a follow up site meeting on the 28 March 2017. The developer attended these meetings with invitations sent to ward Members, representatives of the Parish Council, the Planning Committee chairman and political group spokesmen.

5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

5.01 **KCC Public Rights of Way Officer:** No objection subject to an informative advising of the need to keep the right of way accessible and the procedure for temporary closures or diversions.

5.02 **MBC Landscape and Trees:** No objection but highlight requirement to submit further details to discharge conditions on the outline permission including a landscape maintenance schedule and long term management plan; schedule for the proposed native woodland mix planting, arboricultural method statement and tree protection plan and indication whether trees are feathered, standard or advanced nursery stock.

5.03 **Crime Prevention Design Advisor:** No objection subject to an informative advising the applicant to contact the Crime Prevention Design Advisor to discuss Crime Prevention and Community Safety measures.

5.04 **NHS West Kent Clinical Commissioning Group:** No objection subject to a financial contribution towards healthcare and to enhance healthcare needs within the NHS services.

5.05 **SGN (Southern/Scotia Gas Networks):** No objection subject to an informatives relating to preventing damage to gas infrastructure.

5.06 **KCC Drainage:** No objection but would welcome discussion with the applicant prior to the submission of information to discharge condition 14 on the outline approval.

5.07 **Southern Water:** No objection subject to any new foul pumping station and compound being revised to meet adoptable standards and highlighting that connection to the public foul network can be carried out only on completion of sewerage network improvements works.

5.08 **Headcorn Parish Council:** Objection to the application on the basis that the plans do not reflect the following issues that were raised with the applicant: lack of white weatherboarding on the road facing properties; the layout of the affordable housing; the landscape impact from the proposed two and a half/three storey buildings.

5.09 **MBC Conservation Officer:** No objection to this application on heritage grounds and the maintenance of a strong hedgerow screen along the A274 boundary of the site.

6.0 APPRAISAL

Main Issues

6.01 Outline planning permission has previously been approved by the planning committee for a residential development on the application site for 62 dwellings

(15/507424/OUT – August 2016). The existing outline permission gave approval for the access arrangements to a residential development on this site.

- 6.02 The current planning application seeks approval for matters not considered at the outline stage, with this reserved matters application providing details of landscape, scale, appearance and layout. The key issues for consideration at this reserved matters stage are design and appearance including potential impact on heritage assets, potential impact on residential amenities, the standard of the proposed residential accommodation, the potential impact on the local highway network and ecology.

Design, appearance and layout

- 6.03 Policy DM 1 of the emerging plan states that proposals which would create high quality design will be permitted. Proposals should respond positively to, and where possible enhance the character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage - incorporating a high quality modern design approach.
- 6.04 The application site is adjacent to the built up area of Headcorn which is a designated rural service centre in the emerging plan. The character of the area to the north and west of the site is of open fields with sporadic residential development. The character of the area to the south and east is the built up area of Headcorn village.
- 6.05 The existing development along Mill Bank both opposite the front boundary and to the south consists of terraced and detached dwellings in a variety of building styles, shapes and sizes. These buildings include the property at 54-56 Milbank that has two storeys with a third floor in the roofspace, the properties at 98-104 Mill Bank are two storeys high with front dormer windows to a third storey. The building at 30-32 Mill Bank whilst two storeys, has large front gabled bays and a sloping roof which appears as an additional storey.
- 6.06 The majority of the proposed dwellings are 2 storeys in height, with proposed roof ridge heights of between 8.5 metres and 8.7 metres. The development also includes a larger building located in the south east part of the site providing 8 flats. This building set behind an established and retained hedgerow is partly 2 and partly 2.5 storeys in height (roof ridge height of 11.6 metres). The higher 2.5 storey section of the building is set back from the southern site boundary by a distance of 16 metres (9 metres from the hedgerow) and 70 metres from the front site boundary in Mill Bank. At the closest point a distance of 41 metres separates this new building from the closest residential property (29 Mill Bank).
- 6.07 The height and scale of the proposed development is acceptable. The height of the 2.5 storey building is acceptable in the context of nearby development that is of comparable height, the screening provided from the site boundary, and the separation distance from the closest residential property and the site frontage. The provision of buildings of 2.5 storeys is also in accordance with condition 18 attached to the outline approval for the site and policy HNP1 of the draft neighbourhood plan. Condition 18 states that no buildings shall be “over a height of 2.5 storeys (any third floor to be within the roof space)” with policy HNP1 stating that there should be “...no new development of more than two and a half storeys”.
- 6.08 Consultation responses have sought to compare the 2.5 storey building to a building completed as part of the development on land to the north of Lenham Road (14/505162). This development was visited during the site visit with residents, councillors and the developer. It is considered that there are important differences

between the two developments; these include the distance from the property boundary, the distance from adjacent development and the existing screening which is to be enhanced.

- 6.09 The proposal is laid out with built development concentrated towards the south east part of the site with new open space along the north and west site boundary. Proposed built development does not extend past the northern most point of the Headcorn Village boundary that is marked by The Barn in Mill Bank. The proposed layout includes new access roads running parallel with Mill Bank to the east, along the boundary with the new open space to the west and along part of the southern boundary. The proposed new housing is arranged as detached properties in various different styles, 4 separate small terraces and the flatted block.
- 6.10 The buildings are designed in a traditional architectural style to reflect the character of the local area, including multi stock facing brickwork, vertical tile hanging, concrete roof tiles weatherboarding and soldier course brick lintels with front single or double storey bays with roof gables, 45 degree roof pitches and chimneys. Fenestration has vertical proportions with side hung opening lights. The submitted application provides details of boundary fencing including 1.8 metre high close boarded fencing between back gardens 1.8 metre high panel fencing between back gardens and public areas.
- 6.11 In conclusion the scale, height, materials, detailing, mass, bulk, articulation, and site coverage are acceptable with the proposals responding positively to the character of the area.

Impact on heritage assets

- 6.12 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard should be had to the desirability of preserving listed buildings or their setting. The NPPF, Local Plan and the emerging local plan all seek to protect and enhance the historic environment. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (NPPF para 134).
- 6.13 The application site is not in a conservation area and does not contain any listed buildings; a grade II listed building is located on the east side of Mill Bank (A274) opposite the northern part of the application site. This building called 'The Barn' has been converted to residential use. The building is largely screened from the eastern side of Mill Bank by vegetation and outbuildings. On the western side of Mill Bank the application site boundary is formed by a hedgerow which screens the application site from the road. This hedgerow is largely retained and enhanced as part of the proposal providing further screening between the application site and the listed building.
- 6.14 With the application site separated from the listed building by the A274 and vegetation on both sides of the road the application site plays little part in providing a setting to the listed building. In these circumstances the proposed residential development which has been suitably designed would cause negligible harm to the setting of the listed building. The site is not located within an archaeological priority zone and there is no reason to believe that any archaeological remains would be affected by the development.

Visual impact, ecology, landscaping and trees

- 6.15 The NPPF sets out the need to consider the character of different areas and to recognise '*the intrinsic character and beauty of the countryside*' (para 17). The NPPF

makes a distinction between international, national and locally designated sites with protection commensurate with their status (para 113).

- 6.16 Whilst the application site does not have nationally designated landscape protection (SSSI, AONB, National Park etc.) it is designated as the Low Weald Special Landscape Area in the adopted Maidstone Borough Wide Local Plan (2000) and as a 'Landscape of Local Value' under the emerging Local Plan (submission version 2016). In the special landscape area the scenic quality and distinctive character will be protected and enhanced (adopted policy ENV34). The distinctive landscape character of the designated landscapes of local value will be conserved and enhanced (emerging policy SP17).
- 6.17 The potential impact of developing this site on the special landscape area and landscape of local value was considered at the outline application stage and this impact was considered acceptable. The landscape and visual appraisal submitted at outline stage concluded that *"...the proposed development would not be significantly visible in the wider surroundings of the area and where visible, would be seen within the wider built context of Headcorn...There would be no overriding adverse effects that should preclude the proposed development on landscape and visual grounds"*. This outline approval set out parameters such as the maximum storey height and the extent of built development which have been followed in the current reserved matters application.
- 6.18 A detailed landscape strategy has been submitted with this application on a landscape plan. The strategy outlines the soft and hard landscaping that is proposed, and this includes the tree species, quantity and size, ecological enhancements; sustainable urban drainage features; play area specification, public open space, hard surfacing and enhancement of the existing boundary hedgerows. These details are considered acceptable and in accordance with the council's landscape guidelines. Planning conditions on the outline approval require the submission of a landscape maintenance schedule and long term management plan.
- 6.19 The reserved matters application follows the approach that was considered acceptable at the outline application stage. With the majority of trees located around the site boundaries the layout of the development has been designed to minimise any harm to trees on the site. The development will involve the loss of a single tree and the removal of a small length of hedgerow to facilitate the access points from Mill Bank. The development retains the layout that was approved at outline stage and as a result the current detailed proposals will have no greater impact on trees when compared with the earlier outline approval. Planning conditions on the outline approval require the submission of a landscape maintenance schedule and long term management plan.
- 6.20 The NPPF, Local Plan and the emerging local plan all seek to protect and enhance the natural environment. Local planning authorities should aim to conserve and enhance biodiversity when determining planning applications and take opportunities to incorporate biodiversity in and around developments (NPPF para 118). The ecological appraisal submitted at outline application stage was considered acceptable subject to conditions that required (8) submission of an Ecological Design and Management Strategy and (9) an Ecological Mitigation Strategy. Information to discharge these conditions including ecological mitigation have been submitted to and approved after consultation with KCC Ecology (see planning history).

Residential amenity and standard of accommodation,

- 6.21 Policy DM1 advises that development should respect the amenities of occupiers of neighbouring properties including in terms of overlooking and visual intrusion. Built form should not result in an unacceptable loss of privacy or light. NPPF core principles include a requirement to seek “*a good standard of amenity for all existing and future occupants of land and buildings*” (para 17).
- 6.22 Existing residential properties on the east side of Mill Bank would be separated from new houses by a distance of between 23 metres and 30 metres. This distance includes the width of the public highway, the existing hedgerow along the site boundary and existing front gardens. In the south east corner of the site a distance of 28 metres, that includes an established hedgerow within the application site, the unmade access track and trees on the site boundary separate the closest proposed residential building from the detached property at 29 Mill Bank. Distances of 110 metres and 140 metres separate buildings on Mill Farm and The Croft respectively from the closest proposed new building.
- 6.23 The proposed units and the site layout will provide a good standard of residential accommodation for future occupants in terms of privacy, internal layout, daylight and external space. Whilst it is accepted that Mill Bank (A274) is an arterial road carrying more traffic than other local roads, any noise or disturbance from road traffic would be insufficient to support the refusal of planning permission.
- 6.24 In summary it is considered that the proposed development will respect the amenities of occupiers of existing neighbouring buildings. The development is acceptable in relation to issues of privacy, overlooking, visual intrusion, daylight and sunlight. The proposed development is acceptable in relation to scale, design and internal layout with the development providing dwellings in sizable plots with large gardens with a good standard of accommodation for future residents.

Impact on the local highway network and public right of way.

- 6.25 The National Planning Policy Framework (NPPF) states that development should only be prevented, or refused on transport grounds where the residual cumulative impacts of development are ‘severe’ (para 32). With the aim of guiding development the emerging plan sets out a sustainable settlement hierarchy. The application site is located immediately adjacent to Headcorn village. Headcorn is a rural service centre in the emerging plan where these designated settlements are second only to the Maidstone Urban Area on the sustainable settlement hierarchy.
- 6.26 The proposed vehicle trips associated with 62 residential units and the vehicle access points (main access and emergency) have previously been considered by members and given approval as part of the earlier outline planning permission. The proposed servicing arrangements for the development including the size and location of the refuse storage area are considered acceptable.
- 6.27 The emerging plan states that car parking will take into account the type, size and mix of dwellings and secure an efficient and attractive layout of development whilst ensuring integration of appropriate parking provision (policy DM27). The standards recommend 1.5 off street car parking spaces for each 1 and 2 bedroom unit, 2 spaces for 3, 4 and 5 bedroom units with 0.2 visitor spaces per unit. The proposal generally accords with these standards except for some of the two bedroom units that have one parking space rather than 1.5. It is considered overall that the parking quantity, layout and design is acceptable with a mixture of parking available in attached and detached garages, car ports, allocated off-street parking spaces and if necessary on street parking.

- 6.28 Condition 19 attached to the outline approval requires detailed plans showing road and footway widths, shared surface arrangements, junction layouts and parking and turning areas to be submitted and approved in writing by the Local Planning Authority. Condition 20 requires a Section 278 agreement between the applicant and Kent County Council Highways, relating to the works identified in the Transport Statement. These works include potentially the location of new bus stops at the site frontage; the identification and provision of uncontrolled pedestrian crossing points (to connect the PROW across the A274); full details/design of the emergency access point and speed reduction signage. Discussions have started between the applicant and KCC Highways in relation to the Section 278 agreement.
- 6.29 The site layout demonstrates a good level of permeability with pedestrian links allowing access to the village centre to the south of the site. A public right of way (PROW KH591) runs across the application site from the north east boundary (just to the north of The Barn) to the pond adjacent to the southwest corner where it continues west towards The Croft. As a planning obligation attached to the outline permission the applicant will pay a contribution of £22,683 towards directional PROW signs (£603) and the remainder for the resurfacing of the PROW.

Flooding and drainage

- 6.30 The information submitted by the applicant at outline stage was acceptable subject to planning conditions and KCC drainage and Southern Water have raised no objection to this reserved matters submission.
- 6.31 The conditions attached to the outline permission require the submission and approval of a detailed sustainable surface water drainage scheme (condition 14) and details of foul water drainage with any necessary off-site network improvements (condition 15). It is considered that with these conditions the proposed development is acceptable in relation to flooding and drainage issues.

Planning obligations

- 6.32 At the planning committee in February 2016 members resolved to approve outline planning permission for the residential development of this site for up to 62 dwellings. The application under reference 15/507424/OUT was approved on the 24 August 2016 with a legal agreement providing 25 affordable units and financial contributions towards education, community learning, youth services, libraries and public right of way improvements.
- 6.33 The consultation response from the NHS on the outline approval confirmed that no s106 money was required as local surgeries had the capacity to accommodate the extra demand from the development. The NHS consultation response to the reserved matters application is now requesting a contribution of £52,228. Planning obligations were considered at the outline application stage and as the number of dwellings has not increased and the relativity short time period that has elapsed there is no reason to consider seeking this contribution at this stage.

Environmental impact assessment

- 6.34 With the proposed development including fewer than 150 dwellings and the overall area of the development fewer than 5 hectares, the proposed development falls outside the scope of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as an urban development project. There is no requirement to seek an environmental impact assessment

7.0 CONCLUSION

- 7.01 Outline planning approval is in place for 62 dwellings with requirements on extent and height of built development and extent of open space met by this reserved matters application.
- 7.02 The design and appearance of the development is in keeping with the character of the surrounding area. The development is acceptable in relation to the impact on local residential amenity including loss of daylight, sunlight, outlook and privacy. The proposal will provide a good standard of residential accommodation.
- 7.03 The proposal is acceptable in relation to flooding and drainage, impact of the proposal on the local highway network and impact on trees and ecology.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans: HCRN-000 rev A; HCRN-001; HCRN-002 rev C; HCRN-003-1 rev A; HCRN-003-2 rev A; HCRN-004 rev A; HCRN-005 rev A; HCRN-006 rev A; HCRN-DS rev A; HCRN-050/1; HCRN-050/2; HCRN-050/3; HCRN-051/1; HCRN-051/3; HCRN-090/1; HCRN-091/2; HCRN-092/1; HCRN-095/1; HCRN-096/1; HCRN-096/2; HCRN-095/2 Reason: For clarity and to ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- (2) Prior to the commencement of development details of decentralised and renewable or low-carbon sources of energy to be used as part of the approved development shall have been submitted to and approved in writing by the Local Planning Authority including details of how they will be incorporated into the development. The approved measures shall be in place before first occupation of the development hereby approved and maintained as such at all times thereafter. Reason: To secure an energy efficient and sustainable form of development in accordance with the provisions of the NPPF. This information is required prior to commencement as ground works may restrict the range of options that are available.
- (3) Prior to the commencement of development schedule for the proposed native woodland mix planting and submission of a plan indicating whether trees are feathered, standard or advanced nursery stock shall be submitted to and approved in writing by the local planning authority The approved details shall be implemented in accordance with condition 7 attached to the outline approval.

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

Case Officer: Tony Ryan

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

20 m
100 ft



17/501593 - Great Oak Farm

Scale: 1:1250

Printed on: 28/6/2017 at 10:42 AM by EllyH



REPORT SUMMARY

REFERENCE NO - 17/501593/FULL			
APPLICATION PROPOSAL - Erection of swimming pool structure			
ADDRESS - Great Oak Farm, Friday Street, East Sutton, Maidstone, Kent, ME17 3EA			
RECOMMENDATION - Approval			
SUMMARY OF REASONS FOR RECOMMENDATION -			
<ul style="list-style-type: none"> • The existing barn on the site has an authorised use as a residential dwelling. • The policies of the adopted and emerging Local Plan do not prohibit the extension of dwellings in the countryside or Special Landscape Area. • The proposed swimming pool structure will be of similar proportions to an existing temporary building on the site that is to be removed and is acceptable in design terms. 			
REASON FOR REFERRAL TO COMMITTEE – At the request of the Parish Council as the recommendation is contrary to their views.			
WARD Headcorn	PARISH/TOWN COUNCIL East Sutton	APPLICANT Damon Bridger AGENT	
DECISION DUE DATE 16/05/17	PUBLICITY EXPIRY DATE 14/06/17	OFFICER SITE VISIT DATE 03/05/17	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
16/507995/FULL	Erection of Alpaca field shelters	Approved	25.01.2017
16/504716/FULL	Below ground swimming pool & a re-location of house curtilage.	Approved	19.09.2016
16/500887/FULL	Installation of false chimney stacks	Approved	22.03.2016
15/507792/FULL	Relocation of log cabin to be used as holiday let	Approved	21.01.2016
15/505877/PNQCL A	Prior notification for the proposed operational development - design and external appearance impacts on the building	Prior Approval Granted	22.09.2015
15/502332/FULL	Erection of agricultural storage barn and repositioning of animal husbandry barn as approved under application MA/13/0895 Erection of agricultural storage barn and repositioning of animal husbandry barn as approved under application MA/13/0895	Approved	13.07.2015
14/505560/LAWP RO	An application for a Certificate of Lawful Development for a proposed use under the provisions of Class MB(a), Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) being the use of an existing agricultural building and land within its curtilage as a dwelling (in accordance with Condition MB.2(3) of the above Order).	Approved	20.02.2015
14/502032/PNBC M	Prior approval - Change of use of Agricultural building to a dwelling house	Planning Required	24.10.2014

13/1014	Change of use of land for the siting of a temporary dwelling for a period of three years	Refused Appeal Dismissed	06.08.2013 29.05.2014
09/0861	Erection of an agricultural barn	Refused Appeal Dismissed	14.09.09 02.09.10

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises a former agricultural barn that is presently being converted to a residential dwelling. The property is located to the western side of Friday Street and is within the open countryside in the parish of East Sutton. This site is also within a designated Special Landscape Area in the adopted Maidstone Borough-Wide Local Plan 2000.
- 1.02 The dwelling is located some 40m from Friday Street and there is mature landscaping along the boundaries with the highway. There is a vehicular access to the south of the property which is via a lengthy driveway that extends in a westerly direction into the site before turning north to reach the property. There is currently a log cabin building situated directly to the south west of the property and this has an approved use as a temporary dwelling. It is due to be removed by December 2017.
- 1.03 The application property is situated in an extensive area of land that is presently used as an alpaca farm and there are a number of structures associated with this. The approved residential curtilage of the site measures 32m x 25m. The surrounding area is characterised by open countryside together with sporadic residential development. The closest dwellings are Hecton Cottage to the north east and Stream Farm to the south east.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for the erection of a detached swimming pool structure. Permission was granted in 2016 under reference 16/504716/FULL for a below ground swimming pool together with the relocation of the house curtilage. At that time, it was proposed that the swimming pool would be heated in the summer months by an air source heat pump. Since then, work has progressed on the conversion of the barn to a dwelling and the applicant has found that the ground source heat pump that will provide heating and hot water for the house will also have sufficient capacity to heat the swimming pool on a year round basis. In order to achieve this however, it will be necessary to insulate the swimming pool and therefore an enclosure is proposed.
- 2.02 The building will be located to the south eastern corner of the curtilage of the converted barn. It will occupy an area of 16.8m x 10.1m and will have a ridge height of 5.45m and a height to eaves of 2.525m. The roof will be hipped on all sides and will be finished in Kentish clay peg tiles. The building will be comprised of an oak frame and the northern, southern and western elevations will be glazed with bi-folding doors proposed on the south western corner. The eastern elevation facing towards Friday Street will be finished in timber weatherboarding painted black.

- 2.03 The block plan that accompanies the application was amended on 30.5.2017 to identify the location of the temporary log cabin on the site and is annotated to show that it will be removed by December 2017.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2000: ENV28; ENV34; H33
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents: Residential Extensions 2009.
Draft Maidstone Local Plan (2011-2031): DM34; DM36.

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** No comments received.

5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

- 5.01 **East Sutton Parish Council – First Response:** The Parish Council resolved that this application should be refused and are prepared to go to committee. Reasons for objection:
- Overdevelopment on a sensitive rural site;
 - Materials are not in keeping with surrounding buildings;
 - Building is intrusive.
- 5.02 **East Sutton Parish Council – Response to Amended Block Plan:** The Parish Council do not wish to change their decision and still wish to see this application refused and are prepared to go to committee.
- 5.03 **KCC Public Rights of Way:** Public Right of Way KH533 footpath runs along the southern boundary of the site and should not affect the application.

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- The principle of the proposal in this countryside location;
- The design and visual impact.

Principle of the Proposal in the Countryside:

- 6.02 The planning history of this site indicates that the established use of this former agricultural barn is now a residential dwelling. Policy ENV28 identifies specific types of development that are accepted (in principle) within the countryside as well as

those forms of development identified by other policies within the plan. Accordingly, Policy H33 permits extensions to dwellings in the countryside subject to meeting specific criteria. This policy would also relate to outbuildings and other structures within the curtilage of a dwelling. In addition, the application site is located within a Special Landscape Area as defined within Policy ENV34.

- 6.03 As a residential dwelling, it is not therefore unacceptable in principle to consider an extension to this property and in this case, the proposed addition will take the form of a detached outbuilding. The Parish Council have put forward their concerns that the swimming pool structure is an overdevelopment of the site. The dwelling itself is 2-storey with a pitched roof and occupies an area of 22.5m x 12.5m which extends to a footprint of 281.25 square metres. Previously, there have been approvals for the installation of false chimney stacks and a below ground swimming pool, the latter of which is related to this current application. The building will extend to 169.7square metres and 5.45m in height and is considered to be broadly proportionate to the main dwelling. Amenity areas will also be retained to the east and south of the property. The applicant has also put forward that there is a precedent for this type of development in the locality as Stream Farm to the east of Great Oak Farm also has a swimming pool with a detached pool house.
- 6.04 There is also a temporary dwelling on the site and initially, the drawings failed to detail its presence. In my opinion, if both this and the proposal were to be located on the site, this would be overdevelopment that in principle would not accord with Policy H33 or Policy ENV34. Consequently, the block plan has been amended and annotated to identify the removal of the temporary dwelling by December 2017. This enables the imposition of an appropriate condition to ensure that the building is removed prior to the implementation of significant works for the proposed swimming pool enclosure.
- 6.05 In view of these circumstances, I do not believe that this proposal would represent an overdevelopment of the site.

Visual Impact

- 6.06 A key principle of policies H33 and ENV34 is the protection of the visual qualities and character of the countryside and Special Landscape Areas. The appearance and specification of materials have been a cause for concern in the responses from the Parish Council. As noted previously, the dwelling that this proposal is associated with is quite substantial and the scale of the proposed outbuilding would be proportionate to the existing property. I am also mindful that the present temporary dwelling that was granted approval on appeal in 2013 is also directly adjacent to the now converted barn. This measures 14.5m x 8.6m and has a maximum height of 4.8m. The building has a tiled roof and the exterior walls are finished in black stained timber boarding.
- 6.07 The reason for imposing a temporary permission in 2013 was to enable the applicant sufficient scope to demonstrate the necessity for an agricultural workers dwelling on the site in relation to the establishment of the alpaca farm. Since that time however there have been amendments to permitted development rights that allow the conversion of agricultural buildings to residential dwellings. Consequently, the applicant has now been able to establish a permanent dwelling through the conversion of the existing barn and the issues surrounding the temporary dwelling are no longer relevant. In both the originally refused planning application and subsequent appeal, the design and impact of the building on the countryside were not identified as a cause for concern. Essentially, when the temporary dwelling is removed, the swimming pool

enclosure will introduce a structure of similar proportions and appearance, albeit more closely related to the dwelling.

- 6.08 The design is broadly reflective of a rural building and accordingly would be appropriate in the context of the existing dwelling. The use of glazing to the northern, southern and western elevations will prevent the building from appearing overly bulky and the finish of the eastern elevation (facing Friday Street) in timber weatherboarding painted black is characteristic of the existing property. The applicant has also agreed that they would be amenable to accepting a condition regarding the provision of soft landscaping around the building to provide screening. There is sufficient scope along the boundaries to achieve this and accordingly I recommend that a condition be included in the recommendation requiring the submission of a landscaping scheme.
- 6.09 In terms of the openness of the countryside, the proposal will essentially be seen against the backdrop of the existing dwelling in the same way as the present temporary dwelling on the site. The property is also situated some 40m from the highway and the boundaries are defined by mature landscaping. In this regard, I am of the opinion that by virtue of these characteristics, the proposal will not have a significant impact upon the openness of the countryside.

Other Matters

- 6.10 In view of the distances between the application site and the neighbouring residential dwellings, I am of the opinion that there are no likely impacts upon the amenities of these householders.

7.0 CONCLUSION

- 7.01 This proposal represents the addition of an outbuilding within the curtilage of a dwelling in the open countryside and Special Landscape Area. Whilst such locations are particularly sensitive to new development, the adopted and emerging Local Plan do not directly prohibit residential extensions in these areas. In view of the design of the swimming pool enclosure and the fact that it will be seen against the backdrop of the existing dwelling, I am satisfied that there will be no significant harm to the quality or character of the countryside. I have considered the comments of the Parish Council however in balancing the issues raised it would appear that the individual details of this case would not merit a recommendation of refusal. I therefore consider that subject to appropriate conditions, this application should be approved.

8.0 RECOMMENDATION

- 8.01 GRANT planning permission subject to the following conditions:

- 01 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.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: 200.01 Revision A; 200.02.

Reason: To clarify which plans have been approved.

- 03 The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

- 04 The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide screening along the boundaries of the development hereby approved.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 05 The use 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 five years from the commencement of use, 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: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 06 The development hereby approved shall not commence above slab level until the temporary dwelling identified on drawing number 200.01 Revision A has been removed in its entirety from the site.

Reason: In the interests of the visual amenities of the locality.

Case Officer: Georgina Quinn

Agenda Item 11

Planning Committee

6 July 2017

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

Yes

S106 Contributions for Maidstone Town Centre

Final Decision-Maker	Planning Committee
Lead Head of Service	Rob Jarman
Lead Officer and Report Author	Carole Williams (S106 Monitoring Officer)
Classification	Public

This report makes the following recommendations to this Committee:

That the £100,000 from the S106 Next Store, Eclipse Park (planning app no: MA/12/2314) is spent towards the Public Realm Improvements Project Phase 3 to include the whole of Week Street and Gabriel's Hill in order for the Council to use to mitigate the effect of the Eclipse Park Development on Maidstone town centre.

The investment of £100,000 will have a long lasting beneficial impact on the town centre helping to improve its attractiveness to shoppers, visitors, increasing footfall and dwell time and increasing the likelihood that Maidstone will remain a popular retail and leisure destination.

This report relates to the following corporate priorities:

- 1.1 Keeping Maidstone Borough an attractive place for all and securing a successful economy for Maidstone Borough by funding towards public realm improvement projects in the Town Centre and to fund the programme of the Maidstone Town Team.

2. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 2.1 This report seeks clarification from Members on the use of the £100,000 balance of the S106 contribution for projects to mitigate the impact of application MA/12/2314 (Next Store, Eclipse Park) on the Maidstone Town Centre in accordance with the S106 agreement definition.

3. INTRODUCTION AND BACKGROUND

- 3.1 At the Planning Committee dated 29 August 2013, the application for the (Next Store) Eclipse Park was agreed subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services advised to secure the following:

A contribution of £140,000 to offset the impact of the development on the Town Centre with £100,000 being used towards public realm improvement projects in the Town Centre and £40,000 to fund the programme of the

Maidstone Town Team.

- 3.2 The sum was received in 3 instalments as per the agreement, the final being received March 2016. The spend by date for each sum is as follows; £100,000 October 2018 / £20,000 March 2020 / £20,000 March 2021.
- 3.3 The £40,000 was given to The Town Team and successor organisation One Maidstone, and this has been spent on events, floral displays, marketing and a feature lighting installation on the Town Hall.

4. AVAILABLE OPTIONS

- 4.1 There are no other projects relating to the S106 obligation and definition.

5. REASONS FOR RECOMMENDATIONS

- 5.1 The S106 proposed spending is in accordance with the S106 obligations and is within the Public Realm Improvement Project linked to the priorities of Maidstone Council's Strategic Plan towards the regeneration of the Town Centre.

6. PREVIOUS COMMITTEE FEEDBACK

- 6.1 In response to questions by Members at the Planning Committee held on 6 April 2017, the Development Manager undertook to seek clarification on how the S106 sum received has been allocated to mitigate the effect of the retail Development at Eclipse Park on Maidstone town centre and in accordance with the agreement.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Once the Committee has made its decision, this will be communicated to the relevant team to be spent on the project.

8. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Helping to ensure we have a thriving and attractive town centre that values our heritage and is fit for the future	Rob Jarman, Head of Planning & Development
Risk Management	There are no implications arising from this report	Rob Jarman, Head of Planning & Development
Financial	£100,000 from the S106 Next Store, Eclipse Park is spent towards the Public Realm Improvements project Phase 3	John Foster, Regeneration & Economic Development Manager

Staffing	There are no implications arising from this report	Rob Jarman, Head of Planning & Development
Legal	The project will legally fulfil the financial obligations in accordance with the S106 Agreement	Estelle Culligan, Acting Head of Mid Kent Legal Services
Equality Impact Needs Assessment	There are no implications arising from this report	Anna Collier, Policy & Information Manager
Environmental/Sustainable Development	There are no implications arising from this report	Rob Jarman, Head of Planning & Development
Community Safety	There are no implications arising from this report	Rob Jarman, Head of Planning & Development
Human Rights Act	There are no implications arising from this report	Rob Jarman, Head of Planning & Development
Procurement	There are no implications arising from this report	Rob Jarman, Head of Planning & Development & Mark Green, Section 151 Officer
Asset Management	There are no implications arising from this report	Rob Jarman, Head of Planning & Development

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 6th July 2017**

APPEAL DECISIONS:

1. **16/507726**

Demolition of part of the existing dwelling and erection of single storey extensions and two storey extension with the insertion of Juliet balcony, dormer windows and rooflights, creation of new parking and turning area, widening of existing pedestrian gate to form new vehicular access and erection of new gates to entrances.

APPEAL: Appeal Dismissed and award for costs refused.

St Martins On The Hill, Cranbrook Road
Staplehurst, Kent, TN12 0ES

(Delegated)

2. **16/507326/FULL**

Appeal against Condition 4 of 16/507326 (Reconstruction and conversion of existing outbuilding to provide annexe accommodation.) The single-storey detached annexe building to the main dwelling hereby permitted shall only be used for purposes ancillary to the residential use of the main dwelling at Lake Farmhouse and shall not be sub-divided, separated, let or sold off, or altered in any way so as to create a separate, independent residential unit.

APPEAL: Appeal Allowed and Condition 4 deleted

Lake Farmhouse, Green Lane, Chart Sutton
Kent

(Delegated)

3. **16/508165**

Erection of 3 no. detached houses with associated access, parking, and gardens

APPEAL: Dismissed

Land At Woodcock Lane, Boughton Malherbe
Kent, ME17 2AZ

(Delegated)

-
- 4. 16/508165** Erection of 3 no. detached houses with associated access, parking, and gardens
- APPEAL:** Dismissed
- Land At Woodcock Lane, Boughton Malherbe
Kent, ME17 2AZ
- (Delegated)
-
- 5. 16/506660** Separate dwelling into 2 dwellings, with associated parking, insertion of Velux windows and changes to fenestration.
- APPEAL:** Dismissed
- 22 Caring Lane, Bearsted, Kent, ME14 4NJ
- (Delegated)
-
- 6. 16/507776** Outline application for demolition of existing commercial structures and erection of 2 no. 3 bedroom bungalows (All Matters Reserved).
- APPEAL:** Dismissed
- Willow Farm, Tyland Lane, Sandling
Kent
- (Delegated)
-
- 7. 16/506764** Change of use of land to include parking and landscaping and to allow for the siting of a mobile home holiday let.
- APPEAL:** Dismissed
- Land At Harple Lane, Detling, Kent
- (Delegated)
-
- 8. 16/506173 &
16/506174** Demolition and replacement of the existing laundry room, outbuildings and ragstone wall with a new laundry room building.
- APPEAL:** Dismissed
- Court Lodge Park, Lower Road, West Farleigh
ME15 0PD
- (Delegated)
-