

PLANNING COMMITTEE MEETING

Date: Thursday 26 July 2018
Time: 6.00 pm
Venue: Town Hall, High Street, Maidstone

Membership: Councillors Adkinson, Bartlett, Boughton, English (Chairman), Harwood, Kimmance, Munford, Parfitt-Reid, Round (Vice-Chairman), Spooner, Vizzard and Wilby

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

<u>AGENDA</u>	<u>Page No.</u>
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 Items withdrawn from the Agenda	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 - 2 August 2018	
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 5 July 2018	1 - 11
11. Presentation of Petitions (if any)	
12. Deferred Items	12 - 13
13. 18/501181/FULL Land South Of Redwall Lane, Linton, Kent	14 - 35
14. 18/502780 Next, Eclipse Park, Sittingbourne Road, Maidstone, ME14 3EN	36 - 44

Issued on Wednesday 18 July 2018

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

15.	18/502510 11 Iden Crescent, Staplehurst, Tonbridge, Kent	45 - 51
16.	18/502116 - Poplar Tree Farm, Milebush Lane, Marden, TN12 9AS	52 - 57
17.	18/501342 Meadow View, Marden Road, Staplehurst, Tonbridge, Kent, TN12 0JG	58 - 76
18.	Chairman's Announcements	
19.	Appeals List	77 - 81

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.

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

If you require this information in an alternative format please contact us; call **01622 602899** or email committee@maidstone.gov.uk.

In order to speak at this meeting, please contact Democratic Services using the contact details above, by 4 p.m. on the working day before the meeting (25 July 2018). If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

To find out more about the work of the Committee, please visit www.maidstone.gov.uk.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 5 JULY 2018

Present: Councillor English (Chairman) and Councillors Adkinson, Bartlett, Boughton, Harwood, Kimmance, Munford, Parfitt-Reid, Round, Spooner, Vizzard and Wilby

Also Present: Councillors Mrs Blackmore, Brice, Perry and Purle

42. APOLOGIES FOR ABSENCE

There were no apologies for absence although it was noted that Councillor Parfitt-Reid would be late in arriving at the meeting.

43. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

44. NOTIFICATION OF VISITING MEMBERS

Councillor Perry indicated his wish to speak on the report of the Head of Planning and Development relating to application 18/501158 (Knoxbridge Farm, Cranbrook Road, Staplehurst, Kent).

Councillor Purle indicated his wish to speak on the report of the Head of Planning and Development relating to application 18/502320 (Land to the east of The Grove Residential Home, 6 Bower Mount Road, Maidstone, Kent).

It was noted that Councillors Mrs Blackmore, Brice and Webb had given notice of their wish to speak on various items on the agenda, but would be late in arriving at the meeting. In the event, Councillor Webb was unable to attend the meeting and put forward his apologies.

45. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

46. URGENT ITEMS

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

47. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood said that, with regard to the reports of the Head of Planning and Development relating to applications 18/502213 (The Firs, Boxley Road, Walderslade, Kent) and 18/502385 (Vinters Park Crematorium, Bearsted Road, Weaving, Kent), he was a Member of Boxley Parish Council, but he had participated in the Parish Council's discussions on the applications, and intended to speak and vote when they were considered.

48. EXEMPT ITEMS

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

49. MINUTES OF THE MEETING HELD ON 14 JUNE 2018

RESOLVED: That the Minutes of the meeting held on 14 June 2018 be approved as a correct record and signed.

50. PRESENTATION OF PETITIONS

There were no petitions.

51. DEFERRED ITEMS

17/503291 - ERECTION OF 6 NO. LIGHTWEIGHT COMMERCIAL/INDUSTRIAL UNITS - THE PACKHOUSE, QUEEN STREET, PADDOCK WOOD, TONBRIDGE, KENT

The Major Projects Manager said that this application was currently invalid as issues relating to the ownership certificate had still to be resolved.

17/503237 - OUTLINE APPLICATION (SOME MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS, AND CESSATION OF COMMERCIAL USE ON SITE; ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING 18 NO. UNITS, OF WHICH 12 X 1 BED AND 6 X 2 BED. PROVISION OF 16 PARKING SPACES/2 DISABLED SPACES AND 4 VISITOR SPACES. ACCESS, LAYOUT AND SCALE BEING SOUGHT - J B GARAGE DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT

The Major Projects Manager said that this application was currently out to re-consultation. It was hoped to report the application back to the Committee within the next few months.

17/504412 - DEMOLITION OF STORAGE BUILDINGS AND ERECTION OF 5 DETACHED DWELLINGS, 2 CAR PORTS FOR PLOTS 1 AND 5, AND 2 TWO BAY CAR PORTS FOR THE EXISTING HOUSE AND BARN CONVERSION APPROVED UNDER 14/505872/FULL - IDEN GRANGE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT

The Major Projects Manager said that it was hoped to report this application back to the Committee by the end of July 2018.

52. 18/501427 - ERECTION OF A TWO STOREY EXTENSION AT ROOF LEVEL TO CREATE 6 NEW ONE BEDROOM DWELLINGS (RESUBMISSION OF 18/500233/FULL) - MEDWAY HOUSE, 26-28 MEDWAY STREET, MAIDSTONE, KENT

The Chairman and Councillor Round stated that they had been lobbied.

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

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

Voting: 11 – For 0 – Against 0 – Abstentions

53. 18/502320 - ERECTION OF 3 DETACHED HOUSES WITH ASSOCIATED GARAGES ON VACANT LAND TO THE EAST OF THE GROVE RESIDENTIAL HOME, WITH A NEW ENTRANCE AND DRIVE OFF BOWER MOUNT ROAD - LAND EAST TO THE GROVE RESIDENTIAL HOME, 6 BOWER MOUNT ROAD, MAIDSTONE, KENT

All Members stated that they had been lobbied.

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

The Principal Planning Officer advised the Committee that since publication of the agenda, Helen Grant M.P. had made representations objecting to the application and reiterating the concerns of her constituents and local Councillors. Specific reference was made to the negative impact of the development upon the privacy, outlook and sunlight of adjoining properties; the impact on the neighbouring residential care home; and concerns amongst local residents that if the application were to be approved, it could incentivise other landowners in the area to seek to redevelop garden areas.

Ms Austin, an objector, Mr Collins, for the applicant, and Councillor Purle (Visiting Member) addressed the meeting.

It was established during the debate that Councillor Adkinson had pre-determined the application. Councillor Adkinson did not participate further in the discussion or the voting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the proposal would result in the removal of part of a visually important ragstone wall and loss of mature landscaping to the front of the site, which would harm the special character of this

section of Bower Mount Road. The proposed development did not respect the spacious character of the local area and particularly the western part of Bower Mount Road and resulted in a compact and incongruous form of development, which significantly harmed the character of the local area. As such the proposal would be contrary to policies DM1 and DM11 of the Maidstone Borough Local Plan (2017) and the London Road Character Area Assessment Supplementary Planning Document.

Members also felt that the proposal due to the size of the properties and their close proximity to the side and front boundaries was unable to adequately mitigate through landscaping and appropriate boundary treatment against the significant harm to the visual appearance and spacious character of the street scene and the local area. As such the proposal would be contrary to policies DM1 and DM11 of the Maidstone Borough Local Plan (2017) and the London Road Character Area Assessment Supplementary Planning Document.

RESOLVED: That permission be refused for the following summarised reasons:

1. The proposal will result in the removal of part of a visually important ragstone wall and loss of mature landscaping to the front of the site, which would harm the special character of this section of Bower Mount Road. The proposed development does not respect the spacious character of the local area and particularly the western part of Bower Mount Road and results in a compact and incongruous form of development, which significantly harms the character of the local area. As such the proposal would be contrary to policies DM1 and DM11 of the Maidstone Borough Local Plan (2017) and the London Road Character Area Assessment Supplementary Planning Document.
2. The proposal due to the size of the properties and their close proximity to the side and front boundaries is unable to adequately mitigate through landscaping and appropriate boundary treatment against the significant harm to the visual appearance and spacious character of the street scene and the local area. As such the proposal would be contrary to policies DM1 and DM11 of the Maidstone Borough Local Plan (2017) and the London Road Character Area Assessment Supplementary Planning Document.

Voting: 10 – For 0 – Against 0 - Abstentions

Note: Councillor Parfitt-Reid entered the meeting during consideration of this application (6.15 p.m.), and did not participate in the discussion and the voting.

54. 18/501158 - PROVISION OF NEW FARM ACCESS TO KNOXBRIDGE FARM FROM THE A229, INCLUDING LANDSCAPING, CROSSING OVER STREAM AND BARRIER (RESUBMISSION OF 16/508630/FULL) - KNOXBRIDGE FARM, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT

All Members stated that they had been lobbied.

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

The Senior Planning Officer said that she was aware that the agent for the applicant had sent a further letter to Members. She did not intend to go into detail, but the Officer recommendation remained unchanged.

Councillor Burnham of Staplehurst Parish Council, Mr Watts, for the applicant, and Councillors Perry and Brice (Visiting Members) addressed the meeting.

RESOLVED: That consideration of this application be deferred to seek the submission of (a) further details of the junction layout and (b) additional landscape mitigation measures, in the form of a woodland shaw.

Voting: 12 – For 0 – Against 0 – Abstentions

55. 18/500618 - ERECTION OF NEW DOCTOR'S SURGERY BUILDING WITH ASSOCIATED PARKING, LANDSCAPING AND CREATION OF NEW VEHICULAR ACCESS ONTO HEATH ROAD - LAND SOUTH OF HEATH ROAD, LINTON, MAIDSTONE, KENT

All Members stated that they had been lobbied.

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

The Principal Planning Officer advised the Committee that since the publication of the agenda a further objection had been received from a local resident making specific reference to the following summarised issues:

- This site would be more difficult for elderly/infirm residents to access and the current bus service could not be relied upon to get people to appointments on time.
- There would be increased traffic as residents who currently walked to appointments would have to drive instead.
- There was concern that if the Clock House Farm site was not used for a new practice, it would be used instead for more housing, putting additional pressure on village services.
- There were concerns about the proposed use of volunteers to provide a transport service from the village.
- The proposed medical centre development would add to congestion at Linton Crossroads.

- The proposed development would impact on the provision of village services.

The Principal Planning Officer also updated the Committee on comments received from the CCG regarding the wording of condition 5 (opening hours). She explained that in order to meet Government requirements for improved access to Primary Care facilities, it was proposed to amend condition 5 to read:

No activity in connection with the use hereby permitted, other than the cleaning of the premises, shall be carried out outside of the hours of 0745 and 2015 and ~~not at any time on Sundays, Bank or Public Holidays.~~

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

To mitigate potential noise disturbance to the neighbouring property, Forge House, as a result of this change, it was proposed to add a further condition specifying that there should be a boundary fence along the common boundary.

Councillor Cresswell of Linton Parish Council and Mr Hawkins, for the applicant, addressed the meeting.

RESOLVED: That subject to:

- (a) The prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the Heads of Terms set out in the report as amended by the urgent update; AND
- (b) The conditions and informatives set out in the report, as amended by the urgent update report and by the Principal Planning Officer at the meeting, the additional condition set out in the urgent update report and the additional condition proposed by the Principal Planning Officer relating to boundary treatments, with the amendment of condition 26 (Travel Plan) and additional informatives as follows:

Condition 26 (amended)

No development above dpc level shall be carried out until a travel plan has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full upon first occupation.

Reason: In the interests of sustainable travel.

Additional Informatives

- A Working Group comprising the Coxheath and Hunton and Loose Ward Members, Councillors Harwood, Munford and Round, representatives of Coxheath, Linton and Loose Parish Councils, the developer and Officers should be set up to discuss matters

relating to the Travel Plan, structural landscaping to the south of the site and the sustainable surface water drainage scheme.

- The applicant is encouraged to install a sprinkler system in the building in the interests of public safety.

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle, add or amend any necessary Heads of Terms of the S106 legal agreement and/or conditions in line with the matters resolved by the Planning Committee and as a result of the discussions of the Working Group.

Voting: 12 – For 0 – Against 0 – Abstentions

56. 18/500160 - DEMOLITION OF EXISTING OFFICE BUILDING AND ERECTION OF 43 NO. APARTMENTS AND ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS - 3 TONBRIDGE ROAD, MAIDSTONE, KENT

The Chairman and Councillors Adkinson, Bartlett, Boughton, Round and Wilby stated that they had been lobbied.

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

The Principal Planning Officer said that KCC Flood and Water Management had now commented on the information provided for the proposed drainage strategy, which detailed the use of Permavoids under the access road and hard surfaces, and considered it to be acceptable in principle subject to the attachment of conditions requiring:

- The submission of a sustainable surface water drainage scheme for the site;
- The submission of an operation and maintenance manual for the proposed sustainable drainage scheme detailing how the scheme would be implemented and maintained; and
- The submission of a Verification Report demonstrating that the surface water drainage system had been installed correctly and would be able to achieve objectives in dealing with surface water.

The recommendation remained unchanged subject to the deletion of condition 7 relating to surface water drainage and the attachment of the conditions relating to surface water drainage as recommended by KCC Flood and Water Management.

Mr Stroud addressed the meeting on behalf of the applicant.

RESOLVED: That subject to:

- (a) The prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure a libraries contribution of £2,064.68; AND

- (b) The conditions and informatives set out in the report with the deletion of condition 7 relating to surface water drainage, the additional drainage conditions referred to by the Principal Planning Officer in her verbal update at the meeting and an additional informative relating to the possibility of providing a car sharing scheme operating from the site being investigated by the applicant (the wording to be finalised by the Head of Planning and Development acting under delegated powers),

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle or amend any necessary Heads of Terms of the legal agreement in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 6 – For 5 – Against 1 - Abstention

Councillors Adkinson and Boughton requested that their dissent be recorded.

57. 18/502380 - RELEVANT DEMOLITION IN A CONSERVATION AREA FOR THE PROPOSED UPGRADE OF NETWORK RAIL'S WATERINGBURY LEVEL CROSSING FROM A MANNED GATED HAND WORKED (MGHW) LEVEL CROSSING TO A MANUALLY CONTROLLED BARRIER(S) (MCB) TYPE - WATERINGBURY LEVEL CROSSING, BOW ROAD, WATERINGBURY, KENT

All Members except Councillor Parfitt-Reid stated that they had been lobbied.

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

Mr Mellor, an objector, Mr Leighton, for the applicant, and Councillor Mrs Blackmore (Visiting Member) addressed the meeting.

During the discussion, the Major Projects Manager advised the Committee that, in his opinion, the erection of the new replacement level crossing gates was permitted development and did not require planning permission. This application was solely for the demolition and removal of the existing level crossing gates within the Wateringbury Conservation Area. The Chairman asked the Officers to double-check the situation regarding permitted development rights.

RESOLVED: That subject to the Officers double-checking the situation regarding permitted development rights, permission be granted subject to the condition and informatives set out in the report with:

- (a) The amendment of informative one to include reference to the disposal of the interlocking mechanisms of the gates and to specify the Kent and East Sussex Railway as a possible recipient (the exact wording to be finalised by the Head of Planning and Development acting under delegated powers); and

- (b) An additional informative regarding the establishment, before works commence, of a working group comprising representatives of Nettlestead, Watringbury, Teston and Yalding Parish Councils, the local Ward Councillors and the applicant to discuss matters relating to public safety, walkways, lighting, noise and manning of the signal box (the exact wording to be finalised by the Head of Planning and Development acting under delegated powers).

Voting: 10 – For 1 – Against 0 – Abstentions

Note: Councillor Harwood left the meeting during consideration of this application (9.50 p.m.).

58. LONG MEETING

Prior to 10.30 p.m., after consideration of the report of the Head of Planning and Development relating to application 18/502380 (Watringbury Level Crossing, Bow Road, Watringbury, Kent), the Committee considered whether to adjourn at 10.30 p.m. or to continue until 11.00 p.m. if necessary.

RESOLVED: That the meeting should continue until 11.00 p.m. if necessary.

59. 18/502213 - RETROSPECTIVE CONSTRUCTION OF A DETACHED GARAGE TO THE FRONT OF THE PROPERTY - THE FIRS, BOXLEY ROAD, WALDERSLADE, KENT

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

Mrs Bowdery addressed the meeting on behalf of Boxley Parish Council.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the scale, design and siting of the garage in the front garden was visually harmful in the local area and incongruous in the street scene. There was inadequate space available for landscaping to mitigate the visual harm to the local area. As such the development was contrary to policies DM1 and DM9 of the Maidstone Borough Local Plan (2017) and the Maidstone Residential Extensions Supplementary Planning Document.

RESOLVED: That permission be refused for the following reason:

The scale, design and siting of the garage in the front garden is visually harmful in the local area and incongruous in the street scene. There is inadequate space available for landscaping to mitigate the visual harm to the local area. As such the development is contrary to policies DM1 and DM9 of the Maidstone Borough Local Plan (2017) and the Maidstone Residential Extensions Supplementary Planning Document.

Voting: 10 – For 1 – Against 0 – Abstentions

FURTHER RESOLVED: That enforcement action be taken to require the removal of the garage.

Voting: 10 – For 1 – Against 0- Abstentions

60. 18/502379 - LISTED BUILDING APPLICATION FOR PROPOSED UPGRADE OF NETWORK RAIL'S EAST FARLEIGH LEVEL CROSSING FROM A MANNED GATED HAND WORKED (MGHW) LEVEL CROSSING TO A MANUALLY CONTROLLED BARRIER(S) (MCB) TYPE (RE-SUBMISSION) - EAST FARLEIGH MGHW LEVEL CROSSING, FARLEIGH LANE, FARLEIGH BRIDGE, EAST FARLEIGH, MAIDSTONE, KENT

All Members stated that they had been lobbied.

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

Councillor Coulling of Teston Parish Council and Mr Leighton, for the applicant, addressed the meeting.

During consideration of this application, Councillor Vizzard said that he was a Member of Barming Parish Council, and he had been very involved in discussions regarding listed buildings and gates in this area. In the circumstances, he would take no part in the discussion and voting on the application.

RESOLVED: That subject to the Officers double-checking the situation regarding permitted development rights, listed building consent be granted subject to the condition and informative set out in the report with:

- (a) The amendment of the informative to include reference to the disposal of the interlocking mechanisms of the gates and to specify the Kent and East Sussex Railway as a possible recipient (the exact wording to be finalised by the Head of Planning and Development acting under delegated powers); and
- (b) An additional informative regarding the establishment, before works commence, of a working group comprising representatives of Barming, East Farleigh and Teston Parish Councils, the local Ward Councillor plus a Fant Ward Member and a Coxheath and Hunton Ward Member, representatives of Kent Highway Services and the applicant to discuss matters relating to traffic movements across the River Medway, public safety, walkways, lighting, noise and manning of the signal box (the exact wording to be finalised by the Head of Planning and Development acting under delegated powers).

Voting: 9 – For 0 – Against 0 – Abstentions

Councillor Parfitt-Reid left the meeting prior to this application being introduced by the Major Projects Manager (10.40 p.m.). She returned after the application had been introduced (10.42 p.m.) and did not participate in the discussion or the voting.

61. 18/502385 - EXTENSION TO OFFICE TO HOUSE FIRE PROOF CABINETS - VINTERS PARK CREMATORIUM, BEARSTED ROAD, WEAVERING, KENT

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

RESOLVED: That permission be granted subject to the conditions set out in the report and the additional condition set out in the urgent update report.

Voting: 11 – For 0 – Against 0 – Abstentions

62. APPEAL DECISIONS

RESOLVED: That consideration of the report of the Head of Planning and Development setting out details of appeal decisions be deferred until the next meeting of the Committee.

63. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

64. DURATION OF MEETING

6.00 p.m. to 10.55 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

26 JULY 2018

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

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

APPLICATION	DATE DEFERRED
<p><u>17/503291 - ERECTION OF 6 NO. LIGHTWEIGHT COMMERCIAL/INDUSTRIAL UNITS - THE PACKHOUSE, QUEEN STREET, PADDOCK WOOD, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none">• Check whether the correct certificates were served;• Seek the views of Kent Highway Services on the implications of the potential use of HGVs to serve the site taking into account possible business growth;• Investigate the potential for traffic calming measures on the shared access;• Seek details of the proposed landscaping scheme including what it would comprise and where it would be planted;• Enable the Officers to draft suggested conditions to prevent the amalgamation of the units into one enterprise and to link the hours of illumination to the hours of opening of the premises;• Discuss with the applicant the possibility of limiting the hours of operation on Saturdays; and• Enable a representative of Kent Highway Services to be in attendance when the application is discussed.	<p>19 December 2017 adjourned to 4 January 2018</p>
<p><u>17/503237 - OUTLINE APPLICATION (SOME MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS, AND CESSATION OF COMMERCIAL USE ON SITE; ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING 18 NO UNITS, OF WHICH 12 X 1 BED AND 6 X 2 BED. PROVISION OF 16 PARKING SPACES/2 DISABLED SPACES AND 4 VISITOR SPACES. ACCESS, LAYOUT AND SCALE BEING SOUGHT - J B GARAGE</u></p>	<p>1 February 2018 adjourned to 8 February 2018</p>

<p><u>DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> • Investigate the scope for improved pedestrian links from the site entrance to existing footways; • Seek the advice of Kent Highway Services on the cumulative impact of new development in the area on the highway network; • Enable a representative of Kent Highway Services to be in attendance when the application is discussed; • Review the density, design and layout of the scheme having regard to the topography, setting and history of the site and seek to secure the provision of structural landscaping; and • Discuss with the Council's Parks and Open Spaces Team whether the proposed Open Space Contribution might be spent at other sites within the immediate area subject to CIL compliance checks. 	
<p><u>17/504412 - DEMOLITION OF STORAGE BUILDINGS AND ERECTION OF 5 DETACHED DWELLINGS, 2 CAR PORTS FOR PLOTS 1 AND 5, AND 2 TWO BAY CAR PORTS FOR THE EXISTING HOUSE AND BARN CONVERSION APPROVED UNDER 14/505872/FULL - IDEN GRANGE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> • Seek the submission of a strategy for an open, wet Sustainable Urban Drainage system, identifying how it will work and where it will be positioned within the existing layout; and • Seek modifications to boundary fencing to allow the passage of wildlife. 	<p>26 April 2018 adjourned to 30 April 2018</p>
<p><u>18/501158 - PROVISION OF NEW FARM ACCESS TO KNOXBRIDGE FARM FROM THE A229, INCLUDING LANDSCAPING, CROSSING OVER STREAM AND BARRIER (RESUBMISSION OF 16/508630/FULL) - KNOXBRIDGE FARM, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT</u></p> <p>Deferred to seek the submission of (a) further details of the junction layout and (b) additional landscape mitigation measures, in the form of a woodland shaw.</p>	<p>5 July 2018</p>

Agenda Item 13



REFERENCE NO - 18/501181/FULL

APPLICATION PROPOSAL

Variation of conditions 10, 16 and 17 of application 16/508659/FULL (Demolition of existing dwelling and erection of B8 warehouse building with ancillary offices, dock levellers, access, parking and landscaping including the creation of new woodland and attenuation pond.) to amend condition 10 to refer to 'a maximum of 32 one-way HGV movements (equivalent to 16 HGVs entering and leaving the site) are permitted between hours of 2300hrs and 0700hr', condition 16 to refer to the Noise Mitigation Plan Ref: 403.06466.00004.001 and a Noise Rating Curve NR30 measured externally to the boundary of any noise sensitive property; condition 17 to refer to the Noise Mitigation Plan Ref: 403.06466.00004.001 and a rating level maintained no greater than 5dB above the existing measured ambient noise level LA90, T during the day time and night time periods.

ADDRESS Land South Of Redwall Lane Linton Kent

SUMMARY OF REASONS FOR RECOMMENDATION

The principle of the development is established by MA/16/508659/FULL.

Conditions needs to comply with the all the statutory 6 tests for a planning condition.

The Environmental Statement for MA/16/508659/FULL has been taken into account equally in the determination of this application. The information in it is considered to be adequate for the determination of significant environmental effects arising from the changes to the 3 conditions sought.

Altering condition 10 to refer to up to 32 one-way movements is not an unacceptable change for this type of business.

Version 4 of the Noise Management & Mitigation Plan needs to be referred to in condition 16 but otherwise the need to meet the Noise Rating Curve 30 externally remains.

Condition 17 can be amended to refer to Version 4 of the Noise Management & Mitigation Plan and the limitation be raised to +3dB above ambient as that would not be a perceptible increase and can be met by the scheme if the mitigation plan is followed in full.

Other conditions need to be updated to reflect that the development has commenced and that some other conditions have been discharged already in 17/505223/SUB and 18/501238/SUB.

It is also necessary to add a new condition that the use be restricted to the fruit storage and packing operations as it is that type of product which has specific operational needs.

REASON FOR REFERRAL TO COMMITTEE –

- Called in by the Parish Councils of Linton and Hunton
- The recommendation is contrary to the views of Parish Councils Linton, Hunton, Loose and Chart Sutton which all object to the application

WARD Coxheath And Hunton

PARISH/TOWN COUNCIL Linton

APPLICANT Alan Firmin Ltd
AGENT Mr Tim Spicer

DECISION DUE DATE

21/06/18

PUBLICITY EXPIRY DATE

17/07/18

Planning History

16/508659/FULL

Demolition of existing dwelling and erection of B8 warehouse building with ancillary offices, dock levellers, access, parking and landscaping including the creation of new woodland and attenuation pond.

Approved Decision Date: 03.10.2017

17/505223/SUB

Submission of Details to Discharge Condition 6 (Boundary Treatments) Condition 9 (Site Levels) Condition 10 (Control and Monitoring - HGV Movement) Condition 11 (Construction Method Statement) and Condition 12 Part i (Surface Water Drainage) Subject to 16/508659/FULL

Approved Decision Date: 16.11.2017

18/501238/SUB

Submission of details pursuant to Conditions 3: Details of hard landscaping, 19: Details of incorporation of decentralised & renewable or low-carbon sources of energy, & 22: Cycle storage facilities (original application ref: 16/508659/FULL).

Approved Decision Date: 04.05.2018

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The site extends to 14ha and lies 4.5km southwest of the Linton Crossroads (via Redwall Lane and A229) which represents the main approach to Maidstone Town Centre.

1.02 The site extends from Redwall Lane to the northern boundary to the River Beult which runs to the southern boundary. It is now under construction for a B8 warehouse building for storage and packing of soft and stone fruit for occupation by Berry Gardens.

- 1.03 The Wares Farm industrial estate lies to the north and contains a range of B Class uses including the existing Berry Gardens fruit storage and packing complex of approximately 9,000sqm. With the exception of the adjacent industrial areas, the area mainly consists of pasture and lies within a countryside location with farmsteads and sporadic residential development located along Redwall Lane which includes a residential property adjacent to the north-west boundary of the site.
- 1.04 To the north west of the site is a bungalow which is within the ownership of the applicant. An established bund delineates the eastern boundary with Wares Farm, which contains a further complex of large agricultural buildings as well as a large number of caravans which are used for accommodating seasonal workers.
- 1.05 In order to utilise this spoil within the site, land raising will take place within the landscape mitigation area which itself will wrap around the southern and western parts of the building.
- 1.06 The ground floor of the building is designed to allow the flow of produce through the building with a chilled intake area to the southern part of the building. The northern part of the building laid out for dispatch with 6 loading bays.
- 1.07 The site will also include two access points to the site and an internal road layout which will create one way system for HGVs which will link to the two loading areas to the north and south of the building and also two large car parks for staff and visitors which will provide a total of 232 spaces with HGV parking.
- 1.08 The application also proposes highway improvements to Redwall Lane and contributions to Linton Crossroad.
- 1.09 The application was supported by an Environmental Statement (ES) which assesses the application under the Environmental Impact Assessment Regulations 2017 which included assessments in relation to transport and noise impacts.

2. PROPOSAL

- 2.01 The application relates to 3 conditions on the parent planning permission as follows:

10) Prior to the commencement of the development a scheme for the control and monitoring of the movement of HGV shall be submitted to the Local Planning Authority. On approval of the scheme by the Local Planning Authority, this scheme should be implemented and operated at all times and shall be available for review by the Local Planning Authority. No more than 8 HGVs shall enter or leave the site during the hours or 2300hrs and 0700hrs.

Reasons: In the interests of Local amenity

16) Prior to the commencement of development beyond slab level, details of a Noise Mitigation Plan for the sound insulation of the building

and any plant and Equipment shall be submitted for approval by the Local Planning Authority. This should incorporate details regarding mitigation measures such as sound insulation of the building envelope, screening, louvers, direction of orientation, location, enclosures etc. The plan shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR30 as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. In addition The equipment shall be maintained in a condition such that it does not exceed NR30 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority. The development shall be carried out and operated in accordance with the approved details.

Reason: to protect the amenity of the area

17)Prior to the commencement of development beyond slab level, a Noise Management Plan will be submitted for approval by the Local Planning Authority. This plan should describe the management of deliveries and activity on the site during both night time hours (2300-0700hrs) and day time hours (0700-2300hrs). The rating level of noise emitted shall be at least 5dB below the existing measured ambient noise level LA90, T during the day time and night time periods. The plan should set out any mitigation measures that are required. This plan will be prepared in consultation with the council's Environmental Protection Team. The objective should be to ensure that the plan meets the BS4142 and NR30 standards. The building shall not be used until the plan is approved and all activity on the site thereafter shall be carried out in accordance with this plan.

Reason: To protect the amenities of the surrounding area

2.02 The changes requested are supported by a Noise Management & Mitigation Plan (which was revised in response to Environmental Protection comments) and clarifying traffic data and a statement as to the case of operational need :

- To alter condition 10 to refer to a maximum of 32 one way movements by HGVs during the night (ie a doubling of the figure in the condition)
- To alter condition 16 to refer to an approved Noise Management & Mitigation Plan and to change the point of noise measurement from the boundary to the inside of a noise sensitive property
- To alter condition 17 to refer an approved Noise Management & Mitigation Plan in regard to 5dB above ambient noise levels instead of 5bB below
- To update conditions if already discharged

2.03 The justification for the changes from the applicant's agents is summarised as follows:

- The Noise Assessment incorrectly stated that there would be 8 HGV movements in the hours 2300 and 0700. It assessed 1 HGV movement during every 15-minute reference period (in accordance with industry methodology) which is 32 as a maximum.
- 32 HGV movements are acceptable in noise impact and highway terms.
- There are strong business requirements that require flexibility regarding night time HGV movements including the projected growth of the business
- Condition 16 wrongly refers to the NR30 Curve limit being met at the boundary of properties whereas it should be internally
- HGV noise sources currently form part of the existing noise climate. As no noise complaints have been received by the applicant, a more appropriate rating level limit would be 5dB above the existing measured ambient noise level LA90.
- A rating level above the background gives no concerns if NR Curve 30 could be met internally, and a hand calculation was provided to verify the results of the noise modelling.
- Predicted to be a maximum of 45 HGVs (equals 90 movements as set out in the TA) per day. The proposed change of Condition 10 is not additional to the total number of HGVs i.e. there will still be an estimated maximum of 45 HGVs visiting the site per day but 16 of these will be permitted to access the site between the hours of 11pm and 7am. ie some of the lorries anticipated to arrive between 18:00 and 00:00 and 07:00 and 09:00 as set out in Table 5-6 may arrive later or earlier i.e. between 11pm and 7am. The timings of movements will vary and fluctuate, requiring a degree of flexibility for operational reasons.
- The applicants have submitted records of existing HGV figures from their current premises in 2017 to illustrate the variations in usage to their existing premises.

2.04 Following concerns about the originally submitted Noise Management & Mitigation Plan from the Borough Council's Environmental Protection officers, a revised Noise Management & Mitigation Plan (version 4) was submitted as follows:

- The application from 8 to 16 HGVs equates to 32 movements
- all loading and unloading of lorries would take place internally within the building once the lorry has docked and is sealed with the building.
- All forklifts will operate inside the building during the night-time
- Inbound carriers (HGVs) do not have any reversing beepers fitted and during the night-time beepers on the out-bound carriers are to be switched off.

- In regard of overlap of HGVs, a sensitivity exercise and re-modelling the on two movements taking place within the 15-minute reference period, a second HGV reversing into a dock, and a second airbrake. Without beepers, the predicted noise level would be the same and less than or equal to the background sound level.
- Regarding the internal noise levels, SLR appreciates that in rural areas ambient and background noise levels can be very low; SLR has measured the existing noise climate at the site.
- When considering the attenuation provided by an open window, internal levels are well above the 18dB internal level
- Whilst SLR can see the logic of applying NR Curve 30 outside to achieve an NR Curve 25 internally, as a residential receptor it is only necessary to achieve NR Curve 30 inside, in line with the recognised industry guidance.
- If reversing beepers are not operating there are now no exceedances in the limits stipulated in the NR30 Curve externally.
- Operations at the site would not cause a perceptible increase in the ambient noise level at the receptors assessed so a rating level of no more than 5dB(A) above the background sound level is acceptable.
- nearest noise-sensitive receptors are already subject to sound of an industrial nature including HGV movements, potential reversing beeper noise, and other plant noise from existing Berry Gardens site

2.05 The agent sought to clarify the need for the development in additional information:

- Greater flexibility is critical to the future operation and growth of the business, the basic premise for the original planning permission, for example, to accommodate lorries over and above the currently specified number in the night time during unusual events. These might include problems with the ferry service or at the place of origin, out of their control
- The condition as exists would not stop the movements still occurring on the local highway network. The result would therefore be lorries needing to find places to park locally until the condition time-period passes, or the business operating convoluted operations out of necessity, using premises on the north side of the road to accept the fruit and transport over to the application site on smaller non- HGV vehicles. Both scenarios are more impactful.
- The amendment of Condition 10 will have no material effect on the am or pm peak hours and will not increase total vehicle numbers. No consequential effect on highway safety or capacity is therefore envisaged and the original TA and accompanying ES chapter remains a valid worst case assessment in highway terms.
- With regard to the consequential effects of increasing permissible night-time HGV movements on the amenity of adjacent and nearby

residents, it does not materially change the degree of effect set out in the original EIA.

- There is no substantive change to the original ES and therefore the procedures set out in Regulation 25 of the EIA Regulations do not apply
- There is currently no restriction on night time movements associated with the existing facility, consistent with the approach adopted by the Council on numerous other fruit packing facilities across the Greensand Ridge.
- The condition does not meet the NPPF tests as the current restriction places unreasonable restrictions on operations and does not allow for occasional events outside the applicant's control.

3. POLICY AND CONSIDERATIONS

Maidstone Borough Local Plan 2017: DM1; DM23
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Environmental Impact Assessment Regulations 2017

4. LOCAL REPRESENTATIONS

- 4.01 The application was advertised by site notice and press advertisement and was subject to an initial consultation following validation of the application and a further round of consultation following the submission of additional information in respect of the application.
- 4.02 Maidstone CPRE: object strongly: increase in noise by night time traffic by 4 times; needs proper managerial control number of vehicle movements. No operational experience in the new building so no evidence basis.

Local Residents:

- 4.03 34 objections received from local residents, on the following (summarised) issues
- This quadruples the night-time HGV numbers
 - disturbances need to be monitored by the council's own Environmental Health department
 - original application was pushed through, disregarding very strong local opposition, totally out of place in a rural location.
 - they have benefited from a cheaper land cost by placing the site in this rural setting, the flexibility they seek could have been provided in an industrial area or alternative logistics area near the motorway
 - this business does not serve local residents
 - there are no restrictions applying to the existing site but the two sites are not comparable in size

- original transport information was too vague- question if the planning committee's decision on this application can be considered legally valid
- flagrant, deliberate attempt to push these variations through by the backdoor
- Noise management and mitigation plan only relates to noise around the site itself: it does not consider nor offer any mitigation regarding the proposed HGV route
- Already too many HGVs which drive through Hunton and other local villages including at excess speed, danger to life of life as pedestrians, cyclists and horse riderspot
- the majority of the workforce will not be local, but travelling in from further afield,
- Already noise from reversing beepers up to 3 miles away, noise is more noticeable in a rural area.
- Damage to property, including listed buildings and conservation areas on the HGV routes
- traffic chaos because cars, buses or vans cannot pass each other on narrow lanes
- noise of an HGV vehicle every 15 minutes throughout the night is unacceptable
- 11pm is not daytime
- HGVs at night more likely to take short cuts or get lost, chance of one of them getting stuck or having major difficulties manoeuvring round the corner in the middle of the night, with the resulting light and noise disturbance to residents.
- HGVs who have been to the Redwall Lane also have to go to Fruition which is off East Street so will make a shortcut
- HGVs causing extreme damage to the lanes, breaking water mains, creating huge pot holes, damaging private verges, power lines and overhanging trees
- More young people drive these lanes at night- one recent teenage fatality in Redwall Lane
- The lanes in the locality are likely to become overnight lorry parks with litter produced.
- Increases vibration, air pollution and exhaust fumes
- Noise from the forklift trucks loading and unloading
- Harmful to physical and mental health
- the opening hours suggested by environmental health were not imposed

- The number of loading bays and HGV parking spaces indicate intention for 18 HGVs onsite at any one time.do not allow changes after the event
- the building should not have commenced if the conditions attached to the approval were not acceptable
- Need to stick to NR 30 at the boundary: External noise in e.g. gardens of adjoining properties is most relevant in the daytime.
- 10dB change would roughly double the perceived noise level
- Incorrect to say there have been no noise complaints: there are no contact details for the site manager
- Noise from an intrusive refrigeration type noise for a couple of hours at a time.
- NR curves not appropriate for intermittent noise
- Technical Errors in the noise report and assumptions made seem questionable
- Noise needs to be modelled on the HGV route as well as at the site and factor overlapping vehicles.
- If approved, mitigation measures are needed eg triple glazing.
- They will not be satisfied until unlimited numbers of HGVs entering and leaving the site 24 hours a day, and unrestricted noise levels; mor applications will be submitted.
- The HGV drivers are ignoring the routing plans- has been reported to the applicant.
- Inadequate time for consultation/notification in a holiday period
- No assesement of the extra staff vehicles or LGVs during the night-time
- A persistent absence of traffic statistics in applications in the Borough
- Need to recognise the severe cumulative impacts on traffic and environment
- Politicians, MP Helen Grant, planners and local councillors need to serve local people. not profit first business

5. 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 Linton Parish Council objection:

- The decision notice should be clear and unequivocal in how many movements in total are permitted
- No amendment until after some operational experience
- the consideration of local amenity should cover all of Maidstone Borough along routes used: an HGV every fifteen minutes throughout the night, will seriously affect local amenity over a wide area eg Linton Hill
- Worsens pollution
- conditions 16 and 17 of the planning decision notice are too complex and technical
- A change in permitted noise levels from 5dB below ambient to 5dB above means in practical terms a doubling in the amount of noise produced.
- conditions amended before construction means that the original decisions were based have been significantly undermined
- Concern at lack of monitoring committees and other stipulations such as a written routing agreement and appropriate signage need to be properly monitored and enforced.

Objections remain following the additional information

- The TA has confusing data: the conditions should reflect it with three time zones: daytime, evening and night
- The access route (Redwall Lane and Linton Hill) has back ground noise that noticeably reduces after the evening rush-hour and further reduces after 10pm.
- The are not positioned in a realistic setting: the Linton landscape gradient runs north/south yet the sensors were placed east / west.
- Noise sensors needed by homes in Redwall Lane and the junction with Linton Hill.
- A Lorry produces over 90Db when in high revs and low gears, manoeuvring, pulling away traversing hills either up or down, and negotiating bends.
- Beepers should be off during daylight too.
- No beepers makes it dangerous for cyclists
- Linton as an inappropriate location for a HGV logistics operation: the market for this building is not local suppliers.
- HGVs / LGVs Berry Gardens are one entity and MBC should treat it so.
- The applicant should withdraw the application, agree to amend the conditions PC suggests and then assess matters when the site is up and running.

- a Lorry Watch should have been done before the original application and post application dealing with HGVs and noise levels along Redwall Lane

5.02 Hunton Parish Council objection:

- to quadruple the number of HGVs is intolerable to local residents
- unacceptable to seek substantial change to conditions so soon
- local roads are totally unsuitable
- HGVs are already travelling through Hunton from the site
- To increase the noise level from 5dB below existing measured ambient noise levels to 5dB above will harm local amenity.

5.03 Loose Parish Council objection:

- Houses in Linton Road already suffer from vibrations when vehicles pass
- an increase in noise level for the residents of A229 through the night
- Between Linton Crossroads and the viaduct on the A229 there have been several serious accidents, some of them fatal.
- KCC recommended no further development on the south side of Maidstone due to excess pollution and lack of infrastructure
- Increased pollution at night, particularly in the Wheatsheaf area of the A229
- Inspectors have expressed his concern about the volume of traffic that would increase through Loose.

5.04 Chart Sutton Parish Council objection:

- proposed 'doubling' of night-time HGV movements under this application
- no lorries should use the B2163/Willington Street as a route back to the motorway_
- extra information does not alter the objections

5.05 Marden Parish Council: No objection providing none of the increased number of lorries at night-time would be directed via the B2079 through Marden.

5.06 KCC (Highways and Transportation)- no objection

5.07 Environment Agency: no comments

5.08 Health and Safety Executive: no objections

5.09 Natural England- no comment

5.10 KCC (Drainage)- no comment

5.11 Kent Police: no comments

5.12 Southern Water: no comments

5.13 MBC Environmental Protection (initial comments):

- The original assessment of noise was based on one vehicle movement in the 15 minute BS4142 assessment period. Overlap becomes much more likely during any 15 minute period. 2 vehicles arriving together would add 5dB to the assessment and 3 would add 5dB.
- not specific about which L90 value has been used. The assessment should use a representative case - so 7pm to 11pm with a median or modal value for that period might be acceptable.
- we are not in a position to verify that there would not be unacceptable impact.
- Floating barriers in isolation would not be sufficiently effective in controlling noise from plant. However combined with the screening effect of the building itself this is satisfactory.
- preferable to have a seal to the rear of the vehicles meaning that body of the truck (assuming they are hard backed) will provide some attenuation and the forklifts would operate inside the building.
- if beepers need to be used at night they should be white noise beepers at the very least and preferably not be used at all (with an alternative safe system of operation). Any HGV that uses traditional beepers should be prohibited from night time deliveries. Bleepers should attract a 6dB penalty as they are both intermittent and impulsive.
- Page 19 - the report has misunderstood our requirement - NR30 is designed as an outside measurement to allow for a level of around NR20 inside. This is a fair level for rural areas. Low frequency noise of HGV is more penetrating
- While we may consider relaxing the requirement for noise to be 5dB below background in very quiet areas this would be only as far as to be equal with background not to above background.
- The NR curve specified is required outside not inside

5.14 MBC Environmental Protection (comments on amended Noise Management & Mitigation Plan):

- While there remain some technical errors and misinterpretation, the reduction in impact gained by the non-use of reversing beepers and the other physical and management measures are now demonstrating low impact.
- The assessment of the possibility of two vehicles arriving together is satisfactory.
- The ground absorption factor is a standard method and the derivation of 0.5 for a bit of hard and a bit of soft ground is satisfactory.

- Using line source gives a better built in margin of error.
- BS4142 is a fair and valid assessment with penalties for tonal, impulsive and intermittent noises.
- The plant is located at the rear of the factory and heavily screened so it easily meets both BS4142 and NR curve requirements.

6. APPRAISAL

6.01 It is clear from the representations that there is ongoing local concern about the principle of the B8 building that is under construction and also issues that have arisen from the existing Berry Gardens business or from the construction of the new building. However, the consideration of this s73 application needs to focus on the impact of the specific changes to conditions requested and has to be considered on its individual merits.

6.02 There is also concern from some objectors that conditions imposed on a planning permission should not be revisited and that should not be before the building is in use. The points made on this are appreciated but it is clear in national planning legislation (s73 of the Town and County Planning Act) that a right exists to an applicant have conditions varied or removed at any point once the planning permission has been granted.

6.03 In considering conditions, paragraph 203 of the NPPF states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions”. Paragraph 206 states “Planning conditions should only be imposed where they are: necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. These are the “6 tests” of a planning condition and all have to be met.

6.04 The main issues are:

- Environmental Impact Assessment
- Highways Impact
- Noise Impact at the site
- Amenity Impacts in the locality

Environmental Impact Assessment

6.05 The original planning application, by reason of its use, scale and location, was subject to Environmental Impact Assessment (EIA) and an Environmental Statement (ES) was submitted that covered a number of matters including ones that relate to this application in terms of traffic, transport, noise, vibration and air quality.

6.06 In this case, the ES for MA/16/508659/FULL has been taken into account equally in the determination of this application. The information in it was considered to be adequate for the determination of significant environmental effects of the development arising from the changes to the 3 conditions sought.

Highways Impact

- 6.07 The existing condition 10 on the parent planning permission limits the number of HGVs that can enter or leave the site between 2300hrs and 0700hrs to 8 in number. This effectively means 16 one-way movements as 8 HGVs could both enter **and** leave in that time period without technically breaching the condition. It was imposed in the interests of amenity.
- 6.08 This s73 application does not intend to increase the numbers of HGVs overall each day but is intended to give flexibility to the times in which they can visit the site to unload or load. The applicant is asking for up to 32 one-way movements which is a doubling of the maximum limitation in the condition. Many of the objections refer to a "quadrupling" of the number but that is not a correct interpretation in my view.
- 6.09 Based on the submission of the agent on behalf of the applicant, it is not intended that there be 32 in or out movements at night-time on a frequent or regular basis throughout the year. The 8 HGV figure in the existing condition was based on an average expected figure but in a planning condition, for reasonableness and precision, it is necessary to factor in contingency for the worst case scenario.
- 6.10 The figure of 32 in or out movements represents a maximum scenario and is requested to give flexibility to factor in either individually or in combination, matters such as peak seasons, the terms of contracts with suppliers and/or customers and any traffic circumstances beyond their control. The nature of the fruit products sold is that delays to loading or unloading need to be avoided as far as possible to minimise degradation.
- 6.11 The reference to HGVs in or out movements rather than vehicle numbers is more precise and enforceable and more reasonable in terms of allowing for the need to spend time unloading and loading. In terms of the requested change in the time of day when the vehicles arrive or depart, KCC as the Local Highway Authority does not consider that there can be objections sustained in the context of national NPPF paragraph 32 "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are **severe**".
- 6.12 Similarly, there is considered to be no breach of Policy DM21 of the MBLP which relates to assessing the transport impacts of development because the trips generated to and from the development have no severe residual impacts simply based on them occurring at a different time within the 24 hour day.
- 6.13 I am satisfied that the condition also can be amended to make it more precise and enforceable and that it would be reasonable to allow up to 32 one way movements, bearing in mind the flexibility needed by the applicant to operate this particular business.
- 6.14 I concur with the point made by the agent that to retain the condition based on average figures and not allow for maximum figures could lead to a perverse situation whereby, for example, any HGVs that would breach the existing night-time condition would need to wait on the public road until after 0700hrs to enter the site.

Noise Impact at the Site

- 6.15 Conditions 16 and 17 were imposed in the interests of amenity.
- 6.16 Condition 16 (and therefore the NR30 Noise Rating curve measurement) refers to noise from plant and equipment. The Council's Environmental Protection Officer is of the view that the measurement of noise from these sources should be an external one at the boundary of any dwelling as that is more easily measurable and thus enforceable. In terms of noise nuisance to local residents, I am satisfied that the position of any plant and equipment that is likely to be noisy would be in acceptably screened positions and that there is mitigation proposed such that there will not be a breach of the relevant acoustic standards. The condition is therefore reasonable as originally imposed but can be updated to refer to the most recent Noise Management & Mitigation Plan submitted by the applicant.
- 6.17 Condition 17 relates to noise from sources other than plant and equipment, e.g. the loading and unloading processes etc. In this regard, clarification has been submitted that the loading doorways are sealed and that there will be internalised use of fork lift trucks at night. The main intrusive noise source would have been the use of reversing beepers. The applicant has agreed that these will **not** be used at night. They would need to use alternatives such as banksman or radio controlled communication.
- 6.18 The revised Noise Management & Mitigation Plan also states that in the daytime, the operatives will be encouraged to use or convert to broadband or white noise alarm models which are much less acoustically intrusive over the distances relevant in this rural locality.
- 6.19 In terms of the noise limits in condition 17, whilst it is desirable for a -5dB below ambient, in terms of the "reasonableness" test of planning conditions, a +3dB limit above ambient is acceptable. This is the amount of noise that is hardly perceptible as a change by the human ear whereas the request for +5dB can be "adverse depending on the context". The Noise Management & Mitigation Plan submitted indicated that +2dB is the most increase anticipated. Therefore +5dB above ambient has not been evidenced as necessary by the applicant.
- 6.20 I am therefore satisfied that it would not cause any harm to amenity to amend the condition to +3 dB above ambient and to update it to refer to the revised Noise Management & Mitigation Plan.
- 6.21 The methodology as to assessing daytime and night-time 2 periods with night-time being 2300 to 0700 is standard practice and there is no requirement for a third period of "evening".

Amenity Impacts in the Locality

- 6.22 Many of the objectors refer to the traffic noise, disturbance, air pollution etc to a wider area than the application site environs.
- 6.23 As detailed above, the changes in the condition 10 in terms of traffic numbers do not increase overall compared to the permitted scheme being constructed. Hence it would not be reasonable to refuse the application on wider traffic grounds other than in relation to any specific impacts arising from potentially more night-time traffic on occasion.

- 6.24 As the number of HGVs overall is not affected by the s73 application, I do not consider that air pollution is changed to be relevant to the determination of this application.
- 6.25 Environmental Protection is not able to assess operational traffic of this kind on roads as a “nuisance” so noise and disturbance beyond the site in the wider locality of can only be considered as a subjective amenity matter.
- 6.26 On the basis that the change requested is a maximum of an extra 8 HGVs (and utilising the original ES traffic counts to set the context of the prevailing situation) I conclude that the changes to condition 10 requested would not result in any significant harm to amenity to warrant refusal. That is bearing in mind the general prevalence of night-time HGV traffic in the locality and the unfettered hours of operation that exist at Berry Gardens’ premises in Redwall Lane.

Other Matters

- 6.27 I have considered all other matters raised by consultees and local residents and conclude that they are not material to the conditions being sought to be altered.

7. CONCLUSION

- 7.01 In conclusion, the principle of the development is established and this application is not able to be determined on concerns about that, or on problems encountered during construction or that the conditions are being amended before the building is operational.
- 7.02 The Environmental Statement for the parent planning permission (MA/16/508659/FULL) has been taken into account equally in the determination of this application. The information in it was considered to be adequate to allow a determination if there were any significant environmental effects of the development arising from the changes to the 3 conditions sought.
- 7.03 I conclude that altering condition 10 to refer to up to 32 one-way movements is a doubling of the restriction in the condition but that in itself in the local context is not an unacceptable change for this type of business and can be amended in a way that complies with the all the statutory 6 tests for a planning condition.
- 7.04 Version 4 of the Noise Management & Mitigation Plan needs to be referred to in condition 16 but otherwise the need to meet the Noise Rating Curve 30 externally should be retained.
- 7.05 Condition 17 can be amended to refer to Version 4 of the Noise Management & Mitigation Plan and the limitation be raised to +3dB above ambient as that would not be a perceptible increase and can be met by the scheme if the mitigation plan is followed in full. That would ensure the condition meets the “reasonable” test for a planning condition.
- 7.06 Other conditions need to be updated to reflect that construction has commenced and that some other conditions have been discharged already in 17/505223/SUB and 18/501238/SUB.

- 7.07 It is also necessary in my view to add a new condition that the use be restricted to the fruit storage and packing operations as it is that type of product which has specific operational needs over a 24 hour period that have generated this request from Berry Gardens to vary condition 10.
- 7.08 The obligations in the legal agreement for the parent planning permission would not need to be carried forward into this new planning permission as it relates equally to any s73 applications.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

The development hereby permitted shall be carried out in accordance with the following approved plans: DHA/11488/01 SITE LOCATION PLAN; DHA/11488/02 EXISTING SITE PLAN; DHA/11488/11 REV B ELEVATIONS; TEQ/1817-04D SITE LAYOUT/LEVELS; 3874DR001 rev H LANDSCAPE STRATEGY; 3874DR002 rev H LANDSCAPE MASTERPLAN; TEQ 1817-03D INDICATIVE SECTIONS; WM/512/P/12 / rev2 ROOF PLAN; WM/511/P/15/ rev2 MEZZAINE FLOOR; WM/511/10 / rev3 GROUND FLOOR ; DHA/11485/03A SITE LAYOUT; TRANSPORT ASSESSMENT AND APPENDICES; ENVIRONMENT ASSESSMENT AND ES TECHNICAL NOTES ;FLOOD RISK ASSESSMENT; LANDSCAPE AND ECOLOGY MANAGEMENT PLAN MARCH 2017 and email received from DHA dated 18 July 2018.

Reason: To clarify which plans have been approved.

- 1) The materials to be used in the development hereby approved shall be as indicated on the approved plans DHA/11488/11B unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development

- 2) The development shall be completed in accordance with the hard landscaping approved as part of permission 18/501238/SUB before the first occupation of the building hereby permitted.

Reason: To ensure a satisfactory appearance to the development.

- 3) 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: In the interests of highway safety and to ensure efficient internal movements within the site

- 4) The approved details of the access points as shown on plan 11487-H-01 shall be completed before the commencement of the use of the land or buildings hereby permitted and the sight lines maintained free of all obstruction to visibility above 1m thereafter.

Reason: To ensure highway safety of the site and the locality.

- 5) The development shall be completed in accordance with the fencing and boundary treatments approved as part of permission 17/505223/SUB and shall thereafter be installed and permanently retained.

Reason: To protect the amenity of adjoining occupiers and ensure a good standard of design is achieved.

- 6) No use of the development hereby permitted shall take place until the following off-site highways improvements have been completed.

(a) Extension of the existing 40mph speed limit to the south of the Redwall Lane junction with the A229.

(b) Creation of access points to site including installation of a Bollard to prevent westerly HGV travel on Redwall Lane from the north west access point

(c) Improvements to Redwall Lane and Junction of Redwall Lane and A229 as set out in the Transport Assessment

Reason: to ensure appropriate highway conditions are maintained within the locality

- 7) The development hereby permitted shall be carried out strictly in accordance with the slab level shown on the approved drawing TEQ1817-04D.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

- 8) The development shall be carried out in accordance with the final site levels approved as part of permission 17/505223/SUB and retained as approved thereafter.

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

- 9) The control and monitoring of the movement of HGVs shall be in accordance with the scheme approved under 17/505223/SUB. This scheme should be implemented and operated at all times and shall be available for review by the Local Planning Authority. There shall be no more than 32 in or out movements to the site by HGVs between the hours of 2300hrs and 0700hrs.

Reason: In the interests of local amenity.

- 10) The development hereby approved shall be constructed in accordance with the approved construction method statement pursuant to permission 17/505223/SUB.

Reason: To protect the amenity and highway safety of the area during the construction phase.

- 11) The surface water drainage scheme for the site shall be implemented in accordance with approval 17/505223/SUB and retained thereafter. The scheme shall be implemented prior to use of the building and thereafter managed and maintained in accordance with the details of a management and maintenance plan submitted for the approval of the Local Planning Authority 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 ongoing efficacy of the drainage provisions.

- 12) No storage of oils and fuels are to be stored on site within 10m of the river edge or any field drain, ditches (including field ditches) and other surface water system which are connected to the SSSI. Any other storage to take place within the site must be stored in a bunded tank or mobile container that complies with current regulations.

Reason: To protect the ecological interests of the River Beult SSSI

- 13) The approved landscaping details shall be carried out during the first planting season (October to February) following first occupation of the building. Any seeding or turfing which fails to establish or any trees or plants which, within five 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: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 14) The proposed building shall achieve at least a BREEAM Very Good level. A final certificate should be issued within 6 months of first occupation of the building to confirm the Very Good BREEAM rating has been achieved.

Reason: To ensure efficiency use of natural resources and achieve sustainable energy production in line with Policy DM2 of the Maidstone Borough Local Plan.

15) The development shall be carried in with the mitigation measures in Noise Management & Mitigation Plan Ref: 403.06466.00004.001 Version 4 including the sound insulation of the building and all plant and Equipment to ensure that noise generated by plant and Equipment at the development shall not exceed Noise Rating Curve NR30 (as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers Environmental Design Guide 2006) at the boundary to any noise sensitive property. All plant and equipment shall be maintained in a condition such that it does not exceed NR30 as described above, whenever it is operating. No new plant or ducting system shall be used without the prior approval of the Local Planning Authority.

Reason: To protect the amenity of the area.

16) The development shall be carried in accordance with the approved Noise Management & Mitigation Plan Ref: 403.06466.00004.001 Version 4. The rating level of noise emitted shall be maintained at a level no greater than 3dB above the existing measured ambient noise level LA90,T during the day time and night time periods respectively. All activity on the site thereafter shall be carried out in accordance with this plan.

Reason: To protect the amenities of the surrounding area

17) Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details

Reason: To protect the amenities of the area

18) Before the first occupation of the building hereby permitted, the development shall be completed in accordance with permission 18/501238/SUB in terms of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved. All features shall be retained thereafter.

Reason: To ensure an energy efficient form of development

19) The building hereby permitted shall not be occupied until details of any lighting to be placed or erected within the site have been submitted to and approved 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 approved details.

Reason: In the interest of amenity.

20) Prior to the occupation of the building(s) hereby permitted, 18 parking spaces to be served by electric vehicle charging points shall be installed 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 National Planning Policy Framework.

21) The development hereby approved shall be completed in accordance with permission 18/501238/SUB in terms of cycle storage facilities on the site. The approved facilities shall be provided before the first occupation of the building and retained thereafter.

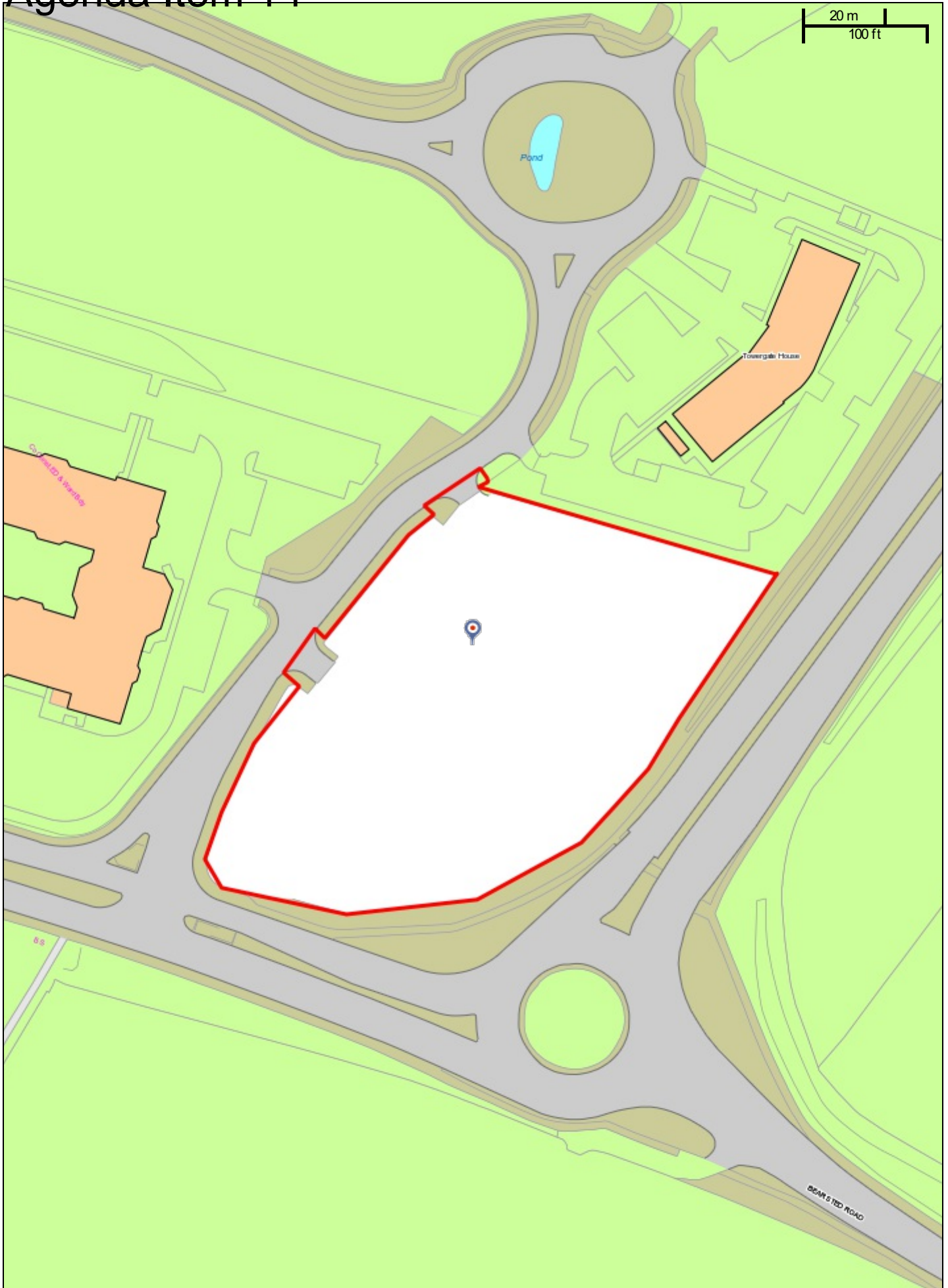
Reason: In the interest of amenity and sustainability.

Informative

1) The s106 legal agreement for 16/508659/FULL applies to this planning permission.

Case Officer Marion Geary

Agenda Item 14



18/502780/FULL - Next, Eclipse Park, Sittingbourne Road, Maidstone, Kent, ME14 3EN

Scale: 1:1250

Printed on: 13/7/2018 at 13:39 PM by JoannaW

COMMITTEE DATE 26 July 2018		
REFERENCE NO - 18/502780/FULL		
APPLICATION PROPOSAL		
<p>Variation of Condition (14) of planning permission MA/12/2314 - Erection of Class A1 retail development (with ancillary cafe) and associated servicing, car parking, landscaping and access arrangements. (The net internal sales area of the store hereby permitted shall not exceed 3,722 sq metres (net) of which no more than 1,797 sq metres (net) shall be used for the sale of fashion goods and no more than 1,841 sq metres (net) shall be used for the sale of home goods. No more than 74 sq metres (net) shall be used for the sale of stationery, greeting cards and wrapping paper within a concession ancillary to the sale of fashion and home items. No more than 53 sq metres (net) shall be used as a travel agent as a concession ancillary to the main retail use. No more than 198 sq metres (net) shall be used as a cafe and this will be ancillary to the main retail use).</p>		
ADDRESS Next Eclipse Park Sittingbourne Road Maidstone ME14 3EN		
SUMMARY OF REASONS FOR RECOMMENDATION		
<p>The changing of 402 square metres of storage floorspace to retail floorspace will not have detrimental or adverse impact on the vitality of the Maidstone town centre</p>		
REASON FOR REFERRAL TO COMMITTEE –		
<p>Boxley Parish Council has called the application to committee as they consider that the proposed change will have an adverse impact on the vitality of the Town Centre.</p>		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Next Plc AGENT Q+A Planning Ltd
DECISION DUE DATE		PUBLICITY EXPIRY DATE
22/08/18		19/07/18

Planning History (Most relevant)

14/505077/ADV

Advertisement consent for 1no. free standing internally illuminated sign to direct customers into car park.

26 July 2018

Approved Decision Date: 08.01.2015

13/1895

Application for a non-material amendments following the grant of planning permission MA/12/2314 (Erection of Class A1 retail development (with ancillary cafe) and associated servicing, car parking, landscaping and access arrangements) being:

Revisions to the elevations and roof plan as shown on drawing nos.

5320/P113revA, 5320/P102revK received 04/11/2013 and drawing nos.

5320/SK-P101 and 5320P101revN received 07/11/2013.

Approved Decision Date: 05.12.2013

12/2314

Erection of Class A1 retail development (with ancillary cafe) and associated servicing, car parking, landscaping and access arrangements as shown on drawing nos. NEXT001revL (Floor plan), 2009/12/B/4 (location of viewpoints), 9504-500revP1 (Highways scheme plan), 9504-513revP2 (Highway sign marking 1 of 2), 9504-514revP6 (Highway sign marking 2 of 2), Retail Statement, Planning Statement, Transport Statement, Travel Plan revB, Phase One Habitat and Ecology Appraisal, Statement of Community Involvement, Land Contamination Preliminary Risk Assessment, Office Accommodation Supply and demand in Maidstone, Business Case Report received 02/01/2013 as amended by drawing nos. 5320/LP01revB (Site location plan), 5320/P21revB (Site layout plan), 5320/P101revG (Front and rear elevations), 5320/P102revG (East and West elevations), 5320/P108 (Artist views), 5320/P109revA (Artist views), 5320/P112revD (Cross section through site), Design and Access Statement, External Lighting statement, Transport Update Note, Foul and Surface Water Drainage Statement and drawing no. A1598-610revP6 (Drainage) received 15/02/2013 and further amended by drawing nos. 13-01-01revE (Illustrative Landscape Masterplan) received 07/05/2013 and 13-01-03 (Examples of planting) received 10/05/2013.

Approved Decision Date: 31.10.2013

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application lies to the northeast of the Bearsted Road and A249 roundabout. The site lies within the Eclipse Park and is a large two storey retail store in a prominent position. The Next store was constructed in the past five years and is of a modern design served by a large car park, with landscaping around the perimeter of the site.

2. PROPOSAL

2.01 This is a Section 73A section to vary condition 14 of the original planning permission at the Next store, to allow existing storage floorspace to be switched to retail floorspace, i.e., the net retail floorspace will increase by 402 square metres. For clarification, the store is not being extended nor is a mezzanine floor being inserted. It is simply changing storage space to

26 July 2018

retail. The overall store does not get any larger under this application and no external alterations are proposed under this application.

2.02 The additional 402 square metres of retail floorspace will be used as follows: 318 square metres for fashion, a reduction of home floorspace by 43 square metres and the inclusion of two small ancillary concessional areas, 74 square metres for stationary (Paperchase) and 53 square metres for travel agent (Virgin). The existing Costa café remains unchanged under this application.

3. POLICY AND CONSIDERATIONS

Maidstone Borough Local Plan – DM16 & SS1
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

No representations have been received from neighbour notification letters, site notice and press notice.

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)

4.01 **Boxley Parish Council:** The parish council wishes to see this refused and reported to the planning committee. It is considered that the proposed change will have an adverse impact on the vitality of the Town Centre.

4.02 **Highways England:** We are satisfied that the proposals will not severely impact the safe and efficient operation of the Strategic Road Network. We therefore offer no objection to the variation of this condition.

4.03 **Kent Highways:** *Traffic generation:* As outlined in table 1, which is contained in the applicant's 'covering letter' dated 23rd May 2018, the proposals will see the existing permitted net internal sales area increased from 3,320 to 3,722 square meters. This represents a net increase of 402 square meters. The proposed net increase will include an additional 318 square meters of fashion floor space and two concessional areas (Paperchase and Virgin), with total areas of 74 and 53 square meters respectively.

26 July 2018

4.04 I note that the applicant predicts that both the proposed concessional areas will be ancillary to the buildings primary use, which is for the sale of fashion and home items. The applicant also states that most of the concessions trade will be from customers who have already completed a purchase at Next. As a result, it is implied that most of the traffic generated by the proposals will constitute '*linked trips*,' which are already on the local highway network. Given the modest nature of the proposals and the limited additional trip attraction that they are likely to have, this is considered a reasonable assumption.

4.05 *Parking, Servicing & Turning*: The existing servicing yard located to the rear of the store will continued to be used under the proposals; these arrangements are satisfactory to this authority. Parking surveys of the existing Next car park have recently been undertaken in support of the proposed Mark and Spencer's north of Next (MBC reference: 18/502144/FULL). Although these surveys do show that the car park operates at or near capacity during the lunchtime and early afternoon period; given the limited amount of expansion proposed and high probability of linked trip behaviours, the proposals are unlikely to significantly worsen this situation.

4.06 *Summary*: I can confirm that I do not wish to raise an objection on behalf of the local highway authority.

4.07 **Environmental Protection**: No comment.

5. APPRAISAL

5.01 The key issues for consideration relate to:

- Impact upon the vitality of the town centre;
- Impact upon the public highway

Impact upon the vitality of the town centre

5.02 The reason condition 14 of planning permission MA/12/2314 was imposed on the basis of the following ground: "*To accord with the terms of the application and to safeguard the vitality of Maidstone Town Centre.*"

5.03 The NPPF seeks to support and ensure the vitality of town centres and sets out of hierarchy for where retail development is best sited, with out of town locations needing to apply a sequential approach.

5.04 The application site is clearly already an existing retail site outside the town centre, which was granted planning permission in 2013. As such the principle of retail on this site has already been established through the granting of this planning permission. The original permission was also subject to a retail impact assessment and a sequential assessment.

26 July 2018

- 5.05 The current proposal seeks to switch 402 squares of storage space to retail floorspace within the existing envelope of the building. No extension or external alterations are needed to accommodate the increase in retail floorspace and nor is any mezzanine floor being inserted to provide the additional floorspace. The overall gross floorspace of the Next store does not change, only the split between the retail floorspace and the back office /storage changes.
- 5.06 The NPPF sets a threshold for retail impact assessments where the floorspace to be created is over a 2,500 square metres, where out of town retail development will potentially have an impact. In this instance the floorspace to be created is only 402 square metres and considerably lower than the threshold trigger for the need for a retail impact assessment.
- 5.07 Policy SS1 of the Maidstone Borough Local Plan sets out between 2011 and 2031, provision will be made through the granting of planning permissions and the allocation of sites for 23,700 square metres of retail use (comparison goods). This proposal would seek to contribute to this retail provision, albeit in a small way, as the proposal only provides 402 square metres of floorspace.
- 5.08 Policy DM16 of the Maidstone Borough Local Plan sets out the sequential approach for dealing with retail development and supporting the vitality of the town centre. For development outside the town centre, a retail impact assessment is required if the threshold of floorspace created exceeds 2,500 square metres. As such again no retail assessment is required in this instance.
- 5.09 However looking back the retail impact assessments from the original planning application and also the M&S application, the increase of 402 square metres would have 0.25% to 0.35% impact upon the town centre, which would be unperceivable.
- 5.10 No additional physical floorspace is proposed as part of this proposal and therefore the sequential test is only relevant given for when additional sales floorspace is proposed instead of back of house. The proposal to utilise the existing building is entirely sensible and appropriate by the applicant and essentially represents a specific locational requirement that can not be replicated or accommodated in any other site.
- 5.11 The agent has also stated *"In addition, given that Next are both the applicant and operator of the store, their intentions in Maidstone town centre are relevant to the sequential test in this situation. Next currently operate a store of 631 sqm (net) at The Mall, Maidstone. However, they are due to move to a new store of 953 sqm (net) at 39-45 Fremlin Walk, where a new unit is being created through permission 18/500968/FULL following the amalgamation of four separate units and external alterations. This*

26 July 2018

shows Next's commitment to the town centre and effectively demonstrates compliance with the sequential test".

5.12 In light of the above considerations, I am satisfied that the changing of 402 square of storage space to retail floorspace, within an existing retail store will not have any adverse or significant impact upon the vitality of the town centre.

Impact upon the public highway

5.13 The proposed changing of 402 square storage space to retail floorspace will have only a very minor impact in traffic movements to and from the site. Given the proximity to the M20 and the nature of the proposal, Highways England have commented on the application and raised no concerns of the regarding any impact on the Strategic Road Network. Equally Kent Highways have no raised an objection on highway grounds. Acknowledging that a number of trips will linked trips between the main store and two concession ancillary spaces proposed.

5.14 In terms of parking requirements, Kent Highways do not oppose the increase in additional retail floorspace. The existing parking arrangements are sufficient to cope with the minor increase in floorspace, which in part will be negated by linked trips to the two small concession areas to be created. Kent Highways do not consider that the works are unlikely to significantly worsen this situation.

5.15 Therefore the proposal will not result in either significant or severe adverse conditions on the public highway.

Other Matters

5.16 The proposed development does not involve any external alterations or works, just internal changes. As such the proposal will not have any adverse impacts on the neighbouring properties or the local amenities, which is supported Environmental Health who have not raised any concerns with this scheme.

5.17 The majority of the conditions imposed on the original planning permission were pre commencement or pre occupation conditions relating to the building works, which have been completed. Therefore only the conditions that remain relevant to this site have been carried forward with this application.

6. CONCLUSION

6.01 In light of the above considerations, I am satisfied that the proposal will not result in any harm to the vitality of the town centre, will not result in any significant harm to the public highway and will not harm the local amenities. As such I support this application.

26 July 2018

7. 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 external lighting scheme shall be operated in accordance with the approved details application MA/14/0735

Reason: To minimise the impact of light pollution in the interests of the character and amenity of the surrounding area.

- 3) The foul and surface water drainage shall be operated in accordance with the approved details application MA/13/2018.

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

- 4) The approved details of the parking/turning areas shall be kept available for such use.

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

- 5) The green travel plan shall be operated in accordance with the approved details application MA/14/0393.

Reason: In the interests of sustainability and to provide an alternative means of transport to the private car.

- 6) The net internal sales area of the store hereby permitted shall not exceed 3,722 sq metres (net) of which no more than 1,797 sq metres (net) shall be used for the sale of fashion goods and no more than 1,841 sq metres (net) shall be used for the sale of home goods. No more than 74 square (net) shall be used for the sale of stationary, greeting cards and wrapping paper within a concession ancillary to the sale of fashion and home items. No more than 53 square (net) shall be used as a travel agent as a concession ancillary to the sale of fashion and home items. No more than 198 sq metres (net) shall be used as a café and this will be ancillary to the main retail use.

Reason: To accord with the terms of the application and to safeguard the vitality of Maidstone Town Centre.

Planning Committee Report

26 July 2018

- 7) The use hereby permitted shall only open to customers within the following times:

09.00 to 22.00 Monday to Saturday and up to 6 hours between 10.00 and 18.00 on Sunday and Bank Holidays. The café cannot be open outside of the store opening hours.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

- 8) Deliveries shall only take place or be accepted at the store within the following times:

07:00 to 22:00 Monday to Saturday or between 09:00 and 18:00 on Sundays/Bank/Public Holidays.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

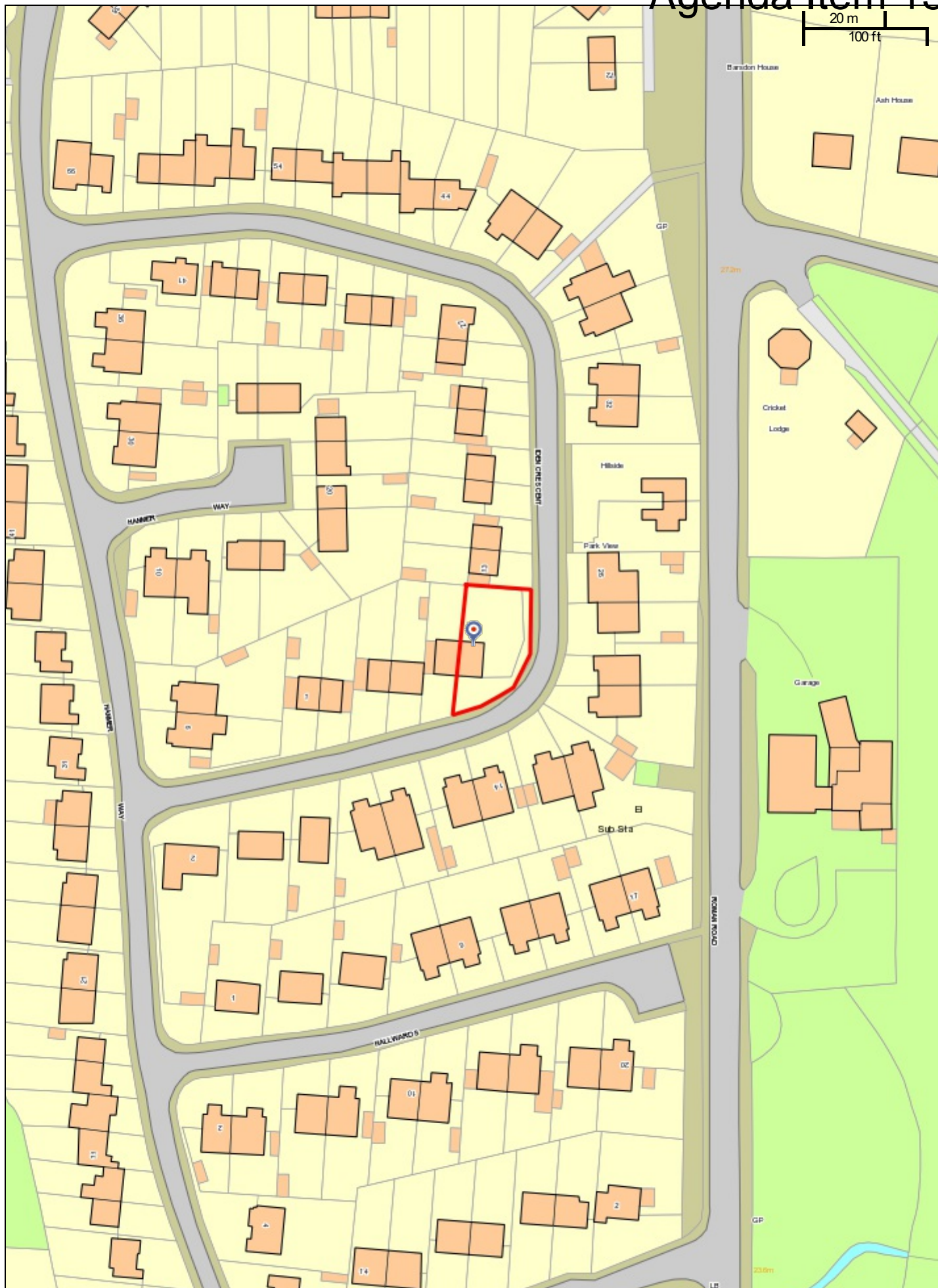
- 9) The landscaping scheme implemented shall be maintained in accordance with the approved details submission MA/13/2018. Any trees or plants which within a period of five years from the completion of the development approved under planning permission MA/12/2314 die, are removed or become seriously 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 for the development.

- 10) The development shall be carried out in accordance with: Plans numbered: 5320/LP01 Rev B, 5320/P21 Rev B, 5320/P101 Rev G, 5320/P102 Rev G & 5320/P112 Rev D as submitted on 8th February 2013 and 01927-010 Revision G.

Reason: To ensure the quality of the development is maintained and to prevent harm to the character of the area.

Case Officer Aaron Hill



18/502510/FULL 11 Iden Crescent, Staplehurst, Kent, TN12 0NX

Scale: 1:1250

Printed on: 13/7/2018 at 13:26 PM by JoannaW

REPORT SUMMARY

REFERENCE NO - 18/502510/FULL		
APPLICATION PROPOSAL - Erection of detached house & creation of new driveway		
ADDRESS - 11 Iden Crescent Staplehurst Tonbridge Kent TN12 0NX		
RECOMMENDATION - APPROVE		
SUMMARY OF REASON FOR RECOMMENDATION It is considered that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE - Councillor Brice wishes to see application reported to Planning Committee		
WARD Staplehurst	PARISH COUNCIL Staplehurst	APPLICANT Mr L Beeken AGENT Kent Design Studio Ltd
DECISION DUE DATE 30/07/18	PUBLICITY EXPIRY DATE 28/06/18	OFFICER SITE VISIT DATE 07/06/18
RELEVANT PLANNING HISTORY:		

- 15/506353 - Removal of sustainable homes code on MA/12/1776 - Approved
- 15/506262 - Details for condition 2 (materials) of MA/12/1776 – Approved
- MA/12/2041 - 2 storey side extension (renewal of MA/09/2036) - Approved
- MA/12/1776 - 2 storey dwelling (adjoining 11 Iden Crescent) - Approved
- MA/09/2036 - 2 storey side extension – Approved
- MA/07/1627 - 2 storey attached dwelling – Refused (11/10/07)

Reason: The development, by virtue of its scale, location and encroachment towards the boundary with the road would have an adverse impact on the character and appearance of the streetscene and result in a loss of a visual gap on this corner plot.)

1.0 SITE DESCRIPTION

1.01 11 Iden Crescent is a semi-detached house located on a corner plot, some 85m to the east of the junction with Hanmer Way. The site currently benefits from off-street parking to the rear. The surrounding area is predominantly a mixture of 2-storey and bungalow type properties; and for the purposes of the Local Plan the proposal site is within the defined village boundary of Staplehurst.

2.0 PROPOSAL

2.01 The proposal is for the erection of a detached (2-bed) house and for the creation of a driveway for 11 Iden Crescent. The proposed dwelling would reflect the height and external appearance of 11 Iden Crescent; and would be set back from this property’s front elevation. The proposal would see the creation of a driveway to the front of 11 Iden Crescent, with the new dwelling retaining the parking area to the rear.

2.02 A dwelling was approved on the site under MA/12/1776. This permission is no longer extant and the proposal saw the new dwelling attached to 11 Iden Crescent. Under MA/07/1627, a new dwelling was refused on this site because of its unacceptable impact upon the character and appearance of the streetscene. Both applications were determined prior to the adoption of the Local Plan and are not of the same design as what is now presented.

3.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP5, SP10, DM1, DM11, DM23
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Staplehurst Neighbourhood Plan (2016-2031)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** No representations have been received.

5.0 CONSULTATIONS

5.01 **Councillor Brice:** Wishes for application to be reported to Planning Committee if recommendation is for approval;

"I have concerns about the size of this property given the space available. It is also being planned to face the same way as the adjacent property, but I am concerned this means the rear of the property will overlook the properties at the rear, that face the road. I am also concerned that squeezing another property in will also change the outlook of this residential crescent."

5.02 **Staplehurst Parish Council:** Recommend application for approval subject to provision of 2 parking spaces (with permeable surfacing). The Parish does not request the application to be referred to Planning Committee.

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

APPRAISAL

Main issues

6.01 The principal focus for residential development in the borough is the urban area, then rural service centres and then larger villages (sustainability hierarchy Local Plan policy SS1), provided new development accords with other policies in the Local Plan. Staplehurst is a Rural Service Centre in the Maidstone Local Plan, which is considered to be the second most sustainable settlement in the hierarchy to accommodate growth; and policies SP5 and SP10 do allow for minor residential development. The relevant policies in the Local Plan (as listed above) also seek to ensure proposals will not result in harm to the character and appearance of the area, and that the amenities of occupiers of neighbouring properties is respected. The adopted Staplehurst Neighbourhood Plan is also part of the Development Plan.

6.02 This report will set out and consider the visual and residential amenity impacts of the proposal, and then will go on to consider other relevant planning matters.

Visual impact

- 6.03 The proposal site occupies a corner plot location, and the new house would erode some of the openness of the site. However, the proposal would still see a minimum of a 4m gap maintained from the side flank of the house with the highway (extending to some 6m); its siting would follow the staggered building lines of those properties to the north and west of the site; its detached appearance would prevent the appearance of terracing in an area that is predominantly characterised by semi-detached properties; the cladding and flank window at first floor level would add visual relief; and its overall scale, design and appearance is in keeping with the surrounding houses. Furthermore, the proposal would see the existing close boarded fencing removed in part to create a more open frontage for the house, and then in part set back to allow for planting in between the fencing and pavement.
- 6.04 Furthermore, the gap this proposal would retain to the eastern boundary is not too dissimilar to other corner plots in the area (notably 66 Iden Crescent); and 27 Iden Crescent has recently had approved (under 17/502242) a first floor side extension that would leave less of a gap than what is proposed under this proposal. This proposal's design is different to the dwelling refused under application MA/07/1627, as this was a wider property that would have jarred with the overall pattern and grain of development in the area, creating a bulky terrace of housing.
- 6.05 No objection is raised to the visual impact of the new driveway for 11 Iden Crescent. With the above considered, the proposal would not appear as over development of the site; it would not appear out of context with the overall pattern and grain of development in the immediate area; and it would reflect the character and appearance of its neighbouring properties.

Residential amenity

- 6.06 The proposed house would be more than 11m from the southern boundary of 13 Iden Crescent, and also set forward of this property's front elevation. This situation is no more harmful to the amenity of this neighbouring property when compared to the existing situation. The proposal would project beyond the rear elevation of 11 Iden Crescent, and at 2-storey it would cause loss of light to the closest ground floor opening (kitchen/dining area). However, as the ground floor of this neighbouring property is open plan, this area would also receive light through the rear patio doors and conservatory (which is largely glazed), and the largely glazed side door. No objection is therefore raised in terms of loss of light. Given the length of the garden for 11 Iden Crescent, it is also considered that the proposal would not appear overbearing when this neighbour is enjoying their garden. The living conditions (both internally and externally) for future occupants of the proposal are also considered to be acceptable. For the reasons given above, the proposal will not have an adverse impact upon the amenity of any local resident (including the proposed dwelling), in terms of loss of privacy, light, or being overbearing.

Other considerations

6.07 The proposal would see both the new dwelling and 11 Iden Crescent have 2 off-street parking spaces, and this provision laid out the way it is, is considered acceptable for this location. The Highways Authority has raised no objection to the proposal and so no objection is raised to a new dwelling here in terms of highway safety.

6.08 In accordance with Local Plan policy, in the interests of sustainability and air quality, conditions will also be imposed for the provision of operational electric vehicle charging points for low-emission plug-in vehicles, and for details of decentralised and renewable or low-carbon sources of energy.

6.09 Given the scale, nature and location of the proposal, no objection is raised in terms of noise; land contamination; or flood risk. Foul sewage will be via mains sewer and surface water discharge will be via soakaway, and no objection is raised to this.

7.0 CONCLUSION

7.01 It is considered that the proposal would not be adversely harmful to the character and appearance of the area hereabouts; and it would not have an unacceptable impact upon the amenity of neighbouring properties. It is therefore considered that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval of the application is made on this basis.

8.0 RECOMMENDATION – APPROVE subject to 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) Prior to commencement of development above damp-proof course (DPC) level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces (to include permeable surfacing) shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development.

(3) The development hereby approved shall be carried out in accordance with the boundary details as shown on drawing 2085-02A (received 11/07/18), with the close boarded fencing being no more than 2m in height, and shall be 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.

(4) In accordance with drawing 2085-02A (received 11/07/18) and prior to commencement of development above damp-proof course (DPC) level, details of a scheme of landscaping using indigenous species, together with a programme for the approved scheme's implementation and long term

Planning Committee Report

management, shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012. The landscaping of the site shall be carried out in accordance with the approved details over the period specified;

Reason: To ensure a satisfactory appearance to the development.

- (5) The approved landscaping shall be in place at the end of the first planting and seeding season following first occupation of the dwelling. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species;

Reason: To ensure a satisfactory appearance to the development.

- (6) Prior to commencement of development above damp-proof course (DPC) level, details for a scheme for the enhancement of biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- (7) 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 be 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. Details are required prior to commencement of development to ensure that the widest range of options are available (i.e. ground source heat pumps).

- (8) 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 in the interests of residential amenity.

- (9) Prior to the first occupation of the building hereby permitted, a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles shall be installed on the site and shall thereafter be retained and maintained for that purpose;

26th July 2018

Planning Committee Report

Reason: To promote reduction of CO² emissions through use of low emissions vehicles.

- (10) The development hereby permitted shall be carried out in accordance with the following plans: 2085-01 received 09/05/18 and 2085-02A received 11/07/18;

Reason: To ensure a satisfactory appearance to the development and in the interests of residential amenity.

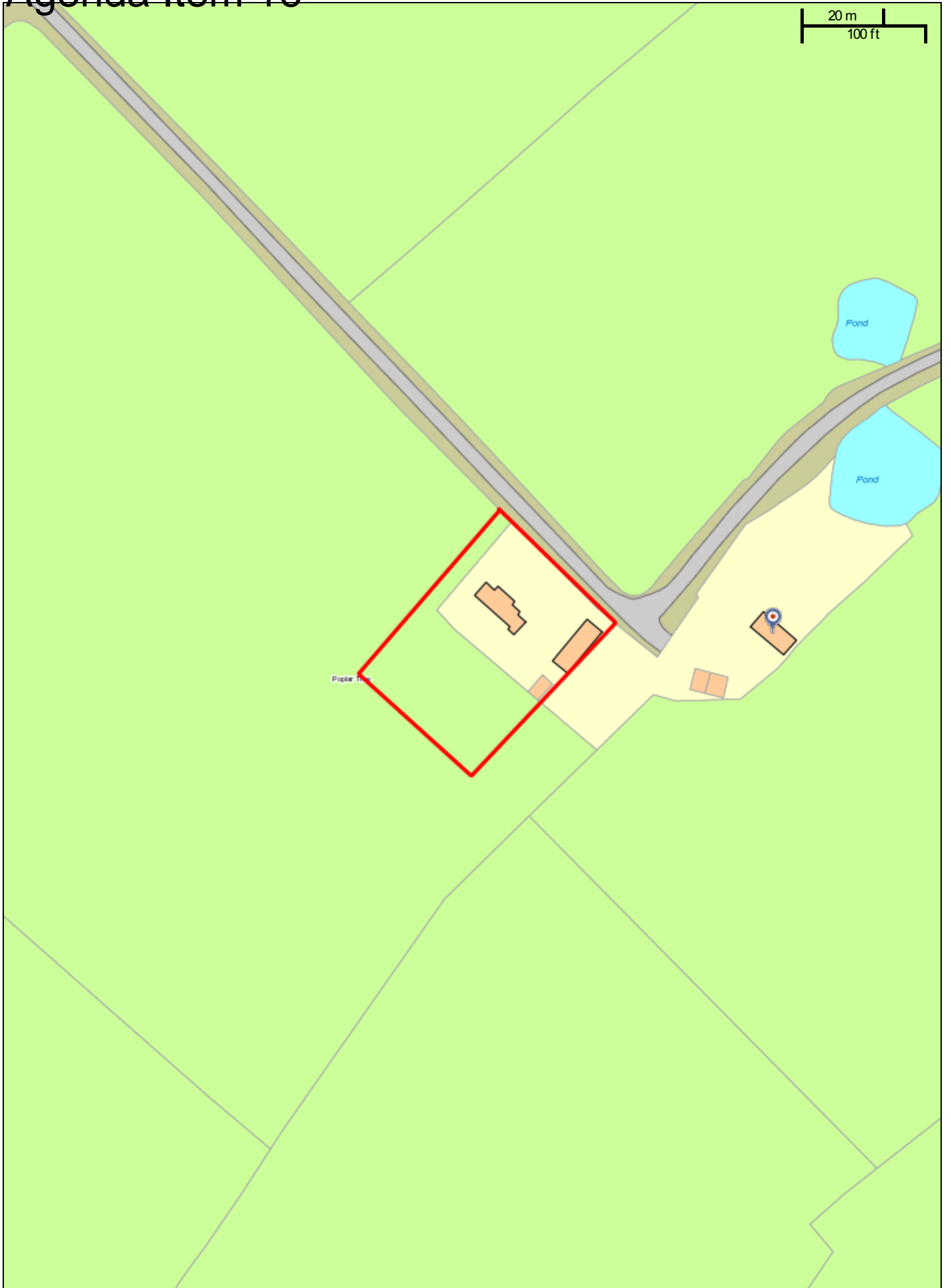
INFORMATIVES:

- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:
<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>.

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

Case Officer Kathryn Altieri

Agenda Item 16



20 m
100 ft

Pond

Pond

Poplar Tree



18/502116/FULL Poplar Tree Farm, Milebush Lane, Marden, TN12 9AS

Scale: 1:1250

Printed on: 13/7/2018 at 13:42 PM by JoannaW



26 July 2018

REFERENCE NO - 18/502116/FULL		
APPLICATION PROPOSAL Conversion of existing double garage to annex and construction of covered veranda on gable end. Alterations to car parking.		
ADDRESS Poplar Tree Farm, Milebush Lane, Marden, TN12 9AS		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal, subject to the recommended conditions, is considered to comply with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance, and there are not considered to be any overriding material considerations to indicate a refusal.		
REASON FOR REFERRAL TO COMMITTEE - The applicant is a Borough Councillor.		
WARD Marden And Yalding	PARISH COUNCIL Marden	APPLICANT Mrs Annabelle Blackmore AGENT D. R. Nicholson Ltd
DECISION DUE DATE 06/07/18		PUBLICITY EXPIRY DATE 29/06/18

Relevant Planning History

MA/13/1475

Erection of a single storey extension to existing garage and retrospective change of use of land from agricultural to residential use - APPROVED (Decision Date: 15.04.2014)

MA/12/1249

Erection of single storey infill extension, front porch and enlargement of single storey rear extension - APPROVED (Decision Date: 20.09.2012)

MA/05/0919

Replacement of concrete panel flat roofed garage by one of traditional construction - APPROVED (Decision Date: 30.06.2005)

MA/04/0580

Demolition of existing conservatory and erection of two storey front and side extensions - APPROVED (Decision Date: 21.05.2004)

MA/03/2450

Two storey front and side extension, which includes the removal of the conservatory - REFUSED (Decision Date: 23.02.2004)

MA/99/1503

Erection of single storey extension to utility/breakfast room on south-eastern flank, and replacement of flat roof with pitched roof to utility/breakfast room - APPROVED (Decision Date: 15.11.1999)

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located in open countryside in Marden parish.
- 1.02 It contains a detached, two-storey dwellinghouse and two detached outbuildings. The outbuilding closest to the road comprises a double garage in the front section facing onto the gravel parking area, with a bed/sitting room and shower/WC in the rear section.
- 1.03 There are no other neighbouring dwellings in the vicinity, although two buildings on land to the east of the site (also in the applicant's ownership) have been the subject of recent, successful prior notification applications for change of use to dwellinghouses.

2. PROPOSAL

- 2.01 Planning permission is sought for the conversion of the existing double garage building to an annex, including the construction of a covered veranda on the north-west gable end, and alterations to the parking area.
- 2.02 The existing double garage area would be converted to a bedroom, a small, galley kitchen area and shower/WC, and the existing bed/sitting room would have the walls forming the current shower/WC removed to create a living area.
- 2.03 The veranda would be open-sided, formed of a hipped roof supported on four oak posts, and would project approximately 1.5 m from the existing wall of the garage. The up-and-over garage door opening would be infilled with an array of windows, blank panels and a half-glazed door.
- 2.04 The layout plan shows that the existing gravelled parking area would be extended into part of the lawn in front of the house, such that a total of five parking spaces would be provided at the site.

3. POLICY AND CONSIDERATIONS

Maidstone Borough Local Plan 2017: SP17, DM1, DM3, DM30, DM32.

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (adopted May 2009)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Site notice posted 08/06/2018 allowing 21 days for comment. No representations received.

5. Consultations

- 5.01 MARDEN PARISH COUNCIL: No objection subject to a condition being applied that the conversion is only used for purposes ancillary to the main dwelling and not used for a holiday let or as a separate dwelling.

6. APPRAISAL

- 6.01 The key issues for consideration are:

- Principle of the development
- Visual impact
- Impact on residential amenity

Principle of the Development

- 6.02 Local Plan Policy DM32 states that proposals to extend dwellings in the countryside should not create a separate dwelling, or a scale or type of accommodation that is capable of being used as a separate dwelling.
- 6.03 The proposal is a Householder application for a residential annex to provide ancillary accommodation to the main dwelling. The building to be converted already contains an element of primary, habitable accommodation and has a very close relationship with the main house. Although the proposal would result in it becoming self-contained, on balance, in view of the relatively small scale of facilities provided and the close relationship with the host dwelling, it is considered that the ancillary use can be satisfactorily controlled by condition.

Visual Impact

- 6.04 The only increase to the built envelope of the building would be the covered veranda, and since this would be a modest addition, subordinate to the existing garage structure and constructed only of a hipped roof on posts, I do not consider that there would be a significant impact on the openness of the rural surroundings, notwithstanding that it is very open hereabouts. The garage building would remain visually-subordinate to the host dwelling.
- 6.05 Both the veranda and the proposed conversion are acceptably designed, using matching materials, and would not have any adverse impact on the

character or appearance of either the host building or the countryside in general public views from Milebush Lane.

- 6.06 There would be a moderate increase in hard surfacing to allow for the extended parking area, and whilst this may be regrettable, I do not consider it to be grounds for refusal of planning permission. It would not be widely noticeable from outside of the site, other than when standing immediately at the gateway looking in.

Impact on Residential Amenity

- 6.07 There are no neighbouring residential properties close enough to be adversely impacted in terms of daylight, sunlight, privacy or outlook, including the two buildings to the east that are able to be converted to dwellings under the prior notification process.
- 6.08 Since the proposal is for an annex, which would be ancillary to the residential use of the main dwelling on site, the relationship between the two is considered acceptable. That would not be the case if the proposal was for a separate, self-contained residential unit, and consequently the annex relationship must be maintained by condition. Although there is currently some primary habitable accommodation in the rear part of the garage building, I consider the current proposal to be fundamentally different inasmuch as it would be larger and would contain a kitchen, thus making it capable of operating as a separate residential unit, plus the proposed conversion would result in habitable accommodation being located in the front of the building (closer to the applicant's dwelling) as well. Nevertheless, subject to a condition restricting the use of the building to ancillary accommodation only, I consider the proposal to be acceptable.

Other Matters

- 6.09 It is considered that sufficient parking provision would be maintained, notwithstanding the loss of the two garage parking spaces, since the parking area to the front of the dwelling would be extended.
- 6.10 It is considered that no important trees would be lost.
- 6.11 Due to the nature, siting and scale of the proposal there are no significant ecological issues to consider.

7. CONCLUSION

- 7.01 Taking all of the above into account, I conclude that, subject to the conditions set out below, the proposal complies with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance, and that there are no overriding material considerations to indicate a refusal.

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

Site location plan and drawing number TN12 9AS.04 received on 20/04/2018 and drawing number TN12 9AS.02 Rev A received on 03/07/2018;

Reason: To ensure the quality of the development is maintained.

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development.

- 4) The additional accommodation to the principal dwelling hereby permitted shall only be used as annex accommodation ancillary to the residential use of the main dwelling, currently known as Poplar Tree Farm. It shall not be sub-divided, separated or altered in any way so as to create a separate self-contained residential unit;

Reason: Its use as a separate residential unit would result in an unsatisfactory relationship with the principal dwelling and would be contrary to the provisions of the development plan for the area within which the site is located.

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

Case Officer- Angela Welsford

Case Officer Ms Angela Welsford

Agenda Item 17



18/501342/FULL Meadow View, Marden Road, Staplehurst, Tonbridge, Kent

Scale: 1:1250

Printed on: 27/6/2018 at 9:45 AM by JoannaW

REFERENCE NO - 18/501342/FULL					
APPLICATION PROPOSAL					
RETROSPECTIVE APPLICATION SEEKING TO VARY CONDITIONS 2 AND 3 APPENDED TO PLANNING PERMISSION 15/507291/FULL TO ENABLE OCCUPATION OF THE SITE BY ANY GYPSY AND TRAVELLER FAMILY.					
ADDRESS Meadow View Marden Road Staplehurst Tonbridge Kent TN12 0JG					
RECOMMENDATION – Grant Planning permission subject to planning conditions					
-The site occupants meet the definition of gypsies and travellers.					
-The use of the site for Gypsy and Traveller (G&T) purposes on a permanent basis by any G&T occupant will not result in material harm to the character and setting of the countryside or the outlook or amenity of nearby dwellings.					
REASON FOR REFERRAL TO COMMITTEE					
Recommendation contrary to the views of Staplehurst Parish Council					
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst		APPLICANT Mr Jason Osborn	AGENT BFGSC	
DECISION DUE DATE 07/05/18	PUBLICITY DATE 10/05/18	EXPIRY	OFFICER DATE 12/04/18	SITE	VISIT DATE

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.1 The application site is located off the north-eastern side of Marden Road. The site is broadly rectangular in shape with a width of approximately 45 metres and extending back from the Marden Road to a depth of approximately 140m.
- 1.2 The planning permission granted under ref: 15/507291 showed 4 mobile homes stationed in the northern eastern two thirds of the site with an undeveloped paddock over 50 metres in depth separating the mobile home plots from the site frontage. Only the two furthestmost mobile homes have been stationed on site with the two plots closest to Marden Road currently vacant.
- 1.3 Abutting the application site to the west is another Gypsy and Traveller development which again is set back some distance and separated from the site frontage by a large paddock.
- 1.4 The site lies in open countryside over 800 metres to the west of Staplehurst.

2.0 RELEVANT PLANNING HISTORY for application site and adjoining land

- 2.1 **17/503063:** Variation of conditions 2 and 3 appended to application 15/507291/FULL (Retrospective application for the provision of an

additional mobile home and the re-location of two mobile homes for extended gypsy families residential use). - to allow the site to be occupied by any Gypsy/Traveller family – REFUSED 16th January 2018 on the following grounds:

"Insufficient evidence was submitted to demonstrate that the occupants of the site met the planning definition of Gypsies and Travellers. As such the special circumstances applying to gypsy and traveller development did not apply. Continued use of the site for G&T development therefore represented unjustified development harmful to the character and setting of the countryside".

- 2.2 **15/507291:** Retrospective application for the provision of an additional mobile home and the re-location of two mobile homes for extended gypsy families residential use – Approved 09/08/16
- 2.3 **13/0866** - Retrospective application for new access, driveway and gates – Approved date?
- 2.4 **11/1118:** Change of use of land for the stationing of an additional 4 mobile homes for a gypsy family –A- 21/09/11 subject to occupation restriction– Approved 21/09/11.
- 2.5 **10/0226:** Change of use of land to allow the relocation of one existing mobile home for residential use with associated works including hardstanding and fencing –Approved 29/6/10 subject to occupancy restriction.
- 2.6 The above application also fell within the site areas of application refs: 15/507291 and 17/502732.
- 2.7 The following application relates to Whiteacres site. This site adjoins the current application site to the north west and will be displayed at the meeting.
- 2.8 **17/502732/FULL:** The placement of one additional static mobile home and touring pitch with associated parking – A- 18/8/17 subject to conditions enabling unfettered use for G&T development and no more than 4 static and 4 tourers to be on site.

3.0 PROPOSAL

- 3.1 The relevant conditions cover the following:

Condition 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 two children, 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.

Condition 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.

- 3.2 The applicant wishes the conditions set aside in favour of the following condition

"The site shall only used as a caravan site for gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015.

Reason: To reflect the special circumstances of the application."

- 3.3 The site is now occupied by different persons from that specified in conditions 2 and 3 above and planning permission is required to accommodate this change in occupation. The following has been submitted in support of the application:

- The current occupants are part of the Irish Traveller community and are a well known family and related in one way or another to most of the larger Irish Traveller families that live across Kent, the UK and Ireland.
- The current site occupants are part of a large family and not all family members who may wish or need to reside on the site can be detailed in this statement.
- The conditions are a restriction on the use of the site and as such it could be said to be inappropriate while if the named consent remains it will inevitably lead to repeated requests for changes to the specified names for additions when children come of age etc, people marry into the family with a different surname or families within the site wished to exchange plots.
- The need for repeated applications would impose an unnecessary cost on site residents while infringing their human rights.
- Such conditions are not supported by NPTS Policy for Gypsies and Travellers.
- Many of the planning permissions for *Gypsies and Travellers* sites in Maidstone do not include a condition that requires the residents of the pitches to be named or approved by the LPA.

Personal Circumstances

- The current and proposed site occupants are all members of the Gypsy and Traveller community, and have Gypsy Status for planning purposes.
- important this large extended family and dependants have a stable place to live and varying these conditions as proposed would permit this.
- Never been a challenge to the Gypsy status of the family, and there is no reason to believe this will change as the family have only ever lived on Gypsy sites, and maintain a Gypsy life style (culture, work etc)

3.4 **Gypsy status:** The following information has been submitted:

- 4 site occupants are member of an extended Irish Traveller (Pavee family).
- Many members of the family live in on Gypsy sites in and around Kent.
- Family head grew up on a Gypsy site, and his parents live on a Gypsy site, naturally he has a cultural bias for living on Gypsy Traveller sites.
- He speaks the Gammon languages to a standard level for the UK Pavee community.
- The different family members often travel together as a unit, otherwise with friends.
- The family are principally involved in small building works etc and they travel with the work and to find the work.
- Wherever possible every effort is made to stay on existing sites with friends and family and often when the family are away from Kent (the last 5 years or so) they have worked in London, Coventry Bulkington (Warwickshire) and Cardiff where they can stop on friends places, or sites.
- If staying with friends and family is not possible, then a degree of improvisation may be needed as transit sites are few and far between.
- The family have been forced to stop by the roadside on occasion in and around Birmingham, Norwich, Newcastle, Wolverhampton and as far south as Exeter.
- A summary of the horse fairs attended in recent years are provided on the next page of this report where the applicants trade in horses and network.
- The family currently own 6 horses though this varies.
- These fairs need to be considered together with the fact that the family also continues to travel for work for a significant part of the year, individually or collectively with other members of the family.
- Events like Epsom Derby have had a dedicated stopping place for the Gypsy Traveller community for many years.
- Not possible to attend all the fairs listed every year, because occasionally dates clash or there are various other reasons.
- Some of the fairs last for a number of days with people spending up to a week at Appleby for instance (or a number of days at other fairs).
- Also travelling to and from fairs can be a good opportunity to trade, and pick up work and so stopping off along the way is quite common.
- Often families will spend two or more days travelling to fairs in advance.
- The applicants also travel to attend cultural events, such as horse drives, and family events throughout the year, to different sites and to various locations across the UK for networking and trading.

Table 1: Summary of the horse fairs attended for trade in horses and network.

MONTH	EVENTS Attended
January	Peterborough Show Horse Fair,
	Hotpots Fair Sawmill Pub, Near Nottingham
March	James Walker Fair, Good Neighbours Pub, Leicester LE3 9PW
	St Patrick's Day Fair, Dartford, Kent
	Merton Show (weekend), Faversham Showground
April	Kenilworth Fair CV8 2LP
	April 13th - DICK SMITH SHOW DAY. Wombwell, near Barnsley
May	Stow Horse Fair
	Scottish King of the Road
	Wickham Horse Fair
June	Appleby Beginning of June
	Cambridge Midsummer Fair
July	Jim Walkers first Thursday to Monday, Leicester
	Jimmy smith's New Forest Drive
	Kenilworth Horse Fair CV8 2LP
	Hilden Horse Fair, Headcorn, Kent
August	Langley Fair, Slough Bucks.
	Kent Horse Fair, Staplehurst
	The Fresh Telford Horse Fair
	Coopers New Forest Drive
	Priddy Fair, Somerset
	Runsfold Fair
	Lee Gap Fair
	Horsemonden Horse fair, Kent

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):
 National Planning Practice Guidance (NPPG):
 Development Plan: SS1, SP17, DM15, DM30
 Planning Policy for Traveller Sites (PPTS)
 Staplehurst Neighbourhood Plan

5.0 LOCAL REPRESENTATIONS

5.1 In response to neighbour consultations 3 objections were received which are summarised below:

- This application would require encroachment of the front grass buffer zone and would locate to the east of their site, which would adjoin Clara which is not indicated on the application map.
- Do not doubt the gypsy credentials of the applicants Saunders family or that they are involved in building works which in turn could require the parking of works vehicles at the site.
- Contend the extra caravans will also bring more people, more vehicles, more noise, eco disturbance, drainage needs and intrusion to the rural environment.
- Proposal could result in a much wider development of a very small and already intensive site.

6.0 CONSULTATIONS

6.1 Staplehurst PC: Object on the following grounds:

- Have already expressed opposition to the subdivision of the site and maintain this position.
- Opposed to allowing the site to be used by any gypsy/traveller family and that works impacted adversely on neighbouring property, notably Clara, and that the works were now more visible and poorly landscaped.
- Site not allocated for gypsy and traveller occupation in the Local Plan

6.2 Kent Highways: No objection

7.0 APPRAISAL

7.1 The proposal first has to be 'screened' to assess whether it should have been accompanied by an EIA to meet the requirements The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As the site does not lie in an AONB while not constituting Schedule 2 development there is no requirement for an EIA. It should be stressed this is purely a technical assessment which has no bearing on normal planning considerations relating to the development which are set out below.

7.2 As a point of clarification this application only seeks a variation of conditions 2 and 3 appended to planning permission ref: 15/507291 relating to site occupancy and whether is appropriate to permit occupation by any G&T family. The principle of the use of this site for G&T purposes does not fall to be considered.

7.2 Apart from the additional information relating to the current site occupants G&T status this is an identical application to that refused under ref: 17/503063. A copy of the report for application 17/503063 is attached at **Appendix 1**.

7.3 The report attached as **Appendix 1** makes clear that had the G&T status of the current site occupants been established the recommendation to the Planning Committee would have been that planning permission be granted for the permanent use of this site for use by any person having G&T status.

7.4 Consideration of the current application therefore rests solely on whether the additional information submitted regarding the current site occupants G&T status is sufficient to address the previous reason for refusal.

Gypsy Status

7.5 National planning guidance for Gypsy & Traveller development contained in 'Planning Policy for Traveller Sites' (PPTS). Revised guidance is now in force with the planning definition of 'gypsy & 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 dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

- 7.6 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 intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 7.7 The submitted information states there are 4 adults of the same family currently/proposing to occupy the site. That they all pursue a nomadic lifestyle in the pursuit of building works and attend a number of horse fairs. This information lacks detail but it must be taken into account that gypsy and travellers by their very nature, live a footloose and unregulated lifestyle.
- 7.8 In assessing this application it would have been useful to have times, dates and locations of all events and places of work the site occupants have attended/will attend. However G&T lifestyles would appear to make securing such details problematic. As such, unless the Council is in possession of evidence to refute the occupants claims both of an existing nomadic working lifestyle and intention to continue this, such claims must be taken at face value. To go beyond this could be considered unreasonable and potentially discriminatory.
- 7.9 As such it is considered that based on the submitted details the occupants of the site, on the balance of probability, have demonstrated they are gypsies and travellers that have led/ will continue to lead a nomadic lifestyle falling within the planning definition of gypsies and travellers.

CONCLUSIONS

- 8.1 It is considered the site occupants have demonstrated their G&T status.

In addition the report attached as **Appendix 1** makes the following key points:

- The planning permission granted for this site under ref: 15/507291 was made personal on the grounds that this was an area where the stationing of caravans/mobile homes was not normally permitted. However since this planning permission was granted, permanent planning permission has been granted on the adjoining site to the west for the placement of one additional static mobile home subject to, amongst other things, to conditions enabling unfettered use for G&T development and that no more than 4 static and 4 tourers to be placed on site (under ref: 17/502732)
- There are long distance views from Marden Road to the two caravans set

at the back of the site while the caravans permitted for plots 2 and 3 will also be visible. However the caravans on plots 2 and 3 will be separated from the road by a paddock and subject to additional native species landscaping along the line of an existing post and rail fence it is considered the visual impact of the development permitted under ref:15/507291 is acceptable and that no cumulative harm is identified when taking into account this development and that allowed on the adjoining site.

- the visual impact of the development is acceptable and satisfies the criteria of policy DM15 as an acceptable 'windfall' G&T site on an unrestricted basis.

8.2 It is therefore concluded that (a) given the existence of recently permitted permanent G&T development abutting the application site to the north west and (b) that the development, the subject of this application, is acceptable in its visual and landscape impacts while not giving rise to any unacceptable cumulative impacts, there are no grounds for objecting to the permanent use of this site by any person having G&T status.

9.0 RECOMMENDATION – GRANT Subject to the following conditions:

1. The site shall only be used as a caravan site for Gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015.

Reason: To reflect the special circumstances of the application.

2. No more than 8 caravans, (of which no more than 4 shall be statics) as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time. In addition no caravans shall be stationed in the area shown cross hatched on the plan attached to this decision notice.

Reason: In the interests of the visual amenity.

3. No external lighting shall be placed on site unless details have been submitted to and approved in writing by the Local Planning Authority. Lighting shall only be installed in accordance with the approved details and retained as such at all times thereafter.

Reason: To safeguard the night time rural environment.

4. No commercial or business activities shall take place on the land, including the storage of vehicles or materials or any livery use;

Reason: In the interests of amenity.

5. Within three months of the date of this decision the method of foul sewage treatment and potable water provision must be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within 3 months of approval of the details and retained as such at all times thereafter. If the details are not (a)

submitted and (b) implemented within the stated periods the use of the site for gypsy and traveller purposes shall cease, the mobile homes, touring caravans any hardstandings and other related development be removed and the site restored to its previous condition.

Reason: in the interests of health and safety and to prevent water pollution.

6. Prior to the additional or relocated mobile homes hereby permitted being stationed on site, a scheme of landscaping/planting using native species, including the provision of hedging and tree planting along the whole south-western edge of plot 3 and from the south east corner of plot 3 in a south westerly direction up to the pond. (siting of planting shown on accompanying plan) shall be submitted to and approved in writing by the Local Planning Authority which 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: In the interests of visual amenity.

7. 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 the additional or relocated mobile homes (whichever is 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 appearance to the development.

8. Prior to any of the additional or relocated 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 and 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; Any enhancement shall be in place in accordance with agreed timescales.

Reason: In the interests of biodiversity protection and enhancement.

9. Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no temporary buildings or structures shall be erected in the area shown cross hatched on the plan attached to this decision notice. without the prior permission of the local planning authority.

Reason: In the interests of the visual amenity.

INFORMATIVES

(1) Foul sewage

The details submitted pursuant to the requirements of condition 5 of this 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:

The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of the date of the planning permission. Failure to do so could result in action by the council under the Act as caravan sites cannot operate without a licence. General enquiries about caravan site licences can be emailed to communityprotection@maidstone.gov.uk or by telephoning 01622 602202.

(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.

(4) This is a S73 application and as such the red line plan submitted with this application is not relevant to this application.

Case Officer: Graham Parkinson

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

Location Plan



Drawing No: LP-01
May 2017

Meadow View
Marden Road
Staplehurst
Kent
TN12 0JG

0m 20m 40m 60m 80m 100m
Scale in Metres
Scale 1:1250 @ A4
Prepared by: J.Alex. 15/05/2017



15/507291

APPENDIX 1

OFFICER SITE VISIT DATES : 13/7/17, 8/11/17 and 12/1/18

Cllr Brice wants the application to go before the Planning Committee, if recommendation is positive on the grounds that:

- **there is a lack of clarity about named permissions and previous applications on this site only granted for a family member.**
- **there is inconsistency and confusion over how named applications are determined and would like to ensure this application is discussed at Committee.**

EIA Screening

EIA Development	No
Comments	Not schedule 2 development and not in AONB

SITE DESCRIPTION

The application site is located off the north-eastern side of Marden Road and is broadly rectangular in shape with a width of approximately 45 metres and extending back from the Marden Road to a depth of approximately 140m.

The planning permission granted under ref: 15/507291 showed 4 mobile homes stationed in the northern eastern two thirds of the site with an undeveloped paddock over 50 metres in depth separating the mobile home plots from the site frontage. Only the two furthestmost mobile homes have been stationed on site with the two plots closest to Marden Road currently vacant.

Abutting the application site to the west is another G&T development which again is set back some distance and separated from the site frontage by a large paddock.

The site lies in open countryside some 850 metres to the west of Staplehurst.

RELEVANT PLANNING HISTORY for application site and adjoining land:

17/502732/FULL: The placement of one additional static mobile home and touring pitch with associated parking – A- 18/8/17 subject to conditions enabling unfettered use for G&T development and no more than 4 static and 4 tourers to be on site. (This site abutts the whole north west boundary of the application site).

15/507291: Retrospective application for the provision of an additional mobile home and the re-location of two mobile homes for extended gypsy families residential use –A- 09/08/16

13/0866 - Retrospective application for new access, driveway and gates - PER

11/1118: Change of use of land for the stationing of an additional 4 mobile homes for a gypsy family –A- 21/09/11 subject to occupation restriction– Approved 21/09/11.

10/0226: Change of use of land to allow the relocation of one existing mobile home for residential use with associated works including hardstanding and fencing –A- 29/6/10 subject to occupancy restriction.

Both the above application also fell within the site areas of application refs: 15/507291 and 17/502732.

83/0006 - Continuation of used land for the stationing of one residential caravan - Refused

82/1207 - Use of land for stationing one caravan for residential use - Refused

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 - PER

PROPOSAL

The relevant conditions are worded as follows:

Condition 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 two children, 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.

Condition 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 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.

The site has now changed hands and is owned by John Saunders and his family. Due to this changed occupation the new site owners were advised that further planning permission was required to reflect these changes. The application seeks to get conditions 2 and 3 set aside to allow occupation of the site by any G& T family. The following has been submitted in support:

- The Saunders family are part of the Irish Traveller community and are a well known family and related in one way or another to most of the larger Irish Traveller families that live across Kent, the UK and Ireland.
- The Saunders family is large and not all family members who may wish or need to reside on the site can be detailed in this statement (children who are not normally named in a planning consent).
- This condition is a restriction of the use of the site and as such it could be said to be inappropriate while if the named consent remains it will inevitably lead to repeated requests for changes to the specified names for additions when children come of age etc, people marry into the family with a different surname or families within the site wished to exchange plots.
- The need for repeated applications would impose an unnecessary cost on site residents while infringing their human rights.
- Such conditions are not supported by NPTS Policy for Gypsies and Travellers.
- Many of the planning permissions for G&T sites in Maidstone do not include a condition that requires the residents of the pitches to be named or approved by the LPA.

Personal Circumstances

- Application being made by Mr John Saunders, the principle resident of the site and other members of the family.
- The applicants (and proposed residents) are all members of the Gypsy Traveller community, and they have Gypsy Status for planning purposes.
- important this large extended family and dependants have a stable place to live and varying these conditions as proposed would permit this.
- Never been a challenge to the Gypsy status of the family, and there is no reason to believe this will change as the family have only ever lived on Gypsy sites, and maintain a Gypsy life style (culture, work etc)

POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):
Development Plan: SP17, DM15, DM30
Planning Policy for Traveller Sites (PPTS)
Staplehurst Neighbourhood Plan

LOCAL REPRESENTATIONS

4 neighbouring properties consulted – 1 objection received which is summarised as follows:

- Plots 2 and 3 permitted under application ref: 15/507291 have not been implemented and consideration of the application should be based on 2 mobile homes.
- Site purchased by the current owner presumably in the knowledge their occupation would breach the existing planning consent.
- The site area of application ref:15/507291 ill defined as there is no confirmation that the meadow to the front of the site and the pond are to be remain undeveloped.
- If further development were allowed forward of plot 3 would result in loss of privacy to the adjoining property.
- Development results in visual harm to the locality.

CONSULTATION RESPONSES

Staplehurst Parish Council: No objection subject to the plots remaining in single ownership and no development to take place between plot 3 and Marden Road. Do not require application to be referred to the Planning Committee.

EHO: No objection subject to details being submitted of waste water disposal and potable water provision.

APPRAISAL

The site lies in open countryside and the development is subject to the following local plan policies.

Policy SP17 of the Local Plan (LP) states that proposals which accord with other policies in the plan and which do not harm the countryside will be permitted.

Policy DM15 of the LP states that planning permission for G&T development will be granted if it would not result in significant harm to the landscape and rural character of the area. The requirement remains that development should be well related to local services, would not harm the rural character and landscape of an area due to cumulative visual impacts and is well screened by existing landscape features, is accessible by vehicles, not located in an area at risk of flooding and wildlife considerations are taken into account.

Policy DM30 specifically requires , amongst other things, that the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features; that impacts on the appearance and character of the landscape will be appropriately mitigated and that any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation reflecting the landscape character of the area.

There is also Government guidance contained within 'Planning Policy for Traveller Sites' (PPTS) amended in August 2016. This places an emphasis on the need to provide more

gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.

Issues of need are dealt with below but in terms of broad principle both local plan policies and Central Government Guidance permit G&T sites to be located in the countryside as an exception to the general development restraint policies applying in the countryside.

Need for Gypsy Sites

Local Authorities have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012. The GTAA concluded the following need for pitches over the remaining Local Plan period:

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

The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the DLP. 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 need but each decision must be taken on evidence available at the time of a decision made. .

The target of 187 additional pitches is included in Policy SS1 of the Maidstone Borough Local Plan.

Supply of Gypsy sites

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

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

Permanent/non-personal – 112
Permanent/personal - 22
Temporary/non-personal - 3
Temporary/personal – 34

Therefore a net total of 134 permanent pitches have been granted since 1st October 2011. A further 53 permanent pitches are needed by 2031 to meet the need identified in the GTAA.

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 Local Plan allocate specific sites 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 Council's current position is it can demonstrate a 5.6 year supply of G&T sites at the base date of 1st April 2016.

The PPTS directs that the lack of a 5 year supply of Gypsy pitches should be given weight in the consideration of granting temporary consents. As the Council considers itself to be in a position to demonstrate a 5 year supply the PPTS direction to positively consider the granting of a temporary consent does not apply.

Gypsy Status

National planning guidance for Gypsy & Traveller development contained in 'Planning Policy for Traveller Sites' (PTS). Revised guidance is now in force 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 dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

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 PTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances. The application

- Application being made by Mr John Saunders, the principle resident of the site and other members of the family.
- The applicants (and proposed residents) are all members of the Gypsy Traveller community, and they have Gypsy Status for planning purposes.
- important this large extended family and dependants have a stable place to live and varying these conditions as proposed would permit this.
- Never been a challenge to the Gypsy status of the family, and there is no reason to believe this will change as the family have only ever lived on Gypsy sites, and maintain a Gypsy life style (culture, work etc)

The general nature of this information was insufficient to demonstrate the occupants of the site met the Planning definition of a G&T. As such in November 2017 further information was sought on the site occupants in particular:

- Details of lifestyle/working practices of all people of working age and ;
- If no travelling for work has taken place over the last 2 years why this has ceased.
-

No response has been received and as such it is not possible to determine whether the site occupants satisfy the planning definition of a G&T. As such the application fails on these grounds irrespective of any other considerations.

VISUAL IMPACT

Guidance set out in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside but also states that where sites are in rural areas they not should dominate the nearest settled community and or place undue pressure on local infrastructure. No specific reference is made to landscape impact though this is addressed in the NPPF and policy DM15 of the Local Plan.

It is generally accepted that mobile homes comprise visually intrusive development out of character in the countryside. Consequently unless well screened or hidden away in unobtrusive locations they are normally considered unacceptable in their visual impact. Consequently where they are permitted this is normally on the basis of being screened by existing permanent features such as hedgerows, tree belts, buildings or land contours.

To recap, policy DM15 of the Local Plan states that planning permission for G&T development will be granted if it would not result in significant harm to the landscape and rural character of the area. The requirement remains that development should be well related to local services, would not harm the rural character and landscape of an area due to cumulative visual impacts and is well screened by existing landscape features, is accessible by vehicles, not located in an area at risk of flooding and wildlife considerations are taken into account.

The planning permission granted for this site under ref: 15/507291 was made personal on the grounds that this was an area where the stationing of caravans/mobile homes was not normally permitted. However since this planning permission was granted, under ref: 17/502732 permanent planning permission has been granted on the adjoining site to the west for the placement of one additional static mobile home subject to, amongst other things, to conditions enabling unfettered use for G&T development and that no more than 4 static and 4 tourers to be placed on site.

These caravans are set well back into the site and are not easily visible form Marden Road. The planning permission ref:15/507291 permits 4 caravans on the site though plots 2 and 3 are currently vacant.. There are long distance views from Marden Road to the two caravans set at the back of the site while the caravans permitted for plots 2 and 3 will also be visible. However the caravans on plots 2 and 3 will be separated from the road by a paddock and subject to additional native species landscaping along the line of an existing post and rail fence it is considered the visual impact of the development permitted under ref:15/507291 is acceptable.

Where the visual impact of G&T development is considered acceptable and notwithstanding the presence of a 5 year supply of G&T sites, policy DM15 makes clear that subject to no significant landscape harm being caused planning permission should be granted.

Cumulative Impacts:

There is lawful G&T development abutting the application site to the north west. Given this it is fair to say there been some changes to the character of the area as a consequence of G&T development . Though allowing non personal G&T use of the application site will set aside any possibility of the application site reverting to its former undeveloped state, given the screened nature of both this and the adjoining G&T site, it is not considered their cumulative visual impacts will have any material impact on the rural character of the area.

Regarding the impact on local infrastructure, given the nature of the application , no material change is identified in this respect.

LANDSCAPE CONSIDERATIONS:

Policies SP17 and DM30 of the local plan both require that landscape protection should be given weight. For the reasons already set out it is considered the permanent presence of G&T development on the application and adjoining site will not materially affect the landscape character of the area contrary to the provisions of policy SP17 and DM30 of the LP.

SITING SUSTAINABILITY

The site already benefits from a G&T consent and as such this issue has already been addressed.

GENERAL AND RESIDENTIAL AMENITY

Abutting the south east corner of the site is the detached property known as Clara and which has flank aspect over the application site. However the current view from this property is across a paddock. As such no harm is identified to residential amenity as a consequence of 4 mobile homes being stationed on site subject to a condition that the number of mobile homes and touring caravans shall not exceed 8 (4 of each type) and that the mobile homes and touring caravans will only be sited with within the plot areas shown and approved under planning application ref:15/507291.

HIGHWAY SAFETY CONSIDERATIONS:

As the proposal essentially involves continuation of the existing use but by different persons no material change in local highway conditions is anticipated. As such no objection to the proposal on highway grounds is identified.

WILDLIFE CONSIDERATIONS:

Apart from the areas where the mobile homes are sited the remainder of the application site is currently grassed with a pond in the south east corner of the site. The pond, which may make a contribution as a wildlife habitat is not affected by the approved siting of the mobile homes. However the remainder of the site apart from boundary hedgerows provides little in the way of wildlife habitat. The additional native species planting required to define the south west extent and to screen the developed part of the site will provide a valuable and proportionate response to wildlife concerns.

CONCLUSIONS:

The key conclusions are considered to be as follows:

- It is considered that insufficient evidence has been submitted to demonstrate the occupants of the site fall within the definition of G&T's contained within Government Guidance.
- As such the special circumstances applying to gypsy and traveller development does not apply.
- The continued use of the site for G&T development therefore represents unjustified development harmful to the character and setting of the countryside contrary to the provisions of polices SP17, DM15 and DM30 of the local plan.

Case Officer Graham Parkinson

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 5/7/18**

APPEAL DECISIONS:

1. **16/505632/FULL** Removal of condition 7 (operating hours) of previously approved 14/504694/FULL to allow 24hr operation.

APPEAL: Dismissed

1 - 17 The Broadway
Maidstone
Kent
ME16 8QX

(DELEGATED)

2. **17/504947/FULL** Minor Material Amendment to condition 2 of 15/503845/FULL (Amendments to planning permission 14/504888/FULL (Change of use of store to 2 x dwellings, 2-storey rear extension to provide 1 x dwelling (3 dwellings total); Provision of external stair cases to 3 x dwellings, new door way to lower ground floor (front elevation) and raising roof height of store) to increase the floor area of the dwellings.)

APPEAL: Allowed

The Pump House
Forstal Road
Aylesford
Kent
ME20 7AH

(DELEGATED)

3. **18/500458/FULL** Erection of detached double garage.

APPEAL: Allowed

77 Poplar Grove
Maidstone
Kent
ME16 0AN

(DELEGATED)

4. **17/502813/FULL** Erection of 2no. semi detached dwellings with 2no. parking spaces and alterations to landscaping.

APPEAL: Dismissed

1 Shingle Barn Cottages
Shingle Barn Lane
West Farleigh
Maidstone
Kent
ME15 0PJ

(DELEGATED)

5. **17/505518/ADV** Advertisement consent for 1no. internally illuminated 48 sheet wall mounted Digital advertising display unit

APPEAL: Dismissed

Gala Club
Lower Stone Street
Maidstone
Kent
ME15 6JX

(DELEGATED)

6. **Appeal A**
Appeal B
Appeal C
Appeal D
Appeal E

Appeal against enforcement notice for siting of mobile homes, caravans, areas of hardstanding and access gates

APPEAL A: Dismissed

APPEAL B: Dismissed

APPEAL C: Allowed

APPEAL D: Dismissed

APPEAL E: Allowed

Land East Of Maplehurst Lane
Frittenden Road
Staplehurst
Tonbridge
Kent
TN12 0DL

(DELEGATED)

THE MAIDSTONE BOROUGH COUNCIL
PLANNING COMMITTEE – 26 July 2018

APPEAL DECISIONS:

- 1. 18/500222/FULL** Erection of a single storey rear extension and loft conversion with velux windows to the front and dormer to the rear.

APPEAL: Part Allowed/Part Dismissed

17 Chippendayle Drive
Harrietsham
Maidstone
Kent
ME17 1AD

(DELEGATED)

- 2. 17/505695/FULL** Retrospective - raised decking to the rear of the property with trellis added to the existing fence not exceeding 2 m.

APPEAL: Dismissed

121 Lower Boxley Road
Maidstone
Kent
ME14 2UT

(DELEGATED)

- 3. 17/500471/FULL** Erection of 2 no. dwellings with associated landscaping and car parking.

APPEAL: Dismissed

Land North Of Street Farm Cottages
Forge Lane
Boxley
Kent
ME14 3DR

(COMMITTEE)

- 4. 17/502347/LDCEX** Lawful Development Certificate (Existing) for use of an annex as 2no. Separate flats

APPEAL: Dismissed

Hazel Street Cottage
Hazel Street
Stockbury
Sittingbourne
Kent
ME9 7SB

(DELEGATED)

5. 16/505813/FULL

The site is to be subdivided and a new single storey detached property is to be added to the north of the current site

APPEAL: Allowed

Linton House
12 Linton Road
Loose
Kent
ME15 0AD

(DELEGATED)

6. 17/503541/OUT

Erection of 2 no. dwellings with associated landscaping and car parking.

APPEAL: Dismissed

Land Rear Of Redic House
Warmlake Road
Sutton Valence
Maidstone
Kent
ME17 3LP

(DELEGATED)

7. 16/506144/FULL

Retrospective application for continued use of site for 4 touring caravans and erection of utility room together with installation of cesspit for extended Gypsy/Traveller family.

APPEAL: Allowed

Land At
Stockbury Valley
Stockbury
Kent
ME9 7QN

(DELEGATED)