

PLANNING COMMITTEE MEETING

Date: Thursday 13 December 2018
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Adkinson, Bartlett, Boughton, English (Chairman), Harwood, Kimmance, Munford, Parfitt-Reid, Perry, 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.

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 18 December 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 29 November 2018 - to follow
11. Presentation of Petitions (if any)
12. Deferred Item 1
13. 17/505255 - La Rochell, Church Lane, Harrietsham, Maidstone, Kent 2 - 12

Issued on Wednesday 5 December 2018
Over/:

Continued

Alison Broom

Alison Broom, Chief Executive

14.	18/505079 - Glebe Cottage, Dunn Street Road, Bredhurst, Gillingham, Kent	13 - 23
15.	18/505289 - Loxley House, Gravelly Bottom Road, Kingswood, Maidstone, Kent	24 - 28
16.	18/505491 - High Winds, Gallants Lane, East Farleigh, Maidstone, Kent	29 - 33
17.	18/505509 - Marden Primary School, Goudhurst Road, Marden, Kent	34 - 40
18.	Appeal Decision	41

PART II

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

	Head of Schedule 12 A and Brief Description	
19.	Exempt Appendix to the report of the Head of Planning and Development relating to application 18/505491 - High Winds, Gallants Lane, East Farleigh, Maidstone, Kent	1 - Information re. Individual 42 - 44

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. 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

13 DECEMBER 2018

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEM

APPLICATION	DATE DEFERRED
<p><u>18/503763/FULL - ERECTION OF TWO NEW DWELLINGS - LAND TO THE REAR OF 244 - 250 UPPER FANT ROAD, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none">• Seek the submission of a reptile survey;• Negotiate the incorporation of renewable energy measures such as decentralised energy generation within the development and integrated niches for wildlife (bat tubes or bird bricks);• Negotiate the retention of a percentage of the cordwood on the site to provide habitat for wildlife; and• Seek details of a vehicle tracking programme.	29 November 2018

Agenda Item 13



17/505255 - La Rochelle

Scale: 1:1250

Printed on: 4/12/2018 at 16:23 PM by ElyH

REFERENCE NO - 17/505255/FULL		
APPLICATION PROPOSAL Demolition of existing detached dwelling and erection of six dwellings, extension to new vehicular access via Church Lane, and provision of access drive, landscaping and other ancillary works.		
ADDRESS La Rochelle Church Lane Harrietsham Maidstone Kent ME17 1BG		
RECOMMENDATION Grant Planning Permission subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The scale and character of the development is in keeping with the locality and in keeping with that already permitted on the adjoining site (see planning history). • Provides an acceptable living environment for future residents. • Safeguards the outlook and amenity of properties overlooking and abutting the site. • Is acceptable in terms of highway and parking impact • Makes satisfactory provision for wildlife and, • Makes a material windfall contribution towards meeting housing demand within the Borough in accordance with the provisions of policy SS1. 		
REASON FOR REFERRAL TO COMMITTEE Recommendation to approve contrary to the views Harrietsham Parish Council with the application called in by the planning committee.		
WARD Harrietsham And Lenham	PARISH/TOWN COUNCIL Harrietsham	APPLICANT Clarendon Homes Construction Limited AGENT Clarendon Homes
TARGET DECISION DATE 16/05/18		PUBLICITY EXPIRY DATE 18/12/17

Relevant Planning History

16/508090/FULL

Demolition of existing detached dwellings and erection of nine dwellings. Creation of new vehicular access via Church Lane and provision of access drive, landscaping and other ancillary works. Withdrawn Decision Date: 19.01.2017

17/500602:

This permission was granted in connection with the redevelopment of Benaiah immediately abutting the application site to the north and through which access will be gained to the application site. Demolition of existing detached dwelling and erection of six dwellings; creation of new vehicular access via Church Lane; and provision of access drive, car barns, landscaping and other ancillary works - Approved– 28th April 2017

MAIN REPORT

1. SITE DESCRIPTION

- 1.1 The application site is occupied by a detached bungalow and its associated garden area with access via a trackway onto Church Lane to west. The application site is set back from Church Lane to the rear of the Kingdom Hall Church and houses abutting this to the south west and Benaiah to the north which is currently being redeveloped for 6 houses.

- 1.2 The southern boundary of the application site backs directly onto houses in The Old Bailey, Hawthorn House, fronting Ashford Road. The eastern site boundary abuts the boundary with properties in Old Lain.
- 1.3 The site is within the settlement boundary of Harrietsham.

2. PROPOSAL

- 2.1 Planning permission is sought for the demolition of the existing detached dwelling and its replacement with six dwellings, comprising two pairs of 2 bedroom semi-detached bungalows and two 3 bedroom detached bungalows with two parking spaces per unit. Site access will be a continuation of that serving the development approved at Benaiah to the north.
- 2.2 The application site has an area of 0.19 ha resulting in a development density of 31.6 dwellings per hectare.
- 2.3 Following submission of the application the layout in the south east corner has been amended.
- 2.4 The application has been accompanied by hard and soft landscaping details, an external materials schedule, arboricultural survey and a refuse disposal strategy.

3 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SS1, SP6, SP20, DM1, DM2, DM12, DM20, DM23

4 LOCAL REPRESENTATIONS

Local Residents:

- 4.1 5 representations received from local residents raising the following (summarised) issues
 - Will harm the free flow of traffic and highway safety as insufficient room for large vehicles to manoeuvre in the development.
 - Local roads congested with parked vehicles – insufficient on site parking will lead to overspill parking on these roads.
 - Development will appear cramped and overcrowded in its setting.
 - Result in loss of privacy and outlook of house abutting the site to the south west in the Old Bailey.

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)

Harrietsham Parish Council

- 5.1 Raise objections on the following grounds:
 - The development of Benaiah and La Rochelle would only have delivered 9 dwellings.
 - The approval granted at Benaiah for 6 dwellings and now a further 6 as proposed will result in total of 12 dwelling representing overdevelopment of the site.
 - Insufficient on site parking will result in overspill parking in Church Lane which already experiences parking conflict.
 - Insufficient provision for refuse storage and bin collection.

- Dealing with the development of the wider site in two packages resulting in both developments falling beneath the thresholds triggering developer contributions means the necessary community provision will not be provided.

Kent Highways

5.2 No objection to the proposal setting out its justification for this as follows:

- The anticipated amount of traffic generated by the development is not considered to be severe
- The NPPF states in paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'.
- Whilst it is recognised that parking within the immediate proximity of the access on Church Lane may restrict access for refuse freighters and lead to them waiting on Church Lane at collection times, there is no evidence to indicate this would be detrimental to road safety justifying an objection.
- Though the submitted drawings have not demonstrated the visibility characteristics of the access nevertheless visibility at the access is considered satisfactory for the scale of the development.
- A construction management plan should be secured to limit the highway impacts of the implementation phase of the proposal.

KCC Ecology

5.3 No objection subject to conditions.

Environmental Health Officer

5.4 No objection but as site appears to have been contaminated this needs to be addressed by condition.

6 APPRAISAL

6.1 The development needs to be screened as to whether it should have been accompanied by an Environmental Impact Assessment (EIA).

6.2 It is concluded the development is not of a scale or impact justifying an EIA. It should be stressed this is a technical assessment which has no bearing on the consideration of the planning merits of the development which is carried out below.

6.3 The key issues in relation to this application are considered to be principle, impact on the character and layout of the locality, amenity, highways, wildlife, affordable housing and developer contributions.

Principle

6.4 The application site lies within the settlement of Harrietsham. Harrietsham is identified as a rural service centre in the local plan. Policy SP6 gives support for, amongst other things, minor development.

6.5 Given the minor nature of the proposal which reflects the scale and character of development already permitted on the adjoining site, the proposal is considered acceptable in principle. Consideration therefore turns on the detailed impacts of the proposal.

Impact on character and layout of the locality

6.6 The application site represents an inward looking and self contained area set behind other development and not featuring in the Church Lane street scene.

6.7 The proposal involves low profile single storey development designed and laid out to act as a continuation of the development already under construction at Benaiah. As

such, unless the proposal unacceptably impacts on the outlook or amenity of properties abutting the site (which will be assessed later), it is considered it would be difficult to argue the development of the site will materially impact on the character and layout of the immediate locality, already characterised by a variety of dwelling designs, house and plot sizes and densities.

6.8 As such no conflict is identified with policy DM1 of the local plan.

Design and layout of the development

6.9 The proposed single storey dwellings are of a traditional pitched roof design and reflect the design approach already permitted at Benaiah.

6.10 Turning to the layout, the units face onto what is described as a parking court. The density of the development and the proposed layout reflects the approach already permitted at the neighbouring Benaiah and is considered acceptable.

6.11 Regarding the relation of units to one another, the proposal as originally submitted showed acceptable 'flank to flank' arrangements apart from unit 4 in the south east corner of the site. The deletion of a 'car barn' has enabled the layout in this part of the site to be improved so that all dwellings now face forward onto the parking court.

6.12 It is acknowledged all units have modest amenity areas. However in the absence of adopted standards, the assessment is whether they are of a usable size and shape. The areas are all broadly rectangular and of sufficient depth to provide enclosed patio areas therefore satisfying the usability criteria.

6.13 It is concluded that there is no conflict is identified with policy DM1 of the local plan.

Amenity

6.14 Though the proposed dwellings are set close to one another, given their orientation and size of amenity area they will provide an acceptable living environment.

6.15 The key assessment is whether the outlook and amenity of residents abutting the site will be materially affected by the proposed development. The application site is embedded within a residential area with housing abutting on all sides.

6.16 Cross section plans have been submitted showing the impact of development in relation to both 3 Old Lain that is immediately abutting the site to the east, and The Court Yard immediately abutting the site to the south. It is considered that these plans demonstrate that subject to no windows being installed in the roofs that the bulk and impact of the bungalows will not have a dominant or overbearing impact on either of these properties.

6.17 Properties in Marsham Close abutting the site to the west will have a rear to flank separation distance of just over 18 metres while the closest property to The Old Bailey in the south will be separated by a distance of just over 16 metres. In conjunction with the low profile of the proposed dwelling and recessive nature of the sloping roofs it is considered that the outlook and amenity of these properties will be safeguarded.

6.18 As such no conflict is identified with the amenity provisions of policy DM1 of the Local Plan.

Highways

- 6.19 Kent Highways are satisfied that based on the nominal traffic generation of the proposed development and sight lines to the access onto Church Road that there are no sustainable objections to the proposal based on harm to the free flow of traffic or highway safety.
- 6.20 Though not specifically addressed by Kent Highways concerns have been raised in other consultation responses that the proposed parking of two spaces per unit is insufficient and is therefore likely to result in overspill parking taking place in Church Lane.
- 6.21 Policy DM23 of the local plan relates to parking standards and the residential standards are set out in Appendix B of the local plan. Harrietsham is considered to fall within suburban edge/ village/ rural category. As such the minimum requirement for a two bedroom house is 1.5 spaces and for a 3 bedroom unit two spaces. The proposal satisfies these parking standards.
- 6.22 Concerns have also been raised regarding refuse storage and collection. The submitted refuse strategy shows wheelie bin storage for each property. On collection days these will be taken to a collection point. Refuse vehicles will enter and turn within the development as shown on the submitted plans.

Wildlife considerations

- 6.23 A bat emergence and reptile survey have been carried out. No bats were observed emerging from the building which is not likely to be a bat roost as a consequence. Nevertheless ecological enhancement are proposed to encourage bat activity.
- 6.24 A further report on the presence of reptiles, mitigation strategy and location of a receptor site has also been submitted. The receptor site is to be on land off Egerton Road, Charing Heath and within the administrative confines of Ashford BC.
- 6.25 The report concludes that:
- the receptor site has a low population of slow worms but is well connected to other areas of suitable reptile habitat in the immediate surroundings and directly adjacent to the receptor site.
 - Prior to reptile translocation being carried out the following enhancements shall be carried out at the receptor site:
 - Existing grassland should be left un-grazed, or grazed at a very low intensity, to allow a longer sward to establish.
 - Existing scrub at site peripherals to be retained and allowed to encroach into the existing grassland to establish grassland/scrub mosaic.
 - Scrub margins to be created along the southern boundary of the receptor site, to encourage greater connectivity between the existing areas of mature vegetation along the western site boundary and to the north of the site and to areas of unimproved grassland, pond and stream to the south-west of the site. This will also create transitional areas of shelter for reptiles from the elements and predators.
 - A minimum of one hibernacula to be created in sheltered areas with free draining soil.
 - Multiple brash piles comprising logs and branches to act as additional refugia.
- 6.26 Details of the receptor site preparation and management, species translocation and donor site clearance methodology and post development monitoring of the receptor site are also included.
- 6.27 The receptor site, its enhancement, long term management and post development monitoring is to be delivered by way of a s106 legal agreement. A planning obligation is recommended as part of a s106 agreement for the following "Provision

of a wildlife receptor site on land off Egerton Road Charing Heath to include its preparation, species translocation, management and monitoring to be carried out in accordance with the report by PJC Consultancy dated the 17th September 2018".

- 6.28 On site ecological enhancements involve
- the inclusion of nectar-rich plant species in soft landscaping areas attractive to night flying insects to enhance foraging opportunities for bats;
 - creation of additional linear habitat (tree-lines and hedgerows) along the site boundaries to provide additional commuting opportunities for bats; and
 - fixing bat boxes to mature retained trees to increase the roosting opportunities for bats within the site.
- 6.29 Native species hedgerows are also proposed along the site boundaries providing foraging and commuting opportunities for a number of species, including bats while on site lighting will be provided in accordance with current guidance on bats and lighting.
- 6.30 KCC Ecology are satisfied the measures to safeguard, support and maintain wildlife at the application and receptors sites are satisfactory. In the circumstances the proposed wildlife measures are proportionate to the scale and impact of the proposed development thereby meeting the provisions of the NPPF and policy DM3 of the Local Plan.

Community infrastructure contributions and affordable housing

- 6.31 Requests for contributions must be assessed in accordance with Regulation 122 of the Act. This has strict criteria setting out that any obligation must meet the following requirements being-
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
- 6.32 KCC identified a need for enhancements to Harrietsham Primary School and the provision of automatic doors at Lenham Library for disabled access seeking financial contributions for both these projects. It is considered the contributions sought meet the above criteria and as such previously have been secured by a S106 legal agreement.
- 6.33 However since the 1st October 2018 the Community Infrastructure Levy (CIL) has been in force being a non-negotiable financial levy on new floor space to help deliver infrastructure to support development in the Borough. The Regulation 123 List identifies the infrastructure types and/or projects which will be wholly or partly funded through CIL. This list makes clear the financial contributions sought by KCC now fall within the remit of CIL.
- 6.34 As such while the Parish Council concerns regarding developer contributions are noted, the introduction of CIL with its non-negotiable contributions towards local infrastructure means local community provision will now be addressed.
- 6.35 Turning to affordable housing (AH) this is not covered by CIL and will continue to be delivered via legal agreements. Policy SP20 of the local plan requires on site AH at 40% unless it can be demonstrated on viability grounds that such a requirement would make the scheme unviable.
- 6.36 The applicants submitted a financial appraisal which was the subject of an independent assessment in accordance with the provisions of policy SP20. The independent assessment supports the applicants findings that the development is unable to make any contribution towards AH if it is to remain viable. Failure to

deliver any AH, though regrettable, must be balanced against the importance attributed to housing delivery as a whole. The provision of 6 units will make a valuable windfall contribution towards meeting housing need in accordance with the provisions of policy SS1 of the local plan.

Other Matters

- 6.37 As stated above the proposed development is CIL liable. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 6.38 There is a requirement that surface water drainage be dealt with via a SUDS in order to attenuate water run off on sustainability and flood prevention grounds and is a matter can be dealt with by condition.

7.0 CONCLUSIONS

- 7.1 These can be summarised as follows:
- The scale and character of the development is in keeping with the locality and that already permitted on the adjoining site.
 - The development provides an acceptable living environment for future residents.
 - The development safeguards the outlook and amenity of properties overlooking and abutting the site.
 - Is acceptable in relation to highways and parking impacts
 - The development makes satisfactory provision for wildlife and;
 - The development makes a material windfall contribution towards meeting housing demand within the borough in accordance with the provisions of policy SS1.
- 7.2 It is therefore considered that the balance of issues fall significantly in favour of the proposed development and it is recommended that planning permission be granted as a consequence.

8. RECOMMENDATION

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- Provision of a wildlife receptor site on land off Egerton Road Charing Heath to include its preparation, species translocation, management and monitoring to be carried out in accordance with the report by PJC Consultancy dated the 17th September 2018.

and the imposition of the conditions as set out below:

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. A bound surface shall be used for surfacing for the first 5 metres of the access from the edge of the highway and provision for cycle parking shall be as shown on the

approved plans with the parking available prior to first occupation and maintained thereafter.

Reason: In the interest of the free flow of traffic and highway safety and to encourage the use of sustainable transport.

3. No dwelling shall be occupied until the access, parking and turning serving it has been provided in accordance with the details shown on drawing no: PL01 revA, with the access, parking and turning serving maintained at all times thereafter with no impediment to their intended use.

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

4. External materials, hard landscaping and fencing to be used in the development hereby permitted shall be as shown on drawing nos: PL110, 11 and 112 (all rev A). Openings of sufficient size shall be provided in the fences to allow free movement of wildlife.

Reason: In the interests of visual amenity and wildlife.

5. Refuse collection from the site shall be as shown on the refuse strategy plan no: PL113 rev A that shall be provided prior to first occupation and maintained as such thereafter.

Reason: In the interests of amenity.

6. If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

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

7. Prior to any part of the development hereby approved reaching damp proof course details of a sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority including a programme of long term maintenance. The development shall be carried out in accordance with the approved details with the sustainable surface water drainage scheme in place prior to first occupation and maintained in accordance with approved details.

Reason: In the interests of flood prevention.

8. The landscaping scheme shown on drawing no: PL109 rev A shall be implemented in the first available planting season following first occupation of the development

hereby permitted. Any specimens which become dead, dying or diseased within 5 years of planting shall be replaced in the next planting season with specimens 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 visual amenity.

9. The tree protection measures shown on drawing no: PL109 rev A shall be in place before the development hereby permitted commences and retained for the duration of the development phase.

Reason: To safeguard existing trees in the interests of visual amenity.

10. The development hereby approved shall be constructed at the levels shown on drawing no: PL15.

Reason: In the interests of visual amenity.

11. Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interest of amenity.

12. The refuse strategy and collection details shown on drawing no: LN35-200.05 P3 shall be implemented prior to first occupation of any dwelling to which they relate and maintained as such thereafter.

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

13. The development shall be carried out in accordance with the construction management plan dated November 2018 which shall be adhered to throughout the construction period and shall ensure that following are provided at all times.

i. The parking of vehicles of site operatives and visitors

ii. Loading and unloading of plant and materials

iii. Wheel washing facilities

iv. Measures to control the emission of dust and dirt during construction

v. A scheme for recycling/disposing of waste resulting from demolition and construction works.

vi. Provision of measures to prevent the discharge of surface water onto the highway.

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

14. The photo voltaic panels shown on the dwellings hereby permitted shall be installed before first occupation of any of the dwellings to which they relate and shall be maintained at all times thereafter.

Reasons: To secure the provision of renewable energy in the interests of sustainable development.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or other openings shall be installed in the south facing roofslopes of the units on plots 3-6 (inc).

Reason: To safeguard privacy in the interests of amenity.

16. The recommendations, ecological enhancements and bat sensitive lighting specifications shall all be implemented in accordance with the provisions of paragraph 5.12 of the preliminary ecological assessment by PJC Consultancy dated

28th September 2016, paragraphs 4.1-4.3.5 (inc) of the phase 2 Bat Emergence and Reptile Surveys carried out by PJC Consultancy dated the 4th June 2018 and shall include provision of replacement habitat for grass snakes. Precautionary donor site clearance measures shall be carried out as specified in paragraphs 6.3 – 6.4.2 (inc) of the Reptile Presence/Likely Absence Survey Report and mitigation strategy by PJC Consultancy dated the 17th September 2018. Reason: In the interests of wildlife.

17. The development hereby permitted shall be carried out in accordance with the following approved plans nos: EX01, 05, 06, PL04-08 (inc) 114, PL01-113 (inc) all rev A, 15 and C10101 and and 10102 (both revision A).
Reason: In the interests of amenity.

INFORMATIVES

- 1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 2) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
- 3) It is the responsibility of the applicant to ensure that before the development hereby approved is commenced, 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>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on sit



18/505079 - Glebe Cottage

Scale: 1:1250

Printed on: 4/12/2018 at 15:49 PM by ElyH

REFERENCE NO - 18/505079/FULL		
APPLICATION PROPOSAL Redevelopment of site to accommodate 2 houses with associated parking and landscaping.		
ADDRESS Glebe Cottage Dunn Street Road Bredhurst Gillingham Kent ME7 3LX		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION This proposal is considered acceptable with regard to the relevant provisions of the Local Plan, the revised NPPF and all other material considerations such as are relevant. A recommendation of approval of this application is therefore made on this basis.		
REASON FOR REFERRAL TO COMMITTEE - Councillor Bob Hinder has called the application to Planning Committee - Bredhurst Parish Council wish to see the application reported to Planning Committee		
WARD Boxley	PARISH COUNCIL Bredhurst	AGENT Nicholas Taylor Assoc.
TARGET DECISION DATE: 17/12/18		PUBLICITY EXPIRY DATE: 01/11/18

Relevant Planning History

- 18/501808/PAMEET - Demolition of dwelling and erection of 2 dwellings – There was general officer support to principle of such a development subject to the details of any planning application (Advice given July 2018)

1.0 SITE DESCRIPTION

1.01 The proposal site is currently occupied by a dilapidated house known as 'Glebe Cottage' that fronts onto Dunn Street Road, close to the junction with Forge Lane. The site is in the heart of the village of Bredhurst and residential properties of differing scale, age and design surround the site. There is also a motor garage opposite the site. The following trees on the site are also protected under Tree Preservation Order no. 12 of 2013: The Turkey Oak and Sweet Chestnut to the front of the site; the group of 4 Ash trees to the east of the existing house; and the Turkey Oak and Ash tree sited close to the north-eastern boundary of the site. For the purposes of the Local Plan, the proposal site is within the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty (AONB).

2.0 PROPOSAL

2.01 The proposal is for the demolition of the existing property and for the erection of 2 detached (4-bed) houses. The new houses would be staggered in siting; they would make use of materials such as render, facing brickwork, and raised seam aluminium for the roof; both properties would have an integral garage and 2 parking spaces on each drive; and the existing vehicle access would be retained.

3.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP17, DM1, DM2, DM3, DM23, DM30
- National Planning Policy Framework (2018)
- National Planning Practice Guidance

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 5 representations have been received and as summarised have raised concern over:

- *Loss of trees/arboricultural impact*
- *Loss of a view*
- *Impact upon character and appearance of area/out of keeping with area*
- *Over development of site*
- *Highway safety*
- *Residential amenity*

5.0 CONSULTATIONS

- 5.01 **Councillor Bob Hinder:** Wishes to see application reported to Planning Committee if recommendation is for approval. In summary, concern is mainly regarding the removal of the protected trees and that one dwelling does not have a garage.
- 5.02 **Bredhurst Parish Council:** Wish to see application refused and reported to Planning Committee if the case officer is minded to recommend approval. In summary the following matters have been raised:
- *Proposal is out of keeping with character and appearance of the area in terms of scale, design and materials;*
 - *Over development of site/cramped form of development;*
 - *Ecological impact/loss of protected trees;*
 - *Impact upon setting of listed buildings and buildings of heritage value;*
 - *Impact upon highway safety;*
 - *Impact upon residential amenity;*
 - *Impact upon setting of AONB.*
- 5.03 **KCC Highways:** Raises no objection subject to conditions.
- 5.04 **KCC Biodiversity Officer:** Raises no objection.

6.0 APPRAISAL

Main issues

- 6.01 The Local Plan states the principal focus for residential development in the borough should be in the defined urban area, then Rural Service Centres and then Larger Villages. In other locations, protection should be given to the rural character of the borough and development proposals in the countryside will not be permitted unless they accord with other policies in the Local Plan; will not result in harm to the character and appearance of the area; will not have a significant adverse impact on the setting of the AONB; and will respect the amenities of occupiers of neighbouring properties.
- 6.02 The proposal would effectively see the net gain of an additional house on an existing residential plot set within the built up area of Bredhurst, where there is a primary school, village hall, church, public house, recreation facilities and bus services. As previously agreed by a Planning Inspector for a larger residential development just across the road from this site, the proposal site is in a relatively sustainable location and no objection is raised in this respect.
- 6.03 The main issues for consideration are the proposal's visual/arboricultural impacts, and its potential impact upon highway safety and residential amenity.

Arboricultural impact

- 6.04 The proposal site is covered by TPO no. 12 of 2013 that protects 8 individual trees, the most prominent being a large mature Sweet Chestnut and Turkey Oak growing toward the front of the site. On review of the submitted details, the Landscape Officer is satisfied that the trees shown for retention can be successfully integrated within the scheme.
- 6.05 The proposal would see the removal of a line of 4 Ash trees that form one large group within the site. The Landscape Officer accepts that the largest Ash growing to the north of the group has open basal decay with fungal fruiting bodies of Ganoderma (a common decay fungi in trees causing root and stem failure); and in its current condition, in the interests of safety, this tree is not suitable for retention regardless of the development taking place or not. The Landscape Officer states

that its removal will have a significant effect on the group's amenity and would expose the smaller Ash trees in the group to potential wind-throw, leaving them one-sided and misshapen. Taking this into consideration, the Landscape Officer considers that the remaining Ash trees are not of sufficient long-term quality to be an arboricultural constraint that would be defensible at an appeal.

Visual impact

- 6.06 The proposal is surrounded by residential plots that are of differing shape and size; the surrounding houses are of differing scale, age and design; and there is no uniform building line, with properties noticeably varying in setback distance from Dunn Street Road. Given the varied character and appearance of the streetscene and wider surrounding area, it is considered that the subdivision of this plot would not have an adverse impact upon the pattern and grain of development in Bredhurst; and its modern design approach would not appear so out of keeping as to justifying refusal of this application. It should be noted here that the use of render and facing brick is prevalent in the surrounding houses, and there is already a variety of roof covering materials in the vicinity. In addition to this, the overall scale of the houses is considered to suit the context of the area, and the front gable-end features pick up on the appearance of the neighbouring property's front elevation.
- 6.07 Furthermore, the proposed houses would also noticeably sit lower in height than the neighbouring property to the north-east, and stand only some 0.3m higher than the adjoining neighbour to the south-west; the setback and the staggered siting of the proposed houses and their location taken off the side and shared boundaries, together with the separation distances between them and the nearest houses, would retain a sense of space in and around the site; and as the mature trees to the front of the site would be retained and the front boundary enhanced with native planting, the proposed development would be immediately softened and blended into the village. It is therefore considered that the proposal would not appear cramped or incongruous in what is a varied streetscene.
- 6.08 The Landscape Officer considers the proposed landscaping scheme to be reasonable, and although it lacks any details on plant numbers and sizes, this can be submitted by way of an appropriate condition. The applicant will also be advised that the new hedge planting to the front of the site should encompass the length of the entire front boundary and be of more native origin such as Yew, Beech, Hornbeam or Privet. The introduction of a wild flower area to the rear of the site is also welcomed, and whilst it would provide better public amenity if it were at the front of the site, it is not considered reasonable to insist on this.
- 6.09 It is therefore considered that this proposal would not appear visually harmful or as over development of the site, but instead would be a development that would positively integrate with the varied character of the area. As the proposal is considered to not adversely harm the character and appearance of the surrounding area, or the setting of the AONB hereabouts, no objection is raised in terms of its visual impact.

Highway safety implications

- 6.10 The provision of 2 independently car parking spaces for each property is in accordance with Local Plan policy DM23. The addition of an integral garage to one of the properties is additional provision, and it would be unreasonable to object to the proposal because the other property does not have a garage. The proposal would also see the existing access utilised for both houses, effectively meaning that it would be used by 1 additional household. This is not considered to result in an unacceptable intensification of use of this access. The Highways Authority has also raised no objection in terms of the use of the existing access and the parking

provision proposed. As such, no objection is raised to the proposed development on highway safety grounds.

- 6.11 The Highways Authority has suggested a number of conditions relating to the construction phase of the development, but these are not considered to pass the planning tests of when conditions are reasonable and necessary.

Residential amenity

- 6.12 Given the siting and orientation of the proposed houses, together with their separation distances from surrounding properties and the fact that the site is already in residential use, it is considered that the proposal would not have an unacceptable impact upon the living conditions of any surrounding property. The residential amenity of the proposed houses is also considered acceptable.

Other matters

- 6.13 An Ecological Appraisal Report and Bat Survey Report have been submitted as part of this application. The Biodiversity Officer has reviewed this detail and is satisfied that sufficient ecological information has been provided for the determination of the planning application. No additional ecological information is required prior to determination of the planning application subject to relevant conditions as recommended.
- 6.14 As the proposal site is not within or close to a conservation area and there is no listed building within 50m of the proposal site, no objection is raised to this proposal on heritage grounds. The adjacent property (known as 'The Rowan'), is not considered to be of such historic importance to justify refusal of this proposal that is well separated from this property and on land that is already in residential use.
- 6.15 Given the existing use of the site, its location and the relatively modest scale of the proposal, no further details are required in terms of noise, air quality, and land contamination; and foul and surface water disposal will be via mains sewer which is not objectionable. There is also sufficient room onsite for refuse.
- 6.16 In accordance with Local Plan policy and in the interests of sustainability, 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.
- 6.17 The issues raised by Councillor Hinder, Bredhurst Parish Council and local residents have been fully considered in the assessment of this application. However, it should also be noted that a loss of a view is not a material planning reason to refuse an application and each application must be considered on its own merits under current policy/guidance.
- 6.18 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7.0 CONCLUSION

- 7.01 The site, although being defined as countryside for Local Plan purposes, is a plot of land that is already occupied by a dwelling and its associated domestic paraphernalia, within a built up area that is surrounded by existing built form. As such, the site is not seen as being open countryside and the immediate vicinity is not rural in character. Therefore and for the reasons as set out above, it is considered

that the proposal in this context would not adversely harm the character and appearance of the countryside hereabouts and it would not have an unacceptable impact upon the setting of the AONB. The proposal is also considered to be acceptable in terms of all other material planning issues. So whilst the site is not allocated for housing in the Local Plan and the local planning authority is satisfied that a 5-year housing land supply can be currently demonstrated, this does not mean that appropriate windfall sites such as this should be rejected. 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 is therefore 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 the commencement of development above damp-proof course level on any individual property, written details and samples of the materials to be used in the construction of the external surfaces of the houses hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and maintained as such thereafter;

Reason: To ensure a satisfactory appearance to the development that falls within the countryside and Kent Downs Area of Outstanding Natural Beauty.

3. Prior to the commencement of development above damp-proof course level on any individual property, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the first occupation of the building or land and maintained as such thereafter;

Reason: To ensure a satisfactory appearance to the development that falls within the countryside and Kent Downs Area of Outstanding Natural Beauty, and to safeguard the enjoyment of their properties by existing and prospective occupiers.

4. In this condition "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars. Paragraphs i) and ii) below shall have effect until the expiration of 5 years from the date of completion of the development for its permitted use.

i) No retained tree shall be damaged, cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the Arboricultural Report by Challice Consulting Ltd (CC/213AR3642) dated 28th September 2018, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations or any revisions thereof.

ii) If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.

iii) The installation of tree protection barriers, the methods of working shall be undertaken in accordance with the Arboricultural Report by Challice Consulting Ltd (CC/213AR3642) dated 28th September 2018;

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality that falls within the countryside and Kent Downs Area of Outstanding Natural Beauty.

5. The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed; it shall detail plant numbers and sizes; and it shall provide details of on-site replacement planting to mitigate any loss of amenity and biodiversity value, together with the location of any habitat piles and include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide native hedge planting along the front northern boundary of the site adjacent Dunn Street;

Reason: To ensure a satisfactory appearance to the development that falls within the countryside and Kent Downs Area of Outstanding Natural Beauty.

6. The approved landscaping associated with individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. 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 that falls within the countryside and Kent Downs Area of Outstanding Natural Beauty.

7. Prior to the commencement of development above damp-proof course level on any individual property, details for a scheme for the enhancement of biodiversity on the site shall have been 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 biodiversity on the site.

8. The development hereby approved shall be carried out in accordance with the recommendations as set out in the Bat Survey Report (dated: Sept 2018);

Reason: In the interests of safeguarding protected species.

9. In relation to the development hereby approved, the removal of vegetation and the clearing of the site shall be undertaken in a precautionary manner and shall include:

- (a) A log pile to be installed in the wild flower area to rear gardens to provide an alternative habitat for reptiles
- (b) Ground works in the area of rough vegetation to be done outside of the hibernation season (taken to be November to March inclusive);

- (c) Appropriate checks prior to, and careful removal of, the garden waste and log pile and other suitable reptile refuges;
- (d) The works area being initially being mowed using hand held machinery only (to 15cm height minimum), then mowed again after 2 days following the first cut, then the vegetation should be kept at a height lower than 5cm until the start of the works;

If any reptiles are observed during development, works have to stop immediately and the applicant must contact their ecologist for further advice.

Reason: To ensure no harm occurs to reptiles and amphibians.

10. If works have not commenced on the development hereby approved by 31st October 2019, an updated bat emergence survey must be carried out and submitted to the local planning authority for written approval, and no work shall commence on site until the updated survey has been approved by the local planning authority. The development hereby approved shall then be carried out in accordance with the recommendations as set out in the updated survey;

Reason: In the interests of safeguarding protected species.

11. No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors, and measures to ensure that bats foraging/commuting/nesting bats are not adversely impacted upon. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interest of residential amenity and biodiversity.

12. Before the development hereby permitted is first occupied, the proposed first floor windows to the flank elevations shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: In the interests of residential amenity.

13. Prior to the commencement of development above damp-proof course level on any individual property, details of decentralised and renewable or low-carbon sources of energy to be used as part of the approved development shall have been submitted to and approved in writing by the Local Planning Authority including details of how they will be incorporated into the development. The approved measures shall be in place before first occupation of the development hereby approved and maintained as such at all times thereafter;

Reason: To secure an energy efficient and sustainable form of development.

14. Prior to the occupation of the buildings hereby permitted, a minimum of one operational electric vehicle charging point per dwelling for low-emission plug-in vehicles shall be installed and shall thereafter be retained and maintained for that purpose;

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

15. The vehicle parking spaces shown on the submitted plans shall be permanently retained for parking and turning and shall not be used for any other purpose;

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

16. Before work commences on the houses hereby approved, details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority, and the development shall be completed in accordance with the approved levels;

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

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

Reason: To ensure a satisfactory appearance to the development that falls within the countryside and Kent Downs Area of Outstanding Natural Beauty, and to safeguard the enjoyment of their properties by existing and prospective occupiers.

18. The development hereby permitted shall be carried out in accordance with the following approved plans: 3158-003 Rev A; 3158-004 Rev B; 3158-006 Rev A; and 3158-007 (notwithstanding the proposed front boundary hedge planting) received 01/10/18; and 3158-005 Rev B received 13/11/18;

Reason: To ensure a satisfactory appearance to the development that falls within the countryside and Kent Downs Area of Outstanding Natural Beauty, and to safeguard the enjoyment of their properties by existing and prospective occupiers.

INFORMATIVES

1. The applicant is advised that the proposed hedge planting to the front of the site should encompass the length of the entire front boundary and be of a more native origin such as Yew, Beech, Hornbeam or Privet. Lonicera as currently indicated is not acceptable, and the landscaping scheme to be submitted to the local planning authority for approval should reflect this. The applicant is also advised to include wild flower planting to the grass area at the front of the site.
2. 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 whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information to clarify can be found at:
<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>.
3. The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

4. Bats and Lighting in the UK - Bat Conservation Trust and Institution of Lighting Engineers

Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.

High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels. Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided. If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
- Lamps of greater than 2000 lumens (150 W) must not be used;
- Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

- Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
 - Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
 - Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.
5. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defense against prosecution under this act.

Case Officer: Kathryn Altieri

Agenda Item 15



18/505289 - Loxley House

Scale: 1:1250

Printed on: 4/12/2018 at 16:06 PM by ElyH

REFERENCE NO - 18/505289/FULL		
APPLICATION PROPOSAL Demolition of existing dwelling (Loxley House) and erection of a replacement dwelling with amenity space, parking, landscaping and access.		
ADDRESS - Loxley House Gravelly Bottom Road Kingswood Maidstone Kent ME17 3NT		
RECOMMENDATION - REFUSE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal, by virtue of its scale and siting, would be contrary to Local Plan policy in that it would appear as a visually intrusive and urbanising development that would have an adverse impact upon the character and appearance of the countryside hereabouts.		
REASON FOR REFERRAL TO COMMITTEE - Councillor Fort has requested for the application to be reported to Planning Committee		
WARD Leeds	PARISH COUNCIL Broomfield & Kingswood	APPLICANT Mr R. Schroeder AGENT DHA Planning
TARGET DECISION DATE 14/12/18	PUBLICITY EXPIRY DATE 14/11/18	

Relevant planning history

- 18/503087 - Demolition of 'Loxley House' and erection of replacement dwelling – Refused (on 9th Aug 2018) for following (summarised) reasons:
 - *Proposal, by way of its siting, scale, footprint, mass and volume, would result in a development in the countryside which is incongruous and visually obtrusive – being seriously harmful to rural character and appearance of the countryside.*
 - *Absence of completed Legal Agreement fails to adequately secure removal of Loxley House – resulting in new residential development outside of settlement in isolated and unsustainable location, detrimental to character and appearance of countryside.*
- 15/509947 - Prior notification for change of use of 3 agricultural buildings to 3 dwellings – Prior Approval Granted
- MA/12/0136 - Replacement dwelling – Refused (dismissed at appeal)
- MA/10/1967 - Replacement dwelling - Refused
- MA/08/2231 - Replacement dwelling – Refused (dismissed at appeal)
- MA/04/0964 - Erection of dwelling - Refused (dismissed at appeal)
- MA/03/1932 - Erection of replacement dwelling - Refused
- MA/99/1580 – (CLD) Use as dwelling for period in excess of 4yrs - Approved

MAIN REPORT

1. SITE DESCRIPTION

- 1.01 'Loxley House' is a modest, single storey property set back some 70m from Gravelly Bottom Road and grouped with other buildings that benefit from prior notification for their conversion to 3 residential units (planning ref: 15/509947). This property was certified as a lawful residential property under planning application reference MA/99/1580.
- 1.02 The undeveloped parcel of land to the south of 'Loxley House' is of a general rectangular shape, measuring some 0.3ha in area. It is this plot of land that the new dwelling would be sited on, and it slopes upwards to the north, away from the road. This site is bound on its eastern side by a driveway serving the development to the north, and a residential property known as 'The Cottage'. For the purposes of the Local Plan, the proposal site falls within the designated countryside. The proposal site also falls within a KCC Minerals Safeguarding Area.

2. PROPOSAL

- 2.01 The proposal is for a replacement dwelling. This submission is for the same scheme that has already been refused by the local planning authority in August this year under planning application reference 18/503087.
- 2.02 The replacement 2-storey dwelling would replace 'Loxley House', and it would be sited approximately 25-30m to the south of the existing dwelling. The new dwelling would form an L-shape, with two double story bay windows and a double story protruding element above the front porch extending from the front elevation, overlooking the southern extent of the site. The proposal would stand some 9.7m in height, and would have a hipped style roof and would be built with plain clay roof tiles and facing stock brick. The proposal would make use of the existing access.

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017: SS1, SP17, DM1, DM23, DM30, DM32
- National Planning Policy Framework (2018)
- National Planning Practice Guidance
- Maidstone Landscape Character Assessment
- Kent Minerals and Waste local Plan (2016)

4. LOCAL REPRESENTATIONS

- 4.01 3 representations received from local residents support the proposed development.

5. CONSULTATIONS

- 5.01 **Councillor Fort:** Has requested the application be reported to Committee;
- "I have visited the site and can see no reason to refuse the application. It is not visibly intrusive as it cannot be seen from a public vantage point. The Parish Council wish to see the application approved and there have been no objections whatsoever."*
- 5.02 **Broomfield and Kingswood Parish Council:** Councillors made no comment and requested that this be deferred to planning officers for determination.
- 5.03 **KCC Highways:** Have commented that the development proposal does not meet the criteria to warrant involvement from the Highway Authority.
- 5.04 **KCC Minerals Safeguarding Team:** Have made no comment and so it is assumed that they raise no objection to the proposal.

6. APPRAISAL

Main Issues

- 6.01 The Local Plan states the principal focus for residential development in the borough should be in the defined urban area, then Rural Service Centres and then Larger Villages. In other locations, protection should be given to the rural character of the borough and development proposals in the countryside will not be permitted unless they accord with other policies in the Local Plan and (amongst other considerations) will not result in harm to the character and appearance of the area.
- 6.02 As an exception to the normal constraints for development in the countryside, Local Plan policy DM32 does allow for replacement dwellings in such areas provided certain criteria are met. In summary, it has been accepted that 'Loxley House' does have lawful and permanent use as a dwelling and the building is not listed.

- 6.03 As such, and in accordance with Local Plan policy DM32, the main issues for consideration are whether the mass and volume of the replacement dwelling would be more visually harmful than the original dwelling and would the replacement dwelling appear visually acceptable in the countryside.
- 6.04 This submission is for the same scheme that has already been refused by the local planning authority in August this year, under planning application reference 18/503087. The only difference is that this submission includes a draft Unilateral Undertaking that seeks to ensure the demolition of 'Loxley House' on completion of the new dwelling if permitted. The Unilateral Undertaking has been reviewed by the Council's Legal Team and is considered to be unacceptable for several reasons. The applicant has been informed of this but an amended (and agreed) Unilateral Undertaking has not been produced.

Visual impact

- 6.05 'Loxley House' is a low level building that is set back some 70m from Gravelly Bottom Road and estimated to have a footprint of some 150m². This building is set behind existing low level buildings (that are being converted to residential use) and is not visible from the road or any other public vantage point. In contrast, the replacement dwelling would only be set back from the road by some 35m; it would have a footprint area of nearly 300m²; it would be 2-storey, standing some 9.7m in height; and it would have a frontage expanse of some 25m with bulky front projecting features. The mass and volume of the proposal would be exacerbated by the rising land level from Gravelly Bottom Road; and the erection of this substantial replacement dwelling, together with the change of use of the land to garden and the addition of the domestic paraphernalia would see what is currently an undeveloped parcel of land become urbanised in character and appearance, eroding the rural character of the area. The proposal, given its scale, design and siting, would also be at odds with surrounding development that is more low-key, more simplistic in appearance, and set back from the road. As previously agreed by the Planning Inspectorate, it is also considered that boundary fencing and new planting measures would not adequately mitigate the impact of a replacement dwelling of this scale, bulk and height on what is land clearly visible from the road. In summary, the scale and siting of the replacement dwelling would result in a more prominent, incongruous and visually harmful development, when compared to the discrete 'Loxley House' and surrounding development.
- 6.06 Whilst previous appeal decisions on the site for replacement dwellings pre-date the adoption of the current Local Plan, they are still considered to be material planning considerations in the assessment of this application. Indeed, the previous schemes dismissed at appeal are similar to this proposal, in terms of scale and siting; and the context of the application site and the surrounding area is not considered to have significantly changed to warrant approving this current application. Under these appeals, Planning Inspectors have consistently stated that such a development here would be significantly more intrusive and urbanising than 'Loxley House'; and its appearance would be completely at odds with the surrounding buildings, dominating these low key buildings, and being far more visually intrusive than the adjacent dwelling to the west, known as 'The Cottage'.
- 6.07 With everything considered, the replacement dwelling would be significantly more visually intrusive and harmful than the original dwelling; and it would not respond positively to, or enhance, the local character of the area. The resulting unacceptable visual harm to the character and appearance of the countryside hereabouts would therefore be contrary to the relevant Local Plan policies and the aims of the NPPF that seeks new development to achieve good design.

Other matters

- 6.08 As previously accepted under the recent planning application (ref: 18/503087), no objection continues to be raised to this proposal in terms of residential amenity; highway safety; biodiversity; and on arboricultural grounds.
- 6.09 The agent draws attention to other replacement dwelling applications in Gravelly Bottom Road and that this has set a precedent for the proposed development. The virtues of these applications are not for discussion here and each application must be considered on its own merits. These applications are not therefore considered to be justification to allow this harmful development that is now proposed.
- 6.10 Councillor Fort's representations have been considered in the assessment of this application, and just to clarify that Broomfield and Kingswood Parish Council have not stated that they wish for the application to be approved and have not requested that the application be reported to planning Committee.
- 6.11 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

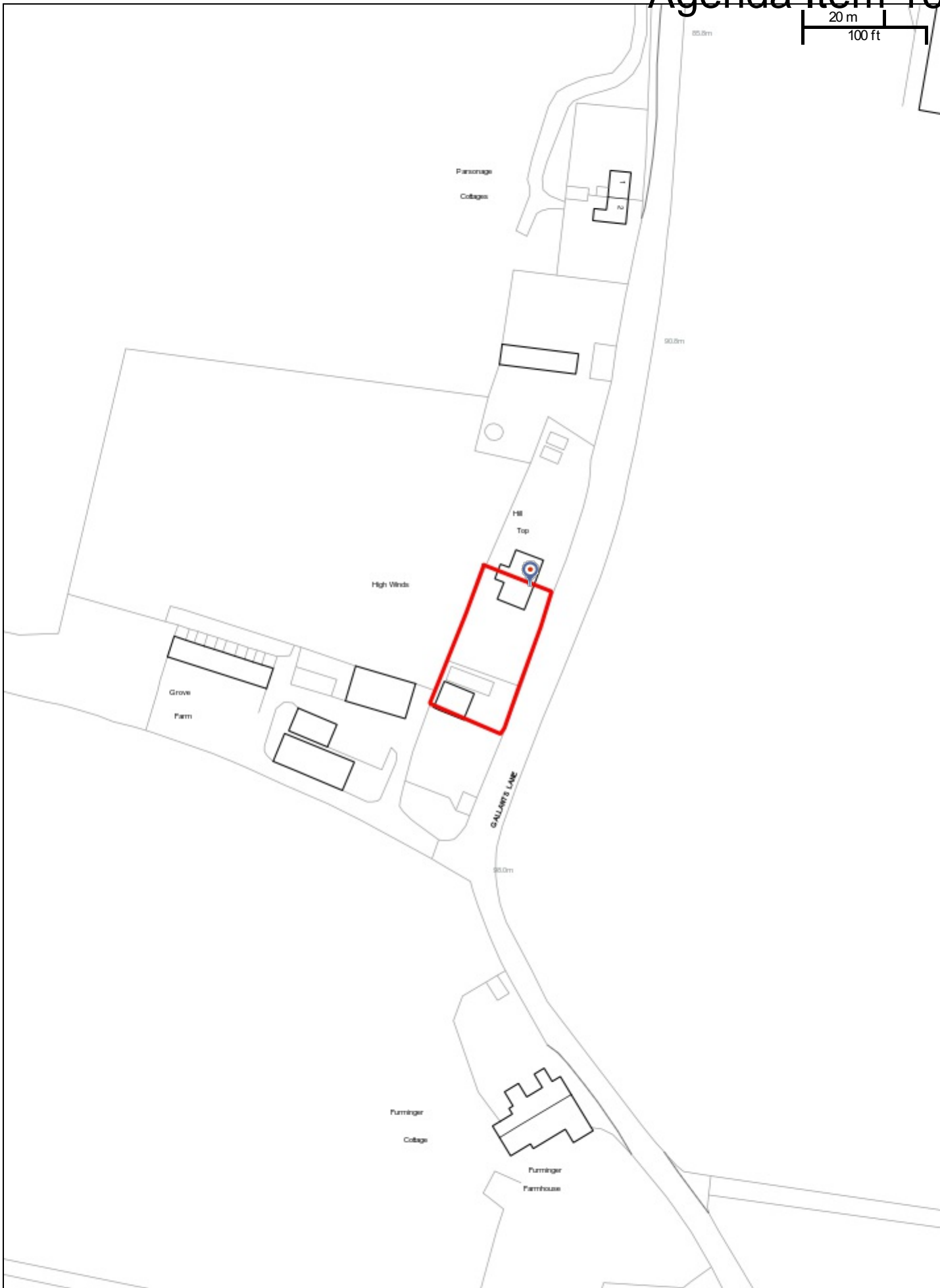
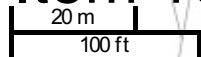
7. CONCLUSION

- 7.01 The proposal, by virtue of its scale and siting, would be contrary to Local Plan policy in that it would appear as a visually intrusive and urbanising development that would have an adverse impact upon the character and appearance of the countryside hereabouts. A recommendation of refusal of this application is therefore made on this basis.

8. RECOMMENDATION

- 8.01 REFUSE planning permission for the following reasons:
- (1) The proposal, by virtue of its siting, scale, mass and volume would result in a development in the countryside which is incongruous and visually obtrusive, causing unacceptable harm to the rural character and the appearance of the countryside hereabouts. The proposal would therefore fail to accord with Maidstone Local Plan (2017) policies SP17, DM30 and DM32, and the revised NPPF (2018).
 - (2) In the absence of a completed legal agreement the proposal fails to adequately secure the removal of the existing dwelling known as Loxley House. The proposal would therefore result in new residential development outside of settlement in an isolated and unsustainable location that would be detrimental to the character and appearance of the countryside hereabouts, contrary to Maidstone Local Plan (2017) policies SS1, SP17, DM30 and DM32, and the revised NPPF (2018).

Case Officer: Kathryn Altieri



18/505491 - High Winds

Scale: 1:1250

Printed on: 4/12/2018 at 16:26 PM by EilyH

REFERENCE NO - 18/505491/FULL		
APPLICATION PROPOSAL Variation of condition 1 of application 15/507478/FULL (Variation of condition 1 of MA/12/119) to allow the mobile home to be retained at the site, as the occupier still resides there.		
ADDRESS High Winds Gallants Lane East Farleigh Maidstone Kent ME15 0LF		
RECOMMENDATION Application Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION The planning history of the site is a material consideration and is considered to outweigh the visual harm arising from the stationing of the mobile home on the land sufficiently to justify its retention there for a further temporary period, in connection with the occupier's continued needs and in line with the previous temporary permissions granted.		
REASON FOR REFERRAL TO COMMITTEE The recommendation of approval is a departure from the Development Plan. (The application has accordingly been advertised as a departure.)		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL East Farleigh	APPLICANT Mrs L Pearson AGENT n/a
TARGET DECISION DATE 25/12/18		PUBLICITY EXPIRY DATE 14/12/18

Relevant Planning History

15/507478/FULL

Variation of condition 1 of MA/12/1194 to allow the stationing of a caravan on the land for a further three years due to the needs of the occupier
Approved Decision Date: 03.11.2015

MA/12/1194

An application for the variation of condition 1 of MA/07/0351 to allow the stationing of a caravan on the land for a further three years.
Approved Decision Date: 03.10.2012

MA/07/0351

Variation of condition 1 of MA/03/2080 to allow further time for mobile home to be situated on the land.
Approved Decision Date: 07.06.2007

MA/03/2080

Variation of condition two of planning permission MA/01/1534 to allow further time for the mobile home to be situated on the land.
Approved Decision Date: 10.02.2004

MA/01/1534/C01

Submission of details pursuant to condition 3 of MA/01/1534 being details of siting of the caravan.
Approved Decision Date: 14.11.2001

MA/01/1534

Temporary siting of mobile home for 5 years.

Approved Decision Date: 02.11.2001

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located in open countryside on the western side of Gallants Lane, in the parish of East Farleigh. It is a fairly large, rectangular-shaped residential plot, which contains, at its northern end, the left-hand one of a semi-detached pair of two-storey dwellings, together with a number of sheds and a large garage/store.
- 1.02 The garage/store is located at the southern end of the site with a hard-surfaced vehicle parking/turning area in front of it. Immediately beside it is stationed a mobile home. The main dwelling and the mobile home share the same access point onto Gallants Lane, as well as the parking area in front of the garage and the private garden area, which is located between the dwelling and the mobile home.
- 1.03 The dwelling is occupied by the applicant and her husband. The mobile home is occupied by the applicant's son and his family.

2. PROPOSAL AND RELEVANT PLANNING HISTORY

- 2.01 This application seeks permission to allow the mobile home to be retained at the site for a further period following the expiry of planning permission 15/507478/FULL on 3 November 2018. (It should be noted that the application was submitted and made valid before the existing permission expired.)
- 2.02 There have been a number of temporary permissions granted to allow the continued stationing of the mobile home in the garden, in order to enable the occupier's son and son's partner to continue to live on the site to assist with the needs of the occupier.
- 2.03 Application MA/01/1534 was reported to Planning Committee with a recommendation for refusal on the grounds that "The proposal would result in new development in open countryside detrimental to the character and appearance of the area and contrary to Policies ENV2 and ENV28 of the Maidstone Borough Wide Local Plan 2000 and policies ENV1, RS1 and RS5 of the Kent Structure Plan." Members overturned that recommendation and granted permission for a temporary period of 2 years.
- 2.04 Subsequent applications MA/03/2080 and MA/07/0351 were also reported to Planning Committee with similar recommendations for refusal and in both cases Members overturned the recommendations and granted permission for temporary periods of 3 years and 5 years respectively.
- 2.05 By the time that application MA/12/1194 was under consideration, the mobile home had been on site for 10 years and three temporary permissions had been granted for its retention, on the needs of the occupier. As such, the planning history was deemed to be a material

consideration which outweighed the visual harm arising from the stationing of the mobile home on the land sufficiently to justify its retention there for a further temporary period, in connection with needs of the occupier. Accordingly, another temporary permission was granted for a further 3 years.

- 2.06 The same stance was taken with regard to the most recent temporary permission, 15/507478/FULL, which again allowed retention of the mobile home for a period of 3 years, expiring 3 November 2018.

3. **POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017 - SP17, DM1, DM3, DM30
Supplementary Planning Documents - none relevant

4. **LOCAL REPRESENTATIONS**

Local Residents:

- 4.01 No representations received from local residents.

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)

East Farleigh Parish Council

- 5.01 Wishes to see the application approved.

6. **APPRAISAL**

Main Issues

- 6.01 The key issues for consideration relate to:
- the visual impact of the mobile home on the rural surroundings
 - the planning history and continuing needs of the occupier

Visual Impact

- 6.02 Local Plan Policy SP17, which deals with development in the countryside, states that *"Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area."*
- 6.03 Policy DM1 sets out general principles of good design, including that proposals should *"respond positively to, and where possible enhance, the local, natural or historic character of the area"*, whilst Policy DM30 sets out design principles in the countryside, and states that proposals which would create high-quality design and meet certain criteria will be permitted. The criterion relevant to this proposal is that *"impacts on the appearance and character of the landscape would be appropriately mitigated"*.
- 6.04 The mobile home is located in a prominent position, being clearly visible from Gallants Lane and surrounding farmland. It is obtrusive and harmful to the character and appearance of the rural surroundings. As

such, its retention does not comply with Development Plan Policy to protect the countryside.

The continuing needs of the occupier

6.05 See separate part 2 papers

Other Matters

6.06 The mobile home does not harm the residential amenities of the occupiers of neighbouring dwellings due to the separation distances involved.

6.07 Parking and access arrangements are unchanged and the amount of parking available within the property is considered sufficient to serve both the dwelling and the mobile home.

6.08 There is no impact on trees nor, given the nature, siting and scale of the proposal and the length of time that the mobile home has been on site, are any ecological mitigation measures considered to be justified in this instance.

7. CONCLUSION

7.01 The planning history of the site is a material consideration and is considered to outweigh the visual harm arising from the stationing of the mobile home on the land sufficiently to justify its retention there for a further temporary period, in connection with the needs of the occupier and in line with the previous temporary permissions granted.

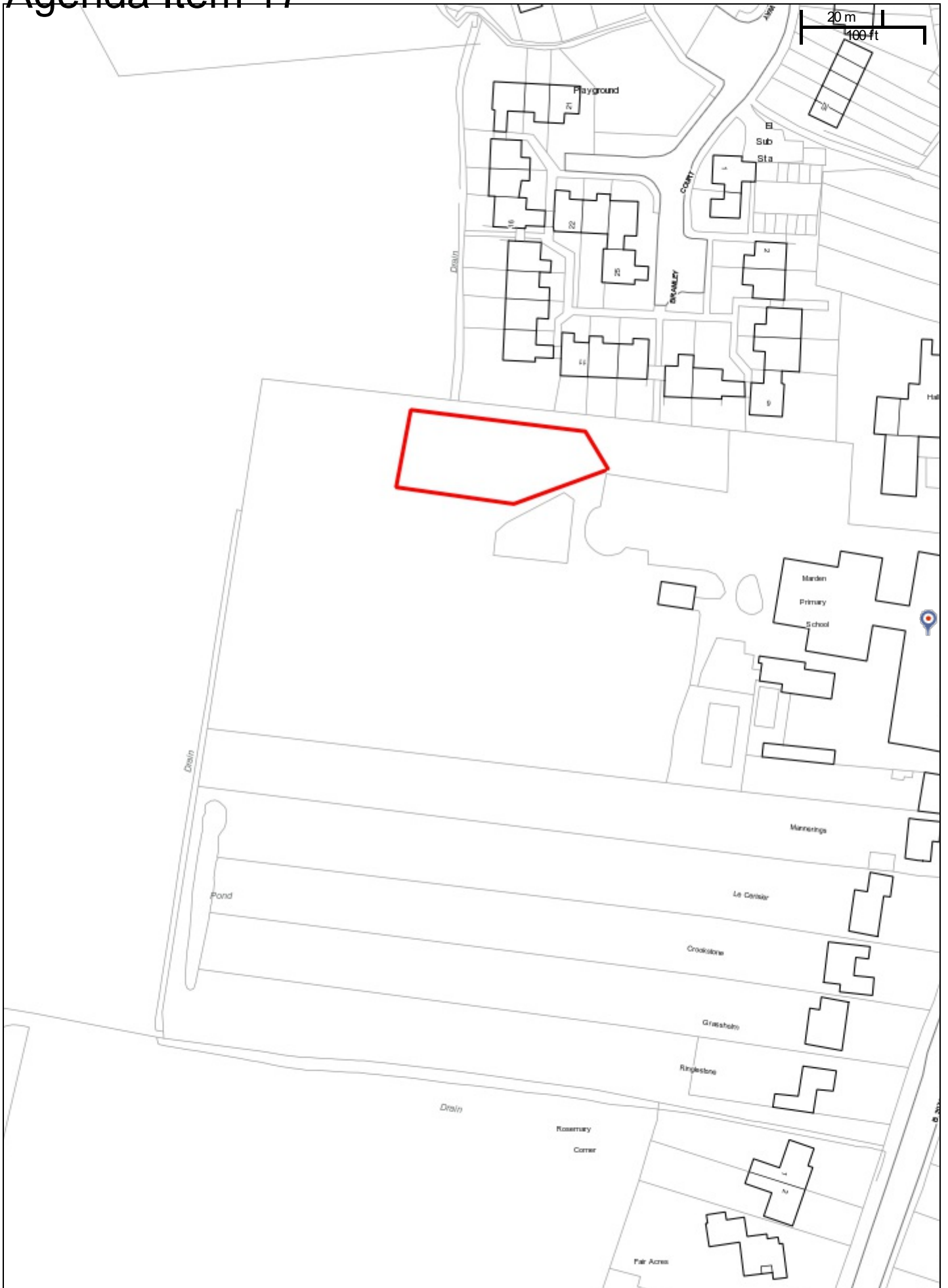
8. RECOMMENDATION

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to no new matters being raised as a result of the expiration of the newspaper advertisement advertising the application as a departure from the Development Plan and the imposition of conditions as set out below:

- 1) The mobile home hereby permitted shall be removed from the land on or before three years from the date of this permission, or when Mr Christopher Pearson no longer resides at High Winds, Gallants Lane, East Farleigh, whichever is sooner;
Reason: To safeguard the character and appearance of the rural area and to safeguard the countryside against inappropriate permanent residential development.

Case Officer: Ms Angela Welsford

Agenda Item 17



18/505509 - Marden Primary School

Scale: 1:1250

Printed on: 4/12/2018 at 16:19 PM by ElyH

REFERENCE NO: 18/505509/FULL		
APPLICATION PROPOSAL Creation of a Mini Pitch including installation of associated perimeter ball stop barrier and fencing, acoustic barrier and site-wide security fencing, floodlights, hard standing areas and prefabricated toilet unit and soft landscaping		
ADDRESS - Marden Primary School, Goudhurst Road, Marden, Kent, TN12 9JX		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION 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 - Marden Parish Council wish to see the application reported to Planning Committee		
WARD Marden & Yalding	PARISH COUNCIL Marden	APPLICANT Sam Clark-Keen AGENT Labosport Ltd
TARGET DECISION DATE 21/12/18		PUBLICITY EXPIRY DATE 22/11/18

Relevant planning history

- 18/502804 - Creation of a Mini Pitch, including installation of associated perimeter ball stop barrier and fencing, floodlights, hard standing areas and prefabricated toilet unit – Withdrawn (June 2018)
- A number of planning permissions relating to Marden Primary School dating from the 1960's relate to for access improvements; mobile class rooms; and car park and building extensions.

MAIN REPORT

1. SITE DESCRIPTION

- 1.01 Marden Primary School is located on the western side of Goudhurst Road and for the purposes of the adopted Local Plan the main school buildings fall within the village boundary of Marden, with the western half of the site (and the proposal site) falling within the designated countryside. To the immediate north of the site is Bramley Court, a retirement complex, and there are houses to the south that front onto Goudhurst Road. The proposal site is currently used as outside play space for the school. The proposal site also falls within a KCC Minerals Safeguarding Area and Flood Zones 2/3.

2. PROPOSAL

- 2.01 The proposal is for the creation of a Mini Pitch that would include the installation of a perimeter ball stop barrier and fencing that together would stand some 3m in height; a separate acoustic barrier to the north of the pitch that would stand some 3.5m in height and some 27.5m in length; 2 LED floodlight columns, standing some 6m in height; laying of a footpath; and a single storey toilet unit that would stand some 2.7m in height. Additional landscaping is also proposed along the northern side of the acoustic barrier.
- 2.02 The proposal will be used by Marden Primary School during school hours and the hours of use for local community hire are as follows:

Term time

16:00-19:00 (Mon-Fri)
09:00-16:00 (Sat-Sun)

During school holidays

09:00-16:00 (Mon-Fri)
09:00-14:00 (Sat)
At no time on Sunday

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Local Plan (2017): SS1, SP5, SP9, SP17, DM1, DM3, DM8, DM20, DM30
- National Planning Policy Framework (2018)
- National Planning Practice Guidance
- Marden Neighbourhood Plan: Pre-submission consultation was 9/6/18-21/7/18 and NP is yet to be submitted to the Council
- Kent Minerals and Waste local Plan (2016)

4. LOCAL REPRESENTATIONS

- 4.01 6 representations received from local residents raising concerns over: residential amenity impact in terms of noise, lighting, hours of use; parking/traffic; loss of property value; and ecology.
- 4.02 7 representations received from local residents in support of application as it would be a good community facility; it would provide health benefits; and it would reduce anti-social behaviour/crime.

5. CONSULTATIONS

- 5.01 **Marden Parish Council:** Wish to see application reported to Planning Committee;

"Cllrs felt that insufficient regard had been taking to the siting of the pitch and toilet facilities and that despite the reason of recent tree planting having been given, they would still request that the pitch be moved further west so that it is as far away as possible from neighbouring properties. The proposed reduction in hours is welcomed but there is still a lot of concern about parking and impact on the neighbourhood."

- 5.02 **Helen Grant MP:** Supports the application;

"I have always been an enormous supporter of improved grassroots sports facilities across Maidstone and the Weald. High quality sports facilities play a vital role in offering people of all ages the opportunity to partake in physical activity, which clearly provides significant physical and mental health benefits. They also have an enormously beneficial social impact providing people with the opportunity to enjoy companionship and offering worthwhile and productive activities for the community to enjoy. I know how hard the Marden Primary School community have worked to raise the funds and agree the plans for this wonderful new facility and I very much hope their efforts will come to fruition with the granting of planning permission for this project. I believe the building of the new facility would be of huge benefit to the people of Marden and I would therefore be grateful if my comments could be given due consideration."

- 5.03 **Sport England:** Raise no objection.
- 5.04 **Environmental Protection Team:** Raise no objection.
- 5.05 **KCC Minerals Safeguarding Team:** Have made no comment and so it is assumed that they raise no objection to the proposal.
- 5.06 **Environment Agency:** Have no comments to make on the application.
- 5.07 **Natural England:** Have no comments to make on the application.

6. APPRAISAL

Main issues

- 6.01 For the purposes of the Local Plan the proposal site is within the countryside, and new development in such a location will not be permitted unless it accords with other policies in the Local Plan and it would not result in harm to the character and appearance of the area. Local Plan policy also seeks to ensure proposals will respect the amenities of occupiers of neighbouring properties.

- 6.02 Whilst the proposal site is within the countryside, the main school complex is within the village boundary of Marden and the Mini Pitch would be read very much in context with its school setting. It is therefore considered to be of some relevance that Local Plan policy supports new community facilities in Rural Service Centres like Marden, and the Local Plan also encourages the dual use of existing education facilities for recreation purposes.
- 6.03 The proposal would result in the loss of land being used as a playing field and so it is a statutory requirement to consult with Sport England. In response, Sport England confirms that the Football Foundation is fully supportive of the application. The Mini Pitches initiative is designed to create a healthy, more active generation of children by providing high quality community sports spaces in primary schools. The partnership between The FA, Football Foundation and Kent FA aims to help Marden CP School to build a community Mini Pitch, and Sport England raises an objection. To ensure the proposal will be of sufficient benefit to the development of sport in the community, as to outweigh the loss of part of the playing field, Sport England wish to secure a Community Use Agreement, and an appropriate condition will be imposed for this.
- 6.04 With this considered, the main issues for consideration are what impact the proposal will have upon the residential amenity of local residents and its visual impact, with other planning issues then being addressed.

Residential amenity

- 6.05 The nearest properties are in Bramley Court to the north of the site, with gardens backing on to the school play area. These properties already experience a certain amount of disturbance during school term time when children are playing outside in school hours, and at this time the use of the Mini Pitch would not result in any further significant increase in terms of general noise and disturbance.
- 6.06 The proposal would see this outdoor space used after school hours and on weekends, as set out above. To mitigate against noise, the submission includes the erection of an acoustic barrier and a specific perimeter board design, and a restriction of hours of use (as set out above). For reference, under planning application reference 18/502804, the hours of operation proposed were 07:00-21:00 (Mon-Fri) and 09:00-21:00 (Sat-Sun). As recommended in the Noise Impact Assessment (NIA), this current submission also includes a Site Management Plan that seeks to avoid the proposal resulting in an observed adverse impact. With this considered, the submitted NIA concludes that the predicted equivalent noise levels from the pitch at nearby noise sensitive properties are below the level which is considered to result in the onset of moderate annoyance and is therefore considered acceptable. It goes on to state that it expects the development would potentially be noticeable but not intrusive and would therefore result in 'no observed adverse effect' when considered against national planning policy. This is defined in the NPPG as: Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life. The comings and goings of vehicles to and from the site, from the existing car park, is also not considered to be objectionable on residential amenity grounds.
- 6.07 The Environmental Protection Team has reviewed the submitted details relating to noise and has raised no objection the proposal. On this basis, it is considered that the proposal would not have an adverse impact upon the living conditions of those residents in Bramley Court in terms of noise.
- 6.08 With regards to the proposed LED floodlighting, the submission has demonstrated that it would result in a low vertical overspill and backwards light, and would fully and uniformly direct the light onto the pitch surface. The lighting will also be

restricted to the hours of use proposed. The Environmental Protection Team has reviewed the submitted details relating to the floodlighting and has raised no objection to the proposal. As such, it is considered that the lighting to be used in association with the proposal would not have an adverse impact upon the living conditions of those residents in Bramley Court. The Environmental Protection Team has also raised no objection to the submitted details on amenity grounds regarding the Site Management Plan, which includes car park and lighting management, and the proposed schedule of programme use (including hours of operation).

- 6.09 The proposal would not have an adverse impact upon the living conditions of any other local resident when enjoying their properties. Subject to appropriate conditions ensuring the retention of the specified acoustic barrier and perimeter fencing, restricting hours of use and hours of operation of the floodlighting, and the implementation of the Site Management Plan, no objection is raised to this proposal on residential amenity grounds.

Visual amenity

- 6.10 The physicality of the buildings, fencing, lighting, and surfacing would be well screened from any public vantage point, including Bramley Court to the north; Goudhurst Road that is more than 100m to the east of the pitch; and the public rights of way (KM244 & KM245) that are more than 130m to the south and west of the site. As set out above, the floodlighting when operating will also cause minimal light pollution and its hours of operation will be controlled. Furthermore, the proposal site, whilst in the countryside is also very much read in the context of a primary school and its surrounding playground with its existing hardsurfacing, play equipment, and existing boundary planting; and it would only marginally project beyond the western boundaries of the rear gardens in Bramley Court. With this considered, the proposal would not appear visually incongruous or dominant within the countryside, and would not therefore have an unacceptable impact upon the character and appearance of the area hereabouts.

Other matters

- 6.11 It is not accepted that the proposal would result in an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe, given the existing use of the site, the parking facilities available on site; and the relatively modest scale of the intended use of the Mini Pitch.
- 6.12 Given the well maintained nature of the proposal site, its primary school context and use as a play area, it is not considered reasonable to request further details in terms of biodiversity prior to the determination of this application; and no objection is raised in terms of flood risk given the modest scale of the proposal and the fact that it is classified as 'water-compatible' development within the NPPF's Technical Guidance.
- 6.13 The representations made by Helen Grant MP, Marden Parish Council and local residents have been considered in the assessment of this application, and it should be noted that potential loss of property value is not a material planning consideration.

7. CONCLUSION

- 7.01 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 this application is therefore made on this basis.

8. RECOMMENDATION

8.01 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 construction of the acoustic fencing; the toilet unit; the Mini Pitch surfacing; and the perimeter ball stop barrier and fencing, shall be carried out in accordance with the external materials as stated in Section 2.5 of the Design and Access Statement/Planning Statement (received 22/10/18) and maintained as such thereafter;

Reason: To ensure a satisfactory appearance to the development.

- (3) In accordance with submitted drawing reference: 18-0189 04 Rev 01 (received 22/10/18) and prior to the first use of the development hereby approved, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and the implementation and long term management plan shall include management responsibilities and maintenance schedules. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details;

Reason: To ensure a satisfactory appearance to the development.

- (4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of the Mini Pitch or on the completion of the development, whichever is the sooner. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory appearance to the development.

- (5) The Mini Pitch hereby approved shall not be used until the acoustic fencing and the perimeter ball stop barrier and fencing have been fully erected as shown on the submitted drawings. The acoustic fencing and the perimeter ball stop barrier and fencing shall be maintained as such thereafter;

Reason: In the interest of residential amenity.

- (6) The development hereby approved shall not be used until a community use agreement has been submitted to and approved in writing by the Local Planning Authority. The agreement shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in compliance with the approved agreement thereafter;

Reason: To secure well managed safe community access to the sports facility/facilities, and to ensure sufficient benefit to the development of sport.

- (7) The Mini Pitch hereby approved shall not be used outside the following times:

School term time

09:00-19:00 (Mon-Fri)

09:00-16:00 (Sat-Sun)

During school holidays

09:00-16:00 (Mon-Fri)

09:00-14:00 (Sat)

At no time on Sunday

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

- (8) The floodlighting hereby approved shall be carried out in accordance with drawing references: 18-0189 03 Rev 02; 05 Rev 02; and 06 Rev 02; and the written details as set out in the submitted Design and Access Statement/Planning Statement (received 22/10/18) and maintained as such thereafter. The floodlighting shall only be operated within the approved hours of use as set out in condition 7 of this permission;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers and in the interests of visual amenity.

- (9) Except for the lighting shown on the approved plans/documents, no external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interest of amenity.

- (10) The development hereby approved must operate in accordance with the provisions of the submitted Site Management Plan (received 22/10/18);

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

- (11) The development hereby permitted shall be carried out in accordance with the following approved plans: 1019 (20)002 Rev A00; 18-0189 02 Rev 02; 03 Rev 02; 04 Rev 01; 05 Rev 02; 06 Rev 02; and 07 Rev 00 received 22/10/18;

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

INFORMATIVES

- (1) Pursuant to condition 6, it is advised that the community use agreement is written in consultation with Sport England. Guidance on preparing such agreements is available from Sport England at: <http://www.sportengland.org/planningapplications/>. For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

Case Officer: Kathryn Altieri

THE MAIDSTONE BOROUGH COUNCIL
PLANNING COMMITTEE – 13th December 2018

APPEAL DECISION:

1. 17/503690/FULL

Erection of 1no. Chalet bungalow with insertion of solar panels and 1.8m high close boarded fence.

APPEAL: Allowed with Conditions

17 Bell Lane
Staplehurst
Tonbridge
Kent
TN12 0BB

(Delegated)

Agenda Item 19

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted