

PLANNING COMMITTEE MEETING

Date: Thursday 22 August 2019
Time: 6.00 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Adkinson, Bartlett, English (Chairman), Eves, 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 Items withdrawn from the Agenda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 - 29 August 2019
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 25 July 2019 1 - 12
11. Presentation of Petitions (if any)
12. Deferred Items 13 - 14
13. 17/504568/FULL - KCC Springfield Library HQ, Sandling Road, Maidstone, ME14 2LD 15 - 49

Issued on Wednesday 14 August 2019

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

14.	19/500305/FULL - River Wood, Chegworth Lane, Harrietsham, Kent	50 - 60
15.	19/500456/FULL - Corylus Cottage, 165 Heath Road, Coxheath, Maidstone, Kent, ME17 4PA	61 - 69
16.	19/500469/FULL - Land Adjacent To Hazeldene	70 - 81
17.	19/500705/FULL Hen And Duckhurst Farm, Marden Road, Staplehurst	82 - 95
18.	19/501763/SUB & 19/502299/SUB - Land South Of Forstal Lane, Coxheath, Kent	96 - 104
19.	19/502796/FULL - 55 Boxley Close, Maidstone, Kent, ME14 2DP	105 - 109
20.	19/503119/FULL - Great Fowle Hall Farmhouse, Darman Lane, Paddock Wood, Tonbridge, Kent, TN12 6PW	110 - 120
21.	18/505160/TPO - Land To The Rear Of 90 Alkham Road, Maidstone, Kent, ME14 5PE	121 - 126
22.	Appeals List 25.07.19	127 - 129
23.	Appeals List 22.08.19	130 - 133

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.

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 25 JULY 2019

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

Also Councillor Springett
Present:

42. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

43. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no Substitute Members.

44. **NOTIFICATION OF VISITING MEMBERS**

Councillor Springett indicated her wish to speak on the report of the Head of Planning and Development relating to application 18/505541/FULL (Land opposite St Anns, Chapel Lane, Thurnham, Kent).

45. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

46. **URGENT ITEMS**

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

47. **DISCLOSURES BY MEMBERS AND OFFICERS**

Councillor Harwood said that, with regard to the report of the Head of Planning and Development relating to application 19/501025/FULL (22 Goldstone Walk, Boxley, Chatham, Kent), he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions on the application and intended to speak and vote when it was considered.

Councillor Round said that since he had pre-determined all six Gypsy and Traveller applications on the agenda relating to plots at Martins Gardens, he would leave the room when they were considered.

48. EXEMPT ITEMS

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

49. MINUTES OF THE MEETING HELD ON 27 JUNE 2019

RESOLVED: That the Minutes of the meeting held on 27 June 2019 be approved as a correct record and signed.

50. PRESENTATION OF PETITIONS

There were no petitions.

51. DEFERRED ITEMS

19/500271/FULL - CHANGE OF USE OF LAND FOR THE STATIONING OF 20 HOLIDAY CARAVANS WITH ASSOCIATED WORKS INCLUDING LAYING OF HARDSTANDING AND BIN STORE - OAKHURST, STILEBRIDGE LANE, MARDEN, TONBRIDGE, KENT

19/500705/FULL - VARIATION OF CONDITION 20 OF 14/502010/OUT (OUTLINE APPLICATION FOR THE ERECTION OF RESIDENTIAL DEVELOPMENT FOR UP TO 250 DWELLINGS WITH ACCESS AND GARAGING WITH ACCESS CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) TO ALLOW SATURDAY WORKING HOURS START TIME TO BE CHANGED FROM 9:00 A.M. TO 8:00 A.M. (TOTAL WORKING HOURS 8:00 A.M. TO 13:00 P.M.) - HEN AND DUCKHURST FARM, MARDEN ROAD, STAPLEHURST, KENT

The Development Manager advised the Committee that he had nothing further to report in respect of these applications at present.

52. 19/502182/FULL - VARIATION OF CONDITION 1 OF 18/504343/FULL (MINOR MATERIAL AMENDMENT TO CONDITION 10 OF APPLICATION 14/503411/FULL (RESIDENTIAL DEVELOPMENT COMPRISING ERECTION OF 23 DWELLINGS)) TO ALLOW A GRADUAL OCCUPATION OF THE SCHEME, STARTING WITH 6 NO. SOCIAL RENTED PROPERTIES, PRIOR TO THE COMPLETION OF THE TRAFFIC ISLAND - THE PADDOCK, GROVE HOUSE, OLD ASHFORD ROAD, LENHAM, MAIDSTONE, KENT

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

The representative of Kent Highways advised the Committee that the provision of the traffic island involved physical works to the A20 carriageway. A road works embargo had been in force on the A20 due to the Brexit preparations being undertaken on the M20 by Highways

England. The embargo was lifted in April but had resulted in a backlog of highway works affecting the A20. As a result of the backlog the applicant had been unable to secure the road space to build the traffic island until the end of October. Kent County Council as the local highway authority acknowledged that these circumstances had compromised the ability of the applicant to achieve the timely provision of the traffic island. It was therefore reasonable to allow a limited number of dwellings (no more than six) to be occupied in advance of the traffic island being completed. Accordingly, no objection to the proposed variation of the condition had been raised.

The Chairman informed Members that Councillors J and T Sams who had called-in the application for consideration by the Committee were unable to attend the meeting due to a family bereavement.

Councillor Munford said that Councillors J and T Sams had asked him to inform the Committee that they strongly supported Lenham Parish Council's objections to the application and they would have reinforced these objections if they had been able to attend the meeting as they believed that no occupation should take place until the traffic island is completed on safety grounds.

RESOLVED: That subject to the prior completion of a Supplemental Deed to tie this planning permission into the Deed of Agreement pursuant to Section 106 dated 26 January 2017 and the Deed of Variation dated 27 February 2018 relating to the original planning permission reference 14/503411/FULL and the Supplemental Deed made pursuant to Section 106 relating to the new planning permission reference 18/504343/FULL dated 31 December 2018, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informative set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

53. 18/505541/FULL - ERECTION OF A CHALET STYLE RESIDENTIAL PROPERTY WITH DETACHED GARAGE AND LANDSCAPING - LAND OPPOSITE ST ANNS, CHAPEL LANE, THURNHAM, KENT

All Members except Councillors Adkinson, Eves and Munford stated that they had been lobbied.

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

In presenting his report, the Case Officer advised the Committee that:

- The pond on the southern boundary of the site had been filled in with vegetation and did not appear to be functioning as a pond. It was considered that enhancing and safeguarding the stream along the western boundary would compensate for the loss of the pond.

- Delegated powers were sought to add a condition requiring the submission of details relating to the incorporation of integrated niches for wildlife in the structure of the dwelling itself.
- An email had been received that afternoon from a neighbour raising issues relating to the purchase of a parcel of land, the positioning of the driveway and disturbance by vehicle movements associated with the dwelling. However, the purchase of land was a matter between neighbours and not a material planning consideration. Furthermore, it was not considered that the vehicle movements associated with one additional dwelling would be so significantly detrimental that a refusal on that ground alone would be warranted.

Mr Street, for the applicant, and Councillor Springett (Visiting Member) addressed the meeting.

RESOLVED:

1. That subject to further negotiations with the applicant to secure a pre-commencement condition relating to the fencing off and securing of the biodiversity area prior to the commencement of works/development on site, which would include the prevention of the storage of any plant/materials/machinery within the fenced off biodiversity area, the Head of Planning and Development be given delegated powers to:
 - (a) grant permission subject to this and the other conditions set out in the report, the additional condition to secure the incorporation of integrated niches for wildlife in the structure of the dwelling itself, additional conditions relating to bats and lighting and ecological enhancements as suggested in the urgent update report and an informative relating to breeding birds as suggested in the urgent update report; and
 - (b) align and finalise the wording of the conditions and informative to ensure that they are workable and there is no duplication.
2. That the Ward Member and the adjoining Ward Members are to be kept informed of the progress of the discussions and changes/additions to conditions etc.

Voting: 9 – For 1 – Against 3 – Abstentions

Arising from the discussion on this application, and with the agreement of the Committee, the Chairman said that he would raise with the Vice-Chairman and the Political Group Spokespersons, the formulation of a reference to the Strategic Planning and Infrastructure Committee as to whether there is a need to address the effectiveness of Policy SP17 (Countryside) in the Local Plan Review.

54. 19/500200/FULL - RETROSPECTIVE APPLICATION FOR A CHANGE OF USE OF LAND TO BE USED AS A GYPSY/TRAVELLER CARAVAN SITE CONSISTING OF ONE PITCH - LITTLE PADDOCKS, STILEBRIDGE LANE, LINTON, KENT

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

Councillor Cresswell of Linton Parish Council addressed the meeting.

During the discussion, Members expressed concern over the lack of overall amenity space for existing/future occupants.

RESOLVED: That consideration of this application be deferred for further negotiations with the applicant to secure a revised site layout/landscaping plan showing parking/hardcore to the entrance of the site and extending inwards with an amenity area towards the rear part of the site which would be suitable for the needs of existing/future occupants.

Voting: 12 – For 0 – Against 1 – Abstention

55. 19/501025/FULL - ERECTION OF ONE DETACHED 3-BEDROOM HOUSE WITH GARAGE AND PARKING - 22 GOLDSTONE WALK, BOXLEY, CHATHAM, KENT

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

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor Parfitt-Reid was not present when this application was discussed.

56. 18/506270/FULL - APPLICATION FOR ONE ADDITIONAL MOBILE HOME AND ONE ADDITIONAL TOURER. (RESUBMISSION OF 18/502176/FULL) (PART RETROSPECTIVE) - THE OAKLANDS, LENHAM ROAD, HEADCORN, KENT

Having stated that he had pre-determined this application, Councillor Round left the meeting when it was considered.

All Members except Councillors Eves, Spooner and Vizzard stated that they had been lobbied.

The Development Manager provided an overview to assist Members in their consideration of all six Gypsy and Traveller applications on the agenda relating to plots within Martins Gardens before introducing the report and the urgent update report of the Head of Planning and Development regarding application 18/506270/FULL (The Oaklands).

Councillor Kenward of Ulcombe Parish Council addressed the meeting on this and the other applications relating to Martins Gardens.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with:
 - (a) The amendment of condition 4 (i) to require the Site Delivery Scheme to include a timetable for implementation to deliver a phased approach to the rehabilitation of the landscape; this to include the relocation of boundaries and their demarcation with fencing to stop encroachment, the removal of hardstanding and the natural regeneration of the landscape; and
 - (b) An informative advising the applicant that the details to be submitted pursuant to conditions 4 (Site Development Scheme) and 5 (Maintenance of Landscaping) are to be reported back to the Committee for approval.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of condition 4 and the informative and to amend any other conditions as a consequence.

Voting: 6 – For 2 – Against 4 – Abstentions

57. 18/506271/FULL - SITING OF 1 MOBILE HOME, 1 TOURER AND 1 DAYROOM (PART RETROSPECTIVE) - 1A MARTINS GARDENS, LENHAM ROAD, HEADCORN, ASHFORD, KENT

Having stated that he had pre-determined this application, Councillor Round was not present when it was considered.

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

Councillor Kenward of Ulcombe Parish Council had already addressed the meeting on the applications relating to Martins Gardens.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with:
 - (a) The amendment of condition 4 (i) to require the Site Delivery Scheme to include a timetable for implementation to deliver a phased approach to the rehabilitation of the landscape; this to include the relocation of boundaries and their demarcation with fencing to stop encroachment, the removal of hardstanding and the natural regeneration of the landscape; and

- (b) An informative advising the applicant that the details to be submitted pursuant to conditions 4 (Site Development Scheme) and 5 (Maintenance of Landscaping) are to be reported back to the Committee for approval.
- 2. That the Head of Planning and Development be given delegated powers to finalise the wording of condition 4 and the informative and to amend any other conditions as a consequence.

Voting: 6 – For 3 – Against 3 – Abstentions

58. 18/506272/FULL - SITING OF 1 MOBILE HOME, 1 TOURER AND 1 UTILITY ROOM (PART RETROSPECTIVE) - 1B MARTINS GARDENS, LENHAM ROAD, HEADCORN, ASHFORD, KENT

Having stated that he had pre-determined this application, Councillor Round was not present when it was considered.

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

Councillor Kenward of Ulcombe Parish Council had already addressed the meeting on the applications relating to Martins Gardens.

RESOLVED:

- 1. That permission be granted subject to the conditions set out in the report with:
 - (a) The amendment of condition 4 (i) to require the Site Delivery Scheme to include a timetable for implementation to deliver a phased approach to the rehabilitation of the landscape; this to include the relocation of boundaries and their demarcation with fencing to stop encroachment, the removal of hardstanding and the natural regeneration of the landscape; and
 - (b) An informative advising the applicant that the details to be submitted pursuant to conditions 4 (Site Development Scheme) and 5 (Maintenance of Landscaping) are to be reported back to the Committee for approval.
- 2. That the Head of Planning and Development be given delegated powers to finalise the wording of condition 4 and the informative and to amend any other conditions as a consequence.

Voting: 6 – For 3 – Against 3 – Abstentions

59. 18/506273/FULL - APPLICATION FOR ONE ADDITIONAL MOBILE HOME AND ONE TOURER (PART RETROSPECTIVE) - 2 MARTINS GARDENS, LENHAM ROAD, HEADCORN, ASHFORD, KENT

Having stated that he had pre-determined this application, Councillor Round was not present when it was considered.

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

Councillor Kenward of Ulcombe Parish Council had already addressed the meeting on the applications relating to Martins Gardens.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with:
 - (a) The amendment of condition 4 (i) to require the Site Delivery Scheme to include a timetable for implementation to deliver a phased approach to the rehabilitation of the landscape; this to include the relocation of boundaries and their demarcation with fencing to stop encroachment, the removal of hardstanding and the natural regeneration of the landscape; and
 - (b) An informative advising the applicant that the details to be submitted pursuant to conditions 4 (Site Development Scheme) and 5 (Maintenance of Landscaping) are to be reported back to the Committee for approval.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of condition 4 and the informative and to amend any other conditions as a consequence.

Voting: 6 – For 3 – Against 3 – Abstentions

60. 18/506275/FULL - APPLICATION FOR ONE ADDITIONAL MOBILE HOME AND ONE TOURER (PART RETROSPECTIVE) - 3 MARTINS GARDENS, LENHAM ROAD, HEADCORN, ASHFORD, KENT

Having stated that he had pre-determined this application, Councillor Round was not present when it was considered.

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

Councillor Kenward of Ulcombe Parish Council had already addressed the meeting on the applications relating to Martins Gardens.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with:
 - (a) The amendment of condition 4 (i) to require the Site Delivery Scheme to include a timetable for implementation to deliver a phased approach to the rehabilitation of the landscape; this to include the relocation of boundaries and their demarcation with fencing to stop encroachment, the removal of hardstanding and the natural regeneration of the landscape; and
 - (b) An informative advising the applicant that the details to be submitted pursuant to conditions 4 (Site Development Scheme) and 5 (Maintenance of Landscaping) are to be reported back to the Committee for approval.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of condition 4 and the informative and to amend any other conditions as a consequence.

Voting: 6 – For 3 – Against 3 – Abstentions

61. 18/506276/FULL - APPLICATION FOR ONE ADDITIONAL MOBILE HOME AND ONE TOURER (PART RETROSPECTIVE) - 4 MARTINS GARDENS, LENHAM ROAD, HEADCORN, ASHFORD, KENT

Having stated that he had pre-determined this application, Councillor Round was not present when it was considered.

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

Councillor Kenward of Ulcombe Parish Council had already addressed the meeting on the applications relating to Martins Gardens.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with:
 - (a) The amendment of condition 4 (i) to require the Site Delivery Scheme to include a timetable for implementation to deliver a phased approach to the rehabilitation of the landscape; this to include the relocation of boundaries and their demarcation with fencing to stop encroachment, the removal of hardstanding and the natural regeneration of the landscape; and
 - (b) An informative advising the applicant that the details to be submitted pursuant to conditions 4 (Site Development Scheme) and 5 (Maintenance of Landscaping) are to be reported back to the Committee for approval.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of condition 4 and the informative and to amend any other conditions as a consequence.

Voting: 6 – For 3 – Against 3 – Abstentions

62. 19/500811/FULL - DEMOLITION OF EXISTING OFFICE BUILDING AND ERECTION OF A TWO-STOREY OFFICE BUILDING, A STORAGE BUILDING, CAR PARK, LANDSCAPING AND FENCING (REVISED SCHEME TO 17/506323/FULL) - THE SITE OF PREVIOUS MAPLE LEAF GARAGE, ASHFORD ROAD, HOLLINGBOURNE, KENT

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

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report, as amended by the urgent update report, with:
 - (a) The amendment of condition 7 (Ecological Enhancements) to stipulate that the bird and bat boxes should be integral to the buildings and to require the incorporation of bee bricks for solitary bees;
 - (b) The amendment of condition 16 (External Lighting) to require that notwithstanding the details shown on drawing numbers P201, P202 and P203, no lighting shall be installed on the buildings and/or within the curtilage of the buildings until such time as details of a lighting scheme for the whole site which shall include details of luminance and the removal or adaptation of existing lighting to prevent light spillage have been submitted to and approved in writing by the Local Planning Authority; and
 - (c) An additional condition specifying that the buildings shall not be occupied until the solar panels shown on the approved plans have been installed and are operational and are retained as such.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and additional conditions and to amend any other conditions as a consequence.

Voting: 13 – For 0 – Against 0 – Abstentions

63. 19/502299/SUB - DETAILS TO DISCHARGE CONDITION 17 (ENERGY) SUBJECT TO 17/502072/OUT (210 DWELLINGS) AND 19/501763/SUB - DETAILS PURSUANT TO CONDITION 2 (MATERIALS) AND CONDITION 4 (RAGSTONE) FOR 18/505417/REM (RESERVED MATTERS FOR 210 DWELLINGS) - LAND SOUTH OF FORSTAL LANE, COXHEATH, KENT

The Chairman and Councillors Harwood and Wilby stated that they had been lobbied.

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

Application 19/502299/SUB

Members were disappointed that notwithstanding concerns about climate change, the developer was only proposing to provide a four panel, 1kW array to be sited on the roof of the apartment block to serve the communal areas (lighting and sockets) only.

RESOLVED: That consideration of this application be deferred for further negotiations to secure the provision of renewable energy measures for every unit in the apartment block as well as the communal areas and that if this cannot be achieved, delegated powers be given to the Head of Planning and Development to refuse the application on the basis that a sufficiently energy efficient form of development would not be achieved and the development would therefore not comply with the outline planning permission.

Voting: 13 – For 0 – Against 0 – Abstentions

Application 19/501763/SUB

Members were concerned about the limited use of ragstone in the development and also about the suitability of the proposed mortar mix. It was suggested that a lime mortar mix would be more appropriate for use with ragstone.

RESOLVED: That consideration of this application be deferred for further negotiations to secure more ragstone within the development and a lime mortar mix for use with the ragstone.

Voting: 13 – For 0 – Against 0 – Abstentions

Arising from the discussion on these applications, and with the agreement of the Committee, the Chairman said that he would discuss with the Vice-Chairman and the Political Group Spokespersons, the need to ensure that conditions relating to biodiversity enhancements and renewables are incorporated into decisions taken under delegated powers.

64. ENFORCEMENT TRACKER

The Committee considered the Enforcement Tracker setting out details of the current status of enforcement cases that had passed the point of an enforcement notice being served. The Planning Enforcement Team Leader provided a snapshot of what had been achieved during the period 1 April 2019 to 30 June 2019. It was noted that:

- 187 enforcement cases had been received; 122 of these cases had been closed; formal action had been instigated in relation to 16 cases; planning applications had been received and were being considered in relation to 13 cases; 36 cases were at various stages of negotiation. These figures did not include older cases that had been closed.
- Currently the Team was carrying around 238 open cases.
- 2 injunctions, 3 temporary stop notices, 14 enforcement notices and 3 planning contravention notices had been served in the same period.

During the discussion, it was suggested that the opportunity should be taken to address breaches of planning control and associated anti-social behaviour through the Local Plan Review. It was also suggested that the Council should be more proactive in the making of Tree Preservation Orders and that Members should be more assertive in identifying areas such as this where additional resources are needed to maintain the level of activity required.

RESOLVED:

1. That the report be noted.
2. That the Planning Enforcement Team be thanked for their work in dealing with breaches of planning control.

65. APPEAL DECISIONS

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

66. DURATION OF MEETING

6.00 p.m. to 10.26 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

22 AUGUST 2019

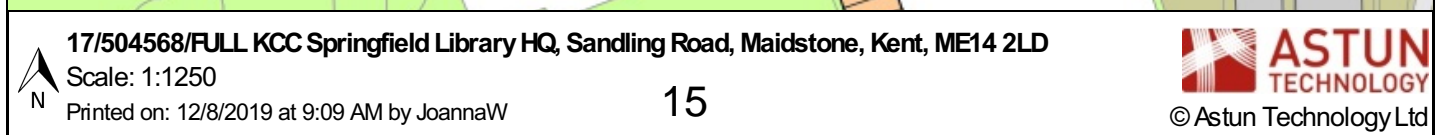
REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

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

APPLICATION	DATE DEFERRED
<p><u>19/500271/FULL - CHANGE OF USE OF LAND FOR THE STATIONING OF 20 HOLIDAY CARAVANS WITH ASSOCIATED WORKS INCLUDING LAYING OF HARDSTANDING AND BIN STORE - OAKHURST, STILEBRIDGE LANE, MARDEN, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <p>Seek further information to assess the visual impact, the potential level of harm, the details of the mitigation and the benefits arising, this to include:</p> <ul style="list-style-type: none"> • Details of the actual layout of the site including hard and soft landscaping and any associated facilities and lighting; • Details of the scale and design parameters; • Further detail in terms of demonstrating both local and longer distance views and how these can be mitigated; • More details in terms of landscaping, including a net gain for biodiversity with the incorporation of hedgerow trees reflecting the Council's Landscape Character Assessment Guidance in the proposed mixed native hedgerow along the northern boundary of the site, extension of the Ancient Woodland buffer westward to provide a habitat link to the pond and ditch network on the Stilebridge Lane frontage and fencing along the Ancient Woodland buffer (Chestnut spile); • Details of the lighting strategy; and • Clarification in terms of sustainability (role of rural tourism), the economic benefits and the business model, including identification of the need for this type of use, the model for occupation (for example, whether these would be short-let units 	<p>30 May 2019</p>

managed by the site owners) and information about how the site and the landscape and ecology elements would be managed.	
<p><u>19/500200/FULL - RETROSPECTIVE APPLICATION FOR A CHANGE OF USE OF LAND TO BE USED AS A GYPSY/TRAVELLER CARAVAN SITE CONSISTING OF ONE PITCH - LITTLE PADDOCKS, STILEBRIDGE LANE, LINTON, KENT</u></p> <p>Deferred for further negotiations with the applicant to secure a revised site layout/landscaping plan showing parking/hardcore to the entrance of the site and extending inwards with an amenity area towards the rear part of the site which would be suitable for the needs of existing/future occupants.</p>	25 July 2019



REFERENCE NO - 17/504568/FULL	
APPLICATION PROPOSAL	
Demolition of the remaining former Library building, erection of a six-to-sixteen storey residential development of 170 No. apartments and 85 No. car parking spaces at the former KCC Springfield Library site, Sandling Road, Maidstone.	
ADDRESS – Former KCC Springfield Library HQ, Sandling Road, Maidstone ME14 2LG	
RECOMMENDATION – Application Refused	
WARD North	APPLICANT - Peker Holdings Limited AGENT - Barron Edwards Limited
TARGET DECISION DATE 29/03/2019	PUBLICITY EXPIRY DATE 07/03/2019

REPORT SUMMARY

REFERENCE NO - 17/504568/FULL
APPLICATION PROPOSAL
Demolition of the remaining former Library building, erection of a six-to-sixteen storey residential development of 170 No. apartments and 85 No. car parking spaces at the former KCC Springfield Library site, Sandling Road, Maidstone.
ADDRESS Former KCC Springfield Library HQ Sandling Road Maidstone ME14 2LG
RECOMMENDATION Permission be Refused
SUMMARY OF REASONS FOR RECOMMENDATION
<p>The scheme involves the redevelopment of previously developed land within the urban area, however, the site lies outside of the town centre.</p> <p>The site is not allocated for development within the Local Plan.</p> <p>At the request of the Applicant a report recommending the refusal of permission for this application was withdrawn from the Planning Committee agenda of 8 November 2018.</p> <p>The application has been the subject of protracted discussions during which Officers have sought to address concerns relating to both the quality of the proposed development and its viability. However, it is has not been possible to secure a scheme of an appropriate scale or quality that would address the significant concerns relating to the scale and density of the development.</p> <p>It is considered that the significant scale and very high density of development results in; adverse impacts upon the environment, the amenity of neighbours and will not result in satisfactory living conditions for future occupants of the scheme.</p> <p>Notwithstanding the expectation that the Council will promote sustainable development, as advocated by the NPPF, through a series of local plan policies such as DM1, 3, 4 and 30, the local plan requires proposal to deliver high quality design.</p> <p>Despite the attempts of both the applicant and officers to address the concerns arising, it is not considered that the process has been successful with the resulting building representing an intrusive, incongruous and unacceptable form of development that will adversely impact</p>

<p>upon both the immediate and wider townscape.</p> <p>Whilst Officers have offered a period of further discussion in an attempt to explore the opportunity for an acceptable solution, the Applicant considers that it is unlikely that an agreed position could be reached and has requested that the application now before the Council be determined.</p>	
<p>REASON FOR REFERRAL TO COMMITTEE</p> <p>It is a major / controversial application and following discussions with a Ward Member it is considered that it merits Committee consideration.</p>	
<p>WARD North</p>	<p>APPLICANT Peker Holdings Ltd</p> <p>AGENT Barron Edwards Ltd</p>

DECISION DUE DATE		PUBLICITY EXPIRY DATE		OFFICER SITE VISIT DATE	
29/03/19		07/03/2019		Various	
RELEVANT PLANNING HISTORY (including relevant history on adjoining sites):					
App No		Proposal		Decision	Date
SPRINGFIELD LIBRARY SITE					
Note – the permissions detailed below, first granted in 2009, then 2014 and renewed again in 2017 have lapsed and are not capable of implementation					
16/507999	Variation of conditions attached to 12/2032 (An application for a new planning permission to replace extant permission 09/0862) - To allow demolition. (Note - reserved matters applications needed to be made by 08/05/17)			Approved	24/02/2017
16/507817	Submission of details to discharge conditions pursuant to 12/2032			Approved	08/03/2017
12/2032	Application for a new planning permission to replace extant permission 09/0862 (outline planning application for 100 flats and 14 houses - all matters reserved)			Approved	08/05/2014
09/0862	Outline planning application for residential development comprising of 100 flats and 14 houses with all matters reserved for future consideration			Approved	24/11/2009
PERMISSIONS RELEVANT TO THE WIDER FORMER KCC SPRINGFIELD CAMPUS					
17/501503	Minor material amendment to 05/2350 including amendments to internal floor plans, updated housing mix, altered roof form and revisions to the external material palette.			Approved	14/02/2018
17/505581	Non-material amendment to 16/507471 – to include: reduced footprint, amendments to internal layout, unit mix and elevations.			Approved	06/02/2018

16/507471/ FULL	Full planning application for the development of 310 residential units in two buildings ranging between 8 and 18 storeys, including 177sqm of A1/D1/D2 floorspace, associated car parking, public realm and landscaping works.	Approved	23/08/2017
13/2099	Erection of Class A1 retail development (with ancillary cafe), supporting retail (A1-A3), doctors' surgery (Class D1)	Refused	08/05/2014
05/2350	Erection of B1 offices comprising 3 No. buildings, 192 residential units and accommodation for class A1, A3 or community use)	Approved	01/08/2006
01/1356	Demolition of buildings and comprehensive redevelopment to provide offices (B1) and residential, (with offsite affordable housing)	Approved	01/10/2002

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application sites lies within the Maidstone Urban Area, approximately 650m beyond the northern edge of the town centre boundary. Maidstone East Station lies circa 900m walk to the south with the northern-most edge of the retail centre at circa 1,000 – 1,200m.
- 1.02 The application site fronts onto Chatham Rd, which runs parallel to Royal Engineers Road. Vehicular access is taken from an un-adopted estate road which also provides access to a number of additional sites, including the adjacent Weston Homes development sites, the Grade II listed Springfield Mansion and established residential buildings in Radnor Close and Bambridge Court. Vehicular access onto the A229 is gained via the roundabout that also serves the Invicta Park Barracks
- 1.03 The Chatham Road frontage is marked by a group of mature trees, which are protected by TPO. The former rotunda and podium have now been demolished, such that, with the exception of the former library tower, all buildings on the site have now been demolished. Otherwise the site is vacant and hoarded. The remaining library structure is described as being 12-13 storeys in height.
- 1.04 The site is relatively small in size, circa 0.575 ha, and tapers in width from north to south. The significant belt of mature trees on the eastern and southern parts of the site significantly reduce the net developable area. Levels across the site fall by approximately 4.5m from south to north and from the Chatham Road towards Springfield Mansion by circa 2.8m.
- 1.05 Whilst the area of Royal Engineers Road to the east is undeveloped, the site is otherwise relatively tightly contained by built development, with the limited areas of public realm within the immediate vicinity principally comprising narrow estate access routes and areas of car parking. To the west of the site, the listed Mansion House is principally 2 and 3 storeys in height, adjacent to which Bambridge Court, a residential development dating to circa 2000 is predominantly 4 storey in height.

To the north Radnor Close contains a mixture of two-storey houses and three-storey flats which are separated from the application site by a large retaining wall which serves to manage a drop in levels of approximately 2m to 2.5m. The two adjacent Weston Homes developments, which are under construction to the south, will provide 192 and 310 apartments respectively. The element fronting Royal Engineers Way immediately south of the application site will rise from 8 to 18 storeys in height, with the blocks to the rear being 6 storeys.

- 1.06 As assessed below, the constraints of the site size and its surroundings impact upon the ability to successfully resolve the challenges associated with seeking to deliver a large scale and high density development.
- 1.07 In terms of the wider surroundings; to the west of Springfield Mansion the wooded Medway Valley falls away steeply, whilst to the east the townscape is dominated by the A229, beyond which the Barracks are set behind a retaining wall and landscaping. To the north the area comprises mainly suburban low rise housing, whilst to the south, beyond the Weston Homes site; the east of the A229 is characterised by tight grain low rise housing and the west a variety of larger scale building typologies reflecting that area's town centre fringe location and principally commercial and civic scale uses.
- 1.08 The geography of the site location is one where the land rises significantly from the town centre and Medway Valley northwards towards the Kent Downs. As demonstrated by the adjacent building the proposals have the potential to impact not only upon local views, but also longer distance views into and out of the town centre.

2.0 THE PROPOSAL / SCHEME EVOLUTION

- 2.01 The site was acquired by the Applicant with the benefit of an extant planning permission for 114 units, in buildings of between 4 and 6 storeys in height. The design statement accompanying the current application confirms that the architects were briefed to *"..deliver a scheme in the order of 165 residential apartments..."*. Having regard to the site characteristics outlined above, this degree of uplift will be significant.
- 2.02 At the request of the Applicant, a report recommending the refusal of permission for this application was withdrawn from the agenda of the Planning Committee in November 2018. Since that original report was prepared, the application has been substantially amended; initially in December '17 / January '18, with the principal changes involving:
- a reduction in some elements of the massing of the buildings and the height of parts of the central and lower blocks
 - removal of the proposed community space
 - an increase in the number of residential units from 162 to 170 units
 - an amended unit size mix
 - material changes to the elevational design
 - a reduction in the number of parking spaces from 86 to 85 units

- relocation of some of the basement/undercroft parking to the western area of the site
- relocation of waste storage to an external structure
- rationalisation of the internal layout and improved floorspace efficiencies.

2.03 In addition to the physical changes to the scheme, the applicant has subsequently proposed the following s106 obligations, which were not part of the proposals in 2018:

- an off-site affordable housing contribution of £600,755
- an off-site open space contribution of £251,600
- a community facility contribution of £250,000
- inclusion of design codes

The applicant has also confirmed that the development would be subject to a CIL contribution estimated to be circa £1.3 million.

2.04 In March and April 2019, the applicant proposed further clarification in respect of design details such as fenestration patterns and materials.

When further reviewing the application on the Council's website, Members may wish to refer to the report entitled 'Design Summary, which summarises the above changes and how they have informed the scheme now before Committee.

2.05 Members should also note that the planning application now before them for consideration is materially different to that which was to have been considered in November 2018. For this reason and as the November report was not considered by the Committee, Officers advise that Members should not rely upon the previous report in coming to a decision on this application.

2.06 The planning application now before Members therefore seeks detailed planning permission for the demolition of the remaining circa 13 storey structure and the erection of a residential development ranging between 6 and 16 storeys in height to provide a total of 170 apartments, 85 car parking spaces with access, communal residential amenity areas at ground floor and roof level, cycle parking and refuse storage facilities; together with external hard and soft landscaping.

2.07 The amended building form is based upon the principle of three connected built elements rising in height towards the south. Compared to the original submission, the building blocks have been simplified, the effect of which is to serve to reduce some of the visual complexity associated with the previous scheme and also to reduce massing and the height of parts of the building by up to 8metres. However, as detailed below, these changes to the form have also served to undermine many of the architect's original responses to the design brief and also bring further challenges to the creation of a successful high density scheme. The building layout within the site is broadly unchanged and seeks to maximise tree retention on the Chatham Road frontage, with 32 of the original 38 trees to be retained – an increase when compared to the previous permission on the site.

2.08 The building comprises three built elements which increase in height from 6-storeys at the northern end (circa 21m plus a circa 2 to 3m change in land levels

closest to Radnor Close) up to the maximum 16-storeys in height (approx. 54m) southwards towards the campus access road off the A229 roundabout.

2.09 As part of the applicant's response to improving the viability of the scheme the reliance upon basement parking provision has been reduced with an increased level of external surface parking. Basement parking has been reduced from 55 to 42 spaces, with a commensurate increase in ground level parking from 32 to 43 spaces. As detailed below, together with the relocation of the waste storage outside of the main structure, these changes impact upon the quantity and quality of public realm. Cycle parking spaces are proposed in the basement at a ratio of approximately one per unit.

2.10 The mix of residential units within the development has altered as a result of the amendments as follows:

	<u>2017 Submission</u>	<u>As Amended</u>
One-bedroom units:	26	18
Two-bedroom units:	113	125
Three-bedroom units:	23	27

Whilst no affordable housing is proposed within the development, as detailed below, the applicant now proposes an off-site affordable housing contribution that they suggest equates to circa 10%.

2.11 The design approach of the building has evolved over a protracted period of discussions at both pre-application stage and post submission. The footprint of the amended design maintains the previous separation from the listed Springfield Mansion, whilst at the same time retaining as many as possible of the existing mature trees fronting Chatham Road.

2.12 What was originally proposed as five distinct linked blocks rising from north to south has been simplified to one building broken down into three elements each defined by differing heights and palette of materials. The level of rooftop amenity space and surface level soft landscaping has materially reduced as a result of the amendments.

2.13 The applicant asserts that the broad approach to scale and massing follows the lead of the permitted U+I (now Weston Homes) scheme to the south. This is addressed in detail within the assessment below. However, in assessing this scheme Members should also have regard to the application site's wider context.

2.14 The original submission was reviewed by a Design South East Review Panel in February 2018. In their summary DSE commented:

"This development has come to design review at the later stages of the planning application process which limits the potential for the review process to improve the scheme. This is another high-density development in this area and as such creates a number of challenges. The development of the design of the building is generally convincing but we have some suggestions for improvements which are detailed below. In particular the design of the ground floor and the public realm to the west of the building needs further work."

There is an urgent need to bring landowners and developers together to discuss how the emerging new neighbourhood of the Springfield campus and former Whatman's paper mill could be better connected and managed and how it could therefore develop as a place and achieve its"

With regard to the scheme's density DSE commented:

"There was some discussion in the panel about whether this proposal is too dense. The question was raised as to why the brief required 50% more units than the previously consented scheme to make it viable. Fewer apartments would certainly make the design issues easier to resolve. The site is over twenty minutes walk from the town centre with poor physical pedestrian connections and public transport. There is a lack of infrastructure, public community and private facilities in the area. There is no strategic plan for common or public space which takes advantage of the outstanding position on the banks of the river Medway. From a strategic point of view, one would expect higher densities to be promoted closer to the town centre and major transport hubs."

Whilst the Panel acknowledged the precedent set by the adjacent scheme, as Officers identify below, the adjacent permission does not of itself justify any harmful impacts that may arise from the present application.

In terms of the then proposed approach to moderating the building's massing, the Panel asserted

"The glazed cores between the different 'blocks' are a positive move which will help lighten the overall appearance of the building and make it less wall-like. However we were not convinced from the elevations and CGIs that this transparency will be expressed strongly enough."

In contrast to the Panel's advice, the glazed links referred to above, have been removed rather than enlarged as part of the amendments to the scheme. With regard to public realm the Panel supported the scheme's approach to maximising the retention of mature trees, but raised the following concerns:

"We were less convinced by the public realm on the western side. The large drop off area seems unnecessary and, given the likely pressures on parking, will probably end up as an informal parking area. There is a need for more generous and better connected amenity space on this more-private side of the building as it is likely that some residents will not use the rooftop gardens. We feel the scale of proposed landscape intervention to the west should seek to match the status of the retained treed edge to the east and not appear too piecemeal and small scale."

Whilst the application initially responded to this advice, the more recent amendments, which have introduced more external parking and refuse storage, in effect reintroduce a number of the Panel's original concerns.

- 2.15 The proposed materials and external finishes have evolved as the scheme has progressed. Brickwork features strongly across each of the three elements, with the brick colour and textures referencing, for example, those used on the adjacent listed mansion. Aluminium windows screening panels and balconies will incorporate colours such as bronze and champagne to complement the tones of the

brickwork elements. The building design strategy seeks to ensure that services that require external openings, such as boiler flues, will not be readily visible on the external walls, preventing the marring of the overall quality of the building.

2.16 The Applicant also proposes that the Design Code will form part of a s106 agreement in order to ensure the quality of the scheme is not diluted at a later stage.

2.17 In terms of soft landscaping, at ground level the majority of this comprises the retained mature trees on the eastern and southern parts of the site. Due to the limited space available, only two narrow beds of planting are proposed on the site's western frontage, where the main entrance is located. A roof garden is proposed, although this has reduced in scale from the original submission as a result of (i) the inclusion of rooftop PV and (ii) the viability engineering of the scheme.

2.18 The application is supported by a suite of reports, including:

- Design & Access Statement & Design Code
- Planning Statement
- Heritage Impact Assessment
- Townscape and Visual Impact Assessment
- Sustainability Statement
- Energy Statement
- Daylight and Sunlight Assessment
- Air Quality Assessment
- Transport Statement and Travel Plan
- Economic Impact Report

2.19 The application has also been supported by Viability Assessment **(Confidential)** which has been updated through the timeframe of the application and reviewed on behalf of the Council by independent assessors.

3.0 POLICY AND OTHER CONSIDERATIONS

3.01 The following Maidstone Borough Local Plan policies are considered to be relevant to this application:

- SS1 Spatial strategy
- SP1 Maidstone urban area
- SP18 Historic environment
- SP19 Housing mix
- SP20 Affordable housing
- SP23 Sustainable transport
- ID1 Infrastructure delivery
- DM1 Design Quality
- DM2 Sustainable design
- DM4 Development affecting heritage assets
- DM5 Brownfield land
- DM6 Air quality
- DM12 Density
- DM19 Open space

- DM20 Community facilities
- DM21 Transport impacts
- DM23 Parking standards

3.02 The National Planning Policy Framework (NPPF) 2019 introduces a number of relevant considerations, including:

- Sustainable development (7-11)
- Weight on the local plan (47)
- Housing supply / meeting housing needs (59-76)
- Promoting sustainable transport (102+/108+)
- Parking standards (105-106)
- Effective use of land (117+)
- Density of development (122-123)
- Design Quality (124-132)
- Climate change (149+)
- Historic environment (184+)

National Planning Practice Guidance (NPPG) supplements the NPPF and relevant guidance is assessed below.

4.0 LOCAL REPRESENTATIONS

4.01 Throughout the various iterations of the application representations have been received from 12 local residents raising the following (summarised) issues

- Overdevelopment of the site, excessive height and density adversely affecting the character of the area. The adjacent scheme is not an appropriate reference
- Poor design
- Inadequate open space
- Additional traffic from the development will exacerbate local conditions and congestion.
- Parking provision is inadequate.
- Loss of privacy due to proximity to properties in Radnor Close.
- The refuse storage area is unneighbourly being adjacent to Radnor Close.
- Loss of daylight/sunlight to properties in Springfield Avenue.
- Likely level of dust and disturbance during demolition and construction.
- Removal of community space from scheme not acceptable
- The proposed residential accommodation does not meet local needs

5.0 CONSULTATIONS

5.01 **Kent County Council Highways:** Have confirmed that they have assessed the submitted Transport Statement and considered the development in combination with existing and approved/committed development on the Springfield Campus. Subject to the detailed comments of KCC summarised below, they raise no in-principle objections subject to a number of conditions, informatives and a s106 obligation relating to a Travel Plan monitoring fee of £5K.

Site access: The proposed access arrangements which include the retention of the existing mini-roundabout and use of the private internal site road are consistent with the previous approval on the site and compatible with the extant consents on the adjacent land within the Springfield Campus. Swept path analysis has been undertaken and shows the development can be served by refuse vehicles.

KCC do note the high level of on-street parking on the access road to the A229 and mini-roundabout, advising that this is not in the overall interest of highway safety and in the absence of preventative measures and management, consider that this situation is likely to continue.

Traffic impact: Whilst recognising that since the original permission was granted conditions on the network have changed, the 17 additional AM peak and 21 PM peak trips compared to the previously approved 114 residential and 200sqm community facility (2009/2012 applications) scheme show that increases in movements attributable to the currently proposed development will be minor in nature and do not amount to a severe impact (in combination with other development). It is also stated that given this level of increase it is not reasonable to require that additional junction improvements are investigated and implemented.

(Officer Note – Members should note that in terms of trip generation, the previous scheme is not a material consideration as it has expired. KCC has been asked to clarify if this view therefore changes – a verbal update will be provided)

Parking and Layout: The parking ratio of 0.5 spaces/unit is higher than the 2009/2012 scheme (0.41 spaces/unit). Parking spaces are unallocated, and no specific allowance has been made for visitor parking, it is stated however, that this approach is consistent with IGN3. A car park management plan should also be considered.

(Officer Note – Members should again note that the previous scheme is not a consideration as it has expired. KCC has been asked to clarify if this view therefore changes – a verbal update will be provided)

Sustainable Travel: KCC consider that the site is well placed in relation to key services and facilities, which are within a 1.2km preferred maximum walking distance of the site, along a segregated route with a bridge over the A229. The site is also immediately adjacent to National Cycle Network Route 17.

Minor changes are encouraged to provide further enhancement and encouragement for sustainable modes of travel, including:

- The existing traffic signals north of the Springfield/Invicta Park and White Rabbit/Stacey Street roundabouts should be upgraded to Puffin Crossings.
- Improvements to existing bus stops on Royal Engineers Road adjacent to the site (bus boarders timetable displays and on the northbound (towards Medway) stop a bus shelter) are also proposed and consistent with improvements secured under the 2009/2012 schemes.

KCC advise that these measures and the proposed pedestrian island on the main Campus access road should be provided through a s278 agreement.

The submitted Travel Plan shows an initial 5-year target for car use that is 6% lower than 2011 Census journey to work data for this part of Maidstone. This would be achieved by several incentives including one-year car club membership and a travel pack for the occupiers of each unit and overseen by the appointment of a Travel Plan Coordinator. KCC Highways advise that the Travel Plan should be formally approved prior to commencement of the development and registered with KCC. Noting that survey and review of the Travel Plan will take place annually, KCC indicate that remediation measures should also be on an annual, rather than a three-yearly basis, as indicated in the current draft of the Plan. KCC have also requested £5,000 to fund KCC's Travel Plan advisor to review monitoring reports and work with the Travel Plan coordinator.

- 5.02 **Kent County Council Flood and Water Management:** Request that additional evidence is provided proving that infiltration is not viable. The applicant should establish the existing means of surface water disposal and carry out further investigation to pursue the possibility of using infiltration techniques.
- 5.03 **Kent County Council Archaeology:** Consider that although the site has been subject to major groundworks in the past there is still the potential for archaeological remains to be found, given finds encountered in watching briefs when adjoining development was carried out, and WWII structures and sites of interest. A condition is therefore recommended that would secure a programme of archaeological work to be agreed before any works take place.
- 5.04 **Kent County Council Ecology:** Agree with the conclusions of the submitted information that there is no requirement of additional species-specific surveys to be undertaken, and that sufficient ecological information has been submitted to determine the application. An informative relating to site clearance works taking place outside the bird breeding season, and a condition requiring bird and bat boxes to enhance biodiversity further are recommended.
- 5.05 **Kent County Council Economic Development:** The list of contributions sought by Kent County Council to offset the provision of additional demand for KCC provided services arising from the development is as follows:
- **Primary Education:** £154,224.00 Towards the new North Maidstone Primary School
 - **Secondary Education:** £139,944.00 Improvements at Maplesden Noakes School
 - **Community Learning:** £4972.84 Towards St Faiths Adult Education Centre Jewellery Studio accessibility improvements
 - **Youth Service:** £1374.61 Towards additional equipment for the Maidstone Youth Service
 - **Libraries:** £7778.56 Towards Kent History & Library Centre additional equipment
 - **Social Services:** £8728.56 Towards Trinity Foyer Sensory Garden, Maidstone

(Officer Note - Members should note that since these comments were submitted, the Council's CIL regime has come into force and all of the matters listed above would be considered through the CIL process.)

- 5.06 **Environment Agency:** No objections, subject to conditions relating to the submission of a contamination remediation strategy and subsequent verification report, no infiltration of surface water into the ground except as approved by the LPA, no use of piling or penetrative foundations except as approved by the LPA due to the potential risk of contaminants affecting controlled waters and groundwater. Several informatives are also suggested relating to drainage, soakaways and piling and disposal of construction waste.
- 5.07 **Southern Water:** Request that a condition requiring details of disposal of foul water to be submitted and approved prior to commencement of the development should be imposed on any consent that is granted. They have, however, confirmed that there is an available public surface water sewer in the vicinity of the site, and that a formal application for connection should be made by the developer. Nevertheless, they have requested that details of both foul and surface water disposal are secured by means of an appropriate condition.
- 5.08 **Kent Constabulary: Crime Prevention Design Officer:** Is concerned that the applicants have made no reference to crime prevention in the Design and Access statement, and that furthermore the applicant/agent have made no contact to discuss this issue or Secure by Design generally.
- 5.09 **Kent Constabulary Developer Contributions:** Consider that the development will give rise to a need for 5 additional Police Constables and the necessary supporting infrastructure. They have requested a sum of £1,110,470 to meet this additional need.
- 5.10 **MBC Landscape Officer:** Confirms that the Arboricultural Impact Assessment (AIA) produced by the applicant's consultant is considered to be acceptable. The arboricultural and landscape principles are sound and therefore there are no objections that can be raised, subject to landscape conditions and a condition requiring compliance with the AIA.
- 5.11 **MBC Conservation Officer:** Considered that the existing Library building should be retained and included within a revised scheme, given the quality of the building.
- 5.12 **MBC Parks and Open Spaces:** Advise that there is a deficit of some 3.05ha of open space when compared to the total of 3.22ha required pursuant to adopted policy DM19 of the Local Plan. A contribution of £239,760 (£1480/unit x 162) taking into account the provision that is made on-site for use to improve Whatmans Park (improve footpaths and accessibility on the east side of the park connecting with Springfield Mill via footbridges, improve treetop walk), Moncktons Lane/Foxglove Rise (improve accessibility to natural open space including work on towpath and footways) and the Chillington Street Open Space (fencing, benches and improvements to footpaths).
(Officer Note – as the number of residential units has increased from 162 to 170, the above required contribution would need to be increased commensurately).

- 5.13 **Mid-Kent Environmental Health:** No objections are raised, subject to several conditions/informatives. In reaching this conclusions, the team assessed noise, air quality and land contamination.

Noise: Trickle vents do not allow residents to access purge ventilation or cooling without exposure to high noise levels, they should have the option to use a suitable mechanical ventilation system. Balcony design should be developed in the light of guidance in ProPG.

Air Quality: The Methodology in the Air Quality Assessment is accepted. The site is a suitable location for new sensitive development, as the properties are well below the air quality objectives.

A construction environmental management plan should be submitted prior to the start of the development to control dust emissions.

In terms of the Emissions Mitigation assessment, further details are required, as the input data used for the basis of calculating damage cost has not been supplied and therefore the identified mitigation measures required to offset emissions from the scheme will be lower than required if the correct base-point was used.

Land Contamination: Whilst not objecting to the submitted report and conclusions that the number of boreholes and samples is small compared with the site and would not seem sufficient to fully characterise ground conditions and only one round of gas monitoring has been completed which is low.

Suggested conditions:

- 1: Contamination assessment and remediation scheme and closure report.
- 2: Limiting noise from plant and equipment at the site.
- 3: A scheme ensuring internal noise levels and externally in garden/amenity areas conform to BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.
- 4: Calculation of pollutant emissions costs form the vehicular traffic generated by the development.
- 5: 1 electric vehicle rapid charging point/10 units.
- 6: Submission and approval of a Construction Practice and Management Plan.

- 5.14 **NHS West Kent CCG:** Have requested a contribution of £117,648 to assist in the mitigation of the additional impact on existing health care provision in the area arising from the development. The contribution received would be invested to improve facilities at the Brewer Street practice.

(Officer Note - Members should note that since these comments were submitted, the Council's CIL regime has come into force and all of the matters listed above would be considered through the CIL process.)

6.0 APPRAISAL

Principle of Development

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is a core principle of Government policy that the planning system must be plan-led. The MBLP 2017 is the principal Development Plan Document for the District. It is up-to-date and must be afforded significant weight.
- 6.02 The National Planning Policy Framework (NPPF) provides the national policy context for the proposed development and is a material consideration in the determination of the application. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this again means approving development that accords with the development plan. Members should note that the NPPF also states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. It states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
- 6.03 In addition, it should be noted that despite the NPPF's presumption in favour of sustainable development and the emphasis upon the use of brownfield land, it also states that *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities "* It is therefore clear that good design is an essential requirement of any scheme that seeks to deliver sustainable development.
- 6.04 Policy SS1 of the Local Plan sets out the broad sustainable development strategy for the District and states that the Maidstone urban area will be the principle focus for development, with the best use made of available sites. It also states that the town centre will be the focus for regeneration. The site does not lie within the defined town centre boundary. Policy SP1 provides further guidance for the urban area. In seeking to promote the area as a good place to live, it requires inter alia that development should contribute positively to a locality's distinctive character.
- 6.05 Members should note that Policy SP1 seeks to respect and deliver the 'Spatial Vision' set out in the Local Plan. The Spatial Vision states that sustainable growth should be delivered alongside:
- protection of the Borough's built assets
 - creating an enhanced and exceptional urban environment
 - enhancement of heritage assets
 - securing high quality sustainable design and construction
 - ensuring that development is of a high quality design and makes a positive contribution to the area.
- 6.06 The site does not form part of a site allocation, nor is it part of the broad location for housing growth in the town centre as defined under Policy H2(1). As such it is not required in order to deliver identified Local Plan growth targets for this area of the Borough. Members should note that whilst the adjacent site allocation promotes higher densities, this reflected that site's greater footprint and closer adjacency to the town centre boundary. Members should also note that the

adjacent site allocation H1(11) suggested densities of circa 180 dph, compared to the current application's 293 dph.

6.07 Nevertheless, the site comprises previously developed land within the defined urban area of Maidstone. As such, the principle of residential development is acceptable and in general accordance with the provisions of the Development Plan and the NPPF, but is also subject to the wider consideration of the scheme against the development plan as a whole, including those objectives set out above which include the quality of the built environment. The ability of the application to address these wider requirements is assessed below.

6.08 One such consideration is density. Policy DM5, which supports the development of brownfield land states: *"If the proposal is for residential development, the density of new housing proposals reflects the character and appearance of individual localities, and is consistent with policy DM12 unless there are justifiable planning reasons for a change in density."*

6.09 The supporting text to Policy DM5 also lists further considerations that will inform as to the acceptability of brownfield development, including:

- The level of harm to the character and appearance of an area;
- The impact of proposals on the landscape and environment;
- Any positive impacts on residential amenity;
- What sustainable travel modes are available or could reasonably be provided;
- What traffic the present or past use has generated; and
- The number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives.

6.10 As the assessment below demonstrates, the proposed development is considered to fail when considered against a number of these key principles.

Design and Visual Impact

6.11 Both the NPPF and Local Plan emphasise that good quality design is central to the successful delivery of sustainable growth. In particular the NPPF make clear it's expectations in respect of design quality:

"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

It further emphasises that in taking planning decisions the Council should, for example, ensure that development:

- a) will function well and add to the overall quality of the area;
- b) is visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) is sympathetic to local character and history, including the surrounding built environment and landscape setting;

- d) establishes a strong sense of place and creates attractive places to live;
- e) in optimising the potential of any site to accommodate development should provide an appropriate scale and mix of development and include necessary green and other public space.

6.12 In particular the NPPF emphasises that:

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

6.13 The Local Plan is entirely consistent with the NPPF. It's Spatial Vision / Objectives, together with Policies SP1 and SP18 emphasise that sustainable growth should be delivered alongside protection of the built environment and heritage assets.

6.14 The Local Plan sets out clear expectations in respect of design quality, stating that "Proposals which fail to take opportunities to secure high quality design will be resisted". Policy DM1 sets out a number of design-led tests including:

- the need to respond to local character, including scale, mass and bulk,
- the creation of high quality public realm
- the need to respect the amenity of neighbours
- delivering high quality design which responds to townscape and heritage settings

6.15 The application site was not identified for development within the adopted Local Plan given that there was an acceptable scheme previously approved (114 units). However, the sites to the south (both Redrow and Weston Homes) are the subject of a single Local Plan allocation namely policy H1(11).

6.16 There is much design guidance on 'tall' buildings and of note is Historic England's 'Tall Buildings' (Historic England Advice Note 4 December 2015) and 'Guidance on tall buildings' (2007) by English Heritage and CABI. Both documents are similar with inter alia design principles set out. They acknowledge that tall buildings in the right place, which are well designed, can make a positive contribution to the townscape; however, tall buildings which are not in the right place and not of appropriate design quality, by virtue of their size and widespread visibility, can seriously harm the quality of the townscape. Whilst it is accepted that a tower block of considerable scale and mass is being constructed adjacent, this represents simply part of the immediate context, whereas it is necessary to consider a proposed building of this significant scale within a much wider context. Further, the existing library building whilst 'tall' in height is of a much lesser scale and mass than the application proposal.

6.17 Whilst there are no local 'tall building' policies, basic contextual design principles can be employed. For example, in the early part of this century riverside developments were permitted and built out but these clearly respected the wider skyline using the topography of being alongside the river Medway to reduce their prominence. Secondly, there are arguments in favour of locating 'tall buildings' next to transport hubs so that public transport opportunities are maximised and

such schemes lend themselves more to mixed uses. However, the proposal does not benefit from neither an appropriate topographical context nor a transport hub.

- 6.18 The design statements supporting the planning application appear to principally rely upon a gateway relationship with the Weston Homes scheme, however, as stated this simply represents part of the immediate context only. The adjoining Weston Homes scheme forms part of a site allocation H1(11) where higher density development was envisaged. Clearly, higher densities (especially when measured in terms of residential units per hectare as opposed to rooms per hectare) can be achieved in many forms such as terracing or a combination of built forms as with the Redrow development at Springfield Mill which is considered to be sympathetic to both the immediate and moreover wider context. The application site does not form part of the site allocation; it is a transitional site that sits between the site allocation and the suburban area to the north. Its immediate context and setting includes relatively low rise residential buildings and a sensitive heritage asset. It is considered that the scale and density of development proposed development fails to have regard to and respect this wider context.
- 6.19 The site retains one remnant of the previous library complex in the form of a structure that equates to circa 12-13 storeys in height. This again is a strong element in the immediate context but clearly less so in the wider context but, moreover, it is of a significantly lesser scale and mass than that proposed and if the applicant had employed a 'tall and elegant' design philosophy then this may have been more acceptable. Similarly, the illustrative scheme approved as per the outline permission is clearly acceptable as it was successfully demonstrated that a scheme of a certain mass and scale and density was appropriate. Both of these alternatives would result in less residential units and the subsequent associated impacts would also be lesser.
- 6.20 The density of the scheme is very high at almost 300 dph. As the site is not identified for development in the Local Plan there is obviously no stated density (as opposed to site allocations). The proposed high densities are considered to be out of context with the site's wider setting. Rather than take a reference from the neighbouring Weston scheme, it is considered that the scale and density of development should be an output of more contextual and qualitative considerations such as:

Locational suitability / sustainability: for example, does the site have access to services and transport of a quality that supports the density of the scheme? Whilst the site is on an approach to the town centre, services and amenities within the immediate vicinity are limited. The group of buildings within which the site sits offer limited amenities, with only a small level of community space planned in the Weston Homes building and no retail, service or leisure facilities. This suggests that very high densities cannot be supported.

Environmental setting and impacts: The site has a complex relationship with the wider townscape and impacts upon not only the surrounding streetscape, but also longer distance views into and out of the town. There is no justification within the MBLP for such a significant intervention in terms of scale and height.

Does the scale and density facilitate innovative high quality design: This consideration is central to Officers concerns, in that whilst the materiality of the scheme has improved, the simplicity that has come from the most recent design review has not served to elevate the quality of the scheme to a level necessary to justify the height and density proposed.

Quality of amenity: A key consideration is the quality of accommodation that is offered to future occupiers. The high density of development proposed is supported by limited amenity space and challenges to public realm associated with the dominance of parking provision and refuse arrangements, which do not enhance the setting of the building.

Does the building engage with / enhance the public realm: The most recent amendments have led to parking provision bleeding out from beneath the building onto the limited area of public realm to the west, which renders this area no more than effectively a parking and drop-off area. The area between the site and the offices / residential to the west requires enhancement in order to provide the building with a positive setting, but this is not achieved. On the eastern frontage, the building footprint is designed to minimise tree loss. Whilst this is welcomed, it suggests that the footprint and resulting open space is responsive to this particular constraint rather than an integral element of the overall design approach to create a positive engagement with the ground level and public realm.

A challenge for this scheme is that due to the small site footprint there is limited setting around it, no useable public realm and no engaging connection between the building and the ground.

- 6.21 A further expectation of higher density developments is that they secure a mix of uses and contribute to delivering a wider sustainable neighbourhood. Together with the adjoining site there will be circa 650 new households within the two emerging developments, which will add to the significant number of existing properties in Bambridge Court and Radnor Close. The building is solely residential in use, the previous community use having been removed for viability reasons. It is not considered that a community of this scale density should have to rely solely on modest proximity to the town centre. It is not considered that the proposal contributes towards creating a sustainable community.
- 6.22 In order for tall buildings to be successful, they must be of the highest quality. It is not considered that the design of this building meets this test. Whilst the building form has evolved through discussions and the simpler form now proposed improves upon the previous designs, the resulting form is not considered to be of such exceptional quality that a building of this scale can be justified. The lack of quality in the design is reinforced by the scheme's failure to recognise and respond to its wider sensitive setting and context and the building is considered to be incongruous and harmful to the immediate townscape.
- 6.23 It is therefore considered that the proposed building fails to respond to a number of key design-led expectations that would be necessary in order to justify a development of this scale, including:
- architectural quality / design credibility

- contextually driven scale, form and massing
- successful public realm / place-making
- a high quality of amenity for future residents and neighbours
- impact on the local environment
- respect of heritage assets and their setting

6.24 In addition to immediate impacts, a development of this scale also has the potential to impact upon the wider setting of an area. Key consideration will include, for example, the topography of a site and the impact of a building upon the skyline and wider townscape / landscape panorama. As identified above, the application site sits on rising ground, within the context of views into and out of the town centre and its wider rural setting. The visual relationship between the town and the surrounding landscape is an important planning consideration.

6.25 The application is accompanied by a townscape impact assessment which assesses the visual impact of the development from a number of viewpoints. Officers consider that this assessment underplays the visual impact of the development, including potential cumulative impacts with other development. It is considered that the proposals represent an incongruous form of development that would be visible not only in immediate views, but also in medium distance views (such as the western side of the Maidstone river valley) and long distance views (such as the south facing base and scarp of the Kent Downs). There would be cumulative inter-visibility between the proposed development and the under construction tower block to the south, adding significantly to the massing effect and therefore accentuating the incongruity.

6.26 In conclusion, it is considered that the site is in a prominent location on rising land east of the banks of the river Medway and would be of a very significant scale and mass. It will be incongruous with both the skyline of the townscape and the crest of the North Downs escarpment when viewed from the west of the river Medway, in particular roads which have a west east axis such as Queens Road and in longer distance views from the scarp slope of the North Downs whereby the development would be seen against the northern townscape of Maidstone. This incongruity is accentuated by the proximity of the Weston Homes tower block under construction which is of a considerable mass and can be clearly seen in its wider context and demonstrates that this scale of development struggles to be integrated into the townscape.

Residential Amenity

6.27 The potential impact of the development on the amenities of the occupiers of adjoining properties is a key planning consideration and an essential element of defining acceptable design. Such impacts may include sunlight and daylight, noise, privacy and overlooking and the general scale and physical relationship of new development to its neighbours. As identified in the NPPF, it is also relevant to consider the amenities of future occupiers of the proposed dwellings.

6.28 At paragraph 127(f) the NPPF confirms that developments should ensure “high standard of amenity for existing and future users. Policy DM1 (iv) of the MBLP reinforces this requirement”.

6.29 Concerns have been raised by nearby residents about the scale and density of the development, the impacts upon privacy and loss of daylight and sunlight. Each of these considerations are assessed below:

Daylight / Sunlight

6.30 Daylight and sunlight tests were undertaken by the applicant in accordance with the Building Research Establishment (BRE) guidance ‘Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice’, Second Edition, 2011. This exercise assessed nearby dwellings at 1-33 Radnor Close and 1-27 Bambridge Court and no.5 Springfield Avenue and the not yet occupied Weston Homes tower.

6.31 In terms of daylighting, three potential tests are set out in the BRE guidance, a Vertical Sky Component (VSC) test, a No Sky Line/Daylight Distribution (NSL) test and thirdly, an Average Daylight Factor (ADF) test. The latter is undertaken if the first two provide inconclusive results and is more detailed. In addition, as there are potential limitations in the first two tests the more detailed Average Daylight Factor (ADF) test can be used as an additional method, to provide a more quantitative assessment.

6.32 In this case, the residential tower at Springfield Park and no 5 Springfield Avenue fully complied with the VSC and NSL tests, so the additional test was not necessary. The ADF test was however required to be undertaken in respect of some windows within 127 Bambridge Court, and some within 6-33 Radnor Close. The ADF method, which calculates the average illuminance within a room, is the most detailed of the daylight calculations and considers the physical nature of the room behind the window. In this situation, the application of the ADF test is important as it allows the actual glazing area, room area and room layout to be taken into account within the calculation. The ADF test takes into account the size and number of windows serving each room, and therefore allows a more quantitative assessment to be undertaken.

6.33 The ADF results show that all the habitable rooms of the properties tested for ADF are fully compliant with the target values recommended by the BRE Guidelines. Only one bedroom at Nos. 6-15 Radnor Close fell marginally short of the recommended target value. In conclusion, the Applicant’s report advises that the occupants of these properties are unlikely to notice the degree of changes in internal light levels in the ‘post’ development scenario and therefore advises that the habitable rooms of the affected properties will retain acceptable levels of daylight, in accordance with the BRE Guidelines.

6.34 In terms of sunlight testing, the BRE Guidelines use the Annual Probable Sunlight Hours (APSH) test which has three elements. For the assessment to conclude that the sun light experienced by the existing dwelling could be adversely affected, all three of the following tests need to have been failed.

Test A - Does the window receive less than 25% of the APSH, or less than 5% the APSH between 21st September and 21st March?

Test B - Does the assessed window receive less than 0.8 times its former sunlight hours during either the 'whole year' or 'winter' period?

Test C - Is the reduction in sunlight received over the whole of the year greater than 4% of the APSH?

The same properties were assessed as for the daylight tests, including 5 Springfield Avenue and the Springfield Park tower. The tower was subsequently not measured as all potentially affected windows are within 90° of due north.

- 6.35 The Applicant's study advises that all windows and rooms in the remaining assessed properties passed at least two of the three sunlight tests.
- 6.36 In summary, the development proposals have been appraised in line with the guidelines set out in the BRE document. When assessed against these criteria for establishing whether the proposed development will have a significant impact, it is concluded that the development will not result in a notable reduction in the amount of either daylight or sunlight enjoyed by the neighbouring buildings, to the point where an objection on these grounds is warranted or sustainable.

Other potential impacts affecting the amenity of neighbouring residents

- 6.37 Development has the potential to impact upon the amenity neighbours by virtue of its relative scale, for example, development can appear unduly overbearing by virtue of its proximity and scale (both height and massing). Section 1 of this report describes the scale of surrounding developments, which to the west and north comprise residential properties of between 2 and 4 storeys in height. That description also identifies that there is limited public realm surrounding neighbouring developments and that neighbouring residential sites sit on lower ground.
- 6.38 As identified above, the limited developable footprint available on the application site limits the ability to move the proposed footprint away from neighbouring dwellings, with the resulting building positioned on the northern boundary adjacent to Radnor Close and towards the western boundary. The Applicant states that this is principally in order to maximise the retention of existing mature trees.
- 6.39 The proposed development seeks to manage the impact of massing principally through two design responses, firstly the 'zig zag' footprint, albeit that this is again primarily driven by the relationship to existing trees; and secondly, the variation in height of the proposed built elements.
- 6.40 In assessing these relationships, it is important to understand the relative scale of existing and proposed buildings. The application proposal ranges in height between 6 and 16 storeys, whilst existing and occupied residential neighbours vary between 2 and 4 storeys. In addition the application site is sited higher than both neighbouring plots.

- 6.41 The occupiers of Radnor Close in particular, will see a major change in impact in terms of their aspect given the close proximity of the new development to the site's northern boundary, its significantly greater scale and the differences in land levels. The change in site levels between the site and Radnor Close is circa 2 to 2.5m (almost one storey). This is marked by an abrupt retaining wall and there is no effective existing or proposed vegetation between the two sites.
- 6.42 In contrast to the 2 and 3 storey heights of Radnor Close, the proposal, which is sited immediately adjacent to the boundary will rise to six storeys, plus the additional impact of the higher ground levels. Due to the constraint of the existing trees, the proposed building fails to respect any existing building lines and its massing steps forward of Radnor Close, further emphasising its overall massing. When viewed from Radnor Close it is considered that the proposed development will appear excessively overbearing and out of context.
- 6.43 The retention of mature trees is not considered to be an appropriate justification for this degree of harm to residential amenity as, for example, the location, height and massing of the development could have been considered in a manner that satisfactorily addressed both constraints.
- 6.44 In respect of Bambridge Court, the degree of separation from the proposed development varies due to the zig zag nature of the footprint. The degree of separation is such that direct overlooking between windows should not result in a loss of privacy. However, despite the building spacing exceeding best practice guidelines for traditional low rise housing, the proposed development will contrast in scale dramatically with that of Bambridge Court. In contrast to the twoer under construction, which is sited away from residential neighbours, the proposed building will be up to 12 storeys taller than Bambridge Court and will appear oppressive in the context of its neighbour. There will be no meaningful landscaping on the application site to mitigate any impacts.
- 6.45 It is therefore considered that the proposed development has failed to adequately consider or mitigate the impact upon the amenity of neighbouring residents of and is contrary to the objectives of the NPPF and policies DM1 and 5 of the MBLP.

Highways and Sustainable Travel

- 6.46 Kent County Council as the highway authority raised no objections to the original application. In reaching this decision in terms of impact on the network, KCC Highways assessed the potential traffic generation from the proposed development against existing and committed development on the wider Springfield campus and concluded that the development would not substantially increase the cumulative impact on the local network to a level that requires additional mitigation. However, this assessment was based upon a compared to that which would otherwise have arisen if an earlier permitted scheme on the site had been implemented. However, Members should note that the previous permission has lapsed and is no longer a fallback. Officers have therefore requested that KCC consider whether their advice still stands and it is intended that a verbal update will be provided to Members.

6.47 A number of the objections received relate to a perceived lack of parking provision within the scheme. A number of complaints have been received during the construction period of the adjacent site relating to the impact of displaced parking from the construction site. A characteristic of the area is the limited capacity for on-street parking within the vicinity of the site. Both the established residential schemes and the emerging Weston Homes development (60%) provide levels of parking that are below the upper limits set out in parking standards and this has and will result in increased pressures for parking. The application scheme, at 50% of the upper standard is considered likely to exacerbate these existing / emerging parking pressures.

6.48 The site is classed by KCC as an edge of centre site for the purposes of IGN3 and where maximum provision on a non-allocated basis, such as proposed here, is recommended at 1 space/unit. However, in considering what may be an acceptable level of parking, regard must be had not only to existing conditions, but also the character and location of the development.

6.49 The application asserts that:

- Royal Engineers Road is served by Arriva bus services 155 (hourly service) and 101 (12min daytime frequency) to and from the Town Centre past the site. Service 150 provided by Nu Venture is a two-hourly service between Maidstone and Walderslade and Lordswood that also passes the site. It is also possible to travel directly to and from Kings Hill/West Malling Station on Arriva service X1 (via the M20) which stops at Maidstone East to/from the Town Centre which is an hourly service.
- Bus stops are sited either side of Royal Engineers Road adjacent to the campus access road, and a footbridge over the A229 enables safe pedestrian access over the highway to the Maidstone-bound services, as well as the footpath along Sandling Road towards Maidstone East and the Town Centre.
- Maidstone East Railway Station, within the defined Town Centre Boundary in the adopted Local Plan, is located approximately 850m (11 Minute walk) south of the site.
- The site has direct access to National Cycle Route 17, which runs between Rochester and Ashford. Access to the Aylesford/Barming cycle path along the River Medway is available within 600-700m of the site via Moncktons Lane and Kerry Hill Way. This is also a pedestrian route.

6.49 Despite these options, a development of this character would appeal to a range of households, with a mix of 1, 2 and 3 bedroom units. This will include families, couples and older households who enjoy not only proximity to the town centre, but also the easy access to the strategic road network. Notwithstanding the site's proximity to the town centre and the availability of bus routes, this is not a town centre site and the distances and routes involved, with gradients and traffic dominated conditions are not considered to be likely to encourage high levels of pedestrian movement.

6.50 The applicant has not submitted any evidence to suggest that car ownership and usage levels would be meaningfully below averages for the area

- 6.51 The applicants are seeking to improve the accessibility into and from the site through minor works to existing pedestrian and cycle crossing facilities in the area and to bus stops on Royal Engineers Road and Chatham Road are proposed. This will improve access to and from the development by sustainable modes of transport, and assist in terms of improving pedestrian and cycle safety. These works can appropriately be secured through a s278 agreement with the highway authority.
- 6.52 A framework Travel Plan has been provided as part of the application that has a preliminary target of reducing car use by 6% from the 2011 Census Travel to Work baseline over a five-year period by a number of targeted measures overseen by a Travel Plan coordinator. However, having regard to the above assessment Officers do not consider that this would ensure that car ownership and useage would be compatible with the low level of parking proposed within the development.

Landscaping, Open Space and Ecology

Landscaping

- 6.53 The development footprint is principally defined by the objective of retaining a significant proportion of the existing (protected) trees on the site, in particular, the retention of the existing Wellingtonia trees that front the access road and which provide framing for the northern side of the main pedestrian and vehicular access to the Springfield campus. This approach aids the assimilation of the development into the immediate streetscape on the eastern elevation. However, it does little to manage longer distance views of the site.
- 6.54 The Landscape Officer has assessed the proposals and confirms that the arboricultural principles are sound and therefore raises no objection subject to a condition requiring compliance with the Arboricultural Impact Assessment.
- 6.55 However, the western elevation, of the scheme is a significant contrast. As identified in Section 1 above, the existing quality of the public realm is very poor and in accordance with Policy DM5, any development of the site should seek to enhance the setting of the site. The weakness of the application's public realm strategy on the western part of the site was identified by the Design South East Panel as an area that should be addressed. However, rather than responding to this in a positive manner, the cost-engineering approach of the most recent scheme amendments has resulted in this already unacceptable area becoming increasingly dominated by car parking, hard surfacing and facilities such as waste storage.
- 6.56 As a result, this key element of the development contains no more than two narrow planting beds, which offer no positive contribution to the design of the scheme or it's setting. Having regard to the scale and density of the development, the failure to deliver an acceptable setting and area of public realm is considered to be a further significant weakness in the overall design concept and

Open Space

- 6.57 The NPPF advises that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions". It is an established principle of good design and in particular for higher density development, that a high quality public realm is provided, not only to enhance the setting of a development, but to also enhance the quality of life of occupiers through the provision of, for example, amenity open space, playspace and an enhanced setting for more intense uses of land. Policy DM3 requires that publicly accessible open space is incorporated as an integral part of any development whilst DM19 defines the levels of open space that may be required.
- 6.58 As identified above, this site lies within an area where there is limited existing public open space within the immediate vicinity and where the existing public realm is very poor. Despite this, the public realm and open space proposed as part of the development is extremely limited. To the west and south, the environment is defined by the busy A229, a heavily trafficked road where noise levels and a sense of traffic pollution would discourage the use of the open space beneath the retained trees. It is considered that this edge of the development offers little or no recreational or amenity value for the majority for the occupiers of the scheme.
- 6.59 The western edge of the scheme is dedicated to access and parking and again offers no amenity opportunity for residents. The scheme does propose a rooftop amenity area, the size of which has been significantly reduced in order to reduce the costs of the scheme. Whilst this element of the scheme is seen as a positive contribution in itself, the significant reduction in communal rooftop amenity space is a regrettable change in the development.
- 6.60 Whilst the standards set in DM19 have to be considered on a site by site basis, particularly in relation to sites within the urban area, they nevertheless identify the amount and character of open space that may be necessary to support a development. When originally submitted, the 162 unit provided 0.175 ha of open space, compared to a requirement of 3.22. The Applicant has not provided updated figures following the scheme amendments, but with an increase to 170 units and a net reduction in amenity areas, this deficit will have only increased further.
- 6.61 Policy DM19 allows for consideration to be given to the provision of off-site open space and this figure is £251,600. However, the provision of off-site open space contributions is only permitted where, for example, the open space cannot be accommodated on site due to the housing delivery expectations on allocated sites. The development does not meet this test and whilst the development of brownfield sites is to be welcomed, the scale of development proposed is not necessary to meet the Council's housing targets. As such, there is no competing policy objective that in itself justifies this development facilitating inadequate open space.
- 6.62 The site is located within an area that has an existing deficit of open space and poor public realm. The scale and density of development will serve to further exacerbate rather than address such conditions. The A229 severs the site from the area to the east, whilst there is no direct access to the river. Non-roadside routes to amenity areas are not available within the immediate vicinity.

- 6.63 Whilst the Council's parks team has identified schemes to which a contribution could be directed, it is not considered that these would address the site specific failures of the scheme, nor would they address the wider design deficiencies identified above. As such, it is considered that the development fails to provide an adequate level of amenity for the future users of the scheme which could not be overcome through a commuted payment to off-site open space. Further, the development fails to respond to the requirement to enhance the public realm and is therefore contrary to policies DM1, DM13 and DM19 of the MBLP 2017.

Ecology

- 6.64 The KCC ecology teams have considered the submitted information and have confirmed that they agree there is no requirement for specific protected species surveys to be undertaken. They have requested that additional bird and bat boxes are provided in order to further enhance biodiversity. These are measures that can be secured by means of an appropriate condition. However, having regard to the scale of the development, such measures are considered to be likely to have a limited impact upon biodiversity enhancement.
- 6.65 Whilst no objections are raised to the proposals on the basis of their impact upon existing ecology, it is considered that the development fails to offer a material level of biodiversity enhancement and therefore fails to respond to Policy DM3.

Heritage Impact

- 6.66 The site lies adjacent to the Grade II listed Springfield Mansion. Having regard to its visual impact, it is also has the potential to affect the setting of wider heritage assets. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.67 The National Planning Policy Framework indicates that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The National Planning Policy Framework defines the setting of a heritage asset as the surroundings in which it is experienced.
- 6.68 A Heritage Impact Assessment (HIA) accompanies the application, which assesses the proposals in the context of the adjacent designated heritage asset Springfield Mansion (Grade II), as well as the existing and committed development. This report assesses that the overall setting of Springfield Mansion has been compromised over the years including by the former KCC library complex and more recent changes such as the construction of Bambridge Court most recently the Weston Homes development. In the context of this existing setting, the applicant concludes that the impact of the application will be neutral.
- 6.69 The NPPF requires the local planning authority, when assessing this application to 'identify and assess the particular significance of any heritage asset that may be affected by the proposal. Officers accept that the original setting of the listed

building has changed over the years, particularly with the increasing scale of built development that has taken place surrounding the mansion. The construction of the original KCC library complex was a significant element of this process of change, although it could be argued that the clearance of much of the application site has served to partly address the impact of built development on the application site in enclosing the Mansion.

6.70 Whilst past impacts and the retention of the library tower must be recognised, the proposed development will introduce a significant scale of development within the immediate setting of the development, that is of a form alien to the character of the Mansion. By virtue of its proximity and scale, the development will also result in a significant degree of visual enclosure and encroachment upon the Mansion. As such, Officers consider that there is a level of harm arising that is 'less than substantial'

6.71 The NPPF requires that when considering the impact of a proposal on a heritage asset, the Council should consider whether the development has sought to minimise any impacts through its design. Whilst the application refers to the importance of addressing constraints such as existing trees and, for example, reduces its height closer to residential neighbours, there is no evidence that the setting of the listed building has informed the design process. This is evidenced by the fact that, for example:

- the tallest elements of the development sit directly in front of the listed building,
- by seeking to avoid trees the tower element sits closer to the listed building
- the development fails to address / exacerbates the poor quality of the public realm between it and the Mansion.

Officers are not convinced that the applicant has demonstrated that the massing of the development and its overall height has been informed by the adjacency and setting of the listed building. Height cues appear to be taken from the Weston tower to the south, rather than being informed by an assessment of how the harm to the setting of the listed building could be minimised through, say a reduction in height and massing.

6.72 Paragraph 196 of the NPPF advises that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal ...*" This requirement is echoed by policy DM4 of the MBLP. The NPPG sets out that public benefits should be of a scale and nature that benefit the public at large. It is considered that the delivery of housing to meet local needs could be considered to be such a benefit. However, having regard to the concerns that the Council has regarding the quality of the residential development proposed and its local and wider impacts, together with the Council's healthy housing supply and trajectories; it is considered that limited weight should be afforded to the housing provision made by this scheme.

6.73 In summary it is considered that the development has failed to demonstrate that through design the impact upon the setting of the listed Springfield Mansion has been minimised and, that the development causes a degree of harm to its setting

which, in the absence of a public benefit arising from the development, means that the proposals are contrary to the NPPF and Policy DM4 of the MBLP 2017.

Drainage

- 6.74 Southern Water have confirmed that there is not currently sufficient capacity in the foul drainage network to supply the development, they have indicated therefore that the developer will have to make a formal application to connect to the system at the nearest point of available capacity. They have also advised that there is an available surface water sewer in the vicinity of the site.
- 6.75 Given that the Environment Agency have indicated that no infiltration through the ground is permitted as the site lies within a source protection zone and to prevent potential contamination paths from the previous use, and notwithstanding the comments of the KCC LLFA team, it is likely that a controlled connection to the public surface water sewer will need to be made. The draft drainage strategy indicates underground crated collection for attenuation and controlled discharge and the proposed green roofs of the development will also collect in tanks. Precise details of both foul and surface water can be secured by means of an appropriate condition.

Affordable Housing, and Infrastructure

Affordable Housing

- 6.76 The NPPF sets out that the Governments aspiration for sustainable development include creating "*strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations*". Need includes a range of housing tenures including affordable housing, which the NPPF states that it should be met on-site unless:
- off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - the agreed approach contributes to the objective of creating mixed and balanced communities.
- 6.77 Policy SP20 identifies that in this location 30% of the scheme should provide for affordable housing(20% on the neighbouring Springfield site allocation) and states that off-site provision should only be provided in exceptional circumstances and identifies an order of preference should off-site provision be proposed of:
- a) the delivery of an identified off-site scheme
 - b) the purchase of dwellings off-site
 - c) a financial contribution

Policy SP20 (6) also notes that "*Where it can be demonstrated that the affordable targets cannot be achieved due to economic viability, the tenure and mix of*

affordable housing should be examined prior to any variation in the proportion of affordable housing”.

6.78 The proposals do not include any affordable housing within the development; the applicant contending that it's viability cannot sustain such a requirement. When first submitted the application included no alternative affordable housing offer, although in parallel with amendments to the form of the proposed development, the Applicant has made an updated offer of a financial contribution towards off-site affordable housing of £600,755, which the Applicant asserts equates to 10% provision. The Applicant has not identified an alternative scheme or purchase strategy, but has simply offered the off-site sum. It is understood that the sum offered equates to 10% shared ownership properties, with the financial offer being based upon the difference in residual land value between that and a 100% market scheme (the difference in RLV being the AH financial contribution).

6.79 The NPPF provides guidance on the consideration of viability:

"Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available."

6.80 As required by the NPPF, the adopted Local Plan makes clear the type and level of affordable housing (and other contribution) that will be expected from development and this was evidenced through the viability testing of the Local Plan undertaken prior to submission and assessed at examination.

6.81 Where there is departure from the affordable policy requirements the onus is therefore on the applicant to demonstrate why the scheme is not policy compliant in terms of affordable housing. To evidence this, the applicants have indicated that they consider there are two reasons why in their view it would not be appropriate to require an affordable housing contribution.

6.82 Firstly, it is argued that affordable provision relating to the site was effectively made when the Kent Library and History Centre development at James Whatman Way was completed as this incorporated the affordable housing element for both the existing library HQ site (the permission for redevelopment thereof did not make any affordable provision) and the new Library site. The applicant's justification for this is as follows:

'In summary, under the 2009 consent no affordable housing was delivered on this specific site which was for 114 market units as the wider development to include the site at James Whatman Way was providing the replacement library together with 60 affordable dwellings alongside a 57-unit extra care proposal within the

affordable housing sector. The new development on the former library site was therefore granted without any affordable on site as this was secured on a nearby site as part of a comprehensive scheme. Accordingly, it can be argued that the necessary contribution towards affordable housing has already been secured under the terms of the 2009 approval and is therefore not justified under this new proposal as that would result in double counting of compliance.'

- 6.83 Throughout discussions on the application Officer have maintained that they do not consider that this justification carries weight. The earlier outline permission for the 114 units on the Springfield Library site has been allowed to lapse by the applicant and as such, there is no longer a fall-back position. It is therefore considered that the current application must be considered on its merit and in accordance with the development plan and should thus provide 30% affordable housing (51 units), unless in accordance with the criteria in Policy SP20, it is clearly demonstrated and evidenced that this is not economically viable.
- 6.84 As detailed above, the recent series of amendments to the application were in-part in order to address its viability. As a result, the applicant has submitted a revised viability assessment alongside a CiL / s106 offer which includes the financial payment identified above. This revised appraisal has been independently assessed on behalf of the Council by Dixon Searle Partnership.
- 6.85 Dixon Searle have examined in detail both the methodology and inputs into the applicant's viability appraisal. Such inputs have included factors such as; construction costs, sales income, professional fees and finance costs. It should be noted that the applicant has not asserted that there are any site specific conditions that would result in, for example, abnormal construction costs.
- 6.86 Following further interrogation of the viability inputs Dixon Searle's advice to the Council concludes that with the inclusion of the affordable housing contribution and the other infrastructure contributions set out below, the development would not be profitable and that the applicant is relying upon significant future growth in sales values in order to achieve profit. However, it should be made clear that the applicant's proposed affordable housing contribution is not dependant upon any future level of profitability, but would be made unconditionally. Clearly should planning permission be granted for any scheme, it would be necessary to ensure that secure mechanisms are in place to receive the payment.
- 6.87 It should also be noted that in order to balance the applicant's affordable housing offer, they propose that there would be no future review mechanism. Dixon Searle advice that on the basis that the scheme appears unviable even without any affordable housing offer, the absence of a review mechanism seems reasonable.
- 6.88 As identified above the NPPF advises that "*The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case...*". In this case, a number of considerations arise, for example:
- is the development otherwise compliant with the development plan,
 - would it contribute positively to achieving sustainable development,
 - does it cause other harm ?

As identified within this report, there are considered to be a number of significant shortcomings in respect of the scheme and specific levels of harm. The provision of a lower than policy level of affordable housing, despite being supported by the viability evidence, does not carry sufficient weight to make the scheme acceptable and it would be necessary for all other aspects of the development to be acceptable and to outweigh the affordable housing shortfall in order for any scheme to be, on balance acceptable.

6.89 As Councillors will be aware, s38(6) of the Planning & Compulsory Purchase Act 2004 directs that where regard is had to the provisions of the Development Plan decisions should be made in accordance with the Development Plan unless there are material considerations that indicate otherwise.

6.90 Without any agreed s106 planning obligations being delivered the development could be considered unacceptable in planning terms as the proposals are not policy compliant as there would be no secure affordable housing provision to meet a clearly identified need that exists in the Borough. Such a stance would be in line with the provisions of the Development Plan and the advice contained in the NPPF which advises that the weight to be given to a viability assessment is a matter for the decision maker.

Infrastructure

6.91 The Council commenced CIL (Community Infrastructure Levy) charging on 1st October and with the exception of affordable housing provision and an open space requirement (which pursuant to policy DM19 it is a policy requirement to provide a financial contribution in lieu of open space, where it cannot be provided in full, on or off site), which would be secured under any s106 agreement, the remaining infrastructure would be funded by CIL.

6.92 The revisions to the scheme and the updated viability assessment submitted by the applicant now reflect a full CIL payment being made of circa £1.3m. On this basis the scheme will comply with the infrastructure funding requirements of the Local Plan.

6.93 As detailed elsewhere in this report, the application is also accompanied by a revised offer to contribute towards off-site open space. The Council's Parks & Open Spaces Team have identified the following works:

- Whatman Park – improvements to footpaths and accessibility on eastern side of Park connecting with Springfield Mill via footbridges. Improvements to treetop walk.
- Monktons Lane / Foxglove Rise – improving accessibility to the natural open space including work on the towpath and pathways
- Chillington Street Open Space – improvements to fencing, installation of benches and footpaths to make the site more accessible and usable for local residents.

- 6.94 However, as identified within this report, such works are not considered to overcome or outweigh the site specific deficiencies of the scheme.
- 6.95 Shortly prior to the Committee report being published, the applicant proposed a financial contribution of £250,000 towards local community facility provision. This is intended to mitigate the removal of community use floorspace from the scheme and to respond to policy DM20. The sum is not attached to a particular scheme or organisation and therefore Officers consider that little weight should be attached. Should Members wish to consider the proposed contribution, it would be necessary to demonstrate that it meets the relevant CIL Regulation tests.

7 CONCLUSIONS

- 7.1 For the reasons set out above, it is considered that the development causes harm to a range of Local Plan policies. Officers have been unable to negotiate an acceptable scheme and the applicant has requested that the scheme be determined in its present form.

8 RECOMMENDATION –

PERMISSION BE REFUSED on the following grounds:

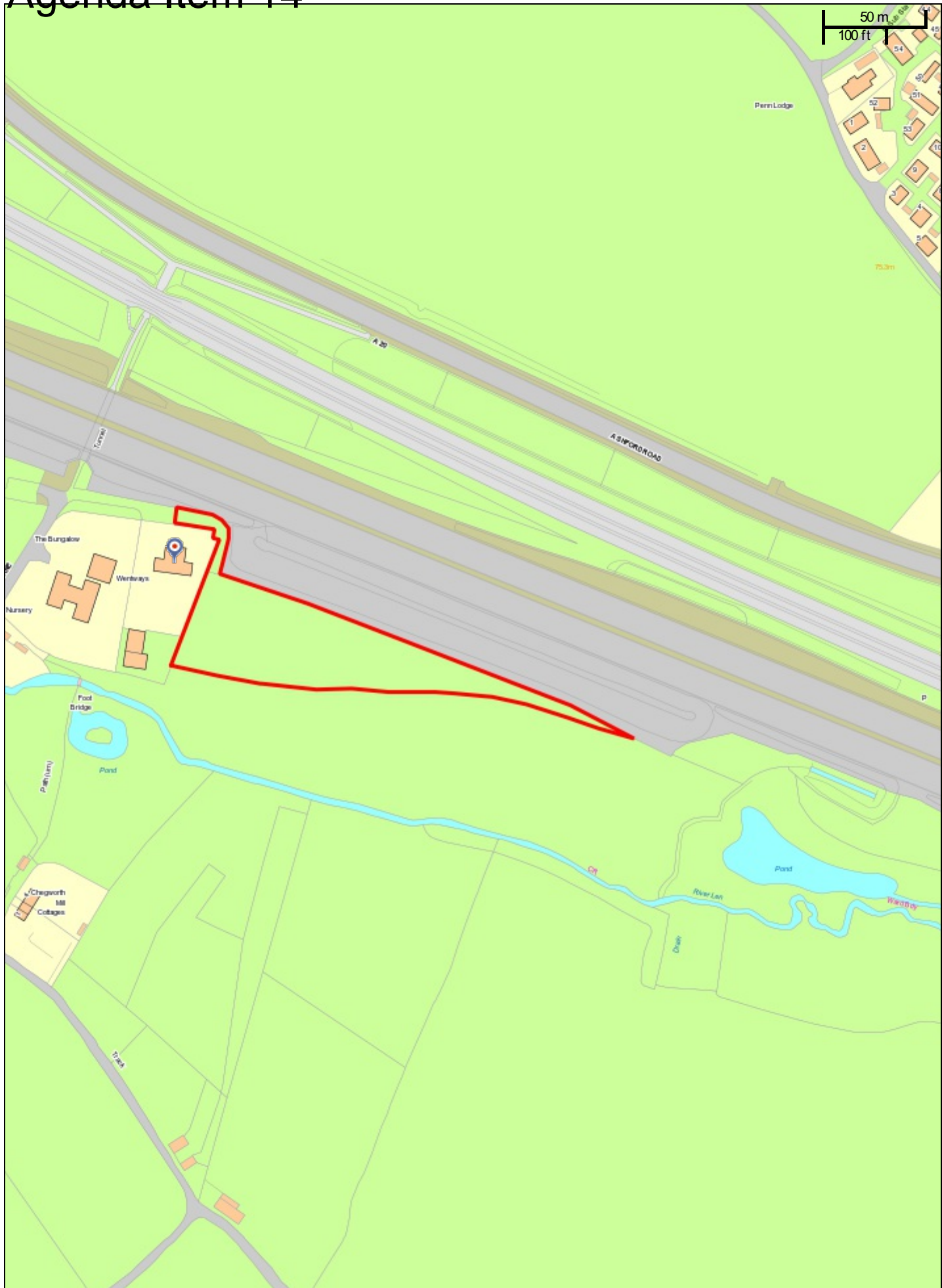
- 1) The proposed development by reason of its scale, mass and siting would be incongruous in its non-immediate and wider context. This incongruity would be visible in medium distance views (such as the western side of the Maidstone river valley) and long distance views (such as the south facing base and scarp of the Kent Downs). There would be cumulative inter-visibility between the proposed development and the under construction tower block to the south, adding significantly to the massing effect and therefore accentuating the incongruity. Both the National Planning Policy Framework and adopted Maidstone Borough Local Plan policy DM1 require good design as a minimum, but given the mass and prominence, this building fails to deliver the “very good design” standard required. It is considered that the design of the building does not have a high quality standard of architecture, does not employ any genuinely innovative sustainable design features which are integral to its design, is single use (residential), does not create any new linkages nor create or re-inforce any street patterns, creates no functional public open space, fails to enhance or engage with surrounding public realm, has a landscape scheme design based on preserving rather than significantly enhancing, and proposes a ground floor is not considered to be appropriately ‘active’ in terms of the façade treatment and function. As such the development causes an unacceptable level of harm and is contrary to the NPPF and policies SP1, SP18, DM1 and DM5 of the Maidstone Borough Local Plan 2017.
- 2) The proposal is contrary to the National Planning Policy Framework paragraphs 193-195 (as expanded upon by Planning Policy Guidance section 013) which require great weight to be given to the conservation of designated heritage assets and their setting, and for the implications of cumulative change to be considered.

Any harm to the significance of a heritage asset from development within its setting (the surroundings in which a heritage asset is experienced) should require clear and convincing justification. The proposed development by reason of the height, mass and siting of the tower element would result in harm from an overbearing impact on the setting of the principal elevation of Springfield House (Grade II listed) and also when viewed from the open River Medway to the west. The application fails to assess the impact of the development (either in isolation nor cumulatively with the under construction tower block on the land to the south) on the setting and significance of Allington Castle (Grade I) and Park House (Grade II*). Those listed buildings are both in elevated positions to the north of the application site with panoramic and historically important views towards Maidstone, which are considered to be within their settings and contribute to their significance. The application has therefore failed to demonstrate that the proposed tower element by reason of its height and mass would not result in harm to both these views and hence to their historic landscape settings. For all the heritage assets, the proposal compounds harm from the existing adjacent developments resulting in greater harm to their setting and significance, important local views and the wider historic landscape setting of Maidstone. Moreover, the development does not take the opportunity for enhancing the significance of these heritage assets as required by para 192 of the NPPF. In the absence of a public benefit arising from the development, the proposals are contrary to the NPPF and Policy SP18 and DM4 of the Maidstone Borough Local Plan 2017.

- 3) By virtue of its siting, massing and height, the proposed development is considered to represent an overbearing an unneighbourly form of development that will be harmful to the amenity of neighbouring residents, contrary to the objectives of the NPPF and Policies DM1 and DM5 of the Maidstone Borough Local Plan 2017.
- 4) Having regard to its scale and density, the proposed development fails to provide an adequate level of amenity for the future users of the scheme which could not be overcome through a commuted payment to off-site open space. Further, the development fails to respond to the requirement to enhance the public realm, is likely to adversely affect the amenity of neighbours and is therefore contrary to policies DM1, DM13 and DM19 of the Maidstone Borough Local Plan 2017.
- 5) The quantum of parking provision is significantly below the upper standard set out in Local Plan policy DM23. Evidence has shown that inadequate levels of parking are a source of on-street parking problem within the immediate vicinity. Whilst the site is situated adjacent to bus routes and, to a lesser extent, Maidstone East railway station can be reached on foot, this is not a town centre location and it is considered that the very low parking provision proposed would be significantly below the likely level of car ownership for a development of this type and location. Further, it is not considered that the travel plan measures submitted would result in an adequate reduction in car ownership and use. As such, the proposal would provide inadequate levels of parking for the occupants of the development, contribute to and exacerbate on-street parking problems and is thus contrary to Policies SP23, DM1 and DM23 of the Maidstone Borough Local Plan 2017.
- 6) Planning obligations have not been submitted or secured which comply with adopted Local Plan policy in relation to affordable housing. It is understood that the reason for this is that the scheme would be unviable with policy compliance,

however, paragraph 57 of the revised NPPF (revised February 2019) states that "The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date..." This is an unallocated site and the Local Plan was adopted in October 2017 with an assumption that policy compliant development was viable. The development is therefore contrary to the provisions of the advice in the NPPF, the National Planning Practice Guidance and Policy SP20 of the Maidstone Borough Local Plan 2017.

Agenda Item 14



REFERENCE NO - 19/500305/FULL		
APPLICATION PROPOSAL Change of use of land for the erection of 6 no. one-bedroom tourist lodges.		
ADDRESS River Wood Chegworth Lane Harrietsham Kent		
RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <p>The provision of holiday let/tourist lodge accommodation within rural locations such as this accord with Government guidance in the NPPF and adopted Local Plan policies which are supportive of the principle of holiday/tourism related development in the rural areas of the borough.</p> <p>The proposed holiday let/tourist lodge development is modest in scale, both in terms of the number and size of the units and the number of guests that could be accommodated on the site. The site is well screened from public views by existing trees, hedgerows and woodland and the new proposed planting proposed will further soften any visual impact.</p> <p>The proposal is unlikely to impact upon neighbour amenity, given the modest scale of the proposed holiday let/tourist lodge use.</p> <p>The access arrangements to and from the site are suitable for the modest scale holiday let/tourist lodge development proposed. The access arrangements within the site make provision for vehicle parking and for vehicles to turn and enter and leave the site in a forward gear.</p> <p>The proposed holiday let/tourist lodge use and the activity within the site associated with the use are unlikely to have an impact on habitats within the adjoining woodland and Local Wildlife Site. The application does also provide an opportunity to improve the Local Wildlife Site by re-introducing coppicing back into the woodland and potentially increasing the species diversity within the site. The re-introduction of coppicing into the woodland can be secured by planning condition.</p> <p>The application does not raise any overriding issues of conflict with the relevant Government guidance in the NPPF (2019) or the policies in the adopted Maidstone Borough Local Plan (2017).</p>		
REASON FOR REFERRAL TO COMMITTEE <p>Harrietsham Parish Council wish to see the planning application refused and request the application be reported to committee if officers are minded to approve.</p>		
WARD Harrietsham And Lenham	PARISH/TOWN COUNCIL Harrietsham	APPLICANT Mr J Dixon AGENT Martin Potts Associates
TARGET DECISION DATE 02/09/19 (extended target date)		PUBLICITY EXPIRY DATE 20/05/19

Relevant Planning History

No relevant planning history.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is on the eastern side and at the northern end of Chegworth Lane. The site is close to the pedestrian underpass which runs under the M20 motorway, the railway and the A20 Ashford Road, to link up with the footways along Ashford Road.
- 1.02 The roughly triangular shaped site lies to the east of a small group of residential properties at the northern end of Chegworth Lane and extends some 230m approx. along the embankment to the southern side of the M20 motorway.
- 1.03 The site is accessed in the north-western corner via an accessway off Chegworth Lane that also serves the adjoining residential property 'Wentways'. The open grassed site is bounded by woodland and the River Len to the south and forms part of a larger parcel of land which the applicant purchased from the Leeds Castle Estate in 2017. The woodland to the south is outside the red line boundary of the application site but is in the applicant's ownership (blue line on the submitted site location plan)

1.04 The site forms part of the open countryside to the west of the Harrietsham village settlement as shown on the Policies Map to the Maidstone Borough Local Plan (Adopted 2017). The site is separated from the village settlement by the M20 motorway, the A20 Ashford Road and the railway.

1.05 The site is within the Len Valley Landscape of Local Value as defined on the Policies Map to the Maidstone Borough Local Plan (Adopted 2017). The woodland area including the River Len which bounds the site to the south is designated as a Local Wildlife Site (River Len, Alder Carr to Fairbourne Mill Meadows, Harrietsham) as designated by the Maidstone Borough Local Plan. The site is within the KCC Minerals Safeguarding Area.

2. PROPOSAL

2.01 The application proposes the use of the land at the western end of the site for the stationing of six one-bedroom tourist lodges. The existing access in the north-western corner of the site off Chegworth Lane is to be continued which is along the southern edge of the embankment to the M20 motorway. The six detached tourist lodges are sited running west to east along the new access within the site.

2.02 The timber weatherboard clad one-bedroom lodges have a 8m x 5m footprint, including covered veranda to the southern side, and incorporate a shallow pitched felt roof with an overall height of 4m approx. above ground level.

2.03 The submitted plans indicate that each lodge will have a private area enclosed by hedgerows to the southern side. Six car parking spaces are to be provided off the access within the site and a vehicle turning facility is proposed at the eastern end of the accessway.

2.04 The submitted plans show the provision of new hedgerow planting to the northern, eastern and western perimeters of the western part of the site to be used for the stationing of the tourist lodges. The eastern part of the site is to remain undeveloped.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017: Policies SS1, SP17, SP21, DM1, DM3, DM8, DM23, DM30, DM37, DM38

KCC Minerals Plan

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 Three representations received from local residents and one on behalf of a local resident raising the following (summarised) issues:

- The proposed development is not in keeping with the character of the area.
- The proposed use/development of the land will result in significant disturbance to wildlife.
- Potential ecological harm is of concern.
- The use of a septic tank for foul sewage disposal could impact on the water quality of the River Len and the Great Water at Leeds Castle.
- Development of the site could lead to flooding issues downstream of the River Len.
- The restricted access is not suitable for increased vehicle activity and parking.
- Increased vehicular and pedestrian traffic will seriously affect neighbours.
- Additional traffic, car lights and traffic movements could infringe on the privacy of the neighbouring properties due to the close proximity.
- Noise disturbance could be generated from the development.
- Light and noise pollution are of concern.
- The site could be affected by noise and air quality due to the close proximity of the site to the M20.
- The need for holiday let accommodation in the area has not been demonstrated.
- The site is very boggy for most months of the year.
- Additional traffic will cause lasting effects to the fabric of the neighbouring Grade II listed property due to the close proximity of the lane.
- Trees have been cut down in the surrounding woodland.

4.02 The above matters raised by neighbours are discussed in the detailed assessment below.

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

- 5.01 Comment that they wish to see the planning application refused for the following reasons:
- Development is incongruous with the landscape and character of the area and the setting of the River Len and detrimental to the openness of the surrounding countryside.
 - Policy DM3 seeks to control pollution to protect ground and surface water where necessary and mitigate against the deterioration of water bodies and adverse impacts on Groundwater Source Protection Zones.
 - Policy DM30 outlines that proposed development outside of the settlement boundary must meet certain criteria including that proposals would not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance or the erosion of roadside verges.
 - Policy SS1 maintains that the spatial strategy is to “protect and enhance the quality and character of countryside outside the settlement hierarchy”.
 - The site is outside the defined rural service centre of Harrietsham and within the countryside and its development would harm the intrinsic character and appearance of the countryside, in conflict with Local Plan policy SS1.
 - Open countryside to the immediate south of the AONB forms a large extent of the setting for this designation and is viewed as a resource that requires conservation and enhancement where this supports the purposes of the AONB.
 - The walkover ecology report indicates that the land has ‘negligible wildlife value and has no habitats for protected species’. An audit conducted by the Kent Wildlife Trust in recent years indicated that this is unlikely to be the situation.
 - Ownership of the proposed access and other parts of the site is unclear.
 - Insufficient information has been provided regarding access to utilities and wastewater treatment. There is concern about run off and pollution of the adjacent River Len chalk stream and water cress beds.
 - No mention has been made regarding any restrictions on occupation of the holiday lets.
 - There is no reference to how footpaths are to be maintained.

Environmental Health Officer

- 5.02 No objections. No adverse comments to make.

Kent Highways

- 5.03 No objection raised.

KCC Ecological Advice Service

- 5.04 No objection with the following comments
- As the site is regularly mown/grazed grassland there is limited potential for protected/notable species to be present within that area.
 - The proposed development site is directly adjacent to the River Len Alder Carr, Harrietsham Local Wildlife Site
 - With no direct access from the development into the woodland the potential of regular disturbance from recreational pressure is minimised. Potential impacts from an increase in lighting or increase in dust during construction can be addressed through planning conditions.
 - This application provides an opportunity to improve the Local Wildlife Site by re-introducing coppicing back into the woodland and potentially increasing the species diversity into the site.
 - We recommend that if planning permission is granted a simple management plan is produced to demonstrate that coppicing of the adjacent woodland is carried out within the site every 7-10 years.

Kent Wildlife Trust

- 5.05 Object to the application on the grounds that insufficient assessment has been carried out to determine whether the development will have a negative impact on the adjacent Local Wildlife Site and the River Len.

Natural England

- 5.06 No comments to make on the application.

Campaign to Protect Rural England (CPRE)

- 5.07 Whilst CPRE is normally in favour of making the countryside more accessible and providing tourist accommodation in the borough, they object to this application on the following grounds:
- The site is on land identified in the Local Plan Policies Map as being in an area defined as "Area Excluded from Built Development" and within a "Local Wildlife Site".
 - The site is a narrow constrained strip of land lying between the River Len on the south side and the immediately adjacent combined M20, Channel Tunnel Rail Link HS2 and A20 transport routes on the north side, and is a wholly inadequate location for such a development.
 - The noise effects on potential tourist occupants from this combined very close combination of motorway, rail line and major A-road appears not to have been evaluated.

Highways England

- 5.08 Comment that due to the close proximity to the M20 Motorway it is recommended that the applicant takes appropriate action to discourage/prevent pedestrians from wandering out of the field and into the M20 Motorway boundary beyond. Further comment that it is noted that there is an intention to provide a native hedgerow along the boundary of the development field but this may prove to be insufficient in the short term until the hedge is fully mature.

Southern Water

- 5.09 Comment that the applicant is advised to consult the Environment Agency directly regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation and the owner of the premises will need to maintain the septic tank to ensure its long-term effectiveness.
- 5.10 Advise that the proposed development lies within a Source Protection Zone around one of the water supply sources as defined under the Environment Agency's Groundwater Protection Policy and the Environment Agency should be consulted to ensure the protection of the public water supply source.

Environment Agency

- 5.11 Further information requested from the applicant.

6. APPRAISAL
Main Issues

- 6.01 The key issues for consideration relate to:
- The principle of holiday let/tourist lodges in the countryside location
 - Visual impact
 - Character and appearance
 - Residential amenity
 - Access, parking and traffic
 - Ecology
 - Surface and foul water disposal

Principle of development

- 6.02 Government guidance in the National Planning Policy Framework (NPPF) (2019) states (para. 83) that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 83 advises that planning policies should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 6.03 The NPPF (paragraph 84) advises that planning decisions should recognise that sites to meet local business needs in rural areas may have to be adjacent to, or beyond existing settlements, and in locations that are not well served by public transport. The NPPF states that in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
- 6.04 Policy SP21 of the adopted Maidstone Borough Local Plan is supportive of proposals for the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location.

- 6.05 Local Plan policy DM37 sets out circumstances where planning permission will be granted for the sustainable growth and expansion of rural businesses in the rural area. These circumstances include where new buildings are an appropriate scale for the location and can be satisfactorily integrated into the local landscape. A proposal should not result in unacceptable traffic levels on nearby roads. New development should not result in an unacceptable loss in the amenity of the area, particularly with regard to the impact on nearby properties and the appearance of the development from public roads.
- 6.06 Local Plan policy DM38 states that proposals for sites for the stationing of holiday caravans and/or holiday tents outside of the defined settlement boundaries will be permitted in certain circumstances. These include where the proposal would not result in an unacceptable loss in the amenity of the area, particularly with regard to the impact on nearby properties and the appearance of the development from public roads. The site is required to be unobtrusively located and well screened by existing or proposed vegetation and landscaped with indigenous species. The policy states that a holiday occupancy condition will be attached to any permission, preventing use as a permanent encampment.
- 6.07 The site, in this case, forms part of the open countryside to the west of the Harrietsham village settlement. Harrietsham is a designated rural service centre in the adopted Local Plan (just below Maidstone Urban Area in the sustainability hierarchy) and provides a range of key services and with good public transport connections to Maidstone and other retail centres.
- 6.08 As noted above, holiday/tourism related development in the rural areas of the borough is generally supported by planning policy. In the case of the current proposals, the proposed holiday let/tourist lodges use is relatively modest in scale (six one-bedroom units) both in terms of the number and size of the units and the number of guests that could be accommodated. The site is also well screened from public views by existing trees, hedgerows and woodland.
- 6.09 In light of the above, the principle of providing a holiday let/tourist lodge accommodation development on the site is acceptable. The specific site constraints are assessed under the relevant headings below.

Visual impact

- 6.10 The embankment on the southern side of the M20 motorway is to the north of the open grassed application site. There is woodland to the south and trees and hedgerow along the boundary with the neighbouring residential property at 'Wentways' to the west.
- 6.11 The application indicates that new hedgerow planting is proposed to the northern, eastern and western boundaries of the proposed holiday let/tourist lodge site. The site is well screened from public views by the existing trees, hedgerows and woodland to the south (the woodland to the south owned by the applicant as blue land) and the new hedgerow planting as part of the proposals will further soften any visual impact.
- 6.12 With an approved scheme of native species hedgerow planting secured by planning condition, the proposed holiday let/tourist lodge development will not appear as visually intrusive in any views from public areas within the open countryside location. The proposal will not have any unacceptable harmful impact on the visual amenities of the locality.

Character and appearance

- 6.13 The site is within the Len Valley Landscape of Local Value as designated by the Maidstone Borough Local Plan. Local Plan policy SP17 seeks to prevent harm to the character and appearance of the countryside and states that the distinctive landscape character of the Len Valley will be conserved and enhanced as a landscape of local value.
- 6.14 In this case, the proposed holiday let/tourist lodges use is relatively modest in scale in terms of the number and size of the units and the extent of the site. The site adjoins a small group of existing buildings in the countryside location, and the site is well screened from views in the surrounding area by existing trees, hedgerows and woodland.
- 6.15 In summary, it is concluded that the proposals will not have a harmful impact on the character, appearance and openness of the landscape of the Len Valley Landscape of Local Value or the countryside generally.

Residential amenity

6.16 The proposed holiday let/tourist lodge use is adjoined to the west by the residential property called Wentways. Chegworth Lane from which the site is accessed runs past other neighbouring residential properties further to the west. The site is relatively well screened from the neighbouring residential property by existing trees and hedgerow to the boundary. Further boundary hedgerow planting is indicated as part of the current application.

6.17 The proposal will not have any significant impact on residential amenity including in terms of noise and disturbance. The proposal is of modest scale in terms of the use and the buildings (six huts for a maximum of 12 people), the buildings are separate and screened from the neighbouring residential property and with existing and proposed trees/hedgerow planting.

Access, parking and traffic

6.18 The proposed holiday let/tourist lodge site is accessed from the northern end of Chegworth Lane via an existing access which also serves the neighbouring residential property at Wentways to the west of the site. Whilst the access arrangements to and from the site include a bend in the accessway, they are suitable for the modest holiday let/tourist lodge development proposed.

6.19 The access arrangements within the site make provision for vehicles to turn and enter and leave the site in a forward gear. A total of six parking spaces are proposed within the site for the six one-bedroom holiday let/tourist lodges. Kent Highways raise no objection to the application.

Ecology

6.20 The proposed holiday let/tourist lodges are to be sited within an area of regularly mown/grazed grassland and therefore there is limited potential for protected/notable species to be present on this land. This situation is confirmed in the consultation response from the KCC Ecology team.

6.21 The site is adjoined to the south by an area of woodland which forms part of a designated Local Wildlife Site. The linear Local Wildlife Site follows the River Len which runs east to west through the woodland roughly parallel with southern boundary of the site. An existing sheep netting and barbed wire fence separates the proposed holiday let/tourist lodge site from the adjoining woodland and Local Wildlife Site.

6.22 Any impact on the adjoining woodland and Local Wildlife Site from the construction phase, and subsequent use of the proposed accommodation can be appropriately controlled and minimised through the use of planning conditions. Planning conditions are recommended in relation to external lighting and dust minimisation.

6.23 The current application provides an opportunity to improve the Local Wildlife Site by re-introducing coppicing back into the woodland and potentially increasing the species diversity within the site. In line with comments from KCC Ecology a condition is recommended to seek a management plan for the woodland owned by the applicant is produced, to demonstrate that coppicing will be carried out within the site every 7-10 years.

6.24 The planting of native species hedgerow to the northern boundary of the site and to the eastern and western edges of the footprint of the holiday let/tourist lodges site is secured by planning condition. These hedgerows will enable further ecological mitigation and/or enhancements to be secured by planning condition in accordance with Government guidance in the NPPF (para. 175).

Drainage

6.25 The application indicates that surface water is to be disposed of by way of the existing watercourse. Foul sewage is to be disposed of by way of a septic tank. No specific details of the surface water and foul sewage disposal arrangements are submitted.

6.26 In the absence of full details of the proposed surface water and foul sewage disposal arrangements and in order to ensure the proposed arrangements are satisfactory in terms of potential flooding, contamination and impact on the River Len, a condition is recommended to secure the submission of full details of the disposal arrangements for consideration and approval.

Other Matters

6.22 The site is within the KCC Minerals Safeguarding Area. The application relates to a very modest area of land within a significantly extensive Safeguarding Area.

- 6.23 The parish council consider that part of the red line application site boundary is not in the applicant's ownership which is contrary to the certificate of ownership (Certificate A) submitted with the planning application.
- 6.24 The planning system entitles anyone to apply for permission to develop any plot of land, irrespective of ownership. This does not however affect any civil rights which can preclude the planning permission from being implemented if the consent of the owner is not obtained.
- 6.25 An applicant is required to notify the owners of the land or buildings (who own land 21 days prior to the submission of a planning application) to which the application relates. The applicant is only required to 'notify' and does not require the 'permission' of the land owner to make the planning application. When making an application, an applicant is required to sign a certificate confirming the ownership of the land to which the application relates and that the relevant notices have been served. Whilst there is no evidence to suggest that the certificate of ownership was incorrect at the time that it was submitted (18 January 2019), the applicant has been requested to confirm the current ownership of the application site.
- 6.26 A planning condition is recommended seeking details of boundary treatments. These details should include measures to restrict pedestrian access to the nearby motorway including in the period where hedgerows are being established.
- 6.27 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. An informative is recommended highlighting the CIL charge to the applicant.

7. CONCLUSION

- 7.01 Government guidance in the NPPF and adopted Local Plan policies are generally supportive of holiday/tourism related development in rural areas. In the case of the current proposals, the proposed holiday let/tourist lodge development is relatively modest in scale, both in terms of the number and size of the units and the number of guests that could be accommodated on the site.
- 7.02 The site is well screened from public views by existing trees, hedgerows and woodland and the new hedgerow planting proposed will further soften any visual impact. With an approved scheme of native species hedgerow planting secured by planning condition, the proposed holiday let/tourist lodge development will not appear as visually intrusive in any views from public areas and will have an acceptable harmful impact on the visual amenities of the locality.
- 7.03 Given the modest scale of the holiday let/tourist lodge use, the level of activity within the site and the additional comings and goings to and from the site via the northern end of Chegworth Lane and the existing accessway off the end of the lane are unlikely to be so significant as to result in unacceptable noise and disturbance to the neighbouring occupiers.
- 7.04 The access arrangements to and from the site are considered suitable for the modest scale holiday let/tourist lodge development proposed. The access arrangements within the site make provision for vehicle parking and for vehicles to turn and enter and leave the site in a forward gear.
- 7.05 The impact on habitats within the adjoining woodland and Local Wildlife Site are acceptable. The application provides an opportunity to improve the Local Wildlife Site by re-introducing coppicing back into the woodland and potentially increasing the species diversity within the site.
- 7.06 The application is in accordance with the relevant Government guidance in the NPPF (2019) or the policies in the adopted Maidstone Borough Local Plan (2017). The grant of planning permission is recommended subject to the conditions set out below.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/document unless otherwise agreed in writing by the Local Planning Authority:
Location Plan received 30.01.19
Drawing No. P875/2 Rev. A – Proposed site Plan
Drawing No. P875 – Floor plan and elevations
Drawing No 2562/19/B/2 – Landscape Planting
Design and Access Statement;
Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers and the visual amenity of the area.
- 3) The materials to be used in the construction of the external surfaces of the holiday let/tourist lodges hereby permitted shall be as shown on the approved plan (Drawing No. P875/4) and shall be maintained as such.
Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity.
- 4) Before the holiday let/tourist lodges hereby permitted are first occupied, a detailed landscaping scheme for the site comprising native species planting, including details of the new hedgerow planting as shown on the approved plan (Drawing No 2562/19/B/2), shall have been submitted to and approved in writing by the Local Planning Authority. The detailed landscaping scheme shall include details of species, plant sizes and proposed numbers and densities. A plan for the long term maintenance of the landscaping scheme shall also be included in the details submitted. The approved landscaping scheme shall be implemented by the end of the first planting season following the first occupation of the holiday let/tourist lodges.

Any trees or plants which within a period of five years from the implementation of the approved landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;
Reason: In the interests of the visual amenities of the area and the setting of the completed development.
- 5) Prior to the holiday let/tourist lodges hereby permitted being stationed on the site, details of the surfacing materials to be used in the construction of all new hardsurfacing within the site, including the new accessway, parking spaces and pathways shown on the approved plan (Drawing No. P875/2 Rev. A), shall have been submitted to and approved in writing by the Local Planning Authority. The new hardsurfacing shall comprise permeable material. The new hardsurfacing shall be carried out in accordance with the approved details before the first occupation of the holiday let/tourist lodges;
Reason: In the interests of the visual amenities of the area and the setting of the completed development.
- 6) The six holiday let/tourist lodges hereby permitted shall only be used as holiday accommodation;
Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.
- 7) The six holiday let/tourist lodges hereby permitted shall only be occupied continuously by any persons for a period not in excess of 28 days and not for more than 112 days in total in any calendar year. A written record of all lettings shall be kept and made available for inspection by the Local Planning Authority at their reasonable request;
Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.

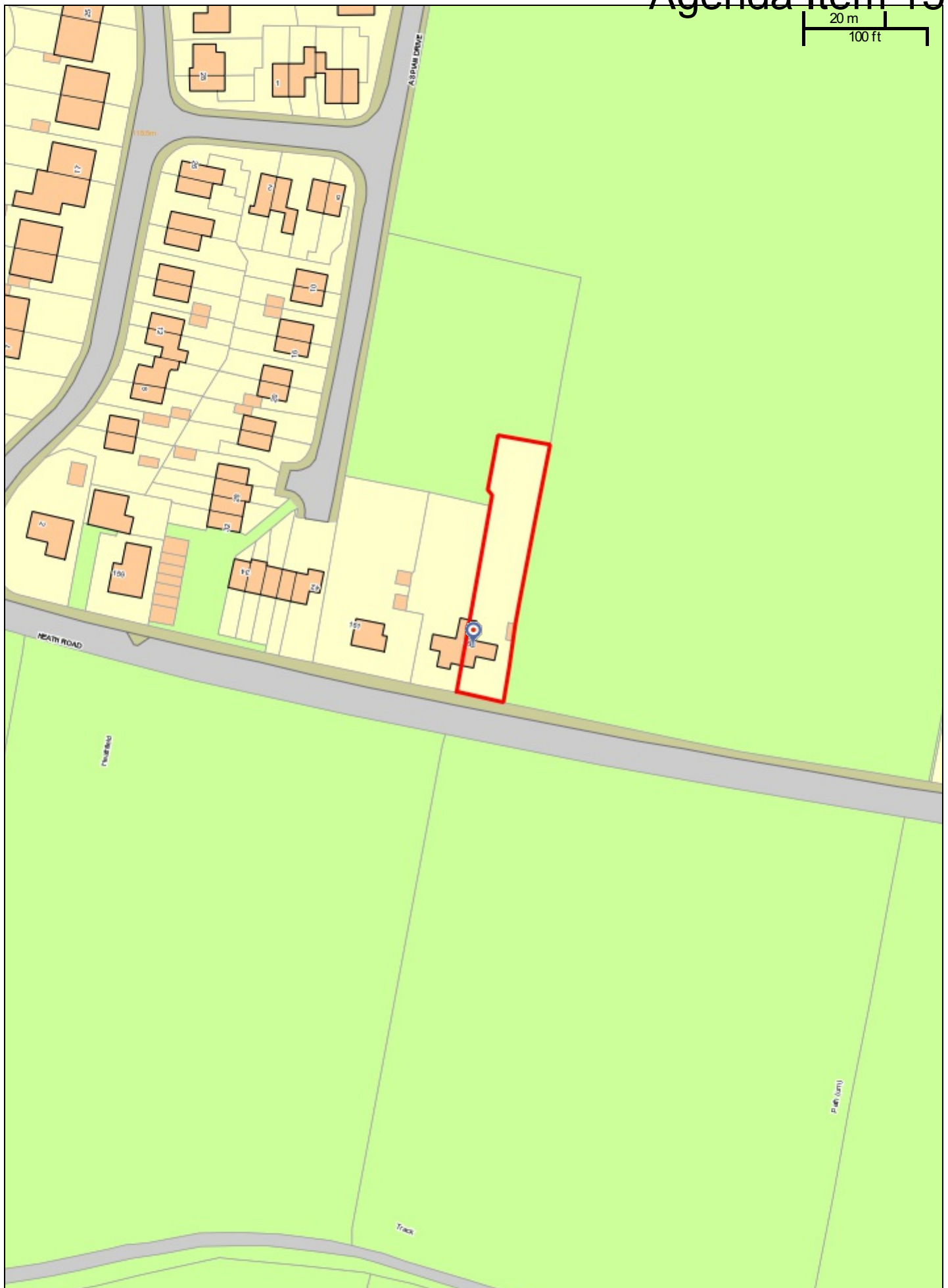
- 8) The holiday let/tourist lodge use of the site hereby permitted shall be restricted to the six holiday let/tourist lodges shown on the approved plan (Drawing No. P875/2 Rev. A) only;
Reason: In the interests of the amenities of the occupiers of neighbouring residential properties and local amenity generally.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), no further development, other than that shown on the approved plan (Drawing No. P875/2 Rev. A), shall take place within the site;
Reason: In the interests of the amenities of the occupiers of neighbouring residential properties, visual amenity and the character and appearance of the open countryside location.
- 10) The new accessway within the site, vehicle turning areas and parking spaces shown on the approved plan (Drawing No. P875/2 Rev. A) shall be provided and maintained available for use for access, vehicle turning and parking purposes by users of the six holiday let/tourist lodges hereby permitted. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), shall be carried out within the new accessway, vehicle turning and/or parking areas or in such position as to preclude vehicular access to them. The holiday let/tourist lodges shall not be occupied without the accessway within the site, vehicle turning areas and parking spaces being available and maintained as such;
Reason: Development without adequate access, vehicle turning facilities and/or parking provision is likely to lead to vehicle movements and parking inconvenient to neighbouring residents and other road users and in the interests of local amenity and road safety.
- 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 order to safeguard the night-time rural environment, the ecological interests of the locality, and residential and local amenity generally.
- 12) Prior to the first occupation of the holiday let/tourist lodges hereby permitted, a woodland management plan for the woodland area adjacent to the southern boundary of the site and new hedgerows within the application site shall have been submitted to and approved in writing by the Local Planning Authority. The woodland management plan must demonstrate that rotational coppicing will be re-introduced into the adjacent woodland area and will be carried out every 7 – 10 years. The woodland management plan shall be implemented and maintained as approved;
Reason: In order to increase the potential species diversity within the site in accordance with Government guidance in the NPPF (para. 175).
- 13) Prior to the first occupation of the holiday let/tourist lodges hereby permitted foul and surface water drainage for the site shall be in place that is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the approved measures maintained thereafter.
Reason: To ensure that adequate drainage is provided for the development and reduce the potential for flooding, protect the water environment and prevent contamination of the land.
- 14) All works associated with the approved permission shall be carried out in line with a dust minimisation plan that has previously been submitted to and approved in writing by the Local Planning Authority.
Reason: In order to safeguard the ecological interests of the locality.
- 15) The development hereby approved shall not commence above slab level until, details of all boundary treatments have been submitted to and approved in writing by the local planning authority with the details including gaps at ground level to allow the passage of wildlife and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development, in the interests of wildlife and to restrict pedestrian access to the nearby motorway.

INFORMATIVES

- 1) The applicant is advised to consult the Environment Agency directly regarding the potential use of a septic tank drainage which disposes of effluent to sub-soil irrigation and surface water drainage disposal via a watercourse.
- 2) The applicant is advised that 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.

Case Officer: Jon Barnes



19/500456/FULL Corylus Cottage, 165 Heath Road, Coxheath, Maidstone, Kent

Scale: 1:1250

Printed on: 12/8/2019 at 8:43 AM by JoannaW

REFERENCE NO - 19/500456/FULL		
APPLICATION PROPOSAL Demolition of existing single storey extension and erection of a part two storey and part single storey rear extension, single storey side extension and wooden structure framework to the front as a feature. (Resubmission to 18/502887/FULL)		
ADDRESS Corylus Cottage 165 Heath Road Coxheath Maidstone Kent ME17 4PA		
RECOMMENDATION Application Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal has overcome the reasons for refusal of application 18/502887/FULL and, subject to the recommended conditions, complies with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance, and there are no overriding material considerations to indicate that the application should be refused.		
REASON FOR REFERRAL TO COMMITTEE Coxheath Parish Council has objected to the application and requested that it be referred to Planning Committee for decision if the Planning Officer recommendation is one of approval.		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL Coxheath	APPLICANT Claire Killick AGENT Whitewash Interiors
TARGET DECISION DATE 27/09/19		PUBLICITY EXPIRY DATE 11/03/19

Relevant Planning History

18/502887/FULL

Demolition of existing single storey extension and erection of a two storey rear and single storey side extension, single storey side extension and wooden structure framework to the front as a feature.

Refused Decision Date: 05.10.2018

MA/95/0320

Demolition of existing conservatory/bathroom addition and replacement by larger single storey extension pitched roof over existing flat roof two storey extension and new window to front and a detached double garage.

Approved Decision Date: 29.03.1995

MA/90/0429

Single storey room and porch to existing dwelling.

Approved Decision Date: 19.04.1990

MA/85/0369

Single storey front extension

Approved Decision Date: 15.05.1985

MA/79/1609

Two storey extension for bedroom, lobby and dining room

Refused Decision Date: 12.03.1980

Application 18/502887/FULL was refused for the following two reasons:

1. The proposed two-storey extension, by reason of its scale, height, design, and degree of both rearward and sideward projection, would appear as an over-large,

bland and incongruous addition that would be poorly-related to the form of the existing house, and would result in a development that would appear excessive and sprawling in scale. As such, it would be detrimental to the visual appearance of the host building, the semi-detached pair of which it forms one-half and the street-scene, and so to permit the proposal would be contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017, the guidance contained in the Council's adopted residential extensions SPD in particular paragraphs 4.38, 4.42, 4.43 and 4.50 and the Central Government planning policy contained in The National Planning Policy Framework (July 2018).

2. The proposed two-storey extension, by reason of its height, depth and proximity to the boundary with 163 Heath Road, would be unacceptably overbearing on the neighbouring bedroom window, resulting in a significant loss of outlook for users of that habitable room. To permit the proposal would therefore be contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017, the guidance contained in the Council's adopted residential extensions SPD in particular paragraph 4.79 and the Central Government planning policy contained in The National Planning Policy Framework (July 2018).

The current application is a resubmission following receipt of pre-application advice (18/505432/PAMEET) which seeks to overcome these concerns.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 This application relates to the right-hand one of a semi-detached pair of cottages located within the village settlement boundary of Coxheath, on land identified as having the potential for discovery of archaeological remains.
- 1.02 The application dwelling has a white, smooth-rendered ground floor, dark cladding to the first floor and an interlocking tiled, fully-hipped roof. Both this and the attached cottage each have an existing two-storey side extension, whilst at the rear there is a single-storey lean-to extension to the application building which continues into the attached property, the two sharing a party wall on the boundary.
- 1.03 Surrounding development is of a different character and scale – a number of new dwellings have been constructed on the land to the west and two more behind the attached cottage, a single detached dwelling of more traditional character is located to the east and beyond that a number of terraced properties, whilst to the south, on the opposite side of Heath Road, there is farmland designated on the Local Plan Policies Map as a Landscape of Local Value.

2. PROPOSAL

- 2.01 Planning permission is sought for the erection of a part two-storey, part single-storey rear extension, and a single-storey side extension to form a porch, with a single-storey wooden framework structure to the front elevation.
- 2.02 The rear extension would involve the demolition of the existing single-storey extension, although at ground level it would reuse the existing party wall and extend that rearward by 1.28m. The first floor would be stepped in 1m from the common boundary with the attached house, 163 Heath Road, and would protrude 4m from the original rear building line of the cottage. The ground floor would protrude approximately 1.3m further so would feature a section of lean-to roof. The rear extension would also protrude approximately 1.6m beyond the side elevation of the existing two-storey side extension in order to tie in with the

proposed porch (see paragraph 2.03), but would feature a cat-slide to minimise its visual impact.

- 2.03 The porch would run along the side of the existing two-storey side extension and protrude 1.6m from its flank wall. It would be single-storey with a lean-to roof.
- 2.04 The wooden framework structure would extend across the front of the existing two-storey side extension and the proposed porch, to form what is described as a feature to the front elevation.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: DM1, DM9
Supplementary Planning Documents: Maidstone Local Development Framework,
Residential Extensions Supplementary Planning Document (adopted May 2009)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 One representation received from a local resident raising the following (summarised) issues
- Reasons for refusal - scale, height, design, overlarge and overbearing – have not been overcome;
 - She has received a Notice not a Certificate B;
 - Permission is not given for any encroachment;
 - Development on the Party Wall would prevent the attached house from extending;
 - Loss of light / overshadowing;
 - Right to light.
- 4.02 Rights to light and whether a neighbour gives permission for encroachment are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters raised are discussed in the detailed assessment below.

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)

Coxheath Parish Council

- 5.01 Wishes to see the application refused and has requested referral to Planning Committee if the recommendation is one of approval.
- 5.02 The Parish Council's concerns relating to previous application have not been addressed. These were:
1. two-storey rear extension very close to neighbouring property – likely to have a substantial negative effect on the amenity and light of the neighbour's single-storey extension and patio area; and

2. proposal is to use an existing party wall as part of the proposed extension. We see no evidence of a Certificate B, which we thought the neighbour would have to sign, in order for the application to be fully compliant. *(Case officer comment – a Certificate B has been submitted as part of this application.)*
- 5.03 Application does not address the Borough Council's reasons for refusal of previous planning application.
- 5.04 Extension not in keeping with a Victorian cottage and will be detrimental to its appearance.

KCC Archaeological Advisor

- 5.05 No response has been received to the consultation on the current application, however, the response to application 18/502887/FULL stated that since the site lies in an area of archaeological potential associated with Iron Age activity and undated remains have been found in the adjacent site, a condition securing a watching brief should be attached. It is considered that this stance is relevant to the current application.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to the two reasons for refusal of application 18/502887/FULL, namely:
- the impact on the host building and the street-scene; and
 - the impact on the residential amenities of the occupiers of 163 Heath Road.

Impact on the Host Building and the Street-scene

- 6.02 The design of the proposal has been significantly altered from that in the previous, refused application, particularly in terms of the roof form and a reduction in scale. This means that the extension would be much better related to the host building and would no longer appear incongruous. Also the degree of both sideward and rearward projection has been reduced such that the extension would be much more proportionate to the host building and would no longer unbalance the symmetry of the semi-detached pair. Not only has there been a reduction in the bulk and extent of the flank elevation that would be visible in the gap between this property and the house to the east, but also the mass of that elevation would be broken down and given greater interest by the introduction of the cat slide roof. The use of matching materials would further assist in assimilating the extension with the existing building.
- 6.03 The proposed single-storey lean-to side extension (porch) and framework structure were previously found to be acceptable in terms of their scale and design, and their relationship to the host dwelling and I see no reason to reach a different conclusion now.
- 6.04 To my mind, this amended scheme is now acceptable in terms of its impact on the character, form and appearance of the host building.
- 6.05 The street-scene hereabouts is of mixed character and consequently, now that this amended proposal would be acceptably related to the host dwelling (as

outlined above) and would no longer overwhelm it or appear as an excessive, incongruous and sprawling addition, I do not consider that any material harm would be caused to the character or appearance of the surroundings.

- 6.06 In summary, this proposal, which is of reduced scale and amended design, overcomes the first reason for refusal of 18/502887/FULL and is now acceptable in terms of its impact on the character and appearance of the host building, the semi-detached pair of which it forms a part and the street-scene.

Impact on the Residential Amenities of 163 Heath Road

- 6.07 This property has a bedroom window closest to the boundary with the application building, and on the ground floor has a single-storey rear extension understood to be a dining room with patio area beyond. The configuration of the single-storey rear extension at 163 Heath Road is such that part of the lean-to roof rises up at the side of the bedroom window, to approximately half height of the window. That window is in relatively close proximity to the common boundary (estimated to be approximately 1m.)
- 6.08 The first floor of the proposed rear extension would be set in 1m from the common boundary, meaning that it would be approximately 2m away from the edge of the neighbour's bedroom window. It has also been reduced in depth by 1m, so would now protrude 4m from the existing rear building line (and therefore from the face of the neighbour's bedroom window). To my mind, the combination of these two reductions in the size of the first floor of the rear extension would mean that although the rearmost end would still be visible in passive views from the neighbour's bedroom window, it would not actually be overbearing on that window or result in a significant loss of outlook for users of the room to such an extent as to justify a refusal of planning permission that could be sustained at appeal.
- 6.09 Concern has been raised by the neighbour regarding loss of light to the bedroom window. I have carried out the 45° BRE loss of light test recommended in the Council's adopted residential extensions SPD, but whilst the proposal fails the plan test, it does pass the elevation test and the guidance indicates that both tests should be failed for the impact to be considered sufficiently detrimental to justify a refusal of planning permission that could be sustained at appeal. This view is reinforced by the fact that the window faces north, and due to this orientation would be shadowed by the existing building for a large part of the day in any case.
- 6.10 The neighbour has also raised concern regarding the impact on light to the dining room (understood to be in the single-storey rear extension and lit by roof lights as well as openings on the rear elevation) and the Parish Council has raised a further concern regarding the patio. In relation to the dining room, the ground floor of the extension would protrude approximately 1.3m beyond its existing rear building line and the first floor would be roughly level with it. Consequently the proposal passes the 45° BRE loss of light test, so again the impact on light would not be sufficient to justify a refusal of planning permission that could be sustained at appeal. The roof lights are at an angle due to the sloping nature of the roof on which they are sited and taking account of this together with the 1m set-in of the upper floor of the extension, would be a sufficient distance from the proposed extension to prevent a significant degree of overshadowing to any greater degree than can already occur from the presence of the existing semi-detached pair of dwellings. Since the ground floor of the proposed extension would only protrude approximately 1.3m beyond the rear building line of the

neighbour's dining room and the first floor would not protrude, I do not consider that it would have an unacceptably overbearing impact on that.

- 6.11 Likewise, for the most part the proposed extension would be set behind the patio in relation to the main outlook therefrom (i.e. down the neighbour's garden). It could result in some degree of additional overshadowing, but given the presence of the existing two-storey semi-detached pair of dwellings and the high established vegetation on the common boundary immediately adjacent to the patio, on balance I do not consider that the impact would be sufficient to justify a refusal of planning permission that could be sustained at appeal.
- 6.12 In terms of privacy, the proposed rear-facing first floor windows would afford similar views to those from the existing, so I do not consider that there would be a significant increase in overlooking.
- 6.13 The proposed single-storey lean-to side extension (porch) and framework structure would not impact upon the residential amenities of the occupiers of this property.
- 6.14 In summary, this proposal overcomes the second reason for refusal of 18/502887/FULL due to the reduced depth of the first floor and its position further from the common boundary, and thus it is considered acceptable in terms of its impact on the residential amenities of the occupiers of 163 Heath Road.

Other Matters

- 6.15 There are no other neighbouring properties in a position to be significantly adversely impacted by the development in terms of residential amenity. The degree of separation from 167 Heath Road would be sufficient to maintain an acceptable level of amenity in terms of light and outlook, and since the only side-facing first floor window proposed would serve a bathroom, there would not be a material impact with regard to privacy. Proposed rear-facing first floor windows would afford similar views to those from the existing. The dwellings to the rear are considered to be sufficient distance away to maintain an acceptable level of amenity with regard to light and outlook, and the situation with regard to privacy would not be materially different to the existing.
- 6.16 The site lies in an area of archaeological potential associated with Iron Age activity and since undated remains have been found in the adjacent site, a condition securing a watching brief is considered necessary to ensure that any remains discovered during development are properly recorded. The applicant is willing to accept this pre-commencement condition if permission is granted.
- 6.17 Due to the nature, siting and scale of the proposal there are no significant ecological issues to consider.
- 6.18 No important trees would be lost.
- 6.19 Other issues raised in representations and not already discussed above include whether the neighbour is prevented from building an extension by any development taking place on the application site, that is not a matter which can be taken into consideration here. It is an accepted planning principle that each case must be decided upon its own merits. As it stands, there is no extant/implemented permission for an extension at the neighbouring property, and consequently the current application has been assessed on the basis of the neighbouring property in its current form. Should the neighbour wish to make a planning application that would be decided upon its own merits and on the basis of the current form of the application building at the time. Planning assessments

cannot take account of hypothetical developments which may or may not come to fruition.

- 6.20 The neighbour has also commented that she received a Notice and not a Certificate B. That, however, is the correct procedure – notice is formally served on any adjoining land owner using the Owner's Notice form and then an Ownership Certificate B is submitted to the Council as part of the planning application. An Ownership Certificate B has been received in this case.

7. CONCLUSION

- 7.01 It is considered that the proposal has overcome the reasons for refusal of application 18/502887/FULL and that, subject to the recommended conditions, it complies with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance. It is not considered that there are any overriding material considerations to indicate that the application should be refused.
- 7.02 It is therefore recommended that Members grant planning permission subject to the conditions set out below.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan and proposed block plan received on 30/01/2019, proposed floor plans received on 04/02/2019 and proposed elevations received on 11/02/2019;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development.
- 4) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority and has submitted to and had approved in writing by the Local Planning Authority the name of that archaeologist together with a written programme and specification for the

watching brief. The development shall then proceed in accordance with the approved details;

Reason: To ensure that the excavation is observed and that features of archaeological interest are properly examined and recorded.

INFORMATIVES

1) Note to Applicant

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance:

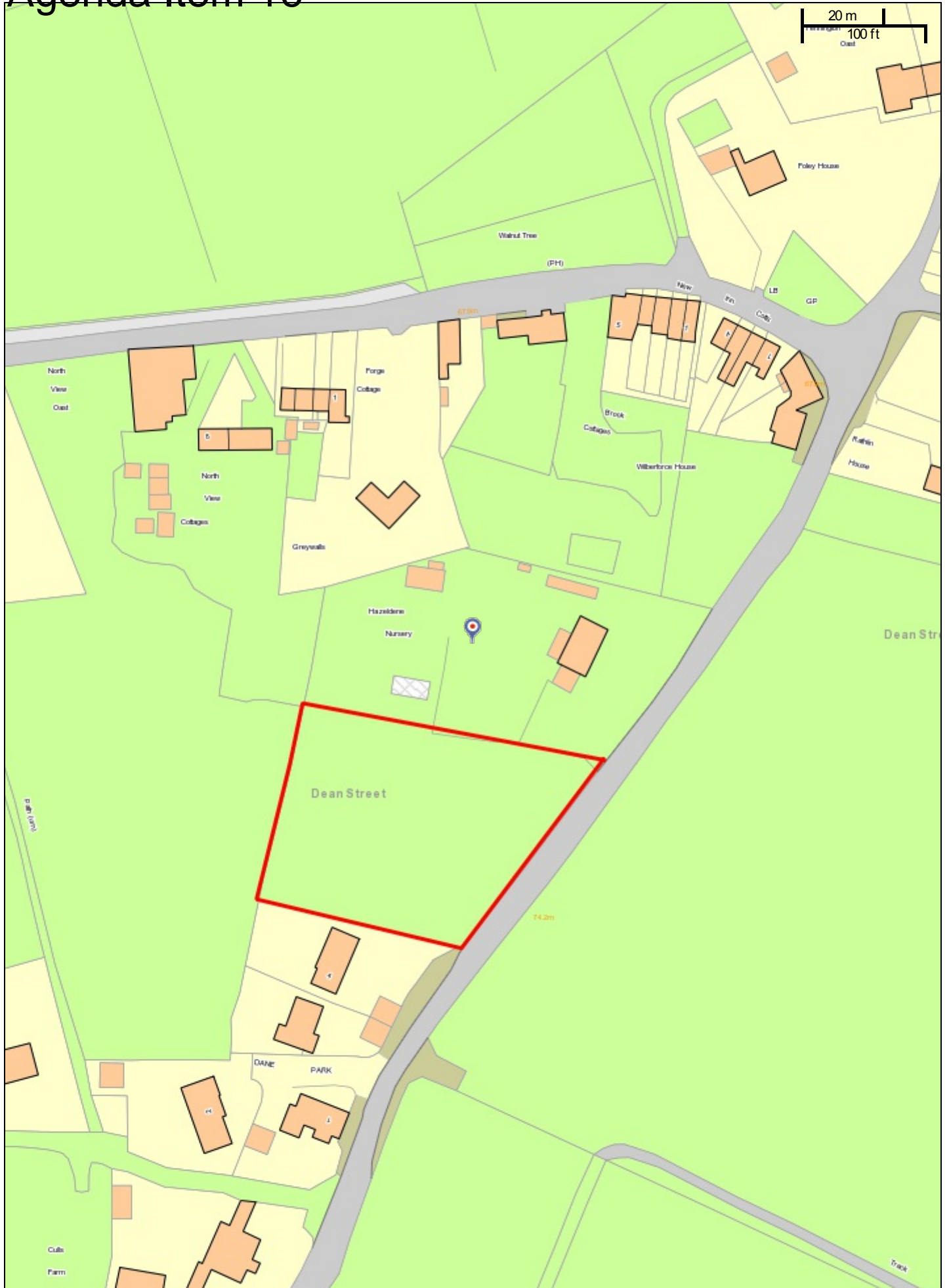
The application was acceptable as submitted and no further assistance was required.

The application was approved without delay.

The applicant/agent was provided with pre-application advice.

Case Officer: Angela Welsford

Agenda Item 16



19/500469/FULL Land adjacent to Hazeldene, Dean Street, East Farleigh, Maidstone, Kent, ME15 0PS

Scale: 1:1250

Printed on: 12/8/2019 at 8:56 AM by JoannaW

REFERENCE NO - 19/500469/FULL		
APPLICATION PROPOSAL Erection of 2no. detached four bedroom dwellings with associated garaging, parking and turning. New shared access on to Dean Street with the removal of frontage fence and hedge planting.		
ADDRESS Land Adjacent to Hazeldene Dean Street East Farleigh ME15 0PS		
RECOMMENDATION GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <p>The site forms part of the open countryside but is garden land attached to the residential property called Hazeldene. The site is between a relatively large group of predominantly residential buildings around the junction of Forge Lane with Dean Street (including Hazeldene) to the north and to the south by a development of four detached dwellings at Dane Park.</p> <p>The site is located close to a bus route serving both Maidstone town centre and Coxheath village. A bus stop nearby will allow future occupiers of the proposed dwellings an alternative to use of a private motor vehicle for their daily needs.</p> <p>Given the extent of the site and in the context of the existing built development in the locality, the principle of some infill development on the site is acceptable.</p> <p>The proposed two-storey chalet type bungalow dwellings, set back from the road frontage within spacious plots, are acceptable in the context of existing built development in the locality which is of varied design and layout. The open character and views through the site are maintained.</p> <p>The separation distances between the existing neighbouring dwellings and proposed dwellings are sufficient to prevent any unacceptable unneighbourly impact. The proposal will not result in any overbearing and enclosing impact, overshadowing and/or loss of daylight/sunlight to the neighbouring properties. There are no overriding issues of overlooking or loss of privacy to the neighbouring properties.</p> <p>The proposed development does not impact on the setting of the East Farleigh/Dean Street Conservation Area to the north. The proposal does not raise any traffic and highway safety issues. The proposal does not raise any overriding impact on ecological or biodiversity interest issues.</p> <p>The proposals do not raise any overriding issues of conflict with the relevant policies of the Maidstone Borough Local Plan or Government guidance in the NPPF.</p>		
REASON FOR REFERRAL TO COMMITTEE East Farleigh Parish Council wish to see the application refused and the recommendation is contrary to the views of the Parish Council		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL East Farleigh	APPLICANT Endeavour Land and New Homes AGENT MKA Architects LTD
TARGET DECISION DATE 02/09/19 (extended target date)		PUBLICITY EXPIRY DATE 05/08/19

Relevant Planning History

- Application site - red line boundary on the site location plan
06/1072 An application for a certificate of lawfulness for an existing development being for the change of use from plant nursery to residential garden. Approved 31.07.2006

95/1674 Demolition of existing nursery buildings formation of new vehicular access and private drive and erection of 5 no. detached five bedroom houses with associated garaging/parking. Refused 26.01.1996
- Adjacent residential property at Hazledene – blue line on the site location plan

11/1779 Erection of a replacement two storey dwelling and detached double garage with the demolition of the existing dwelling and outbuildings (Resubmission of MA/11/1031). Refused 15.12.2011. Appeal against refusal dismissed 03.07.12

11/1031 Erection of a replacement two storey dwelling and detached double garage with the demolition of the existing dwelling and outbuildings. Refused 12.08.2011 for the following reasons:

"The proposal would, by reason of its height, bulk and mass, be a more visually intrusive development than the existing bungalow it would replace to the detriment of the character and appearance of the countryside hereabouts. As such, the proposal is contrary to policies ENV28 and H32 of the Maidstone Borough-Wide Local Plan 2000 and policies CC6 and C4 of the South East Plan 2009".

12/1674 Erection of replacement dwelling and detached garage. Approved 02.11.12

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is on the west side of Dean Street, approximately 130m to the south of the junctions of Forge Lane and New Cut. The site comprises an extensive area of residential garden land to the southern side of the large detached two-storey chalet bungalow type dwelling at Hazeldene.
- 1.02 The site is roughly rectangular in shape and has a frontage of 45m along Dean Street and an overall depth back from the road frontage varying between 57m – 79m. The site is maintained lawn with a tree more or less centrally located within the site and a further tree towards the south-western rear corner. The site has a hedge with close boarded fence behind along the Dean Street frontage.
- 1.03 The site is adjoined to the north by the existing residential property at Hazeldene. A two-storey detached residential property with dormers at roof level at 4 Dane Park adjoins to the south, and further open garden land adjoins to the west. On the opposite side of Dean Street to the east is open agricultural land.
- 1.04 The site forms part of the open countryside, with the Maidstone urban area to the east and the Coxheath village settlement to the south as shown on the Policies Map to the adopted Maidstone Borough Local Plan (Adopted October 2017). The site is not subject to any landscape designation.
- 1.05 The existing dwelling at Hazeldene adjoins the southern boundary of the East Farleigh/Dean Street Conservation Area.
- 1.06 The site is within a KCC Minerals Safeguarding Area as shown on the Policies Map to the adopted Maidstone Borough Local Plan (Adopted October 2017).

2. PROPOSAL

- 2.01 The application proposes the erection of two, detached 4-bedroom chalet bungalow type detached dwellings with double garages and parking.
- 2.02 The proposed dwellings have first floor accommodation set within the pitched roof space with dormer windows. A new shared access is to be formed to Dean Street to serve both houses.
- 2.03 The proposed houses are of traditional design and construction with a predominantly weather boarding/part red facing brick finish and a plain tiled pitched roof. The proposed dormers to the roof have pitched hipped ended roofs. The application indicates that the proposed detached garages are to be sited on the Dean Street side of the dwellings and will be of brick construction with tiled pitched hipped ended roofs.
- 2.04 The two houses are well set back from the site frontage to Dean Street, as are the neighbouring dwellings either side at Hazeldene and 4 Dane Park. A minimum gap of 23m is maintained between the two houses and the proposed site layout allows for the retention of the existing trees within the site.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Three representations received from local residents raising the following (summarised) issues
- The proposed southern dwelling would result in overlooking and loss of privacy to the neighbouring property at 4 Dane Park.
 - The proposed houses would overlook the garden area to the rear (west) of the site and impede the privacy of the neighbouring occupiers.
 - The proposed houses do not sit symmetrically on the land.
 - No consideration has been given to the impact of the proposed southern dwelling on the privacy, lifestyle and open countryside views of the occupiers of the neighbouring property at 4 Dane Park due to the proposed dwelling being sited adjacent to the side boundary fence.
 - The proposed southern dwelling extends beyond the rear building line of the neighbouring dwelling at 4 Dane Park which is not in keeping with adjacent properties.
 - The building of the houses will destroy the habitats of many species, disrupting and displacing them.
 - The site lies in the open countryside.
 - The last published Village Plan stated that the community did not want any development in East Farleigh.
 - Local needs housing has been provided for by a proposed development adjacent to the Victoria PH in Gallants Lane.
 - The provision of two houses will have no impact on the overall supply of housing required by the Maidstone Local Plan.
 - The development at Dane Park was a 'one-off' being on a brownfield site previously occupied by the 'Castacrete' manufacturing company. 'Hazeldene' was originally the residential part of a commercial gardening company. Neither development represents a precedent for this application.
 - There is no justification for this development in the open countryside and the application should be refused.
- 4.02 Following additional public consultation, further comments have been received from a neighbour who originally responded to the consultation. The neighbour comments listed below are followed by an officer response:
- Drawing Ref: 2153/05/Rev C no longer shows the plan views of the Ground, First Floor and Roof - where are these shown now? **Officer response:** All the internal floor plans for both proposed dwellings are provided on drawing 2153 07
 - *A plan view of the South Property (sited directly adjacent to our boundary fence) has never been provided.* **Officer response:** The relationship of the proposed dwellings to the site boundaries, including the property to the south are shown on drawing 2153 05 C. As advised above all the internal floor plans for both proposed dwellings are provided on drawing 2153 07.
 - *Mr Martin's (the planning agent) email dated 12th July identifies that 'there are now only bathroom windows facing towards the neighbours boundaries and these will be obscured with openings to the top half of the window only'. We would however question the accuracy of this statement....* **Officer response:** As shown on the internal layout drawing (drawing 2153 07) only ensuite bathroom and main bathroom windows are located on the side elevation of the proposed buildings facing neighbouring properties to the north and south. The main bedroom windows (i.e. not the ensuite bathroom windows) are not located on the side elevations but to the front and rear elevations of the proposed houses facing east and west.
 - *The 'obscured' windows could of course in time be easily 'un-obscured' and the applied manifestation/frosted glass easily replaced with clear glass.* **Officer response:** A recommended planning condition requires the windows at first floor level to the side elevations to be fitted with obscured glazing prior to occupation and to be maintained as such in perpetuity. The obscure glazing is to the standard height of 1.7 metres above finished floor level (as set out in planning legislation) and to be fixed shut.

- *The inaccurate description of the changes made to Drawing Ref: 2153/05/Rev C as detailed in Mr Martin's email, would appear to offer a 'tactical' solution to the overlooking concerns that we have raised, but of course do nothing to permanently eliminate that possibility. The proposed alterations described are inaccurate and the windows of Bedroom 2 & 3 will continue to directly face into our property. **Officer response:** As stated in the officer response above, the proposal only has main and ensuite bathroom windows to the side elevations of the proposed houses at first floor level. A recommended condition requires these windows to be fixed shut with any views restricted with obscure glazing.*
- *We note from the revised drawings that have been issued, that no proposed alteration to the unorthodox (and unnecessary) orientation of the properties on the adjacent land has been made? **Officer response:** The proposed building orientation and window location have been found to be acceptable in terms of design, appearance, visual appearance and neighbour impact.*
- *We would respectfully draw your attention to the fact that the revised plans do not address any of the concerns we raised in our planning objection correspondence. **Officer response:** The confirmation above is highlighted in relation to windows on the side elevations of the proposed buildings at first floor level.*

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 Comment that East Farleigh Parish Council would like to see the application refused for the following reasons:

- East Farleigh is designated as open countryside in the MBC Local Plan and no development should take place in the open countryside.
- Policy DM11 allows garden development if it has no effect on neighbours. Members consider the development does impact on neighbours.
- The development is in a rural area not served by a regular bus service and as such will rely on the use of vehicles on already crowded roads.
- The development is a long distance from a station and shops and any walking along the roads presents a danger as there are no footpaths.
- It is therefore considered that the infrastructure is inadequate and therefore the development is unsustainable.
- Further comment that should MBC be mindful to approve the application, members would like a discussion to enable the Parish Council to have access to the CIL fund.

Environmental Health Officer

5.02 No objection.

Kent Highways

5.03 Comment that the required visibility splay at the proposed access into the site crosses over the existing wall at the existing entrance to Hazeldene. There must be no obstructions to the visibility splay above 1.05m and as such it is vital that the existing wall at the existing entrance to Hazeldene be removed or reduced in height if planning permission is granted.

5.04 Providing the above can be satisfied, no objection is raised subject to the following requirements being secured by planning condition:

- Completion and maintenance of the access and visibility splays.
- Provision for construction vehicle loading/unloading and turning facilities, parking for site personnel and visitors, and wheel washing facilities.
- Measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle parking spaces and turning area shown on the plans and secure covered cycle parking facilities.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.

KCC Archaeological Officer

5.05 Comments that the application site lies within an area of potential archaeological interest associated with Roman and later activity. A roman coin is recorded from this site and there are several Roman sites along this river valley. In view of the archaeological potential a planning condition is recommended to be imposed on any grant of planning permission to

secure the implementation of archaeological field evaluation works in accordance with a specification and timetable to be submitted for consideration and approval.

KCC Minerals and Waste Officer

5.06 No response.

**6. APPRAISAL
Main Issues**

6.01 The key issues for consideration relate to:

- Principle of development
- Visual impact, character and appearance
- Conservation
- Residential amenity
- Highway safety, access and parking
- Trees and ecology
- Archaeology

Principle of development

6.02 The NPPF states (para. 78) that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that where there are groups of smaller settlements, development in one village may support services in a village nearby.

6.03 Policy SS1 of the adopted Maidstone Borough Local Plan states that the Maidstone urban area will be the principal focus for development with the secondary focus being rural service centres. The policy also allows for some development within the larger villages.

6.04 Policy SP17 of the adopted Maidstone Borough Local Plan states that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and they will not result in harm to the character and appearance of the area. Policy DM11 (referred to by the parish council) is not relevant in this case as it relates to garden land "Within the defined boundaries of the urban area, rural service centres and larger villages...." and the application site is garden land in the designated countryside.

6.05 Amongst the criteria to be met in policy DM30 of the adopted Local Plan (design principles in the countryside) are that any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened.

6.06 The site was formerly used as a plant nursery which appears to have ceased trading in 1995. The site has the benefit of a Certificate of Lawfulness granted in 2006 under reference 06/1072 confirming lawful use as residential garden.

6.07 Whilst located in the designated countryside, the site is adjoined to the north by a relatively large group of predominantly residential buildings around the junction of Forge Lane with Dean Street and to the south by a development of four detached dwellings at Dane Park. In the context of the existing built development in the locality, the proposed dwellings do not constitute isolated homes.

6.08 Whilst the site does not represent a particularly sustainable location, it is located close to a bus route serving both Maidstone town centre and Coxheath village with a bus stop nearby which will allow an alternative to the use of a private motor vehicle for daily needs. Given the extent of the site and in the context of the existing built development in the locality, the principle of infill development on the site is acceptable.

Visual impact, character and appearance

6.09 Government guidance in the NPPF (para. 124) states that good design is a key aspect of sustainable development, good design creates better places in which to live and work and helps make development acceptable to communities.

6.10 Policy DM1 of the adopted Maidstone Borough Local Plan states that proposals which would create high quality design and meet a number of criteria (14 in total) will be permitted. Amongst the criteria to be met are that proposals should create a high quality design and:

- Respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage – incorporating a high quality, modern design approach and making use of vernacular materials where appropriate;

- Provide a high quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality.
- 6.11 Amongst the criteria to be met in policy DM30 of the adopted Maidstone Borough Local Plan relating to design principles in the countryside are the following:
- The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features;
 - Impacts on the appearance and character of the landscape would be appropriately mitigated.
 - Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area.
- 6.12 The existing properties in the locality are of varied design and layout. The proposed houses are chalet bungalow type dwellings with the first floor set within the roof space. The houses are of traditional design and construction with a predominantly weather boarding/part red facing brick finish and a plain tiled pitched roof. The proposed dormers to the roof have pitched hipped ended roofs and the application indicates that the proposed detached garages to be sited on the Dean Street side of the dwellings will be of brick construction with tiled pitched hipped ended roofs.
- 6.13 The two houses proposed are set back from the site frontage to Dean Street, as are the neighbouring dwellings either side at Hazeldene and 4 Dane Park. A minimum gap of 23m is maintained between the two houses.
- 6.14 The site is currently enclosed along the Dean Street frontage by a close boarded fence set behind existing planting. The existing fencing and planting to the site frontage is to be removed to allow for the provision of the required visibility splays to the new access into the site. A scheme of replacement native species planting to the site frontage behind the required visibility splays to the new access can be secured by planning condition.
- 6.15 Whilst, the proposed development of the open garden area site with two dwellings will increase the built form and have a visual impact in this part of the open countryside location, the open character of the site and the existing views through the site to the west will be as retained.
- 6.16 The two properties are in spacious plots which allows views between the two buildings. The two new dwellings, are visually acceptable and in keeping with the character of the area and would not be unacceptably harmful to the visual amenities.
- 6.17 In summary, the application does not raise any issues of conflict with Government guidance and adopted Local Plan policies relating to the design, scale, appearance and visual impact of development.
- East Farleigh/Dean Street Conservation Area**
- 6.18 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the council in making its decisions to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas in the borough.
- 6.19 The existing dwelling at Hazeldene is located outside but adjacent to the southern boundary of the East Farleigh/Dean Street Conservation Area. The proposed development is separated from the conservation area boundary by the existing dwelling at Hazeldene. At the closest point the northern most dwelling is 34 metres from the conservation area boundary (southern property is separated by 55 metres).
- 6.20 The existing dwelling retains a spacious plot and, given the separation of the application site from the conservation area boundary, the development will not adversely impact on views to or from the conservation area or its setting.
- Residential amenity**
- 6.21 Policy DM1 of the adopted Maidstone Borough Local Plan states that proposals should respect the amenities of occupiers of neighbouring properties and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, air pollution, activity or vehicular movements,

overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

- 6.22 The application site is adjoined by the existing detached dwellings at Hazeldene to the north and 4 Dane Park to the south. The first floor of both proposed dwellings are set within the pitched roofspace, this design reduces the overall height and scale of the proposed two-storey dwellings. The pitched roofs of the new dwellings slope up away from the side boundaries which further reduces the bulk and massing of the proposed new dwellings adjacent to the side boundaries.
- 6.23 The first floor layout of the proposed dwellings have been redesigned from that originally submitted so that only first floor bathroom and ensuite bathroom windows face the side boundaries. A planning condition is recommended to ensure that these first floor bathroom and ensuite windows are fitted with obscure glazed and non-openable to a height of 1.7m above the internal finished floor level.
- 6.24 The proposed dwellings are sited 12.8m and 28.8m off the rear (western) boundary of the site. This separation distance is sufficient to prevent any significant issues of overlooking of the extensive open garden land adjoining the west of the site.
- 6.25 The separation distances between the existing dwellings and the boundaries with the application site are sufficient to prevent any significant or unacceptable unneighbourly impact. The new dwellings will not result in any overbearing or enclosing impact, overshadowing and/or loss of daylight/sunlight to neighbouring dwellings.
- 6.26 The proposed development will provide an acceptable living environment and standard of amenity for future occupiers of the new dwellings. The new dwellings are acceptable in terms of internal and external living conditions, outlook, privacy and access to garden amenity space.

Highway safety, access and parking

- 6.27 A new single access is to be formed in the centre of the Dean Street site frontage. The single access will then split within the site to serve the two proposed dwellings.
- 6.28 The visibility splays required either side of the new access will require the removal of the existing close boarded fencing and planting on the front boundary. The splayed brick walls and brick piers either side of the existing Hazeldene Access (located 16 metres to the north of the proposed access) would also be removed and replaced with post and rail fencing.
- 6.29 Each new dwelling is provided with a detached double garage and three parking spaces. The access arrangements within the site provides adequate space for vehicles to turn and enter and leave the site in a forward gear. A condition is recommended seeking the provision of electric charging points and seeking details of refuse and cycle storage on the site.
- 6.30 The additional vehicle movements associated with the proposed two, four-bedroom dwellings can be safely accommodated on the local highway network. The vehicle movements are likely to be less than those generated by the earlier use of the site as a plant nursery. Kent Highways raise no objection.

Trees and ecology

- 6.31 The site incorporates a tree centrally located within the site and a further tree towards the south-western rear corner. The application site is predominantly mown grass and forms part of managed domestic garden land. With the existing management there is little biodiversity habitat currently present.
- 6.32 The proposed site layout allows for the retention of the existing trees within the site. Planning conditions are recommended seeking ecological enhancements on the site including bird and bat boxes, the protection of existing trees during construction works and new landscaping.

Archaeology

- 6.33 KCC's Archaeological Officer has advised that the application site lies within an area of potential archaeological interest associated with Roman and later activity. A roman coin is recorded from this site and there are several Roman sites along this river valley.

In view of the archaeological potential, a planning condition is recommended to be imposed on any grant of planning permission. The planning condition will secure the implementation

of archaeological field evaluation works in accordance with a specification and timetable to be submitted for consideration and approval.

Other Matters

- 6.34 The site is within the KCC Minerals Safeguarding Area as shown on the Policies Map to the adopted Local Plan. The application relates to a very modest area of land within a significantly extensive Safeguarding Area.
- 6.35 Given the relatively modest scale of the development proposed (two four-bedroom dwellings) and extent of the site, it is not considered that conditions suggested by Kent Highways relating to the impact of any construction work on the highway in the vicinity of the site are appropriate in this instance.
- 6.36 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 site forms part of the countryside, with the Maidstone urban area to the north and east of the site and the Coxheath village settlement to the south. Whilst designated as countryside the site is adjoined to the north by a group of predominantly residential buildings around the junction of Forge Lane with Dean Street and to the south by a development of four detached dwellings at Dane Park.
- 7.02 Whilst the site does not represent a particularly sustainable location, it is located close to a bus route serving both Maidstone town centre and Coxheath village. A bus stop nearby which will allow future occupiers of the proposed new dwellings an alternative to the use of a private motor vehicle for their daily needs. Given the extent of the site and in the context of the existing built development in the locality, the principle of some infill development on the site is considered acceptable.
- 7.03 The proposal involves two-storey chalet type dwellings of traditional design, with the first floor set within the roofspace. The dwellings are set back from the frontage to Dean Street and with open space between the two new dwellings, the development would not appear as visually intrusive or incongruous. The development would be acceptable in relation to visual amenities and is in keeping with the character of the area. The proposal is acceptable in relation to neighbour impact.
- 7.04 The proposed development is acceptable in relation to the the setting of the East Farleigh/Dean Street Conservation Area. The proposal does not raise any traffic and highway safety issues or any impact on ecological or biodiversity interests issues at the site. A condition is recommended to safeguard the archaeological interests at the site.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby approved shall not commence above slab level until written details and samples of external facing materials have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;
Reason: To ensure a satisfactory appearance to the development.
- 3) The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No

alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

- 4) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and provide details of onsite replacement planting to mitigate the loss of amenity and biodiversity value from the removal of planting at the front of the site and include a planting specification, a programme of implementation and a [5] year management plan.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 5) The approved landscaping associated with either individual dwelling shall be in place at the end of the first planting and seeding season following first occupation 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 specification.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 6) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority with the details including gaps at ground level to allow the passage of wildlife. The development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained as such thereafter;
Reason: To ensure a satisfactory appearance to the development, to safeguard the enjoyment of their properties by existing and prospective occupiers and in the interests of wildlife.
- 7) The areas shown on the approved plans (Drawing nos.05C and 07 received 12.07.19) for the parking of cars, vehicle manoeuvring to and from the parking areas and access shall be provided in accordance with the details approved and be available for use before the first occupation of the new dwellings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order, with or without modification) or not, shall be carried out on the parking, vehicle manoeuvring and/or access areas indicated or in such a position as to preclude vehicular access to them;
Reason: Development without adequate parking and/or vehicle manoeuvring and/or access provision is likely to lead to parking and vehicle movements inconvenient to other road users and in the interests of pedestrian and highway safety.
- 8) Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed for the use of the occupiers of the building, with the charging point retained thereafter for that purpose.
Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 110(e) of the NPPF.
- 9) Upon completion, no further development, whether permitted by Classes A, B, E or F of Part 1 and/or Class A of Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification) or not, shall be carried out to or within the curtilage of the new dwellings hereby permitted;
Reason: In the interests of the visual amenities of the area and the amenities of the occupiers of neighbouring properties.

- 10) The development hereby permitted shall be carried out in accordance with the approved plans (Drawing nos. 05C, 06C and 07 received 12.07.19);

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

- 11) The first floor windows to the southern elevation of the proposed house on the southern part of the site; and the north elevation of the house on the northern part of the site, as shown on the approved plans (Drawing Nos. 06C and 07 received 12.07.19), shall be obscure glazed to Pilkington level 3 or higher (or equivalent) and shall be non-openable to a minimum height of 1.7m above internal finished floor level prior to first occupation of the house and shall subsequently be maintained as such to the satisfaction of the local planning authority;
Reason: In the interests of residential amenity.

- 12) Prior to the commencement of the development hereby permitted, the applicant, or their agents or successors in title, shall secure and implement:
i) Archaeological field evaluation works in accordance with a specification and written timetable which shall have been submitted to and approved in writing by the Local Planning Authority; and
ii) Further archaeological investigation, recording and reporting, determined by the results of the field evaluation works, in accordance with a specification and written timetable which shall have been submitted to and approved in writing by the Local Planning Authority;

The development shall proceed in accordance with the approved details.

Reason: To ensure that features of archaeological interest are properly examined and recorded. This information is required prior to commencement as any groundworks on site have the potential to impact on the archaeological interests of the site.

- 13) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site has 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 two dwellings by means such as swift bricks, bat tube or bricks with a minimum of two bat boxes and two bird boxes. The approved measures shall be implemented in accordance with the approved details prior to first occupation of the relevant dwelling and all features shall be maintained as such thereafter.

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

- 14) A visibility splay 2 metres x 43 metres x 43 metres shall be provided to the new access to Dean Street in accordance with the details shown on the approved plan (Drawing No. 05C), including the removal of the wall with piers at the existing access to the property at Hazeldene to the north of the site and the removal of the existing hedgerow and fence to the road frontage of the application site, prior to the first occupation of any of the dwellings hereby permitted. The visibility splay shall be retained and maintained as such thereafter with no obstruction to the visibility splay above 1.05m in height above the carriageway level;
Reason: In the interests of pedestrian and highway safety.

- 15) The development hereby approved shall not commence above slab level until details of covered bicycle storage for the occupiers of the new dwellings have been submitted to and approved by the Local Planning Authority. The approved details shall be in place before first occupation of the development hereby approved and maintained as such thereafter.
Reason: In order to encourage sustainable means of transport to and from the site in accordance with Government guidance in the NPPF (2019).

- 16) The development hereby approved shall not commence above slab level until a scheme for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins has been submitted to and approved by the Local Planning Authority. The approved details shall be in place before first occupation of the development hereby approved and maintained thereafter.
Reason: In the interests of amenity and the streetscene.

- 17) The first 5 metres of the new access measured from the back edge of the highway shall be of a bound surface treatment and shall be maintained as such;
Reason: In order to prevent the deposit of loose material onto the highway in the interests of highway safety.

INFORMATIVES

- 1) KCC Highways and Transportation advise that there must be no discharge of surface water onto the highway. Measures to prevent any discharge must be provided on site if required.
- 2) The Environmental Health Team advise that as the development involves demolition and/or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected in the development.
- 3) Kent Highways and Transportation advise that planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council – Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
- 4) Kent Highways and Transportation advise that it is the responsibility of the applicant to ensure, before the approved development 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 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>
- 5) 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.

Case Officer: Jon Barnes

Agenda Item 17



19/500705/FULL, Hen and Duckhurst Farm, Marden Road, Staplehurst, Kent

Scale: 1:5000

Printed on: 18/6/2019 at 13:46 PM by JoannaW

REFERENCE NO - 19/500705/FULL			
APPLICATION PROPOSAL Variation of condition 20 of 14/502010/OUT to allow Saturday working hours start time to be changed from 9:00am to 8:00am (total working hours 8:00am to 13:00pm).			
ADDRESS Hen And Duckhurst Farm, Marden Road, Staplehurst, TN12 0PD			
SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS) <ul style="list-style-type: none"> • There is separate Environmental Protection legislation and effective processes that address noise and environmental nuisance on construction sites. • For this reason, Condition 20 does not pass the relevant legal and policy tests for attaching planning conditions in that it is not necessary, relevant to planning, nor reasonable. • For these reasons and as explained below, it is recommended that Condition 20 is removed altogether. 			
REASON FOR REFERRAL TO COMMITTEE Staplehurst Parish Council recommends refusal and referral to Planning Committee if officers are minded to approve.			
WARD Staplehurst	PARISH COUNCIL Staplehurst	APPLICANT Mr Jon Colcutt (BDW Homes) AGENT N/A	
DECISION DUE DATE 02/07/2019		PUBLICITY EXPIRY DATE 17/04/19	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
17/506306	Approval of reserved matters application for the erection of 250 dwellings (Appearance, Landscaping, Layout and Scale being sought) and details of Conditions 5, 7, 9, and 10 relating to phasing, landscaping and ecology, pursuant to 14/502010/OUT	APPROVED	15/06/18
14/502010	Outline application for the erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.	APPROVED	03/02/17

1.0 BACKGROUND

- 1.01 This application was reported to Planning Committee on 27th June where officers recommended that condition 20, which restricts construction working hours, be removed. The previous Committee Report is attached at the **Appendix**. Planning Committee deferred consideration of the application for the following reason:

"That consideration of this application be deferred for further discussions to determine the most effective mechanism to control issues of noise and disturbance during the construction phase of the development i.e. whether legislation such as the Control of Pollution Act 1974 and the Environmental Protection Act 1990 would provide sufficient remedy to deal with the issues such that the condition can be removed in its entirety or whether the condition still serves a useful planning purpose."

2.0 APPRAISAL

- 2.01 Discussions have been held with the Council's Community Protection Team (CPT) to outline the process of how they deal with the issue of noise on a construction site such as the application site.
- 2.02 When a noise complaint is received by the CPT, this is investigated by them and in the first instance they advise that residents raise their concerns with the developer/contractor directly to see if a resolution can be found. Where this is not possible or is ineffective the CPT ask the resident to notify them, and they will investigate further. Where necessary the resident will be asked to complete a noise nuisance diary and return it to the Council for assessment by a Community Protection Officer (which has been the case for the Hen & Duckhurst Site).
- 2.03 The Community Protection Officer will then assess the noise diary to determine if further investigation is required. Generally the case officer will assess on the basis of frequency, times, and level of noise. If there is judged to be a noise nuisance and it persists, and the developer/contractor does not follow the British Standard 5228 "Noise and Vibration Control on Construction and Open Sites", more formal action will be considered. Legal options include the Anti-Social Behaviour Crime and Policing Act 2014, Environmental Protection Act 1990 Sections 79/80, and Control of Pollution Act 1974 Section 60 Notice.
- 2.04 In terms of the available powers, the Council does not generally use Section 60 Control of Pollution Act notice's (and hasn't for a long time) but instead relies upon on the Environmental Protection Act and more recent measures known as Community Protection Notices. The Environmental Protection Act allows for 'abatement notices' to be served which can require, for example, the abatement of the nuisance, or prohibiting or restricting its occurrence or recurrence, or requiring the works causing the nuisance to stop. The notice would also specify the time or times within which the requirements of the notice are to be complied with. The CPT advises that Community Protection Notices have proved very effective at preventing noise nuisance and this is their preferred option to begin with. These can require an individual or body to stop carrying out noisy activities,

and / or take reasonable steps to achieve specified results, such as, a reduction in noise levels.

- 2.05 In terms of whether the existing (or modified) planning condition still serves a useful planning purpose, the sole effect of the planning condition is that no construction or deliveries are permitted outside the specified hours. So put simply, this would prevent any impacts occurring from these activities outside of those hours. However, it is a blunt tool in that it does not take account of actual noise levels, even within the permitted hours. So potentially quiet construction works such as painting would not be allowed outside the specified hours when they may not cause any harm to amenity. On the other hand, excessively noisy activities during the permitted hours would not be controlled. The Environmental Protection powers deal with specific noise nuisances to local residents and have a range of controls.
- 2.06 So it is considered the most effective mechanism to control issues of noise and disturbance during the construction phase of the development is via Environmental Protection legislation due to the more specific and targeted approach that can be taken against the actual noise nuisance. Because there is other legislation available, it is advised again that the condition does not pass the tests for planning conditions

3.0 CONCLUSION

- 3.01 It is once more recommended that condition 20 is removed altogether.
- 3.02 Notwithstanding this recommendation, the Council's own 'Environmental Code of Development Practice' actually allows working hours of 8am to 1pm on Saturdays so should Members consider that a condition should remain in place, the variation sought by the applicant to start at 8am on Saturdays would accord with the Code.
- 3.03 Should Members conclude that the condition should remain in place, amended or otherwise, it is advised that they explain why they consider it passes the 6 tests for planning conditions, potentially with site-specific reasons.

4.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions with delegated powers for the Head of Planning to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

1. The development hereby permitted shall be carried out in accordance with the following approved plans under application 14/502010/OUT: Site Location Plan DHA/9702/01 Rev B and drawing site access round about T0191/SK01 RevP4 forming part of Appendix E of Transport assessment report.

Reason: To ensure that the location of the vehicular access is defined.

2. The development shall be carried out in accordance with the phasing details approved under application 17/506306/REM unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the development is carried out in a satisfactory manner.

3. The development shall be carried out in accordance with the materials approved under application 18/505483/SUB unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of visual amenity of the area and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

4. The development shall be carried out in accordance with the hard and soft landscaping and boundary treatments approved under application 17/506306/REM unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of visual amenity of the area.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the dwellings to which the landscaping relates. 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: In the interest of visual amenity of the area.

6. The development shall be carried out in accordance with the landscape management plan approved under application 17/506306/REM unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of residential and visual amenity of the area.

7. The development shall be carried out in accordance with the tree and hedge protection measures approved under application 17/506306/REM unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

8. The development of plots 1-131 and 200-250 shall be carried out in accordance with the ground levels approved under application 17/506306/REM unless otherwise agreed in writing with the local planning authority. No development shall take place on plots 132-199 until details of the proposed slab levels of the building(s) 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 having regard to the topography of the site.

9. The development shall be carried out in accordance with the construction management plan approved under application 18/505340/SUB unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of residential amenities in the area and in the interests of biodiversity and ecology.

10. The development shall be carried out in accordance with the contamination assessment and mitigation strategy approved under application 18/503826/SUB unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of residential amenities of the area.

11. If during the course of development any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: In the interests of amenities of the future occupiers of the dwellings.

12. The development shall be carried out in accordance with the archaeological assessment and strategy approved under application 18/503707/SUB unless otherwise agreed in writing with the local planning authority.

Reason: To ensure appropriate assessment of the historic landscape implications of any development proposals and the subsequent mitigation through preservation in situ and integration into main development scheme or preserved by record.

13. The development shall be carried out in accordance with the sustainable surface water drainage scheme approved under application 18/505338/SUB unless otherwise agreed in writing with the local planning authority.

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

14. The development shall be carried out in accordance with the foul drainage details approved under application 18/505338/SUB for plots 1-2, 11-16, 25-32, 211-241, and 247-249 unless otherwise agreed in writing with the local planning authority. No occupation shall take place on any further plots until off-site foul drainage details have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that foul and surface water is satisfactorily managed and disposed of from the site.

15. The development shall be carried out in accordance with the access details approved under application 18/503826/SUB unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of highway safety.

16. The development shall be carried out in accordance with the road and footpath details approved under application 18/505340/SUB unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of highway safety and residential amenities.

17. No dwelling shall be occupied until the following highway works have been implemented in full to the satisfaction of the local planning and highways authorities unless otherwise agreed in writing with the local planning authority. These works comprise:

- (i) Pedestrian and cycle links to be provided to the existing residential development to the east of the application site via Further Field and Marlfield.
- (ii) A link for vehicular traffic through the development site towards Lodge Road is to be safeguarded.
- (iii) Bus boarders are to be provided at two relevant bus stops.
- (iv) Traffic calming is to be provided along Marden Road and the 30 mph speed limit is extended.
- (v) A pedestrian and cycle crossing to be provided on Marden Road to ensure safe access to the village centre from the site.

Reason: In the interests of highway safety and amenity.

18. Cordwood above 20cm in diameter from the site should be retained and placed within the site in locations and quantities to be agreed with the local planning authority prior to any tree felling take place.

Reason: In the interests of biodiversity and ecological enhancement in compliance with NPPF.

19. Within 6 months of the occupation of the 50th dwelling house the public open space shall be accessible to the public as open-space and shall be maintained as such.

Reason: In the interests of amenities of the prospective residents of the development.

Planning Committee Report

REFERENCE NO - 19/500705/FULL			
APPLICATION PROPOSAL Variation of condition 20 of 14/502010/OUT to allow Saturday working hours start time to be changed from 9:00am to 8:00am (total working hours 8:00am to 13:00pm).			
ADDRESS Hen And Duckhurst Farm, Marden Road, Staplehurst, TN12 0PD			
SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS) <ul style="list-style-type: none"> • There is separate Environmental Protection legislation that addresses noise and environmental nuisance on construction sites. • For this reason, Condition 20 does not pass the relevant legal and policy tests for attaching planning conditions in that it is not necessary, relevant to planning, nor reasonable. • For these reasons and as explained below, it is recommended that Condition 20 is removed altogether. 			
REASON FOR REFERRAL TO COMMITTEE Staplehurst Parish Council recommends refusal and referral to Planning Committee if officers are minded to approve.			
WARD Staplehurst	PARISH COUNCIL Staplehurst	APPLICANT Mr Jon Colcutt (BDW Homes) AGENT N/A	
DECISION DUE DATE 02/07/2019		PUBLICITY EXPIRY DATE 17/04/19	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
17/506306	Approval of reserved matters application for the erection of 250 dwellings (Appearance, Landscaping, Layout and Scale being sought) and details of Conditions 5, 7, 9, and 10 relating to phasing, landscaping and ecology, pursuant to 14/502010/OUT	APPROVED	15/06/18
14/502010	Outline application for the erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.	APPROVED	03/02/17

1.0 DESCRIPTION OF SITE

1.01 The application relates to the 'Hen and Duckhurst' housing site which has permission for 250 dwellings which are under construction. The site is on the west side of Staplehurst to the north of Marden Road and allocated for housing under policy H1(48).

2.0 PROPOSAL

2.01 The application seeks to vary condition 20 of the outline permission which restricts working hours of construction as follows:

"During the construction period, no construction or deliveries to the site shall take place on Sundays or Bank Holidays or outside the following times:

0800 to 1800 on Mondays to Fridays; and 0900 to 1300 on Saturdays.

Reason: In the interests of amenities of the occupiers of surrounding properties."

2.02 The applicant is seeking to start an hour earlier on Saturdays from 8am to 1pm.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP10, H1, H1(48), DM1
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

4.0 LOCAL REPRESENTATIONS

4.01 **Staplehurst Parish Council:** Recommend refusal and referral to Planning Committee.

"Councillors expressed disappointment with the application and the management of works at Hen & Duckhurst Farm. They commented that the permissible working hours were often being exceeded and not being enforced. It was RESOLVED to recommend REFUSAL and to request referral to MBC Planning Committee were the officer minded to approve the application."

4.02 **Local Residents:** 16 representations received raising the following (summarised) points:

- Will cause more noise and disturbance.
- Should not have to put up with more noise.
- Significant noise occurs from the site.
- Times should be adhered to.
- Construction will take a number of years.

Planning Committee Report

- Condition is being breached already.
- Mud and dirt on roads.
- Parking on local roads.

5.0 APPRAISAL

5.01 Whilst the applicant is seeking to vary condition 20 to allow work to start an hour earlier on Saturdays, it is considered that the grounds for imposing a condition on working hours should actually be re-visited. This is because issues of noise and disturbance are dealt with under separate Environmental Protection legislation and such a condition controlling working hours should not be imposed on planning permissions.

5.02 As the NPPF outlines at paragraph 55, planning conditions should be kept to a minimum and only be imposed where they are:

1. *necessary;*
2. *relevant to planning;*
3. *to the development to be permitted;*
4. *enforceable;*
5. *precise;*
6. *reasonable in all other respects.*

5.03 Case law has also established that a legally valid condition must be relevant to planning, relevant to the development to be permitted, and reasonable.

5.04 A condition controlling construction working hours is not deemed to be necessary, relevant to planning, or reasonable. This is because the Council has specific powers under the Control of Pollution Act 1974 and the Environmental Protection Act 1990 to deal with noise and environmental nuisance, including on construction sites. This allows for a local authority to impose restrictions by serving abatement notices, including in relation to hours of works and noise levels. In addition, matters relating to the construction phase of development are generally not material considerations for planning applications, which relate more to the effects of the development when built (e.g. traffic generation, visual impact, privacy etc.). For these reasons a planning condition is not necessary or relevant to planning as it repeats other legislation which planning conditions should not do. For this reason it is also unreasonable.

5.05 On this basis, the condition does not pass all the legal and policy tests for planning conditions and it is recommended that condition 20 is removed.

5.06 This does not mean that construction can be carried out at any time and the appropriate legislative powers to deal with noise and environmental nuisance can be used where appropriate. The Council also has its own 'Environmental Code of Development Practice' issued by the Environmental Protection Team, which includes construction working hours. This code is intended to give guidance to contractors on the measures that the Council expects them to take to minimise the environmental impacts of their work on the local community.

Planning Committee Report

6.0 CONCLUSION

6.01 For the above reasons, it is recommended that condition 20 is removed altogether.

6.02 Notwithstanding this recommendation, the Council's own 'Environmental Code of Development Practice' actually allows working hours of 8am to 1pm on Saturdays so should Members consider that a condition should remain in place, the variation sought by the applicant to start at 8am on Saturdays would accord with the Code.

6.03 Any grant of permission results in a new planning permission at the site and so all previous conditions that are still relevant and those already approved need to be attached to the permission and these are set out below. The legal agreement attached to the outline consent contains a clause that links it to and binds any subsequent permission so a new legal agreement or deed of variation is not required.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions with delegated powers for the Head of Planning to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

1. The development hereby permitted shall be carried out in accordance with the following approved plans under application 14/502010/OUT: Site Location Plan DHA/9702/01 Rev B and drawing site access round about T0191/SK01 RevP4 forming part of Appendix E of Transport assessment report.

Reason: To ensure that the location of the vehicular access is defined.

2. The development shall be carried out in accordance with the phasing details approved under application 17/506306/REM unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the development is carried out in a satisfactory manner.

3. The development shall be carried out in accordance with the materials approved under application 18/505483/SUB unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of visual amenity of the area and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

4. The development shall be carried out in accordance with the hard and soft landscaping and boundary treatments approved under application

Planning Committee Report

17/506306/REM unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of visual amenity of the area.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the dwellings to which the landscaping relates. 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: In the interest of visual amenity of the area.

6. The development shall be carried out in accordance with the landscape management plan approved under application 17/506306/REM unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of residential and visual amenity of the area.

7. The development shall be carried out in accordance with the tree and hedge protection measures approved under application 17/506306/REM unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

8. The development of plots 1-131 and 200-250 shall be carried out in accordance with the ground levels approved under application 17/506306/REM unless otherwise agreed in writing with the local planning authority. No development shall take place on plots 132-199 until details of the proposed slab levels of the building(s) 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 having regard to the topography of the site.

9. The development shall be carried out in accordance with the construction management plan approved under application 18/505340/SUB unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of residential amenities in the area and in the interests of biodiversity and ecology.

10. The development shall be carried out in accordance with the contamination assessment and mitigation strategy approved under application 18/503826/SUB unless otherwise agreed in writing with the local planning authority.

Planning Committee Report

Reason: In the interests of residential amenities of the area.

11. If during the course of development any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: In the interests of amenities of the future occupiers of the dwellings.

12. The development shall be carried out in accordance with the archaeological assessment and strategy approved under application 18/503707/SUB unless otherwise agreed in writing with the local planning authority.

Reason: To ensure appropriate assessment of the historic landscape implications of any development proposals and the subsequent mitigation through preservation in situ and integration into main development scheme or preserved by record.

13. The development shall be carried out in accordance with the sustainable surface water drainage scheme approved under application 18/505338/SUB unless otherwise agreed in writing with the local planning authority.

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

14. The development shall be carried out in accordance with the foul drainage details approved under application 18/505338/SUB for plots 1-2, 11-16, 25-32, 211-241, and 247-249 unless otherwise agreed in writing with the local planning authority. No occupation shall take place on any further plots until off-site foul drainage details have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that foul and surface water is satisfactorily managed and disposed of from the site.

15. The development shall be carried out in accordance with the access details approved under application 18/503826/SUB unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of highway safety.

16. The development shall be carried out in accordance with the road and footpath details approved under application 18/505340/SUB unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of highway safety and residential amenities.

17. No dwelling shall be occupied until the following highway works have been implemented in full to the satisfaction of the local planning and highways

authorities unless otherwise agreed in writing with the local planning authority. These works comprise:

- (i) Pedestrian and cycle links to be provided to the existing residential development to the east of the application site via Further Field and Marlfield.
- (ii) A link for vehicular traffic through the development site towards Lodge Road is to be safeguarded.
- (iii) Bus boarders are to be provided at two relevant bus stops.
- (iv) Traffic calming is to be provided along Marden Road and the 30 mph speed limit is extended.
- (v) A pedestrian and cycle crossing to be provided on Marden Road to ensure safe access to the village centre from the site.

Reason: In the interests of highway safety and amenity.

18. Cordwood above 20cm in diameter from the site should be retained and placed within the site in locations and quantities to be agreed with the local planning authority prior to any tree felling take place.

Reason: In the interests of biodiversity and ecological enhancement in compliance with NPPF.

19. Within 6 months of the occupation of the 50th dwelling house the public open space shall be accessible to the public as open-space and shall be maintained as such.

Reason: In the interests of amenities of the prospective residents of the development.

Agenda Item 18



19/501763/SUB & 19/502299/SUB Land south of Forstal Lane, Coxheath, Maidstone, Kent

Scale: 1:2500

Printed on: 12/8/2019 at 9:04 AM by JoannaW

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REFERENCE NO - (A) 19/502299/SUB (B) 19/501763/SUB		
APPLICATION PROPOSAL (A) Details to Discharge Condition 17 (Energy) Subject to 17/502072/OUT (210 dwellings) (B0 Details pursuant to condition 2 (materials), condition 4 (ragstone) for 18/505417/REM (Reserved Matters for 210 dwellings)		
ADDRESS Land South Of Forstal Lane Coxheath Kent		
RECOMMENDATION Application Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed details have been revised in response to the Planning Committee resolution of 25 July 2019 and are now all adequately acceptable in terms of meeting the reason for imposing the conditions and hence these conditions should be discharged.		
REASON FOR REFERRAL TO COMMITTEE The Planning Committee of 31 January 2019 resolved that all details pursuant to the planning permission on this site must be reported to Planning Committee. The cases were deferred from the Planning Committee meeting of 25 July 2019.		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL Coxheath	APPLICANT Chartway Group Ltd
TARGET DECISION DATE 03/06/19		PUBLICITY EXPIRY DATE 16/07/19

MAIN REPORT

1. BACKGROUND

1.01 These cases were deferred from the Planning Committee meeting of 25 July 2019 for the following reasons:

1.02 Application (A) 19/502299/SUB

"That consideration of this application be deferred for further negotiations to secure the provision of renewable energy measures for every unit in the apartment block as well as the communal areas and that if this cannot be achieved, delegated powers be given to the Head of Planning and Development to refuse the application on the basis that a sufficiently energy efficient form of development would not be achieved and the development would therefore not comply with the outline planning permission"

1.03 Application (B) 19/501763/SUB

"That consideration of this application be deferred for further negotiations to secure more ragstone within the development and a lime mortar mix for use with the ragstone"

1.04 The previous report and urgent updates are appended.

2. PROPOSAL

Application (A) 19/502299/SUB

2.01 The applicant has re-clarified that they cannot pragmatically secure PV sourced energy to all apartments in the block and have retained the proposal to only supply communal areas of the apartment block. The reasons were detailed in the Urgent Update to the last Committee.

2.02 However, in response to Members' concerns, they have now indicated an additional 20 dwellings to have PV panels, these being plots 114-115; 151-157; 159-162; 164; 173-178. All of these plots (as is the apartment block) are affordable rented units.

2.03 The applicant has confirmed the percentage of predicted energy consumption of these dwellings: a typical house type is as follows:

Baseline Emissions. = 1,536.33 Kg CO₂
Fabric First Emissions = 1,473.62 Kg CO₂
Total Reduction = 4.08%
PV Emissions = 1,171.95 Kg CO₂
Total Reduction Including PV = 23.72%

Baseline Energy. = 6,147.45 kWh/Year
Fabric First Energy = 6,158.85 kWh/Year
Total Reduction = -0.19%
PV Energy = 5,577.83 kWh/Year
Total Reduction Including PV = 9.27%

2.04 Thus a 1 kWp PV installed on typical house can offset 19.64% of emissions and 9.217% of energy. This figure can vary slightly as unit sizes and orientations vary.

Application (B) 19/501763/SUB

2.05 The applicant has amended the drawing to show extra screen walling in ragstone and has confirmed it will use a 1:1:6 mortar mix(cement:lime:sand). The extra screen walling is to the garden boundaries that have a visibility to the public domain and include plots 44, 72, 83, 86, 93, 98.

3. APPRAISAL

Application (A) 19/502299/SUB

3.01 The significant increase in the number of PV panels on the site will go beyond the quantitative requirement that Members expressed in the resolution, notwithstanding that the number of PV panels to the apartment block has remained as originally proposed. Clarity has also been provided as to the energy savings resulting.

Application (B) 19/501763/SUB

3.02 The mortar mix originally proposed did in fact include lime in a ratio of 1 part cement to 1 part lime to 4 parts sand. The justification from the applicant was that using smaller amounts of Portland cement as an additive to a lime mortar assists the 'going-off' or 'setting' time limits of the mortar, allowing for the chemical reaction to occur before shrinkage occurs, thereby assisting the build process and structural strength of the wall in question whilst avoiding the need to cover the walling and plinths (in this instance) in hessian.

3.03 However, in response to Member's concerns, the applicant has agreed to increase the amount of sand to give a ratio to 1:1:6. This takes down the proportion of cement within the mortar, so it is less rigid. As this is a situation where the ragstone is a cladding rather than the only structural element (as would occur in a heritage situation) it is considered this is an acceptable compromise.

3.04 Extra ragstone walling has been added in the form of garden walls to 6 plots, additional to the original submission of ragstone to the dwellings of plots 1 and 208.

4. CONCLUSION

- 4.01 It is considered that proposed details have been revised which positively respond to the Planning Committee resolution and are now all adequately acceptable in terms of meeting the reason for imposing the conditions and hence these conditions should be discharged.

5. RECOMMENDATION

(A) 19/502299/SUB

Approve the submitted details

Informative

- 1) This decision is based on the following documents/drawings: Energy Statement received 02 May 2019; Email dated 18 June 2019; Drawing CON587_SK_CAC_027; Email dated 6 August 2019; Drawing CON579_SK_CAC_030

(B) 19/501763/SUB

Approve the submitted details

Informative

- 1) This decision is based on the following documents/drawings:

CON587_SK_CAC_024 D Cladding Finishes Plan; CON587_SK_CAC_22 B Roof Finishes Plan; CON587_SK_CAC_23 D Wall Finishes Plan; CON587 rev C External Finishes Palette; Ragstone Sample panel 10 June 2019; CON587_SK_CAC_029 REV B; Email dated 6 August 2019.

Case Officer: Marion Geary

REFERENCE NO - (A) 19/502299/SUB (B) 19/501763/SUB		
APPLICATION PROPOSAL (A) Details to Discharge Condition 17 (Energy) Subject to 17/502072/OUT (210 dwellings) (B) Details pursuant to condition 2 (materials), condition 4 (ragstone) for 18/505417/REM (Reserved Matters for 210 dwellings)		
ADDRESS Land South Of Forstal Lane Coxheath Kent		
RECOMMENDATION Application Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed details are all acceptable in terms of meeting the reason for imposing the conditions and hence these conditions should be discharged.		
REASON FOR REFERRAL TO COMMITTEE The Planning Committee of 31 January 2019 resolved that all details pursuant to the planning permission on this site must be reported to Planning Committee		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL Coxheath	APPLICANT Chartway Group Ltd
TARGET DECISION DATE 03/06/19		PUBLICITY EXPIRY DATE 02/05/19

Relevant Planning History

17/502072/OUT - Outline Application for residential development for up to 210 dwellings together with access off Forstal Lane, 1.85 hectares of open space and associated infrastructure (Access being sought). Approved 27.02.2018.

Pursuant to the outline permission a number of details have already been approved, principally:

- Condition 4(i): Archaeological field evaluation works. Approved 25.07.2018
- Variation to Condition 5: All Existing Hedgerow To Be Retained to allow a temporary construction access. Approved 09.10.2018
- Variation to Condition 18: Badger Mitigation Strategy. Approved 08.11.2018
- Condition 13 - Ecological Design Strategy. Approved 24.10.2018
- Condition 4(ii) - Further archaeological investigation to amend the Badger Mitigation Approach. Approved 12.11.2018
- Approval of Reserved Matters for Appearance, Layout, Scale and Landscaping and details pursuant to conditions 6 (Arboricultural Method Statement); 7 (Tree Protection) and 24 (Minimise Risk of Crime). Approved 18.02.2019
- Non Material Amendment to vary Condition 19 (EV Charging Points) for the provision of 'Wallpod' charging points of 3.6kW or faster. Approved 17.12.2018

Currently pending consideration:

Details for the outline planning permission relating to conditions 8 and 9 (Drainage), 12 (Lighting scheme) and 22(Footpath and PROW)

Details for the reserved matters consent relating to condition 3: (Joinery details)

condition 5 (play area), condition 6 (external lighting) and condition 8 (planting details)

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site of 7.79ha was allocated for residential development in the adopted Plan (Policy H1(58)) and lies to the south of Forstal Lane, adjoining the existing estate of Park Way and Mill Road to the west and north of the recently constructed housing development of Willow Grange.
- 1.02 The site was rough grassland and generally enclosed by hedgerows to its boundaries. The site has an access onto Forstal Lane to the northern boundary and a public footpath, KM67 runs north to south along the eastern boundary, into the Willow Grange development and then to Heath Road.
- 1.03 To the North East of the site, Forstal Lane becomes Well Street, a narrow lane which leads to Loose.
- 1.04 The site is now under construction.

2. PROPOSAL

- 2.01 This report deals with 2 applications that seek to discharge details required by 1 condition attached to the outline planning permission and 2 conditions attached to the reserved matters consent.
- 2.02 Condition 17 requires details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development to ensure an energy efficient form of development.
- 2.03 The submission details that a 1kw panel made up of a 4 panel array panel will serve the communal area for the flatted block A consisting of 11 units.
- 2.04 The submitted Energy Statement by the FES Group sets out how the proposed building fabric, thermal bridging details and heating and ventilation systems will provide a large reduction in energy requirements through the fabric first approach. The report states that forecasted emission rates and fabric efficiency ratings exceed the Government's targets at central level and meet the requirements of the NPPF, to reduce energy and improve carbon reduction for new development.
- 2.05 In terms of the discharge of the condition, the report considers options of Solar Thermal, Photovoltaic Panels and Air Source Heat Pump and concludes to provide photovoltaic panels to the flatted development in preference to using any solar thermal. The use of heat pumps is not proposed- they are said to have a minimal carbon benefit as electricity has a much higher carbon factor than gas. They refer to anecdotal evidence which suggests differing models are achieving mixed levels of performance.
- 2.06 Condition 2 of the reserved matters application requires details of the materials of the block paving and of the external surfaces These were to be vernacular and include: Kentish Ragstone to plots 1 and 208; stock brickwork, clay tile hanging, composite weatherboarding and plain clay and/or natural or composite (ie slate waste) slate roof tiles. Condition 4 was for a sample panel of the ragstone to an agreed mortar mix for plots 1 and 208 and feature entrance walling. The reason for both conditions being to ensure a satisfactory appearance of development.
- 2.07 The submission has been revised and now comprise the following:
 - Blocked paving- Omega concrete in burnt oak or Brindle.

- Bricks: Chartham Multi stock; Arden Special Reserve Light orange stock; Arundel yellow multistock
- Cladding: Hardieplank artic white (textured); natural red clay hanging tiles to 18 plots and rustic concrete hanging tiles to 10 plots
- Clay tiles to 146 plots (colour Flanders or Tuscan)
- SVK Montana artificial fibre cement slate (coated with a water and moss resistant resin layer) to 64 plots
- Ragstone sample panel (on their site at Ulcombe Road, Headcorn) for use on plots 1 and 208 and entrance walls. The agent has confirmed use of a flush joint using a ratio of 1:1:4 mix with a ready-made lime mortar mix, made up of 1 part cement: 1 part lime and 4 part sand with a random coursed split face.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: H1 (58); DM1

4. CONSULTATIONS

n/a

5. APPRAISAL

- 5.01 In terms of Application (A), Members may be aware that in early 2016, the Government diverted from a "zero carbon homes policy" with a rationale to rely on Building Regulations in terms of the 'fabric first' approach. Therefore the energy efficiency of houses is under increasing scrutiny through the Building Regulations with SAP (Standard Assessment Procedure) testing of insulation and boilers etc so that there is a lessened need for 'renewables' because of the focus having been made on reducing the consumption of energy.
- 5.02 Notwithstanding the above, the developers have proposed the use of PV panels on the apartment block (which is part of the affordable rented housing on the site) to serve communal areas. This is acceptable to meet the terms of the condition and remains in accordance with policy DM1 which requires good design respecting the character of the area.
- 5.03 In terms of external materials, application (B), this is a site with 2 prominent new edges to the village and has a land level rise in the order of 11m from Forstal Lane so the roofscape of the site in addition to the 2 main frontages (ie east and north) will be particularly visible. The quality of materials is therefore important. The NPPF, Building for Life 12 and the Maidstone BfL12 all support quality vernacular materials for new housing development.
- 5.04 The proposed facing bricks are all stock bricks and are considered to be appropriately vernacular. The proposed paving blocks are concrete but are acceptable colour and texture in this context.
- 5.05 The artificial cement fibre weatherboard cladding is of a type that is commonly used due to lower maintenance burden and, on modern houses in a non-heritage location such as this site, is considered to be acceptable. The proposed clay hanging tiles are appropriately vernacular. The concrete hanging tiles are not but in this case, they are restricted to parts of the site well away from the rural edge and on a minority of the plots.

- 5.06 The scheme originally comprised mainly concrete roof tiles. These have been amended to clay tiles to the majority of the plots which are considered to be appropriately vernacular and which will weather well over the long term in this visually prominent site.
- 5.07 There is no proposed use of natural or composite slate using slate waste. However, the fibre cement slate proposed is one that is indicated to be coated to be resistant to water and moss to improve the weathering properties compared to the more natural alternatives. On balance, this is considered to be acceptable and is used on a minority (30%) of the site, with the natural clay tiles being predominant..
- 5.08 Overall the details are considered to comply with policy DM1 of the MBLP and both the national and Maidstone's Building for Life 12.

6. CONCLUSION

- 6.01 The proposed details are all acceptable in terms of meeting the reasons for imposing the conditions and hence these conditions should be discharged.

RECOMMENDATION

(A) 19/502299/SUB

Approve the submitted details.

Informative

- 1) This decision is based on the following documents/drawings: Energy Statement received 02 May 2019; Email dated 18 June 2019; Drawing CON587_SK_CAC_027.

(B) 19/501763/SUB

Approve the submitted details.

Informative

- 1) This decision is based on the following documents/drawings:
CON587_SK_CAC_024 D Cladding Finishes Plan; CON587_SK_CAC_22 Roof Finishes Plan; CON587_SK_CAC_23 Wall Finishes Plan; CON587 rev C External Finishes Palette; Agent Email (Mortar Mix) dated 10 June 2019; Ragstone Sample panel 10 June 2019.

Case Officer: Marion Geary

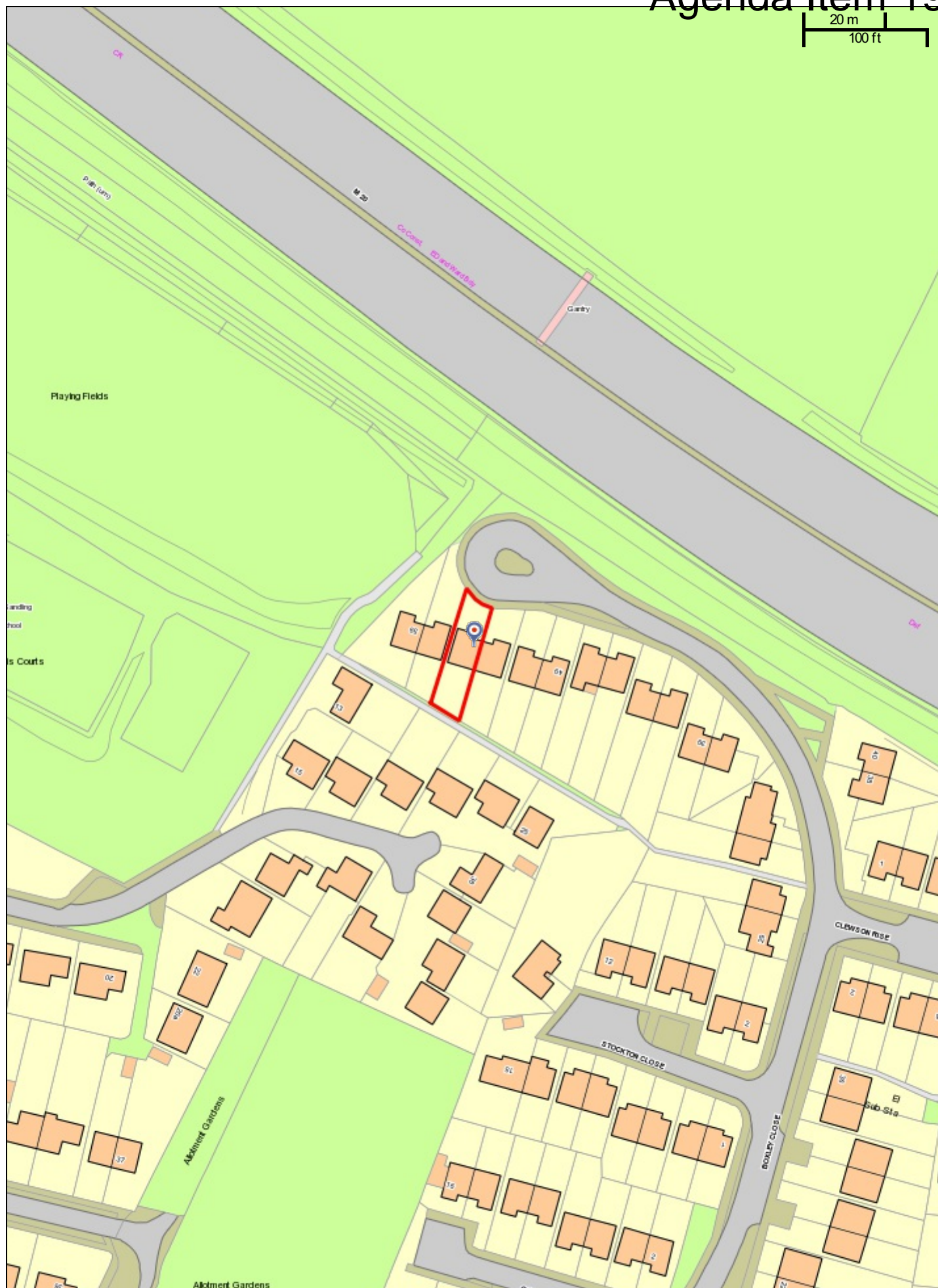
Item 24, pages 182 - 186**19/502299/SUB & 19/501763/SUB****Land South Of Forstal Lane, Coxheath, Kent**

The applicant has provided further background in regard of the proposed renewables, summarised as follows:

- Whilst MBC do not have a substantive policy background on this issue within the Local Plan, or a consistent approach in applying sustainable construction techniques across major sites, the Borough does require the incorporation of some sustainable construction techniques regarding water calculation and energy efficiency in regard to the provision of renewable energy.
- We propose a fabric-first approach, using thermal bridging details, combined with heating and ventilation systems that lead to energy reduction. In addition to the thermally efficient building fabric, there are also photovoltaic panels on the apartment block on the scheme.
- These consist of the proposed 4-panel, 1kW array(s) to be sited on the roof of the apartments, to serve the communal areas (lighting and sockets) only. The array has been reviewed and sized by the potential PV installer to meet the minimum 1kW renewable energy requirements for the development. It is not feasible to split the PV panel into 13 supplies – to serve the 12 apartments and 1 communal as the power provided to each property would be negligible. The occupier would not see any discernible difference in their consumption and utility bills. Furthermore, the infrastructure and logistics of attempting to split the supplies would be troublesome as each property would require an inverter from the PV panel and a meter.
- The proposals will reduce energy requirements by 3.83% and achieve a 3.56% CO2 reduction over Part L1a 2013 requirements through improved fabric and service efficiencies. This equates to a total site wide emission rate of 336,274.31 kgCO2/year and an annual energy requirement of 1,417,857.00 kWh/year. The forecasted emission rates and Fabric Energy Efficiency ratings exceed the Government's publicly stated targets for Approved Document L1A 2013 and achieve MBC's energy and carbon reduction requirements.

Officer recommendation remains unchanged

20 m
100 ft



19/502796/FULL 55 Boxley Close, Penenden Heath, Maidstone, Kent, ME14 2DP

Scale: 1:1250

Printed on: 12/8/2019 at 8:52 AM by JoannaW

105



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REFERENCE NO - 19/502796/FULL		
APPLICATION PROPOSAL Creation of first floor front extension, alterations to rear windows and doors, insertion of 2no. windows to side at first floor and internal alterations.		
ADDRESS 55 Boxley Close Maidstone Kent ME14 2DP		
RECOMMENDATION Grant Planning Permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development accords with the policies and guidelines relating to domestic extensions and there is also a similar addition to the neighbouring property.		
REASON FOR REFERRAL TO COMMITTEE The applicant has declared on the application form that they are the spouse of an employee of Maidstone Borough Council and therefore the decision cannot be made under delegated powers.		
WARD North	PARISH/TOWN COUNCIL N/A	APPLICANT Mrs A Seeley AGENT Mr Tim Spencer
TARGET DECISION DATE 01/08/19		PUBLICITY EXPIRY DATE 16/07/19

Relevant Planning History

No previous planning applications relating to this property.

Enforcement History:

No enforcement history.

Appeal History:

No previous appeals.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site comprises a semi-detached 2-storey house located to the southern side of Boxley Close. The dwelling is part of a comprehensive housing development that was approved in the 1960s and the appearance of the houses is typical of the prevailing design at this time. The adjacent dwelling, no.57 has been the subject of a very similar extension to that proposed here. The northern side of this part of Boxley Close is defined by mature trees and landscaping and beyond this is the M20.
- 1.02 In terms of the local plan, Boxley Close is located within the urban area and is not subject to any specific designations.

2. PROPOSAL

- 2.01 This application seeks permission to add a first floor extension to the front of the property. There is an existing single storey, flat roof projection to the front of the dwelling that provides a porch and part of the lounge and the proposal will extend above this to the same footprint. The addition will have a gabled roof form that will be 0.65m lower than the ridge height of the dwelling. The extension will facilitate the enlargement of an existing bedroom. Internally, the first floor will be reorganised to provide an ensuite bathroom and the existing bathroom and separate WC will be adjusted to form one room. To this end, it is proposed to infill

the existing first floor rear window that serves the WC. On the rear ground floor elevation, the existing patio doors will be widened. The plans also detail the provision of 2 windows on the flank elevation of the dwelling to serve the stairway and the newly provided en-suite bathroom.

- 2.02 The external finishes of the proposals will match the materials used in the existing building.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: DM1; DM9; DM23
Supplementary Planning Documents: Residential Extensions (2009)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No representations have been received from local residents as a result of the consultation process.

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)

KCC Public Rights of Way Officer

- 5.01 Public Rights of Way KB7 footpath runs outside the southern boundary of the site and should not affect the application.

KCC Highways and Transportation

- 5.02 No comments.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- The design and visual impact of the proposal;
 - The potential impact upon the amenities of neighbouring householders.

Design and Visual Impact

- 6.02 Policy DM9 of the Maidstone Borough Local Plan (2017) is supportive of extensions to dwellings within urban areas provided that the scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building and the character of the street scene and/or its context. In advising on front extensions, the SPD Residential Extensions (2009) notes that where acceptable, such additions should respect the scale of the building to which it is attached and the roof should be of the same form and should not diminish the character of the street scene.
- 6.03 The proposed first floor extension has been designed to be proportionate to the existing ground floor projection of the dwelling and incorporates a roof form that is complimentary to the original house with a height that is 0.65m lower than the ridge line of the main property. The exterior surfaces will be finished in materials that match the existing house. The additional windows to the flank elevation and

rearrangement of the patio doors and windows on the rear elevation will not be visible within the streetscene.

- 6.04 Accordingly, the proposed extension and window alterations will not dominate the appearance of the dwelling. In addition, an extension of very similar design and proportions has been added to the neighbouring property (no.57). In view of these factors, the proposal will appear appropriate in its setting and will not detract from the visual qualities or general character of the streetscene.

Impact on Neighbouring Amenities

- 6.05 Policy DM9 specifically states that domestic extensions will be supported provided that the privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded. This requirement is also observed in the SPD Residential Extensions (2009) where it is noted that the design of domestic alterations should not result in windows that directly overlook the windows or private amenity spaces of any adjoining dwelling and should also respect daylight, sunlight and outlook.
- 6.06 In terms of the first floor front extension, this will be set in from the common boundary with no.53 by 2.75m and 1.8m from the flank wall of the front projection at no.57. No windows are proposed in the side elevations of the first floor front extension. The front elevations of the houses on this part of Boxley Close face to the north. Overall, in view of these separation distances and the location of windows at the adjacent properties together with the orientation of the dwellings, there are unlikely to be any significant impacts upon the amenities of the adjacent householders.
- 6.07 In respect of the new windows to the flank elevation of the dwelling, these will relate to a stairway and bathroom. There is a first floor window to the flank elevation of no.57. Given the relationship with the adjacent dwelling and in consideration of the rooms to which the windows will relate, it would be reasonable to include a condition which requires these new windows are fitted with obscured glazing. There are no apparent issues regarding the alterations to the windows on the rear elevation of the dwelling as these openings already exist and are merely being removed or in the case of the patio doors, modestly increased in size. In balancing this issue, I am mindful that there have been no objections from the neighbouring householders.

Other Matters

- 6.08 Policy DM9 requires that a satisfactory provision of parking is available for proposed developments. In this case, no additional rooms are being provided for this dwelling and therefore I conclude that the parking spaces on the existing driveway are sufficient. In addition, the comments from KCC Public Rights of Way Officer indicate that this proposal will not have any implications for the adjacent public footpath and therefore this issue requires no further assessment.

7. CONCLUSION

- 7.01 The above assessments indicate that the proposed first floor addition and alterations to 55 Boxley Close accord with the relevant policies and guidelines on residential extensions. There have been no objections from the neighbouring householders or any consultees. On balance, this is an acceptable development and approval is therefore recommended subject to the condition regarding the use of obscure glazing to the new windows on the flank elevation.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 19035AS-PP-01; 19035AS-PP-02; 19035AS-PP-03; 19035AS-PP-04; 19035AS-PP-05; 19035AS-PP-06; 19035AS-PP-07; 19035AS-PP-08; 19035AS-PP-09; 19035AS-PP-10; 19035AS-PP-11; 19035AS-PP-12; 19035AS-PP-13; 19035AS-PP-14; 19035AS-PP-15; 19035AS-PP-16.

Reason: To clarify which plans have been approved.

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

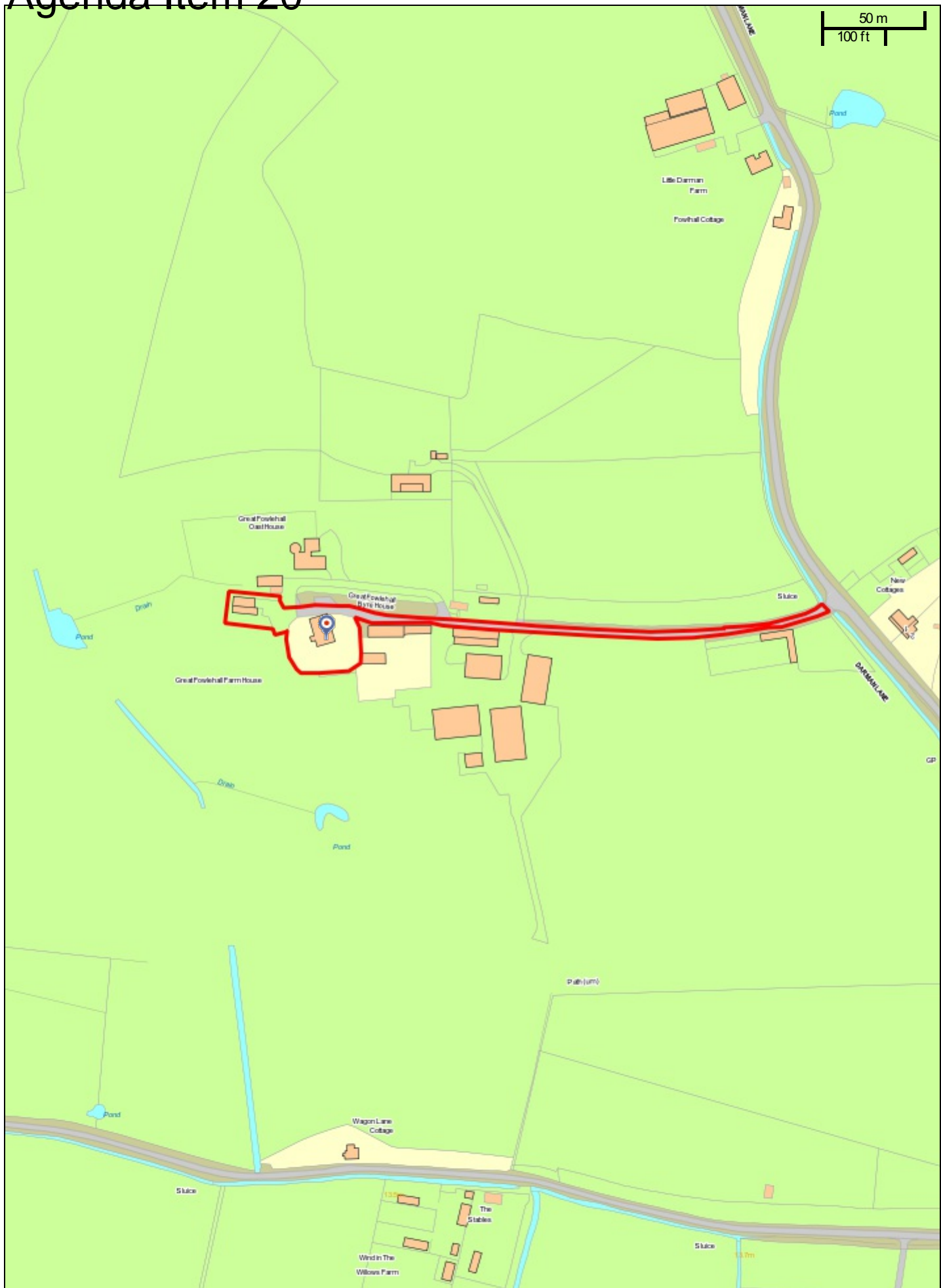
Reason: To ensure a satisfactory appearance to the development.

- 4) Before the development hereby permitted is first occupied, the proposed windows in the western flank elevation of the dwelling, 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: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

Case Officer: Georgina Quinn

Agenda Item 20



REFERENCE NO - 19/503119/FULL		
APPLICATION PROPOSAL Conversion of redundant garage to assisted living annex to provide ancillary residential accommodation.		
ADDRESS Great Fowle Hall Farmhouse, Darman Lane, Paddock Wood, Tonbridge, Kent TN12 6PW		
RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The proposed scale of the accommodation, proximity to the main dwelling and the use of the existing access, garden and facilities (electric, foul water and sewerage) ensures that the conversion will remain dependent on the main dwelling house of Great Fowlehall Farmhouse and so can be considered to be ancillary accommodation and will be conditioned as such. • The proposed development would result in a conversion of the existing building without significant alteration to the building therefore, it is considered that there would be no impact upon the setting of the adjacent listed building or the surrounding area. • The FRA demonstrates that the building is safe for its lifetime whilst considering flood risk providing the recommendations in the supporting Flood Risk Assessment are adhered to, the development is considered by the Environmental Consultants appointed to be suitable in this location. The site is located within a flood warning service area and due to the distance of the existing farmhouse to the proposed annex it will be possible to seek refuge in the upper levels of the farmhouse or the wider site area if a flood occurs. 		
REASON FOR REFERRAL TO COMMITTEE Yalding Parish Council has requested that the application be considered by the Planning Committee if Officers are minded to recommend approval.		
WARD Marden and Yalding	PARISH/TOWN COUNCIL Yalding	APPLICANT Mrs Budgen AGENT Bloomfields Ltd
TARGET DECISION DATE 22.08.2019		PUBLICITY EXPIRY DATE 07.08.2019

Relevant Planning History

86/0909 - Conversion of oasthouse to dwelling (revised scheme) including conversion of outbuilding to private garage. PER

Although the application reference for 86/0909 relates to the conversion of the Oast House, the outbuilding referred to in the description is the building proposed to be converted and extended under the proposed application ref 19/503119/FULL. As such, the building is not curtilage listed, but does have an established ancillary residential use in association with the Farmhouse due to its conversion to a garage and use for purposes ancillary to the Farmhouse for more than 10 years (since 1986).

MAIN REPORT

1. DESCRIPTION OF SITE

The site is located to the west of Darman Lane and to the south-west of Yalding village within the open countryside. The site is accessed via a long narrow track which serves Great Fowlehall Farmhouse, Great Fowlehall Oast House and Great Fowlehall Byre House which are all residential dwellings. Great Fowlehall Farmhouse is the only listed building within the vicinity. The application site and the surrounding area are not subject to any land designations as defined in Maidstone's Adopted Local Plan (2017) but is within Flood Risk Zone 2 and 3.

2. PROPOSAL

- 2.01 This application seeks planning permission for the conversion of the existing garage to an assisted-living annex for a relative. The building is currently in use as a workshop/storage for the main farmhouse. However, due to changes to the applicants' familial requirements, an application has been made to convert the existing building on site. The proposal will increase the built footprint from 98m² to 107m² and the existing eaves height will be increased to accommodate the raised ground floor. With reference to the NPPF, given that the extension is to result in an increase in built footprint of less than 250m², the proposed extension (53.1m²) is considered to be a minor development when assessing the flood risk, not a new dwelling.
- 2.02 The annex will include a kitchen/dining, living room, two bedrooms (one for professional live in carer), bathroom and a rehab gym. The proposal would seek a modest extension to the southern elevation in order to simplify the footprint/floorplan of the building for design purposes, and a raise in eaves height to accommodate a raised internal floor level to meet Environment Agency requirements in regards to flood risk. An area for parking and maneuvering would still remain as existing, available for the main farmhouse and the annex.
- 2.03 It is understood that the building had a temporary roof fitted by the previous owners after the original was damaged (which remains to this day); this will be replaced with tiles to match the existing main farmhouse. All other materials used are proposed to be matching the existing building.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017:

DM1 – Principles of good design

DM4 – Development affecting designated and non-designated heritage assets

DM30 – Design principles in the countryside

SP17 – Countryside

SP18 – Historic Environment

SPG 4 - KCC Parking Standards (2006)

Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (2009)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Two representations received from local residents raising the following (summarised) supporting comments:
- Enhance the area around the farmhouse
 - It will make good use of a redundant and untidy building
- 4.02 There were no objections against the proposal 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)

Yalding Parish Council

- 5.01 The Parish Council raise concerns regarding the proposal representing a new dwelling in an isolated and unsustainable countryside location that would not have good access to public transport and would be remote from local services and facilities, resulting in further occupants being reliant on private motor vehicle to travel for access to day to day needs. Further comment that the site is within a flood risk zone where new dwellings should not be permitted and there is no overriding justification to allow this development in this location as it has not been demonstrated that the proposal would not pose a risk to life and property.

Conservation officer

- 5.02 Having reviewed the application I do not believe the proposals would have a detrimental impact on the setting of nearby listed buildings, and I do not have any reason to object from a conservation point of view. The works have the potential to enhance the appearance of the building, subject to confirmation of the proposed materials particularly the roof covering. The reduction of the proposed balcony could be an improvement to the design.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of development
 - Design, materials and visual impact
 - Residential amenity
 - Parking and highway safety
 - Impact on listed building
 - Flood risk
 - Justification for the conversion

Principle of development

- 6.02 The site is located to the west of Darman Lane and to the south-west of Yalding village within the open countryside. The building is currently used as a garage for domestic storage for Great Fowlehall Farmhouse. The garage was originally converted to a domestic garage as part of the Oast House conversion permitted under 86/0909 for the conversion of oasthouse to dwelling (revised scheme) to outbuilding to private garage.
- 6.03 Paragraph 163 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk

assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) The development is appropriately flood resistant and resilient;
- c) It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) Any residual risk can be safely managed; and
- e) Safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Footnote 50 and 51 of the NPPF:

A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

This includes householder development, small non-residential extensions (with a footprint of less than 250m²) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

- 6.04 Policy SP17 states that the countryside is a sensitive location within which to integrate new development and the council will expect proposals to respect the high quality and distinctive landscapes of the borough in accordance with policy DM30.
- 6.05 DM30 states that the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features. Policy DM32 also states that a proposal is well designed and is sympathetically related to the existing dwelling without overwhelming or destroying the original form of the existing dwelling.
- 6.06 Policy DM1 of the local plan requires, inter-alia, all development to respond positively to, and where possible enhance, the character of the area, having particular regard to, amongst other things, scale, height, mass and bulk.
- 6.07 Paragraph 5.28 of the residential extensions SPD states that Garages and other outbuildings should not impact detrimentally on the space surrounding buildings. They must be smaller in scale and clearly ancillary to the property.
- 6.08 Paragraph 5.29 further states that their scale should not exceed what might reasonably be expected for the function of the building. Garages and outbuildings for domestic purposes do not normally need to exceed a single storey in height or have excessive volume.

- 6.09 Paragraph 5.30 states that there should be no adverse impact on the character or openness of the countryside. In order to contain the sprawl of buildings, any separate buildings should be located close to the original dwelling.
- 6.10 Garages and outbuildings should not compete with the main house and consequently should be sympathetically positioned away from the front of the house and should be simpler buildings. Often secondary buildings or extensions were traditionally erected with simplicity of design and more easily available materials. This may be used to good effect to reinforce the distinction between the original building and the subservience of the extension.
- 6.11 In this case the proposal will increase the built footprint from 98m² to 107m² and the existing eaves height will be increased to accommodate the raised ground floor. I consider the proposed increase in both footprint and eaves height, would result in a modest alteration to the existing built form and would remain subservient in size and scale to the adjacent buildings. With reference to the NPPF, given that the extension is to result in an increase in built footprint of less than 250m², the proposed extension (53.1m²) could be considered to be a minor development when assessing the flood risk not a new dwelling.
- 6.12 The design of the building is practical and through its conversion would reflect the existing built form and would not adversely affect the visual amenity of the surrounding area. The proposed development would result in a conversion of the existing building without significant alteration to the building, therefore, it is considered that there would be no impact upon the setting of the adjacent listed building or the surrounding area.
- 6.13 The FRA demonstrates that the building is safe for its lifetime whilst considering flood risk providing the recommendations in the supporting Flood Risk Assessment are adhered to, the development is considered by their Environmental Consultants appointed to be suitable in this location. The site is located within a flood warning service area and due to the distance of the existing farmhouse to the proposed annex it will be possible to seek refuge in the upper levels of the farmhouse or the wider site area if need be.

Design, materials and visual impact

- 6.14 Government guidance in the NPPF (para. 124) states that good design is a key aspect of sustainable development that creates better places in which to live and work and helps make development acceptable to communities. The NPPF further states (para. 130) that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.15 Policy DM1 of the adopted Maidstone Borough Local Plan states that proposals which would create high quality design and meet certain criteria (14 in total) will be permitted. One of the criteria to be met is that development should *respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage – incorporating a high quality, modern design approach and making use of vernacular materials where appropriate.*
- 6.16 Policy DM30 of the adopted Maidstone Borough Local Plan relating to design principles in the countryside states that proposals which would create high quality design, satisfy the requirements of other policies in this plan and meet certain criteria (5 in total) will be permitted. Amongst the criteria to be are the following:

- The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features;
 - Impacts on the appearance and character of the landscape would be appropriately mitigated;
 - Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area.
- 6.17 The building is currently used as storage ancillary to the main dwelling. A car port is attached to the eastern elevation of the structure which, in my opinion, does not look particularly attractive when compared to the various structures and buildings surrounding the site. The proposal will incorporate the demolition of this car port which will benefit the visual amenity of the surrounding residential dwellings.
- 6.18 The existing roof is currently metal corrugated sheets which were fitted by the previous owners after the original was damaged. Visually, this roof does not appear in keeping with the surrounding properties and looks out of character for the area. The planning agent has confirmed that this will be replaced with tiles to match the existing main farmhouse. All other materials used are proposed to be matching the existing building.
- 6.19 The proposed annex will not be visible from the highway due to the large track that runs from Darman Lane to the building, but will be visible from the Oast house and partially visible from the Byre House.
- 6.20 The design of the building is practical and through its conversion it would reflect the existing built form and would not adversely affect the visual amenity of the surrounding area. The proposed development would result in a conversion of the existing building without significant alteration to the building, and given the distance to the listed farmhouse, it is considered that there would be no impact upon the setting of the adjacent listed building or the surrounding area.
- 6.21 In regards to the proposed balcony area to the western and southern elevations of the proposed annex, due to its location and minor scale (1 metre in depth and 2 metres high including the balustrade) I do not consider the balcony to detrimentally impact the space surrounding the building and it would be sited so it is not visible from the Oast House to the north and in a position to not cause residential amenity issues.
- 6.22 The balcony will provide a flat level area for the elderly occupier to exit the building in a safe and convenient way. Although there are steps proposed to depart the building from the balcony area and the front door it has been designed so, in the future, if a ramp and wheelchair access is necessary minor alterations can be made (subject to the relevant permissions) to enable the occupier to access the annex without disruption which is why there is a larger door frame proposed.
- 6.23 I do not consider the proposed annex to adversely impact the character of the area or openness of the countryside as it will be located close to the original dwelling, it would be single storey and would not have an excessive volume for its proposed use.

Residential Amenity

- 6.24 The proposal is of a sympathetic design and in keeping with the main dwelling and the surrounding area therefore, I do not consider the proposed annex to have a detrimental impact on the outlook for the adjacent neighbouring properties. This will protect residential amenity and prevent the creation of a separate dwelling.

- 6.25 Due to the siting, orientation and proximity of the host dwelling to the other surrounding properties I would not consider there to be any residential amenity issues in terms of outlook, overshadowing, noise and disturbance.
- 6.26 A condition will be placed on the permission to restrict the annex to not be sub-divided, separated or altered in any way so as to create a separate self-contained unit; and shall only be used as ancillary accommodation to the main dwelling currently known as Great Fowle Hall Farmhouse.

Parking and highway safety

The proposal would provide sufficient space for vehicles to enter the site, park and egress the site in a forward gear. It is considered that the proposal would not result in any parking and highways impact that would significantly and demonstrably outweigh the benefits. The proposal would attract no more than the existing number of daily trips from the adjoining household.

Impact on Listed Building

- 6.27 The proposed development would result in a conversion of the existing building without significant alteration to the building therefore, it is considered that there would be no impact upon the setting of the adjacent listed building or the surrounding area.
- 6.28 If permission is forthcoming, a condition stating the proposal shall not commence above slab level until, until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials to ensure the materials used are as similar to the existing Farmhouse and give a satisfactory appearance which would be sympathetic to the listed building.
- 6.29 The existing building is of a sufficient distance from the Farmhouse and of a sympathetic design and scale that it would not detrimentally impact its setting and would therefore be acceptable in terms of impact on the listed building.

Landscaping

- 6.30 The proposed site layout allows for the retention of existing mature trees and vegetation along the boundaries of the site, protection of these during construction can be secured by planning condition.

Other Matters

Flood Risk

- 6.31 With reference to the Environment Agency (EA) Flood Map for Planning, the proposed development is located within Flood Zones 2 and 3. The existing building is considered to be 'Less Vulnerable' under the NPPF. Post-development, there will be a change in vulnerability classification to 'More Vulnerable'.
- 6.32 The submission includes a detailed Flood Risk Assessment report by Ambiental. It states that the proposed development is intended for residential use and subsequently the development must be safe for its lifetime (100 years +CC). Finished floor levels therefore should either be raised 300mm above the general ground level of the site or 600mm above the estimated river or sea flood level. As such; the floor levels have been raised to meet the Environment Agency requirements. Voids are proposed underneath the parts of the building to ensure that there is no loss of floodplain storage post-development and to prevent an increase in flood risk elsewhere.

- 6.33 The FRA demonstrates that the building is safe for its lifetime whilst considering flood risk providing the recommendations in the supporting Flood Risk Assessment are adhered to, the development is considered by the Environmental Consultants to be suitable in this location. The site is located within a flood warning service area and due to the distance of the existing farmhouse to the proposed annex it will be possible to seek refuge in the upper levels of the farmhouse or the wider site area if need be.
- 6.34 The parish council have stated a concern about the lack of safe access and egress from the site during time of flooding. The distance from the proposed annex to the main dwelling is approximately 27 metres. Together with the flood warning service, raised floor levels and the distance from the proposed annex to the main dwelling I would consider the risk of potential issues in terms of safe access to the main dwelling and egress during the time of flooding to be low/unlikely.

Justification for the conversion

- 6.35 Within the comments received from the parish council it refers to there being no overriding evidence of any justification for this development but there are in fact compelling reasons for the applicant needing to provide assisted living accommodation for the applicant's elderly parent.
- 6.36 The personal circumstances surrounding this application that have been raised in a planning statement, and supported by accompanying documentation, which I appreciate may not be available for everyone to view due to its sensitive nature, is considered that the need remains ancillary to that of the main dwelling. As stated, a condition will be placed on the permission to ensure the annex will remain ancillary to the main dwelling. The supporting letter accompanied the submission gives a brief summation of the health issues surrounding the need for this application and that the existing home is no longer suitable, as it would need considerable adaption and this would not be feasible given the listed status of the building. The family's needs would be better served by accommodation on a single level, which could be adapted for disabled living.
- 6.37 The proposed conversion has been designed to maximize independence, whilst also providing an enjoyable and safe open plan living. The size of the accommodation being proposed is not excessive, and is proportionate to the identified need, taking into account practical considerations.
- 6.38 The conversion of an existing building also ensures minimal impact on the surrounding area and provides long term viable use for an existing building and conserves and enhances the character and appearance of the building.

7. CONCLUSION

- 7.01 The proposed scale of accommodation, proximity to the main dwelling and the use of the existing access, garden and facilities (electric, foul water and sewerage) ensures that the conversion will remain dependent on the main dwelling house of Great Fowlehall Farmhouse and so can be considered to be ancillary accommodation.
- 7.02 The FRA demonstrates that the building is safe for its lifetime whilst considering flood risk providing the recommendations in the supporting Flood Risk Assessment are adhered to, the development is considered by the Environmental Consultants to be suitable in this location. The site is located within a flood warning service area and due to the distance of the existing farmhouse to the proposed annex it will be possible to seek refuge in the upper levels of the farmhouse or the wider site area if need be.

7.03 It is considered that the conversion of this building is a sustainable development in meeting the social requirements of existing residents in a manner that ensures that there are not any adverse impacts that would significantly and demonstrably outweigh the benefits of the application. The proposal would not cause any visual harm, preserving the landscape character of the area; there would not be any adverse impact upon residential amenity; there would not be any material increase in vehicle movements at the site and there would be sufficient space for vehicle parking and movement to ensure the safety and convenience of the highway.

7.04 In light of the above, approval is recommended subject to the conditions set out below.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

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

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

Householder Application
1441 001 – Existing plans and elevations
1441P002C – Proposed plans and elevations
1441P003A – Location plans existing
1441P004A – Location plans proposed

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

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

Reason: To ensure a satisfactory appearance to the development.

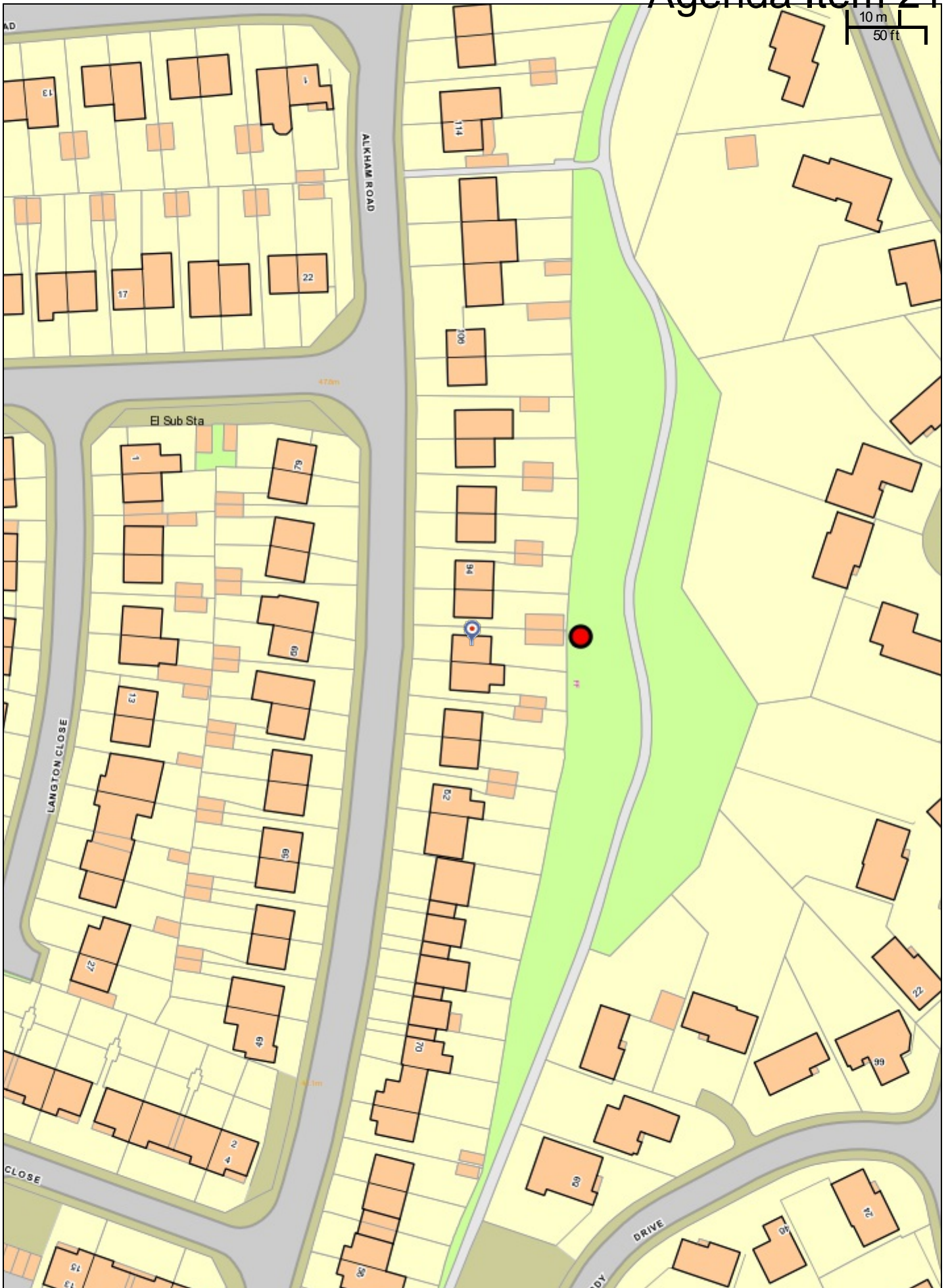
- 4) The additional accommodation to the principal dwelling hereby permitted shall not be sub-divided, separated or altered in any way so as to create a separate self-contained unit; and shall only be used as ancillary accommodation to the main dwelling currently known as Great Fowle Hall Farmhouse, Darman Lane, Paddock Wood, Tonbridge Kent.

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

INFORMATIVES

- 1) 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.

Case Officer: Sophie Bowden



18/505160/TPO Land to rear of 90 Alkham Road, Maidstone, Kent, ME14 5PE

Scale: 1:1000

Printed on: 14/8/2019 at 8:39 AM by JoannaW

REPORT SUMMARY

22 August 2019

REFERENCE NO – 18/505160/TPO		
APPLICATION PROPOSAL – TPO application to 1x Cedar - Monolith snow damage Cedar at 6m		
ADDRESS - Land To The Rear Of 90 Alkham Road Maidstone Kent ME14 5PE		
RECOMMENDATION - Permit		
SUMMARY OF REASONS FOR RECOMMENDATION - The proposed works are considered necessary for reasons of public safety. Loss of wildlife habitat can be mitigated by retention of cordwood and the planting of a replacement tree.		
REASON FOR REFERRAL TO COMMITTEE - This is a Maidstone Borough Council application for works to a protected tree that has received local resident and County Councillor interest. Objections have been received suggesting that the application attempts to mislead, that it is not transparent that it is a Maidstone Borough Council application and that the tree is a public asset of significant value.		
WARD East Ward	PARISH/TOWN COUNCIL Unparished/Boxley Parish boundary	APPLICANT: Andrew Williams Maidstone Borough Council AGENT Qualitree Services
DECISION DUE DATE Overdue	PUBLICITY EXPIRY DATE 7 November 2018	OFFICER SITE VISIT DATE 17 October 2018
RELEVANT PLANNING HISTORY None		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The tree subject to this application is located on Maidstone Borough Council owned land situated between Alkham Road and Lombardy Drive on the Vinters Park Estate, through which a footpath runs north-south, linking Bargrove Road with Valley Park School.

2.0 PROPOSAL

- 2.01 To monolith one snow-damaged Cedar at a height of 6 metres

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 Government Policy:
National Planning Policy Framework (2012)

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

- 3.02 Local Policy:
Maidstone Borough Local Plan October 2017 - Policy DM 3

3.03 Compensation:

In some circumstances, a refusal of consent to carry out works to trees subject to a Tree Preservation Order can result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. Whilst the application does not indicate that any loss or damage is anticipated if the application is refused a risk of further crown breakage is considered to be reasonably foreseeable if the application is refused. However, as Maidstone Borough Council is the applicant, a compensation claim would not arise as a direct result of refusal.

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** Two representations received from local residents raising the following (summarised) issues:

- insufficient detail as to the extent of the works proposed and the reason for them
- no report from the Council's tree officer giving information regarding the state of the tree.
- This tree is of significant historic importance and any work to it needs very careful consideration.
- The Cedar tree has been subject to snow damage but has been poorly maintained after the event and debris still remains around the tree trunk as this has not been professionally addressed by the Maidstone Borough Council contractors.
- Although disfigured, the tree is a magnificent example of a cedar tree which is rarely seen in this neighbourhood. This tree once formed a collection of trees to a historical house which no longer exists and whose grounds have now been largely developed into residential estates. It is important to protect the historical context in which these residential developments have occurred.
- The tree trunk and significant elements of the branch canopy still remain in very good condition. Specialist tree surgery and preservation is required at the locations where damage has occurred as this work has not been performed by the Maidstone Borough Council
- The tree provides a valuable habitat to a wide variety of insects and wildlife that cannot be replicated. This tree adds significantly to the environment and the well being of residents. There is no ecological reason for the destruction of this valuable community resource
- The trees and wildlife were present long before the residential developments and the buyer purchased the property knowing this and also the tree protection order applying to this community asset.
- The application form is not clear - Andrew Williams, the Parks & Open Spaces Manager at Maidstone Borough Council is the applicant, yet the address used on the Planning Application is a private residential address not that of the Council. This appears to be a fundamental error as it does not provide transparency expected of Public Servants.
- The application should be in the name of the Council and the Formal Council address should be used. This statement being confusing or incorrect is another reason why this Planning Application should not succeed.
- The Applicant's Agent is not an independent Arboricultural Consultant and there maybe conflict of interest and therefore should not participate in any works that arise from this planning application.

- Any works or services should be commissioned directly by the Council or are the custodian of the tree, it being a public asset.

5.0 CONSULTATIONS

5.01 No responses received

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- The condition of the tree
 - That this is an application for works by Maidstone Borough Council
 - Loss of wildlife habitat

Appraisal of the tree

- 6.02 Contribution to public visual amenity:
Good – clearly visible to the public, but significantly reduced by recent failure.

Condition:

Poor – obvious decline/ health and/or structural integrity significantly impaired

Useful life expectancy:

Short – safe useful life expectancy of less than 10 years

- 6.03 The tree is a very large, mature Cedar that suffered catastrophic failure of the upper crown as a result of snow loading in February 2018. Large limbs snapped out of the tree and were in a dangerous condition requiring an emergency response to make safe. Arboricultural contractors attended site to make the tree safe. Such emergency situations do not require a TPO consent. During these emergency works an assessment of the tree was undertaken to understand why it failed and the options for retaining and making safe for the future. This revealed pockets brown rot in the main trunk at the point the limbs snapped out. Some long lower branches remain. These branches are considered to be overextended and vulnerable to increased failure risk due to snow/rain/ice loading since the loss of shelter previously afforded by the upper crown, together with the confirmation of decay presence being the reason for the previous failure. The failed parts of the tree were cleared from the path but remain in the vicinity of the tree.
- 6.04 The proposal is not to fell the tree entirely, but to ‘monolith’, removing the remaining side limbs to leave a tall stump 6 metres high.
- 6.05 The current structural condition of the tree is poor and considered a potential failure risk. Cedar is particularly prone to shedding large limbs; the loss of the upper crown and the presence of decay elevates the risk significantly. Given the location of the tree immediately above a footpath regularly used by dog walkers and children going to and from school, some works to reduce the risk are considered necessary. The proposal to monolith the tree, leaving the main stem as wildlife habitat is considered an appropriate management option. The only other viable alternative would be to retain the remaining limbs but to shorten them significantly, but it is considered that the result would have little visual amenity value.

Application issues

- 6.06 The tree is owned by MBC and managed by the Parks team. Where this is the case, the Council treats it in exactly the same way as any other TPO application, except that a site notice is also put up to publicise the application. The application is not dealt with by the Parks team. It is dealt with by Officers qualified in arboriculture within the Planning team, by Officers that take no part in the management of Council-owned trees other than in a regulatory capacity.
- 6.07 The application has been submitted by an agent (a tree surgery company) on behalf of the Parks team and clearly declares that the applicant is a member of staff and that the application is submitted on behalf of MBC. It is noted that that agent has given the applicant details as Andrew Williams of Maidstone Borough Council, but with the address as 90 Alkham Road as the address of the applicant, which is clearly a mistake. The site address is given as 'Land To Rear of 90 Alkham Road In The Vinters Estate', not at the property address itself. This is a common way of identifying a location on applications where they are on larger pieces of land and not within private gardens.
- 6.08 Given that the only potentially misleading part of the application is that the applicant's address is mistakenly given as 90 Alkham Road, in all other respects it has been made clear on the form that the applicant is MBC and that the declaration of interest has been correctly completed, it is not considered that there has been any intention to mislead.
- 6.09 It has been suggested that the agent has a conflict of interest as there is potential financial gain from the granting of this planning application and undertaking any resultant work. It is common practice for tree surgery contractors to submit applications on behalf of their clients. In fact, most applications for tree works that are submitted by agents come from the same contractors that the person intends to use for the works. The fact that the agent in this case is a MBC appointed contractor has no bearing on the decision that the Council must make or the way in which the application is considered. The only effect that using an agent has in the way applications are dealt with is that correspondence is sent to them and not the applicant.

Wildlife Habitat

- 6.10 The works will result in some loss of wildlife habitat, but this is mitigated by the retention of the main stem. It is also recommended that large diameter cordwood from the tree is retained and stacked in the same area and not removed from the site. Furthermore, it is proposed that a replacement tree of the same species is planted nearby and this can be secured by condition.

7.0 CONCLUSION

- 7.01 Taking public safety considerations and the structural condition of the tree into account, works to the tree are considered to be necessary and the proposal an appropriate management option.
- 7.02 The loss of the tree as wildlife habitat is mitigated by the retention of the main stem as a monolith and can be further enhanced by the retention of cordwood on site. A replacement tree can be secured by condition.

8.0 **RECOMMENDATION**

PERMIT subject to the following conditions:

- (1) One [1] replacement *Cedrus libani* (Cedar of Lebanon) tree shall be planted on or near the land on which the tree stood during the planting season (October to February) in which the tree work hereby permitted is substantially completed or, if the work is undertaken outside of this period, the season immediately following, except where an alternative proposal has been submitted to and approved in writing by the local planning authority one month prior to the end of the relevant planting season. The replacement tree shall be of not less than Nursery Standard size (8-10cm girth, 2.75-3m height) or equivalent, conforming to the specification of the current edition of BS 3936, planted in accordance with the current edition of BS 4428 and maintained until securely rooted and able to thrive with minimal intervention;

Reason: To safeguard the amenity and nature conservation value of the tree that has been substantially removed and to maintain and enhance the character and appearance of the local area

- (2) Any tree planted in accordance with the conditions attached to this permission, or in replacement for such a tree, which within a period of five years from the date of the planting is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, shall, in the same location, be replaced during the next planting season (October to February) by another tree of the same species and size as that originally planted, except where an alternative proposal has been submitted to and approved in writing by the local planning authority prior to that planting season;

Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance the character and appearance of the local area

INFORMATIVES

(1) All cut timber/wood between 15cm and 60cm in diameter, together with any senescent and rotting wood, should be retained and stacked safely on site for the colonisation of saproxylic organisms, except where an alternative proposal has been submitted to and approved in writing by the local planning authority.

(2) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 25th July 2019**

APPEAL DECISIONS:

1. 18/501962/FULL

Conversion of outbuilding to create separate dwelling with rear and front dormers.

APPEAL: DISMISSED.

14 Campbell Road
Maidstone
Kent
ME15 6PZ

(DELEGATED)

2. 18/504180/FULL

Demolition of existing buildings and erection of 2no. dwellings on remaining part of builder's yard as shown on drawings P1714-100; 175; 225 A; 226 A; 227 A; 325 A; and 326 A.

APPEAL: DISMISSED.

Hollingbourne Property Services Ltd
Eyborne Green
Musket Lane
Hollingbourne
Maidstone
Kent
ME17 1UU

(DELEGATED)

3. 15/504872/FULL

Use of land as a residential gypsy site with the stationing of two mobile homes, existing outbuildings and stable block, associated hardstanding, boundary wall and gates (part retrospective).

APPEAL: The appeal is allowed.

Horseshoe Paddock
Chart Hill Road
Chart Sutton
Kent
ME17 3EZ

(Delegated)

- 4. ENF/14/500525** Use of land as a residential gypsy site with the stationing of two mobile homes, existing outbuildings and stable block, associated hardstanding, boundary wall and gates (part retrospective).
- APPEAL:** The enforcement notice is quashed.
- Horseshoe Paddock
Chart Hill Road
Chart Sutton
Kent
ME17 3EZ
- (Delegated)
-
- 5. 16/508512/FULL** Change of use of land for stationing of mobile home.
- APPEAL:** DISMISSED.
- The Willows
Lucks Lane
Chart Sutton
Kent
ME17 3FB
- (COMMITTEE)
-
- 6. ENF/16/500656** Change of use of land for stationing of mobile home.
- APPEAL:** The appeal succeeds in part and permission for that part is granted but otherwise the appeal fails, and the enforcement notice as corrected is upheld as set out below in the Formal Decision.
- The Willows
Lucks Lane
Chart Sutton
Kent
ME17 3FB
- (COMMITTEE)
-
- 7. 18/506178/FULL** Two storey side and front extension combined with a first floor side extension above existing ground floor extension. (Resubmission of 17/506384/FULL and 18/503229/FULL)

APPEAL: ALLOWED

6 The Covert
Boxley
Chatham
Kent
ME5 9JJ

(COMMITTEE)

-
- 8. 18/506119/FULL** Construction of a double garage with pitched roof.

APPEAL: DIMISSED.

22 Gleaners Close
Weaving
Maidstone
Kent
ME14 5ST

(DELEGATED)

-
- 9. 18/502099/FULL** Proposed Agricultural access off Cranbrook Road (Resubmission of 17/503493/FULL).

APPEAL: DISMISSED.

Iden Park
Cranbrook Road
Staplehurst
Tonbridge
Kent
TN12 0ES

(DELEGATED)

-
- 10. 18/504631/OUT** Outline application for the erection of 2no. detached four bedroom houses and 2no. semi-detached three bedroom houses with associated parking and landscaping (All Matters Reserved).

APPEAL: DIMISSED.

Land At Forest Hill
Tovil
Kent

(DELEGATED)

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 22nd August 2019**

APPEAL DECISIONS:

1. 18/504398/FULL

Erection of a four storey development comprising of 1 no. two bedroom flat and 6 no. one bedroom flats, including car parking, bin storage, cycle storage, motorcycle parking, visitor parking, means of access and all associated works.

APPEAL: Dismissed

Land To Rear Of 14 To 16
Tonbridge Road
Maidstone
Kent
ME16 8RP

(DELEGATED)

2. 18/505959/FULL

Construction of new 2 bed bungalow.

APPEAL: Dismissed

Daveila
3 Headcorn Road
Platts Heath
Maidstone
Kent
ME17 2NH

(DELEGATED)

3. 18/503495/FULL

Construction of a new access at Thorford Hall Farm including the change of use of land from agricultural to residential for the provision of that access.

APPEAL: Dismissed

Thorford Hall Farm
Goudhurst Road
Staplehurst
TN12 0HQ

(DELEGATED)

-
4. **18/502752/FULL** Proposed dwelling with off road parking to the rear of 7 Linton Road, Loose. (Amended scheme)

APPEAL: Dismissed

7 Linton Road
Loose
Maidstone
Kent
ME15 0AG

(DELEGATED)

5. **18/500485/FULL** Erection of a boundary fence

APPEAL: Dismissed

Barham Court
Tonbridge Road
Teston
ME18 5BZ

(DELEGATED)

6. **Appeals A-D**

Part Retrospective - Change of use of land from grazing to residential for a mobile home for a gypsy family.

APPEAL: Allowed – enforcement notice quashed

Land Adjacent The Potters
Love Lane
Headcorn
Kent
TN27 9HJ

Appeal E 15/503944/FULL

Part Retrospective - Change of use of land from grazing to residential for a mobile home for a gypsy family.

APPEAL: Allowed

Land Adjacent The Potters
Love Lane

Headcorn
Kent
TN27 9HJ

(COMMITTEE)

Appeal F-I

Retrospective change of use of land from grazing to residential for a mobile home and small touring caravan for Gypsy family, also with wooden shed, gate and 1.8m high fencing.

APPEAL: Allowed – enforcement notice quashed

Land Adjacent The Potters
Love Lane
Headcorn
Kent

Appeal J 15/5009317/FULL

Retrospective change of use of land from grazing to residential for a mobile home and small touring caravan for Gypsy family, also with wooden shed, gate and 1.8m high fencing.

APPEAL: Allowed

Land Adjacent The Potters
Love Lane
Headcorn
Kent

(DELEGATED)

Appeals K-M

Change of Use of Land to a Gypsy/Traveller Site Including Laying of Hard Surfacing.

APPEAL: Enforcement notice quashed

Land Opposite Little Luckhurst Known As The Potteries
Love Lane
Headcorn
Kent
TN27 9HJ

Appeal N

Change of use of land to residential for
Gypsy/Traveller Family

APPEAL: Allowed – enforcement notice quashed

Land On South Side Of
Love Lane
Headcorn
Ashford
Kent
TN27 9HL

Appeal O 15/501189/FULL

Change of use of land from agriculture to mixed
use for the keeping of horses and for stationing
of caravans for residential occupation by one
family with associated development (driveway,
hardstanding, septic tank, utility building) and
stable block with associated hardstanding and
manure store.

APPEAL: Allowed

Land On South Side Of
Love Lane
Headcorn
Kent
TN27 9HL

(DELEGATED)