

PLANNING COMMITTEE MEETING

Date: Thursday 24 October 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 Items withdrawn from the Agenda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 - 31 October 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 26 September 2019 1 - 8
11. Presentation of Petitions (if any)
12. Deferred Items 9 - 10
13. 19/500305/FULL River Wood, Chegworth Lane, Harrietsham, Kent 11 - 24

Issued on Wednesday 16 October 2019
Over/:

Continued

Alison Broom

Alison Broom, Chief Executive

14.	19/501600/OUT Land West Of Church Road, Otham, Kent	25 - 55
15.	19/504225/FULL Land To The South Of The Gables, Marden Road, Staplehurst, Kent	56 - 62
16.	19/503648/FULL Loxley House, Gravelly Bottom Road, Kingswood, Maidstone, Kent	63 - 70
17.	19/504103/FULL Mole End, Forsham Lane, Chart Sutton, Maidstone, Kent	71 - 78
18.	Appeals Decisions	79 - 80

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 26 SEPTEMBER 2019

Present: Councillor English (Chairman) and Councillors Eves, Harwood, Kimmance, McKay, Munford, Round, Spooner, Vizzard and Wilby

Also Present: Councillors J Sams and T Sams

88. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Adkinson, Bartlett, Parfitt-Reid and Perry.

89. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor McKay was substituting for Councillor Adkinson.

Councillor McKay indicated that he would be recording the proceedings.

90. NOTIFICATION OF VISITING MEMBERS

Councillors J and T Sams indicated their wish to speak on the report of the Head of Planning and Development relating to application 19/502469/FULL (Pilgrims Retreat, Hogbarn Lane, Harrietsham, Kent).

It was noted that Councillors J and T Sams lived next to the application site. They did not believe that they had Other Significant Interests in the application, but, for transparency, they would speak on the application and then leave the meeting.

91. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

92. URGENT ITEMS

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

93. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood said that, with regard to the report of the Head of Planning and Development relating to application 19/502829/FULL (Vinters Park Crematorium, Bearsted Road, Weaving, Kent), he was a Member of Boxley Parish Council. However, he had not participated in the Parish Council's discussions regarding the proposed improvements to the Crematorium and intended to speak and vote when the application was discussed.

94. EXEMPT ITEMS

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

95. MINUTES OF THE MEETING HELD ON 22 AUGUST 2019

RESOLVED: That the Minutes of the meeting held on 22 August 2019 be approved as a correct record and signed.

96. PRESENTATION OF PETITIONS

There were no petitions.

97. 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

The Development Manager said that additional information had been received which would be put out to consultation. He hoped to be in a position to report the application back to the Committee in the near future.

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

17/504568/FULL - 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 - FORMER KCC SPRINGFIELD LIBRARY HQ, SANDLING ROAD, MAIDSTONE, KENT

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

98. 19/500667/SUB, 19/502295/SUB & 19/504223/SUB - LAND SOUTH OF FORSTAL LANE, COXHEATH, KENT

19/500667/SUB - Submission of details pursuant to Condition 8 (Surface Water Drainage Details), Condition 9 (Implementation of Sustainable Drainage), Condition 12 (Lighting Scheme) and Condition 22 (Footpath and PROW) for planning permission 17/502072/OUT (for 210 dwellings).

19/502295/SUB - Submission of details pursuant to Condition 3: Joinery Details (original application ref: 18/505417/REM - Reserved Matters for 210 dwellings).

19/504223/SUB - Submission of Details to Discharge Condition 6 (Lighting) (original application ref: 18/505417/REM - Reserved Matters for 210 dwellings).

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

Applications 19/500667/SUB and 19/502295/SUB

RESOLVED: That the submitted details be approved with the respective informatives set out in the report as amended by the urgent update report.

Application 19/504223/SUB

RESOLVED: That the submitted details be approved with the informatives set out in the report.

Voting: 10 – For 0 – Against 0 – Abstentions

99. 19/502829/FULL - ADAPTATION OF EXISTING SPACE TO HOUSE COLD STORAGE FACILITIES WITH NEW LINK EXTENSION TO MAIN BUILDING AND CREATION OF NEW OPENING TO THE EAST ELEVATION AND INSTALLATION OF 1 NO. AIR CONDITIONING UNIT - VINTERS PARK CREMATORIUM, BEARSTED ROAD, WEAVERING, KENT

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

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

Voting: 10 – For 0 – Against 0 – Abstentions

100. 19/504088/FULL - DEMOLITION OF EXISTING GARAGE. ERECTION OF TWO STOREY SIDE EXTENSION - 71 ROSELEIGH AVENUE, MAIDSTONE, KENT

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

RESOLVED:

1. That permission be granted subject to the conditions set out in the report and an additional condition requiring the incorporation of integrated niches for wildlife (at least one bat brick and one swift brick).
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional condition and to amend any other conditions as a consequence.

Voting: 10 – For 0 – Against 0 – Abstentions

101. 19/504494/NMAMD - NON MATERIAL AMENDMENT FOR REMOVAL OF 4 NO. KITCHEN WINDOWS ON ELEVATION 5 (WEST ELEVATION) OF BLOCK 1. THE SURROUNDING RECESSED PANELS WILL ALSO BE REMOVED AND WILL BE REPLACED WITH A PROJECTING BRICKWORK DETAIL TO MAINTAIN VISUAL INTEREST SUBJECT TO 17/504428/FULL - MAIDSTONE BOROUGH COUNCIL CAR PARK, CORNER OF UNION STREET, MAIDSTONE, KENT

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

RESOLVED: That permission be granted with the informative set out in the report.

Voting: 9 – For 1 – Against 0 – Abstentions

102. 19/502469/FULL - RETROSPECTIVE APPLICATION (IN PART) FOR THE CHANGE OF USE OF LAND FROM A MIXED USE OF HOLIDAY UNITS (180 CARAVANS) AND RESIDENTIAL (18 CARAVANS) TO A RESIDENTIAL PARK HOME SITE (FOR FULL-TIME RESIDENTIAL OCCUPATION) COMPRISING THE STATIONING OF 248 CARAVANS, INCLUDING ENGINEERING WORKS TO CREATE TERRACING, HARDSTANDING, RETAINING WALLS, AND THE EXTENSION OF THE SITE ALONG THE SOUTH EASTERN BOUNDARY - PILGRIMS RETREAT, HOGBARN LANE, HARRIETSHAM, KENT

All Members except Councillors Harwood, McKay and Round stated that they had been lobbied.

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

In presenting the application the Development Manager advised the Committee that he wished to add a further policy ground (DM21) to recommended reason for refusal no.4 and a further policy ground (DM20) to recommended reason for refusal no.6.

Councillor Powell of Harrietsham Parish Council, Mr Cussen, for the applicant, and Councillors T and J Sams (Visiting Members) addressed the meeting.

Having made representations, Councillor T and J Sams left the meeting.

RESOLVED: That permission be refused for the reasons set out in the report as amended by the Development Manager during his presentation on the application.

Voting: 7 - For 0 - Against 3 - Abstentions

103. 19/502525/FULL - CHANGE OF USE AND CONVERSION, EXTENSION (TO INCLUDE CONSTRUCTION OF A FIRST FLOOR EXTENSION, LOFT CONVERSION TO HABITABLE SPACE WITH ALTERATIONS TO THE ROOF LINE) AND ALTERATION OF EXISTING BUILDING IN ORDER TO CREATE A HOUSE OF MULTIPLE OCCUPANCY (SUI GENERIS) COMPRISING 10 UNITS, TOGETHER WITH ASSOCIATED PARKING AND LANDSCAPING - 1 REGINALD ROAD, MAIDSTONE, KENT

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

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

Voting: 9 - For 0 - Against 0 - Abstentions

Note: Since Councillor McKay was not present at the start of this item, he did not participate in the discussion or the voting.

104. 19/503481/FULL - CONVERSION AND CHANGE OF USE OF AGRICULTURAL BARN TO RESIDENTIAL DWELLING TOGETHER WITH FIRST FLOOR EXTENSION TO LEAN-TO, ASSOCIATED PARKING AND RESIDENTIAL GARDEN (RE-SUBMISSION OF 18/504895/FULL) - AGRICULTURAL BARN, LITTLE GRIGGS FARM BARNS, GRIGG LANE, HEADCORN, KENT

Councillor Round stated that he had been lobbied.

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, and the additional condition set out in the urgent update report, with:

- (a) The amendment of condition 8 (Landscaping) to specify that the landscaping scheme shall be designed in accordance with the principles of the Council's landscape character guidance; and
 - (b) Additional informatives to give a clear indication of what the Committee is seeking to achieve in relation to materials (dark timber weatherboarding) and landscaping (better site enclosure and specimen trees such as English Oaks).
2. That the Head of Planning and Development be given delegated powers to finalise the wording of amended condition 8 and the additional informatives and to amend any other conditions as a consequence.

Voting: 9 – For 0 – Against 1 – Abstention

105. 19/501105/FULL - SITING OF TWO ADDITIONAL MOBILE UNITS, WITH ASSOCIATED ACCESS AND LANDSCAPING WORKS - WHITEACRES, MARDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

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

In presenting the report, the Development Manager advised the Committee that he wished to amend the recommendation set out in the urgent update report to read:

That subject to the expiry of the 21 day notice period and no new planning issues being raised which have not previously been considered in the report, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report as amended by the urgent update report.

Councillor Riordan of Staplehurst Parish Council and Mr Collins, for the applicant, addressed the meeting.

RESOLVED:

1. That subject to the expiry of the 21 day notice period and no new planning issues being raised which have not previously been considered in the report, the Head of Planning and Development be given delegated powers to grant permission 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 (Landscaping Renewal Period) to specify that any trees or plants within the approved landscape scheme, which, within a period of **10** (not 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. The reason for the longer period being to balance the intensification of use of the site by strengthening landscaping particularly adjacent to the access track where visibility from the public highway is greatest.

- (b) An additional informative advising the applicant that the proposed hedgerows should incorporate specimen hedgerow trees which should be Wild Service.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of amended condition 7 and the additional informative and to amend any other conditions as a consequence.

Voting: 9 – For 0 – Against 1 – Abstention

106. 19/502875/TPOA - TREE PRESERVATION ORDER APPLICATION TO T1 LIME: LIFT TO 5M OVER PROPERTY TO GIVE CLEARANCE - 6 CALEHILL CLOSE, MAIDSTONE, KENT

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

RESOLVED: That permission be granted subject to the condition and informative set out in the report with an additional condition requiring that the arisings from the crown lifting works be retained on site in the interests of wildlife.

Voting: 10 - For 0 – Against 0 – Abstentions

107. 19/503752/TPOA - TREE PRESERVATION ORDER APPLICATION - T1 BEECH: REDUCE RADIAL SPREAD FROM 3.5M TO 2.5M; T2 OAK: REDUCE RADIAL SPREAD FROM 4M TO 2.5M - LAND NEXT TO 8 WESTMINSTER SQUARE, MAIDSTONE, KENT

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

RESOLVED: That permission be granted subject to the condition and informative set out in the report.

Voting: 10 – For 0 – Against 0 - Abstentions

During the discussion on this application, the Chairman said that he would raise with the Vice-Chairman and Political Group Spokespersons of the Planning Committee the possibility of requiring the installation of bat boxes to compensate for the loss of habitat as a result of tree surgery works.

108. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting.

RESOLVED: That the report be noted.

109. DURATION OF MEETING

6.00 p.m. to 8.50 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

24 OCTOBER 2019

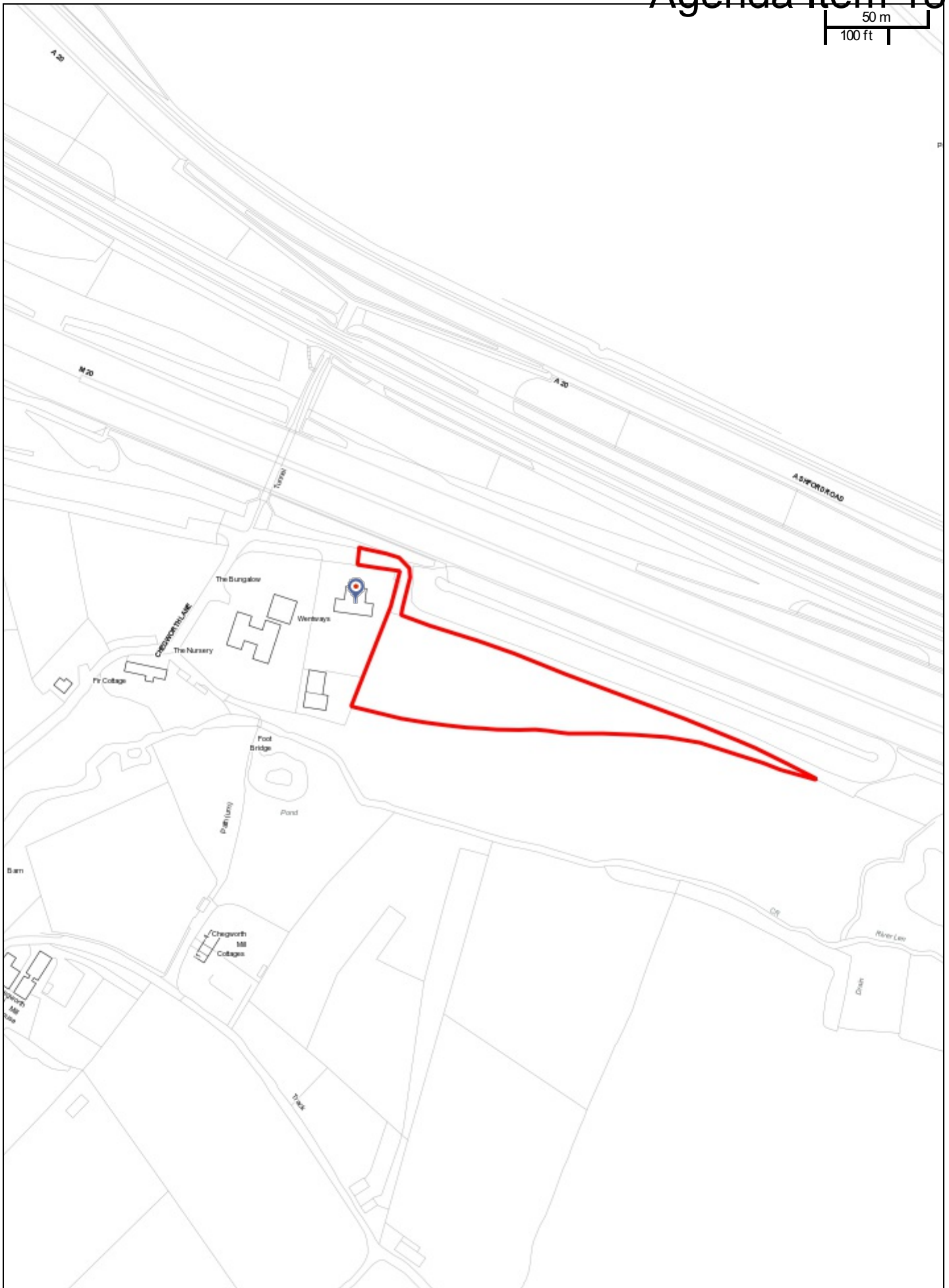
REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

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
<p><u>17/504568/FULL - 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 - FORMER KCC SPRINGFIELD LIBRARY HQ, SANDLING ROAD, MAIDSTONE, KENT</u></p> <p>Deferred to enable:</p> <ul style="list-style-type: none"> • The viability information to be published on the Council's website; and • The Officers to provide details of the S106 funding currently available for community facilities in the area. 	22 August 2019



19/500305/FULL River Wood

Scale: 1:2500

Printed on: 16/10/2019 at 10:07 AM by SummerF

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 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 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 tourist lodge use.</p> <p>The access arrangements to and from the site are suitable for the modest scale 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 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 provides an opportunity to improve the Local Wildlife Site by re-introducing coppicing back into the woodland that is owned by the applicant 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 Harrietsham Parish Council wish to see the planning application refused and request the application be reported to committee if officers are minded to approve.			
WARD Harrietsham and Lenham	PARISH/TOWN Harrietsham	COUNCIL	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 to the eastern side of Chegworth Lane. The site is close to the pedestrian underpass which runs under the M20 motorway, and the railway and the A20 Ashford Road beyond to the north.
- 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. The site extends some 230

metres approx. along the embankment parallel 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 a large part of the woodland 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.
- 1.06 A listed building called Fir Cottage is located to the west of the site (94 metres) and there is a cluster of listed buildings to the south west of the site (224 metres)
- 1.07 The site is within a ground source protection zone but not within an area at risk of flooding. There is a Public Right of Way located to the west of the site that runs between Fir Cottage and The Bungalow and then turns south, the right of way is 45 metres from the site boundary at the closest point.

2. PROPOSAL

- 2.01 The application proposes six one-bedroom detached tourist lodges at the western end of the 0.85 hectare application site. The applicant owns a much larger linear area of land outside the application site boundary mainly to the east of the site but also extending south to the River Len.
- 2.02 The existing access in the north-western corner of the site off Chegworth Lane is continued into the site 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.
- 2.03 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.
- 2.04 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.
- 2.05 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 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, DM4, DM8, DM23, DM30, DM37, DM38

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

Original comments

- 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.

Following further consultation, the following additional comments were received from the Parish Council.

- Leeds Castle have informed us that they have submitted responses to this application. Having viewed all of the documents currently on-line, they have not been added to the portal to be included in any decision that is to be made. (Officer comment: All valid consultation responses are available to view on the Council's website);
- If the Parish Council is being asked to comment on amended details for this application, surely that would invalidate the Planning Committee report that has already been written. This report should be removed and a new one written, once all of the comments have been taken into consideration. (Officer comment: This report considers additional matters that are raised and the additional supporting information);
- The title deeds for this land clearly show that the land is owned by more than one person, the new documents have the land listed as only being in the ownership of Mr John Dixon. Therefore the application form is still incorrect. (Officer comment: The applicant has notified two separate individuals who the applicant has confirmed have an interest in the land);
- As previously stated, we do not feel that our previous comments have been addressed and I can confirm that the Parish Councillors still request that this application is reported to the Planning Committee.

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.

(Officer comment: There is no designation in the Local Plan of an "Area Excluded from Built Development", the application site is also not within a 'Local Wildlife Site'. The site is bordered by a 'Local Wildlife Site' to the south. To the north the application site is 30 metres from the M20 that has an acoustic fence next to the carriageway and a tree lined embankment. The railway line is 89 metres from the site on the opposite side of the M20.)

The applicant has provided details of a sewage disposal system which the Environment Agency have confirmed is acceptable. Several references are made in the comments to an existing unrelated building. This building is not part of the current application or on the application site and is the subject of a separate planning enforcement investigation.)

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. (Officer comment: Further comment awaited from Highways England in relation to provision of a fence to reduce potential for motorway access whilst the hedgerow becomes established)

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.

(Officer comment: Following discussion with the Environment Agency and the applicant further details have been submitted with the conclusions set out below)

Environment Agency

- 5.11 No objections. The submitted documents relating to the Klargester Biotech 4 Sewage Treatment Plant have been reviewed and they remove earlier concerns.

**6. APPRAISAL
Main Issues**

- 6.01 The key issues for consideration relate to:
- Provision of tourist lodges in the countryside;
 - Visual impact;
 - Residential amenity;
 - Access, parking and traffic;
 - Ecology;
 - Drainage, and
 - Heritage

Provision of tourist lodges in the countryside

- 6.02 Government guidance in the National Planning Policy Framework (NPPF) (2019) states 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. The NPPF advises that planning policies should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 6.03 The NPPF 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.
- 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 Whilst the application site is outside a defined settlement boundary, the site is located 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 In summary, holiday/tourism related development in the rural areas of the borough is generally supported by both national and local planning policy subject to a number of other criteria that are considered below.

Visual impact

- 6.09 The Kent Downs Area of Outstanding Natural Beauty (AONB) mentioned in the Parish Council consultation response is 0.4 miles to the north east of the application site and to the north of the motorway embankment. It is considered that with this separation distance the modest tourist lodges would not impact upon the AONB.
- 6.10 The site is located within the Len Valley Landscape of Local Value as designated by the Maidstone Borough Local Plan. The site is within Leeds Castle Parklands area (49) in the Maidstone Landscape Character Assessment. The assessment concludes that the area has high sensitivity and is of moderate condition. The character assessment recommends a 'Conserve and Restore' approach with the summary of actions including to "Conserve the traditional parkland character of the landscape".
- 6.11 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.
- 6.12 The site is accessed at the end of a single track lane that forms a dogleg at the end of Chegworth Lane. It appears that the lane that is owned by Highways England was historically part of the A20 before the M20 was built.
- 6.13 The landscaped embankment on the southern side of the M20 motorway rises to the north of the open grassed application site. There is an area of woodland to the south and to the east which is mostly in the applicant's ownership. Trees and hedgerow along the boundary with the neighbouring residential property of 'Wentways' are to the west of the site.
- 6.14 There is a Public Right of Way located to the west of the site that runs between Fir Cottage and 'The Bungalow' and then turns south, the Public Right of Way is 45 metres from the application site boundary at the closest point. With intervening buildings, trees and boundary treatment the proposed tourist lodges will not adversely impact on views from the Public Right of Way.
- 6.15 The Maidstone Landscape Character Assessment concludes that the area has high sensitivity and is of moderate condition. The character assessment recommends a 'Conserve and Restore' approach with the summary of actions including to "Conserve the traditional parkland character of the landscape".
- 6.16 Whilst it is acknowledged that the proposed tourist lodges do not conserve or restore the parkland setting (contrary to the Maidstone Landscape Character Assessment), the assessment of the proposal has sought to consider whether and the extent of any actual visual harm.
- 6.17 As detailed above with the narrow access at the end of lane and the woodland and landscaped embankment the site is enclosed with very limited public views. This includes views from the Public Right Way as set out above. This situation is acknowledged within the character assessment which advises that "Views are generally restricted by intervening vegetation throughout this landscape,.." (Para 49.7). The proposed tourist lodges are relatively modest in scale in terms of the number and size of the units and the site context adjoining a small group of existing buildings in the countryside location.
- 6.18 In summary, it is concluded that whilst the proposal does not conserve or restore the parkland setting, the proposal is acceptable in relation to visual landscape harm

due to the modest scale of the proposal, the enclosed nature of the site well screened in views from the surrounding area by existing trees, hedgerows and woodland (a large section of woodland to the east and south is owned by the applicant) and the proposed additional hedgerow screening with the proposal found to be in accordance with policies DM37 and DM38.

Residential amenity

- 6.19 The proposed tourist lodges are 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 applicant occupies the property called 'The Bungalow' in Chegworth Lane. 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.
- 6.20 The noise from the motorway and rail link has been raised in consultation responses. The proposed accommodation is located adjacent to existing houses and within an enclosed site at the bottom of the motorway embankment. An acoustic fence is located along the edge of the motorway in the vicinity of the application site. It is considered that due to this situation there would be no grounds to refuse planning permission in relation to noise disturbance. There has been no objection from the environmental health team.
- 6.21 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 and hedgerow planting.

Access, parking and traffic

- 6.22 The application site is accessed from the northern end of Chegworth Lane by way of an existing access which also serves the neighbouring residential property at Wentways to the west. Whilst the access arrangements to and from the site include a bend in the accessway, the access arrangements are suitable for the modest tourist lodge development proposed.
- 6.23 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 tourist lodges. The arrangements for site access, parking and the trip generation from the development are considered acceptable. Kent Highways raise no objection to the application.

Ecology

- 6.24 The proposed tourist lodges are 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.
- 6.25 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 tourist lodges from the adjoining woodland and Local Wildlife Site.
- 6.26 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.

- 6.27 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.
- 6.28 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 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

- 6.29 The application site is not within an area that is likely to suffer from flooding but the site is in a groundwater source protection zone.
- 6.30 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. The applicant has submitted documents relating to the proposed use of a Klargester Biotech 4 Sewage Treatment Plant.
- 6.31 The location of the site within a groundwater source protection zone and the information submitted by the applicant have been considered by Southern Water and the Environment Agency and have been found to be acceptable.

Heritage

- 6.32 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. When making a decision concerning a listed building or its setting, the council must 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.
- 6.33 There is a listed building, Fir Cottage to the west of the site (94 metres) and a cluster of listed buildings to the south west of the site (224 metres). In an assessment consistent with other sites, due to intervening land and buildings it is not considered that the proposal will impact on the heritage interest or the setting of these listed buildings, including the traffic generated by the proposal.

Other Matters

- 6.34 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 and the proposal is as a result considered acceptable in this respect.
- 6.35 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.
- 6.36 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.
- 6.37 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.

- 6.38 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. The applicant confirmed that the original certificate of ownership was incorrect at the time that it was submitted (18 January 2019) and as a result the case was withdrawn from the August committee agenda. The applicant submitted an amended certificate of ownership which includes two other owners and an amended site location plan which has been the subject of further consultation.
- 6.39 A planning condition is recommended seeking details of boundary treatments. In relation to comments from Highways England the applicant has provided an amended plan showing 1.8 to 2 metre high green weld mesh along the northern site boundary. This fence will restrict pedestrian access to the nearby motorway including in the period where hedgerows are being established.
- 6.40 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 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 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 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 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 and documents:
Location Plan
Drawing No. P875/2 Rev. C – 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 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 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 that is in accordance with the Council's Landscape Character Guidelines 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 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 tourist lodges hereby permitted being occupied, 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. C), 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 tourist lodges; Reason: In the interests of the visual amenities of the area and the setting of the completed development.
- 6) The six tourist lodges hereby permitted shall only be used for bona fide holiday accommodation purposes. Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.
- 7) The six tourist lodges hereby permitted shall only be occupied continuously by any persons for a period not in excess of 28 days and there shall be no return within a period of 3 months. Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.

- 8) Prior to the first occupation of the tourist lodges a management plan shall be submitted to and approved in writing by the Local Planning Authority, with the management plan including full contact details (name, address, phone number and email) of a named person responsible for the administration of the booking for the approved accommodation, with the local planning authority informed of any change to these details for the lifetime of the development. Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.
- 9) A written record of all lettings shall be kept and maintained by the named individual set out in the preceding condition 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.
- 10) The tourist lodge use of the site hereby permitted shall be restricted to the six tourist lodges sited as shown on the approved plan (Drawing No. P875/2 Rev. C) only; Reason: In the interests of the amenities of the occupiers of neighbouring residential properties and local amenity generally.
- 11) 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. C), 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.
- 12) The new accessway within the site, vehicle turning areas and parking spaces shown on the approved plan (Drawing No. P875/2 Rev. C) shall be provided and maintained available for use for access, vehicle turning and parking purposes by users of the six 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 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.
- 13) 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 woodland area and adjacent existing residential accommodation 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.
- 14) Prior to the first occupation of the tourist lodges hereby permitted, a woodland management plan for the woodland area adjacent to the southern boundary of the site (on land that is owned by the applicant) 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.

- 15) Prior to the first occupation of the 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.
- 16) 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.
- 17) The development hereby approved shall not be occupied 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 1.8 – 2 metre high weld mesh fence along the northern site boundary, the development shall be carried out in accordance with the approved details before the first occupation of the buildings 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 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: Tony Ryan



19/501600/OUT

Scale: 1:5000

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REFERENCE NO - 19/501600/OUT
APPLICATION PROPOSAL <p>Outline application for up to 440 residential dwellings, with associated access, infrastructure, drainage, landscaping and open space (Access being sought with all other matters reserved for future consideration)</p>
ADDRESS Land West Of Church Road, Otham, Kent, ME15 8SB
RECOMMENDATION – APPROVE WITH CONDITIONS
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The site is allocated for 440 houses within the Local Plan under policy H1(8) subject to a number of criterion. • The outline application proposes up to 440 houses and for the reasons outlined in the report complies with the criterion under policy H1(8) subject to the legal agreement and conditions. • The allocation of the site for housing inevitably has an impact upon the setting of listed buildings to the north but this would be minimised and would be less than substantial. The public benefits of providing housing, including affordable housing on an allocated housing site, and the associated the social and economic benefits, and a church car park, outweigh this less than substantial harm. • KCC Highways is raising objections on the basis of an unacceptably severe traffic impact on the highway network and worsening safety hazards on Church Road. For the reasons outlined in the report the Local Planning Authority does not agree, and the objections are not considered to be reasonable grounds to refuse planning permission. • KCC Highways is raising issues of capacity and safety relating to the applicant's proposed signalisation of the Willington Street/Deringwood Drive junction and so delegated powers are sought by officers to resolve this matter through an amended improvement scheme that is agreed with KCC Highways, or withdrawal of their objection on this matter. • Highways England is raising no objections subject to a condition that limits 230 house occupations until works to the M20 Junction 7 have been carried out in full. The applicant has signed a legal agreement to pay a proportionate amount to the upgrade works to Junction 7, which is considered appropriate and such a condition does not pass the required tests for planning conditions and is unreasonable for the reasons outlined in the report. • The outline application complies with site policy H1(8) and all other relevant Development Plan policies. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions set out below.
REASON FOR REFERRAL TO COMMITTEE

- Councillor Newton has requested the application is considered by the Planning Committee for the reasons set out below.
- The recommendation is contrary to the view of Kent Highways and Highways England (statutory consultees).

WARD Downswood And Otham	PARISH/TOWN COUNCIL Otham	APPLICANT Bellway Homes Limited AGENT DHA Planning	
DECISION DUE DATE: 08/11/19	PUBLICITY EXPIRY DATE: 17/10/19	SITE VISIT DATE: 17/04/19 & 10/10/19	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
19/501029	EIA Screening Opinion for the proposed residential development of up to 440 dwellings and associated access, landscaping and other works on land west of Church Road, Otham.	EIA NOT REQUIRED	17/04/19

1.0 DESCRIPTION OF SITE

1.01 The application site has an area of approximately 16.1ha and is to the west of Church Road. The site is to the southeast of Maidstone and is between substantial residential areas to the north, west and southwest, namely cul-de-sacs within the Downswood area to the north, Chapman Avenue to the west and Woolley Road to the south. To the east are open agricultural fields and immediately to the south/southeast are a number of detached residential properties at The Rectory (Grade II listed) and Squerryes Oast. St Nicholas's Church (Grade I listed) and Church House (Grade II listed) are to the north of the site.

1.02 The site is in the main, an open arable field but includes an area of land at its north end that wraps around the north side of the church which has numerous trees, scrub vegetation and grass, and over which public footpath KM86 runs. The boundaries of the site are formed by established hedging on the Church Road frontage, hedging to the boundary with 'Squerryes Oast', and trees on the south, west and north boundaries. There is an area of Ancient Woodland (AW) to the southeast of the site.

1.03 The site is highest at its south end with a gradual fall to the north. To the west where the site backs onto gardens of properties within Chapman Avenue, there is a considerable level difference between the site and Chapman Avenue.

1.04 Importantly, the site is allocated for housing development in the Local Plan and policy H1(8) allows for up to 440 houses and sets out a number of criterion to be met.

2.0 PROPOSAL

2.01 This application seeks outline permission for up to 440 houses and approval of two proposed vehicular access points onto Church Road and other pedestrian and/or cycle links to residential areas to the north, west and south. All other matters such as the location and layout of the roads, houses and open space areas, the design and heights of the houses, and landscaping would be determined under a future reserved matters application(s).

2.02 As such, the local planning authority is being asked to consider whether the principle of 440 houses with two access points is acceptable at this stage.

2.03 The applicant has provided numerous assessments to support the proposals and in order to demonstrate how the site can suitably accommodate 440 houses in line with policy H1(8).

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP3, SP18, SP19, SP20, SP23, H1, OS1(16), ID1, H1(8), DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

4.0 LOCAL REPRESENTATIONS

(The latest notification on additional/amended details expires on 17th October. Any responses received will be reported under an Urgent Update Report)

4.01 **Otham Parish Council:** Raises objections for the following (summarised) reasons:

- Increased traffic and congestion.
- Highway safety for vehicles and pedestrians.
- Lack of transport modelling of local junctions in Downswood.
- Considerable loss of hedging to the front of the site contrary to policy.
- Harm and profound change to the landscape.
- Loss of views across the countryside.
- Harm to ecology.
- Harm to the setting of listed buildings.
- Archaeological survey should be carried out.

4.02 **Downswood Parish Council:** Raises objections for the following (summarised) reasons:

- Traffic generation, traffic flows and congestion.
- Lack of transport modelling of local junctions in Downswood.

- Question some of the assumptions and modelling within the Transport Assessment.
- Traffic assessment not sufficient and carried out when road closed.
- Site policy doesn't provide highways mitigation to the north of the site.
- Strategic highways measures in site policy have not been delivered.
- Lack of sufficient details of development to properly assess.
- Not enough room to widen Church Road without losing hedges.
- Lack of pedestrian/cycle links.
- Snow and ice will leave the site stranded.
- Lack of access for emergency vehicles.
- Inadequate access for large vehicles.
- Buses are unlikely to be able to access the site.
- Lack of decent access to bus services which are poor.
- The site does not benefit from good public transport access.
- Highway safety for vehicles and pedestrians.
- Groundwater plans inconsistent, assessment inadequate, and likelihood of sink holes not properly assessed.
- Land stability and underground conditions have not been suitably assessed.
- Loss of privacy and overlooking.
- Noise, disturbance, and light pollution.
- Inconsistent with character and appearance of local area.
- Harm to listed buildings.
- Loss of community views.
- Harm to ecology.
- Archaeology work not sufficient.
- An Environmental Impact Assessment is required.

4.03 Bearsted Parish Council (neighbouring): Raises objections for the following (summarised) reasons:

- Traffic assessment not sufficient.
- No assessment of junctions to the north of the site.
- Question some of the assumptions and modelling within the Transport Assessment.
- Some of the traffic counts were carried out when road was closed or half term.
- Traffic impact will be severe.
- Public transport will not mitigate traffic.
- There is no Sunday no. 4 bus service.
- No local doctors or primary school.

4.04 Local Residents: 399 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Highway safety.
- Rat running occurs on local roads.
- Church Road is not safe or suitable for additional traffic.
- Traffic calming measures will make traffic worse.
- Junction mitigation has not been carried out.

- Question accuracy of Transport Assessment.
- Flood risk.
- Site isolated in floods and snow.
- Inadequate foul drainage.
- Question surface water report.
- Poor connections.
- Poor public transport.
- Car-reliant.
- Parking.
- Land stability issues on the site and in Chapman Avenue.
- Potential damage to neighbouring properties.
- Geology brings into question surface water proposals.
- Visual impact.
- Density.
- Harm to wildlife/ecology.
- Ancient woodland.
- Loss of majority of hedge.
- Loss of trees.
- Harm to the setting of the Grade I listed Church.
- Archaeology assessment is flawed.
- Ancient burial site.
- Lack of infrastructure and amenities including schools and surgeries.
- Traffic noise.
- Noise from new residents.
- Overlooking/loss of privacy.
- Overshadowing/loss of light.
- Overbearing.
- Air quality.
- Crime.
- Loss of agricultural land.
- Other more suitable sites.
- Noise and dust during construction.
- Lack of EIA.
- Fields provide peaceful lifestyle.
- Will affect house prices.
- Questioned land ownership.
- Lack of public consultation by applicant.
- Additional documents should have been uploaded to the website earlier/when they were received.
- Support the development.
- Other people should be able to enjoy the area.

4.05 **Borough Councillor Newton** requests the application is considered by the Planning Committee and raises the following (summarised) points:

- The site should never have been included in the Local Plan.
- An EIA is required for the application.
- Harm to listed buildings.
- Concern over the impact on the setting of listed buildings particularly the Grade 1 Church which was constructed prior to the Domesday Book.

- As a result of the heavy traffic on Church Road, part of the Ancient Churchyard wall has now collapsed revealing the type of construction used for the wall.
- It is my concern for the ancient buildings which is why I require this application called in to Planning Committee for determination.
- Piling may cause harm to listed buildings.
- Traffic impact unacceptable and infrastructure must be in place before development which it is not.
- Loss of hedgerows and non-compliance with policy DM3.
- Should only be one access.
- Wider junction improvements are not in place.
- Archaeology.

4.06 **Borough Councillor McKay:** Raises the following (summarised) points:

- Highway safety on Church Road.
- Does not meet access requirements.
- Lack of direct access to public transport.
- Those without a car would be isolated.
- Could lead to a judicial review if permission was granted as the strategic highway improvements within the policy and have not been agreed or provided.

5.0 **CONSULTATIONS**

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

5.01 **Highways England: No objections** subject to a condition limiting occupation to 230 dwellings until improvements to the M20 Junction 7 have been completed.

5.02 **Historic England: No objections** provided that the heritage benefit of a dedicated church car park is secured.

5.03 **Natural England: No objections.**

5.04 **KCC Highways: Raise objections** on the basis of an unacceptably severe traffic impact on the highway network and the worsening safety hazards to road users on Church Road.

5.05 **KCC Economic Development:** Seek £3324.00 per applicable house and £831.00 per applicable flat towards the extension of 'Greenfields Community Primary School' to mitigate the impact of the development.

5.06 **KCC SUDs: No objections** subject to conditions.

5.07 **KCC Archaeology: No objections** subject to condition.

- 5.08 **KCC PROW**: Concerns regarding delivery of a cycle route across PROW so suggest a holding objection. Conditions recommenced relating to surfacing and agreement on the extent of widening of KM86 due to increased use.
- 5.09 **KCC Ecology: No objections** subject to conditions.
- 5.10 **MBC Conservation Officer**: Satisfied that the outline application scheme seeks to limit the harm on the setting of the listed buildings, in particular the Church, the Church House and the Rectory, and the setting of the Otham Conservation Area would be minimally impacted.
- 5.11 **MBC Environmental Health: No objections** subject to conditions relating to charging points; lighting; and contaminated land.
- 5.12 **MBC Landscape Officer: No objections** subject to conditions.
- 5.13 **Southern Water**: Confirm there is sufficient capacity.
- 5.14 **Forestry Commission**: Refers to standing advice on Ancient Woodland.
- 5.15 **Kent Police**: Recommended conditions

6.0 APPRAISAL

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that,
- "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."***
- 6.02 The Local Plan allocates the site for 440 houses under policy H1(8) subject to a number of criterion covering matters relating to design and layout, access, air quality, open space, infrastructure, highways and transportation.
- 6.03 This is an outline application for up to 440 houses with all matters reserved apart from access so under consideration are the principle of up to 440 houses and the points of access only. Clearly, the principle of housing is accepted under Local Plan policy H1(8) so it needs to be assessed as to whether the outline proposals comply/can comply with the policy criterion and any other relevant Development Plan policies.
- 6.04 Whilst the specific details of the development are not being considered at this stage, the applicant has provided a 'Parameter Plan' and 'Illustrative Masterplan' in order to demonstrate how the development could be suitably accommodated on the site and comply with policy H1(8). Whilst the detailed design of the development is not being considered, the applicant does wish to set some parameters through the 'Parameter Plan' which will be discussed in the relevant sections below.

6.05 The key issues for the application are centred round site allocation policy H1(8) as follows:

- Access and connectivity.
- Compliance with the design, layout, and open space criterion.
- Heritage impacts.
- Highways impacts.
- Infrastructure.
- Other matters including air quality, drainage, ecology, and amenity.

Access and Connectivity

6.06 Policy H1(8) states:

- 8. Access will be taken from Church Road only**
- 5. The hedge line along the eastern boundary of the site with Church Road shall be retained and strengthened where not required for access to the site.**

6.07 The application only proposed access from Church Road via two vehicular access points which is in accordance with policy H1(8). These would be close to the north and south ends of the site on the Church Road frontage. The access points have been assessed by Kent Highways and Kent Fire and Rescue and judged to be suitable and safe.

6.08 The proposed accesses and required visibility splays inevitably mean that some of the existing hedging fronting Church Road will need to be removed (approximately 125m). However, it would be possible to provide new double staggered native hedging behind the visibility splays and strengthen the existing hedging in general, this being a positive landscape feature of the site. Whilst landscaping is not being considered at this stage a condition can be attached to guide the landscaping details to ensure sufficient replacement hedging/hedge strengthening. This will ensure compliance with criterion 5 of the site policy.

6.09 In terms of connectivity, it is proposed to provide a new pavement from the northern access along the front of the Church within highways land to link with the existing pavement further north. As this pavement would be narrower than the 2m normally sought due to the width of Church Road (being between 1.2m to 2m and on average around 1.6m), a pedestrian/cycle route is proposed around the north side of the Church and into the site to provide an alternative attractive route which can be conditioned.

6.10 To the south, it is proposed to provide a pedestrian/cycle link via the Council owned public open space to link up with Woolley Road. This would provide an appropriate link to shops, 'Senacre Primary School', and bus stops to the south. The applicant would provide a pathway on the application site and has confirmed they would continue and construct this

on the Council owned land. The property team have confirmed that they have no objections to this. Again the detail would be provided at the reserved matters stage but a condition will be imposed to secure the link and a pathway on Council owned land. Whilst outside the applicant's control this condition is reasonable as this is land in public ownership, and the Council has indicated it has no objections to this being provided.

- 6.11 Public right of way KM86 runs across the north of the site and it is indicated on the Parameter Plan that open space would be provided along the route. This is welcomed by KCC PROW and they advise that the path should be surfaced due to the additional use which can be secured by condition. The Parameter Plan indicates that a connection with the pedestrian link to 'The Beams', which provides access towards Willington Street and 'Greenfields Primary School' would be provided in the northwest corner. KCC PROW and Highways refer to the existing paths here being steps and so this raises issues over access for all users. This is not the only connection to the west as the connection to the south provides access in this direction so it is not necessary for changes to these steps to be made. They also refer to the applicant's intention to widen the path to allow cycle use and that this would require a legal change to a 'cycle track' to bridleway. In response to this, the applicant has stated that any specific widening would be proposed at the reserved matters stage but details of this can be secured by condition.
- 6.12 So overall, the vehicular access points comply with policy H1(8), are safe, and the scheme provides good pedestrian and cycle connectivity to the local area and its services/amenities, in accordance with policy DM1 of the Local Plan.

Design, Layout, and Open Space Criterion

- 6.13 Policy H1(8) requires:

- 1. The tree line along the western boundary of the site will be enhanced, to protect the amenity and privacy of residents living in Chapman Avenue.**
- 2. An undeveloped section of land will be retained along the western boundary of the site, to protect the amenity and privacy of residents living in Chapman Avenue.**
- 3. An undeveloped section of land will be retained along the eastern edge of the site in order to protect the setting of St Nicholas Church and maintain clear views of the Church from Church Road.**
- 4. The Church Road frontage will be built at a lower density from the remainder of the site, to maintain and reflect the existing open character of the arable fields on the eastern side of Church Road and to provide an open setting to St Nicholas Church.**
- 6. Retain non-arable land to the north and east of St Nicholas Church, to protect its setting.**
- 7. Retain discrete section of land at the south east corner of the site to provide a 15 metres wide landscape buffer to ancient woodland**

(bordering site at this location), to be planted as per the recommendations of a landscape survey.

10. Provision of approximately 2.88ha of natural/semi-natural open space consisting of 1.4ha in accordance with policy OS1(16), and 1.48ha within the site, together with additional on/off-site provision and/or contributions towards off-site provision/improvements as required in accordance with policy DM19.

6.14 As stated above, this is an outline application but an illustrative masterplan has been provided which shows development parcels, roads, and areas of open space in order to show that 440 houses can be accommodated. This shows that development can be set away from the tree line along the western boundary to provide an undeveloped area in accordance with criterion 1 and 2. It also shows an undeveloped area of land along the east edge of the site to maintain clear views of St Nicholas Church from Church Road in line with criterion 3. Further open space is also shown to the south and southwest of the Church to limit the impact upon the setting of the Church. Land to the north of the Church is shown as open space in line with criterion 6. In the southeast corner in excess of a 15m buffer to the ancient woodland is shown in line with criterion 7. These undeveloped areas/buffers are identified on the Parameter Plan and so can be secured by condition.

6.15 In terms of open space, criterion 10 requires a total of 2.88ha to be provided for the development. In line with policy OS1(16), and as shown on the Local Plan map, part of the 2.88ha is land to the northwest of the Church and land in the southeast corner of the site (providing 1.4ha). The Parameter Plan indicates open space by the Church, in the southeast corner, and also within the development areas. The site is of a sufficient size to provide the total amount both on the edges and within the development areas, and the 2.88ha can be secured by condition. This amount of open space is considered appropriate for this size of development and can provide a mix of types including natural/semi-natural, more formal space, and play areas. Any need for off-site mitigation of existing open space would need to be sought via the Community Infrastructure Level (CIL).

6.16 For the above reasons it is considered that the application complies with design, layout, and open space requirements of policy H1(8) and these can be secured through the Parameter Plan being conditioned.

Heritage Impacts

6.17 Policy H1(8) requires:

- 3. An undeveloped section of land will be retained along the eastern edge of the site in order to protect the setting of St Nicholas Church and maintain clear views of the Church from Church Road.***
- 4. The Church Road frontage will be built at a lower density from the remainder of the site, to maintain and reflect the existing open character of the arable fields on the eastern side of Church Road and to provide an open setting to St Nicholas Church.***

6. *Retain non-arable land to the north and east of St Nicholas Church, to protect its setting.*

- 6.18 As outlined above, the Parameter Plan ensure compliance with the above criterion which relate to St Nicholas Church so the proposals comply with policy H1(8).
- 6.19 There are a number of heritage assets near to the site. Notably, St Nicholas's Church (Grade I listed) and two Grade II listed monuments within the grave yard, and 'Church House' (Grade II listed) immediately to the north of the site. There is also 'The Rectory' (Grade II listed) to the south. Further afield, the Otham Conservation Area is 770m to the southeast.
- 6.20 The NPPF outlines at paragraphs 193 and 194, that great weight must be given to the conservation of listed buildings irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must 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.
- 6.21 The site in particular has an impact upon the setting of the Grade I listed Church, as it forms part of its historic rural open setting to the south. This setting and the visibility it affords of the Church in its historical context, forms part of its significance and development of the site would affect this. Churches were obviously built of a certain scale so they were visible from some distance. In addition, the access points would result in a change to the character of Church Road near to the Church. There would be an impact upon the setting of Church House (GII) but this would to a lesser extent as this building is less prominent from the application site and wider area, so the openness of the application site does not contribute greatly to its significance.
- 6.22 The allocation of 440 houses at the site inevitably results in some harm to the setting of the two listed buildings to the north. Such impacts upon the setting of these listed buildings were clearly accepted when the Local Plan Inspector agreed that the allocation was acceptable for 440 houses, subject to criterion 3, 4, and 6, which all seek to protect the setting of St Nicholas Church, and in turn Church House.
- 6.23 It is therefore a case of minimising the impact upon the heritage assets and securing sensitive design in line with Paragraph 190 of the NPPF and policy SP18 of the Local Plan. To this end, discussions have been held with Historic England and amendments have been made to the Parameter Plan which indicates a larger non-development buffer to the south of 'Church House' and to the south and southwest of the Church. As stated above,

views of the Church from Church Road would be maintained, which is one of the key public views of the Church. In addition, a car park for the Church is proposed as a heritage benefit as the Church does not currently benefit from a dedicated car park. Instead cars park along Church Rd. Historic England have advised that these changes reduce the overall level of harm to significance and that a dedicated church car park is a more defined heritage benefit and on this basis, they concluded the harm has been minimised in line with Paragraph 190 of the NPPF and it is for the Council to decide whether the harm has clear and convincing justification and balance any harm against the public benefits. Historic England has no objection to the application on heritage grounds provided that the heritage benefit of a dedicated church car park is secured via a legal agreement or by condition.

- 6.24 I agree that the changes to the Parameter Plan serve to minimise the impact upon the listed buildings to the north and ensure compliance with policy H1(8). I agree with the applicant's conclusion that the harm to the listed buildings is 'less than substantial' because the amended Parameter Plan provides undeveloped areas to the north, west, and south of the listed buildings and maintains clear views of the Church from Church Road. The provision of a church car park will in itself have some harmful impacts upon the setting of listed buildings but it would be low level development and could be screened/softened. It would provide benefits to the Church in that it would assist in its ongoing use, and something which Historic England attaches weight.
- 6.25 The site allocation and therefore outline proposals, I would say inevitably, do not conserve the setting of the listed buildings and so there is some conflict with criterion 1 of policy DM4 of the Local Plan. However, the explanatory text to policy DM4 refers to carrying out a weighting exercise in line with the NPPF.
- 6.26 Whilst having special regard to the preservation of the setting of the Church and Church House, overall, it is considered that the public benefits of providing up to 440 houses including affordable housing to meet housing needs on an allocated housing site, and the associated social and economic benefits, in addition to the provision of a church car park, provide for clear and convincing justification for some harm to the heritage assets, and these benefits outweigh this less than substantial harm to St Nicholas Church and Church House in line with Paragraph 196 of the NPPF. The Parameter Plan would also ensure that the impact upon heritage assets would be minimised to an acceptable degree bearing in mind the site is allocated for housing.
- 6.27 'The Rectory' (GII listed) to the south is some 50m from the edge of the site with a two storey building and vegetation between. There would also be a buffer to the front of the site that would limit development near to this building. For these reasons the development of the site would not cause harm to the setting of this listed building. There would be no harm to the listed monuments within the church yard as the site is generally screened from these and it is considered that their setting is confined to the church yard. I concur with the Council's Conservation Officer that due to the distance from the edge of the Otham Conservation Area (770m), the

development would have a minimal impact upon its setting, and I consider no harm would be caused.

- 6.28 In relation to archaeology, KCC Heritage advises that on the back of geophysical surveys carried out by applicant, there are no indications of significant archaeology surviving on the site. However, they suggest the area around the church may contain important archaeology (which may be revealed following intrusive field evaluation works) and recommend a condition to this end, which is considered appropriate.

Highways Impacts

Wider Network/Strategic Junctions

- 6.29 The Local Plan examination process which led to the adoption of the Local Plan in October 2017 involved the Local Plan Inspector considering, in great detail, the highways impacts and mitigation for the southeast Local Plan sites (which includes the application site), including objections/representations from statutory consultees and third parties. This involved carefully considering proposed junction improvements and bus service improvements (monies towards some of which had already been secured under planning permissions). The Local Plan Inspector in his Final Report concluded,

"169. The development proposals in the submitted plan already incorporate measures to mitigate the travel impacts. These include highway capacity improvements and improved bus services (including direct links to railway stations). If these measures are further supported by the bus access and bus priority measures, the impacts on congestion need not be severe. Air quality issues are capable of being addressed by these and other measures, including by action at national level.

170. In conclusion the Policy SP3 South East Maidstone Strategic Development Location will generate additional traffic and could contribute to an increase in congestion, particularly at peak hours, even after mitigation in the form of road improvements and other measures to make sustainable travel more attractive and effective. However the concentration of development close to the town does allow alternative and more sustainable means of travel to be made available. That is less likely to be the case were the housing to be located away from the town in another part of the Borough where residents would still need access to employment and services in the town."

- 6.30 The adopted Local Plan therefore includes strategic highways improvements for the southeast Maidstone sites, and relevant to this application, they are outlined under the site allocation policy (criterion 13-17).
- 6.31 The application site and its potential development of 440 houses was included within the cumulative transport assessments carried out under the planning applications for the strategic southeast housing sites H1(7) - Land North of Bicknor Wood, and H1(10) - Land South of Sutton Road, within the Local Plan. These sites were granted planning permission in early 2018. The

transport assessment cumulatively assessed all the southeast housing allocations and also included other commitment development (planning permissions at the time).

- 6.32 Under those applications, the Council accepted that the cumulative impact of development from all the southeast housing allocations could be suitably mitigated with improvements to the capacity of various junctions and improvements to bus services. Being prior to the introduction of CIL, financial contributions were secured under section 106 agreements towards various off-site highways works/improvements which are outlined in the Council's Infrastructure Delivery Plan (IDP), where the total infrastructure costs and funding streams are stated.
- 6.33 Decisions to approve permission at Planning Committee on sites H1(7) and H1(10) with financial contributions towards infrastructure were made prior to the adoption of the Local Plan in September 2017. The Local Plan Inspectors Final Report and adoption of the Local Plan confirmed that the Council's approach to mitigating the transport impact of the southeast development sites is sound.
- 6.34 For the current application, the applicant has provided a Transport Assessment and carried out up to date traffic surveys on local roads and assessments of appropriate local junctions. Whilst the Parish and residents have questioned the accuracy of the traffic surveys, Kent Highways have raised no issues with them. For wider/strategic junctions the applicant's evidence provides the likely additional impact of the development but relies upon the recent cumulative assessment of transport impacts carried for sites H1(7) and H1(10) and the mitigation (which included the application site). These assessments concluded that the cumulative traffic impact upon the local network (including the application site) would not be severe subject improvements to relevant junctions and public transport. The Council has accepted this conclusion and so this is considered to be an appropriate approach and there are no reasonable grounds to now disagree or depart from this approach that has been accepted recently by the Council.
- 6.35 The site allocation policy as criterion (13-17) relating to strategic highways and transportation improvements as follows:
- 13. Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.**
 - 14. Improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road.**
 - 15. Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.**
 - 16. Improvements to capacity at the A229/A274 Wheatsheaf junction.**
 - 17. Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor.**

6.36 The above improvements are based on the cumulative impact of development in southeast Maidstone and so compliance with the above criterion would be via monies towards the improvements. A change in circumstances since the previous decisions is the introduction of the Council's Community Infrastructure Levy (CIL), such that any monies towards strategic highways works required from cumulative transport impacts would be via CIL rather than financial contributions under a section 106 agreement. The applicant will have to pay CIL should planning permission be granted and implemented, and the Council can decide to use monies for the relevant highways improvements. This ensures compliance with the strategic highways requirements under the site policy.

6.37 Although none of the above improvements have commenced and clearly a number of the southeast sites are completed and occupied/part-occupied or under construction, the delivery of highway improvements is not the responsibility of the Local Planning Authority (LPA) or the applicant. The LPA can secure improvements via monies, CIL, or planning conditions but it is the responsibility of the Highways Authority to implement highways works. Therefore the LPA cannot withhold planning permission because highways works have not been delivered.

6.38 KCC Highways has been consulted on the application and has raised strong objections as it considers the proposals do not conclusively demonstrate that the impact of the development can be fully mitigated and that the strategic junction improvements are not expected to provide sufficient capacity. They consider the residual traffic impact on the network is considered to be severe. They state,

"KCC Highways has previously raised concerns over the suitability and effectiveness of the piecemeal mitigation measures proposed in the cumulative transport impact assessment (CTIA) in relation to other planning applications for large-scale housing growth in south east Maidstone. These equally apply to this planning application.

By relying on the principle that financial contributions can be made towards the package of junction modifications on the A274, A229 and A20 corridors identified in the CTIA, the TA has not demonstrated that mitigation of impact can be achieved. KCC Highways expectation is that queuing and delay will be worsened by the additional development in the continued absence of effective mitigation. This, in turn, will result in more road users seeking to use alternative routes through the nearby communities of Otham, Downswood, Leeds and Langley. The level of impact is therefore unacceptably severe and KCC Highways strongly object to the development proposals on this basis."

6.39 Essentially, the Highways Authority does not consider that the junction and public transport improvements outlined in the Local Plan, and to which monies have been secured, are sufficient to mitigate the impact of the development. This is the same position that was taken under the previous planning applications and at the Local Plan Inquiry by the Highways Authority. So this argument has been tested through planning applications and importantly through an Examination in Public. As outlined above, the

mitigation measures are considered sound and are within the adopted Local Plan. On this basis, it is considered that the Highway Authorities objection is not reasonable grounds to refuse planning permission and could not be defended at appeal.

Public Transport

- 6.40 The applicant has confirmed that the scheme will be designed to accommodate buses through appropriate road widths and swept paths should the local bus provider wish to divert into the site. 'Arriva' have confirmed that they do not require any monies to subsidise a diversion once the development is nearing full occupation, and I note existing bus stops are within walking distance on Deringwood Drive and Woolley Road so diversion of the service is not essential. Therefore, it is not necessary to secure any funding for this service, and I consider the development could be designed to accommodate buses, with the decision to divert a commercial decision for the bus operator. As outlined above, the site has/provides good connectivity to local bus stops.
- 6.41 The applicant has provided a Framework Travel Plan for the development which would encourage sustainable travel and its aims are proportionate for this site and its location. This can be secured by condition and a monitoring fee of £5,000 will be secured under a section 106 agreement.

Church Road to the South of Site

- 6.42 KCC Highways have raised an objection based on worsening safety hazards to road users on Church Road to the south of the site. This is based on the road width and also lack of forward visibility in places. They state that a width of 4.8m is sufficient for two cars to pass but not two larger vehicles. The width is below 4.8m for much of its length (between 4.1m and 4.5m) and at 3.9m for a very short section. KCC consider a 5.5m width to be essential referring to the Kent Design Guide. The request for a 5.5m width is based on guidance for major access roads within new developments so in circumstances where you are proposing a new road. This is not to say it is not relevant at all to existing roads but clearly existing roads have potential constraints and it is the local context and conditions that must be taken into account.
- 6.43 The applicant states that Church Road is already a two way road with a low incidence of accidents which is shown in the collected data. KCC acknowledge the road is already well-used and has a relatively good crash record but outline that there will be additional traffic movements from the development. Having driven this road both ways a number of times including in the AM peak, I noted that in a limited number of places cars had to stop to let other cars pass but it was generally a case of slowing down to pass. When larger vehicles are involved, stopping would probably need to be carried out as some representations on the application suggest. The applicant's traffic flows suggest that between 81 and 84 movements would exit and enter the site from Church Road to the south in the AM and PM peaks. This would be on average just over one additional movement a minute over the peak hour. This is not considered to represent a significant

increase in movements on Church Road and on this basis it is not considered that the development would have an unacceptable or severe impact on highway safety beyond the current situation, or that warrants objection on the basis of road width or visibility in accordance with policy DM21. I also note that policy H1(8) under criterion 12 only requires road widening outside site H1(6) further south on Church Road (which will be carried out in connection with permission on that site).

- 6.44 It is also important to note that the applicant has investigated widening along Church Road where they do own some land on either side. To carry out widening would result in the removal of trees and hedging on both sides of the road of which a large section (325m) is Ancient Woodland. There is also a large section of third party land (460m) on the east side. So notwithstanding the conclusion above, the environmental impact this would have through loss of Ancient Woodland and visual harm to the character of Church Road is considered to outweigh any benefits of road widening.
- 6.45 The applicant is proposing some measures to improve Church Road including extending the 30mph speed limit by approximately 500m south of its current location by the Church, and also by introducing build-outs with a give way feature on a bend just to the south of the site where there is limited visibility. A safety audit submitted by the applicant, and KCC Highways has confirmed that this is acceptable and KCC state that this measure supports the extension of the 30mph speed limit. These works, which aid in highway safety where visibility is more limited, can be secured by condition. KCC Highways have sought clarification on swept paths which the applicant is responding to, and an update will be reported to Planning Committee via an urgent update report.

Local Junctions

- 6.46 The applicant has assessed the impact upon the junction of Church Road/Deringwood Drive, Deringwood Drive/Willington Street, and Spot Lane/A20.
- 6.47 Improvements to Church Rd/Deringwood Drive are proposed essentially widening both roads near the junction and replacing some of the parking bays, which has been deemed sufficient to accommodate the development traffic by KCC. This would result in the loss of some grassed verge and most likely 2/3 trees but this would not be unduly harmful to the local area and is necessary to accommodate the allocated site.
- 6.48 For the Deringwood Drive/Willington Street junction, the applicant's evidence suggests this junction will be beyond its design capacity imminently when taking into account general traffic growth and traffic from developments within the Local Plan/with planning permission. The issue is the difficulty in traffic leaving Deringwood Drive and so the queuing on this arm, rather than along Willington Street. It is of note that no issues for this junction have been identified, or any mitigation required by KCC Highways for any other developments to date, despite them impacting on this junction.

- 6.49 The applicant is proposing signalisation of the junction that would better manage traffic, provide safer opportunities for Deringwood Drive and development traffic to exit, and improve pedestrian crossing facilities. Whilst this would not bring the Deringwood Drive arm within design capacity but it must be noted that the junction in its current form will reach its capacity soon with the level of development already approved (without this development). On this basis it is considered to be a proportionate response to mitigate the traffic impact of this application and one that brings other benefits. However, KCC Highways have assessed the proposals and consider that this would introduce a new delay on Willington Street so any mitigation for Deringwood Drive would effectively be counteracted by the introduction of queuing and delays on Willington Street. They also consider there are outstanding safety issues to resolve with the design. On this basis they consider that there are both capacity and safety issues outstanding.
- 6.50 It is therefore recommended that delegated powers are given to officers to resolve this matter through an amended improvement scheme that is agreed with KCC Highways. If this cannot be agreed or KCC do not remove their objection specifically to the impacts at this junction, the application will be reported back to Planning Committee with a recommendation on this matter.
- 6.51 For the Spot Lane/A20 junction, the Spot Lane arm would be just over design capacity with general traffic growth, traffic from developments within the Local Plan/with planning permission, and the application traffic. This would mean an increase in queuing on Spot Lane but it is considered that the impact is not severe or dangerous, and does not warrant mitigation or objection in line with policy DM21.

M20 Junction 7

- 6.52 As background, under the recent applications at sites H1(7) and H1(10), financial contributions to cover the total costs of upgrade works to Junction 7 of the M20 (including scheme design and contract costs) were decided to be apportioned between those two sites and the application site H1(8) (3 sites in total). This totalled £4.66m and the applicant (Bellway Homes), along with completing a legal agreement for financial contributions for site H1(7), also completed a legal agreement for monies in connection with H1(8). Therefore a proportionate financial contribution towards Junction 7 has already been secured for this site by the applicant. These legal agreements and the triggers for payment were agreed with KCC (who would provide the works) and on this basis Highways England previously raised no objections.
- 6.53 Highways England now does not raise any objections to the application but this is subject to a condition that there is no occupation beyond 230 dwellings until improvements to the M20 Junction 7 have been completed. This is primarily based on mitigation for development within the wider Local Plan, rather than this specific development.

- 6.54 Such a condition is not considered to be reasonable and therefore does not pass the NPPF tests for conditions, on the basis that the applicant has no control as to when the funding for these works will be provided and/or the works are carried out (which is the responsibility of the Highways Authority), particularly bearing in mind they are being funded by three separate developments, one of which hasn't commenced (site H1(10)). In addition, 230 occupations of this specific development do not necessitate the entire upgrade works being carried out to Junction 7, and this precise trigger has not been justified. Highways England instead states that it needs to retain an element of control over the development pipeline (of the Local Plan) in the interests of highway safety and operational effectiveness, which is not specific to this planning application. Indeed, predicated traffic for 220 occupations (50% of the development) are 20 additional movements in the AM and PM peaks, a level which does not justify upgrading of the whole junction. Such restrictions on occupation were also not required and placed upon the other planning permissions so this would not be a consistent approach by the LPA. The other permissions simply required payment at set trigger points.
- 6.55 For these reasons it is considered that the requested condition does not pass the NPPF tests for conditions and should not be attached. The applicant has signed a legal agreement to pay a proportionate amount to the upgrade works to Junction 7, which is considered appropriate. In the absence of this condition, Highways England object to the application and so any decision to approve the application will need to be referred to the Secretary of State in line with the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018.

Off-Site Infrastructure

- 6.56 Policy H1(8) states:

11. Contributions will be provided towards the expansion of an existing primary school within south east Maidstone to mitigate the impact of the development on primary school infrastructure.

- 6.57 The adopted CIL is charged on new floor space to help deliver infrastructure to support development. The scale of development proposed here is not such that it generates the need for a new standalone school or doctor's surgery, or specific on-site infrastructure but will obviously place an additional demand on such services. On this basis, CIL monies could be used towards such services to mitigate the impact of the development which is in accordance with policy DM20.
- 6.58 An exception is made under the Council's Regulation 123 CIL list (list of infrastructure types and/or projects which the Council intends will be, or may be, wholly or partly funded through the CIL), for education. The Reg. 123 List specifically allows for section 106 monies to be collected towards "expansion of an existing school within southeast Maidstone to accommodate site H1(8)" as identified in the Infrastructure Delivery Plan. This is identified as the 'Greenfields Community Primary School' and KCC have requested £3,324.00 per applicable house and £831.00 per applicable

flat towards the expansion of school to mitigate the impact of the development. This contribution would go towards planned expansion of the school to provide 4 additional classrooms and has been justified by KCC, and as it is specifically identified under the Reg.123 list, it is considered necessary, directly related to the development, and reasonable and in this specific case appropriate to be collected via a section 106 agreement which is being progressed and nearing completion. This is in accordance with criterion 12 of policy H1(8).

Other Matters

Affordable Housing

- 6.59 Affordable Housing is proposed at 30% with the tenure split 70% affordable rent and 30% shared ownership. This overall amount (30%) is in accordance with policy SP21 as is the tenure split and this will be secured under the legal agreement. A monitoring fee for the s106 will also be secured.

Air Quality

- 6.60 Policy H1(8) requires:

9. *Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.*

- 6.61 An air quality assessment has been submitted which concludes that small increases in NO₂ concentrations are expected as a result of the proposed development and overall, these increases are expected to have a negligible impact on air quality and not cause any exceedances of the relevant Air Quality Standards. The site is located outside any Air Quality Management Areas and it concludes that new residents would not be subjected to poor air quality. The Environmental Health section has reviewed the assessment and raises no objections. In line with the Council's Air Quality Planning Guidance, an emissions mitigation calculation has been used to quantify potential emissions from the development and provides a suggested mitigation value for proportionate mitigations to be integrated into the development. A number of potential mitigation measures are outlined and the specific measures can be secured by condition which can include measures such as EV charging points for houses with off-street parking as this is a requirement under policy DM23 of the Local Plan.

Drainage

- 6.62 The Environment Agency's flood risk from surface water map shows a narrow overland flow path running from north to south through the centre of the site. The applicant has assessed this and confirms that some surface water flooding could occur along this natural flow path in extreme rainfall events. The report goes on to state that this flow path could be realigned to fit in with the layout of housing so it runs through areas of open space and is not affected by the development or displaced off-site. This is a detailed

matter that would be dealt with at reserved matters stage but it shows that this is not a constraint to development of the site in principle.

6.63 For surface water from the development, it is proposed at this stage that there would be a series of swales that would drain to deep bore soakaways at a level to avoid any potential issues with flooding of fissures/gulls. Again this would be dealt with at the detailed stage but KCC LLFA have confirmed that this could be feasible but it will be necessary to develop a detailed drainage scheme to confirm the scheme can be satisfactorily accommodated within the final development layout and recommend conditions to secure this.

6.64 Southern Water has confirmed there is sufficient capacity on the local network for foul drainage ensures compliance with criterion 15 of policy H1(8).

Ecology

6.65 The site is mainly an arable field with grassland and scrub around its margins and hedging along the Church Road frontage and edges. Features of ecological importance within the site include hedgerows and an area of semi-improved grassland in the north-east corner, which are all on the outside edges of the site. In terms of protected species, a low population of breeding slow worms has been recorded and there is suitable habitat for foraging and roosting bats, badgers, hedgehogs and breeding birds which is around the edges of the site. Apart from where required for access, the hedges can remain and the Parameter Plan shows that the habitats on the outskirts of the site would largely not be developed and this plan will be conditioned. Various mitigation measures are proposed to protect habitat and species and create/enhance habitat, which can be secured by condition. KCC Ecology are satisfied that that appropriate mitigation has been recommended to minimise or avoid impacts on these habitats and species and recommend conditions to secure the mitigation measures, a site wide management plan, and bat sensitive lighting. The development would therefore be in accordance with policy DM3 of the Local Plan.

6.66 There is an area of ancient woodland that adjoins the site at its south end. It is proposed that a 15m buffer to this woodland would be provided which can also be secured by condition.

6.67 Enhancements are proposed in the form of new native planting, wildflower grassland, permeability for hedgehogs, bat and bird boxes, and habitat piles. This is considered a proportionate response based on the low ecological value of the site and will provide an appropriate biodiversity net gain for this development in line with the NPPG.

Residential Amenities

6.68 The layout of housing is not being determined at this stage but clearly there is room to ensure that houses are sited a suitable distance from neighbouring properties to ensure there is no unacceptable impact upon privacy, light, or outlook. The Parameter Plan shows building free/buffers

around the edges of the site to comply with the site policy, which are shown in the region of 10m which would also ensure amenity is protected. Any noise and disturbance from the normal occupation of a housing development is not objectionable.

Environmental Impact Assessment

- 6.69 The applicant submitted a separate Screening Opinion for the development just before the application was submitted to ask whether the LPA considered an EIA was required. It was concluded that the development would not be likely to have significant effects upon the environment sufficient to warrant an EIA. A request to the Secretary of State (SoS) was also made by a third party to seek his opinion, and the SoS also concluded the development was not 'EIA development'.

Representations

- 6.70 Matters raised but not considered above relate to land stability, construction matters, house prices, land ownership, and uploading of documents to the website.
- 6.71 Representations refer to the underlying geology of the area/land stability and potential damage to neighbouring properties with regard to the built development, and flooding from the surface water drainage scheme. The precise location of any built development would be decided at the reserved matters stage and could be sited to ensure there are no land stability issues to neighbouring land/or this could be demonstrated, if necessary. In terms of the surface water drainage scheme, the fine details of this are required by condition.
- 6.72 Matters relating to construction refer to noise, disturbance, and dust which are all matters that would be dealt with under environmental protection legislation and are not planning matters. The impact upon house prices is not a planning consideration. The red outline application site has been amended so it excludes any land not in control of the applicant. Additional/amended information provided by the applicant was uploaded to the website at the same time, with a formal 21 day re-consultation carried out on all the information. This is standard practice and carried out to avoid numerous re-consultations on single documents each time to 300+ residents in this case.

7.0 CONCLUSION

- 7.01 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless materials considerations indicate otherwise.
- 7.02 The site is allocated for 440 houses within the Local Plan under policy H1(8) subject to a number of criterion. The outline application proposes up to 440 houses and for the reasons outlined in the report above, the proposals comply with all policy criterion subject to the legal agreement and

conditions. The application also complies with all other relevant Development Plan policies.

- 7.03 The allocation of the site for housing would inevitably have an impact upon the setting of listed buildings to the north but this would be minimised in line with the Parameter Plan and the impact would be 'less than substantial'. The public benefits of providing housing, including affordable housing on an allocated housing site, and the associated the social and economic benefits, and a church car park, outweigh this less than substantial harm.
- 7.04 Kent Highways are raising objections on the basis of an unacceptably severe traffic impact on the highway network and worsening safety hazards on Church Road. For the reasons outlined in the report the Local Planning Authority does not agree the impact is severe, and the objections are not considered to be reasonable grounds to refuse planning permission.
- 7.05 KCC have raised capacity and safety concerns regarding the proposed signalisation of the Willington Street/Deringwood Drive junction so it is recommended that delegated powers are given to officers to resolve this matter through an amended improvement scheme that is agreed with KCC Highways. If this cannot be agreed or KCC do not remove their objection specifically to the impacts at this junction, the application will be reported back to Planning Committee for a decision on this matter.
- 7.06 Highways England is raising no objections subject to a condition that limits 230 house occupations until works to the M20 Junction 7 have been carried out in full. The applicant has signed a legal agreement to pay a proportionate amount to the upgrade works to Junction 7, which is considered appropriate and such a condition does not pass the required tests for planning conditions and is unreasonable for the reasons outlined above.
- 7.07 All representations received on the application have been fully considered in reaching this recommendation.
- 7.08 It is concluded that the development is acceptable and complies with policy H1(8) and all other relevant policies of the Development Plan. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions, and resolution of the matters as set out below.

8.0 RECOMMENDATION

Subject to:

- The conditions set out below, and the prior completion of a legal agreement to secure the heads of terms set out below;
- The agreement of any improvements to the Willington Street/Deringwood Drive junction with KCC Highways or removal of their objection specifically

to impacts at this junction (with any relevant amendment of condition 15);
and

- Referral of the decision to the Secretary of State

the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION** (and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee).

Heads of Terms

1. £3324.00 per applicable house and £831.00 per applicable flat towards the expansion of Greenfields Community Primary School.
2. 30% affordable housing provision (made up of 70% affordable rent and 30% shared ownership).
3. £5,000 Travel Plan monitoring fee.
4. £1,500 Section 106 monitoring fee.

Conditions:

Time Limit

1. No phase of the development hereby approved shall commence until approval of the following reserved matters has been obtained in writing from the local planning authority for that phase:

a) Scale b) Layout c) Appearance d) Landscaping

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;

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

Access

2. The access points hereby permitted shall be carried out in accordance with drawing no. 06 RevF (Proposed Access Arrangement) and the visibility splays kept free of obstruction above a height of 1 metre.

Reason: In the interests of highway safety.

Parameters

3. The layout details submitted pursuant to condition 1 shall follow the principles of the development areas and buffers/landscape areas as shown on the approved Parameter Plan (Drawing No. 16206/C03HG).

Reason: To ensure the development accords with the site allocation policy, limits impacts upon heritage assets, protects and enhances biodiversity, and provides a high quality design.

4. The layout details submitted pursuant to condition 1 shall provide at least a 15m development free buffer to the Ancient Woodland in the southern part of the site.

Reason: To protect the Ancient Woodland in the interests of biodiversity.

5. The layout details submitted pursuant to condition 1 shall provide at least 2.88 hectares of on-site public open space.

Reason: To comply with the site policy and provide a high quality development.

6. The layout and access details submitted pursuant to condition 1 shall provide the following:

- A pedestrian and cycle link from Church Road to the development area via the open space to the north of St Nicholas Church and Church House.
- A pedestrian and cycle link to and across the area of Council owned land to the south of the site providing a link to Woolley Road.

Reason: To ensure appropriate connectivity in the interests of sustainability and highway safety.

7. The landscape details submitted pursuant to condition 1 shall provide the following:

- Native planting within the buffers areas as shown on the Parameter Plan.
- Strengthening and replacement native hedge planting along the site frontage with Church Road.

Reason: To ensure the development accords with the site allocation policy and to provide an appropriate setting.

Pre-Commencement

8. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles within the Flood Risk and Sustainable Drainage Assessment (Herrington, March 2019) and shall demonstrate that

the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

9. No development shall take place until the mitigation measures detailed within chapter 6 of the Ecological Appraisal (Aspect Ecology; March 2019) have been implemented as detailed. If works have not commenced by March 2020 an updated ecological mitigation strategy shall be submitted to the local planning authority for written approval. It must include the following information:
 - a) Updated ecological appraisal
 - b) Results of recommended specific species surveys
 - c) Over view of the ecological mitigation required
 - d) Detailed methodology to implement the mitigation
 - e) Timing of the proposed works
 - f) Details of who will be carrying out the works.
 - g) Maps clearly showing the mitigation areas.

The mitigation must be implemented as detailed within the approved document.

Reason: In the interest of biodiversity protection and enhancement.

10. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

Reason: In the interests of human health.

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

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

Pre-Slab Level

12. No development above slab level shall take place until, details of the mechanism to ensure the proposed car park for St Nicholas Church can be used by the Church in perpetuity and the timing of its implementation, have been submitted to an approved in writing by the Local Planning Authority. Once implemented the car park shall only be used in connection with use of the Church.

Reason: To ensure the heritage benefit of the Church car park is secured.

13. No development above slab level shall take place until the specific air quality mitigation measures, which shall include the type and location of electric vehicle charging points, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of limiting impacts upon air quality.

14. No development above slab level shall take place until a "bat sensitive lighting plan" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting plan shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the approved plan.

Reason: In the interest of biodiversity protection and enhancement.

Pre-Occupation

15. The development shall not be occupied until the following off-site highways works have been provided in full:
 - a) Improvements to the Church Road/Deringwood Drive junction as shown on drawing no. 34.1 within the 'Iceni Transport Note – July 2019' or any alternative scheme agreed in writing with the Local Planning Authority (in consultation with the Highways Authority);
 - b) Improvements to the Deringwood Drive/Willington Street junction as shown on drawing no. 35.1 RevA within the 'Iceni Transport Note – September 2019' or any alternative scheme agreed in writing with the Local Planning Authority (in consultation with the Highways Authority);

- c) Road widening and new pavement provision on Church Road as shown on drawing nos. 34.1 and 34.2 within the 'Iceni Transport Note – July 2019';
- d) The give way/build out feature on Church Road as shown on drawing no. 34.3 within the 'Iceni Transport Note – July 2019';
- e) Extension of the 30mph speed limit to the south of the application site to a position agreed in writing with the Local Plan Authority (in consultation with the Highways Authority); and

Reason: In the interest of highway safety.

16. The development shall not be occupied until a Final Travel Plan for the development which follows the principles of the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Travel Plan.

Reason: In order to promote sustainable transport use.

17. The development shall not be occupied until a site-wide landscape and ecological management plan (LEMP), including timetable for implementation, long term design objectives, management responsibilities and maintenance schedules for all landscaped, open space, and drainage areas, but excluding privately owned domestic gardens, has been submitted to and approved in writing by the local planning authority. Landscape and ecological management shall be carried out in accordance with the approved plan and its timetable unless the local planning authority gives written consent to any variation.

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

18. The development shall not be occupied until details of upgrade works to PROW KM86 have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved works have been carried out in full.

Reason: In order to provide appropriate connectivity.

19. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed'

features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

Agenda Item 15



REFERENCE NO - 19/504225/FULL		
APPLICATION PROPOSAL Erection of a replacement barn (revised scheme to 19/502397/FULL).		
ADDRESS Land To The South Of The Gables, Marden Road, Staplehurst, Kent, TN12 0PE		
RECOMMENDATION Grant planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The principle of the replacement barn is acceptable. Additionally it is acceptable in terms of design and appearance, and there would be no unacceptable impact on the character, appearance or visual amenity of the locality.		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • The development would not be in keeping with Policy PW2 of the Staplehurst neighbourhood plan • Development would be inconsistent with provisions of policies SP5 and SP17 • development would harm the appearance and character of the countryside 		
WARD Staplehurst Ward	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr P.R Garrod AGENT D C Hudson & Partner
TARGET DECISION DATE 22/10/2019		PUBLICITY EXPIRY DATE 10/10/2019

Relevant Planning History

19/502397/FULL - Erection of a replacement barn. - WITHDRAWN

18/502553/FULL - Demolition of existing buildings and erection of two detached dwellings and replacement storage building (re-submission of 17/505937/FULL). – REFUSED

17/505937/FULL - Demolition of existing buildings and erection of two detached dwellings and replacement storage building. – REFUSED

15/509275/OUT - Outline application with access matters reserved for proposed residential development following demolition of existing buildings with replacement storage building. – REFUSED, Dismissed at appeal.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is accessed from Marden Road and is located to the rear of the existing residential property called The Gables. The main parcel of land is set back from the

road by approximately 73m and is accessed by a narrow track that runs parallel to the curtilage of The Gables.

- 1.02 The site is currently occupied by a collection of pole barns and an agricultural storage building. In the centre of the site is an area of concrete hardstanding that covers the width of the site. These structures and area of hardstanding are set within mown grassland.
- 1.03 To the east of the site is a crane storage depot and to the south and west, open countryside. Immediately to the south of the application site is an area of grassland under the same ownership as the application site, which appears to have been regularly mown.
- 1.04 The site is located within the open countryside, although no other designations apply. It is not located within a flood zone and there are no listed buildings in the immediate vicinity.

2. PROPOSAL

- 2.01 The application seeks the erection of a replacement barn
- 2.02 In terms of materials, plans indicate the structure would use 'Olive Green profiled roof and wall cladding'. The structure would have a length of 15.7m with a depth of 9.1m, with a maximum height of 3.8m and a minimum height of 3.5m with its pitched roof. Unlike the existing barn, the proposed has four doors on its front elevation to secure the barn, each door has a height and width of 3.2m

3. POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):

Section 12 – Achieving well-designed places

Maidstone Borough Local Plan 2017:

SP17 – Countryside

DM1 – Principles of good design

DM30 – Design principles in the countryside

DM36 – New agricultural buildings and structures

DM37 – Expansion of existing businesses in rural areas

Supplementary Planning Documents:

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 1 representation received from local residents raising the following (summarised) issues
 - The existing structure is sufficient to securely store equipment.
 - No agricultural activity is taking place on site.
 - No policy justification for installing any additional/new buildings for storage on site.
 - Applications seeking new storage buildings have been refused in the past and dismissed at appeal.
 - That the development is seeking to establish a new dwelling on the property.

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)

Staplehurst Parish Council

5.01 Councillors recommend that the application is REFUSED and requested referral to MBC Planning Committee were the Planning Officer minded to approve the application. Councillors stated that their reasons for objecting to the previous application applied equally to the new one and that the need for the proposed development had not been demonstrated.

5.02 Material reasons listed in the past are as follows:

- The development would not be in keeping with Policy PW2 of the Staplehurst neighbourhood plan
- Development would be inconsistent with provisions of policies SP5 and SP17
- development would harm the appearance and character of the countryside

5.03 Cllr John Perry

I am writing in respect of Planning Applications 19/504225/FUL (Land South of the Gables Marden Road Staplehurst) and 19/504276/OUT (Adjacent to West View Maidstone Road Staplehurst). If Officers were minded to recommend acceptance I would like these applications called in and heard by the Planning Committee for a final decision.

**6. APPRAISAL
Main Issues**

6.01 The key issues for consideration relate to:

- Principle of development
- Design / impact on character of area
- Residential amenity
- Highways issues

Principle of development

6.02 Policy SP17 states that development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.

6.03 Policy DM36 of the local plan allows for new agricultural buildings and structures on the condition that new structures are necessary for the purposes of agriculture, have no adverse impact on the amenity of existing residents, and that any new structures are able to mitigate the visual impact of the development.

6.04 The proposal seeks permission to replace an existing structure on the same footprint. The presence of the existing barn carries significant weight in consideration of the current proposal in terms of the extent of increased impact (rather than assessing an entirely new impact). The proposed barn would be 0.2m taller and be 1.8m larger in terms of its depth, the width remains the same.

6.05 In terms of the evidence submitted with the application demonstrating an agricultural use, the replacement barn would simply be for the purposes of securely storing equipment.

- 6.06 Whilst some principles of DM36 apply when determining this application, given that the proposal is for a replacement rather than an entirely new structure, policy DM30 is considered to be more appropriate to assess the application.
- 6.07 The principle of the replacement barn is sound. Whether the proposal is acceptable will therefore fall upon an assessment of its increase impact in terms of visual and amenity impact.

Design/impact on character of area

- 6.08 Paragraph ii. of Local Plan policy DM1 states that development must "Respond positively to, and where possible enhance, the local, natural character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage". Development will be expected to incorporate a high quality, modern design approach and to make use of vernacular materials where appropriate.
- 6.09 Paragraph v. of local plan policy DM1 continues that development must "Respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worth of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area"
- 6.10 Paragraph vi. of DM30 states that where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. 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;
- 6.11 The existing barn has a length 15.8m, a depth of 7.3m, a maximum height of 3.6m, and a minimum height of 2.6m. Unlike the proposed it is open fronted.
- 6.12 The replacement barn would be located in the same location as the existing barn, as stated above the proposed barn length of 15.8m with a depth of 9.1m, with a maximum height of 3.8m and a minimum height of 3.5m with its pitched roof.
- 6.13 As such the existing barn has a footprint of 115m² and the proposed a footprint of 143m². This represents a 28m² increase in floorspace, and a 20cm increase in overall height. The additional built form would project towards existing vegetation on site, not further into the open application site. It is considered that the materials used are acceptable in this location and are not too dissimilar to the existing barn.
- 6.14 On balance the structure, built in the same location as the existing barn, with a 28m² increase in footprint, a 20cm increase in height and the installation of secure doors would not or have a significantly additional harmful impact upon the character and appearance of the application site or the surrounding area. As such, there are insufficient grounds to recommend its refusal

Residential Amenity

- 6.15 The development is not considered to detrimentally impact upon the amenity of neighbouring properties any more so than the existing barn would. The closest neighbouring property is over 70m away to the north.
- 6.16 When considering the rural and unlit nature of the road, it is considered that a condition requesting details of any external lighting would be appropriate in this location in order to prevent the installation of any inappropriate external lighting that could have a detrimental impact upon wildlife in the area as well as neighbouring amenity.

Highway safety, parking and servicing

- 6.17 The existing barn has five 'ports' that could be used for parking vehicles, the proposed has four. Given this and the minimal increase in size, the proposed barn would not be used any more intensively than the existing in terms of traffic movements.

Neighbouring Representations

- 6.18 Concerns have been raised regarding the establishment of a new dwelling on site and that previous applications seeking similar works have been refused in the past and dismissed at appeal.
- 6.19 Concerns about future intention are not a material planning consideration, nor would a condition preventing this be appropriate, should permission be forthcoming. Consent is sought only for a replacement barn to be used for storage purposes. Planning permission would be required for any further works, or change of use and this would be assessed against the relevant policies.
- 6.20 Any previous application for a new dwelling is not a material planning consideration that has any bearing on this proposal.

7. CONCLUSION

- 7.01 The principle of the replacement barn is acceptable. Additionally it is acceptable in terms of design and appearance, and there would be no unacceptable impact on the character, appearance or visual amenity of the locality.
- 7.02 The proposal is acceptable in relation to parking and highway safety, and the proposal is in line with the requirements of policy SP17, DM1 and DM30 of the adopted Maidstone Borough Local Plan (2017). I am satisfied that the proposed replacement barn is acceptable with respect to local and national planning policy and that no other material considerations would indicate a refusal of planning permission. In the circumstances, I recommend that this application is approved subject to conditions.

8. RECOMMENDATION

Grant 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/drawing numbers;

Application for Planning Permission

2179/03 Rev B Site Location and Block Plans

2179/05 Rev B Existing and Proposed Plans and Elevations

Cover Letter

Design and Access Statement

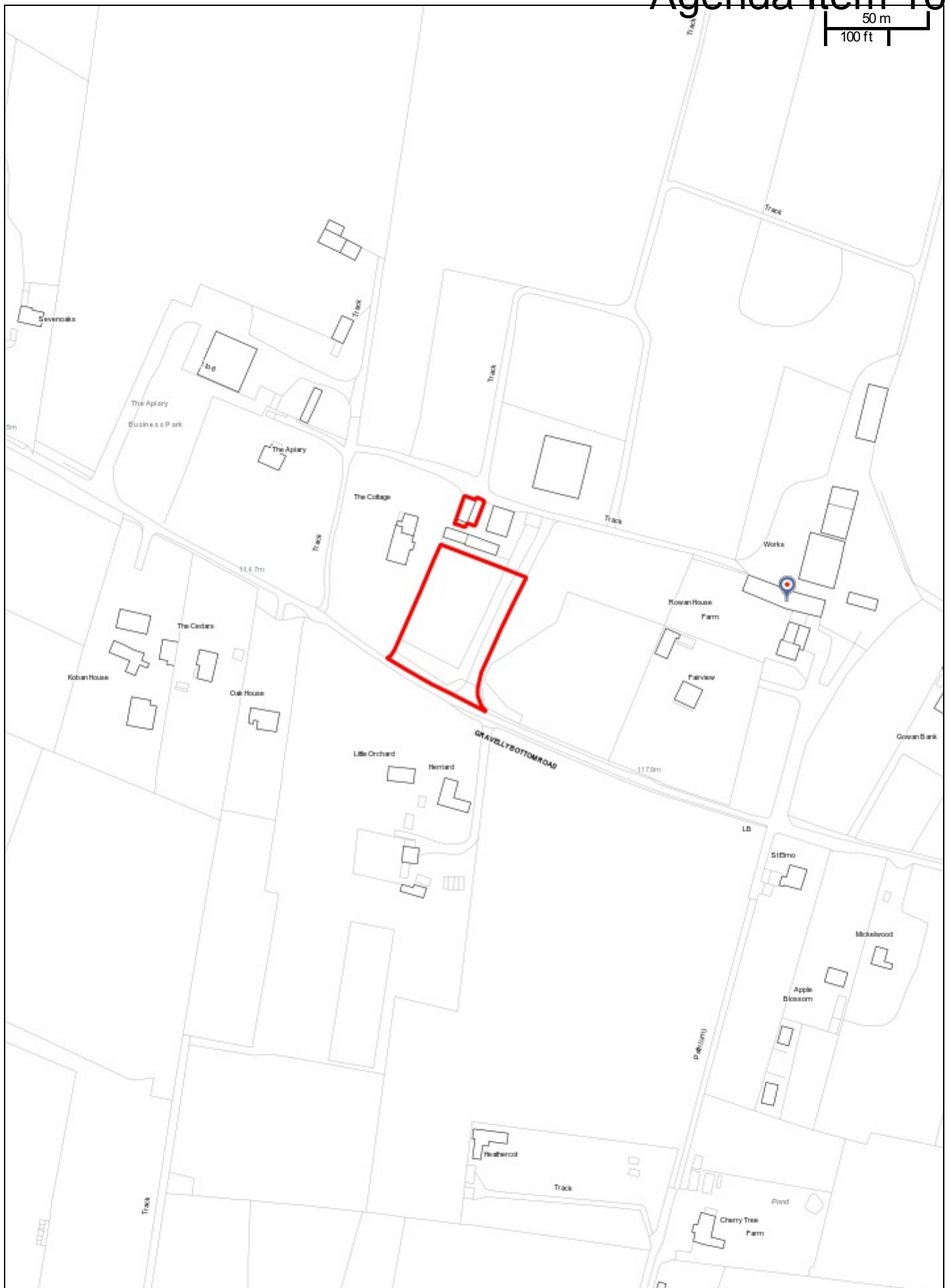
Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

- 3) The materials to be used in the development hereby approved shall be as indicated on the submitted details

Reason: To ensure a satisfactory appearance to the development

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

Reason: In the interest of amenity and wildlife protection.



19/503648/FULL Loxley House

Scale: 1:2500

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REFERENCE NO - 19/503648/FULL		
APPLICATION PROPOSAL Demolition of the existing dwelling Loxley House and the erection of replacement dwelling with amenity space, parking, landscaping and access.		
ADDRESS Loxley House Gravelly Bottom Road Kingswood Maidstone Kent ME17 3NT		
RECOMMENDATION : Refusal		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal, by way of its siting, scale, footprint, mass and volume, would result in a development in the countryside which is incongruous and visually obtrusive. It would be seriously harmful to the rural character and the appearance of this part of the countryside. As such the proposal would fail to accord with the NPPF and Local Plan Policies SP17, DM30 and DM32.		
REASON FOR REFERRAL TO COMMITTEE The local Member has advised: Since the original application and the appeal, there has been a significant change to the character and of the site. There are now 3 additional dwelling on the land and in addition a large agricultural/forestry buildings have been erected on the higher ground to the north of the site. The site is developed. Policy DM32 (1) provides support of the election of replacement dwellings in the countryside. The site is well screened for public view for Gravelly Bottom rd. by the existing trees and hedgerow on the site boundary. These will be retained as part of the proposal and will be reinforced with new native species. I consider that this development will not be visually intrusive from a public vantage point. A section 106 Unilateral Undertaking has been completed and signed to ensure that the original dwelling will be demolished on completion of the replacement dwelling. The Parish Council and local residents wish to see the application approved.		
WARD Leeds	PARISH/TOWN COUNCIL Broomfield & Kingswood	APPLICANT Mr R Schroeder AGENT DHA Planning
TARGET DECISION DATE 25/10/19		PUBLICITY EXPIRY DATE 21/08/19

Relevant Planning History

18/503087/FULL - Demolition of existing dwelling (Loxley House) and erection of a replacement dwelling with amenity space, parking, landscaping and access. Refused
Decision Date: 09.08.2018

12/0136 - Erection of a replacement detached three bedroom dwelling as shown on site location plan and drawing nos. RS/11/6/2A, TOH/11/6/3 and RS/08/2/2B received on 30/1/12. REF. Dismissed at Appeal.

10/1967 - Erection of a replacement dwelling as shown on drawing nos. TOH/09/5/1B, 3 and 4 received on 11/11/10. REF. Dismissed at Appeal.

08/2231 - Erection of a replacement dwelling house REF. Dismissed at Appeal.

04/0964 - Demolition of existing dwelling together with adjacent agricultural buildings and the erection of a new 4 bedroom detached dwelling with additional landscaping (a resubmission following refusal MA/03/1932), as shown on dwg nos SK/1, SK/2 and RCM/03/MC/2/1 received on 18.05.04. REF. Dismissed at Appeal.

03/1932 - Demolition of existing building and outbuildings and erection of 1No. replacement dwelling house, as shown on dwg nos SK/03/1 and RCM/03/MC/2/2 received on 03.11.03. REF

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site of circa 0.31 hectares is located within open countryside, outside of any settlement boundaries as defined in the Local Plan.
- 1.02 The application site consists of two rectangular parcels, located off the north side of Gravelly Bottom Road, to the west of the settlement of Kingswood.
- 1.03 The most northerly, small parcel encompasses Loxley House, a moderately sized single storey structure, whilst the larger southern parcel contained managed open grassland, bound by existing vegetation on two sides.
- 1.04 The existing dwelling referred to as Loxley House was previously used as a village hall, however was granted lawful use as a dwelling in 1999 (under MA/99/1580/N/CLD). This dwelling is substantially removed from the public highway (by some 80m) and lies behind a number of buildings which were approved in 2016 (under Class Q Prior Approval procedures) to be converted from Agricultural to residential use.
- 1.05 The site slopes upwards to the north, away from Gravelly Bottom Road and is bound on its eastern side by a driveway serving Loxley House, permitted residential buildings and an existing barn that lies to the north of the site, currently accommodating 'Kingswood Christmas Trees' which is run out of this property.

2. PROPOSAL

- 2.01 The proposed dwelling would replace the existing single storey structure known as 'Loxley House' and would be sited approximately 25-30m south of that existing, albeit with a larger built footprint. The footprint of the proposed dwelling (circa 300sqm) is some 160sqm larger than that currently on site, representing an increase of approximately 114%.
- 2.02 The new dwelling would form an L-shape, with two double story bay windows and a double story protruding element above the front porch, extending from the front elevation, overlooking the southern extent of the site. This dwelling has been designed to sit approximately 1m into the ground, with a proposed ridge height of some 9.7m above slab level.
- 2.03 The dwelling will be two storeys in height, with a single storey element protruding from the eastern side of the northern (rear) elevation; accommodating the ground floor kitchen. The rest of the ground floor will encompass a lounge, study, dining, games and utilities rooms. There is also a bathroom and WC on this level.
- 2.04 The first floor of the proposed dwelling will accommodate 4 bedrooms (3 with en-suite), a studio and family bathroom. Each bedroom is consistent with the nationally defined space standards, with sufficient room and access to natural light to ensure a high standard of amenity for future residents.
- 2.05 Sufficient rear and front garden would also be provided as part of the proposals.
- 2.06 The property would have a half-hipped style roof, with clay tile hanging and roof tiles, clad in red/brown multi stock brick. The dwelling also proposes to incorporate timber double glazed window units.
- 2.07 2 no. parking spaces would be provided to the south of the dwelling (to the front), with the main entrance door facing this parking area. Cycle parking will be accommodated within the private curtilage of the dwelling. Access will be shared

with the existing properties to the north off the existing driveway to the east of the application site, providing access to Gravely Bottom Road.

2.08 The application replicates that considered and refused under ref 18/503087/FULL although includes the provision of a legal undertaking to secure the removal of the existing building upon implementation of the works. The reasons for refusal of 18/503087/FULL were:

1. The proposal, by way of its siting, scale, footprint, mass and volume, would result in a development in the countryside which is incongruous and visually obtrusive. It would be seriously harmful to the rural character and the appearance of this part of the countryside. As such the proposal would fail to accord with the NPPF and Local Plan Policies SP17, DM30 and DM32.
2. In the absence of a completed Legal Agreement the proposals fail to adequately secure the removal of the existing Loxley House, and therefore do not satisfy Policy DM32. As a result the proposals would result in new residential development outside of settlement in an isolated and unsustainable location which would be detrimental to the character and appearance of the countryside.

2.09 There have been no material changes to the site since the recent refusal of planning permission.

3. POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SP17, DM1, DM23, DM30, DM32,
Supplementary Planning Documents:
Maidstone Landscape Character Assessment (Amended 2013)

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 None

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)

Kent Highways

5.01 No objection subject to the imposition of conditions

Natural England

5.02 No comments to make

Broomfield and Kingswood Parish

5.03 Recommend approval of the proposal

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of development

- Visual Impact
- Residential Amenity
- Highways
- Biodiversity

Principle of Development

6.02 Policy DM32 of the adopted Local Plan relates to 'proposals for the replacement of a dwelling in the countryside' as an exception to the normal constraints for development in the countryside. This policy has a number of criteria:

- The present dwelling has a lawful residential use;*
- The present dwelling is not the result of a temporary planning permission;*
- The building is not listed;*
- The mass and volume of the replacement dwelling is no more visually harmful than the original dwelling;*
- The replacement dwelling would result in a development which individually or cumulatively is visually acceptable in the countryside; and*
- The replacement dwelling is sited to preclude retention of the dwelling it is intended to replace, or there is a condition or a planning obligation to ensure the demolition of the latter on completion of the new dwelling.*

6.03 In this case, the existing dwelling has a lawful residential use (under MA/99/1580/N/CLD) and does not result from a temporary planning permission. The building is not listed. The implementation of the proposed dwelling would not preclude the retention of the existing dwelling; however the removal of the existing dwelling has been dealt with by way of S106 agreement.

6.04 It is therefore considered that there can be no objection to the general replacement of the existing dwelling in principle terms. The proposals will however need to be assessed against criteria iv. and v. These elements are considered below

Visual Impact

6.05 Policy SP17 of the Local Plan identifies that:

- Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.*

6.06 Policy DM30 states:

Outside of the settlement boundaries as defined on the policies map, proposals which would create high quality design, satisfy the requirements of other policies in this plan and meet the following criteria will be permitted:

- 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. Suitability and required mitigation will be assessed through the submission of Landscape and Visual Impact Assessments to support development proposals in appropriate circumstances;*
- Where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. 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;*

- 6.07 Additional to the above cited Local Plan Policy the National Planning Policy Framework (NPPF) July 2018 identifies at paragraph 170 that planning decision should recognise the intrinsic character and beauty of the countryside, and wider benefits from natural capital and ecosystem services.
- 6.08 As identified in Policy DM32, the visual assessment of replacement dwellings should be based on the original dwelling. Limited information has been provided with regards to the characteristics of the existing building; however the single storey Loxely House is estimated to encompass a footprint of some 140sqm, with a width and depth of approximately 10m and 14m respectively. The proposed dwelling thus represents a gross increase of circa 114%.
- 6.09 The proposed dwelling is significantly larger than that currently on site, in all dimensions including height; it is also proposed to be located within an area of greater visual sensitivity, being on open and substantially more prominent land; with the topography rising up from the road.
- 6.10 The increase in scale, volume and built footprint is significant and unacceptable, not only being substantially larger than the existing dwelling it is replacing but significantly larger than neighbouring residences permitted to the north (PD applications) and that to the west (The Cottage).
- 6.11 The prior approval consents for the conversion of properties to the north into residential use are noted however these are considered to be of limited relevance, they illustrate that the principle of residential use of the existing buildings is acceptable. They do not address issues relating to the design and scale of the proposed dwelling.
- 6.12 In addition to the substantial increase, the proposal seeks to re-site the dwelling on a more conspicuous site, closer to and more visible from Gravelly Bottom Road. The proposed dwelling is of little relation to what it is replacing in size or siting and would have considerably greater impact on the countryside and the streetscene.
- 6.13 Whilst the 2009 appeal decision predates current planning policy, it should still be given some weight in any consideration given the similarities of the proposals that the inspector found to be unacceptable. In addition, application 18/503087/FULL assessed the same proposal and found it to be unacceptable. There have been no material changes on site, or to the policy framework since consideration of this application. This carries significant weight.
- 6.14 In light of the above, the proposal is considered unacceptable in view of its size, scale and bulk, which together with its location on a sloping and open site would result in visually intrusive and incongruous development that would be out of character with surrounding development and detrimental to the character of the area in general. The proposals thus do not meet criteria iv. of Policy DM32.
- 6.15 I have given consideration to nearby approved applications that were drawn to my attention by the Local Member. Whilst I have reviewed these previous applications, it is important to note that each application must be judged on its own merits. I have considered these neighbouring developments and find that whilst they represented 'replacement dwellings' of increased size, they were more acceptable in terms of impact on visual amenity. They were either located in similar and set back locations within their site and had a reduced material impact on the visual appearance and character of the site and wider countryside mainly owing to more sensitive heights. These are not comparable to the scheme being considered here.
- 6.16 The scale of the application proposal, is considered to be visually unacceptable, both individually and cumulatively within the countryside. The design of the building,

whilst being of a set into the ground by circa 1m, is considered to be out of character with neighbouring properties which are smaller and of a more simplistic agricultural design.

- 6.17 It is further considered that the development of this site, in conjunction with the existing dwellings to the north, would lead to the appearance of overdevelopment and urbanisation; increasing urban paraphernalia and eroding the rural character of the area. The size, massing and volume of this application is significantly larger than that originally on the site, and in a much more prominent location, and the addition of this building into this site would result in significant cumulative visual impacts.
- 6.18 The proposals would not provide any notable public benefits. The development of this site for a dwelling of the proposed scale would irreversibly change the distinct character of the countryside, cumulatively, resulting in an overdevelopment and urbanisation of the area. It is thus considered that the development fails to comply with criteria v. of the Policy DM32.
- 6.19 By extension of the above assessment, it is considered the proposed replacement dwelling, would fail to comply with Policy SP17 and DM30 altering the local distinctiveness and intrinsic beauty of the wider countryside.
- 6.20 In light of the above, and the information provided as part of this application, I consider the scale and massing of the development proposed does not accord with National or Local Policy, when viewing the site both individually and cumulatively within the context of its location within the wider countryside.
- 6.21 The above findings are consistent with advice previously provided by the Council in previous applications on the same site; and upheld by Inspectors at appeal on four separate occasions, with the applicant yet to overcome the officer's and inspectors concerns.

Residential Amenity

- 6.22 Policy DM1 of the local plan states that proposals should respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.23 In this case I consider the orientation, outlook and distances to neighbours (between 15 and 25m) are sufficient that any significant loss of light, outlook or privacy would be unlikely to occur. As this is a one-for one replacement dwelling, I do not believe that noise and disturbance from the replacement dwelling would increase.

Highways

- 6.24 Policy DM1 of the local plan states that proposals should safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access, and provide adequate vehicular and cycle parking to meet adopted council Standards.
- 6.25 Local plan policy DM23 states that car parking standards for residential development will:
 - i. Take into account the type, size and mix of dwellings and the need for visitor

- parking; and
 - ii. Secure an efficient and attractive layout of development whilst ensuring that appropriate provision for vehicle parking is integrated within it.
- 6.26 The proposal is effectively a one-for-one replacement; as such I do not consider the replacement dwelling to increase impacts on the local highway network. The parking standard requires 4+ bedroom houses in such a location to provide for 2 spaces per unit. As such, the proposal accords with the parking standard and no objection is raised by Kent County Council in this regard.

Biodiversity

- 6.27 An Extended Phase 1 Habitat Survey was submitted with the application. I do not consider that the application proposal would not cause sufficient ecological harm to warrant the refusal of this application.

Other Matters

- 6.28 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 demolition of the existing residential dwelling for a new 4 bedroom dwelling would constitute a replacement dwelling under Policy DM32 of the Local Plan. Despite the acceptance of this replacement dwelling in principle, it is considered that the proposed dwelling, by way of its siting, scale, massing and volume would be significantly more visually intrusive than the original dwelling; causing greater material harm to the character and appearance of the countryside.

8. RECOMMENDATION

REFUSE planning permission for the following reason(s):

- 1) The proposal, by way of its siting, scale, footprint, mass and volume, would result in a development in the countryside which is incongruous and visually obtrusive. It would be seriously harmful to the rural character and the appearance of this part of the countryside. As such the proposal would fail to accord with the NPPF and Local Plan Policies SP17, DM30 and DM32.

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

- To secure the removal of the existing Loxley House, to satisfy Policy DM32 preventing the provision of a new residential development outside of settlement in an isolated and unsustainable location which would be detrimental to the character and appearance of the countryside.

Case Officer: Joanna Russell



19/504103/FULL Mole End

Scale: 1:1250

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REFERENCE NO - 19/504103/FULL		
APPLICATION PROPOSAL Proposed single storey side extension and new canopy to the north elevation. Single bay oak framed extension to existing garage. (Revised scheme to 19/500679/FULL)		
ADDRESS Mole End, Forsham Lane, Chart Sutton, ME17 3ER		
RECOMMENDATION – REFUSE for the reason set out in Section 8.0		
SUMMARY OF REASONS FOR RECOMMENDATION It is concluded that the proposal would destroy the original simple, functional and compact form of the building and would thereby harm its rural character and appearance and diminish the positive contribution which it makes to the character and appearance of the countryside, contrary to the NPPF and Local Plan policies.		
REASON FOR REFERRAL TO COMMITTEE The Parish Council have requested the application be presented to the planning committee should the officers recommendation differ from their recommendation for approval as they are of the opinion that the application is policy compliant.		
WARD Boughton Monchelsea and Chart Sutton	PARISH/TOWN COUNCIL Chart Sutton	APPLICANT Mr Paul Ward AGENT Julian Bluck Designs Ltd
TARGET DECISION DATE 11/10/19		PUBLICITY EXPIRY DATE 24/09/19

Relevant Planning History

19/500679 : Underground extension to barn with lean to staircase enclosure and oak framed carport extension to garage – approved

17/502635 : Single-storey side extension with lantern – Withdrawn

87/2106 : Conversion of barn to single dwelling and stables to garage and erection of new garage to adjoining farm house – Approved

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 This application relates to a detached, former agricultural barn which has been converted to a dwelling. The building is of a modest scale and has a compact form, with a steeply pitched tiled roof with gables and dark stained weatherboarded walls upon a fairly deep brick plinth. The building has 3 bays, and the appearance of a threshing barn, with the central bay having the appearance of the threshing bay with large former cart entrance.
- 1.02 The site lies in the open countryside in the parish of Chart Sutton. Forsham Lane has a scattering of dwellings along its length and maintains a general rural appearance.

2. PROPOSAL

- 2.01 Planning Permission is sought for the erection of a single-storey side extension to provide an additional 2 bedrooms and bathroom, the addition of an open porch to the North elevation and an extension to an existing detached garage.

3. POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: DM1, DM3, DM4, DM30, DM32, SP17, SP18
Supplementary Planning Documents: Residential Extensions

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 None

5. CONSULTATIONS

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

5.01 Conservation Officer

Object to the proposal on the grounds of harm to the significance of the non-designated heritage asset.

Chart Sutton Parish Council

5.02 Recommend approval of the proposal

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of development
- Visual Impact
- Impact on Non-designated heritage asset
- Residential Amenity
- Highways
- Biodiversity

Principle of Development

6.02 Policy SP 17 of the local plan states that development must not result in harm to the character or appearance of the countryside. Policy DM 30 also relates to development within the countryside. This policy states that, where an extension or alteration to an existing building is proposed, it should, inter-alia, have no significant adverse impact on the form, appearance or setting of the building and that it should respect the architectural and historical integrity of any adjoining building or group of buildings of which it forms a part.

6.03 Policy DM 32 specifically relates to extensions to dwellings in the countryside. This policy requires, inter-alia, that householder development does not overwhelm or destroy the original form of the existing dwelling and that it is visually acceptable in the countryside.

6.04 The Council's adopted Supplementary Planning Document "Residential Extensions"

generally resists extensions to converted traditional rural buildings such as barns and oast houses in principle, due to their adverse impact upon the form and character of such buildings. It states:

“Extensions to dwellings in the countryside which have been converted from buildings originally in non-residential use, such as oast houses, barns and other farm buildings, will not normally be permitted where this would have an unacceptable impact on the original form and character of the building. Many rural buildings have a simple form such as a rectilinear floor plan which fits well with their original function and the character of the countryside and others have an historic form and character which should be retained. In granting consent for conversions the Council seeks to preserve the original form and character of the building. Proposals for extensions to such buildings should not therefore destroy that form or character and will not normally be considered acceptable” (paragraph 5.14).

- 6.05 Paragraph 5.20 states “Extensions will not be permitted to dwellings created from traditional rural buildings including oast houses, barns and other farm buildings where they would have an unacceptable impact on the form or character of the original building”.
- 6.06 In this case is noted that permitted development rights for all extensions and alterations to the building were removed at the time of conversion by condition 6 planning permission of 87/2106 - a situation specifically referred to in paragraph 5.14 of the residential extensions guidelines. Indeed, the removal of these rights gives control over future extensions in order to preserve the form and character of the building.
- 6.07 It is noted that an extension to the existing detached garage is sought. This has already been approved under application reference 19/500679 and is not considered to result in any significant harm. The following therefore concentrates on the changes to the former barn.

Visual Impact

- 6.08 The host building is a modest converted barn which exhibits a clear sense of balance and proportion through its simple, compact and symmetrical form and dominant roof. These are considered to be the key elements of its character. It is a good quality example of a traditional vernacular building of this locality and, although not listed, is regarded as a non-designated heritage asset.
- 6.09 The building has kept its simple rectilinear floor plan which fits well with its original function and its simple form and proportions are considered fundamental to its understanding as a former agricultural building and therefore to its character. Whilst additional openings have been added at the conversion and domestic planting and hard surfacing are present, it is nevertheless considered that the original form and much of its rural character and appearance have been retained and are very apparent on site. Its form, as a former agricultural barn, is highly recognizable and apparent.
- 6.10 The proposed extension, which would be attached to the building, would fundamentally change its form and alter its proportions and symmetry. Indeed, the

appearance of the building to the West elevation is very symmetrical and it displays a compact form, with the proposed extension unbalancing the elevation and destroying that simple and compact form. It would extend both to the South and to the East and in this position, would add a domestic form of extension to the building which would be out of character. Whilst the design and access statement refers to some previous additions upon an historic map, there is no clear evidence of their appearance and indeed, this proposal is not for the reinstatement of a missing part, as the proposed extension would not be in the same location as the previously existing elements shown upon the historic map. It would therefore not reinstate any historical form or appearance of the farmstead but would instead extend the building in a manner which is out of character with the historic layout of the former farmstead.

- 6.11 The scale of the extension is additionally considered to render it particularly harmful. Whilst in itself, it might be seen as a subservient addition to the building as a whole, its position, physical attachment and proportions would harm the form and proportions of the existing building. Indeed, its depth would be approaching 60% of the depth of the original building and its length would be around 90% of the length of the original building – this is considered to be clearly disproportionate to the barn and would adversely affect its form, scale and proportions.
- 6.12 The harm would be exacerbated by the addition of a porch to the North elevation of the building. This would be of resolutely residential character, which would be out of keeping with what you would expect to see upon a former agricultural building.
- 6.13 The design and access statement refers to the fact that barns might often have such extensions, however, it is not considered that within this rural area of the borough it is typical to have extensions to barns such as this, especially a small barn of this scale. Often further agricultural needs might have been met through a new, separate building rather than an extension of this scale and position, attached to such a building.

Impact on Non-designated heritage asset

- 6.14 The building is also considered to be a non-designated heritage asset. The conservation officer has stated that he considers the barn of local significance due to its historic interest and simple vernacular form, as well as its group relationship with the former farmhouse.
- 6.15 Policy SP18 requires development to be sensitive to heritage assets and their settings. Policy DM 4 also requires development affecting all heritage assets (designated or non-designated) to incorporate measures to conserve, and where possible enhance, the significance of the heritage asset. It states also, in paragraph 6.33, that, in the determination of planning applications, the relevant assessment factors, including weighing of potential harm against wider benefits of the development, are set out in detail in the National Planning Policy Framework paragraphs 131 – 135 and that these tests will be applied.
- 6.16 Since the adoption of the local plan, a revised NPPF has come into force, with the relevant section being chapter 16.
- 6.17 Paragraph 184 of the NPPF states that heritage assets “are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so

that they can be enjoyed for their contribution to the quality of life of existing and future generations”.

- 6.18 The National Planning Policy Framework requires a balanced judgement to be made upon applications affecting non-designated heritage assets having regard to the scale of the harm and the significance of the heritage asset.

- 6.19 The conservation officer has commented that the extension would harm the significance of the building and have the effect of fragmenting the site beyond its historic enclosed layout, and that while there is historic evidence for a projecting wing, the current proposal does not seek to reinstate this element, but rather to add an incongruous element which would be inconsistent with the form and historical development of the site. He states:

“The barn forms part of a historic farmstead grouping which 19th century maps indicate previously had an enclosed courtyard plan form. There is insufficient information to date the building conclusively, but it was in existence by the 1870s and the form of the roof indicates it could be earlier than 1700 in date. The barn has local significance due to its historic interest and simple vernacular form, as well as its group relationship with the former farmhouse...

The proposed single storey extension would detract from the coherent form and character of the building and its historic relationship with the farmhouse. While there is historic evidence for a projecting wing, the current proposal does not seek to reinstate this element, but rather to add an incongruous element which would be inconsistent with the form and historical development of the site. Furthermore, the footprint of the extension would be excessively large in relation to the modest proportions of the barn. The extension would have the effect of fragmenting the site beyond its historic enclosed layout, detracting from the simple form of the barn, and causing harm to its significance...”.

- 6.20 Whilst this is indeed a minor proposal, it is considered to result in a detrimental impact upon the significance of the heritage asset and significant visual harm, because it would be out of character with this simple, former functional farm building and it would destroy its simple original form and proportions. It is not considered that there are any significant wider benefits arising from this proposal. Indeed, whilst it is accepted that the dwelling currently provides a modest level of accommodation, the level of accommodation available is not considered to preclude its viable use as a dwelling and there is certainly no evidence provided with the application to demonstrate that this is the case.

- 6.21 A previous application to extend the building was going to be refused (but was withdrawn) since it was considered to destroy the very distinct form and character of the building. The applicant subsequently engaged in 2 rounds of pre-application advice and secured consent for additional accommodation underground under planning permission 19/500679. The plans and section drawings for the approved “extension” showed it to be sited wholly underground, with its roof structure covered with soil and grass and only a very modest area to provide access into this area being provided above ground. Whilst the application states that there are concerns regarding implementing that consent due to potential flooding, the site does not lie in a floodplain and there is no significant evidence within the submission to clearly demonstrate that the previously approved development would not be suitable or viable, nor that accommodation needs could not be met in a less harmful way. Therefore, having regard to the fact that a balanced decision is required to be made upon non-designated heritage assets, considering the very significant

adverse impact upon the form, scale, proportions and appearance of the barn, it is concluded that the balance weighs in favour of refusing the application on the grounds that the harm is not outweighed by the wider benefits.

Residential Amenity

- 6.22 Policy DM1 of the local plan states that proposals should respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.23 In this case it is considered that the proposed extensions would be a significant distance away from neighbouring properties such that no harm would result to neighbouring amenity.

Highways

- 6.24 Policy DM1 of the local plan states that proposals should safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access, and provide adequate vehicular and cycle parking to meet adopted Council standards.
- 6.25 Local plan policy DM23 states that car parking standards for residential development will:
- i. Take into account the type, size and mix of dwellings and the need for visitor parking; and
 - ii. Secure an efficient and attractive layout of development whilst ensuring that appropriate provision for vehicle parking is integrated within it.
- 6.26 The proposal would not adversely affect parking or highways matters.

Biodiversity

- 6.27 It is not considered that the application proposal would cause sufficient ecological harm to warrant the refusal of this application. Any biodiversity mitigation or enhancement could be satisfactorily dealt with by condition should the application be considered acceptable in all other respects.

7. CONCLUSION

- 7.01 It is concluded that the proposal would destroy the original simple, functional and compact form of the building, which is considered to be a non-designated heritage asset, and would thereby harm its rural character and appearance and diminish the positive contribution which it makes to the character and appearance of the countryside. Refusal is recommended.

8. RECOMMENDATION

REFUSE planning permission for the following reason(s):

- (1) The proposed extension and alterations to the existing barn, which is considered

a non-designated heritage asset, would destroy the simple, functional and compact form and symmetrical appearance of the barn, harming its rural character and appearance and diminishing the positive contribution which it currently makes to the character and appearance of the countryside, contrary to policies SP17, DM30, DM32, SP18 and DM4 of the Maidstone Local Plan 2017, the advice given within the adopted Supplementary Planning Document "Residential Extensions" and paragraphs 184 and 197 of the National Planning Policy Framework.

Case Officer: Louise Welsford

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 24th October 2019**

APPEAL DECISIONS:

- 1. 19/501666/FULL** **Demolition of existing conservatory and erection of a two storey side extension, with loft conversion and rear dormer.**

APPEAL: DISMISSED

1 South Park Road
Maidstone
Kent
ME15 7AH

(Delegated)

- 2. 19/501432/FULL** **Erection of a first floor side and rear extension, single storey rear extension and replacement garage.**

APPEAL: ALLOWED

15 Maple Avenue
Maidstone
Kent
ME16 0DB

(Delegated)

- 3. 19/500753/FULL** **Demolition of part of existing dwelling and all outbuildings and erection of 2no. detached dwellings and 3no. semi-detached dwellings.**

APPEAL: ALLOWED

139 Tonbridge Road
Maidstone
Kent
ME16 8JS

(Delegated)

- 4. 18/500535/FULL** **Retrospective application for erection of detached building to be used for the commercial restoration and storage of**

vehicles and motor cycles with associated storage and office space.

APPEAL: DISMISSED

Cossington Fields Farm North
Bell Lane
Boxley
Maidstone
Kent
ME14 3EG

(Delegated)
