

PLANNING COMMITTEE MEETING

Date: Thursday 22 October 2020
Time: 6.00 p.m.
Venue: Remote Meeting - The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website

Membership:

Councillors Adkinson, Brindle, Chappell-Tay, English (Chairman), Eves, Harwood, Kimmance, Munford, Parfitt-Reid, Powell, Spooner (Vice-Chairman), Vizzard and Wilby

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

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 29 October 2020
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 24 September 2020 adjourned to 1 October 2020 1 - 17
11. Appointment of Conservative Group Political Group Spokesperson

Issued on Wednesday 14 October 2020
Over/:

Continued

Alison Broom

Alison Broom, Chief Executive

12. Presentation of Petitions (if any)	
13. Deferred Items	18 - 20
14. 20/501773/FULL Land Off Oakapple Lane, Barming, Maidstone, Kent	21 - 57
15. 20/501428/FULL The Site Of Previous Maple Leaf Garage, Ashford Road, Hollingbourne, Maidstone, Kent	58 - 70
16. 20/501240/FULL Gibbs Hill Farm, Grigg Lane, Headcorn, Kent	71 - 86
17. 20/502916/FULL Chegworth Mill Farm, Chegworth Road, Harrietsham, Maidstone, Kent	87 - 97
18. (A) 20/503259/SUB & (B) 20/504316/SUB Land South Of Forstal Lane, Coxheath, Kent	98 - 101
19. 20/503109/FULL Land To West Of 70 Church Street, Boughton Monchelsea, Maidstone, Kent	102 - 131
20. 20/502748/FULL Petsfield, Eastwood Road, Grafty Green, Maidstone, Kent	132 - 143
21. 20/503801/FULL 10 Thomas Rider Way, Boughton Monchelsea, Maidstone, Kent	144 - 153
22. 20/502004/FULL Webbe Cottage, The Street, Detling, Maidstone, Kent	154 - 162
23. 20/503105/FULL 13 Blythe Road, Maidstone, Kent	163 - 171
24. Appeal Decisions	172 - 174

PLEASE NOTE

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 reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection; please follow this link:

<https://pa.midkent.gov.uk/online-applications/>

PUBLIC REPRESENTATIONS AND ALTERNATIVE FORMATS

In order to make a submission to the Committee, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 21 October 2020. You will need to tell us which agenda item you wish to make representations on. Please note that slots will be allocated for each application on a first come, first served basis.

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

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE REMOTE MEETING HELD ON 24 SEPTEMBER 2020 **ADJOURNED TO 1 OCTOBER 2020**

Present: **Councillor English (Chairman) and**
24 **Councillors Adkinson, Brindle, Chappell-Tay, Eves,**
September **Kimmanche, Munford, Perry, Spooner, Vizzard and**
2020 **Wilby**

342. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Harwood and Parfitt-Reid.

343. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no Substitute Members.

344. **NOTIFICATION OF VISITING MEMBERS**

There were no Visiting Members.

345. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

346. **URGENT ITEMS**

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

347. **DISCLOSURES BY MEMBERS AND OFFICERS**

With regard to the reports of the Head of Planning and Development relating to the following applications, Councillor Munford said that he was the Chairman of Boughton Monchelsea Parish Council, but he had not participated in the Parish Council's discussions on the applications and intended to speak and vote when they were considered:

- 20/503109/FULL – Land to West of 70 Church Street, Boughton Monchelsea, Maidstone, Kent
- 20/502032/FULL – Lower Bell Riding School, Back Lane, Boughton Monchelsea, Maidstone, Kent
- 20/502277/FULL – Greenacre, Church Hill, Boughton Monchelsea, Maidstone, Kent

348. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

Item 13.	20/503109/FULL – Land to West of Church Street, Boughton Monchelsea, Maidstone, Kent	Councillors Adkinson, Brindle, Chappell-Tay, English, Eves, Kimmance, Munford, Perry, Spooner, Vizzard and Wilby
Item 14.	20/503193/FULL – 69 Tonbridge Road, Maidstone, Kent	Councillors Adkinson, Brindle, Chappell-Tay, English, Kimmance, Munford, Perry, Vizzard and Wilby
Item 15.	20/502215/FULL – Hawthorn Place, Greenway Forstal, Harrietsham, Maidstone, Kent	Councillors Chappell-Tay, English, Kimmance, Munford, Vizzard and Wilby
Item 16.	20/502238/FULL – Neverend Lodge, Pye Corner, Ulcombe, Maidstone, Kent	Councillors Adkinson, Chappell-Tay, English, Eves, Kimmance, Munford, Spooner, Vizzard and Wilby
Item 17.	20/503160/FULL – 55 Boxley Close, Maidstone, Kent	English, Kimmance, Munford and Wilby
Item 18.	20/502032/FULL – Lower Bell Riding School, Back Lane, Boughton Monchelsea, Maidstone, Kent	Councillors Adkinson, Brindle, Chappell-Tay, English, Eves, Kimmance, Munford, Perry, Spooner, Vizzard and Wilby
Item 19.	20/503105/FULL – 13 Blythe Road, Maidstone, Kent	Councillors Adkinson, Chappell-Tay, English, Eves, Kimmance, Munford, Spooner, Vizzard and Wilby
Item 20.	20/502277/FULL – Greenacre, Church Hill, Boughton Monchelsea, Maidstone, Kent	Councillors Adkinson, Brindle, Chappell-Tay, English, Kimmance, Munford, Vizzard and Wilby

349. EXEMPT ITEMS

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

350. MINUTES OF THE MEETING HELD ON 20 AUGUST 2020

RESOLVED: That the Minutes of the meeting held on 20 August 2020 be approved as a correct record and signed.

351. PRESENTATION OF PETITIONS

There were no petitions.

352. DEFERRED ITEM

19/505816/SUB - SUBMISSION OF DETAILS PURSUANT TO CONDITION 5 (MATERIALS), CONDITION 7 (WOODLAND MANAGEMENT PLAN), CONDITION 8 (PROPOSED BOUNDARY TREATMENT), CONDITION 10 (ECOLOGY), CONDITION 11 (CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN : BIODIVERSITY) AND CONDITION 17 (BIRD BOXES) IN RELATION TO PLANNING APPLICATION 15/503359/OUT AND APPEAL REFERENCE APP/U2235/W/15/3132364 (FOR RESIDENTIAL DEVELOPMENT (APPROX 89 DWELLINGS) PLUS OPEN SPACE, BIOMASS PLANT AND ACCESS ROAD (PLUS EMERGENCY ACCESS) - LORDSWOOD URBAN EXTENSION, GLEAMING WOOD DRIVE, LORDSWOOD, KENT

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

353. 20/503109/FULL - ERECTION OF 24 NO. NEW C2 EXTRA CARE RETIREMENT HOMES, CLUBHOUSE, BIN STORES AND LANDSCAPE SCHEME - LAND TO WEST OF 70 CHURCH STREET, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

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

The Chairman read out statements on behalf of Boughton Monchelsea Parish Council and Mr Chapman, agent for the applicant.

RESOLVED: That consideration of this application be deferred for one meeting cycle to enable:

- (a) Further negotiations regarding the possible removal or relocation of the clubhouse; and
- (b) The applicant to provide KCC Highways with an analysis of crash data and to allow KCC Highways and other consultees time to respond to that information plus previously submitted updates on trip data/vehicle movements.

Voting: 11 – For 0 – Against 0 – Abstentions.

Note: Councillor Brindle joined the meeting just before the presentation of this application by the Principal Planning Officer (6.13 p.m.). She said that she had no disclosures of interest and then provided details of the applications on which she had been lobbied (see Minute 348 above).

354. 20/503105/FULL - ERECTION OF A SINGLE STOREY SIDE AND REAR EXTENSION, INCLUDING LOFT CONVERSION - 13 BLYTHE ROAD, MAIDSTONE, KENT

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

The Chairman read out a statement on behalf of Mr Marriott, an objector.

In the absence of a representative of a residents' association/amenity group, the Chairman read out a statement on behalf of Ms Durling who also objected to the application.

The representative of the Head of Legal Partnership read out a statement on behalf of Ms Thatcher, agent for the applicant.

RESOLVED: That consideration of this application be deferred to enable the Officers to seek to negotiate a step-in of the development on the boundary with no.15 Blythe Road to reduce the impact of the development on the occupants of that property.

Voting: 11 – For 0 – Against 0 – Abstentions

355. 20/502032/FULL - DEMOLITION OF EXISTING SITE STRUCTURES (BARN, STABLES, MOBILE HOME, SHED) AND ERECTION OF 3 DWELLINGS WITH ACCOMPANYING PARKING AND LANDSCAPING (RESUBMISSION OF 19/506110/FULL) - LOWER BELL RIDING SCHOOL, BACK LANE, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

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

In presenting the application, the Planning Officer advised the Committee that:

- An additional representation had been received the previous day alleging that the distances shown on the submitted drawings were incorrect and that the distances were significantly less than indicated. Other plans available to the Case Officer did not show this to be the case. It was considered that other issues raised within this representation had been addressed in the report and by the recommended conditions.
- He wished to impose an additional pre-commencement condition requiring the submission of an arboricultural method statement.

Mr Mazalla-Tomlinson addressed the Committee by video link on behalf of Dr Rah, an objector.

The Chairman read out a statement on behalf of Boughton Monchelsea Parish Council.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, the Committee considered that:

- The proposed development, consisting of the redevelopment of a brownfield site in the countryside does not meet the exceptional threshold test as set out in policy DM5 of the Maidstone Borough Local

Plan as it would not result in significant environmental improvement. The proposed development located in an unsustainable location would provide poor access to services and facilities for future residents who would be heavily reliant on the private motor vehicle for their daily needs. As such the development is contrary to policies SS1 and DM5 of the Maidstone Borough Local Plan 2017 and the NPPF.

- Given the overall domestication of the site from principally short range views by the introduction of dwellings within a functioning rural landscape, the proposals represent inappropriate and harmful development in this countryside location contrary to policies SS1, SP17, DM1 and DM30 of the Maidstone Borough Local Plan and the NPPF.

The Development Manager requested that delegated powers be given to the Head of Planning and Development to finalise the reasons for refusal to include the issues summarised above.

RESOLVED: That permission be refused and that the Head of Planning and Development be given delegated powers to finalise the reasons for refusal which will include the issues summarised above.

Voting: 11 – For 0 – Against 0 – Abstentions

356. 20/502215/FULL - RELOCATION OF 1 NO. EXISTING MOBILE HOME APPROVED UNDER 16/505930/FULL TO THE REAR OF THE SITE, INCLUDING ERECTION OF A UTILITY BUILDING AND STATIONING OF 1 NO. TOURING CARAVAN FOR USE BY EXISTING RESIDENTS (PART RETROSPECTIVE) - HAWTHORN PLACE, GREENWAY FORSTAL, HARRIETSHAM, MAIDSTONE, KENT

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

In presenting the application, the Development Manager advised the Committee that the applicant had agreed to carry out additional native landscaping along the south-eastern boundary of the site and this was reflected in recommended condition 3 (Site Development Scheme).

The Chairman read out a statement on behalf of Harrietsham Parish Council.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with the amendment of condition 3 (Site Development Scheme) to require the incorporation of bee bricks within the utility building.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended condition and to amend any other conditions as a consequence.

Voting: 10 – For 0 – Against 1 – Abstention

357. 20/503193/FULL - CHANGE OF USE OF 6 BEDROOM HMO (CLASS C4) TO AN 8 BEDROOM HMO (SUI GENERIS), INCLUDING ALTERATIONS TO FENESTRATION AND INTERNAL LAYOUT AND INSERTION OF A DORMER WINDOW WITHIN THE FRONT ROOF SLOPE - 69 TONBRIDGE ROAD, MAIDSTONE, KENT

The Committee considered the 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 with an additional condition requiring details of bin storage.
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: 7 – For 2 – Against 2 – Abstentions

358. 20/502238/FULL - SITING OF 1 NO. ADDITIONAL MOBILE HOME AND ERECTION OF 4-BAY GARAGE, STABLE BLOCK (FOR KEEPING OF HORSES) AND DAY ROOM - NEVEREND LODGE, PYE CORNER, ULCOMBE, MAIDSTONE, KENT

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

In presenting the application, the Development Manager advised the Committee that he had spoken to the applicant and he had confirmed to him verbally that he is the owner of all of the land outlined in red on the application form and on the site location plan. He was satisfied that the correct certificate had been signed in this case.

The Chairman read out statements on behalf of Mr Tarry, an objector, and Councillor Kenward of Ulcombe Parish Council.

During the discussion, the Development Manager confirmed that condition 2 should be amended by the addition of the words "with the exception of Miss Mary Courtney as referenced by condition 3".

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report, as amended by the Development Manager at the meeting with:

- (a) The amendment of condition 5 (Landscaping) to specify that the landscaping scheme should exclude the planting of Sycamore trees); and
 - (b) An additional condition requiring the incorporation of biodiversity enhancements within the development, including bee bricks.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and additional conditions.

Voting: 5 – For 4 – Against 1 – Abstention

Note: Councillor Eves left the meeting during consideration of this application (8.58 p.m.).

359. 20/502277/FULL - SITING OF 1 NO. MOBILE HOME, CREATION OF 2 NO. PARKING SPACES AND RELOCATION OF FENCE - GREENACRE, CHURCH HILL, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

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

The Chairman read out a statement on behalf of Boughton Monchelsea Parish Council.

RESOLVED: That consideration of this application be deferred to enable the Officers to:

- Negotiate an alternative siting for the new caravan pitch which results in the caravan having an increased amenity space and not being positioned so close to the rear boundary of the site;
- Check whether this is a retrospective application and, if so, rephrase the proposed conditions and description of development accordingly; and
- Confirm whether the occupants/future occupants of the caravan are related to the applicant i.e. daughters.

Voting: 10 – For 0 – Against 0 – Abstentions

360. 20/503160/FULL - CREATION OF FIRST FLOOR FRONT EXTENSION, ALTERATIONS TO REAR WINDOWS AND DOORS, INSERTION OF 2 NO. WINDOWS TO SIDE AT FIRST FLOOR AND INTERNAL ALTERATIONS (REVISED SCHEME TO 19/502796/FULL) - 55 BOXLEY CLOSE, 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 with an additional condition requiring the incorporation of bee bricks within the development.
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

361. ADJOURNMENT OF MEETING

At 9.55 p.m., after consideration of the report of the Head of Planning and Development relating to application 20/503160/FULL (55 Boxley Close, Maidstone, Kent), the Committee:

RESOLVED: That the meeting be adjourned until 6.00 p.m. on Thursday 1 October 2020 when the remaining items on the agenda will be discussed.

362. DURATION OF MEETING

6.00 p.m. to 9.57 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 24 SEPTEMBER 2020
ADJOURNED TO 1 OCTOBER 2020

Present: **Councillor English (Chairman) and**
1 October **Councillors Adkinson, Brindle, Chappell-Tay, Eves,**
2020 **Kimmance, Munford, Parfitt-Reid, Spooner, Vizzard**
 and Wilby

Also **Councillors Brice and Perry**
Present:

363. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Harwood and Powell.

364. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

365. NOTIFICATION OF VISITING MEMBERS

Councillors Brice and Perry had given notice of their wish to speak on the reports of the Head of Planning and Development relating to applications 20/202182/FULL (Maplehurst Paddock, Frittenden Road, Staplehurst, Tonbridge, Kent) and 20/502770/FULL (Holman House, Station Road, Staplehurst, Tonbridge, Kent).

Councillor Perry addressed the Committee on both applications. Due to connectivity issues, Councillor Brice only spoke on application 20/502770/FULL.

366. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

367. URGENT ITEMS

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

368. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

369. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

Item 21.	20/501090/FULL – Clothworkers Arms, Lower Road, Sutton Valence, Maidstone, Kent	Councillors Adkinson, Chappell-Tay, English, Kimmance, Munford, Parfitt-Reid, Spooner, Vizzard and Wilby
Item 22.	20/502182/FULL – Maplehurst Paddock, Frittenden Road, Staplehurst, Tonbridge, Kent	Councillors Brindle, Chappell-Tay, English, Kimmance, Munford, Parfitt-Reid, Spooner, Vizzard and Wilby
Item 23.	20/502770/FULL – Holman House, Station Road, Staplehurst, Kent	Councillors Adkinson, Brindle, Chappell-Tay, English, Kimmance, Munford, Parfitt-Reid, Spooner, Vizzard and Wilby
Item 24.	20/502133/FULL – Oaklands, Lenham Road, Headcorn, Kent	Councillors Adkinson, Chappell-Tay, English, Kimmance, Munford, Parfitt-Reid, Spooner, Vizzard and Wilby
Item 25.	20/502134/FULL – 1B Martins Gardens, Lenham Road, Headcorn, Kent	Councillors Adkinson, Chappell-Tay, English, Kimmance, Munford, Parfitt-Reid, Spooner, Vizzard and Wilby
Item 26.	20/02135/FULL – 2 Martins Gardens, Lenham Road, Headcorn, Kent	Councillors Adkinson, Brindle, Chappell-Tay, English, Kimmance, Munford, Parfitt-Reid, Spooner, Vizzard and Wilby
Item 27.	20/502136/FULL – 4 Martins Gardens, Lenham Road, Headcorn, Kent	Councillors Adkinson, Brindle, Chappell-Tay, English, Kimmance, Munford, Parfitt-Reid, Spooner, Vizzard and Wilby

370. EXEMPT ITEMS

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

371. 20/501090/FULL - CHANGE OF USE FROM CLASS A4 (DRINKING ESTABLISHMENT) TO CLASS C3 (RESIDENTIAL) AND ERECTION OF TWO STOREY REAR EXTENSION - CLOTHWORKERS ARMS, LOWER ROAD, SUTTON VALENCE, MAIDSTONE, KENT

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

In presenting the application, the Development Manager submitted details of an objection which had been submitted by a local resident living at Motto Cottage, Lower Road, Sutton Valence after the publication of the

agenda for the meeting. It was noted that the objector had expressed concern that:

- Although it is not a listed building, the Clothworkers Arms is a lovely building with stunning views in the middle of a Conservation Area. It is a much-loved pub which, as recently as 2018, appeared on the Shepherd Neame website as a welcoming hostelry in their portfolio.
- The purpose of the Conservation Area is to preserve and enhance the character of the area and the development of this site would severely damage this aim.
- The pub was closed by Shepherd Neame without consultation. They considered it to be unviable. The objector did not consider this to be the case stating that previous landlords had made the pub unviable by employing copious numbers of staff. The last tenant considered the pub to be viable. This was because he was prepared to work behind the bar himself. He had negotiated a deal known as "tenant at will" which meant that he could purchase beer and wine at the best prices he could get. Previous landlords were tied to buying their stock from Shepherd Neame.
- Shepherd Neame had not tried to sell the pub as a going concern.
- Specific objections as a near neighbour related to (a) overlooking from the proposed two-storey extension with roof terrace and windows to be set into the eastern flank of the building and (b) the lack of parking as all parking is on the street.

The Chairman read out statements on behalf of Councillor Poulter, Chairman of Sutton Valence Parish Council, and Mr Milliken, agent for the applicant.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members considered that in the absence of a full marketing campaign it has not been satisfactorily demonstrated that the Public House is financially unviable. As such, the proposals result in the loss of a valued community facility contrary to policies SP11, SP15, DM17 and DM20 of the adopted Maidstone Borough Local Plan which seeks to protect community facilities.

RESOLVED: That permission be refused for the following reason:

In the absence of a full marketing campaign it has not been satisfactorily demonstrated that the Public House is financially unviable. As such, the proposals result in the loss of a valued community facility contrary to policies SP11, SP15, DM17 and DM20 of the adopted Maidstone Borough Local Plan which seeks to protect community facilities.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: As Councillor Eves had not been present for all of the discussion on this application, he did not participate in the voting.

372. 20/502133/FULL - SITING OF 1 NO. ADDITIONAL MOBILE HOME AND 1 NO. ADDITIONAL TOURER (RETROSPECTIVE) - OAKLANDS, LENHAM ROAD, HEADCORN, KENT

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

The Chairman read out a statement on behalf of Councillor Kenward of Ulcombe Parish Council. The statement covered this application and the other three applications relating to Martins Gardens.

RESOLVED: That consideration of this application be deferred to enable the Officers to investigate the status of the separate access from the application site onto Lenham Road (i.e. is it lawful and immune from enforcement action).

Voting: 11 – For 0 – Against 0 – Abstentions

373. 20/502134/FULL - SITING OF 1 NO. MOBILE HOME, 1 NO. TOURER AND ERECTION OF A DAYROOM (RETROSPECTIVE) - 1B MARTINS GARDENS, LENHAM ROAD, HEADCORN, KENT

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

The Chairman had already read out a statement on behalf of Councillor Kenward of Ulcombe Parish Council.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with the amendment of condition 4 (i) (Site Development Scheme) to:
 - (a) Require the planting of the 5m wide landscape buffer area and then outside this area to the north the type 1 surface material to be removed with the land left to regenerate naturally (details of how this will happen to be included in the Site Development Scheme);
 - (b) Specify that the landscape scheme should not include the planting of Sycamore trees;
 - (c) Specify the biodiversity enhancements to be provided; and
 - (d) Require the re-instatement of a pond within the buffer area if possible.

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

Voting: 10 – For 0 – Against 1 – Abstention

374. 20/502135/FULL - SITING OF 2 NO. MOBILE HOMES AND 2 NO. TOURERS (RETROSPECTIVE) - 2 MARTINS GARDENS, LENHAM ROAD, HEADCORN, KENT

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

The Chairman had already read out a statement on behalf of Councillor Kenward of Ulcombe Parish Council.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with the amendment of condition 4 (i) (Site Development Scheme) to:
 - (a) Require the planting of the 5m wide landscape buffer area and then outside this area to the north the type 1 surface material to be removed with the land left to regenerate naturally (details of how this will happen to be included in the Site Development Scheme);
 - (b) Specify that the landscape scheme should not include the planting of Sycamore trees;
 - (c) Specify the biodiversity enhancements to be provided; and
 - (d) Require the re-instatement of a pond within the buffer area if possible.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended condition and to amend any other conditions as a consequence.

Voting: 10 – For 0 – Against 1 – Abstention

375. 20/502136/FULL - SITING OF 1 NO. ADDITIONAL MOBILE HOME (RETROSPECTIVE) - 4 MARTINS GARDENS, LENHAM ROAD, HEADCORN, KENT

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

The Chairman had already read out a statement on behalf of Councillor Kenward of Ulcombe Parish Council.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with the amendment of condition 4 (i) (Site Development Scheme) to:
 - (a) Require the planting of the landscape buffer area and then outside this area to the north any type 1 surface material to be removed with the land left to regenerate naturally (details of how this will happen to be included in the Site Development Scheme);
 - (b) Specify that the landscape scheme should not include the planting of Sycamore trees;
 - (c) Specify the biodiversity enhancements to be provided; and
 - (d) Require the re-instatement of a pond within the buffer area if possible.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended condition and to amend any other conditions as a consequence.

Voting: 10 – For 0 – Against 1 – Abstention

376. 20/502182/FULL - CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR 3 GYPSY FAMILIES, INCLUDING THE SITING OF 6 NO. CARAVANS, WITH NO MORE THAN 3 NO. STATIC CARAVANS/MOBILE HOMES AND LAYING OF HARDSTANDING - MAPLEHURST Paddock, FRITTENDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

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

The Chairman read out a statement on behalf of Councillor Forward of Staplehurst Parish Council.

Councillor Perry (Visiting Member) addressed the meeting.

RESOLVED:

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

The amendment of condition 4 (Landscape Scheme) to (a) specify that the landscape scheme should not include the planting of Sycamore trees and (b) require the planting of a native hedge along the fence line on the eastern side of the site (adjacent to the paddock) to screen views;

The amendment of condition 6 (Biodiversity Enhancements) to specify that the scheme for the enhancement of biodiversity on the site should include the provision of bug hotels;

An additional condition requiring the use of permeable surfacing on driveways, parking and hardstanding areas; and

An informative to clarify in relation to condition 3 (Commercial Activities) that no commercial activities shall take place on the land other than the keeping of horses for trading as part of the applicant's nomadic lifestyle.

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

Voting: 9 – For 0 – Against 0 – Abstentions

Note: Councillors Brindle and Eves did not participate in the voting as they had missed some of the debate due to connectivity issues.

377. 20/502770/FULL - ERECTION OF SINGLE STOREY SIDE EXTENSION, PART SINGLE STOREY PART TWO STOREY REAR EXTENSION, NEW UPPER FLOOR, TOGETHER WITH EXTERNAL ALTERATIONS AND CHANGE OF USE OF COMMERCIAL TO RESIDENTIAL TO FORM 10 NO. RESIDENTIAL UNITS - HOLMAN HOUSE, STATION ROAD, STAPLEHURST, TONBRIDGE, KENT

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

In presenting the application, the Major Projects Manager updated Members on correspondence received from three neighbouring properties following publication of the agenda and explained how some of their concerns might be ameliorated through conditions.

The Major Projects Manager advised the Committee that:

- He wished to correct his report which stated that two windows on the side elevation facing The Yews were open glazed and would be obscured and therefore provide a benefit, but the neighbour had pointed out that the windows were in fact currently obscured.
- There was a minor amendment to the application. The Police in their representations had raised concerns about a doorway in that someone could loiter in the alcove. The doorway served no real purpose and the applicant had agreed to remove it which, in effect, added almost 4 square metres to the floor space of the unit taking it to 2 square metres over space standards.
- A resident had expressed concern that in this scheme, all 10 residents' parking bays were at the rear of the building and 2 visitor parking

bays were at the front which meant that there would be additional activity along the access driveway. The access driveway was the same as that approved under a previous permission with a landscape buffer adjacent to the rear garden of The Yews as required by Members.

- The resident had highlighted that on the application drawings there would be an acoustic fence along the boundary with The Yews to mitigate the impact of the vehicle movements. The existing fence line was the resident's fence line rather than the application site and they were concerned that they would have to remove their own fence to allow the acoustic fence to be erected. Having measured the width of the access it would be possible to erect an acoustic fence within the application site whilst still providing an adequate one-way access width although it might require some changes to a low retaining wall. An additional condition was recommended requiring clarification of the acoustic fence installation to make sure that it could be fitted properly within the application site without relying on the neighbour.
- The resident was also concerned about the additional impact of vehicles entering and exiting the site on what was a busy part of Station Road.
- The resident at The Yews was concerned about overlooking of their patio and rear garden as there would be more windows. There was a possible solution in that there were various design techniques that can reduce overlooking such as windows recessed into deep reveals, deep bays inside the windows with walls directing views in particular directions and windows could be slanted. If Members felt that the perception of overlooking was so significant, a condition could be attached requiring an appropriate combination of these design treatments in the windows on the main flank rear elevation and that would avoid direct overlooking.
- The residents were concerned about the references to space standards in the report. Having remeasured all of the units, there were three that just fell short of the space standards, but at the moment space standards were a guideline and could only be enforced if they were supported by Local Plan policies and the Council did not have those yet. Overall, he considered that the scheme provided a surplus.

The Chairman read out statements on behalf of Staplehurst Parish Council and Mr Blackmore, the applicant.

Councillors Brice and Perry (Visiting Members) addressed the meeting.

RESOLVED: That consideration of this application be deferred to enable the Officers to seek details of the following to address Members' concerns:

Electric vehicle charging points and renewable energy generation including Solar PV.

Biodiversity enhancements including retention of the hedge.

The acoustic fence installation.
Turning area and parking facilities, including cycle parking.
Bin storage.
The design treatment of the windows to the rear of the development.
A revised internal layout to address room sizes and space standards guidelines.
The suitability of units for elderly/disabled residents.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Councillor Eves did not participate in the voting due to connectivity issues.

378. 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.

379. DURATION OF MEETING

6.00 p.m. to 9.15 p.m.

Agenda Item 13

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

22 OCTOBER 2020

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

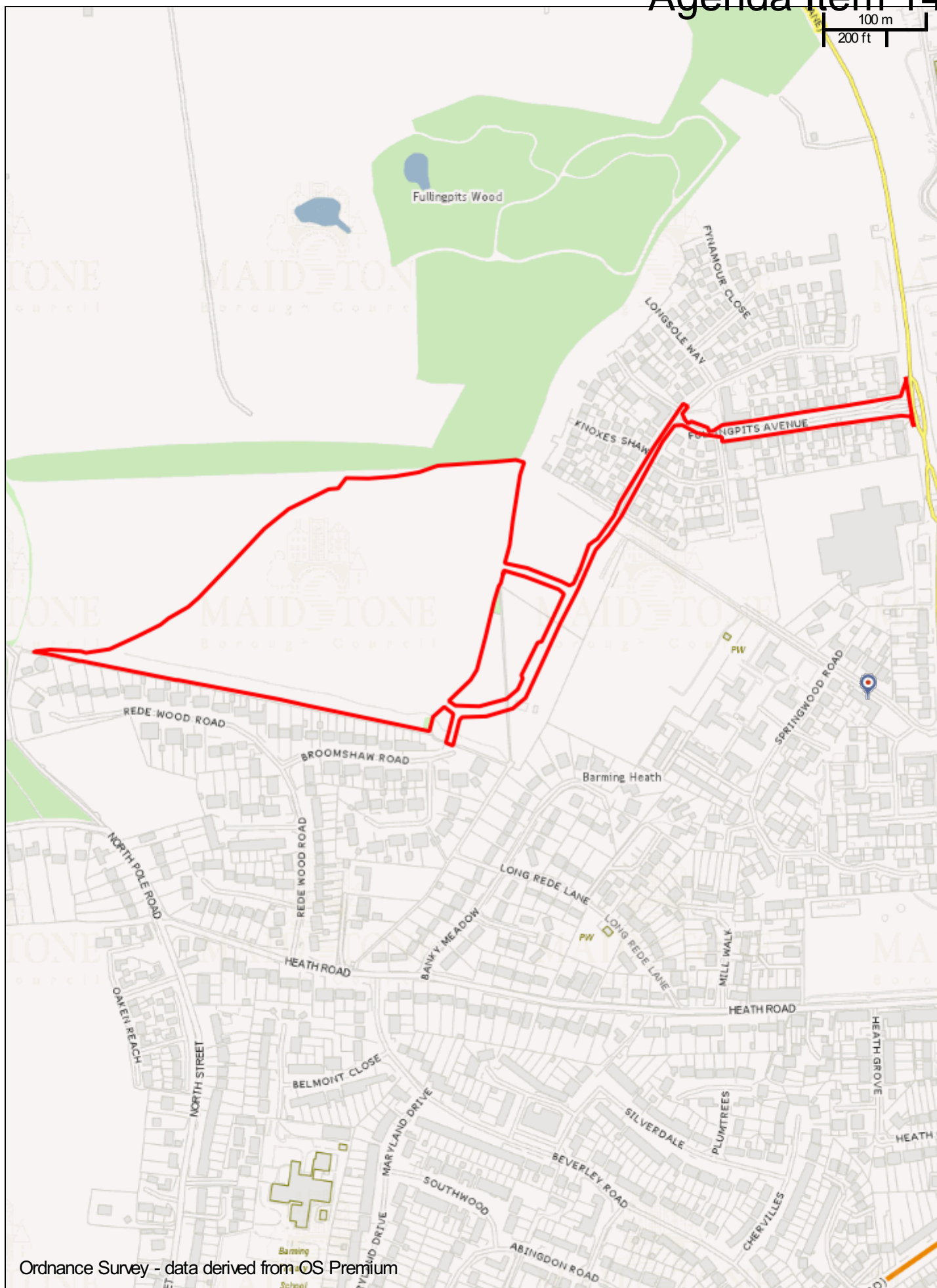
DEFERRED ITEMS

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>19/505816/SUB - SUBMISSION OF DETAILS PURSUANT TO CONDITION 5 (MATERIALS), CONDITION 7 (WOODLAND MANAGEMENT PLAN), CONDITION 8 (PROPOSED BOUNDARY TREATMENT), CONDITION 10 (ECOLOGY), CONDITION 11 (CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN : BIODIVERSITY) AND CONDITION 17 (BIRD BOXES) IN RELATION TO PLANNING APPLICATION 15/503359/OUT AND APPEAL REFERENCE APP/U2235/W/15/3132364 (FOR RESIDENTIAL DEVELOPMENT (APPROX 89 DWELLINGS) PLUS OPEN SPACE, BIOMASS PLANT AND ACCESS ROAD (PLUS EMERGENCY ACCESS) - LORDSWOOD URBAN EXTENSION, GLEAMING WOOD DRIVE, LORDSWOOD, KENT</u></p> <p>Deferred to enable the Officers to seek to secure:</p> <p>A more detailed and improved Woodland Management Plan taking into account the suggestions made by Boxley Parish Council in its representations to the Committee and including not just the woodland but also the spatial edges and brushwood areas;</p> <p>More information relating to the funding arrangements being adequate to deliver the Woodland Management Plan cross-referencing the obligations in the unilateral undertaking;</p> <p>More dormouse bridges and an underpass for wildlife;</p> <p>Insect bricks in end walls adjacent to the public highway/public footpaths and bug hotels in the natural areas;</p>	<p>20 August 2020</p>

<p>Wildlife friendly boundary treatments including gaps for hedgehogs;</p> <p>Deadwood piles to provide wildlife habitats;</p> <p>More bird/bat boxes in standard trees at a reasonable height; and</p> <p>No Sycamore trees within planting schemes.</p>	
<p><u>20/502277/FULL - SITING OF 1 NO. MOBILE HOME, CREATION OF 2 NO. PARKING SPACES AND RELOCATION OF FENCE - GREENACRE, CHURCH HILL, BOUGHTON MONCHELSEA, MAIDSTONE, KENT</u></p> <p>Deferred to enable the Officers to:</p> <p>Negotiate an alternative siting for the new caravan pitch which results in the caravan having an increased amenity space and not being positioned so close to the rear boundary of the site;</p> <p>Check whether this is a retrospective application and, if so, rephrase the proposed conditions and description of development accordingly; and</p> <p>Confirm whether the occupants/future occupants of the caravan are related to the applicant i.e. daughters.</p>	<p>24 September 2020 adjourned to 1 October 2020</p>
<p><u>20/502133/FULL - SITING OF 1 NO. ADDITIONAL MOBILE HOME AND 1 NO. ADDITIONAL TOURER (RETROSPECTIVE) - OAKLANDS, LENHAM ROAD, HEADCORN, KENT</u></p> <p>Deferred to enable the Officers to investigate the status of the separate access from the application site onto Lenham Road (i.e. is it lawful and immune from enforcement action).</p>	<p>24 September 2020 adjourned to 1 October 2020</p>
<p><u>20/502770/FULL - ERECTION OF SINGLE STOREY SIDE EXTENSION, PART SINGLE STOREY PART TWO STOREY REAR EXTENSION, NEW UPPER FLOOR, TOGETHER WITH EXTERNAL ALTERATIONS AND CHANGE OF USE OF COMMERCIAL TO RESIDENTIAL TO FORM 10 NO. RESIDENTIAL UNITS - HOLMAN HOUSE, STATION ROAD, STAPLEHURST, TONBRIDGE, KENT</u></p> <p>Deferred to enable the Officers to seek details of the following to address Members' concerns:</p>	<p>24 September 2020 adjourned to 1 October 2020</p>

<p>Electric vehicle charging points and renewable energy generation including Solar PV.</p> <p>Biodiversity enhancements including retention of the hedge.</p> <p>The acoustic fence installation.</p> <p>Turning area and parking facilities, including cycle parking.</p> <p>Bin storage.</p> <p>The design treatment of the windows to the rear of the development.</p> <p>A revised internal layout to address room sizes and space standards guidelines.</p> <p>The suitability of units for elderly/disabled residents.</p>	
---	--



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 20/501773/FULL		
APPLICATION PROPOSAL Erection of 187 dwellings, together with associated works for Access, Parking, Infrastructure, Open Space, Earthworks, Surface Water Drainage Systems and Landscaping.		
ADDRESS Land Off Oakapple Lane, Barming, Maidstone, Kent		
RECOMMENDATION – APPROVE WITH CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The site is allocated for 187 houses within the Local Plan under policy H1(4) subject to criteria. The application proposes 187 houses and for the reasons outlined in the report complies with these criteria subject to the legal agreement and conditions. • The application proposes development within the area defined for open space under policy OS1(1) and outside the settlement boundary but this would not result in any harm to the local landscape beyond the housing allocation. It also ensures that open space areas are provided around and integrated through the development which is considered to provide a better design approach and more distinctive character. The total amount of open space (1.5ha) would still be provided. • KCC Highways are raising no objections to the proposed access points including the secondary access onto Broomshaw Road in terms of their use and safety. The secondary access is a requirement of site policy H1(4) and it is agreed with KCC Highways that this is appropriate bearing in mind the level of development it will serve. • KCC Highways are raising no objections subject to conditions preventing occupation of the development until a number of junction improvements and a link road in connection with another development are implemented. For the reasons outlined in the assessment this is considered to be unreasonable and/or unnecessary and so does not pass the test for planning conditions. It would also be inconsistent with previous recommendations and decisions of both KCC and MBC. • The application complies with all other relevant Development Plan policies and 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 <ul style="list-style-type: none"> • Councillor Gooch has requested the application is considered by the Planning Committee for the reasons set out in her comments. 		
WARD Barming and Teston	PARISH COUNCIL Barming	APPLICANT Taylor Wimpey UK Ltd AGENT Barton Willmore

DECISION DUE DATE: 06/11/20	PUBLICITY EXPIRY DATE: 19/08/20	SITE VISIT DATE: 05/05/20	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
20/502412	Outline application (all matters reserved except access) for the erection of up to 118 dwellings, together with associated works for Access, Open space, Infrastructure, Earthworks, Surface Water Drainage Systems and Landscaping (Duplicate application of submission to Tonbridge and Malling Borough Council.	PENDING	
19/502624	EIA Screening Opinion - Development of up to 340 residential dwellings on 11.5ha with associated access, landscaping and parking.	EIA NOT REQUIRED	12/06/19
18/506068 (Adjacent Site)	Approval of Reserved Matters for Access, Appearance, Landscaping, Layout and Scale pursuant to Outline application 13/2079 for the erection of 80 dwellings including affordable housing, associated landscaping, infrastructure and earthworks.	APPROVED	27/02/19
13/2079 (Adjacent Site)	Outline planning application with all matters reserved for the demolition of existing structures and erection of up to 80 dwellings with associated works for access, parking, infrastructure, open space and landscaping.	APPROVED	01/12/15

1.0 DESCRIPTION OF SITE

1.01 The application site has an area of approximately 7.5ha and is at the northwest edge of Maidstone Borough. The site forms part of a larger grassed field and has an irregular shape because the Borough boundary with Tonbridge and Malling (T&M) divides the field roughly diagonally down the middle.

1.02 The site is bounded by woodland on the north side with the 'Gallaghers Quarry' beyond to the north, and by tree and hedge lines on the east, south and west boundaries. The rear gardens of houses on Broomshaw Road and Rede Wood Road are to the south. To the east are 80 new houses that are in the early stages of construction and there are recently occupied houses further northeast on Broke Wood Way/Fullingpits Avenue. There is an area of Ancient Woodland (AW) touching the northeast corner.

1.03 Importantly, the site is allocated for housing development and open space in the Local Plan and policy H1(4) allows for up to 187 houses and sets out

a number of criteria to be met. The allocation for housing and also the urban settlement boundary does not include the southwest corner of the site which is identified as open space which will be discussed the assessment. The new housing under construction immediately to the east is allocated under policy H1(3).

- 1.04 To the immediate west on the other half of the field, the land is allocated for housing under draft policy LP25(Site F) for 118 houses in the emerging T&M Local Plan. The same applicant has submitted an outline application for up to 118 dwellings on this land to T&M. MBC have received a duplicate application for the access to this site as it would use the roads/access through the proposed development on site H1(4) which is on MBC land. A decision on this application by T&M is still pending.

2.0 PROPOSAL

- 2.01 This application seeks full permission for 187 houses with two access points linking to the approved development of 80 houses to the east. The northern route would allow access via Fullingpits Avenue off Hermitage Lane and the southern route would open a proposed secondary access off Broomshaw Road. A range of detached, semi-detached, and terraced houses are proposed and two apartment blocks to provide a mix of house types and sizes. Affordable housing would be provided at 30% (56 units). Houses would be largely 2 storeys in height with the apartment blocks at 3 storeys. Building designs are 'traditional' in style in terms of their height, form and appearance. Areas of open space are provided around the edges of the development. The design and layout will be discussed in more detail in the assessment.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP2, SP17, SP19, SP20, SP23, H1, OS1(1), ID1, H1(4), DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- Kent Waste and Minerals Plan (amended 2020)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Building for Life 12
- MBC Air Quality Guidance
- MBC Public Art Guidance

4.0 LOCAL REPRESENTATIONS

- 4.01 **Barming Parish Council:** Objects to the application for the following (summarised) reasons:

- Significant loss of open space contrary to policy OS1 and general loss of open spaces.
- Inadequate accesses.
- Increased traffic and congestion.
- Access to Broomshaw Road will raise safety issues to pedestrians and vehicles; disturb peace and quiet; use roads that are not suitable for

additional traffic; will impede potential cycle routes; and create rat running.

- Unacceptable impact on highway safety and contrary to NPPF.
- If Members are minded to approve, request upgrades and designations of PROWs and that the secondary access to Broomshaw Road only be used by emergency vehicles.

4.02 Teston Parish Council (neighbouring): Raises the following (summarised) points:

- High traffic flows and congestion will be exacerbated.
- Traffic analysed on a site-by-site basis rather than cumulatively.
- Does not meet all criteria of policy H1(4).
- Should be refused.

4.03 Aylesford Parish Council (neighbouring within T&M Borough): Objects for the following (summarised) reasons:

- Further traffic on heavily congested Hermitage Lane and A20 which serve Maidstone Hospital.
- No further development should be taking place until upgrade works to local junctions have taken place.
- Will make the poor air quality even worse.

4.04 Waterringbury Parish Council (within T&M Borough): Support Teston Parish Council objections with the following (summarised) points:

- Gross over allocation of development areas without, in our opinion, the correct consideration by the Highway Authority of the impact of the traffic generation resulting therefrom.
- Traffic generation cannot be considered as de minimis from its model but as the final straw on the traffic generation on to Hermitage Lane and as per other allocations onto Tonbridge Road and hence exacerbating the pollution to and safety of residents of Waterringbury if granted.

4.05 'Give Peas a Chance' Group: Raises the following (summarised) points:

- Serious impact on standard of living.
- Timing of application has been made to take advantage of Covid-19 restrictions.
- Each application should be reviewed individually.
- Application should be deferred or declined.
- Not needed for 5-year supply.
- Harm to ecology (hedgehogs).
- Deer may use the site.
- Increased risk to woodlands.
- Noise from quarry.
- Sink hole risk on site and in the wider Barming area so a full geotechnical investigation is required.
- Question need for affordable housing numbers and that it is going to people from outside MBC.
- Lack of infrastructure and investment.

- Loss of views to North Downs.
- Change in rural character and urbanisation.
- T&M residents will be heavily reliant on MBC services.
- Will contravene Strategic Gap Policy CP5.
- Congestion and highway safety.
- Roads and junctions are over capacity.
- Pollution.
- Baseline traffic survey and numbers are unreliable.
- Rat run will be created through Broomshaw Road and a secondary should not be created.
- Local Plan has been changed.
- Poor pedestrian safety on Hermitage Lane.
- Vehicles safety during construction.
- Roads not wide enough for HGVs or buses and on-street parking occurs.
- Pedestrian safety on PROWs.
- Junction mitigations are not sufficient.
- Lack of parking.
- Question accuracy of air quality assessment.
- Dust during construction.
- More quarry blasting takes place than said.
- Density higher than policy.
- Differences in density and layout between MBC and T&M sites.
- Lack of wildlife corridors.
- Lack of useable open space.
- Higher than 2 storeys do not fit in with local area.
- Loss of privacy/overlooking.
- Lack of bungalows and housing for elderly.
- KCC Highways issues have not been addressed/resolved.
- Photographs of sink holes provided.

4.06 **Local Residents:** 386 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Local roads and junctions are at/beyond capacity.
- Secondary access route/roads are not suitable for the levels of traffic and will create a rat run.
- Broomshaw Road was only supposed to be for emergency access and its use does not comply with policy.
- Mainly elderly people live on Broomshaw Road.
- Traffic will be dangerous.
- Traffic will affect access to Hospital.
- Lack of investment in roads.
- Journey times supporting case that Broomshaw Road will not be used as a rat run are inaccurate.
- Transport Assessment is not accurate.
- Junction improvements have not taken place.
- Fullingpits junction is not suitable.
- Public transport is poor.
- Poor cycle routes in the locality.
- Construction traffic will cause problems.
- Access to site is not wide enough.

- Increase in home delivery traffic since Covid has not been factored in.
 - Lack of parking.
 - Barming station should be upgraded.
 - Pedestrian safety on rights of way.
 - Footpaths should be widened.
 - Fails to satisfy policy DM21 and NPPF.
 - Should not be considered in isolation from the TMBC application.
-
- Loss of valuable open space that is used by local community for many years particularly during lockdown.
 - Paths on the field have been used for over 20 years.
 - Loss of open space requires justification even if it is private in line with paragraph 97 of NPPF.
 - Open space not in line with policy.
 - Harm to wildlife/ecology/loss of habitat.
 - Species missing from ecology report.
 - Lack of green space proposed.
 - Should be biodiversity net gain.
 - Concern over protection of allotments.
 - Rare and endangered species on site.
 - TMBC land should be safeguarded as a nature area.
-
- Will increase pollution from car fumes.
 - Air quality standards exceeded.
 - Lack of car charging.
 - Dust pollution.
 - Doesn't align with MBC low emission strategy.
 - Light pollution.
 - Noise and dust from quarry.
 - Noise from future residents/use.
 - Quarry is dangerous.
 - Harm to quality of life from construction.
 - Loss of privacy and overlooking.
-
- Density is too high.
 - Design not in-keeping.
 - Limited architect input on design.
 - Overdevelopment.
 - Houses are too big and not affordable.
 - Fails to satisfy policy DM30 and NPPF.
-
- Sink hole recently occurred on Broomshaw Road and in the local area.
 - Ground is unstable.
 - Contamination.
 - Drainage.
 - Flood risk.
 - Lack of surveys in FRA.
-
- Cumulative impact of multiple developments.
 - Local infrastructure cannot cope or be expanded.
 - Houses are not needed.
 - No community facilities proposed.

- Brownfield sites should be used first.
- New housing is occupied by people from outside the region.
- Loss of property value.
- Application has not been well-publicised.
- Unable to discuss with residents due to lockdown.
- Decision should be deferred due to Covid-19.
- A petition has been received objecting to the development with 14 signatures.

4.07 **Councillor Gooch** requests the application is considered by the Planning Committee on the grounds of:

- Strength and volume of local opposition.
- Adverse impact on the existing locality by way of spoiling the existing design of the existing development.
- Adversely impacting on the amenity and local environment of existing residents.
- Adversely impacting on the existing resident's sense of place.
- Local narrow residential streets not suitable for additional traffic.
- Dangers to schoolchildren etc. due to increased rat running.
- Key principle of good design and place making important for new developments but not at the expense of these same principles of existing developments in which they are being built.
- There is no viable, safe access other than via Fullingpits Avenue on to Hermitage Lane which is already heavily congested and not capable of taking any additional traffic.
- If there were to be a workable, safe secondary access via Broomshaw Road (outside TMBC's jurisdiction), the application site would need to be divided up and completely redesigned in order to (a) Significantly reduce/minimise the volume of traffic needing to use Broomshaw Rd, (b) reduce the need for a secondary access for the phase 1 and 2 application sites combined (c) to prevent a through route of vehicle movements from a potential 635 homes using Broomshaw Road as a rat-run/short cut to avoid the ever-congested Hermitage Lane.
- The submitted traffic assessments have ignored the limitations and constraints of the narrow residential streets of Barming which were never designed to accommodate the level of two-way traffic, and which have no potential for widening as all bordering properties are privately owned
- This application should be refused by virtue of NPPF paragraph 109 as there would be an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would be severe.

4.08 **Councillor Lewins:** *"We have a distinct lack of open spaces in Maidstone. Barming and Allington have taken a huge hit in the last 8 years. The open spaces remaining by the developer are purely cosmetic and does not address continuity of biodiversity. Air quality report states operations from the nearby quarry could have a moderate to slightly adverse effect residents. Why is this not taken into account and how can this be*

mitigated? It can't, this is a poorly situated development with no consideration for people's health."

4.09 **Councillor Harwood:** Questions some of the plant and tree species proposed.

4.10 **Councillor Wilby:** Questions some of the plant and tree species proposed; parking provision; lack of EV charging points in social housing or flat areas; and amenity space.

4.11 **Helen Grant MP:** Expresses deep concern and opposition for the following (summarised) reasons:

- Broomshaw Road will be used as a rat run and have a negative impact on quality of life.
- Will worsen congestion in the local area which is already at a crippling level and harming quality of life.
- Lack of infrastructure including schools and local GP surgeries.
- Reduction of precious green space and erosion of important rural space between Maidstone and Malling.
- Considers that recent sink hole is caused by development in the local area.
- Considers there should be a moratorium on house building in the Hermitage Lane and Barming area until infrastructure and sinkholes have been properly addressed.

4.12 **Tracey Crouch MP:** Has concerns for the following (summarised) reasons:

- Hermitage Lane operates well in excess of capacity and the development will worsen an already intolerable situation.
- Increases in air pollution.
- Concern about the impact on access to Maidstone Hospital, including for emergency service vehicles.
- Further pressure on schools and health services.
- Erosion of a vital green buffer between Aylesford and Maidstone.
- Considers that recent sink hole is caused by development in the local area.
- Considers there should be a moratorium on house building in the Hermitage Lane and Barming area until infrastructure and sinkholes have been properly addressed.

4.13 **Maidstone & Tunbridge Wells NHS Trust** requests the Highways Agency provides information on the impact the additional housing and congestion will have on both patients and staff at Maidstone Hospital.

4.14 **Gallaghers Quarry:** Outlines that the site is adjacent to their quarry; that quarrying will eventually heads towards the northwest corner of the development; permission for the quarry involved extremely detailed consideration of its effect on local residents with the quarry required to operate within stated limitations; careful consideration should be given to the impact of quarry operations on the proposed houses; the development

may compromise existing 'stand-off' considerations; and no weight can be given to future complaints.

4.15 Woodland Trust: Raises objections for the following (summarised) reasons:

- Potential damage and deterioration of Fullingpits Ancient Woodland from direct and in-direct impacts. Buffer should be at least 30m.
- Consider there are two Veteran Trees on site what may be affected and should have adequate buffers.

4.16 Southeastern Railway: Seek £50,000 for a new secure cycle hub with lighting and CCTV coverage at Barming Station.

4.17 Nu-Venture Coaches: Transport Assessment is inaccurate; description of Train Station operation is wrong; applicant has approached Arriva but not Nu-Venture; impacts of T&M application will be felt by MBC.

4.18 Arriva Buses: Seek £246,159 to subsidy bus services into the site for 3 years during the AM and PM peak hours.

4.19 Kent Wildlife Trust: Object to the application for the following (summarised) reasons:

- Development does not provide net gains in line with the NPPF or Environment Bill.
- It is likely that this development will result in losses for biodiversity of 75%.
- Does not provide ecological links between woodlands.
- More green infrastructure and useable space should be provided.
- Likely to be negative impacts upon Ancient Woodland and 15m buffer is not sufficient.

4.20 CPRE Maidstone: Object to the application for the following (summarised) reasons:

- The additional housing sites in T&MB were not known about when the site was allocated.
- Urban sprawl without sufficient infrastructure.
- Traffic and congestion.
- Junctions over capacity.
- Lack of green space and not in accordance with open space allocation.
- Air quality.

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.

5.02 **Natural England: No comments** to make.

5.03 **Environment Agency: No comments** to make.

5.04 **KCC Highways: No objections subject to conditions** preventing occupation of the development until the following road improvements are implemented:

- A20 Coldharbour Roundabout
- A20 London Road/Mills Road/Hall Road
- Link road between Hermitage Lane and Poppy Fields Roundabout
- A26 Tonbridge Road/Fountain Lane/Farleigh Lane junction improvement (KCC scheme)

and subject to a Section 106 Agreement to secure financial contributions towards:

- A26 Tonbridge Road/Fountain Lane/Farleigh Lane junction improvement (KCC scheme)
- A26 Watlingbury Crossroads junction improvement
- A planned KCC Hermitage Lane to London Road cycle route
- Bus service diversion into the site

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

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

5.07 **KCC Minerals: No objections.**

5.08 **KCC PROW:** Seeking monies to upgrade PROWs KM11 and KM12.

5.09 **KCC Ecology: No objections** subject to conditions.

5.10 **MBC Environmental Health: No objections** subject to conditions relating to noise mitigation; charging points; lighting; travel plan; and contaminated land.

5.11 **MBC Landscape Officer: No objections** re. impact upon trees. Recommend changes to the landscaping to provide more native species.

5.12 **Southern Water:** Confirm there is sufficient capacity.

5.13 **Forestry Commission:** Refers to standing advice on Ancient Woodland.

5.14 **Kent Police:** Make various recommendations re. Secured by Design.

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 majority of the site for 187 houses under policy H1(4) subject to a number of criteria covering matters relating to design and layout, access, noise, air quality, open space, and highways and transportation.

6.03 This is a detailed application for 187 houses. Clearly, the principle of housing is accepted under Local Plan policy H1(4) so it needs to be assessed as to whether the proposals comply/can comply with the policy criterion and any other relevant Development Plan policies.

6.04 The key issues for the application are centred round site allocation policy H1(4) as follows:

- Access and connectivity.
- Layout and open space.
- Design, appearance and landscaping.
- Highways impacts.
- Infrastructure.
- Other matters including Affordable Housing, Noise, Air Quality, Drainage, Ecology, and Amenity.

6.05 The revised NPPF has a chapter dedicated to design (12 - Achieving Well-designed Places) and there is specific reference to the design framework 'Building for Life 12'. This application has been developed and assessed against Maidstone's own version of this.

Access and Connectivity

6.06 Policy H1(4) states:

- 4. Primary access will be taken from site H1(3) West of Hermitage Lane***
- 5. Secondary access will be taken from Rede Wood Road/Broomshaw Road.***

6.07 The development would have two access points linking to the north and south of the approved development of 80 houses to the east which is currently under construction. The northern route would then link to the new housing development at site H1(3) via Fullingpits Avenue onto Hermitage Lane in accordance with criterion 4. The southern route would lead to a secondary access proposed off Broomshaw Road in accordance with criterion 5. The access routes have been assessed by Kent Highways and judged to be suitable and safe.

- 6.08 Numerous representations have been received raising objections to the secondary access onto Broomshaw Road citing issues including highway safety, unsuitability of the local roads, increased traffic, and the route being used as a cut through to avoid the A26/Fountain Lane junction. At present Broomshaw Road is a cul-de-sac and the proposals would mean that additional traffic from the site and the other adjacent developments would use this route, and it is possible that other traffic may use it as an alternative route. However, this is a specific requirement of policy H1(4) and would ensure connectivity between the site and the road network to the south. KCC Highways also consider that the inclusion of a secondary access to be appropriate in view of the scale of development that could otherwise be served via a single access onto Hermitage Lane with which I agree. It is also good planning to provide connectivity with adjacent areas rather than provide 'cul-de-sac' developments.
- 6.09 In terms of the suitability and safety of the road network to the south, KCC Highways state, "*KCC Highways notes that both Broomshaw Road and Rede Wood Road currently accommodate two-way traffic flow and incorporate dedicated footways for pedestrians. Although on-street parking is unrestricted, the vast majority of properties with frontage access onto these roads have off-street car parking. This helps to limit the levels of on-street parking that could be obstructive to two-way traffic flow. There is therefore no technical basis on which KCC Highways could sustain an objection to the principle of these roads being used as a route of access to the development.*"
- 6.10 For the above reasons the accesses to the site are in accordance with policy H1(4) and are safe and suitable with no objections from KCC Highways.
- 6.11 In terms of connectivity, pavements alongside roads would connect through via existing and approved development to the east/northeast, and pedestrian/cycle access is possible along Oakapple Lane towards Hermitage Lane. To the south, pedestrian/cycle access will be provided to Broomshaw Road and there are PROWs, some of which lack proper surfacing. It is considered appropriate to upgrade these with new surfacing and financial contributions would cover this. These improvements would run from the southeast corner of the site and then south to Heath Road and are considered necessary to promote walking to Barming Primary School and other services further south. KCC PROW have requested an upgrade of the PROW which runs along the south boundary of the site but I do not consider this is necessary or reasonable as future residents are unlikely to use this path as they can just walk through the development to get to the west. The layout provides for surfaced pathways through and around the edges of the site to provide good permeability. The layout provides a road and paths up to the MBC boundary that would link through to the outline scheme in T&M and a condition will be attached to ensure a suitable end stop is provided should the T&M scheme not come forward.
- 6.12 So overall, the vehicular access points comply with policy H1(4), are safe, and the scheme provides/will provide good pedestrian/cycle connectivity to the local area and its services/amenities, in accordance with policy DM1 of

the Local Plan and as advocated by Section 1 of 'Maidstone Building for Life 12'.

Layout and Open Space

6.13 Policy H1(4) requires:

- 1. The hedgerow on the eastern boundary of the site will be retained to form a natural break between housing allocations.**
- 2. The hedgerow on the southern boundary of the site will be enhanced in order to provide a suitable buffer between new housing and existing housing on Rede Wood Road and Broomshaw Road.**
- 3. A 15 metre landscape buffer will be implemented adjacent to the ancient woodland at Fullingpits Wood in the north east of the site.**
- 8. Provision of 1.5ha of natural/semi-natural open space in accordance with policy OS1(1) together with any additional on-site provision/improvements and/or contributions towards off-site provision as required in accordance with policy DM19.**

6.14 The hedgerow on the eastern boundary of the site would be retained where not required for the two access points into the site. Along the south boundary some new tree planting is proposed but I consider additional planting should be provided to increase this buffer in line with criterion 2 and this will be secured by condition.

6.15 In the northeast corner an undeveloped area providing a buffer to the Ancient Woodland (AW) increasing from 15m at its west edge to nearly 50m is proposed in line with criterion 3. This buffer was increased during pre-application discussions with officers and Members and this area will be fenced off and planted with native woodland and thicket planting to provide further protection to the AW.

6.16 In terms of open space, criterion 8 requires a total of 1.5ha of natural/semi-natural space to be provided for the development. This is specifically identified as an area of land in the southwest corner of the site under policy OS1(1). The development is not laid out in this way but instead open space areas are provided around and integrated through the development. This is considered to be a much better design approach that provides a more distinctive character rather than having 187 houses and open space areas distinctly separate. Also, the need for an AW buffer means that open spaces are needed within the housing area. For these reasons it is considered acceptable for development in the open space area on the Local Plan Map and it would not cause any harm to the local landscape beyond the housing allocation.

6.17 Approximately 1.4ha of open space is provided around the outskirts of the development mainly in the northeast and southwest corners and along the east edge. Additional open space areas, some providing strategic landscaping, are also provided within the development areas providing in excess of 1.5ha in total. A large proportion of open space around the outside is natural/semi-natural (wildflower meadow, woodland, thicket)

but there are also useable amenity grass areas. Therefore, the proposals would not provide 1.5ha of 'natural/semi-natural' space but it is considered that an appropriate balance has been struck in providing more natural open space areas but also some space for future residents to use which is considered to be acceptable. No play areas are provided mainly because the policy does not seek this but it is noted that a play area would form part of the adjacent development in T&M Borough. Should this not be approved or take place there will be a play area on the adjacent site to the east which has commenced.

6.18 Overall, the total amount of open space complies with the policy and is considered appropriate for this size of development and provides a large amount of natural/semi-natural space together with more useable areas.

6.19 More generally, the layout has landscaping and open space areas including the AW buffer around the outside edges of the development. The eastern space provides a clear separation between the approved housing site to the east and green space is also provided along the west boundary with the proposed development in TMBC. These spaces provide green corridors from north to south and serve to break up the housing areas.

6.20 Within the development area space for decent landscaping and tree planting either side of the southern road has been negotiated that would provide an attractive street scene and which leads to a focal space around a road junction. This junction has been made into an interesting space through the use of wide landscaping areas, low ragstone walling, surface materials, and seating. This is enclosed by 3 storey apartments and would provide a wayfinding point as advocated by 'Maidstone Building for Life 12'. The northern access road would have landscaping and tree planting space on the south side.

6.21 The layout within the site is made up of a number of perimeter blocks with buildings fronting streets and buildings turning/addressing corners either through their siting and/or architectural detailing/windows so providing active frontages and strong street scenes. Buildings face onto and address the north and south entrance points. Where boundaries are exposed, they would be brick walls, and ragstone walls would be used along the exposed boundaries facing the eastern open space.

6.22 Whilst a relatively small scheme, three different character areas are proposed as follows:

- The 'Main Street' area centres around the two main roads through the development. This area is more formal with a higher density and continuous built form addressing the street. The 'Main Street' character has predominantly semi-detached dwellings with some detached units and apartments blocks are located at the junction of the two roads. The southern road has avenue tree planting on both sides of the road within landscaped verges and pavements set behind. The road width (5.5m) is proposed to accommodate bus access. The buildings whilst traditional in form would have a more contemporary finish with the use of grey windows and doors, boxed surrounds to windows and brick banding

details. Weatherboarding would be used on key groups of buildings and ragstone to the apartments and metal railings in places.

- The 'Core Housing' area generally consists of shared surface streets mainly in the centre of the scheme. These roads are not as engineered with block paving creating a less formal appearance. Houses are generally set back to provide frontage parking and street trees. There will be predominantly terraced and semi-detached dwellings with occasional detached units and the building style would be similar to the 'Main Street' areas.
- The 'Green Edge' area is provided on the outside edges of the development at a lower density. Dwellings, which are mainly detached, are set further back with larger front gardens enclosed by hedging, shared surfaced roads flanked by landscaping and post and rail fences would create a more informal and rural feel. Projecting gables are proposed with chimneys on some houses, and more traditional materials such as weatherboarding would be used.

6.23 These areas create different parcels of character across the site as advocated by Section 5 of 'Maidstone Building for Life 12'.

6.24 Houses and gardens would be laid out to ensure sufficient privacy and outlook. The impact upon existing properties to the south in terms of privacy, light and outlook would be acceptable due to the separation distances where houses facing south are at least 25m away with vegetation in between. Where slightly closer (20m) on plot 139 the first floor flank window would serve a bathroom and can be obscure glazed by condition.

6.25 The proposed affordable housing is spread throughout the development in part of the north, the centre and some in the southwest corner so is well integrated and would be tenure blind so it would not appear any different to the market housing in accordance with policy SP20 and the Affordable Housing SPD.

6.26 Overall, the layout is considered to be of good quality providing connections to the local area, green corridors and open space around the development, and character areas within the development in accordance with policy DM1 of the Local Plan and 'Maidstone Building for Life 12'.

Design, Appearance & Landscaping

6.27 The house designs are 'traditional' in form but with some more contemporary features within the centre of the scheme such as grey windows, doors and facias, and boxed surrounds to windows the details of which will be secured by condition. Interest would be provided from two storey projecting gables, porches and detailing in the form of soldier courses, stone cills, and brick banding details on some properties which will be secured by condition. The apartment blocks would be three storeys in height and their mass would be broken up with projecting gables with some set down from the main ridge lines, box surrounds to windows, weatherboarding at first and second floor level with ragstone on the ground

floor, and fenestration on all elevations to provide relief. Whilst comments have been received stating that three storey buildings are not in keeping with the local area, the massing of these buildings is appropriately broken up and variations in heights will provide interest across the scheme.

- 6.28 Materials would include red and buff coloured stock bricks, clay roof tiles, slate effect roof tiles, and grey and black composite boarding on some properties. The apartments would feature ragstone and stone walls would also be used in prominent locations which would provide a quality vernacular material.
- 6.29 Hard surfaces are predominantly block paving for roads, parking spaces and parking courts and self-binding gravel for pathways. Boundary treatments include ragstone walls along the east edge, brick walls on exposed boundaries, post and rail fencing and metal railings.
- 6.30 Parking provision would accord with adopted standards with a large proportion provided in tandem spaces, where the standards seek independently accessible spaces. The reason being that occupants may be less reluctant to use their tandem spaces and instead park on roads. To counter this an over-provision of on-street visitor parking bays are proposed. I consider this strikes the right balance between on-plot parking provision and an attractive development that is not dominated by parking.
- 6.31 In terms of landscaping, there are many street trees along the north and south roads and also within the smaller streets. Shrub planting has been negotiated within the areas in front of the pavements on the main roads rather than grass which often looks poor. Most front gardens are enclosed by hedging. Within the open space areas on the outside of the housing would be wildflower planting and trees. The species have been amended since submission and are now predominantly native with some more ornamental species within the streets which is acceptable. The overall amount of landscaping would provide a high-quality environment and setting to the development.
- 6.32 With regard to trees, none would be removed for the development as they are on the edges of the site and there would be no impact on those that will be retained. The Woodland Trust have referred to two veteran trees at the site via the Veteran Tree inventory being a Cherry and Hornbeam on the eastern boundary. There are no Cherry trees at the site and with regard to the Hornbeam, there is one roughly in the location shown on the inventory and it records this with a girth of 6m and stem diameter of 2m. Such a tree is not present but there is a mature Hornbeam which the applicant does not consider fits within the veteran tree definition as it has two stems with diameters of 60cm and 70cm respectively. Notwithstanding this, any development falls outside its RPA (including the consented development to the east), apart from a small part of the access road which is already approved under the permission to the east.

Highways Impacts

Wider Network/Strategic Junctions

6.33 The applicant has provided a Transport Assessment (TA) and carried out recent traffic surveys on local roads and assessments of key local junctions that were agreed at the pre-application stage with KCC Highways. Whilst objectors have questioned the accuracy of the traffic surveys, KCC Highways have raised no issues with them. The TA assesses the cumulative traffic impact from the application site, the adjoining proposals for 118 houses in T&M, and other approved developments including the other northwest (NW) Maidstone strategic sites H1(2) and H1(3), site H1(23) on North Street, and 840 houses recently approved to the east of Hermitage Lane and south of the A20 in T&M (known as Whitepost Field) all with a forecast year of 2025. Again, this was agreed with KCC Highways. The TA also takes into account proposed highway improvements to the north including junction capacity improvements on the A20/Coldharbour Lane roundabout and the provision of a new link road between Hermitage Lane and the A20 London Rd at the Poppy Fields roundabout in association with the approved 'Whitepost Field' housing scheme.

6.34 The site allocation policy at criterion (9-14) relates to strategic highways and transportation improvements and these are required for all the NW Maidstone housing sites as follows:

9. Interim improvement to M20 J5 roundabout including white lining scheme.

10. Traffic signalisation of M20 J5 roundabout and localised widening of slip roads and circulatory carriageway.

11. Provision of an additional lane at the Coldharbour roundabout.

12. Capacity improvements at the junction of Fountain Lane and A26.

13. Capacity improvements at A20 London Road junction with St Laurence Avenue (20/20 roundabout)

14. Proportional contributions towards a circular bus route that benefits public transport users in and around the north west strategic location; this route will run via the town centre, B2246 Hermitage Lane, Maidstone Hospital, Howard Drive and the A20 London Road.

6.35 The above improvements are based on the cumulative impact of development in the NW Maidstone strategic area and so compliance with the criterion would be via monies towards the improvements. This would now be via the Council's Community Infrastructure Levy (CIL), and 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 improvements based on existing funding in place the priorities within the Infrastructure Delivery Plan (IDP). This is the method of ensuring compliance with the strategic highways requirements under the site policy just like the other NW Strategic Sites paid s106 monies prior to CIL.

6.36 Significant s106 contributions and Local Growth Funding have already been secured towards delivery of many of these works and improvements under criterion 9, 11, 13, 14 are either fully funded by s106 monies and/or being delivered in connection with the approved 'Whitepost Field' scheme (20/20 roundabout). KCC Highways have confirmed that the planned junction

upgrade at Coldharbour roundabout scheduled to commence in Autumn 2020 and be completed by Summer 2022 can accommodate traffic from the development.

6.37 For criterion 10 (M20, J5), Highways England have confirmed that the trips generated by the development using Junction 5 during peak hours are predicted to be minimal and are therefore not expected to have a significant impact on the junction. They raise no objections and do not require any mitigation. KCC Highways have also advised that the improvements to the Coldharbour roundabout mean that signalisation of M20 J5 roundabout is not required.

6.38 For criterion 12 (Fountain Lane/A26 junction), this junction is forecasted to operate over capacity on 3 arms with background growth in traffic and traffic from the NW Maidstone Hermitage Lane developments and 'Whitepost Field' scheme in 2025, and the development would make this marginally worse. Therefore, the applicant has designed an improvement scheme that could be implemented and would mitigate the impact of the proposed development and reduce queuing on all but one arm of the junction in the peaks than is predicted in 2025. KCC Highways have advised that these proposals for the junction are consistent with those put forward in support of residential development at Fant Farm for 225 houses (15/509962) where they did not raise objections, and so follow an established precedent. They also consider the proposals would be safe following submission of a safety audit and raise the issue of some on-street parking potentially being lost. It is considered that this is an appropriate and proportionate response that demonstrates how the proposed development can be mitigated. At least £328,000 of Section 106 money has already been secured from the other NW Maidstone sites for mitigation at this junction and so this could be used together with further CIL monies to fund this improvement.

6.40 However, with regard to this junction KCC Highways state that, *"the (Member led) working group concluded that a new roundabout layout would provide the most effective means of upgrading the junction to reduce congestion and accommodate planned growth. KCC Highways is moving forward with this scheme in seeking to secure the land and funding necessary for its implementation. It would therefore be more appropriate for the applicant to provide a financial contribution towards the County Council's roundabout scheme as the means of mitigating the impact of the proposed development."*

6.41 Such a scheme will cost significantly more than the improvement the applicant has shown and would require external funding in addition to Section 106 monies and/or CIL from development. It is the Highway Authority's decision whether to pursue a greater improvement at the junction and they would need to secure sufficient funding. However, the applicant's proposal is sufficient to mitigate the proposed development and KCC Highways are not raising objections on the basis of this smaller scheme but are obviously looking to pursue a wider improvement. A financial contribution to this smaller scheme would be via CIL as this is a cumulative requirement for infrastructure. Whilst it is not possible to predict

the level of CIL monies, the junction is identified as a priority in the Council's IDP for NW Maidstone.

- 6.42 Other junctions where KCC Highways consider mitigation is required include the A20 London Road/Mills Road/Hall Road Junction where they advise there is a planned junction upgrade scheduled to commence in Summer 2021 and be completed by Summer 2022 which will accommodate the development. KCC also consider that the development should contribute monies towards an improvement scheme which has been designed at the A26 Watlingbury Crossroads just within T&MBC. As the proposed development will only put a maximum of 11 additional movements at this junction in the peaks which is 4km away, I do not consider this request is justified, reasonable or necessary.
- 6.43 The delivery of these 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 which they intend to do in the near future for some of the junctions. Therefore, the LPA cannot withhold planning permission because not all the highways works have been delivered as has been suggested in some representations.
- 6.44 KCC Highways consider that a condition should be attached to prevent any occupation of the development until junction improvements at Coldharbour roundabout, A20 London Road/Mills Road/Hall Road Junction and Fountain Lane/A26 have been implemented. As these improvements are a requirement based on the cumulative traffic from all the NW Maidstone sites and the 'Whitepost Field' development and not solely this development (which is one of the smallest NW sites), it is not considered reasonable to restrict this development, especially as this has never been a requirement of KCC or MBC for any of the other NW Maidstone sites. Such a condition would therefore not pass the tests for planning conditions. As stated above, the applicant will pay CIL monies which can be used towards priority junction improvements. It is also inconsistent in that KCC Highways are not requesting the same for the Watlingbury crossroads where they are satisfied for the applicant just to make a financial contribution.
- 6.45 KCC also request a condition to prevent any occupation of the development until a link road between Hermitage Lane and the Poppy Fields Roundabout junction, which is part of the approved Whitepost Field development, has been implemented. This is on the basis that without it, KCC consider that the development will result in additional queuing at the A20 London Road/Hermitage Lane/Preston Hall junction that needs to be mitigated. The development will result in additional queuing here but as the KCC Highways advice states, *"the proposed development is shown to have a marginal impact on queuing and delay. The queue on the problematic eastern London Road (A20) arm is predicted to increase from 94 to 96 PCUs in the AM peak."* So, the development will result in an increase in queues by 2 vehicles which is considered to be negligible in the context of the number of movements which as a proportion would represent 1% of the flows through the junction. Also, only one arm (the eastern London Road arm) would be

over theoretical capacity by 0.8% which is not considered to be a severe impact upon the whole junction or the wider network. On this basis it is not considered reasonable or necessary to require any mitigation at the junction let alone require a link road connected with a separate development that the applicant has no control over, prior to any occupation. In addition, site H1(4) was allocated in the Local Plan in 2017 along with all other NW sites (before the Whitepost Field application was even submitted). The traffic impact of this site was assessed together with all other allocations and site policy does not require mitigation at this junction. For all these reasons it is not considered necessary or reasonable to require mitigation or a condition restricting occupation as suggested by KCC.

Other Junctions

- 6.46 The applicant has assessed the impact upon many other junctions which are not part of the strategic requirements in the Local Plan including the signalised junction from the site onto Hermitage Lane. This shows that no junctions would be over theoretical capacity and therefore no mitigation is necessary and KCC Highways agree with these conclusions.

M20 Junction 5

- 6.47 Highways England have confirmed that the trips generated by the development using Junction 5 during peak hours are predicted to be minimal and therefore are not expected to have a significant impact on the junction. They raise no objections and do not require any mitigation.

Public Transport

- 6.48 The proposals are designed to accommodate buses so they enter the housing scheme to the northeast off Hermitage Lane, through the scheme under construction to the east and then loop around the site and exit the same way with a bus stop provided within the development. The applicant held discussions with 'Arriva' prior to submitting the application and they have confirmed to MBC under this application that they would be willing to divert the number 8 service into the site but this would need to be subsidised for the first 3 years. It has been agreed with Arriva that an AM and PM peak hour service into the site is appropriate and the applicant would fund this for 3 years at a cost of £246,159 which will be secured under a legal agreement. This is considered to be necessary in order to promote public transport use in accordance with policy SP23. Some works to widen roads within the approved developments to the northeast are required at pinch points at the junction of Fullingpits Avenue/Broke Wood Way and where the road crosses the PROW to the site to the east. KCC Highways have reviewed these works and the bus access generally and are supportive of the proposals.

Cycling & Walking

- 6.49 Improvements to cycle parking facilities at Barming Train Station will be secured via section 106 monies to provide a new secure cycle hub with

lighting and CCTV coverage which would cost £50,000. This will promote cycle use to the station in accordance with policy SP23. Funding for a pedestrian/cycle path alongside Hermitage Lane is provided in connection with site H1(2) (East of Hermitage Lane) which will improve access along Hermitage Lane. KCC Highways have requested monies (without defining the amount) towards a proposed cycle route from Hermitage Lane to the London Road Park & Ride site, which they say has no funding to date. It is considered that this route, which is somewhat distant from the site, is unlikely to be used by future residents to cycle to the shops at Allington as suggested when other shops and 'local' supermarkets are much nearer to the site. On this basis it is not considered to be necessary or directly related to this development contrary to the CIL Regulations.

6.50 As outlined earlier in the report, the site provides good connectivity and permeability for both walking and cycling through to Hermitage Lane and to the south via Broomshaw Road and PROWs KM11 and KM12 where the existing paths will be upgraded to improve access through financial contributions.

6.51 The applicant has provided a Framework Travel Plan for the development which would encourage sustainable travel with potential measures and initiatives including the provision of resident travel information packs, cycle parking, bicycle discounts, promotion of car sharing, and notice boards. Implementation will be overseen by a Travel Plan Co-ordinator with on-going monitoring. The indicative Travel Plan targets seek to achieve a 10% reduction in single occupancy car travel, and increases in cycling, car sharing, bus and rail use. Its aims are proportionate for this development and its location. This can be secured by condition and a monitoring fee of £948 will be secured under a section 106 agreement.

6.52 Overall, the transport impact of the development can be mitigated or is acceptable, public transport (bus services) will be provided into the site, and the layout of the development and off-site improvements will allow for and promote walking and cycling in accordance with policy DM21 of the Local Plan.

Off-Site Infrastructure

6.53 The adopted CIL is charged on new floor space to help deliver infrastructure to support development identified in the Council's IDP. 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 in line with the IDP which is in accordance with policy DM20.

Other Matters

Affordable Housing

- 6.54 Affordable Housing is proposed at 30% (56 units) with the tenure split 70% affordable rent and 30% shared ownership. This overall amount (30%) is in accordance with policy SP20 as is the tenure split and this will be secured under the legal agreement. The applicant will be seeking some flexibility in the legal agreement to change the shared ownership to another intermediate tenure as advocated within the new Affordable Housing SPD. The accommodation provides a mix of house sizes including 1 and 2 bed flats, 2, 3, and 4 bed houses and the amounts proposed are broadly in line with the current need and were discussed with the Housing Section prior to submission. A monitoring fee for the s106 of £4,500 will also be secured.

Air Quality

- 6.55 Policy H1(4) requires:

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

- 6.56 The site is located outside any Air Quality Management Areas (AQMA) with the nearest being the south part of Hermitage Lane and the A26. An air quality assessment has been submitted which concludes that the proposed development would not result in any exceedances of the relevant Air Quality Standards at any of the receptors assessed which include within the AQMA. 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 mitigation value for proportionate mitigations to be integrated into the development. These include a Travel Plan, welcome packs for residents on first occupations will be provided containing up-to-date local travel information, promotion of 'Kent Journey Share' car sharing database, and EV charging points for houses with on-plot parking. These measures which are proportionate will be secured by condition. Representations have referred to a lack of EV charging points for the affordable units and flats. The applicant is proposing charging points for properties that have off-street parking immediately adjacent. The majority of affordable housing is in terrace properties or apartments which would require communal charging points and the applicant states that in their experience Registered Providers have shown no interest in the provision of electric charging points. I do not consider this is a particularly sound argument but do not consider the lack of communal charging is grounds to refuse the proposals.
- 6.57 In terms of new residents, an assessment of dust impact from operations at the adjacent quarry has been carried out. This concludes that operations at the southern and eastern sections of the quarry and the minerals processing area could have a 'moderate adverse' and 'slight adverse' effect respectively on future residents but this assumes there are no mitigation measures in place within the quarry to reduce the potential for dust impacts. It is understood that the quarry has an active policy of dust suppression and adequate mitigation in place to reduce the potential for adverse effects on the local area. The site is also not downwind of the prevailing wind direction locally for the majority of the time and the quarry

is also surrounded by a bund of trees which will act to screen dust from the proposed dwellings. The assessment concludes the impact upon future residents will not be significant and Environmental Health have confirmed they support these conclusions.

Noise & Vibration

6.58 Policy H1(4) requires:

6. Development will be subject to a noise survey to determine any necessary attenuation measures in relation to the operations at Hermitage Quarry.

6.59 The applicant has submitted a noise and vibration assessment which has been reviewed by Environmental Health. The assessment concludes that no additional mitigation for external amenity areas is required in terms of noise as dwellings have been positioned to shield rear gardens in most cases and 1.8m high acoustic garden fences are proposed. Environmental Health raise no objections on this basis. In terms of vibration, the highest recorded level is well within the limit of the planning condition for the quarry and air overpressure would also be expected to be of a low magnitude, and again Environmental Health raise no objections. So subject to the mitigation within the assessment being conditioned, the impacts of noise and vibration would be acceptable for future residents.

Drainage & Ground Conditions

6.60 In terms of surface water drainage and foundations, the application includes a Phase 1 Geotechnical Desk Study and British Geological Survey Report which both acknowledge that the site is underlain by the Sandgate Formation (sandstone, siltstone, and mudstone) and (underlying) Hythe Formation and that sink holes can and have occurred in the local area. The Hythe beds comprise alternating layers of limestone and sandstone and the limestone is the Rag, or Ragstone. The Ragstone beds are associated with Gulls which are fissures/cracks caused when 'harder' beds are (for want of a better term) bent. Gulls present an important geological design consideration as introducing additional concentrated flows of water into them can wash out unconsolidated material and result in ground instability and sink holes some of which have occurred in the local area with one most recently in September 2020.

6.61 The drainage report outlines that these potential geological conditions at the site have steered the approach to dealing with surface water which would be discharged via infiltration to deep borehole soakaways which through the detailed ground investigation and design stage would be set at positions and levels to avoid any flooding of fissures/gulls. KCC LLFA are well aware of the potential for ground instability from surface water drainage and raise no objections to the principles of the SUDs scheme subject to the fine details being provided by condition and further works demonstrating that the position of any soakaways are appropriate and would not increase potential instability risks. For foundations these would be carefully considered to ensure there are no negative effects on ground

stability with detailed ground condition testing (probing on each plot) carried out and this would be dealt with through building regulations.

6.62 On this basis it is considered that potential for ground instability has been appropriately assessed at this stage and a condition can ensure that the fine details of the drainage scheme, where detailed ground investigations are carried out, and through consultation with the statutory consultee, would not result in ground instability in the local area. As such the site is suitable for the proposed development subject to conditions in accordance with the paragraph 178 of the NPPF.

6.63 Southern Water has confirmed there is sufficient capacity on the local network for foul drainage which ensures compliance with criterion 15 of policy H1(4).

Ecology

6.64 The applicant's survey highlights that the greatest ecological interest are the site boundaries and in particular the northern boundary which will be retained and not incorporated into the curtilage of the dwellings. In terms of protected species, slow worms, common lizards and grass snake have been recorded. Commencement of translocation of the common lizards and slow worms has already started to a receptor site in Mote Park because detailed ground investigations are required in respect of drainage and foundation design at the earliest opportunity. This can be lawfully carried out in advance of planning permission being granted as a licence is not required. Translocation will shortly cease for the winter, until it can recommence next year, but it is understood a sufficient area has been cleared for testing to safely take place. KCC Ecology have raised no objections to this but advise that they would not be supportive of Mote Park being used for any further translocation beyond this site until further monitoring has been carried out to ensure the carrying capacity is not exceeded for reptiles. They also advise that there is a need to ensure that, following completion of the translocation, the application site is regularly cut and the reptile fencing maintained to ensure reptiles will not re-establish on site between translocation and construction commencing which can be secured by condition.

6.65 Other protected species including foraging bats, dormice, badgers, hedgehogs and breeding birds are present mainly around the edges of the site. KCC Ecology advise generally that the retention of the hedgerows and the proposed planting around the edges of the site will be sufficient to provide suitable habitat, connectivity, and mitigation. Conditions are required 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 would be an AW buffer increasing from 15m at its west edge to nearly 50m with this area fenced off and planted with native woodland and thicket planting to provide further protection to the AW.

- 6.67 The Kent Wildlife Trust have commented on the application and do not consider the development provides net gains in line with the NPPF or Environment Bill. The requirements of the Environmental Bill 2019 will seek a 10% biodiversity net gain but this legislation has not yet come into effect yet. As such there is currently no requirement to quantify the amount of 'biodiversity gain'. In terms of enhancements, the proposals would provide new native planting around the edges of the site which would also provide green corridors, wildflower meadow planting, permeability for hedgehogs around gardens, bird, bat, hedgehog and insect boxes, and habitat piles. This is considered a proportionate response based on the ecological value of the site and will provide an appropriate biodiversity net gain for this development in line with the NPPF/NPPG.

Residential Amenity

- 6.68 The nearest existing houses are to the south on Broomshaw Road and Rede Wood Road. As outlined earlier in the report, the impact upon these properties in terms of privacy, light and outlook would be acceptable due to the separation distances where houses facing south are at least 25m away with vegetation in between. Where slightly closer (20m) on plot 139, the first floor flank window would serve a bathroom and can be obscure glazed by condition. Approved houses on the development to the east would be a sufficient distance away to ensure appropriate amenity.

Claimed Rights of Way & Use of Field

- 6.69 KCC received an application to establish three bridleways running around and across the site in July 2020. Under this process KCC must decide whether there is sufficient evidence to make an Order to add these routes to the Definitive Map of Public Rights of Way. KCC have advised that this would take in the region of 6 months. Importantly, this does not prevent the Council from deciding the planning application. If the rights of way are confirmed the applicant would need to apply for them to be diverted like any other PROW affected by development. If planning permission were granted it would be at the applicant's risk if they commenced development prior to a decision being made on the PROWs or diversion as they would potentially need to 'un-do' any development affecting the PROW and make a fresh planning application.
- 6.70 Many representations refer to the loss of the field and it being a valuable open space to local people particularly during 'lockdown'. The site is in private ownership and so access to the land can be prevented notwithstanding the 'claimed rights of way' For this reason policy DM19 of the Local Plan which refers to publicly accessible open space does not apply not does paragraph 97 of the NPPF which protects open space areas.

Public Art

- 6.71 In line with the Council's guidance a scheme of this size should provide an element of public art and this would help to create a sense of place. This will be secured by way of condition.

Environmental Impact Assessment

6.72 An EIA Screening Opinion was submitted in 2019 for up to 340 houses which related to the application site and the site to the west within TMBC. The Council concluded that an EIA was not required and this assessed the cumulative impact from other development in the Local Plan and schemes within TMBC. There have been no significant changes since that screening opinion to reach a different decision now. In screening the current proposal, the scheme is for housing rather than any complex development, and it is not considered that the characteristics or size of the development are such that significant environmental impacts are likely to arise. The potential for cumulative effects with other approved nearby developments and those under construction is also not considered to be so substantial that significant environmental impacts are likely to arise. The development would not have any significant impacts on natural resources, land, soil, water, or biodiversity, nor would it result in any significant production of waste or pollution. There would be no risk of major accidents or harm to human health. The effects of the development would essentially be 'local' and having regard to the guidance within the EIA Regulations and the NPPF/NPPG, it is not considered that the development would be likely to lead to significant environmental effects of a nature that would require an EIA.

Representations

6.73 Matters raised but not considered in the assessment sections in the report relate to the timing of application and Covid-19 restrictions and the application not being well-publicised; development not being needed for 5-year supply; question need for affordable housing numbers and that it is going to people from outside MBC; issues during construction (traffic and disturbance); and loss of property value.

6.74 The applicant has been publicised in accordance with legal and local requirements (site notice and letters to adjoining properties) and consultations/notifications have been carried out on amended/additional information. The application was submitted in April 2020 and so it is considered that adequate time has been available for any comments to be made by interested parties.

6.75 The site is allocated within a strategic housing area and is needed to meet Maidstone's housing requirements for the current Local Plan period to 2031 including contributing to the 5-year supply. There is a high need for affordable housing as outlined under policy SP17 and the delivery of such housing is a priority for the Council.

6.76 Issues of noise and disturbance during construction are dealt with under Environmental Health legislation and controls. Loss of value to property is not a material planning consideration.

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 187 houses within the Local Plan under policy H1(4) subject to criterion. The application proposes 187 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 application proposes development within the area defined for open space under policy OS1(1) and outside the settlement boundary but this would not result in any harm to the local landscape beyond the housing allocation. It also ensures that open space areas are provided around and integrated through the development which is considered to provide a better design approach and more distinctive character. The total amount of open space (1.5ha) would still be provided.
- 7.04 KCC Highways are raising no objections to the proposed access points including the secondary access onto Broomshaw Road in terms of their use and safety. The secondary access is a requirement of site policy H1(4) and it is agreed with KCC Highways that this is appropriate bearing in mind the level of development it will serve.
- 7.05 KCC Highways are raising no objections subject to conditions preventing occupation of the development until a number of junction improvements and a link road in connection with another development are implemented. For the reasons outlined in the assessment this is considered to be unreasonable and/or unnecessary and so does not pass the test for planning conditions. It would also be inconsistent with previous recommendations and decisions of both KCC and MBC. Junction improvements to accommodate the development at the Coldharbour roundabout and the A20 London Road/Mills Road/Hall Road junction are fully funded and scheduled to start in the next 6-9 months. For the Fountain Lane/A26 junction the applicant has identified a scheme that would provide sufficient mitigation that s106/CIL money could be used towards.
- 7.06 All representations received on the application have been fully considered in reaching this recommendation.
- 7.07 It is concluded that the development is acceptable and complies with policy H1(4) 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.

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 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. 30% affordable housing provision (made up of 70% affordable rent and 30% shared ownership).
2. £246,159 to subsidise diversion of Arriva bus service 8 into the site for 3 years during the AM and PM peaks.
3. £32,890 for the upgrade of PROW KM11
4. £7,590 for the upgrade of PROW KM12.
5. £50,000 to provide a secure cycle hub with CCTV coverage and lighting at Barming Train Station.
6. £4,500 Section 106 monitoring fee.
7. £948 Travel Plan monitoring fee.

Conditions:

Approved Plans

1. The development hereby permitted shall be carried out in accordance with the plans listed on the Drawing Schedule (October 2020) excluding drawing no. 8080-C-160_P2 (Road & FFLs) and the Soft Landscape Proposals Sheets 1 to 3 (CSA/292/120/C, CSA/292/121/C, CSA/292/122/C).

Reason: To clarify which plans have been approved, to ensure a high-quality development, and to protect residential amenity.

Time Limit

2. 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.

Compliance

3. The development shall be carried out in accordance with the boundary treatments as shown on drawing nos. CSA/2929/117 RevC, 118 RevC and 119 RevC (Sheets 1-3) and CSA/2929/127 RevD, 128 Rev D and 129 Rev A (Sheets 1-3), and maintained thereafter.

Reason: To ensure a high-quality development and to protect residential amenity.

4. The development shall be carried out in accordance with the hard surfaces as shown on drawing nos. CSA/2929/117 RevC, 118 RevC and 119 RevC (Sheets 1-3) and maintained thereafter.

Reason: To ensure a high-quality development.

5. The development shall be carried out in accordance with the Tree Protection Plan dated March 2020.

Reason: To ensure a high-quality development.

6. All planting, seeding and turfing specified in the approved landscape details shall be carried out either before or in the first planting season (October to February) following the occupation of the building(s) or the completion of the development to which phase they relate, whichever is the sooner; and seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

7. The areas of open space as coloured green on drawing no. CSA/2929/130 shall be maintained as publicly accessible open space in perpetuity.

Reason: To ensure adequate open space areas for the development.

8. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

9. Before the development hereby permitted is first occupied, the proposed first floor flank bathroom window on plot 139 shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

10. The construction of the development shall be carried out in accordance with the precautionary mitigation measures outlined at Section 4.0 of the Biodiversity Mitigation and Enhancement Strategy (CSA April 2020).

Reason: In the interest of biodiversity protection and enhancement.

11. The development shall be carried out in accordance with the air quality mitigation measures outlined in the Air Quality Assessment including the provision of electric vehicle charging points as shown on drawing no P19-1591_05 RevD (Parking Plan). The electric vehicle charging points shall be maintained thereafter.

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

12. The development shall be carried out in accordance with the ecological enhancements outlined in the Biodiversity Mitigation and Enhancement Strategy as listed below and thereafter maintained:

- a) Wildflower grassland
- b) Hedgehog domes
- c) Bat, bird, and insect boxes.
- d) Bird habitat integral to buildings.
- e) Habitat piles.

Reason: In the interest of biodiversity protection and enhancement.

Pre-Commencement

13. No construction works or development shall take place until an ecological walk over survey has been submitted to and approved in writing by the Local Planning Authority. The survey must confirm that the approved ecological mitigation has been completed and there is no suitable habitat for protected/notable species present within the site where development will take place. If suitable habitat is found to be present an updated ecological mitigation strategy must be submitted to and approved in writing by the Local Planning Authority prior to any development taking place and the development shall be carried out in accordance with the approved details.

Reason: In the interest of biodiversity protection and enhancement.

14. 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 Flood Risk Assessment (April 2020) 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. It shall also explore the use of more swales within the development.

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

- a) That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- b) 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.

15. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

16. 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.

17. No development shall take place until the applicant has secured the implementation of the following details:
 - 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

The development shall be carried out in accordance with the approved details.

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.

18. No development shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority for that phase. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

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

19. No development shall take place until, details of the proposed levels for the development including slab levels of the buildings and any retaining walls, together with existing site levels, have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;

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

Pre-Slab Level

20. Notwithstanding the submitted Soft Landscaping plans (Sheets 1 to 3), no development above slab level shall take place until amended plans have been submitted to and approved in writing by the Local Planning Authority showing increased native planting including trees along the south boundary.

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

21. No development above slab level shall take place until measures and locations to allow hedgehogs to move through the development 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 interest of biodiversity protection and enhancement.

22. No development above slab level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials. The materials shall follow the 'Materials Plan' and include the following:

- a) Stock facing bricks
- b) Clay roof tiles
- c) Ragstone on buildings
- d) Ragstone walling
- e) Composite boarding

Reason: To ensure a high-quality appearance.

23. No development above slab level shall take place until written details and large-scale plans showing the following architectural detailing have been submitted to and approved in writing by the local planning authority for that phase, and the development shall be carried out in accordance with the approved details:

- a) Boxed surrounds to windows
- b) Soldier courses

- c) Stone cills
- d) Brick banding
- e) Roof overhangs

Reason: To ensure a high-quality appearance.

24. No development above slab level shall take place until a sample panel of the ragstone for the walling and buildings, including mortar mix details, has been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

Reason: To ensure a high-quality appearance.

25. 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.

26. No development above slab level shall take place until details of lighting for streets and houses have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

27. No development above slab level shall take place until details of the plots that require the mitigation measures set out under the Noise and Vibration Assessment (April 2020) have been submitted to and approved in writing by the Local Plan Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate levels of amenity.

28. No development above slab level shall take place until a written statement of public art to be provided on site in the form of a Public Art Delivery Plan has been submitted to and approved in writing by the local planning authority. This should include the selection and commissioning process, the artist's brief, the budget, possible form, materials and locations of public art, the

timetable for provision, maintenance agreement and community engagement, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of the good place making in accordance with the provisions of the Maidstone Borough Council Public Art Guidance.

29. No development above slab level shall take place until details of a landscaped 'end stop' to the west end of Street 05 has been submitted to and approved in writing by the local planning authority. In the event that the housing development to immediate west and to which this street would link has not been approved before occupation of the 187th dwelling, the approved details shall be carried out in full.

Reason: In the interest of visual amenity.

30. No development above slab level shall take place 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. The management plan must clearly set out how the habitat and enhancement features detailed within the Biodiversity Mitigation and Enhancement Strategy; CSA; April 2020 will be managed in the long term. The management plan must include the following:

- a) Details of the habitats to be managed
- b) Overview of the proposed management
- c) Timetable to implement the management
- d) Details of who will be carrying out the management
- e) Details of on-going monitoring.

The management plan must be implemented as approved.

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

31. No development above slab level shall take place until the following details have been submitted to and approved in writing by the local planning authority:
- a) Details of the bus stops, their locations, and timeframes for their delivery.
 - b) Timeframes for delivery of improvements to the junction of Fullingpits Avenue/Broke Wood Way and the approved road within the housing development to the east, as shown on approved drawing no. 15-009/37 in Appendix E to the TA.

The development shall be carried out in accordance with the approved details.

Reason: To allow for bus access to the site.

Pre-Occupation

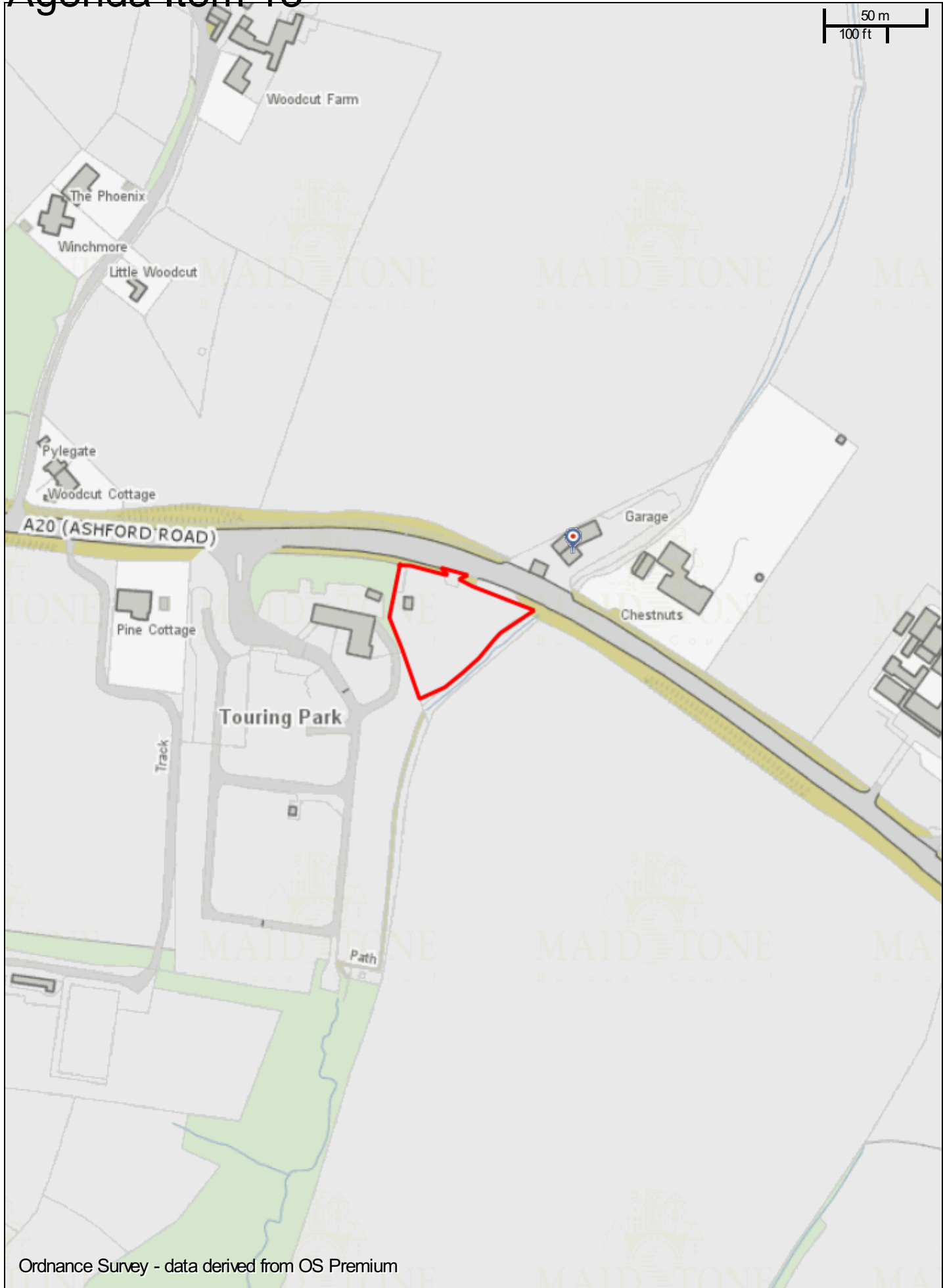
32. The development shall not be occupied until a Final Travel Plan for the development which follows the principles of the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Travel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

Reason: In order to promote sustainable transport use.

33. 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



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 20/501428/FULL		
APPLICATION PROPOSAL Erection of 2no. two storey office buildings with associated car park, landscaping and fencing.		
ADDRESS The Site Of Previous Maple Leaf Garage, Ashford Road, Hollingbourne, Kent		
RECOMMENDATION Grant permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION This previously developed site benefits from extant planning permission for a mixed office / warehousing/depot scheme. The proposal seeks to revise the design of the approved office scheme from a contemporary style to a more traditional rural typology and to replace the warehousing element with additional office accommodation. Whilst a countryside site, the land is PDL and benefits from an extant permission for a similar albeit smaller development. In addition, the site lies adjacent to the large Woodcut Farm employment allocation. It is not considered that the increased scale of accommodation from 700 sq.m to 1,100 sq.m would harm the character of the area and any increased massing of new building is mitigated by the improved design and enhanced landscaping. The small increase in office floorspace would not undermine the delivery of economic growth in a more sustainable location as defined under policy SS1. There are no adverse highway or other impacts arising.		
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of the Parish Council		
WARD North Downs	PARISH/TOWN COUNCIL Hollingbourne	APPLICANT Genco Construction Services Ltd AGENT GDM Architects
TARGET DECISION DATE 30/11/20		PUBLICITY EXPIRY DATE 22/09/20

Relevant Planning History

17/506323/FULL - Demolition of existing stores, offices and WCs, and erection of new offices with dry store and associated parking. Approved 03.05.2018 –

Submission of details pursuant to conditions – approved 2018.

19/500811/FULL - Demolition of existing office building and erection of a two-storey office building, a storage building, car park, landscaping and fencing - approved 31.07.2019.

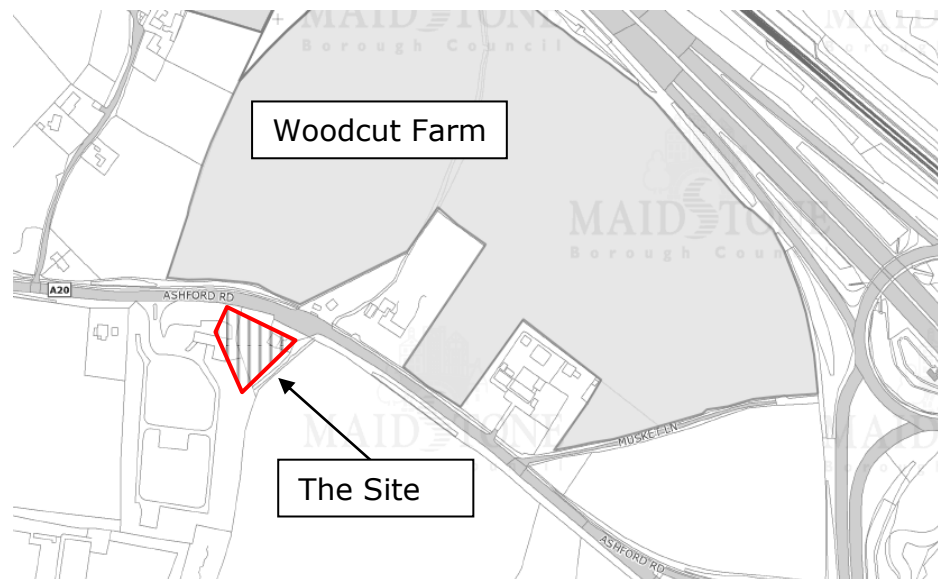
This image illustrates the office element of the July 2019 approved scheme (the storage depot was to the rear of the site).



MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site lies on the south side of Ashford Road, immediately to the east of the Bearsted Caravan Club site. It comprises a former commercial site that has most recently been used for car sales. The previous structures have been demolished, but the hardstanding, which covers the majority of the site, remains.
- 1.02 The site lies within the countryside, but represents previously developed land (PDL) and has an extant planning permission for substantial commercial development comprising offices and a storage depot for construction materials.
- 1.03 Immediately opposite the site is the Woodcut Farm employment land allocation, which has planning permission for circa 45,000 sq.m of commercial floorspace, with the M20 junction 8 a short distance to the east.



2. PROPOSAL

- 2.01 The planning application seeks permission for the erection of two office buildings of 509 sq.m and 609 sq.m respectively, together with access, staff/visitor car parking landscaping and biodiversity enhancements. Both buildings reference traditional rural barn typology, with brick plinth, weatherboard cladding and clay tile roof (with solar PV to both).
- 2.02 The two buildings are broadly sited where the 2019 permission located buildings, although, as detailed below, the rear building is materially larger in size.
- 2.03 The scheme reutilises the position of the existing site access, with open areas of parking set between the two buildings.
- 2.04 Land along the western boundary is set aside to provide a landscaped, ecological margin, as is the edge of the stream which runs to the east. New tree planting is proposed within the car parking area and along the site frontage.

- 2.05 The two buildings have been designed to represent a modern interpretation of a traditional rural barn typology, with the design brief seeking to promote a character of development that is more appropriate to the site's rural setting than the 2019 permission.



- 2.06 The proposals are submitted on behalf of a Maidstone based construction services company who will occupy as their HQ, with any surplus space let to third parties. However the permission sought would not be personal to any occupier.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:
SS1, SP17, SP21, DM1, DM3, DM5, DM8, DM21/23, DM30.

Kent Minerals and Waste Local Plan 2016 – Minerals safeguarding area

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No representations received from local residents or neighbouring commercial / leisure sites.

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)

Hollingbourne Parish Council

- 5.01 The Parish Council request refusal of the application citing the following grounds:
- Overdevelopment of the site
 - Hazardous site access

KCC Highways Authority

5.02 At the request of the HA, the applicant has prepared a Transport Statement that assesses the impact of the scheme against the existing and extant permission baselines. In summary KCC's response is:

- The trip generation methodology is acceptable and the forecasts are robust.
- The increase in peak hour movements over the approved scheme would be circa 15 vehicles each, am and pm.
- The proposals would not represent a significant impact to the detriment of highway capacity, particularly in the context of the existing permission and the existing traffic flows on this section of the A20.
- The scheme would use the previously approved access arrangements, to which KCC raised no objection. However, KCC has requested further information on visibility splay and / or safety audit. Any update will be reported to Members.
- The scheme should increase disabled parking from 2 to 4 spaces (see condition).
- Acceptable cycle parking is provided, but this should be sheltered (see conditions).
- 3 motorcycle bays are recommended.
- Note the provision of 4 active EVC bays and recommend the provision of 4 passive bays.

Mid Kent Environmental Protection

5.03 No objection subject conditions requiring, for example, an air quality assessment and ground conditions report prior to commencement.

KCC Ecology

5.04 Satisfied with the conclusions of the ecological report which state that none of the buildings present on site offered potential for roosting bats and thus no further survey work is recommended with regard to bats and buildings. Request that tree T5 is not felled or is subject to further survey (no existing trees are to be felled).

- Recommend condition to secure proposed ecological enhancements
- Informative recommended regarding breeding birds

Southern Water

5.05 No public sewers cross the site. Any connection to the existing network will require consent. Recommend that any SUDS scheme is accompanied by a management plan.

Kent Police

5.06 Recommend further engagement with the DOCO team to address a number of security points raised

KCC Drainage

5.07 Request further information with regard to elements of the drainage strategy (Officer Note – a drainage strategy has been discharged under conditions pursuant to a previous permission, therefore a similar condition approach is considered acceptable).

Environment Agency

5.08 No objection subject to conditions relating to ground conditions.

KCC Minerals and Waste

- 5.09 *"....it is clear that development is of a relatively minor nature in terms of the area of land affected and the potential for sterilisation of any mineral is correspondingly minor. Therefore, the development may be regarded as exempt from land-won minerals safeguarding by exemption criterion (1) or (2) of Policy DM 7. Any submission of a Minerals Assessment would be a purely academic exercise in this instance. The County Council does not object to the proposal on minerals and waste safeguarding grounds."*

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Principle of development
- Visual impact / Character and appearance
- Access and highways
- Ecology
- Other Matters

The Principle of Development

- 6.02 The site lies in the open countryside, beyond any settlement boundary, midway between the Bearsted edge of the Maidstone urban area and Hollingbourne. It does not form part of any site allocation.
- 6.03 The NPPF places significant weight upon supporting economic growth (80) and to meeting the needs of local businesses. It encourages business expansion in rural areas through the provision of well designed building (83) and where this may take place outside of settlement boundaries, that it should utilise previously developed land where possible and be sensitive to its surrounding (84). The site is indeed PDL and the revised design approach is considered to be appropriate to its rural setting.
- 6.04 MBLP Policy SS1 sets out the economic needs of the Borough in a spatial strategy that focusses upon the hierarchy of the town centre, urban area, growth locations, the RSC's and larger villages. It also defines employment allocations including Woodcut Farm opposite.
- 6.05 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. Policy SP21 states that proposals for the expansion of existing economic development premises in the countryside will be supported provided the scale and impact of the development is appropriate for its countryside location, in accordance with policy DM37.
- 6.06 Whilst the site lies within the open countryside, it has a history of commercial use and benefits from a recent permission for an office and depot building, to which significant weight must be attached.
- 6.07 Having regard to the extant permission, which establishes the principle of commercial development on the site, it is considered that whilst there is an increase in overall floorspace from circa 700 to 1,100 sq.m, this would not undermine sustainable economic development within the hierarchy identified in Policy SS1, nor the delivery of the large employment allocation (EMP1/4) opposite.

- 6.08 Whilst there will be an increase in trips in a location not currently well served by public transport, the net change is limited and the site will be well located to provide services linked to the main employment allocation opposite. The site is also well located for businesses which, for operational reasons, require easy access to the M20.
- 6.09 Subject to the considerations set out below, it is therefore considered that the principle of an increase in commercial floorspace compared to that approved would be acceptable in principle.

Visual Impact / Character and Appearance

- 6.10 Policies DM1 and DM30 of the adopted Maidstone Borough Local Plan provide relevant design guidance. Policy DM1 sets out general principles of good design whilst DM30 sets out design principles in the countryside and states that proposals will be permitted which meet certain criterion, namely:
- 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
 - Proposals would not result in unacceptable traffic levels
 - There are no existing buildings suitable for conversion
 - Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and screened by existing or proposed vegetation
- 6.11 In the context of these tests, KCC are satisfied that any increase in traffic levels will not be unacceptable. The office building located fronting the A20 has a similar footprint to the approved scheme and less floor area (509 v 592 sq.m). It is of a more traditional rural appearance and should appear less prominent than the approved scheme. The previously approved front boundary wall will be replaced with a softer boundary of fencing (details to be conditioned) and landscaping, providing a more naturalised frontage.
- 6.12 The main increase in floorspace and massing takes place to the rear of the site, which is not prominent from the road. The nearest PRow's terminate on the A20 350m to the east and 200m to the west. Whilst the former has views towards the site across open fields, the buildings will be partially screened by a low crest and any visible roof areas softened by retained and new planting.
- 6.13 As the site sits on the inside of a curve in the road, it will not be visible in longer distance views along the A20. Located adjacent to a cluster of existing buildings and in the future setting of Woodcut Farm, which will dominate the local landscape moving forward, it is not considered that the increase in development on the application site will have any adverse impact upon the character of, or views of the adjacent countryside.
- 6.14 Together with new frontage planting and the more traditional form and materials, it is considered that the proposal would have a less prominent impact when viewed from the A20 than the approved scheme and that it will have no adverse impacts upon the character and setting of the wider countryside.

Access and Highways

- 6.15 The application states that the previous site use accommodated 54 parking spaces, although if associated with car sales, movements would not have been as great as for a more traditional employment use. Whilst the proposal increases the approved level of parking from 36 to 45 spaces, KCC do not consider the associated trip generation to be harmful.
- 6.16 Whilst KCC have requested a further audit of the access sight lines, which will be reported in an update; I consider that; noting that the access is the same as for the approved scheme, that the primary office use has not changed, that commercial vehicle movements associated with the previous depot permission will no longer occur and as the net increase in movements is not harmful, it would be unreasonable to now object to the access point or design.
- 6.17 KCC have recommended some minor amendment to the allocation of parking and cycle spaces and this will be addressed in a condition.
- 6.18 On the basis of the above, it is considered that the proposals accord with policies DM21 and 23 of the Local Plan.

Ecology

- 6.19 The site is PDL and almost entirely covered in hard standing. As such, the main area of the site has little or no ecological potential and thus existing habitat is focused on the site's margins.
- 6.20 A landscape margin of 3m to 3.5m is to be provided on the western boundary with the Caravan Club site. The existing planting on this boundary will be retained and enhanced, such that a habitat corridor is created that connects the roadside verge to the open land behind the application site. A stream runs along the eastern boundary, which whilst in the applicant's ownership, is excluded from the application site.
- 6.21 The application is accompanied by the same 2019 Ecological Appraisal as the previous permission, which provided an update of an earlier Phase1 Habitat Survey. KCC consider this level of information acceptable to understand the site's potential.
- 6.22 The Phase 1 survey makes limited recommendations in terms of biodiversity enhancement, birds, bees, bats, so a condition is proposed requiring a scheme of more specific enhancements to the east and west corridors. In addition, the applicant has indicated their willingness to plant meadow along the wide front verge. However, this is in-part truncated by a layby and as it is highway land, the separate agreement of KCC would be required. As such, an informative rather than condition is suggested in order to encourage the applicant to pursue the closure of the layby and its re-planting.

Other Matters

- 6.23 The site lies adjacent to the Caravan Club, which includes site manager accommodation as well as tourist pitches. The proposed office use is not considered to be detrimental to this neighbour's amenity and is arguably an improvement over the depot use previously proposed adjacent to the boundary.
- 6.24 The site is not located within an area of flood risk. A SuDS strategy is proposed and shown on a drainage plan, albeit this is based upon the previous permission. The site currently discharges unrestricted into the adjacent stream and the SuDS measures proposed would reduce the level of run-off into the stream through the use of increased ground permeation. The overall area of the site covered in

hardstanding will be reduced by 15%. However, a condition is suggested requiring an updated drainage plan to reflect the current layout and the installation and maintenance of measures to ensure no of unacceptable surface water flow or contaminants reach the adjacent stream.

- 6.25 Ground conditions have been assessed and do not suggest any significant risks, however, in accordance with the Environment Agency's request, precautionary conditions are recommended.
- 6.26 Whilst the site lies within a wider minerals safeguarding area, KCC raise no objection.
- 6.27 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

PUBLIC SECTOR EQUALITY DUTY

- 6.28 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 Whilst the proposals represent the intensification of previous permissions for this countryside site, with floorspace increasing from circa 700sq.m to 1,100 sq.m, the more prominent frontage building is reduced in floorspace, with the net increase confined to the less prominent rear of the site.
- 7.02 The impacts of an increase in the scale of development are mitigated by a more appropriate design approach and an enhanced landscaping scheme and it is considered that when compared with the extant permission, the latest proposals will not have an adverse impact on the character or appearance of the area; particularly in the context of the Woodcut Farm scheme opposite.
- 7.03 The scheme responds positively to design guidance in the Local Plan. There are no technical or environmental grounds to refuse permission and an enhanced scheme for biodiversity enhancement will be secured by condition.
- 7.04 On balance it is considered that the revised scheme accords with the relevant NPPF and development plan considerations.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/drawings:
- 0-001 Rev C– Site Location Plan
 - 0-002 Rev B Existing Block Plan
 - 0-003 Rev. B – Proposed Block Plan
 - 0-004 Rev B – Proposed Site Plan
 - 0-005 Rev A – Existing Building Elevations
 - 0-006 – Boundary Treatment
 - 1-101 Rev A & 2-101 Rev A – Proposed Floor Plans
 - 1-201 Rev A & 2-2-1 Rev A – Proposed North and South Elevations
 - 1-202 Rev A 2-202 Rev A – Proposed East and West Elevations
 - 1-301 Rev A & 2-301 Rev A – Proposed Sections
 - 14528/01 Proposed Drainage Strategy
- Reason: To ensure the quality of the development is maintained
- 3) No development shall take place above the slab levels of the buildings hereby permitted until full details, including acceptable digital samples, of the external surfacing materials to be used on the respective buildings 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;
- Reasons: In the interests of the appearance of the completed development and to ensure the proposed development is satisfactorily integrated with its immediate surroundings.
- 4) No development shall take place until such time as details of proposals for the retention and protection of the existing trees and hedgerows to the eastern and western boundaries of the site during the course of the works and how any excavation, construction and surfacing works are to be carried out and any underground service runs to and from the site accommodated without causing damage to the trees and hedgerows, including their root systems, has been submitted to and approved in writing by the Local Planning Authority. The approved tree and hedgerow protection measures shall be put in place prior to the commencement of any works on site and shall be retained in place throughout the construction phase of the development. The works shall be carried out in accordance with the details approved;
- Reason: The existing trees and hedgerows make a significant contribution to the character and visual amenities of the locality and provide screening for the development and warrant adequate protection during the development to prevent damage and ensure their long-term retention and good health.
- 5) No development shall take place above the slab levels of the buildings hereby permitted until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping for the site, including details of all hard surfacing, boundary treatments, walls, railings and fencing, using indigenous species and a programme for the approved scheme's implementation and long term management. The scheme shall include indications of all existing trees and hedgerows to the perimeters of the site and details of those to be retained, together with measures for their protection during the course of development. In conjunction with the details required under Condition 9, the scheme shall include integral measures for biodiversity enhancement for both the eastern and western boundaries, including the stream edge. The scheme shall include new tree planting to the site frontage. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment

and Landscape Guidelines. The development shall be carried out in accordance with the approved scheme of hard and soft landscaping, boundary treatments, walls, railings and fencing;

Reason: In the interests of visual amenity and to ensure a satisfactory setting and external appearance to the development is provided and maintained.

- 6) All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the office building hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species;

Reason: In the interests of visual amenity and to ensure a satisfactory setting and external appearance to the development is provided and maintained.

- 7) Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the NPPF.

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

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

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

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

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

Reason: In the interests of the health and well-being of future occupiers and users of the approved development.

- 9) No development shall take place above the slab levels of the buildings hereby permitted until details of a scheme of ecological enhancements for the site including the installation of bird, bat and bee habitat as both an integrated part of the building fabric and bat boxes to the buildings and use of native plant species for the landscaping, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also incorporate habitat for solitary bees. The scheme of ecological enhancements for the site shall be implemented in full in accordance

with the details approved prior to the first occupation of the two-storey office building and shall be retained and maintained thereafter;

Reason: In accordance with Government guidance in the NPPF.

- 10) The facilities shown on the approved plan (Drawing No. 1-101 & 2-101 RevA) for the storage of refuse shall be provided and be available for use prior to the first use of the two-storey office building hereby permitted and shall be retained and maintained for such use thereafter;

Reason: In the interests of residential amenity and local amenity generally.

- 11) Notwithstanding drawing numbers 0-003 Rev B and 0-004 Rev B prior to the development hereby approved commencing above slab level, details shall be submitted to show the provision of:

- An increase from 2 to 4 disable parking spaces
- Provision of shelters to the cycle parking is provided
- Provision of 3 motorcycle bays
- In addition to the provision of 4 active EVC bays, the provision of 4 passive EVC bays.

Reason: To ensure that the scheme provides an acceptable range of parking facilities to meet needs.

- 12) The parking spaces (including cycling) and service vehicle turning space shown on the approved plans (including those approved under Condition 11 above) shall be provided and be available for use prior to the first use of the two-storey office building hereby permitted and the parking spaces and service vehicle turning space shall be retained and maintained for such use thereafter (including the retention of the EVC and disabled spaces for such uses). No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order, with or without modification) or not, shall be carried out on the areas shown as parking spaces or service vehicle turning space or in such a position as to preclude vehicular access to them;

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

- 13) The office buildings hereby permitted shall be used for purposes within Class B1(a) of Class B to the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) only. No change of use of the building, whether permitted by Class O, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order, with or without modification – including Class E of the 2020 amendments), shall be carried out to the building without the prior written approval of the Local Planning Authority;

Reason: The current application only considers the impact of the use proposed in the current application and a separate assessment would be required for other uses that could otherwise be introduced as permitted development.

- 14) No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land outside of the storage areas shown on the approved plans, without the prior written approval of the Local Planning Authority;

Reason: To safeguard the character, appearance and visual amenity of the immediate surroundings.

- 15) No external lighting, other than that shown on the approved plans shall be installed to the buildings or within the site boundaries without the prior written approval of the Local Planning Authority;

Reason: In order to safeguard the ecological interests at the site, the night-time rural environment, road safety and visual amenity.

- 16) Notwithstanding Drawing number 14528/01 'Proposed Drainage Strategy' prior to the development commencing above slab level, an updated drainage strategy plan shall be submitted that shows the site layout hereby approved and which demonstrates that pollutant discharge into the adjacent stream will be prevented. The strategy shall also provide details of existing and proposed run off rates no including key assumptions regarding impermeable areas, existing rates, greenfield run off rates together with supporting calculations to demonstrate the drainage system's operation.

Reason: To ensure that the principles of sustainable drainage are incorporated into the development and prevent potential flooding in the area.

- 17) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details;

Reason: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. The Environment Agency recommend that where soil contamination is present, a risk assessment is carried out in accordance with EA's guidance 'Piling into Contaminated Sites'. EA will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

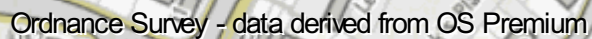
- 18) Notwithstanding the drawings hereby approved, prior to the development proceeding above slab level, a scheme for the front boundary treatment shall be submitted to and approved by the LPA. The scheme shall detail a type of boundary treatment that is appropriate to this rural setting and which integrates with the submitted landscaping scheme.

Reason: In order to protect the character and appearance of this sensitive countryside setting.

INFORMATIVES

- 1) CIL
- 2) The applicant is encouraged to pursue a scheme to remove the layby hardstanding and, together with the wider highway frontage, to explore options for its meadow planting. Kent Highways and Transportation advise that the modifications proposed to the existing access to Ashford Road (A20) and the removal of an area of hard standing to the site frontage (east of the access) and reinstatement of the highway verge will require the applicant to enter into a S278 agreement with Kent Highways and Transportation.
- 3) The grant of planning permission does not convey any approval for alterations to the existing vehicular access, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council – Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

Case Officer: Austin Mackie



REPORT SUMMARY

REFERENCE NO - 20/501240/FULL		
APPLICATION PROPOSAL Creation of 17no. two, three, four and five bedroom dwellings with associated roads, car parking and landscaping.		
ADDRESS Gibbs Hill Farm, Grigg Lane Headcorn TN27 9LY		
RECOMMENDATION – APPROVE WITH CONDITIONS		
<p>SUMMARY OF REASONS FOR RECOMMENDATION</p> <p>Whilst the site is outside the settlement boundaries and thus in the countryside, it abuts the village and is not within visually sensitive “open” countryside. The site is considered to be well contained from a landscape perspective. It is located well in connection with the grain of the village and its facilities. The applicant is currently on-site adjacent developing out site allocation H1(38).</p> <p>The site is part previously developed land (PDL) under the NPPF definition in that part of the site is a residential dwelling and its curtilage in the countryside. The remainder contains some substantial former agricultural buildings. Following the designation of the adjacent farmland under policy H1(38), these buildings are no longer associated with an adjacent agricultural holding.</p> <p>There is a requirement in the Local Plan for a windfall sites contribution of 1,650 dwellings between 2011-2031 and under the new NPPF definition this now includes all sites not identified through the Local Plan, rather than just brownfield sites.</p> <p>Policies DM1 and DM30 are complied with in terms of design/layout and residential amenities and with planning conditions other potential harm can mitigated.</p> <p>The additional units will form an extension of the adjacent development and will benefit from the large areas of open space that are being delivered.</p> <p>For these reasons, it is considered that meeting a need and the lack of additional countryside or landscape harm, taken together are considered to outweigh the harm due to its location outside the settlement boundary and there is hence a justification for the departure from the development plan.</p>		
<p>REASON FOR REFERRAL TO COMMITTEE</p> <p>Contrary to the Development Plan on account of being located in the designated countryside and part of the site is not PDL.</p> <p>Called in to Planning Committee by Headcorn Parish Council.</p>		
WARD Headcorn	PARISH/TOWN COUNCIL Headcorn	APPLICANT Persimmon Homes South East AGENT
DECISION DUE DATE 30/10/20	PUBLICITY EXPIRY DATE 23/09/20	OFFICER SITE VISIT DATE 29/04/20

RELEVANT PLANNING HISTORY

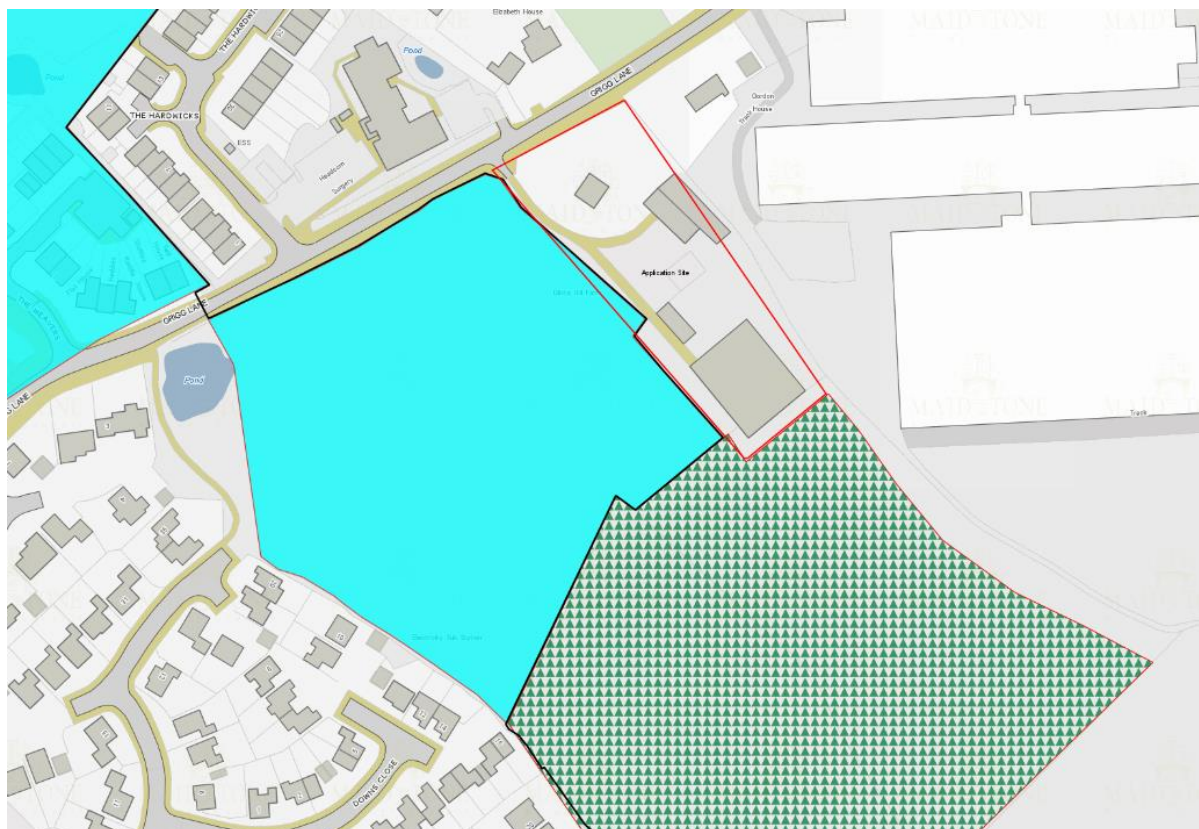
19/502899/PAMEET – Pre-Application Meeting – Redevelopment of site to provide 17 dwellings

16/507035/FULL (adjacent site) - Creation of 55 houses and associated roads, car parking, landscaping, vehicle access from Grigg Lane and a new area of public open space – Application Permitted

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site abuts the eastern edge of Headcorn village, fronting onto Grigg Lane. For the purposes of the development plan, the proposal site is located in the countryside adjacent to housing allocation policy H1(38), currently undergoing development, and open space allocation policy OS(11). The site is currently part residential (the farmhouse previously associated with what is now H1(38), as well as agricultural grazing land with a number of barns for Gibbs Hill Farm. The site area covers some 0.48ha.
- 1.02 To the east/north-east is a large nursery complex containing substantial greenhouses, warehouses and other operational buildings, plus a small business estate and dwellings fronting Grigg Lane. To the north/north-west is the urban area that extends past the application site, with the cul-de-sac 'Hardwicks' and the doctors surgery (across the road), to the south-west a housing estate and to the south-east is agricultural land and the River Sherway, some 255m away (which is designated as a Local Wildlife Site). There are no significant land level changes on the site and the site lies within Flood Zone 1 (lowest probability of flooding). The River Beult (a Site of Special Scientific Interest) is located approximately 1km to the south of the proposal site, on the other side of Smarden Road and the railway line. For the purposes of the Local Plan, the site also falls within a Landscape of Local Value.



(Image 1: Housing allocation H1(38), Open Space Allocation OS(11) and application site)

2.0 PROPOSAL

- 2.01 The proposal is for the erection of 17 houses with a new access to be created from the estate under construction to the west which leads on to Grigg Lane. The proposal also includes the provision of 40% affordable housing, as discussed later on in this report.
- 2.02 All houses will be 2-storey in height and in general terms there would be 5 traditional designs of houses making use of a common palette of external materials, including: red and buff facing brick and contrasting brickwork; smooth and profiled red tiles and Redland Cambrian slate tiles, hanging tiles, and white weatherboarding. The layout splits the houses into 3 general blocks, off of spurs from the adjacent site road network. In general terms, whilst set back from Grigg Lane, the properties to the front of the site will face the road and there would be development fronting towards the allocated open space and the extant permission site immediately adjacent to this application site. The trees within the site (including boundary trees) are protected and will be retained, with further landscaping proposed.
- 2.03 The vehicle access would use the existing access to the site to the west, currently under construction which is some 40m to the east of the junction of Grigg Lane and The Hardwicks. Pedestrians would be able to access the site from here and at a point at the north-western corner of the adjacent site (again onto Grigg Lane).

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SS1, SP5, SP7, SP17, SP19, SP20, H1(38), DM1, DM5, DM12, DM21, DM23 and DM30
Supplementary Planning Documents

4.0 LOCAL REPRESENTATIONS

- 4.1 **Local Residents:** 6 representations received raising the following main (summarised) points:
- Excessive development already in the area putting increased pressure on local amenities and traffic on Grigg Lane
 - Increased pressure on local infrastructure
 - Flood risk to the surrounding area
 - Lack of footpath to the front of the site for walkers
 - Need for the site for additional parking for the GP Surgery opposite the site
 - Traffic measures are needed at the junction of Oak Lane and Wheeler Street
 - Lack of need for more residential in the village

5.0 CONSULTATIONS

- 5.01 Headcorn Parish Council: Wish to see the application refused and reported to Planning Committee (comments summarised below):
- Site represents brownfield which is supported in the MBC Local Plan and NPPF for residential development but there is no need in the short to medium term for housing in Headcorn.
 - Adopted Local Plan gave Headcorn a requirement of 423 new dwellings to 2031 but since 2015 there have been 552 consented dwellings with circa 270 of these either being constructed or yet to be constructed.

- Even with 40% increase in housing requirement, this would take Headcorn's allocation to 592 dwellings and this would require just 40 new dwellings to 2031.
- Current housing allocation in Headcorn already supports the overall aim of the NPPF.

- 5.02 KCC Biodiversity – No objection, subject to conditions
- 5.03 KCC Drainage – No objection, subject to conditions
- 5.04 KCC Highways – No objection, subject to conditions
- 5.05 MBC Landscape – No objection, subject to conditions
- 5.06 Southern Water – Requires formal application to connect to the public sewer
- 5.07 Environment Agency – No comments
- 5.08 MBC Environmental Health – No objection, subject to conditions and informatives
- 5.09 KCC Archaeology – No objection, subject to condition
- 5.10 Kent Police – Applicant should refer to Secure by Design Guidance
- 5.11 MBC Housing – Raise no objection
- 5.12 Headcorn Aerodrome – Wish to make aware that the site is in vicinity of Headcorn Aerodrome

6.0 APPRAISAL

- 6.01 The Main issues for consideration are:

- Principle of Development
- Landscape and Visual Impact
- Highways and Access
- Ecology
- Flood Risk and Drainage
- Residential Amenity
- Affordable Housing and Infrastructure
- Other Matters

Principle of Development

- 6.02 Policy SS1 of the MBLP is the spatial strategy for development and states that protection will be given to the rural character of the Borough. The main part of the site lies outside but abutting the development boundary for Headcorn which is a Rural Service Centre, subject to policies SP5 and SP7 in the MBLP. The site itself is split between the residential property and its curtilage and agricultural barns and a small grazing area. The NPPF defines previously developed land as '*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed)*' and does not exclude residential gardens in the countryside. The applicant considers that 0.2ha of the 0.488ha site should be considered to be PDL due to the farmhouse and its curtilage.
- 6.03 As detailed above, the site context includes recently completed development to the north west and the site under construction to the west, with residential and

commercial buildings along Grigg Lane to the east. The open land to the south will form part of the open space being delivered by the adjacent scheme and will include play and sport facilities. The site is nevertheless within the countryside area in policy terms. Such an area is subject to, as a starting point, policy SP17 which restricts development as a whole, requires compliance with the wider plan policies and requires that development does not harm the character and appearance of the countryside.

6.04 With regard to the existing residential property and its curtilage, policy DM5 supports the development of brownfield land stating that the relevant considerations will include:

- whether the site is of a high environmental value
- the density of new housing proposals should reflect the character and appearance of the locality, and is consistent with policy DM12

6.05 DM5(2) states that:

'Exceptionally, the residential redevelopment of brownfield sites in the countryside which meet the above criteria will be permitted provided the redevelopment will also result in a significant environmental improvement and the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.'

6.06 With regard to the PDL part of the site, the principle for the development for this part of the site is acceptable, subject to compliance with the specific criteria as set out under policy DM5, as well as other adopted Plan policies and national guidance.

6.07 A further area of land to the south of the site is included in the application, amounting to 0.288ha in area. As outlined above, policy SS1 sets out the settlement strategy for the Borough and policy SP17 sets out that development proposals in the countryside will not be permitted unless they accord with other policies in this plan and will not result in harm to the character and appearance of the area.

6.08 As such, whilst part of the application site which falls within PDL, policy DM5 of the Local Plan and is in principle acceptable, the development proposed extends beyond this in to an area which contains non-residential buildings and it therefore needs to be assessed in the light of national and local policy as a whole.

Housing Supply

6.09 The Local Plan target requires the Council to deliver 1,650 dwellings through windfall housing sites, which equates to the delivery of 82.5 dwellings through windfall per year. Therefore the delivery of 17 additional dwellings would contribute in the short term to the delivery of the windfall sites required by the Local Plan. The applicant anticipates that the 17 dwellings would be completed in April 2022.

Landscape & Visual Impact

Landscape and Countryside

6.10 Due to the extensive developments on either side, the main view of the proposal would be from Grigg Lane when immediately passing the site. The established tree/hedge line fronting the road is to be retained and would provide screening and softening of the scheme. Some views may also be possible from Sharp's Field and Downs Close to the west of the site, between houses and at the end of these cul-de-sacs, however these views will in future be broken by the extant residential

development currently under construction on the allocated site. Therefrom such views the site would be viewed in the context of significant built development immediately to the west and north of the site that makes up Headcorn village, plus the commercial complex to the NE. It is also worth noting that when viewed from the future open space to the south, the view is of large barn structures abutting the boundary and no sense of openness would be lost as a result of this development.

- 6.11 Potential glimpses of the site may also be possible from Grigg Lane, when approaching the site from the north east, although existing built development (including the neighbouring substantially sized greenhouses) and established tree/hedge lines would again provide good screening. In addition, the current view of the site from Grigg Lane is of the existing farmhouse which is of no architectural value and of the large barns that are in a state of disrepair and distract somewhat from the character of the surrounding area. Whilst glimpses may also be possible from Smarden Road, the topography of the land, existing boundary planting and built development, and the more than 350m separation distance between the proposal and this road, would ensure that views here would not be unacceptably harmful. So whilst the proposal would inevitably result in a visual and character change from its current state, it is evident that given the existing containment of development surrounding the site, the proposal's impact would be mainly limited to short range views. It is therefore considered that the development would not appear visually harmful or dominant from any public vantage point and it is not considered to result in any significant protrusion beyond the current settlement.

- 6.12 Thus it is considered that the character and appearance of the surrounding landscape would not be harmed.

Density/scale

- 6.13 The density of housing would be at an average density of 35 dwellings per hectare, which is similar to the density on the adjacent allocated site of 31 dwellings per hectare but higher than the guideline of 30 dwellings per hectare under policy DM12. Although the density is higher than the policy guideline, it is important to consider the overall design, layout and potential visual impact of the proposal when assessing whether the density of a proposal is acceptable.

Layout

- 6.14 The layout splits the houses into 3 general groups, with each part accessed as an extension to the existing site to the west. Whilst set back from Grigg Lane, there would be houses facing onto this road, houses would also face onto the allocated open space and the existing estate currently under construction to the west of the site.
- 6.15 The proposal would retain existing natural features of the site, including the boundary trees/hedging, as well as providing further landscape and ecology enhancements within the allocated open space, along the eastern boundary of the site and within the proposal site. There is an existing landscape buffer along the eastern boundary, but this landscaping would be retained and enhanced by this proposal providing additional screening from the adjacent countryside.
- 6.16 The proposed houses would be set back from Grigg Lane to the north of the site, allowing for areas of soft landscaping and attractive streetscenes throughout and parking areas are positioned to the side of houses in tandem (including car barns), reducing the level of hardstanding. There is a good amount of landscaping throughout the site and the use of appropriate boundary treatments would further enrich the landscape.

- 6.17 The house types, the use of an appropriate palette of materials and landscaping also helps to integrate this development with the surrounding area. The site extends the allocated site to the east and follows the natural boundaries of the site. Overall, it is concluded that the layout is of good quality, retains important landscape features and provides environmental improvement as required by policy DM5.

Appearance/Materials

- 6.18 There would be a mix of detached and semi-detached houses that would be of a traditional form with gable-end roofs and pitched canopies over front doors. A common palette of external materials is proposed, including red and buff facing brick, smooth and profiled red clay tiles, Redland Cambrian slate tiles, hanging tiles, and white weatherboarding. There would also be elements of contrasting brick detailing around windows and brick bands around the houses themselves. The house style and materials are similar to those used on the adjacent permitted site.
- 6.19 It is considered that the traditional design of the buildings would be appropriate for this location, the materials draw on aspects of local vernacular, the buildings would have sufficient detailing and use varied materials that would provide an acceptable appearance. Hard surfacing would include asphalt for the pavements and for the stretches of road at the entrance, whilst the remaining areas of road would be of 2 contrasting colours of block paving. Private driveways would be a mix of asphalt and block paving. This would provide good variation, and an appropriate condition would ensure the quality of the materials to be used.

Boundary Treatments

- 6.20 Hard boundary treatments within the site would be of brick walling. The timber boundary fencing to the rear gardens on the eastern and western sides would not appear visually dominant from any public vantage point. The northern and southern edges of the housing remain open and naturally defined by existing planting (that is also to be enhanced in places). As outlined previously, established planting will be retained and strengthened and there would be landscaped front gardens and new street trees. It is considered that the boundary details would provide a good quality environment.

Conclusion

- 6.21 In summary, it is considered that there would be no harmful impact upon the character and appearance of the countryside. The design of the development is of a good standard. The proposal would remove existing barns that dominate the site and have fallen in to disrepair. The proposal will retain and enhance hedges and trees along the eastern boundary of the site in order to screen new housing from the adjacent open countryside, there is permeability throughout the site and the wider area, the layout works with the existing landscape features, strong streetscenes would be created with buildings addressing roads and corners, and appropriate landscaping and boundary treatments will be secured by condition. Furthermore, buildings are of a traditional design, reflecting the character of the area, and the varied quality building and hard surfacing details will also be secured by condition. In terms of design the proposal is considered to be in accordance with policies DM1, DM30 and the density of development is considered to be acceptable when taking all of these matters into account.

Highways

Access

- 6.22 Access to the site is proposed via the access approved as part of the lawful (*extant*) consent for the adjacent site, which is also being developed by the developers Persimmon. This access benefits from visibility sights of 2.4 by 45 meters, which is consistent with a design speed of 30 miles per hour and the posted speed limit of Grigg Lane. No objection is raised by KCC Highways with regard to the proposed access arrangements on to Grigg Lane.

Pedestrian

- 6.23 In order to provide onward pedestrian connections with the adjacent extant development, which has provision for onward connections to Headcorn village centre via the existing footways on Grigg Lane and Sharps Field, a mixture of shared spaces and new footways are proposed. A shared surface environment is proposed in the north of the site serving plots 3-5, with the remaining plots (*plots 6-17*) to be served via a dedicated footway which will connect with the footways provided within the wider site layout. The shared spaces are to serve a limited number of dwellings and their use is therefore acceptable in this instance to KCC Highways.

Sustainable Transport

- 6.24 Analysis of facilities within the maximum recommended walking distances (*Guidelines for Providing for Journeys on Foot, Institute for Highways and Transportation, 2000*) has been undertaken by the applicant. This analysis identifies that a number of facilities *i.e. Headcorn railway station, Headcorn Primary School and the shops on Headcorn high street* are within the maximum recommended walking distance of 1.2 kilometres. It is accepted that these facilities can be accessed via sustainable modes using the existing pedestrian network within the immediate vicinity of the site.
- 6.25 As highlighted by the applicant the site is also within the maximum recommended acceptable walking distance of Headcorn railway station which provides a regular train service to both local and regional destinations at regular intervals, with an increased frequency of services at peak hours.

Traffic Impact

- 6.26 Trip rates from the Transport Assessment (*TA*) approved as part of the adjacent site have been used by the applicant to identify how much traffic the proposals are anticipated to generate during the AM peak (*08:00-09:00*), PM peak (*17:00-18:00*) and across a 12 hour daily period. These rates have then been multiplied by the 17 dwellings that permission is being sought for. This analysis confirms that the proposal could be expected to generate a limited number of additional vehicular movements (*1 vehicle every 5 minutes*). KCC Highways do not consider that this level of additional traffic could be reasonably described as '*significant*.'
- 6.27 In terms of impact on the local road network, KCC Highways is of the view that given the limited amount of additional traffic the proposals are forecast to generate, it is not considered that the traffic impact could be reasonably described as '*severe*.' It is also noted that the signalised junction improvement scheme on the A274, Maidstone at its junction with Mote Road and Kings Road has now been implemented to mitigate the impact of the additional traffic at this junction. No objection is raised by KCC Highways due to the likely impact of the proposal on the local highway network.

Parking

- 6.28 The applicant has proposed to provide 40 car parking spaces, inclusive of 6 visitor parking spaces. The proposal is in accordance with Policy DM23 in providing the required allocated and visitor parking spaces. It should be noted that a number of these spaces are tandem parking, whilst the Local Plan requires spaces to be independently accessible. However, the proposed layout reduces the amount of hardstanding and parking spaces that would be visible from within the site, and on this occasion tandem parking is considered to be acceptable. In terms of cycle parking, this is in accordance with KCC Highways requirements for the number and size of the dwellings proposed.
- 6.29 In summary, no objection is raised by KCC Highways with regard to highways safety or traffic impacts. The site is located in a sustainable location with good access for pedestrians and cyclists to local facilities within the Rural Service Centre of Headcorn and to Headcorn Railway station. The proposal is also policy compliant for parking and cycle parking spaces.

Ecology

- 6.30 The application is accompanied by an Ecological Appraisal which details the following:
- Unlikely that bats roost on site and low to moderate levels of commuting/foraging activity was recorded.
 - Unlikely that Great Crested Newts utilise the site but a condition is required prior to commencement of works.
 - Breeding birds habitat are present on and around the site KCC Ecology has requested the applicant be made aware of the Wildlife and Countryside Act 1981.
- 6.31 As identified above, KCC Ecology are satisfied that adequate survey work has been undertaken to assess the potential impact upon protected and other species, subject to conditions. In terms of ecological enhancements, these are proposed in the form of bird boxes, bat bricks, bee bricks on the residential properties, along the boundaries of the site and in the open space to the south of the site.

Flood Risk/surface water drainage

- 6.32 The Environment Agency (EA) has raised no objection to the proposal in terms of flood risk, as the site lies within Flood Zone 1 (Low Probability Flood). In terms of surface water run-off, the lead local flood authority raises no objection to the proposed surface water drainage strategy submitted for this application and has recommended conditions for a detailed sustainable surface water drainage scheme and full details of its implementation, maintenance and management, which will be duly imposed. Foul drainage will be through the main sewer with a formal application required to Southern Water

Residential Amenity

- 6.33 The proposal is considered to provide acceptable living conditions for future occupants of the site. Given the separation distances between the new houses and those existing properties to the west of the site, no objection is raised in terms of the proposal's impact upon the amenity of local residents (including loss of light, outlook, privacy and general noise and disturbance). The proposal is also considered to not have an adverse impact upon the living conditions of any other local resident in the area. A condition will also be imposed to ensure that any new external lighting would not adversely harm the amenity of future and existing residents in the area.

Affordable Housing and Infrastructure

- 6.34 Policy SP20 requires the delivery of 40% affordable housing in this location, which equates to 7 units. The applicant is proposing 5 of the units to be social rent with the remaining 2 to be shared ownership. This provision is considered to be policy compliant and the Council's Housing Department raises no objection.
- 6.35 The planning application will be subject to CIL, which will cover the majority of the scheme's net contributions to local infrastructure. There are no projects included with the Regulation 123 list (July 2019) for funding through S106 for which this development could contribute. Affordable housing delivery will be secured through the S106 agreement.

Other Matters

- 6.36 The Environmental Protection Team states that the proposal does not warrant an air quality assessment due to the scale of the proposal and its location. However, a condition should be included for electric vehicle charging points. The application is supported by a contamination assessment that concludes that there are no significant containment linkages, but due to the agricultural use of the site they recommend a contaminated land condition. The Environmental Protection Team raises no objection to the proposal.
- 6.37 The proposal site is classified as grade 3 agricultural land under the Agricultural Land Classification Survey of Potential Development Sites in Maidstone Borough (Appendix 2: 21st Nov 2014), and therefore not considered to be best and most versatile agricultural land.
- 6.38 Kent Police have made suggestions in terms of achieving Secured By Design (SBD), but such matters can be dealt with under any application made by the applicant for SBD.
- 6.39 The main concerns raised by local residents and the Parish Council have been addressed in the main body of this report. It should be noted that a pedestrian access from the eastern boundary off Grigg Lane is not for consideration and any further access would lead to the loss of part of the TPO protected trees which screen the site from viewpoints to the north from Grigg Lane.

7.0 CONCLUSION

- 7.01 The proposal would provide an acceptable design and layout for its edge of village location, the access is considered acceptable and highways, transportation and utility infrastructure issues have been addressed. The site is already covered by significant built structures. The proposal would not result in harm to the landscape and countryside due its existing screening and it being viewed as part of the built development for the adjacent extant permission. The development would be on part PDL land and would provide a significant contribution to the windfall requirement under the adopted Maidstone Local Plan 2017.

8.0 RECOMMENDATION

- 8.01 Subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, 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

- Provision of 40% affordable residential units within the application site, of which 5 units will be affordable rented/social rented and 2 units will be of intermediate tenures.

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) Development shall not begin in any phase 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 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.

- (3) 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 and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of 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.

- (4) The development shall be carried out in accordance with the materials shown on drawing no. 658-PL-103 Rev C or in accordance with any alternative scheme that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition;

Reason: To ensure a satisfactory appearance to the development.

- (5) No development above damp proof course level shall take place until details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long term management, have been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include:

- a) Native mixed hedgerow interspersed with native trees along the entire eastern boundary of the site
- b) reinforcement of front (northern boundary with native planting;

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a good quality of design.

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

Reason: To ensure a good quality appearance and landscaped setting to the development.

- (7) The development hereby approved shall be carried out in accordance with the recommendations and the tree protection details, as set out in the submitted Arboricultural Method Statement (Ref: 5375/19-03 Rev -)Dated 3rd November 2019 and Arboricultural Impact Assessment (Ref: 5375/19-02 Rev -) Dated 3rd November 2019);

Reason: To ensure long term retention of trees protected by a Tree Preservation

Order (5007/2017/TPO).

- (8) Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

- i 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
- ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, 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.

- (9) The development hereby approved shall not commence (including site clearance) until details of precautionary mitigation measures for Great Crested Newts (GCN) has been submitted to and approved in writing by the local planning authority. The agreed details will be strictly adhered to thereafter.

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

- (10) Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

Reason: In the interests of visual amenity and ecological interest.

- (11) The development hereby permitted shall not be commenced 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 protecting the health of future occupants from any below ground pollutants.

- (12) No development above slab level shall take place until details of plots where electric vehicle charging points are to be installed have been submitted to and approved in writing by the Local Planning Authority. The approved plots shall not be occupied until a minimum of one electric vehicle charging point has been installed on each property, and shall thereafter be retained for that purpose.

Reason: In the interests of pollution control.

- (13) The development shall be carried out in accordance with Recommend Ecological Enhancements (September 2020) or in accordance with any alternative scheme that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition. Any alternative ecological enhancement strategy shall details what integrated enhancements are going to be implemented and where and how, shall be submitted to and approved in writing by the local planning authority and shall include the following:

- Bird Boxes
- Sparrow terraces
- Swift boxes or bricks
- Bat tubes
- Bee bricks
- 2 no. additional hibernacula within the tussocky grassland and tree line for the southern boundary of the adjacent open space site

Reason: In the interests of biodiversity enhancement.

- (14) The vehicle parking spaces, and car barns, and cycle storage provision, and vehicle loading/unloading and turning facilities shown on the submitted plans shall be permanently retained for parking and turning and shall not be used for any other purpose;

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

- (15) No external meter cupboards, vents, or flues shall be installed on any external elevation fronting a highway without the prior agreement in writing of the Local Planning Authority.

Reason: To secure a high standard of design.

- (16) The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

0191/19/B/7C – Landscape Planting Plan
0191/19/B/6A – Phase 2 Landscape Strategy
658-PL-160 – Street Scene
658-PL-200-AN – Alnwick A – Floor Plan and Elevation

658-PL-210-HT - Hatfield A - Floor Plan and Elevation
658-PL-211-HT- Hatfield B – Floor Plan and Elevation
658-PL-220-CF – Corfe A – Floor Plan and Elevation
658-PL-230-CD – Chedworth A – Floor Plan and Elevation
658-PL-231-CD – Chedworth B – Floor Plan and Elevation
658-PL-240-CL Rev A – Clayton A – Floor Plan and Elevation
658-PL-250-CH – Chester A – Floor Plan and Elevation
658-PL-109 – Existing Site Location Plan
658-PL-100 Rev E – Planning Layout Phase 2
658-PL-101 Rev D – Coloured Layout Phase 2
658-PL-102 Rev D – Masterplan Phase 2
658-PL-103 Rev D – Material Plan Phase 2
658-PL-104 Rev D – Building Mix Phase 2
658-PL-106 Rev D– Parking Plan Phase 2
658-PL-107 Rev D – Refuse Plan Phase 2
658-PL-108 Rev D – Boundary Treatment/Hard Standing Phase 2
658-PL-161 Site Sections – Phase 2

Reason: To ensure a good quality appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

INFORMATIVES

- (1)The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are present on the application site and are assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.
- (2)Applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW or www.southernwater.co.uk, in order to progress the required infrastructure

Case Officer: Adam Reynolds

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



20/502916/FULL - Chegworth Mill Farm, Chegworth Road, Harrietsham, Maidstone, Kent, ME17 1DD

Scale: 1:1250

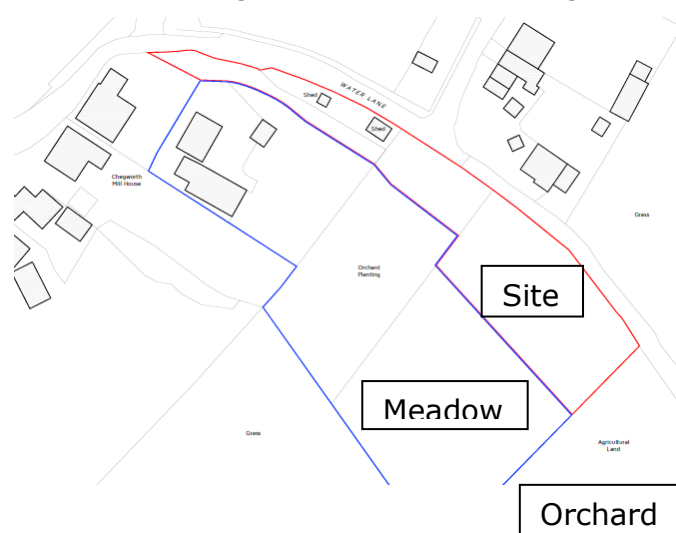
Printed on: 15/9/2020 at 10:17 AM by JoannaW

REFERENCE NO - 20/502916/FULL		
APPLICATION PROPOSAL Section 73A application for retrospective planning permission for use of land as a glamping site, comprising 3no. seasonal tents with associated shower facilities and parking.		
ADDRESS Chegworth Mill Farm, Chegworth Road, Harrietsham, ME17 1DD		
RECOMMENDATION Grant retrospective planning permission subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION The principle of rural tourism is supported in both the Local Plan and the NPPF, subject to considerations including landscape impacts, neighbouring amenity, ecology and traffic implications. The proposal is small in scale with just three tents and associated amenities. The tents and amenities are discretely located away from immediate boundaries with neighbours although further mitigation, including a definition of accessible areas for campers and visual screening are recommended in order to protect the amenities of neighbours to the north west of the site.		
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of Ulcombe Parish Council.		
WARD Headcorn	PARISH/TOWN COUNCIL Ulcombe	APPLICANT Mr Pink AGENT DHA Planning
TARGET DECISION DATE 28/10/20	PUBLICITY EXPIRY DATE 06/08/20	

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site comprises small area of open land (0.17ha) on the fringe of the hamlet of Chegworth. It forms part of a wider land holding owned by the Applicant that extends to 0.7ha (see plan below).
- 1.02 The site is broadly crescent shaped and shares a gated access off Water Lane with the Applicant's own house, then stretches up the hill, along the boundary with the Lane, which is marked by a tall mature hedge. To the south is a large fruit orchard

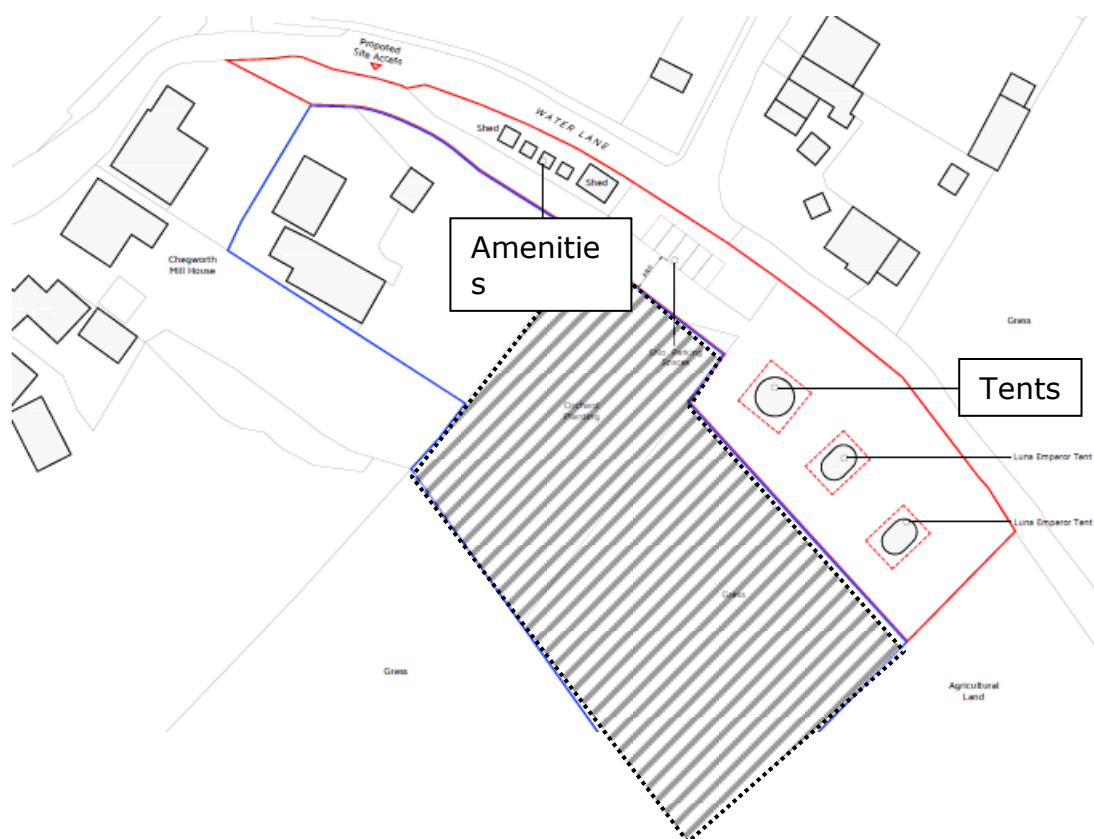


and to the south west a grass meadow. The area between the meadow and the residential boundaries is marked as 'orchard planting' on the OS plan above, but on the site inspection appeared as an open partly grassed area.

- 1.03 A number of residential properties lie to the north west, three of which are grade II listed and centred around the former Mill. The River Len runs through the hamlet and north of Water Lane lies within the Mill Meadows Local Wildlife Site.
- 1.04 To the east of the site across Water Lane are further residential cottages

2. PROPOSAL

- 2.01 The application is retrospective, in that the use is active and the tents and associated amenity buildings were in use during the summer. There are three tents of a typical canvass style, capable of accommodating 4-6 persons. They are sited on permanent bases, but the tents are designed to be removed out of season. The tents are sited on the wider south eastern part of the site. In addition to the tents, there are three shower units, circa 2m square, one for each tent, which are sited within timber garden buildings with green profile metal roofs.
- 2.02 Adjacent to the shower units is a communal space for campers (fridge/food prep etc) and a storage unit for the operators. These are again within timber 'shed' style buildings.
- 2.03 The submitted plan shows a parking area between the amenity area and the tents themselves. At the time of the site visit this had not been implemented and web pictures appear to show cars parked adjacent to the tents.
- 2.04 At the time of the site visit there appeared to be no clear boundary separation between the camping area and the meadow / lawned area shown hatched below and as such, campers, could easily access this area (see representataions below).



3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017, Policies:

- SP17 – The Countryside
- SP18/DM4 – Heritage Considerations
- SP21 Economic Development
- DM1 – Design Principles,
- DM3 – Natural Environment,
- DM30 – Countryside Design Principles
- DM38 – Holiday Camp Sites

National Planning Policy Framework (NPPF) 2019

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 One neighbour, which appears to share a boundary with land owned by the applicant, but not the red line boundary itself (see assessment below) has submitted a series of comments, which centre upon the following concerns:
- Overlooking of their house and garden by campsite users approaching the boundary.
 - The associated loss of privacy and concerns regarding potential security risks
 - Noise and disturbance, including evenings, from campers
 - Poor / out of keeping signage
 - Increased traffic through the hamlet
- 4.02 One neighbour has submitted comments that appear to support the application. However, as they have asked that their comments remain confidential and not published on the portal, these cannot be considered by Officers or Members. I can confirm that they have not been read through and have therefore not in any way influenced the assessment of the scheme.

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)

Ulcombe Parish Council

- 5.01 The PC has submitted a lengthy objection which makes the following points:
- Inappropriate use in a quiet hamlet
 - Loss of neighbouring amenity
 - Additional traffic generation
 - Impact on the setting of the listed buildings
 - The use does not make a positive contribution to the hamlet
 - The use is visible and intrusive
 - Impacts of noise and light cannot be adequately mitigated
 - Adverse landscape impacts
 - This is not a local plan site allocation

- The ecological impacts have not been adequately assessed.

Kent Police

- 5.02 Recommend an assessment of the boundaries and if necessary their reinforcement to protect neighbours.

MBC Environmental Protection

- 5.03 Recommend approval subject to the submission of a noise management plan

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Principle of Development
- Landscape and Ecology
- Residential Amenity
- Access
- Heritage

Principle Of Development

- 6.02 Policy SP17 states that development will only be permitted in the countryside where it accords with other policies in the Plan. Both the NPPF (83) and the Local Plan offer support to rural enterprise, including tourism uses. Policies SP21 and DM38 of the Local Plan state that rural enterprise such holiday tents outside settlement boundaries will be permitted where they are of an appropriate scale, unobtrusively located, do not affect neighbouring amenity and are well screened by native planting.
- 6.03 In response, the accommodation, which is limited to three tents and associated amenities, is set well back from the access to Water Lane and the historic heart of the hamlet. Whilst Water Lane runs alongside the site boundary, the site is well screened by a mature hedgerow which sits high above the road surface. A PRoW, KH343, approaches the hamlet from the northeast, terminating at Water Lane, however, there are no significant views of the site, which is screened by existing cottages and mature planting.
- 6.04 Landscape impacts are considered in further detail below.
- 6.05 The applicant has demonstrated that they interact with a range of local attractions and amenities, directing guests to or booking them into a range of nearby attraction, pubs, restaurants etc. Whilst the net economic benefit of guests spending within the area is limited due to the small scale of the use, the interaction with other local business will nevertheless provide a positive economic benefit.

Landscape & Ecology

- 6.06 The application site is located within the wider Len Valley Landscape Character Area, where development should seek to conserve the river valley's landscape importance.

- 6.07 It is a core expectation of the Local Plan that development will not adversely impact upon the character and appearance of the countryside. Policy DM1 requires development to respond to local character and protect local biodiversity, whilst DM3 seeks to protect areas of positive landscape character. DM30 states that outside settlement boundaries, the Council will expect development to ensure that the 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. It also requires that any adverse impacts on the appearance and character of the landscape are appropriately mitigated.
- 6.08 The site's wider setting includes the hamlet to the east /north east, extensive orchards and beyond them poly tunnels to the south east. The River Len valley enters the Hamlet from the north, through the wildlife area and exits in the valley to the west. Longer distance visual connections to the north are truncated by the M20; although the Downs are visible in some glimpses.
- 6.09 The application site is screened to the east by the mature hedgerow lining Water Lane and to the south by extensive modern orchards. There are open views to the west along the valley, but these are from farmland and are framed by the Orchards. There are no public vantage points to the west, such that, in effect the site enjoys the westward valley views, but does not impact upon views from within them. Similarly, the site enjoys distant views of the Downs to the north, but due to the M20 and extended woodland to the south of the motorway, the site does not interrupt longer N-S views.
- 6.10 Visual interaction between the site and dwellings in the hamlet is principally limited to views from gardens and some rear windows towards the upper parts of the site, which are again set against the orchard and existing hedgerows.
- 6.11 The ProW to the east does not enjoy views across the site, so its enjoyment is not affected.
- 6.12 It is therefore considered that the site is discretely located, the accommodation is sited and scaled such that it will not adversely affect significant views of, or the character of the surrounding countryside.
- 6.13 In addition to the policies above, DM3 expects development to respect or conserve the Borough's natural heritage. In the context of this site, this expectation extends not only to the site, but also to assess whether, it respects the quality and ecological function of the River Len.
- 6.14 The application is accompanied by an ecological impact assessment, which was informed by a phase 1 habitat survey and bat roost survey. The assessment identifies the site as containing the following habitats characteristics; parkland and scattered tree, semi improved but poor grassland, native species rich hedgerow and limited areas of tall ruderal.
- 6.15 The assessment concludes that as the application site itself is regularly mown, the value of the habitat was limited, with the principal benefits being site boundaries and adjacent areas within the applicant's control which possess the potential for improvement. The assessment therefore concludes that the establishment of the use itself will have had limited impact upon existing ecology, but that opportunities exist for mitigating longer term impacts, together with enhancement measures.
- 6.16 Mitigation measures, to ensure that the continued operation does not adversely impact on the site's role within the wider area include:
- Avoiding unnecessary artificial lighting and limiting fires
 - Avoiding the unnecessary clearance of features such as wood piles

- Sensitive and timely management of hedgerows and adjacent meadow
- 6.17 Enhancement works are recommended, principally, the creation of new native hedgerow habitat around the applicant's wider site boundaries.
- 6.18 In addition to the above, Officers consider that some tree planting could be incorporated at targeted sections of the hedgerow to further enhance its ecological and screening role.
- 6.19 Having regard to the fact that the site attracts visitors due to its rural location, it is also considered that the site could incorporate educational elements for guests, including information packs regarding local landscape and ecology, examples of habitat that are where possible, interactive. This can be sought through condition.
- 6.20 Whilst the Mill Meadows Local Wildlife Site extends north of Water Lane, having regard to the separation and the small scale of development proposed, it is not considered that the proposals would cause harmful pressures on this area, but again, its location could inform any educational material that is prepared for guests.

Residential Amenity

- 6.21 Residential properties are sited to both the east and north west of the site. Those to the east are separated from the site by Water Lane and mature hedgerow. There is no significant visual interaction, but having regard to the dark skies quality of open countryside and the peaceful natures of the area (M20 background permitting) there could be adverse impact from artificial lighting and noise if not adequately mitigated.
- 6.22 The historic core of the hamlet to the north west contains a series of residential properties. The buildings themselves are located some distance from the glamping accommodation and benefit from mature substantial planting. At least one neighbour shares a common boundary, not with the glamping site itself, but the applicant's wider holding.
- 6.23 Representation suggest that there have been incidences of privacy and peace being affected. The former may be a result of guests walking through the meadow and adjacent areas owned by the applicant, which separate the defined glamping area from neighbours.
- 6.24 It is not within the scope of this application to prevent the landowner from allowing guests to walk their land and indeed, this could enhance the rural experience, particularly if it incorporates educational experiences. However, as this land is within the control of the applicant, we can require mitigation measures within it.
- 6.25 Policies DM1 and DM38 require development to respect neighbours and to avoid an unacceptable adverse impact on nearby properties. The area where the tents are located is on higher ground than the historic core of the hamlet, which may contribute to overlooking and noise transmission. Whilst the horizontal separation is significant it is therefore recommended that a number of conditions are imposed which serve to:
- Limit louder evening music
 - Limit artificial lighting
 - Require hedgerow planting to extend the buffer between accessible areas and the neighbours and to offer additional screening
 - Seek submission of a site management plan
 - Limiting the extent of the glamping season and limiting the use to short stay guest accommodation.

Access

- 6.26 Rural uses such as this inevitably require locations that are not necessarily sustainably located. However, having regard to the small scale of the use and its proximity to nearby attractions such as Leeds Castle, it is considered that the broad location provides good access to a range of nearby attractions and will therefore enable guests to make short distance local trips within the area.
- 6.27 Access to the site is from Water Lane, off Chegworth Road. Chegworth Road is a B-road which carries principally local traffic from the A20 southwards. The northern section of Water Lane principally serves the hamlet, plus a range of agricultural and commercial sites, plus a limited number of dwellings to the south east.
- 6.28 It is not considered that the very limited levels of traffic associated with a small scale use such as this would adversely affect the safety of other highway users or the amenity of neighbours.
- 6.29 Comments have been made regarding the adequacy of signage from Chegworth Road to the site. This is not a matter that can be controlled through this application, but an informative is suggested advising the applicant to further review whether the signage is adequate. Separate advertisement consent may be required subject to size and location.

Heritage

- 6.30 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.31 There are three listed buildings to the west of the site, namely Chegworth (Water) Mill, Chegworth Mill House and The Cottage; all grade II listed. These together with other listed buildings west of Chegworth Road appear to be principally focussed around the commercial activity that would have been associated with the Mill and the commercial connectivity to Chegworth Road / the Mill Pond focal point. Historic mapping does not appear to show any functional link between these buildings and the application site, which appears as an orchard and fields, with similar boundaries to those which exist today dating back to at least the 1890's.
- 6.32 Whilst visual relationships are not the sole determiner of setting, there is a strong natural screen to the aforementioned boundary such that the proposed use does not have any significant visual interaction with these heritage assets. It is noted that until recently, the Mill was used for tourist accommodation, a use that has enhanced appreciation of its heritage.
- 6.33 Having regard to the separation of the heritage assets from the application site, the proposal's low scale character and the absence of any clear functional, visual or historic link between them that would be in any way harmed; it is not considered that the proposal has any adverse impact upon the setting of these heritage assets.
- 6.34 There is therefore no conflict with Policies SP18 and DM4 of the Local Plan.

PUBLIC SECTOR EQUALITY DUTY

- 6.35 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 It is considered that the proposed use offers benefits in terms of rural tourism and is of a scale where, with appropriate conditions, its impact upon neighbours can be adequately controlled.
- 7.02 It is not considered that the use, by virtue of its small scale, would adversely affect the character and appearance of the countryside. The glamping tents themselves are designed to be removed during the seasons when not in use, whilst the more permanent amenity buildings are discretely located and small in scale.
- 7.03 Whilst a number of built heritage assets lie nearby, it is not considered that their setting is adversely affected by either the use and associated activities, or the structures themselves.
- 7.04 The proposed scheme of landscape and ecological mitigation provides the opportunity to deliver biodiversity benefits.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The camping pitches hereby approved shall be used solely for the purposes of short stay holiday accommodation and not as a permanent unit of accommodation. person's sole or main place of residence. The operators of the campsite shall maintain an up-to-date register of the names of all owners/occupiers of individual accommodation units on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority

Reason: The site and location is not suitable for the provision of residential accommodation and in order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.
- 2) The glamping tents hereby approved shall not be erected prior to the first day in March in any calendar year and shall be dismantled prior to the end of October in the same calendar year.

Reason: To prevent the establishment of permanent structures and to preserve the setting of the countryside.
- 3) Prior to the first opening following the grant of this permission, a scheme for the biodiversity enhancement of the site shall be submitted to and approved by the local planning authority. The scheme shall include the mitigation measures identified within the Ecological Impact Assessment submitted by PJC Consulting dated 18 June 2020. The scheme shall also include native hedgerow planting/enhancement and specimen trees between the glamping area and neighbouring properties to the north west, plus a scheme of educational related ecological enhancement measures and features within areas accessible to guests. The submission shall include an implementation and maintenance programme that secures implementation within the first available planting season.

Reason: To ensure that the adverse ecological impacts are avoided and to secure biodiversity enhancement in accordance with the NPPF.
- 4) Any tree or hedgerow planted in accordance with the conditions attached to this permission, or in replacement for such a tree, which within a period of five years from the date of the planting is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, shall, in the same location, be replaced during the next planting season (October to

February) by another tree of the same species and size as that originally planted, except where an alternative proposal has been submitted to and approved in writing by the local planning authority prior to that planting season;

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

- 5) All trees and hedgerow planted must be effectively protected against damage by grazing stock and rabbits immediately upon planting and such protection must be maintained as long as is necessary to prevent such damage;

Reason: To safeguard the replacement tree/s against damage to maximise its/their amenity value and contribution to the character and appearance of the local area.

- 6) Prior to the first opening following the grant of this permission the car parking areas shown on the plans hereby approved shall be installed and available for the use of guests and retained for such uses thereafter. The parking shall be installed incorporating measures as necessary to protect the adjacent hedgerow from construction impacts or longer term soil compaction.

Reason: To ensure that adequate parking facilities are available for guests which are delivered in a manner which ensure that the screening and ecological value of the adjacent hedgerow is protected and maintained.

- 7) The ancillary / amenity buildings shall only be used for purposes incidental to the tented guest accommodation and not as any form of overnight sleeping accommodation.

Reason: To prevent the uncontrolled intensification of the use.

- 8) Prior to the first season opening following the grant of this permission a site management plan shall be submitted to and approved by the local planning authority. The management plan shall provide details of site management measures designed to ensure that the amenity of neighbours is not adversely affected, including directions to guest on respecting neighbours, which areas outside of the glamping area are not for guest access, the use of artificial lighting and noise impacts, as well as clear guidance to guests arriving and departing through the hamlet. The management plan shall record any incidents of complaints from neighbours or measures taken by site management and shall be made available to the LPA upon request.

Reason: To ensure that the operation of the site and the management of guest behaviour minimises the risk of adverse impacts on neighbours.

- 9) Notwithstanding the site management plan approved pursuant to condition 8 above, no live, streamed or recorded music shall be played at volumes that are audible at the site boundaries after 8pm.

Reason: To protect the amenities of residential neighbours.

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

14288/01 - Site Location Plan.

14288/02 -Existing Site Layout.

14288/03 - Proposed Site Layout.

14288/04 - Proposed shower Block Plans and Elevations.

4269E/20 Preliminary Ecological Statement PJC Consultancy.

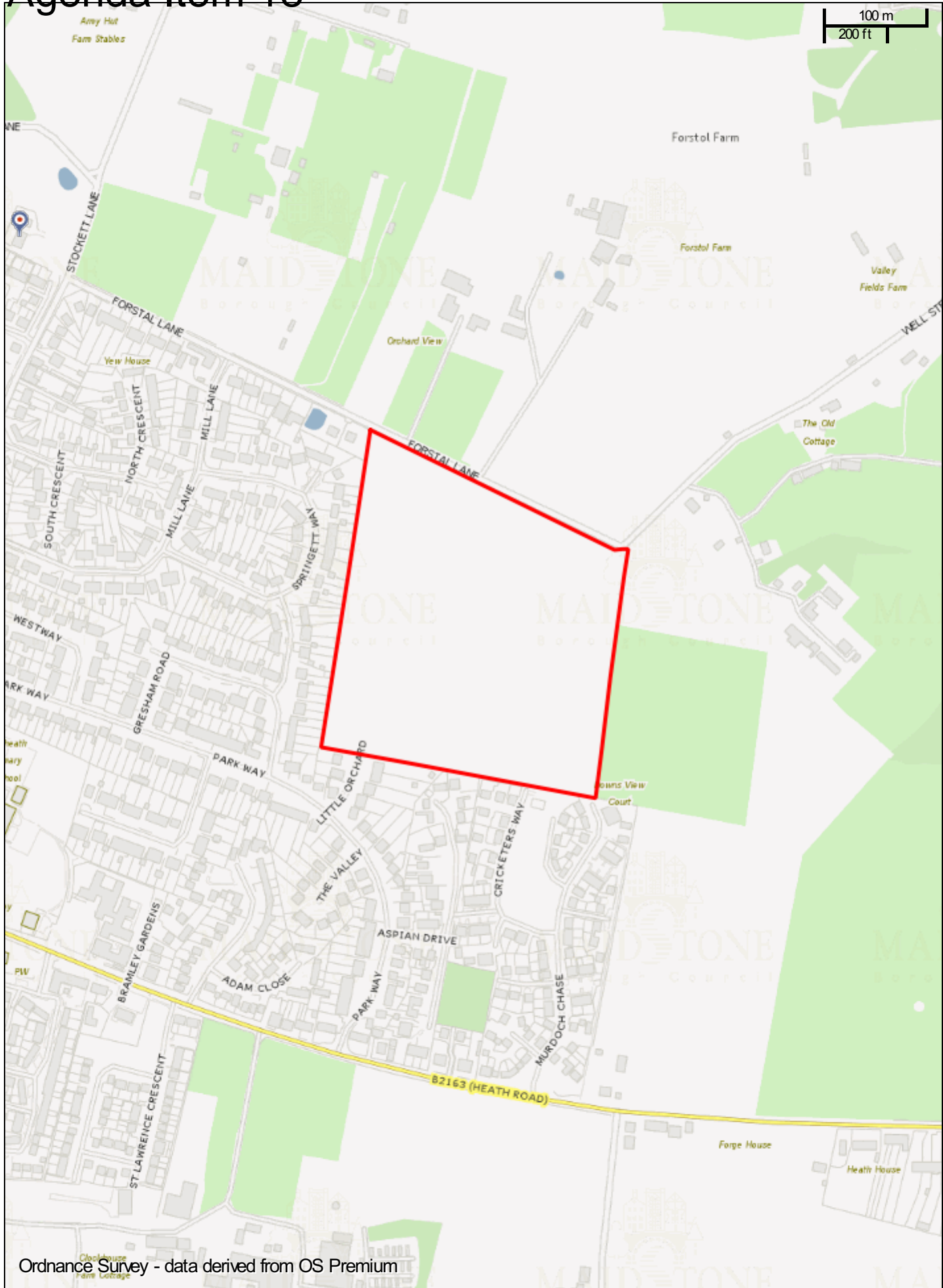
Reason: To clarify which plans have been approved.

INFORMATIVES

- 1) The applicant is advised to review off site signage to ensure that it provides effective guidance to arriving guests. Any new or altered signage may require separate advertisement consent.

Case Officer: Austin Mackie

Agenda Item 18



Ordnance Survey - data derived from OS Premium

REFERENCE NO - (A) 20/503259/SUB (B) 20/504316/SUB		
APPLICATION PROPOSAL (A) Submission of alternative eaves details to pursuant to condition 3 of application 18/505417/REM (part revision of 19/502295/SUB) (B) Submission of details pursuant to condition 16 (4): (Contamination Closure Report) in relation to planning permission 17/502072/OUT.		
ADDRESS Land South Of Forstal Lane Coxheath Kent		
RECOMMENDATION Application Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION The submitted revised eaves details are acceptable in terms of design and visual amenity and the decontamination has been adequately verified.		
REASON FOR REFERRAL TO COMMITTEE The Planning Committee of 31 January 2019 resolved that all details pursuant to the planning permission on this site must be reported to Planning Committee.		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL Coxheath	APPLICANT Mr Julian Moat AGENT
TARGET DECISION DATE 17/11/20		PUBLICITY EXPIRY DATE 19/10/20

Relevant Planning History

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

18/505417/REM Approval of Reserved Matters for Appearance, Layout, Scale and Landscaping and details pursuant to conditions 6 (Arboricultural Method Statement); 7 (Tree Protection) and 24 (Minimise Risk of Crime) - pursuant of Outline Application 17/502072/OUT (210 dwellings together with access off Forstal Lane, 1.85 hectares of open space and associated infrastructure)
Approved Decision date: 18.02.2019

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

19/502295/SUB Submission of details pursuant to Condition 3: Joinery details (original application ref: 18/505417/REM- Reserved Matters for 210 dwellings)
Approved Decision Date: 02.10.2019

18/506028/SUB Submission of Details to Discharge Condition 3 (Construction Method Statement) Condition 16 (Contamination) and Condition 23 (Foul Water and Surface Water Drainage Strategy) Subject to 17/502072/OUT
Approved Decision date: 20.03.2019

MAIN REPORT

1. DESCRIPTION OF SITE (A) and (B)

- 1.01 The site of 7.79ha is now under construction for 210 dwellings together with access off Forstal Lane, 1.85 hectares of open space and associated infrastructure. It was allocated for residential development in the adopted Plan (Policy H1(58)) and lies to the south of Forstal Lane, adjoining the existing estate of Park Way and Mill Road to the west and north of the recently constructed housing development of Willow Grange.
- 1.02 The site was rough grassland and generally enclosed by hedgerows to its boundaries. The site has an access onto Forstal Lane to the northern boundary and a public footpath, KM67 runs north to south along the eastern boundary, into the Willow Grange development and then to Heath Road.

2. PROPOSAL (A)

- 2.01 This submission represents a revised fascia and soffit material of white uPVC. compared to the approved white painted timber. This is said to be due to difficulties with the installation and finishing, with significant delays arising from the need to bespoke manufacture timber fascia and soffit joinery on site; the need for finishing decoration to be applied in multiple stages; and difficulties with working at height with CDM Regulations, and also purchasers and the management company preferring maintenance free products.
- 2.02 The same overall size of the previously approved fascia and soffit boards remains consistent. The applicant advises that they have been unable to find any similar new-build residential development schemes, including those in the AONB, that have been required to install timber fascia/soffit details.

3. PROPOSAL (B)

- 3.01 Condition 16 (Parts 1-3) were approved by MBC on 20 March 2019 (18/506028/SUB) as it was evidenced that the site had been investigated, with a single localised elevated level of lead concentration within an area that would be under a roadway as part of the development proposals.
- 3.02 The submitted Verification Statement from LEAP Environmental demonstrates that the localised area has been dealt with on site as part of the continued build-out of the development. Shallow soils have been stripped and reused as part of earthworks to infill a valley feature in the Public Open Space. It is suggested that does not pose an unacceptable risk to either future human health or controlled waters receptors.

4. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 H1 (58); DM1; DM30:
Neighbourhood Plans n/a
Kent Minerals and Waste Local Plan 2016 n/a
Supplementary Planning Documents n/a
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

5. LOCAL REPRESENTATIONS

N/A

6. CONSULTATIONS (B)

(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)

Environmental Protection

- 6.01 One hotspot of contamination was identified which has been stripped and no longer poses a risk to human health. Recommend discharging condition 16 (part 4)

7. APPRAISAL

(A) 20/503259/SUB

- 7.01 Although it is disappointing, as painted timber is more vernacular, the applicant's reasoning for the change to modern materials is understood and it is the case that most new housing developments of this size in similar locations do now use UPVC for fascias and soffits. On the basis that only the material is changing, I consider the change is acceptable in terms of design and visual appearance.

(B) 20/504316/SUB

- 7.02 The past use of this undeveloped open field before the development would not have been likely to be significantly contaminated. The investigations indicated one small area of lead contamination which has been remediated in accordance with approved details and now verified as such.
- 7.03 Environmental Protection advise that the condition can be discharged.

PUBLIC SECTOR EQUALITY DUTY

- 7.04 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

8. CONCLUSION

- 8.01 The submitted revised eaves details are acceptable in terms of design and visual amenity and the decontamination has been adequately verified.

9. RECOMMENDATION

A) 20/503259/SUB

Approve the submitted details.

B) 20/504316/SUB

Approve the submitted details.

Case Officer: Marion Geary

Agenda Item 19



20/503109/FULL - Land to West of 70 Church Street, Boughton Monchelsea, Maidstone, Kent, ME17 4HN

Scale: 1:2500

Printed on: 14/9/2020 at 13:53 PM by JoannaW

REFERENCE NO - 20/503109/FULL		
APPLICATION PROPOSAL Erection of 24 no. new C2 extra care retirement homes, club house, bin stores and landscape scheme with associated works including roadways, parking, cycles stores, gazebo and maintenance store.		
ADDRESS Land To West Of 70 Church Street Boughton Monchelsea ME17 4HN		
RECOMMENDATION Pending S106		
SUMMARY OF REASONS FOR RECOMMENDATION <p>Whilst the site is outside the settlement boundaries and thus in the countryside, the site abuts the village and by virtue of its juxtaposition with allotments and the Village sports ground, is not within visually sensitive "open" countryside. The site is considered to be well contained from a landscape perspective. It is located well in connection with the grain of the village and its facilities.</p> <p>The accommodation provided can be strictly limited in relation to age and within the accepted C2 definition of Extra Care. There is a significant current and future need for such accommodation and the dependence on windfalls for meeting the need lends significant weight in favour of this application.</p> <p>There is an extant planning permission which is a "fallback" with a genuine likelihood of being implemented and I am of the view that overall, there is no perceptible difference in harm on the character and appearance of the countryside between the 2 schemes.</p> <p>Policies DM1 and DM30 of the MBLP are complied with in terms of design /layout and residential amenities with the imposition of relevant conditions can adequately mitigate any other potential harm.</p> <p>Information/clarification has been submitted in response to previous KCC (H&T) objection. Compared with the absence of highway concerns on the extant scheme when that was approved, I do not consider that the NPPF test for a refusal on highway grounds could be sustained from an increase of 6 units overall.</p> <p>For these reasons, it is considered that meeting a need and the lack of additional countryside or landscape harm when considered to the fallback position, taken together are considered to outweigh the harm due to its location outside the settlement boundary and there is hence a justification for the departure from the development plan.</p> <p>A communal building for social/medical /care administrative functions is key to the C2 use of the development and should be retained. The scheme as presented to the 24 September Planning Committee remains acceptable in terms of layout and respect for neighbouring residential amenities and is recommended for approval in preference to the alternative scheme which offers to relocate the clubhouse from the site entrance to being more within the site.</p>		
REASON FOR REFERRAL TO COMMITTEE Contrary to the Development Plan on account of being located in the designated countryside Called into Committee by Boughton Monchelsea Parish Council		
WARD Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Clarendon Homes AGENT Clarendon Homes
TARGET DECISION DATE 27/11/2020		PUBLICITY EXPIRY DATE 14/10/20

Relevant Planning History

16/502993/FULL

Demolition of existing buildings and construction of 18 new C2 Extra Care Retirement Homes, Club House, Car Ports, Bin Stores, Landscape Scheme and Access Road.

Demolition of garage to rear of 70 Church Street and erection of new oak framed car port to rear garden

Approved Decision Date: 06.09.2018

MAIN REPORT

1. BACKGROUND

1.01 This case was deferred from the Planning Committee meeting of 24 September 2020 to enable:

- Further negotiations regarding the possible removal or relocation of the clubhouse; and
- The applicant to provide KCC Highways with an analysis of crash data and KCC Highways and other consultees allowed time for to respond to that information plus previously submitted updates on trip data/vehicle movements.

1.02 The previous report and urgent update are appended.

2. PROPOSAL

2.01 Most of the extra detail requested by KCC Highways was submitted before the last Committee and is summarised as follows:

- A pedestrian priority vehicle crossover access has been commenced as per the approval under 16/502993/FULL
- The clubhouse is intended for the use of residents and their guests only and not for wider public use
- Vehicle tracking to show suitable access to the spur road for units 1-7 for pantechnican, fire and refuse vehicles.
- It is considered that the proposed bin store locations are acceptable, given that on-street collection by the refuse vehicle is also possible for residents that may choose not to utilise them regularly
- One parking space per unit for residents is an increase over the KCC maximum standards for this use to cater for the more independent occupants who may still own and use vehicles.
- In total, the development provides 34 parking spaces (24 residential, six visitor and 4 for the clubhouse, eg, visiting health workers, administration, maintenance etc). The previously-consented planning application (16/502993/FULL) provided a total of 43 spaces for 18 dwellings (36 residential and 7 visitor), with no objection raised by KCC H&T.
- 4 parking spaces are proposed for the clubhouse. A maximum of 4 part-time staff will be employed who will not all be on site at the same time
- Only residents and their visitors will make use of the clubhouse, with the residential parking and additional visitor parking being able to accommodate the likely limited usage of this facility.

- The proposed parking bay sizes are 2.5m by 5.0m, with mobility impaired parking receiving 1.2m clearance to one side and at ends
- Adequate cycle parking will be provided within the curtilage of each property and the clubhouse
- There has not been a review of trip generation: the withdrawn planning application (19/504144/FULL) for an increase in unit numbers to 24 received the following response from KCC:

It is accepted that such types of development typically generate lower trip rates than traditional housing developments, with peak trip generation also being concentrated outside of the highways peak hours of operation (08:00-09:00 and 17:00 to 18:00). Consequently, it is not anticipated that the traffic generated from the 6 additional units proposed will be significant and therefore have an impact of the local highway network that could be described as 'severe.'

2.02 On 30 September 2020, the Applicant's Transport Consultants submitted details of local crash records for the 3 years before December 2019:

- 3 incidents were recorded, 2 of which were classified as 'slight' in severity and the other as 'serious'. All occurred in light, fine and dry conditions and appear to have been the result of human error, with road users not paying due care and attention when undertaking manoeuvres.

2.03 The applicant has stated that a relocation of the clubhouse is possible in a submitted alternative layout but they consider it gives a poorer quality development:

- The alternative clubhouse would be more within the site, rather than at the entrance to the site, occupying an area much bigger than it needs to.
- The comings and goings of staff, deliveries and service providers now take place within the site, rather than at the entrance to it.
- Plots 6 & 7 previously benefitted from west facing gardens. Now they have small north facing gardens (just like the extant scheme which we aimed to design out)
- Previously, the clubhouse bordered only plot 1, now it shares borders with plots 5, 8 and 9.
- The repositioning of the clubhouse building is to the detriment of the development and future residents. The request to move the building comes from the PC and one resident. Notably, the owners of the properties adjacent to the clubhouse have not objected. At the nearest point, the clubhouse is some 32 metres away from the houses. Amenity is a planning matter and has been properly considered by the planning officer.
- The communal building is for residents of the new development only as a space where residents can participate in social activities; where residents can receive treatments. It will not be for hire by the general public and not licenced for the sale of alcohol
- The communal building is for residents only and does not in any way compete with the Parish Hall and its functions.
- We believe the Committee should debate the pros and cons of each scheme to permit the one they find the best.

3. CONSULTATIONS

3.01 PC: No response at the time of writing the report, this will be included in an Urgent Update.

3.02 KCC (H&T): Raise no objection, but make the following observations:

- Turning movements can be achieved within the site; however vehicles, including refuse trucks, would not be able to turn within the site without some overhang onto the footways. As the internal roads are proposed to remain private and not be adopted as public highway, these safety concerns do not necessarily impact on highway safety.
- These proposals do not represent design conducive to encouraging healthy, active travel modes due to over-provision of parking spaces for both residents and staff (based on a C2 Residential Care Home parking standards)
- Lack of access to public transport and no provision to improve that.
- No indication of EV charging facilities.
- Adequate parking for people with impaired mobility:
- Suitable provision for cycle parking
- For a development of this scale and type, it is not expected that trip generation levels would be high enough to generate a significant impact in terms of highway capacity.
- It is important that the proposed arrangements for access to and from the highway are suitable for the rates of vehicular movements utilising that access so restrictions are needed for C2 use; residents aged 55 or over; Clubhouse for resident use only and not be available for functions or hire external to the development.
- No objections subject to conditions including a Construction Management Plan.

4. APPRAISAL

- 4.01 The last Planning Committee asked for consideration of the loss of the clubhouse but that would go against what is considered as a key feature of this type of use Class being C2 (over and above controls on age and care needs to be specified in the legal agreement). In a recent appeal decision for a C2 site near Staplehurst, the Inspector said the following:

"The need for additional extra care housing in the borough within Use Class C2 is not disputed by the Council and a unilateral undertaking intended to ensure such housing is provided has been submitted.....Equally important to ensure a C2 use is the nature and use of the on-site communal facilities".

- 4.02 I therefore would strongly advise the Committee **not** to seek the removal from the scheme of the communal building referred in the application as the "clubhouse" which is envisaged would be a space where residents would participate in social activities, receive treatments and where centralised administration of the care packages could take place.
- 4.03 In terms of the suggested alternative layout relocating the communal building, this does result in a poor cramped siting of 2 semi-detached bungalows in place of the clubhouse. It should be borne in mind that a scheme needs to be considered on its own merits rather than compared to any other scheme not before Members for determination. I remain of the view that the clubhouse being sited at the front of the site is acceptable in terms of neighbouring residential amenities. I consider there is no necessity in planning terms for inclusion of a "buffer" when the intervening distances between buildings are well over 30m and the new development is low rise single storey.
- 4.04 The detailed restrictions in the use of the clubhouse as described by the applicant and also requested by KCC (H&T) can be encompassed in a suggested revised condition 11.

- 4.05 In terms of highways issues, KCC no longer objects. The crash data now submitted for them to review does not cause them concerns in regard to this planning application.
- 4.06 The increase in 6 units compared to the extant fallback scheme of 18 units would not justify a refusal of the proposal in highway safety terms nor due to any severe residual cumulative impacts on the road network.
- 4.07 The request of KCC (H&T) and Environmental Protection for a planning condition for EV charging is included. A Construction Management Plan is not considered reasonable in this size of scheme set well back from the public highway but the need for considerate construction is included in a suggested detailed informative.
- 4.08 The concerns of KCC that 30 parking spaces on the site is over-parking is in contrast to the concerns of the PC and local residents detailed in the previous report, which suggest that there is inadequate on site car parking. I am satisfied that the C2 use proposed for Extra Care Bungalows likely to be occupied by couples is not reasonably likened to parking required for a more traditional "Care Home" and the right balance has been struck.

5. CONCLUSION

- 5.01 In addition to the conclusions made previously, it is considered that a communal building for social/medical /care administrative functions is key to the C2 use of the development and should be retained. The scheme as presented to the 24 September Planning Committee remains acceptable and is recommended for approval in preference to the alternative draft scheme which relocates the clubhouse from the site entrance to being more within the site.

6. RECOMMENDATION

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

- Contribution of £17,280 towards NHS healthcare
- Contribution of £37,800 off-site Open Space contribution to be spent at Salts Farm or other Natural/semi-natural areas of accessible public open space within 1km of the development.
- Maintenance of the remainder of the cobnut platt, to be retained in perpetuity as communal amenity
- Occupation only within Class C2 by those aged over 55 with at least one occupant of each unit being subject to a care need assessment and commitment to a minimum 2 hour per week care package which is to be approved by the Local Planning Authority
- MBC s106 Monitoring Fees of £1000 for the first and then £500 for each additional planning obligation.

and the imposition of the conditions as set out below:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the following drawings;

20-1091 PL01 G Proposed Site Layout; 20-1091 PL02 Rev G Proposed Site Plan; 20-1091 PL03 Rev D Proposed Street Elevations/Site Sections; 20-1091 PL04 A Type A Plans and Elevations; 20-1091 PL05 Rev C Proposed Bungalow Type B Plan and Elevations; 20-1091 PL06 A Type C Plans and Elevations; 20-1091 PL07 A Type D Plans and Elevations; 20-1091 PL08 Rev C Proposed Bungalow Type E Plan and Elevations; 20-1091 PL09 B Community Club House; 20-1091 PL10 A Bin Stores Plans and Elevations; 20-1091 PL11 Proposed Hard Landscaping Plan; 20-1091 PL12 Boundary Treatment Plan; 20-1091 PL13 Tree Protection Plan; 20-1091 PL14 External Lighting Plan; 20-1091 PL15 Rev A Bird and Bat Box Plan; 20-1091 PL16 Refuse Strategy Plan; 20-1091 PL17 Foul Drainage Strategy Plan; 20-1091 PL18 Rev A Soft Landscaping Plan Sheet 1; 20-1091 PL19 Rev A Soft Landscaping Plan Sheet 2; 20-1091 PL20 Rev A Bicycle Storage Details; 20-1091 PL21 Air Source Heat Pump Details; 20-1091 PL23 Soft Landscaping Strategy;

Reason: For the purposes of clarity.

- 3) No development above slab level shall take place until details of plots where electric vehicle charging points can be installed have been submitted to and approved in writing by the Local Planning Authority for that phase. The approved plots shall not be occupied until a minimum of one electric vehicle charging point has been installed on each property, and shall thereafter be retained for that purpose.

Reason: In the interests of air pollution control.

- 4) No development above slab level shall take place until details and a timetable to secure biodiversity net gain have been submitted to and approved in writing by the Local Planning Authority. The measures must be implemented as approved thereafter. The measures will be expected to result from investigation of scope for both boxes and integral bricks for birds and bats; insect bricks; gaps under boundary treatments; log piles, hedgehog nesting boxes; climbing plants on walls and other vertical structures; wildflower plug/bulb planting in amenity grassland; a wildlife pond.

Reason: In the interests of ecological enhancement.

- 5) No lighting shall be placed or erected within the site except in accordance with details hereby approved on drawing 20-1091 PL14. Any additional lights shall require details of a "lighting design strategy for biodiversity" for the site to be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

c) Include measures to reduce light pollution and spillage. 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 strategy.

Reason: In the interests of rural amenity and ecological interest.

- 6) Above ground construction work on the approved buildings shall not commence until full details of the following matters in the form of large scale drawings (at least 1:20 scale) have been submitted to and approved in writing by the Local Planning Authority

- a) New external joinery
- b) Details of eaves and roof overhangs
- c) Details of projecting bays and porch canopies
- d) Details of door and window headers and cills.

The development shall be carried out in accordance with the approved details.

Reason: To ensure a high quality appearance in the rural area.

- 7) The development shall not commence until details of the proposed slab levels of the buildings and roadways relative to the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

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

- 8) The hedge on the boundary with Church Street shall be maintained at less than 1m in height to maintain visibility splays. The splays shall be maintained as such thereafter.

Reason: In the interests of highway safety.

- 9) The development shall not be occupied until the approved parking areas have been provided and that areas shall not thereafter be used for any purpose other than the parking of vehicles for the development hereby approved. The 10 designated visitor spaces shall be retained for visitors only thereafter.

Reason: In the interests of highway safety.

- 10) The development shall not be occupied until a cycle rack has been installed to serve the clubhouse in accordance with details that have been submitted to and approved by the Local Planning Authority and until the individual residents cycle stores have been provided in accordance with the drawings hereby approved.

Reason: In the interests of sustainable travel.

- 11) The clubhouse as approved shall only be used for the provision of care or for purposes ancillary to the use of the extra care units hereby approved such as social activities for residents and their guests or administration related to the C2 use of the development. It shall not be used or hired out to the general public and not licenced for the sale of alcohol.

Reason: To prevent harm to the amenities of surrounding occupiers and to reflect the low level of visitor parking.

- 12) Notwithstanding drawing 20-1091 PL18 A and PL19 A, no development above damp proof course level shall take place until details of a scheme of landscaping using native species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012

and a programme for the approved scheme's implementation and long term management, have been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site.

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a high quality of design

- 13) There shall be no occupation of the development hereby permitted until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory landscaped setting for the development

- 14) All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within ten years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity.

- 15) The development shall not commence above slab level until a Landscape and Ecological Design and Management Plan has been submitted to and been approved in writing by the local planning authority. The Landscape and Ecological Design and Management Plan shall include the following:
- a) Purpose and conservation objectives for the proposed habitat creation and enhancements;
 - b) Detailed design to achieve stated objectives;
 - c) Extent and locations of proposed works on appropriate scale plans;
 - d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

- e) Description and evaluation of features to be managed;
- f) Aims and measurable objectives of management;
- g) Appropriate management prescriptions for achieving aims and objectives; h) Preparation of a work schedule for the duration of the plan;
- i) Ongoing habitat and species monitoring provision against measurable objectives;
- j) Procedure for the identification, agreement and implementation of contingencies and/or remedial actions where the monitoring results show that the objectives are not being met;
- k) Details of the body/ies or organisation/s responsible for implementation of the plan.
- l) Details of interpretation boards to be incorporated in to the development site to inform residents of the sites management.

The Landscape and Ecological Design and Management Plan shall also include details of the legal and funding mechanism by which the short and long-term implementation of the management Plan will be secured by the developer with the management body responsible for its delivery. The approved Plan will be implemented in accordance with the approved details.

Reason: To ensure a high quality design, appearance and setting to the development, and to protect and enhance biodiversity.

- 16) The development shall not commence until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS shall incorporate details appropriate to the construction operations being undertaken and shall include, but not be limited to, a working methodology/phasing for operations with the Root Protection Area (RPA) of any retained tree; consideration of the location and installation of services and drainage; a programme of site monitoring and arboricultural supervision if appropriate; a detailed schedule of re-commencement tree works and; a Tree Protection Plan showing the design and location of fencing and/or ground protection necessary to ensure all retained trees can be successfully integrated within the permitted scheme. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

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

- 17) Development shall not commence until a detailed sustainable surface water drainage strategy been submitted to (and approved in writing by) the local planning authority. It 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 100yr storm) can be accommodated and disposed of within the curtilage of the site.

Reason: To ensure the proper integration of sustainable urban drainage within the development

- 18) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) A timetable for its implementation, and
- ii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

INFORMATIVES

- 1) The Local Member is to be consulted on submission of details relating to landscaping.
- 2) Foul sewers should be routed outside of areas of permeable paving or cross it in dedicated service corridors, particularly where sewers will be offered
- 3) You are advised to contact Kent Police's Designing Out Crime Officer to discuss site specific designing out crime measures.
- 4) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub, hedgerows and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Vegetation is present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present
- 5) You are advised to adhere to a Construction Management Plan as follows:
 - Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
 - Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
 - Provision of measures to prevent the discharge of surface water onto the highway.
 - Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
 - Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
 - Provision and permanent retention of the vehicle loading

Case Officer: Marion Geary

REFERENCE NO - 20/503109/FULL		
APPLICATION PROPOSAL Erection of 24 no. new C2 extra care retirement homes, clubhouse, bin stores and landscape scheme.		
ADDRESS Land To West Of 70 Church Street Boughton Monchelsea Kent ME17 4HN		
RECOMMENDATION Application Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION <p>Whilst the site is outside the settlement boundaries and thus in the countryside, the site abuts the village and by virtue of its juxtaposition with allotments and the Village sports ground, is not within in visually sensitive "open" countryside. The site is considered to be well contained from a landscape perspective. It is located well in connection with the grain of the village and its facilities.</p> <p>The accommodation provided can be strictly limited in relation to age and within the accepted C2 definition of Extra Care. There is a significant current and future need for such accommodation and the dependence on windfalls for meeting the need lends significant weight in favour of this application.</p> <p>There is an extant planning permission which is a "fallback" with a genuine likelihood of being implemented and I am of the view that overall, there is no perceptible difference in harm on the character and appearance of the countryside between the 2 schemes.</p> <p>Policies DM1 and DM30 of the MBLP are complied with in terms of design /layout and residential amenities with the imposition of relevant conditions can adequately mitigate any other potential harm.</p> <p>Whilst some information/clarification on the KCC (H&T) objection is awaited from the applicant, compared with the absence of highway concerns on the extant scheme when that was approved, I do not consider that the NPPF test for a refusal on highway grounds could be sustained.</p> <p>For these reasons, it is considered that meeting a need and the lack of additional countryside or landscape harm when considered to the fallback position, taken together are considered to outweigh the harm due to its location outside the settlement boundary and there is hence a justification for the departure from the development plan.</p>		
REASON FOR REFERRAL TO COMMITTEE Contrary to the Development Plan on account of being located in the designated countryside Called into Committee by Boughton Monchelsea Parish Council		
WARD Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Clarendon Homes AGENT Clarendon Homes
TARGET DECISION DATE 09/10/20		PUBLICITY EXPIRY DATE 26/08/20

Relevant Planning History

16/502993/FULL

Demolition of existing buildings and construction of 18 new C2 Extra Care Retirement Homes, Clubhouse, Car Ports, Bin Stores, Landscape Scheme and Access Road.

Demolition of garage to rear of 70 Church Street and erection of new oak framed car port to rear garden

Approved Decision Date: 06.09.2018

19/502737/SUB

Submission of Details to Discharge Condition 7 - Construction Method Statement subject to 16/502993/FULL.

Approved Decision date: 03.07.2019

19/503990/SUB

Submission of details pursuant to Conditions 2: Details of materials, 5: Details of pedestrian priority junction, 13: Reptile mitigation strategy, & 16: Archaeological field evaluation/investigation (original application ref: 16/502993/FULL).

Part Permitted Part Refused Decision date: 30.10.2019
(refused in terms of conditions 2 and 5)

19/506162/SUB

Submission of details pursuant to conditions 2 (materials); 3 (slab levels); 5 (pedestrian priority junction); 9 (landscaping); 12 (landscape and ecological design and management plan); 14 (biodiversity enhancements); and 15 (arboricultural method statement) for 16/502993/FULL.

Part Permitted Part Refused Decision date: 06.02.2020
(refused in terms of conditions 2 (part); 9; 12; 15)

19/506227/SUB

Submission of details pursuant to condition 17 (sustainable surface water drainage strategy) of application 16/502993/FULL.

Refused Decision date: 06.02.2020

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site lies to the west of Church Street and to the north of Heath Road with the remainder of the village of Boughton Monchelsea to the north and north east. The site occupies a relatively central location within the village as it is located between the village allotments, sports ground and pitches and residential properties. The site has access to pedestrian footpaths which run along the western side of Church Street.
- 1.02 The site was formerly a cobnut plantation which was largely cleared in February/March 2016 under exemptions of a TPO and which is now open ground across over the majority of the site with a smaller area of cobnut trees remaining to the western 30m of the site. Part of the site borders the village sports field to the south by an established hedgerow which is 3-4m in height and the remaining part of the cobnut plantation borders the western part of the site. The site includes a widened access road from the south east corner from Church Street that was formed from a 3m wide strip of former garden of no.70 Church Street. This has incorporated pedestrian priority to those using the footpath of Church Street.
- 1.03 The gardens of 4 residential properties on Church Street back onto the eastern boundary of the site which is bounded by a hedgerow. These dwellings are at distances from the common boundary ranging from 25 to 30m. A further hedgerow lies along the northern boundary which borders agricultural grazing land to the north of the site (which has been submitted as potential residential development site in the Call for Sites).
- 1.04 The application site is relatively flat in topography with just a gentle slope down from south to north and due to the boundary hedgerows, it is relatively well contained from the wider landscape.
- 1.05 The site lies in an Area of Archaeological Potential. The site is still subject to a TPO albeit there is no way to legally require the replanting of the Cobnut trees removed as exemption to the TPO.

2. PROPOSAL

- 2.01 The planning application is the subject of a Planning Performance Agreement and development proposals have been revised since a Member Briefing.
- 2.02 This 24 unit scheme is from a different applicant to who secured the 18 unit scheme but is effectively a revision of an extant planning permission ref 16/502993/FULL granted on 6 September 2018 for the construction of 18 x 2-bedroom C2 extra care units together with a communal clubhouse building. The total floor area was 2042 sqm with the units ranging from 83 sqm to 149 sqm. The on-site clubhouse building was to be the central base for the on-site management and would provide 24hr care for the occupants. That planning permission was granted subject to a s106 legal agreement with financial healthcare contributions and occupation by those aged over 55 with at least one occupant of each unit being subject to a care need assessment and commitment to a minimum care package. The approved care package was: the managing agent to be Xtracare Ltd (registered with the Care Quality Commission) and being in receipt of a General Practitioner certificate stating a disability/medical condition or registered visually impaired and contracted to receive Personal Care for a minimum of 2 hours per week.
- 2.03 This revision proposes 24 units and a similar sized clubhouse and overall footprint but with the units generally being smaller and more evenly sized ranging from 74 sqm to 82.5 sqm. There are indicated to be 10 pairs of semi-detached bungalows with heights to the ridges of 6-7m and eaves of 2.5m high and 4 detached bungalows with heights to the ridges of 6-6.5m and eaves of 2.5m. Materials will be a red Multi stock brick, red clay roof tiles, dark brown coloured artificial timber effect boarding, pale render to some of the bay windows, white UPVC windows, soffits and fascias and black UPVC rain water goods.
- 2.04 There will be brick faced garden boundary walls to the most prominent side garden boundaries and cleft rail fencing elsewhere between gardens with timber rabbit fencing along the northern and southern hedgerows.
- 2.05 The clubhouse is still single storey and is now proposed behind no. 70 Church Street, nearest the entrance rather than in the centre of the site as in the extant scheme. The clubhouse scales at 5m in ridge height with a footprint of 123 sqm. It will be the location where communal events, visiting support services and activities can take place. The Clubhouse includes a reception and waiting area, function room, kitchen, consulting/treatment room, office for the visiting manager and disabled WC.
- 2.06 The site layout has changed radically from the 18 unit scheme, essentially the units are no longer all inward facing and there is less soft landscaping to the frontages and a greater overall level of hardstanding due to more parking/access being needed. However, three sets of car ports are no longer proposed and all the parking is on-plot open parking. Parking is 1 space per plot with 10 visitor spaces overall with the bays and the access way in block paving (charcoal and brindle colours) and footpaths in permeable resin bonded gravel.
- 2.07 A Transport Statement indicates that trip rates (both in and out) for this scale and type of use are:
- Morning peak = 4
 - Evening peak = 3
 - Daily average = 50 (7am to 7pm)
 - Average = 1 car movement every 14 mins (7am to 7pm).
- 2.08 Six communal bin stores are indicated to be in enclosures of timber hit and miss panels, sited adjacent to parking bays. Turning for refuse freighters is indicated to be possible within the site.

- 2.09 The scheme has been designed to have a traditional appearance of bungalows and a low physical profile whilst retaining the existing landscape structure including hedgerows with open space to the rear of the development in the form of retained cobnut trees covering approx 0.194ha.
- 2.10 A new Landscape and Visual Impact Assessment dated July 2020 concludes that the overall effect upon visual amenity is considered to be "Negligible to Minor" compared to its current state of an open field.
- 2.11 Lighting will be via PIR lantern style units to front and back doors and low height timber bollards with unidirectional lighting. Timber cycle stores/sheds will be sited in each rear garden.
- 2.12 Ecology benefits include 6 integral Sparrow Terraces and 4 integral Swift bricks plus 5 tree mounted bat boxes and 2 tree mounted owl boxes and several wood piles within the cobnut platt. The northern and southern hedgerow adjacent to the fields and rear of Church Street dwellings will be infilled with hornbeam, hawthorn and privet with 3 Beech trees being retained. The Cobnut coppice will be cleaned out and thinned prior to coppicing. Within the area of retained cobnut planting, a new footpath, gazebo, garden store and wildflower garden provide further communal space for the residents.
- 2.13 A 2016 reptile survey found no reptiles present. Dormice and Great crested newts are not expected to be present, nor signs of badgers or bats roosting sites. Nesting birds are likely to be present as are hedgehogs. Suggested biodiversity enhancements for the site could include the following: hedgehog nesting boxes and gaps in fencing; provision of bat roosting spaces within the new buildings; climbing plants on walls and other vertical structures; wildflower plug/bulb planting in amenity grassland; a wildlife pond. The agent has confirmed that most of the fences will be open style not close boarded and that a condition requiring biodiversity enhancements (eg also insect bricks) will be acceptable.
- 2.14 The application includes a SBEM assessment of the Clubhouse (in excess of a 15% saving in carbon dioxide emissions). There will be a total saving in carbon emissions of 12.9% site wide. Heating and hot water to each dwelling is to be provided via the air source heat pumps, there will be attention in the build to air permeability, thermal bridging, low energy lighting and low water usage.
- 2.15 In support of the new scheme, the applicant states:
- The Borough Council's evidence base supporting the Local Plan has an established a need of 960 new C2 Use Class dwellings during the Plan period
 - It meets central government policy to provide a range of homes suitable for an ageing population
 - The concept is for delivering care needs at a cost effective rate through providing an alternative freehold home, the style of living allows independence later into life
 - Lack of high service charges opens up the development to a wider range of people than the typical Retirement Village model.
 - Small scale of the development responds to its rural location
 - All dwellings are designed according to Lifetime Homes principles and are adaptable to the needs of the users.
 - The homes are purchased by qualifying occupiers aged over 55
 - Screening process to confirm eligibility from an existing care need: at least one person from each qualifying household will receive some form of care in

accordance with the basic minimum care package comprising at least 2 hours per week of personal care and support assistance.

- Residents may increase their care provision as and when required which reduces the pressure on having to move into a Care Home.
- The communal areas of the site shall be managed by the Management Company which could also include management of private gardens.
- The care that will be provided will be managed/operated by an organisation which is registered as a domiciliary care agency with the Care Quality Commission as a single cohesive community

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 Policies SS1; SP11; SP12; SP17; ID1;DM1; DM3; DM4; DM8; DM19; DM20; DM21; DM23; DM30;
Neighbourhood Plans Boughton Monchelsea Neighbourhood Plan (Submission Version)
Kent Minerals and Waste Local Plan 2016
Supplementary Planning Documents n/a
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 2 letters of support.

4.02 4 Objections received from local residents raising the following (summarised) issues

- overdevelopment of the site
- inadequate parking
- lack of a green buffer on the eastern side
- the clubhouse would be better positioned next to the communal space
- a big increase in traffic movements across the Church Street footpath used heavily by pedestrians including children, causing danger and accidents
- traffic volume Church Street increased from Lyewood Farm (earmarked for 25 dwellings on the Local Plan, but now standing at 85)
- danger to cyclists
- parking problems in Church Street, hindering emergency and refuse vehicles
- Regular high number of serious accidents on Heath Road
- Poor bus services to Coxheath
- Bus service to Maidstone is too slow compared to driving.

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)

Parish Council

Support C2 use of the site but objects as follows:

- Over-development
- Parking inadequate
- More visitor parking needed
- Such a large communal space is unnecessary- prefer a looser layout and a green buffer on the east of the site rear of Church Street.
- Clubhouse location will affect amenity of Church Street properties.
- Clubhouse should be adjacent the communal space
- Highway impact of another 6 properties across the Church Street footpath

Environment Agency

5.01 No Comments

Kent and Medway CCG

5.02 s106 contributions of £17,280 needed as there will be demand on primary healthcare.

Kent Police

5.03 More site specific designing out crime measures are needed.

KCC (Flood and Water Management)

5.04 No objection: additional ground investigation will be required to support the use of infiltration. Note permeable paving is proposed: foul sewers should be routed outside of areas of permeable paving or cross it in dedicated service corridors, particularly where sewers will be offered for adoption. Conditions are needed.

Southern Water

5.05 Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development.

KCC (Highways)

5.06 A holding objection:

- Junction of B2163 Heath Road / Church Road / Church Hill: as the development proposals will route trips through this junction, these needs to be investigation to see if there is a safety consideration that may be exacerbated by the proposals.
- Spur road for units 1-7. Drawings need to illustrate collection from the bin store and access by fire tender and pantechnican.
- Communal bin stores: some appear to be some distance from properties, which may be a problem for the more elderly residents.
- Clubhouse parking is not adequate if serves the wider area.
- More details of cycle parking are needed, including for clubhouse.
- Car parking exceeds the standard of 1 space per 2 units for this use class.
- The trip generation needs to be reviewed: TRICS using 'Retirement and Care Community' may be more appropriate. The high provision of car parking and more mobile residents referred to in the Transport Statement will likely lead to higher trip numbers and there could be commuting trips from this site.

KCC Ecology

5.07 A reptile survey has been undertaken as part of condition 13 (19/503990/SUB) of planning permission 16/502993/FUL and the conclusions of the survey detailed that reptiles are considered likely absent, and as the grassland has been left unmanaged

for less than year we accept that it is unlikely that reptiles will have re-established on site.

- 5.08 Suggest informative on mitigation for breeding birds. Information is needed confirming the numbers and location of the integrated bat boxes within the buildings. Condition suggested for a management plan to be produced and implemented to ensure that the open space in the site can be benefit biodiversity.

KCC Archaeology

- 5.09 No response

Parks & Open Spaces

- 5.10 As the application documents do not indicate any publicly accessible on-site open space, it is requested that a contribution of £1,575 per property is made for off-site improvements or maintenance to existing open space. 24 units x £1,575 per unit = £37,800 off-site Open Space contribution. To be spent at Salts Farm or other Natural/semi-natural areas of accessible public open space within 1km of the development.

Environmental Protection

- 5.11 Condition suggested for EV Charging Points.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Principle of Development
- The Extant Planning Permission
- Design and Layout
- Residential Amenity
- Highways and Parking

Principle of Development

- 6.02 Policy SS1 of the MBLP is the spatial strategy for development and states that protection will be given to the rural character of the borough. The main part of the site lies outside but abutting the development boundary for Boughton Monchelsea which is a larger village, subject to Policies SP11 and SP12 in the MBLP. Whilst the context to the site includes adjoining residential development, sports pitches and allotments to 3 of its boundaries and is also in central village location, the site is nevertheless designated as a countryside area in policy terms. Such an area is subject to policy SP17 which restricts development of this type and requires development to preserve or enhance the character of the countryside.
- 6.03 Policies SP11 and SP12 seek to focus new development within the settlement boundaries: Boughton Monchelsea being a larger village where limited growth could support local services and facilities.
- 6.04 Therefore, in locational terms, the development would be a departure from the Development Plan. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 6.05 It is the case that the scheme approved in 2018 under ref 16/502993/FULL was similarly contrary to the same adopted Development Plan so it is necessary to re-assess whether the same mitigating material considerations still apply and if they continue to outweigh the harm to the countryside or any other harm.
- 6.06 The scheme approved in 2018 was intrinsically linked to care provision with proximity to public transport, shopping, community and adequate access for residents and health providers. The legal agreement restricted the use and occupier type such that it was distinct from traditional housing schemes as it would deliver a specialist housing type, intrinsically linked to the provision of care as well as that of the aging population. This was considered to meet the needs identified by the Strategic Market Housing Assessment (SHMA) as well as the wider range of benefits of such provision including reducing pressure on social and health services, freeing up larger homes (as the older population typically under occupy their existing homes) and allowing the opportunity for older people to retain their independence into old age. These considerations continue to apply to the revised scheme.
- 6.07 It is still the case that MBC has considered extra care as a C2 use and that the units at Ledian Farm were approved outside the development boundary for Leeds village so there remains a similarity- Ledian Farm was actually of a much larger scale and Leeds is not a "larger village" under SP11. It is still the case that it is a material consideration that there is a significant unmet existing and future need for such accommodation and that there is no policy mechanism to deliver identified need for C2 with any certainty. The Council is still solely dependent on windfall sites coming forward (ideally within the settlement boundaries) to meet the aforementioned significant need. Planning permission 16/502993/FULL was a windfall development for 18 units towards the target and permitting the current application would add a further 6 windfall units towards the total without any expansion of the size of the application site.

The Extant Planning Permission

- 6.08 An additional material planning consideration in favour of the scheme is the extant planning permission in terms of whether it represents a "fallback" with a genuine realistic prospect of being implemented. In this case, the access has been built in accordance with the approval and there have been applications to discharge some of the conditions on the planning permission, albeit not all of the pre-commencement conditions have been approved (specifically the hardstanding materials, soft landscaping, the LEMP, the Arboricultural Method Statement and the SuDS scheme). I do consider that those conditions do not go to the heart of the planning permission and could be approved within the time limits without having been prejudiced by the first part of the access road having been already constructed. Hence I am of the opinion that the fallback is a genuine option for the developers and so a comparison of the 2 schemes is necessary to attribute a weight to the fallback as a material consideration.
- 6.09 The extra units in the current scheme would be achieved without an increase in harm to the appearance and character of the area when viewed from outside the site because the extra built form is in the central area of the development and there is only a minor increase in harm to the appearance and character of the countryside once viewed from within the centre of the site itself. Moreover, it could be argued that the change in the layout of the units on the northern boundary to make them perpendicular not parallel to it, introduces large gaps to the roofline and so overall reduces the visual impact compared to the continuous roof ridgeline of the approved scheme from the countryside to the north. The current application also has a layout of units on the northern edge that takes more account of the need to have reduced proximity to 3 Beech trees which are being retained. Only one of the Beech trees is shown to be in a private rear garden location whereas in the approved layout, all 3 are in private rear gardens. On balance, I am of the view that

there is no material difference in harm on the character and appearance of the countryside between the 2 schemes.

- 6.10 In terms of the detail of the development, the built form remains restricted to single storey with the use of pitched roofs but still relatively low rise. It was accepted that the access road would afford views from Church Street, but that was from a built context and was not considered to cause significant harm to the character of the countryside. The same conclusions are reached in the latest LVIA.
- 6.11 The site still lies within the village context of Boughton Monchelsea and is located near to village amenities and residential properties and is within walking distance of the village shop and facilities such as the social club, the allotments and bus stops on Heath Road. It will be less than 2km from the new GP surgery planned at Linton/Coxheath which is specifically to have good access by non car modes as part of its planning permission. The site remains well related to the village in a geographical sense and is considered a relatively sustainable location in access terms. It therefore has a role in complying with Policy SP12 of the MBLP which does state that key services in Boughton Monchelsea will be supported.
- 6.12 The development is also considered to still accord with the NPPF which requires the relationship between travel and development to have regard to other policies within the framework, including rural areas, which refers to the role of new housing in supporting the ongoing vitality of rural communities and local facilities. Whilst this development is not housing in the normal sense, it provides similar benefits.

Design and Layout

- 6.13 The remaining part of the cobnut plantation will act as a buffer between the units and the western boundary to the site along with further landscaping along the boundaries including tree planting. This western part of the site will be laid out as open space with footpath route through this from the housing units. This was originally to reference the former use of the site and the continuation of that is supported.
- 6.14 The revisions made since the Member Briefing include a change in the balance of private open space from being mostly in rear gardens to more generously sized front gardens and this visually softens the development, as well as encouraging more engagement between residents.
- 6.15 The development incorporates elements of traditional architecture with use of pitched clay tile roofs, cladding and stock brick. The development is single storey throughout and architectural variation is achieved by projected and recessed elements such as bay windows and front feature gables. One element of the design which did not initially respond to pre-application advice was that a number of the units on corner plots were not adequately dual aspect (plots 7, 8 and 24). The applicant has now amended them to add kitchen windows to make these visually prominent flanks more interesting as well as improve the interior of the dwellings and provide better surveillance of the main access.
- 6.16 Having regard to the extant permission, I consider the scheme would represent an appropriate scale of development within the site in relation to its edge of village location.
- 6.17 The individual units will be designed to meet the Building for Life principles and Lifetime Homes standards. The units represent adaptable homes which are considered to achieve the balance between independence and the future care needs of the occupiers including the potential to accommodate live-in carers in future years.

- 6.18 In summary it is considered the scheme on the whole, represents an acceptable standard of design that has taken account of its immediate environs and the wider village and thus will accord with policies DM1 and DM30 of the MBLP.

Residential Amenity

- 6.19 The site abuts 4 rear gardens of dwellings in Church Street which are approximately 25-30 metres in length and back onto the eastern boundary of the site which currently has a hedgerow of around 1.2m high with a number of trees along the boundary. It is the case, as pointed out by the PC and some of the objectors that this scheme does have a closer relationship with that boundary.
- 6.20 However, the development is single storey and the nearest units to the neighbouring gardens are plots 1-4 which only have ground floor windows facing. The proposals will include new planting on this boundary and it would be possible to impose a condition to require fencing/landscaping to prevent views into the adjacent gardens, although the roofs will be visible. The length of the adjoining gardens and the single storey nature of the development would also ensure there would be no impact of way of adverse outlook caused by the new built form.
- 6.21 The Clubhouse is shown to be approx. 5m from the rear boundaries of 68 and 70 Church Street but this building is only 5m to the ridge and would be a total of over 30m from both of these neighbouring houses. Whilst it is appreciated that having these buildings set further from Church Street would be preferable to those occupiers, I do not consider that there is any need for a "buffer" and consequent reduced area of Cobnut platt. The scheme before Members has to be judged as to whether it would cause harm to neighbouring residential amenities and it is my view that it does not.
- 6.22 I do not share the PC's concern that the clubhouse will be noisy for a use of this nature. A condition is suggested to ensure that there is no external use or hiring out to non-residents.
- 6.23 In terms of the impact of the access road on adjacent properties, there is a relatively low frequency of trips related to such use such that there would not be an adverse impact on the amenities of the adjoining properties.
- 6.24 Overall, Policy DM1 of the MBLP is complied with in terms of residential amenities with the imposition of relevant conditions.

Highways and Parking

- 6.25 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.26 Policy DM1 of the MBLP requires the safe accommodation of the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access. Policy DM 21 requires development proposals to demonstrate that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual impacts. Policy DM 23 on parking standards requires that vehicle parking for non-residential uses should not exacerbate on street car parking to an unacceptable degree.
- 6.27 The applicant has been notified of the KCC (H&T) objection and any response or further clarifying information will be reported in an update.
- 6.28 The extant planning permission had 3 carports of 6 spaces each and each had driveway spaces making potentially 36 private spaces and 7 visitor spaces. There were no KCC objections to that level of provision. This scheme has no driveway

spaces so the total number of spaces is less. Hence it is not a justifiable concern that this scheme has excessive parking. Members will note that there is concern from local residents that Church Street should not take any overflow parking from this site so under provision of on-site parking would also be a concern.

- 6.29 The submission indicates that there will be sheds in each of the 24 rear gardens that can accommodate storage for cycles. Bearing in mind that the clubhouse is for on-site use (which will be conditioned), I am of the view that there does not need to be more parking for external visitors. There is scope however to provide a cycle rack for use by staff near to the clubhouse.

Other Matters

- 6.30 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable financial contributions to make the development acceptable in planning terms can be sought in line with policy ID1 of the Local Plan in terms of Open Space and NHS monies (this form of development is not subject to CIL). The applicant has agreed these 2 requests to be in a s106 legal agreement.
- 6.31 The site is located within Flood Zone 1 which is at the lowest risk of flooding. The Flood Risk Assessment and Surface Water Management Plan show that SuDS could be incorporated into the design as the site also has a low risk from contamination. This is proposed to be achieved through the use of soakaways and storage crates. This information has been reviewed by KCC Drainage and they are generally content with the approach and methodology in principle but require further investigation and an assurance that foul drainage is not compromised. Conditions are suggested.
- 6.32 A informative on designing out crime is suggested to take account of the representations made by Kent Police. The site lies in an AAP but an archaeological evaluation has taken place in connection with the extant planning permission and fifteen evaluation trenches were excavated with no significant archaeological features or deposits encountered.
- 6.33 As detailed above, there are no particular ecological issues that cannot be dealt with by the imposition of a condition for biodiversity net gain. Tree protection measures also need to be subject of a condition bearing in mind the need to protect the screening function of trees and hedgerows to ensure the conclusions of the LVIA are met.
- 6.34 A condition needs to be imposed for ensure there are enough EV charging points.

PUBLIC SECTOR EQUALITY DUTY

- 6.35 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 Whilst the site is outside the settlement boundaries and thus in the countryside, the site abuts the village and by virtue of its juxtaposition with allotments and the Village sports ground, is not within in visually sensitive "open" countryside. The site is considered to be well contained from a landscape perspective. It is located well in connection with the grain of the village and its facilities.

- 7.02 The accommodation provided can be strictly limited in relation to age and within the accepted C2 definition of Extra Care. There is a significant current and future need for such accommodation and the dependence on windfalls for meeting the need lends significant weight in favour of this application.
- 7.03 There is an extant planning permission which is a "fallback" with a genuine likelihood of being implemented and I am of the view that overall, there is no perceptible difference in harm on the character and appearance of the countryside between the 2 schemes.
- 7.04 Policies DM1 and DM30 of the MBLP are complied with in terms of design /layout and residential amenities with the imposition of relevant conditions can adequately mitigate any other potential harm.
- 7.05 Whilst some information/clarification on the KCC (H&T) objection is awaited from the applicant, compared with the absence of highway concerns on the extant scheme when that was approved, I do not consider that the NPPF test for a refusal on highway grounds could be sustained.
- 7.06 For these reasons, it is considered that meeting a need and the lack of additional countryside or landscape harm when considered to the fallback position, taken together are considered to outweigh the harm due to its location outside the settlement boundary and would justify the departure from the development plan.

8. RECOMMENDATION

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

- Contribution of £17,280 towards NHS healthcare
- Contribution of £37,800 off-site Open Space contribution to be spent at Salts Farm or other Natural/semi-natural areas of accessible public open space within 1km of the development.
- Maintenance of the remainder of the cobnut platt, to be retained in perpetuity as communal amenity
- Occupation only within Class C2 by those aged over 55 with at least one occupant of each unit being subject to a care need assessment and commitment to a minimum care package to be approved by the Local Planning Authority

and the imposition of the conditions as set out below:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the following drawings;

20-1091 PL01 G Proposed Site Layout; 20-1091 PL02 Rev G Proposed Site Plan; 20-1091 PL03 Rev D Proposed Street Elevations/Site Sections; 20-1091 PL04 A Type A Plans and Elevations; 20-1091 PL05 Rev C Proposed

Bungalow Type B Plan and Elevations; 20-1091 PL06 A Type C Plans and Elevations; 20-1091 PL07 A Type D Plans and Elevations; 20-1091 PL08 Rev C Proposed Bungalow Type E Plan and Elevations; 20-1091 PL09 B Community Club House; 20-1091 PL10 A Bin Stores Plans and Elevations; 20-1091 PL11 Proposed Hard Landscaping Plan; 20-1091 PL12 Boundary Treatment Plan; 20-1091 PL13 Tree Protection Plan; 20-1091 PL14 External Lighting Plan; 20-1091 PL15 Bird and Bat Box Plan; 20-1091 PL16 Refuse Strategy Plan; 20-1091 PL17 Foul Drainage Strategy Plan; 20-1091 PL18 Soft Landscaping Plan, 1; 20-1091 PL19 Soft Landscaping Plan, 2; 20-1091 PL20 Bicycle Storage Details; 20-1091 PL21 Air Source Heat Pump Details; 20-1091 PL23 Soft Landscaping Strategy;

Reason: For the purposes of clarity.

- 3) No development above slab level shall take place until details of plots where electric vehicle charging points can be installed have been submitted to and approved in writing by the Local Planning Authority for that phase. The approved plots shall not be occupied until a minimum of one electric vehicle charging point has been installed on each property, and shall thereafter be retained for that purpose.

Reason: In the interests of air pollution control.

- 4) No development above slab level shall take place until details and a timetable to secure biodiversity net gain have been submitted to and approved in writing by the Local Planning Authority. The measures must be implemented as approved thereafter. The measures will be expected to result from investigation of scope for both boxes and integral bricks for birds and bats; insect bricks; gaps under boundary treatments; log piles, hedgehog nesting boxes; climbing plants on walls and other vertical structures; wildflower plug/bulb planting in amenity grassland; a wildlife pond.

Reason: In the interests of ecological enhancement.

- 5) No lighting shall be placed or erected within the site except in accordance with details hereby approved on drawing 20-1091 PL14. Any additional lights shall require details of a "lighting design strategy for biodiversity" for the site to be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

c) Include measures to reduce light pollution and spillage. 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 strategy.

Reason: In the interests of rural amenity and ecological interest.

- 6) Above ground construction work on the approved buildings shall not commence until full details of the following matters in the form of large scale drawings (at least 1:20 scale) have been submitted to and approved in writing by the Local Planning Authority

- a) New external joinery
- b) Details of eaves and roof overhangs
- c) Details of projecting bays and porch canopies
- d) Details of door and window headers and cills.

The development shall be carried out in accordance with the approved details.

Reason: To ensure a high quality appearance in the rural area.

- 7) The development shall not commence until details of the proposed slab levels of the buildings and roadways relative to the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

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

- 8) The hedge on the boundary with Church Street shall be maintained at less than 1m in height to maintain visibility splays. The splays shall be maintained as such thereafter.

Reason: In the interests of highway safety.

- 9) The development shall not be occupied until the approved parking areas have been provided and that areas shall not thereafter be used for any purpose other than the parking of vehicles for the development hereby approved. The 10 designated visitor spaces shall be retained for visitors only thereafter.

Reason: In the interests of highway safety.

- 10) The development shall not be occupied until a cycle rack has been installed to serve the clubhouse in accordance with details that have been submitted to and approved by the Local Planning Authority and until the cycle stores on drawing 20-1091 PL20 have been provided.

Reason: In the interests of sustainable travel.

- 11) The clubhouse as approved shall only be used for the provision of care or for purposes ancillary to the use of the extra care units hereby approved.

Reason: To prevent harm to the amenities of surrounding occupiers.

- 12) Notwithstanding drawing 20-1091 PL18 and PL19, no development above damp proof course level shall take place until details of a scheme of landscaping using native species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 and a programme for the approved scheme's implementation and long term management, have been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site.

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a high quality of design

- 13) There shall be no occupation of the development hereby permitted until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory landscaped setting for the development

- 14) All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within ten years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity.

- 15) The development shall not commence above slab level until a Landscape and Ecological Design and Management Plan has been submitted to and been approved in writing by the local planning authority. The Landscape and Ecological Design and Management Plan shall include the following:

- a) Purpose and conservation objectives for the proposed habitat creation and enhancements;
- b) Detailed design to achieve stated objectives;
- c) Extent and locations of proposed works on appropriate scale plans;
- d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) Description and evaluation of features to be managed;
- f) Aims and measurable objectives of management;
- g) Appropriate management prescriptions for achieving aims and objectives;
- h) Preparation of a work schedule for the duration of the plan;
- i) Ongoing habitat and species monitoring provision against measurable objectives;
- j) Procedure for the identification, agreement and implementation of contingencies and/or remedial actions where the monitoring results show that the objectives are not being met;
- k) Details of the body/ies or organisation/s responsible for implementation of the plan.
- l) Details of interpretation boards to be incorporated in to the development site to inform residents of the sites management.

The Landscape and Ecological Design and Management Plan shall also include details of the legal and funding mechanism by which the short and long-term implementation of the management Plan will be secured by the developer with the

management body responsible for its delivery. The approved Plan will be implemented in accordance with the approved details.

Reason: To ensure a high quality design, appearance and setting to the development, and to protect and enhance biodiversity.

- 16) The development shall not commence until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS shall incorporate details appropriate to the construction operations being undertaken and shall include, but not be limited to, a working methodology/phasing for operations with the Root Protection Area (RPA) of any retained tree; consideration of the location and installation of services and drainage; a programme of site monitoring and arboricultural supervision if appropriate; a detailed schedule of re-commencement tree works and; a Tree Protection Plan showing the design and location of fencing and/or ground protection necessary to ensure all retained trees can be successfully integrated within the permitted scheme. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

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

- 17) Development shall not commence until a detailed sustainable surface water drainage strategy been submitted to (and approved in writing by) the local planning authority. It 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 100yr storm) can be accommodated and disposed of within the curtilage of the site.

Reason: To ensure the proper integration of sustainable urban drainage within the development

- 18) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

i) A timetable for its implementation, and

ii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

INFORMATIVES

- 1) The Local Member is to be consulted on submission of details relating to landscaping.
- 2) Foul sewers should be routed outside of areas of permeable paving or cross it in dedicated service corridors, particularly where sewers will be offered for adoption.
- 3) You are advised to contact Kent Police's Designing Out Crime Officer to discuss site specific designing out crime measures.

Case Officer: Marion Geary

Item 13 Pages 9 - 26

Land To West Of 70 Church Street Boughton Monchelsea

APPLICATION: 20/503109/FULL

Applicant:

The applicant has responded to the representations of KCC Ecology and KCC Highways and Transportation as follows:

Ecology: Amended drawings indicate the mounting of the bat and bird boxes noted as tree or pole mounted subject to site investigation plus details of the integrated bird and bat boxes.

Highways: DHA transport consultants have prepared a response to KCC (H&T) and additional tracking drawings as requested. The Design and Access Statement REV B has amendments made to the parking provision to align with the transport statement. Drawing PL20 which gave details of secure bike storage to each bungalow, has been updated to include provision for visitors secure cycle parking on a 6 bike rack adjacent plot 24.

Consultees:

KCC Ecology have commented on the additional information:

The submitted bird and bat box plan has confirmed that the following will be erected on/within the buildings:

- 6 integrated sparrow terraces
- 5 integrated swift boxes
- 4 integrated bat boxes

The landscaping plan has confirmed the following will be implemented within the west of the site/site boundaries. The bat and bird boxes will be erected on trees or poles of the trees cannot support them – To be agreed when the boxes are being erected.

- Retention and enhancement of cobnut orchard
- 2 owl box
- 5 bat boxes
- Wildflower meadow.

KCC (H&T) have yet to comment on the recently received additional/revised information. Any response will be verbally reported.

Discussion:

The applicant has confirmed that there will be 15 integrated bat/bird boxes/bricks and 7 securely affixed boxes elsewhere on trees or poles as necessary. This is considered to be satisfactory.

The information/clarification requested by KCC (H&T) has been provided, other than crash record data. As detailed in the main agenda report, I do not consider that there is a sustainable highways reason to refuse.

The indication of scope for a visitor cycle rack is welcomed but the position indicated (on the opposite side of the road to the clubhouse) needs further review in my view to ensure it is best sited and this can be addressed by an amendment to suggested condition 10.

Informatives on Breeding Birds and Construction Management are also suggested.

Pages 21-23

Condition 2: updated to reflect additional/revised drawings

Condition 10: updated to reflect revised drawings but to require revised details of the location of the cycle rack to serve the clubhouse

Condition 12: updated to reflect revised drawings

Additional Informatives:

4) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub, hedgerows and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Vegetation is present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present

5) You are advised to adhere to a Construction Management Plan as follows:

Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

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

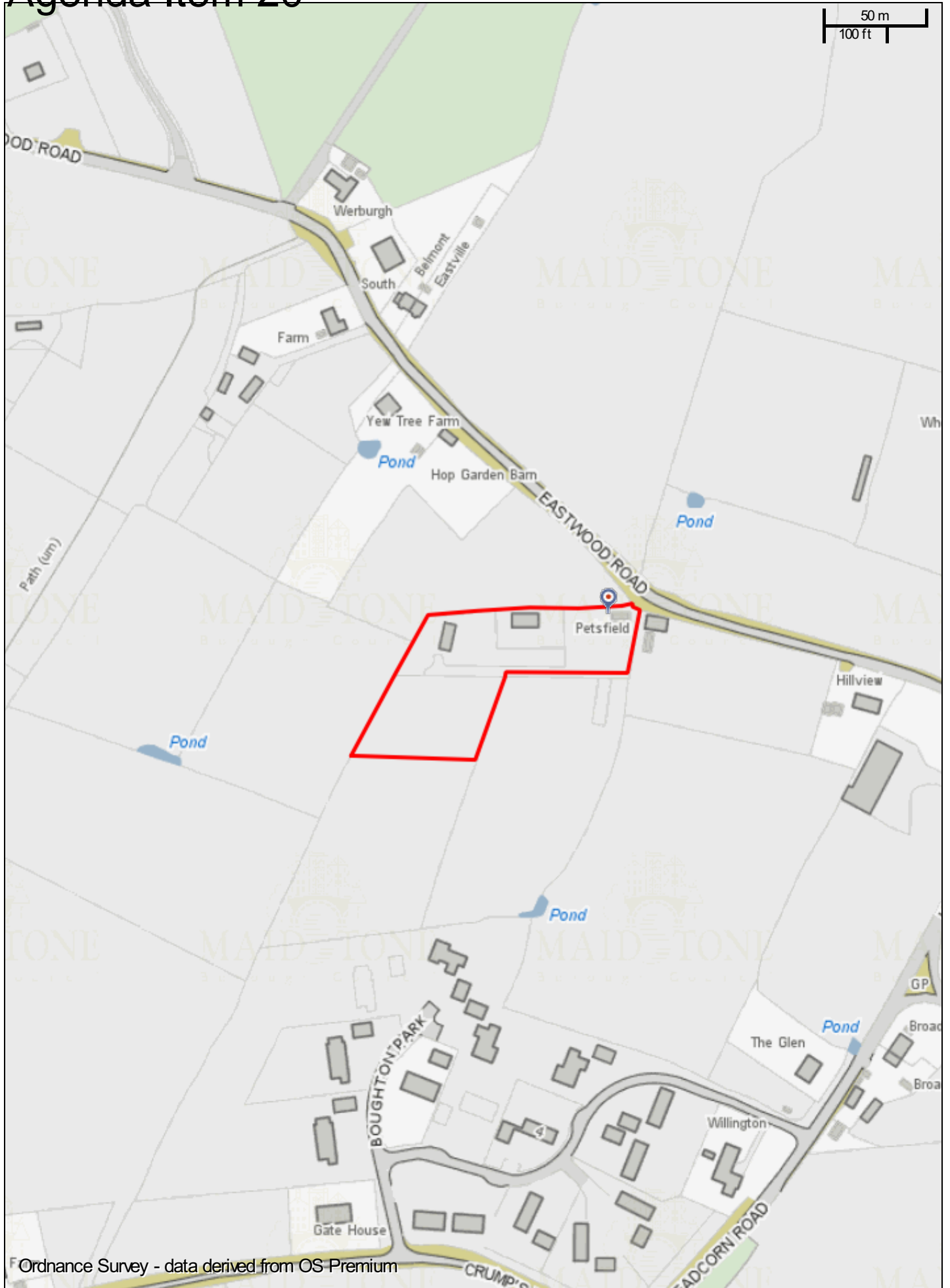
Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.

Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.

The recommendation remains unchanged

Agenda Item 20



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 20/502748/FULL		
APPLICATION PROPOSAL Part retrospective application for the change of use from grazing to residential for Gypsy family and stationing of 3 No. mobiles with associated parking and the installation of 2 new cesspools		
ADDRESS Petsfield, Eastwood Road, Grafty Green, Maidstone, Kent, ME17 2DQ		
RECOMMENDATION Grant planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The proposals are in keeping with the existing gypsy and traveler use. • The visual impact of the proposed development is not significant due to its modest scale and design, and the screening from existing site boundary treatment. 		
REASON FOR REFERRAL TO COMMITTEE Boughton Malherbe Parish Council and Ulcombe Parish Council have requested that the planning application is considered by the Planning Committee if officers are minded to approve for the reasons set out in paragraph 5.01 and 5.02		
WARD Headcorn	PARISH/TOWN COUNCIL Boughton Malherbe	APPLICANT Mr Mark Hilden AGENT Ellis Associates Bexley Ltd
TARGET DECISION DATE 30/10/2020 (EOT)		PUBLICITY EXPIRY DATE 31/7/2020

Relevant Planning History:

13/2141: Retrospective application for the erection of day room and decking as shown on site location plan received 12/12/13 and drawing no. 1111/13/B/1 Rev A received 24/03/14
Approved on 12 May 2014

11/1076: Retrospective application for the erection of a day room as shown on the site location plan, elevations and drawing number 1111/10/1/B received on 28/06/11.
Approved on 19 Aug 2011

10/1383: An application for discharge of conditions relating to MA/09/1891 (Change of use from grazing to residential for Gypsy family and stationing of two mobile homes, one touring caravan, hardstanding and associated works) details of condition 4 - Landscaping, Condition 5 - Landscaping Scheme, Condition 6 - Foul and surface water drainage and Condition 8 - Surfacing of hardstanding.
Approved on 13 Jun 2013

09/1891: Change of use from grazing to residential for Gypsy family and stationing of two mobile homes, one touring caravan, hardstanding and associated works as shown on unnumbered site location plan and unnumbered plan received on 19/10/09 –
Approved on 25 Feb 2010 Committee Decision

MAIN REPORT

1. DESCRIPTION OF SITE

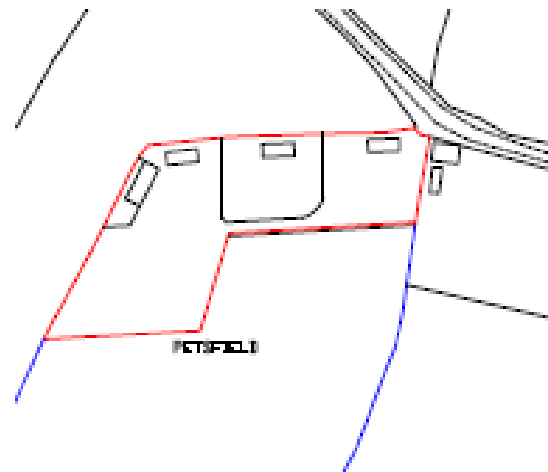
- 1.01 'Petsfield' is a lawful gypsy site on the south side of Eastwood Road that was granted planning permission under MA/09/1891 for the stationing of two mobile homes and one touring caravan. The permission did not include any condition that restricted the location of the caravans on the site. The application site for the current change of use relates to land immediately to the south of the existing gypsy site. The site location extracts below show that the site areas previously approved is comparable to the site area currently proposed.

Fig 1: Comparison of site plans for MA/09/1891 and 20/502748/FULL

Red line boundary for MA/09/1891



Current application red line boundary



- 1.02 Two subsequent planning permissions (11/1076 and 13/2141) allowed two day rooms to be stationed on site.
- 1.03 The access point is in the north eastern corner of the application site onto Eastwood Road. This point is the only part of the site where the site immediately adjoins the boundary with Eastwood Road. The remainder of the northern boundary is separated from Eastwood Road by between 10 and 90 metres (approximately). To the east and west of the site are open fields.
- 1.04 The nearest residential property to the site is Yew Tree Cottage (a grade II listed building), which is located approximately 100 metres from the site boundary in a north-west direction. At the time of site visit, one of the three proposed mobile homes has been stationed and grassland has partially been paved.
- 1.05 The site is located within the open countryside and within the Low Weald Landscape of Local Value as designated in the Maidstone Borough Local Plan 2017.

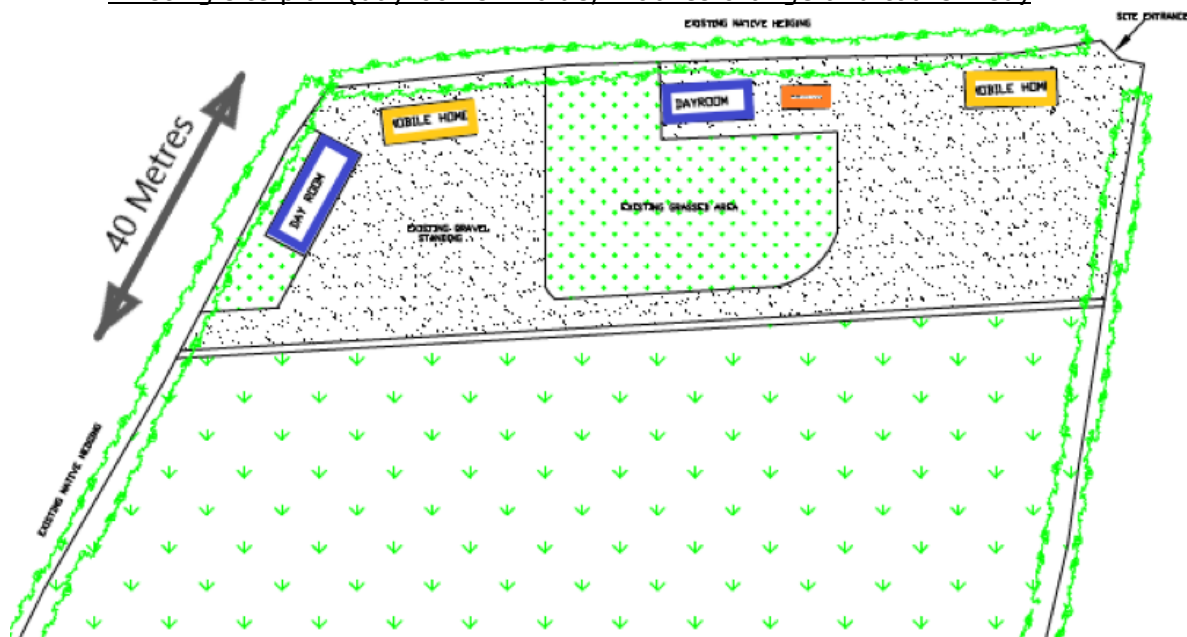
2. PROPOSAL

- 2.01 The current, part retrospective, planning application is for the change of use of land from grazing to residential for occupation by a gypsy family, including the stationing of 3 additional mobile homes with associated parking and the installation of 2 new cesspools.
- 2.02 The proposed mobiles would sit to the immediate south of the existing gypsy site alongside the western boundary opposite to a day room and mobile home. The three mobile homes would sit next to one another and separated by 1.8m tall

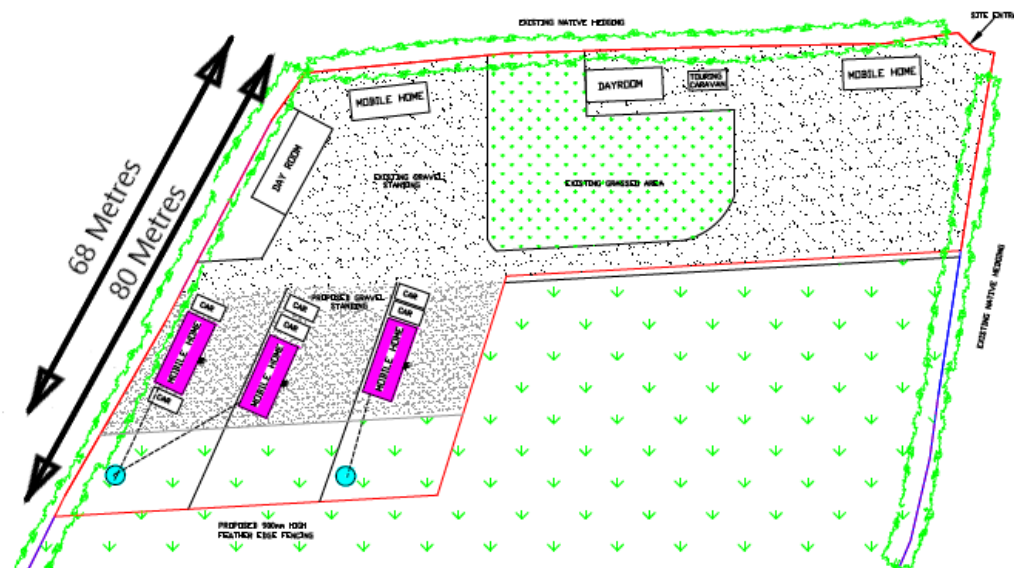
- fence. Design of the mobile would match the existing mobiles with white UPVC composite cladding and dark UPVC tin roof sheets.
- 2.03 Details of the occupants of the mobile homes have been submitted, together with evidence of the gypsy and traveller status that the applicant is claiming.
- 2.04 The site is located within the open countryside and within the Low Weald Landscape of Local Value as designated in the Maidstone Borough Local Plan 2017.
- 2.05 The existing and proposed site plans are shown below. It should be noted that the depth of the site as existing does not extend as far south as that approved under application MA/09/1891. The approved site is shown on Fig 1 earlier in this report.

Fig 2: Comparison between existing and proposed layout plans.

Existing site plan (dayrooms in blue, mobiles orange and tourer red)



Proposed site layout (proposed mobiles in purple with adjacent parking)



3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

SP17- Countryside

DM1- Principles of good design

DM3- Natural environment

DM15- Gypsy, Traveller and Travelling Showpeople accommodation

DM30- Design principles in the countryside

National Planning Policy Framework (NPPF):

Section 12- Achieving well-designed places

Supplementary Planning Documents:

Planning Policy for Traveller Sites' (PPTS)

Maidstone Landscape Character Assessment (2012 – amended 2013)

Maidstone Landscape Capacity Study: Sensitivity Assessment (2015)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 27 representations and a petition with 65 signatories received from local residents raising the following (summarised) issues
- The proposed development, by way of its size, scale and cumulative effect would result in an adverse and incongruous feature in the countryside leading to demonstrable harm to its character, appearance and the quality of the rural landscape which has been designated as landscape of local value
 - The three mobile homes will be clearly visible from Eastwood Road
 - The Council has met the supply for G&T sites, there is no need to authorize additional pitches in existing sites
 - The application site is not an allocated G&T sites in the local plan
 - The application site is not in a sustainable location
 - The development has been positioned within an area of Oak trees with TPO's on the direct boundary plus greenbelt land neighbouring (Forstal Farm) hence the charges and covenants placed on this land
 - Ecological impact
 - Decision should be in line with other refused similar applications nearby
 - Light pollution
 - Queries on the Gypsy and Traveller status of the occupiers
- 4.02 Issues with regards to visual harm, residential amenity, supply and demand of Gypsy and Traveller sites, ecology, and Gypsy and Traveller status would be assessed in the report. However, it is highlighted that the site is not within or in proximity to any TPO and greenbelt land.

5. CONSULTATIONS

5.01 Boughton Malherbe Parish Council (Summarised)

Objection: Councillors recommend that the application be REFUSED and referred to MBC Planning Committee were the Planning Officer minded to approve the application for the reasons listed below.

- Constitutes an unwarranted incursion into the surrounding countryside outside the boundary of the original planning permission and will not conserve or enhance the natural environment contrary to NPPF Paras 109 to 125.
- Harm the appearance and landscape of the area contrary to policies SP17, DM15 and DM30 of the Local Plan.
- Intensify the current noise and light pollution from Petsfield. The current development with external light is in breach of the original planning permission.
- Previous landscaping conditions have been ignored.

- The council has met the supply for Gypsy and Traveller sites, there is no need to authorize additional pitches in existing sites. No provision in the local plan for Gypsy and Traveller sites in this area
- Unsustainable location contrary to policies SS1 and DM15 of the local plan, or PPTS 2015 para 13 and NPPF para 122c
- Queries on the Gypsy and Traveller status of the future occupiers of the proposed three mobiles

5.02 Ulcombe Parish Council (Summarised)

Objection: Councillors recommend that the application be REFUSED and referred to MBC Planning Committee were the Planning Officer minded to approve the application for the reasons listed below.

- The expanding Gypsy and Traveller community within such a small area of the countryside dominates the parishes of Grafty Green, Ulcombe and Headcorn.
- No justification for allowing this development given the adverse and blighting effect to the countryside and Landscapes of Local Value contrary to policies SS1, SP17, DM1 and DM30 of the Local Plan.
- Harm to the character and appearance of the area has been established for a similar Gypsy and Traveller development in a recent refusal (19/503101/FULL) at Neverend Farm (less than 1 mile from the site).
- Unsustainable location as stated in a recent appeal at Little Willows (19/504684/FULL) about ½ km from this site.
- Visual harm to the setting of adjacent Grade II Listed Building (Yew Tree Farm), contrary to section 16 on heritage assets in particular to para 194 (substantial harm to the setting of a Grade II asset) of the NPPF, and policy DM4 (impact on heritage assets) of the Local Plan.
- Intensify the current artificial light pollution from Petsfield contrary to paragraph 180 of the NPPF and DM8 of the Local Plan.
- Queries on the whether there is definitive evidence that the applicants are nomadic in accordance with the requirement from PPTS of 2015.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Need for Gypsy and Traveller Pitches
- Supply of Gypsy Sites
- Gypsy Status
- Design and landscape impact
- Amenity impact
- Sustainability
- Impact on Heritage

Need for Gypsy and Traveller Pitches

6.02 The Maidstone Borough Local Plan was adopted in October 2017 and includes policies relating to site provision for Gypsies and Travellers. Local Authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plan.

6.03 Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012. The GTAA conclusions on the need for pitches over the remaining Local Plan period is shown in table 1 below.

6.04 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of need at this point, forming as it does part of the evidence base to the Local Plan. It is considered to be a reasonable and sound assessment

of future pitch needs, albeit that actual needs may prove to be somewhat lower as a result of the definition change. The current GTAA provides the best evidence of need but each decision must be taken on evidence available at the time of a decision made.

Table 1: Need for Gypsy and Traveller Pitches Oct 2011 to March 2031

Period	No of pitches
Oct 2011 – March 2016	105
April 2016 – March 2021	25
April 2021 – March 2026	27
April 2026 – March 2031	30
Total Oct 2011 to March 2031	187

- 6.05 The target of 187 additional pitches is included in Policy SS1 of the Adopted Maidstone Borough Local Plan (Adopted October 2017).

Supply of Gypsy Sites

- 6.06 Accommodation for Gypsies and Travellers is a specific type of housing that Councils have a duty to provide for under the Housing Act (2004). Adopted Local Plan policy DM15 accepts that subject to a number of criteria being met, this type of accommodation can be provided in the countryside.
- 6.07 The following table sets out the overall number of pitches which have been granted consent from 1st October 2011, the base date of the assessment, up to 31st March 2020.

Table 2: Supply of Gypsy and Traveller Pitches Oct 2011 to 31 March 2020

Type of consents	No. pitches
Permanent consent	196
Permanent consent + personal condition	30
Consent with temporary condition	4
Consent with temporary + personal conditions	39

- 6.08 A total of 226 pitches have been granted permanent consent since October 2011 (196+30). These 226 pitches exceed the Local Plan's 187 pitch target. The Council's current position is that it can demonstrate an 8 year supply of Gypsy and Traveller sites at the base date of 1st April 2020.
- 6.09 Government guidance on Gypsy and Traveller development is contained in 'Planning Policy for Traveller Sites' (PPTS). The PPTS at paragraph 11 advises "...Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community".
- 6.10 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight in the consideration of granting consent on a temporary basis. As the Council considers itself to be in a position to demonstrate a 5 year supply of pitches, the PPTS direction to positively consider the granting of temporary consent does not apply.

Gypsy Status

- 6.11 The planning definition of 'gypsies & travellers' as set out in the PPTS has been amended to exclude those who have ceased to travel permanently. The revised

definition (Annex 1 of the PPTS) is as follows: "*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such*".

- 6.12 As noted above, the definition includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition, the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 6.13 In terms of the applicant's Gypsy status, the applicant of this application is the same as previous permissions for Petsfield. It is stated in the submitted Design and Access Statement the proposed three mobiles would be accommodated by the applicant's three grandchildren whom has reached an age where they require their own accommodation.
- 6.14 Information has been submitted which demonstrates that the applicant has Gypsy and Traveller status, and the additional mobiles would be occupied by their grown up grandchildren. They have always travelled together as a family and will continue to do so. They travel to horse fayres and markets throughout the country to make their living. As such, there is no reason to reasonably doubt the applicant and the grandchildren have and will continue to pursue a Gypsy and Traveller lifestyle thereby meeting the provisions of the revised guidance.

Design and landscape impact

- 6.15 Policy DM1 states that development must respond positively to, and where possible enhance the character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage – incorporating a high quality design approach.
- 6.16 Policy DM15 states that Gypsy and Traveller development must not result in harm to the local landscape character and that development should be well screened by existing landscape features.
- 6.17 Policy DM30 requires, amongst other things, that development maintains, or where possible, enhances local distinctiveness including landscape features; that impacts on the appearance and character of the landscape will be appropriately mitigated.
- 6.18 The application site is located in countryside identified as a Landscape of Local Value, Ulcombe Mixed Farmlands within the Low Weald. In terms of elements of this landscape that are relevant to this application the Landscape Character Assessment encourages the reinstatement of native hedgerow boundaries where these have been removed and conserve the distinctive linear pattern of settlements.
- 6.19 The site is well screened from Eastwood Road by way of the existing high dense vegetation and close boarded fencing along its own boundary as well as the boundary hedgerow of the intervening field adjoining the road.
- 6.20 Furthermore, the three mobile homes are set back from Eastwood Road, and there would be no views from any public footpaths, the nearest being KH328 located approximately 170 metres to the west. In addition, the proposed caravans have a low roof pitch dark in colour, at the same height as existing

mobile homes on the site and slightly lower than the height of the day rooms. The existing dayroom and mobile homes would provide additional screening to the proposed mobiles from the main road.

- 6.21 Notwithstanding the screening of the site, following a discussion with the applicant that raised concerns about the extent of hardstanding, revised plans have now been received. The revised layout shows reduction in the extent of the hardstanding with the relocation of the parking spaces closer to the existing site and provision of a grassed area as a garden for each of the mobile homes. The amended scheme would retain approximately 30% of the extended site area with grassland as shown on the revised Existing and Proposed Block Plan and Elevation received on 12th Oct 2020.
- 6.22 Having considered the above, I am of the view that the development, being close to an existing gypsy site, does not appear prominent or visually intrusive in long-range views of the countryside, or cause any material harm to the scenic quality or character of the landscape of local value. Even when the leaves are off of the trees during winter season, I do not consider that the development will harm the openness of the countryside due to its location, its relatively low height, and the set back from the road.
- 6.23 In terms of impact upon heritage, Yew Tree Cottage (a grade II listed building) is located approximately 100 metres to the north-west of the site boundary. Given the site is sufficiently screened by dense vegetation and fence, and the degree of separation, I do not consider the proposed development would result in any significant visual impact affecting the setting of this listed building.
- 6.24 In terms of light pollution, it is not considered that appropriate lighting would cause unacceptable harm to the area visually. A planning condition requesting details of external lighting to be submitted and approved is recommended to be attached to any grant of permission.
- 6.25 Representations have been received with regard to the Council's views for similar development nearby on visual harm to the countryside. Whilst they are in a nearby location to the application site, each of the site's situation and proposal varies, and I am mindful each application should be assessed on its own merits.
- 6.26 Without the development or residential use being prominent from any public vantage point it is considered that there is no significant demonstrable visual harm to the character and appearance of the surrounding area. In the absence of such harm, I consider that the impact on the character and appearance of the Landscape of Local Value and open countryside to be acceptable.

Amenity Impact

- 6.27 The mobile homes at the site would have no significant effects on the privacy of existing dwellings within Eastwood Road. The nearest dwellings are Yew Tree Farm, approximately 100m to the west of the site and Hillview, approximately 120m to the east. These distances together with the boundary treatment would ensure that there would be no adverse impact in terms of loss of privacy, or light.
- 6.28 With regard to noise disturbance from the site. A residential use is not a significant noise generator and any complaints regarding excessive noise would be assessed under the Environmental Health Legislation.
- 6.29 In terms of light pollution, it is not considered that appropriate lighting would cause unacceptable harm to the neighbouring properties to warrant refusal. A condition requesting details of external lighting is recommended.

Sustainability

- 6.30 In terms of sustainability, the site is located relatively close to Kingswood, Harrietsham, Headcorn and Lenham and is approximately 0.5 miles to the village boundary of Grafty Green and 1.2 miles to the village of Ulcombe.
- 6.31 Whilst the site is not within a village or immediately on the edge of a village the above distances indicate that it is not an isolated site and would provide a settled base without the need for long-distance travelling. In this instance, the site is adjacent to an existing Gypsy and Traveller site, and would be occupied by the same gypsy family at Petsfield hence minimizing travelling between family where they can live on the same site. As such, I do not consider that the site is in such an isolated position that would warrant refusal on sustainability grounds.

Ecology

- 6.32 The site is an existing Gypsy and Traveller site with grass and hardstanding. The proposed involves the change of use of grassland which has been used by the applicant for grazing of horses. It is considered unlikely that the grassland provides a suitable habitat for any species and there is no requirement for any ecological surveys.
- 6.33 Should permission be forthcoming conditions will be imposed requiring the applicant to submit details of biodiversity enhancements to achieve a net biodiversity gain and this could be in the form of bird and bat boxes.

Highways

- 6.34 The site is served by an existing access onto Eastwood Road. The vehicle movements generated by three additional mobile homes on the site would be easily accommodated on the local road network. A refusal would not be warranted in relation to the individual impact from the additional mobile homes currently proposed or in terms of the cumulative impact from other local development.
- 6.35 The current access arrangements to the site are considered acceptable and there have been no significant changes to the circumstances of the site, the development or the surrounding road network which would result in any impact to highway safety.

Other Matters

- 6.36 It is not considered that this proposal, when considered cumulatively with other lawful gypsy sites in the vicinity, would be such scale and density that would result in it having an unacceptable impact upon the existing residential community.

Human Rights and Equality

- 6.37 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home.
- 6.38 Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.

7. CONCLUSION

- 7.01 In accordance with national planning policy, the issue of intentional unauthorised development has been a material consideration in the determination of this part retrospective application and this does weight against the development.

- 7.02 The development, being adjacent to an existing Gypsy and Traveller site and existing boundary treatment, would not have a harmful impact upon the character and appearance of the wider countryside and the area designated as landscape of local value.
- 7.03 In balancing all matters, the proposal would be acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval subject to conditions is made on this basis.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The additional mobile homes hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites, August 2015 (or any subsequent definition that supersedes that document);
Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies/travellers who satisfy the requirements for Gypsy and Traveller Caravan Sites.
- 2) No more than six caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any one time, of which no more than five shall be static caravans or mobile homes, and no further caravans shall be placed at any time anywhere within the site. The five static caravans or mobile homes shall be stationed on the site only in the positions shown on the plan (Proposed Block Plan, drawing no. MAI/20014/P Rev A received on 12 Oct 2020) hereby approved.
Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value.
- 3) No commercial activities shall take place on the land at any time, including the storage of materials and/or livery use. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and not more than four vehicles shall be stationed, stored or parked on the site at any one time;
Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value and local amenity generally.
- 4) The caravans hereby approved shall not be occupied until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to occupation of the caravans and all features shall be maintained thereafter.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- 5) No external lighting shall be put in place or operated on the site at any time other than that which has been previously submitted to and approved in writing by the Local Planning Authority;
Reason: In order to safeguard the night-time rural environment, the ecological interests of the site, and residential and local amenity generally.
- 6) Notwithstanding the provisions of Schedule 2, Part 4 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 temporary buildings or structures shall be stationed on the land

without the prior permission of the Local Planning Authority other than as expressly permitted by this decision;

Reason: To safeguard the visual amenity, character and appearance of the open countryside location.

- 7) No bonfires or incineration of rubbish or organic material or vegetation shall take place on the site;

Reason: In order to safeguard residential and local amenity generally.

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

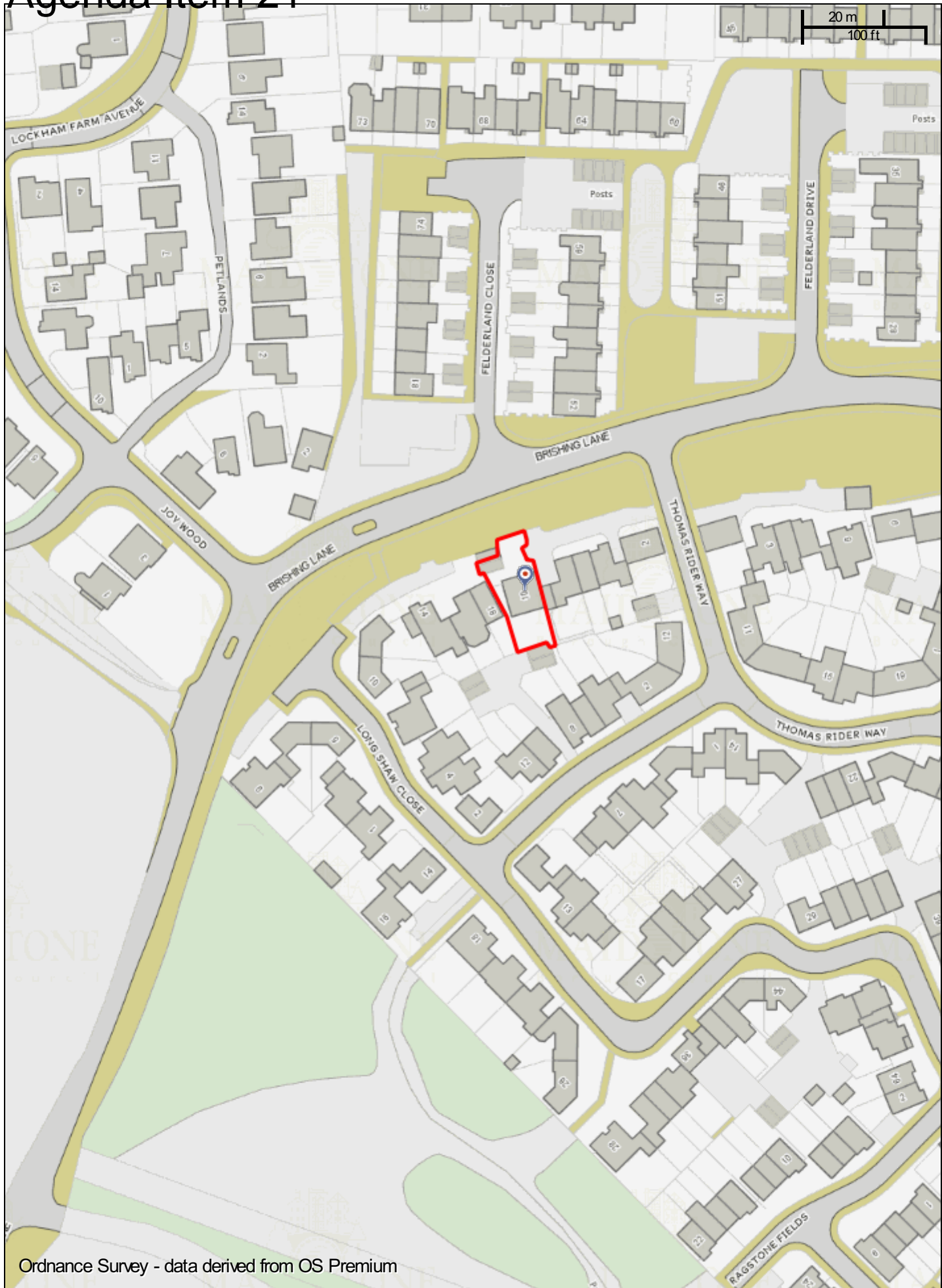
Site Location Plan received on 25 June 2020

Existing and Proposed Block Plan and Elevation, No. MAI/20014/P received on 12 Oct 2020

Reason: In the interests of amenity.

Case Officer: Michelle Kwok

Agenda Item 21



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO - 20/503801/FULL			
APPLICATION PROPOSAL Replacement and raising of roof height to create a loft conversion, including front and rear dormers and erection of a single storey rear extension. Creation of an additional two parking bays to the front.			
ADDRESS 10 Thomas Rider Way Boughton Monchelsea Maidstone Kent ME17 4GA			
RECOMMENDATION : GRANT subject to the planning conditions set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION For the reasons set out below it is considered that the proposed extensions and alteration to the property would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor be unacceptable in terms of any other material planning considerations such as the proposed development is considered to be in accordance with current policy and guidance.			
REASON FOR REFERRAL TO COMMITTEE The recommendation is also contrary to the views of Boughton Monchelsea Parish Council who have requested the application be presented to the Planning Committee			
WARD Park Wood	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Mrs Alla Baykova AGENT Architecnique Architects	
DECISION DUE DATE 29/10/20	PUBLICITY EXPIRY DATE 09/10/20 (to be extended to allow for re-consultation of description)	OFFICER SITE VISIT DATE 18/09/20	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
01/1904	An outline application for residential development together with ancillary works and open space provision with all matters except means of access reserved for future consideration.	Permitted	19/3/04
01/1904/01	Application for a approval of reserved matters of siting, design and external appearance pursuant to outline planning permission MA/01/1904 for the erection of 269 number dwellings, plus variation of condition 24(i) to allow parking ratio of up to 1.85 spaces per dwelling, and variation of condition 1 in respect of on plot landscaping to allow approval of on plot landscaping after the commencement of	Permitted	16/6/06

	development.		
06/0936	Variation of condition 1 of planning permission MA/01/1904 (An outline application for residential development together with ancillary works and open space provision with all matters except means of access reserved for future consideration) to extend the period of time within which reserve matters may be approved and development commenced, for a further 3 years and 5 years (or 2 years from approval of reserved matter, whichever is the later.	Permitted	10/7/06

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application relates to a link detached, 2-storey dwelling. Situated at the end of a private drive which serves the application property and four other properties, the properties postal address is Thomas Rider Way, however it fronts towards Brishing Lane, but has no vehicular access from this road and is separated by a grass verge and mature planting.
- 1.02 The site is within the Maidstone Urban settlement boundary as defined in the Local Plan and lies just within the Boughton Monchelsea Parish. No other designations apply.
- 1.03 To the front there is an existing double garage with part serving the application site and faces eastwards and part facing westwards towards number 18. There is an existing single hardsurfaced parking space serving the application site, with an additional space having been created. To the rear the garden is enclosed by close boarded fencing along both side boundaries and the flank wall of a neighbouring garage to the rear. The garden is flat and is heavily hard/soft landscaped with a pond feature central to the site.
- 1.04 The property was originally built under a 2001 planning permission with neither the outline nor reserved matters applications removing permitted development rights for the property.

2.0 PROPOSAL

- 2.01 The proposal is for the replacement and raising of roof height to create a loft conversion, including front and rear dormers and erection of a single storey rear extension. Creation of an additional two parking bays to the front. These elements can be described in greater detail as follows :

2.02 *Replacement/raising of existing roof*

Both the height of the main roof would be raised, with the overall main roof design remaining the same. The existing eaves height would not change, but the existing ridge would be raised from approximately 8m to 9.4m, an increase of approximately 1.4m.

The height of the existing front two storey projection would not be raised but two glazed triangular windows would be added to the front gable.

2.03 *Front and rear dormers*

The proposed front dormer would be sited above eaves level and below the ridge and would have a pitched roof, with an approximate width of 2.3m, an overall height of 3.4m and a maximum projection from the roof of approximately 3.3m.

The rear dormer would extend across the width of the roof by approximately 7.5m and would have a mix of pitched and mono-pitched roofs, with a maximum height of 3.4m and a maximum projection from the roof of approximately 3.3m. The dormer would be sited above existing eaves height, below the new ridge height and set in at both sides. Three windows would be provided serving unspecified rooms.

2.04 *Single storey rear extension*

The extension would be sited to the rear of the property and extend the existing kitchen rearwards by approximately 2.7m, a width of approximately 5m and have a mono-pitched roof with an eaves height of 2.5m and a ridge height of 3.9m. There would be bi-fold doors across the rear elevations and two rooflights in the mono-pitched roof.

2.05 *Two new parking bays*

It is proposed to extend the existing hardsurfacing to provide two additional parking spaces. One has already been created and surfaced in shingle and the other would require the removal of some existing planting. The application form states this would be serviced in porous paving material.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan : Policies DM1, DM9 and DM23
Supplementary Planning Documents: Residential Extensions SPD

4.0 LOCAL REPRESENTATIONS : None received at time of writing report. Neighbours have been re-consulted on amended description to include the front and rear dormers, but the scheme itself has not been amended since the original consultation.

5.0 CONSULTATIONS

5.01 Boughton Monchelsea Parish Council

The Parish Council wish to see the application refused for the following planning reasons and wish to see it reported to MBC planning committee for decision :

The proposal is out of scale and character with its neighbours and represents overdevelopment of the property

The term loft conversion is a misnomer, the proposal is effectively adding an entire third storey to the property, both internally and externally

6.0 APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of development/Policy context
- Visual amenity
- Residential amenity
- Highways matters
- Other matters

Principle of Development/Policy context

6.01 The application site is within the defined urban boundary, Policy DM9 of the local plan allows for residential extensions provided that :

- i) The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;
- ii) The traditional boundary treatment of an area would be retained and, where feasible, reinforced;
- iii) The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and
- iv) Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.

6.02 Policy DM1 (ii) in terms of design refers to developments responding positively to the local character of the area, with regard being paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage. DM1 (iv) re-iterates consideration to be paid to adjoining neighbouring amenity.

6.03 The Residential extensions SPD in relation to rear extensions sets out that rear extensions should not normally exceed 3metres in depth and neighbouring amenity should be protected. Regarding loft conversions, sets out :

'Increasing the roof height of a dwelling by altering the eaves height or the pitch of the roof can have a detrimental impact on the dwelling and street scene and should be avoided' (para 4.30)

'New dormers will not normally be allowed to front elevations in streets where there are none already' (part para 4.32)

'Loft extensions are preferred on the back elevation in order to preserve the character of the street.' (para 4.33)

'Where acceptable, dormer windows should be proportionate in scale to the roof plan and where there is a logical symmetrical layout of doors and windows, should follow the vertical lines of these openings. They should never project above the original ridgeline and should be set back a minimum of 20 centimetres from the eaves to maintain the visual appearance of the roof line.' (para 4.34)

'Large dormer/roof extensions requiring planning permission, which are disproportionate to the house, will not be allowed.' (para 4.35)

- 6.04 The principle of extensions to the property is acceptable, whereby its location within the urban area, however this is subject to consideration of the key issues set out above which are discussed below.

Visual Impact

- 6.05 The application site, although its postal address is Thomas Rider Way, it fronts onto Brishing Lane and is clearly visible from this more trafficked street scene. The proposed development by reason of the raised ridge height would make the host dwelling more prominent within the street scene.
- 6.06 However, what the plans do not show is its relationship with the immediate neighbouring dwellings. Both the immediate neighbours 10 Long Shaw Chase and 8 Thomas Rider Way have higher ridge heights than the application site. The proposed development would raise the height of the roof to that akin with these neighbouring properties such that the increase in height would not be seen as out of place/character within the street scene. Front dormers can be observed on the neighbouring property at 10 Long Shaw Chase, together with a number of other properties within the immediate/wider street scene, such that they are not uncharacteristic and as such the proposed front dormer is not considered to be a harmful addition to the existing dwelling. It is noted that it would be slightly larger than those on neighbouring properties, however its larger proportions would not be harmful to the extent that refusal of the application should follow. The Council has previously approved a similarly sized front dormer to a similar property on Brishing Road (number 10)
- 6.07 The property is also set back and separated from the Brishing Lane road frontage by a large grassed verge and there is a tall hedge and tree planting which adds further screening.
- 6.08 The proposed enlarged parking area would result in the removal of some landscaping within the application site to accommodate the third parking space. It could be that the applicant could remove this planting at any time and create the additional parking space (as they have already done to create the second space). However what would not be acceptable would be the removal of the boundary hedge and more robust planting buffer which it is considered falls outside the application site. As such it is considered that a condition is required to provide a landscaping scheme to ensure that the removal of the hedge and planting buffer is not removed to facilitate the parking space.
- 6.09 To the rear the single storey extension would not be visible outside the application site and would not result in any visual harm. The proposed dormer, although large, has been designed to incorporate pitched roofs, matching materials, set in from the widest extents of the roof and there is very limited (if any) views of the rear roofscape from public vantage points. Permitted development rights to alter roofs are in themselves extensive and allow for the facilitation of varying roof alterations and although the proposed would not fall within any permitted rights a poorer designed scheme could be achieved without the need for planning permission.
- 6.10 Overall the cumulative impact of the proposed extensions, which although on paper may look extensive, in terms of the impact on the existing building and the wider street scene/character of the area it is not considered that the proposals would result

in significant harm that would be detrimental and warrant refusal. The raised ridge height would match neighbouring properties, front dormers are not uncharacteristic of the area and the large rear dormer would have limited views and is on balance of an acceptable design. Any potential visual harm could be conditioned.

Residential Amenity

6.11 The neighbouring dwellings which would most likely be impacted upon by the proposed development are those with adjoining boundaries to the application site. Those other neighbouring properties are considered to be a significant distance away to be unaffected by the proposed development. The impact on these neighbours is discussed below.

6.12 It is noted that no neighbouring representation has been received to date, but re-consultation has taken place to include the front and rear dormers in the description of development.

6.13 *10 Long Shaw Close*

This property is to the west of the application site. It blank flank wall facing towards the site. The proposed single storey extension would be sited significantly away from the adjoining boundary. The raising of the ridge height would not result in the dwelling being overbearing, cause loss of light, outlook or overshadowing to the neighbouring property as it would not alter the footprint of the dwelling and no windows exist in the flank wall. Some additional overlooking may result from the proposed rear dormer, however, these views are not considered unacceptable when it is considered that rear dormers/windows could be added without the need for planning permission. Furthermore, due to the tight knit nature of the existing estate, mutual overlooking already exists. The impact on this neighbouring dwelling is considered acceptable.

6.14 *8 Thomas Rider Way*

Adjoined to the application site by a single storey double garage, it is not considered that the proposed raising of the ridge height (and consequently the height of the flank wall) would cause harm to this neighbouring property. The single storey extension would be modest in size and although some additional overlooking may result from the proposed rear dormer, these views are not considered unacceptable on the balance of a dormer/windows that could be added without the need for planning permission and the tight knit nature of the development whereby mutual overlooking already exists. The impact on this neighbouring dwelling is considered acceptable.

6.15 *6 and 8 Furfield Chase*

Situated to the rear (south of the application site), the respective rear gardens and a double garage separate the dwellings from each other. The main concern would be the potential for overlooking/loss of privacy, however although it is considered some additional overlooking may result from the proposed rear dormer, these views are not considered unacceptable on the balance of a dormer/windows that could be added without the need for planning permission and the tight knit nature of the development whereby mutual overlooking already exists. A back-to-back distance of approximately 25m between the properties also exists, which is an acceptable privacy distance.

- 6.16 Overall it is considered that the proposed development would not result in significant harm to neighbouring residential amenity. The main concern is the potential for overlooking/loss of privacy, and although it is not clear what rooms the dormer would serve this is not considered to materially alter the assessment whereby the windows are not proposed to be obscure glazed. On balance it is not considered that undue addition harm would result to warrant refusal of the application.

Highways

- 6.17 KCC Highways state within their residential parking standards that a property with 4+ bedrooms should be allocated at least 2 independently accessible spaces within a suburban area. I would consider the amount of space retained on the private forecourt to accommodate 2+ cars and would therefore be in accordance with policy DM9 and KCC Highways recommendation for properties of this size.

Other Matters

- 6.18 Policy DM1 of the local plan sets out at point viii that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.'
- 6.19 Due to the nature of the proposal and the residential use of the site and the continued residential use, it is not considered appropriate/necessary to require any ecological surveys, however due to the proposed extension extending rearwards and the creation of a larger hardsurfaced driveway and the resultant loss of garden it is considered appropriate to request ecological enhancement by way of condition.

7.0 CONCLUSION

- 7.01 For the reasons set out above it is considered that the proposed extensions and alteration to the property would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor be unacceptable in terms of any other material planning considerations such as the proposed development is considered to be in accordance with current policy and guidance.

8.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS to include

- 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 Number 020-032/001 Rev A (Existing and Proposed Site and Block Plan)

Drawing Number 020-032/005 Rev B (Proposed Elevations)

Drawing Number 020-032/006 Rev B (Proposed Ground Floor Plan)

Drawing Number 020-032/007 Rev A (Proposed First Floor Plan)

Drawing Number 020-032/008 Rev B (Proposed Loft Floor Plan)

Drawing Number 020-032/009 Rev A (Proposed Section)

Drawing Number 020-032/010 Rev A (Proposed Site Plan)

Reason: To clarify which plans have been approved.

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

Reason: To ensure a satisfactory appearance to the development.

- 4) The extensions hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through either integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks, or through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles and hedgerow corridors. The development shall be implemented in accordance with the approved details prior to the first use of whichever extension is completed first and all features shall be maintained thereafter.

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

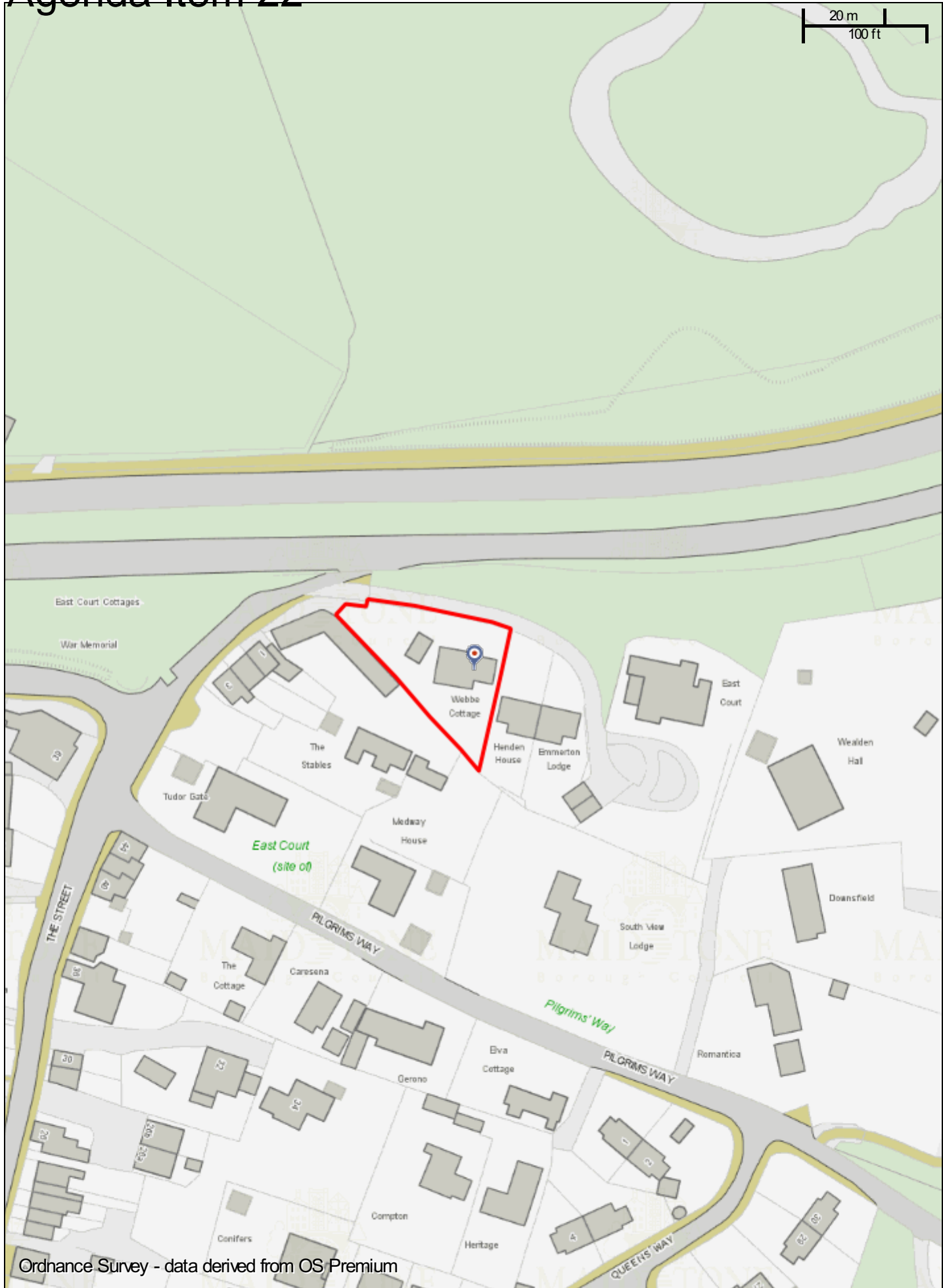
- 5) Prior to the commencement of the construction of the extended parking spaces hereby permitted and shown on Drawing Number 020-032/010 Rev A (Proposed Site Plan) a plan showing the existing planting along the northern boundary, that to be removed and details of any replacement planting shall be submitted to and approved in writing by the local planning authority. The construction works for the additional hardsurfacing shall be carried out in accordance with those details approved details and any replacement planting shall be provided within the planting season (February to October), following completion of the additional hardsurfacing. The plan shall specifically show the position and retention of the hedge and tree planting along the northern boundary.

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

Case Officer: Rachael Elliott

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

Agenda Item 22



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 20/502004/FULL		
APPLICATION PROPOSAL Retrospective application for creation of decked area (resubmission of 18/505575/FULL).		
ADDRESS Webbe Cottage The Street Detling Maidstone Kent ME14 3JX		
RECOMMENDATION : GRANT subject to the planning conditions set out in Section 8.0 of the report		
SUMMARY OF REASONS FOR RECOMMENDATION Subject to appropriate conditions, this proposal for two areas of lowered decking together with a modest section of privacy screen fencing on the common boundary would overcome the reason for refusal of the previous planning application relating to loss of privacy without giving rise to any material harm in any other respects. The existing ecological benefit of providing a nesting area for hedgehogs can be maintained and additional biodiversity enhancement can be secured by condition to compensate for the loss of a small section of lawn.		
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the view expressed by the Parish Council. The Parish Council has requested referral to Planning Committee if that is the case.		
WARD Detling And Thurnham	PARISH/TOWN COUNCIL Detling	APPLICANT Mr Steve Wood AGENT
TARGET DECISION DATE 06/08/20		PUBLICITY EXPIRY DATE 16/07/20

Relevant Planning History – The Application Site

19/503352/PAPL

Pre-Application Letter - Retrospective Planning Permission (18/505575/FULL) for decked area, 7070mm at widest point x 6040mm at widest point, materials - wooden decking, with suggested fencing and shrubbery to one side to create privacy with neighbours.

18/505575/FULL

Creation of decked area (retrospective) - REFUSED

17/500177/FULL

Removal of existing fence and replace with brick and rag stone wall to same height (approx 1.8 metres); removal of existing fence and replace with brick and rag stone wall to same height (approx 1 metre), install sliding electric gate - REFUSED

15/506289/FULL

Retrospective amendment to 14/503374/FULL being installation of a first floor rear-facing window - APPROVED

15/500770/NMAMD

To change approved rear facing window to double doors with Juliet balcony – APPROVED

14/503374/FULL

Two-storey side extension and raised platform – APPROVED

MA/13/0862

Retrospective consent for widening of driveway to provide additional car parking, widening of path, new wall and realignment of acoustic fence (represents alterations to layout and landscape approved under MA/11/1953) – APPROVED

MA/10/0943

Demolition of pre-fabricated garages and erection of three dwellings (one semi-detached pair and one detached) with associated garages, parking, landscaping, new entrance and access – REFUSED, APPEAL ALLOWED

Relevant Planning History – Adjacent Site to the South (The Stables)

18/504192/FULL

Construction of a pair of semi-detached cottages on northern section of plot including rooflights and associated parking. (Demolition of existing kennel buildings and garden wall) (Revision to 18/500563/FULL). *This permission has been implemented.*

Relevant Enforcement History:

18/500158/OPDEV – Unauthorised operational development - Raised decking area has been built in garden – planning permission required.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located on the outskirts of Detling, a small rural village in the Kent Downs Area of Outstanding Natural Beauty to which the countryside policies of the Maidstone Borough Local Plan 2017 apply. The western part of the site falls within the Detling Conservation Area. The site is also located in an area identified as being of high nature conservation value.
- 1.02 Webbe Cottage is one of three dwellings constructed as part of a new development in the grounds of the Victorian mansion, East Court (to the east of the site). It is a detached dwelling with detached garage, located on a roughly triangular-shaped plot on the southern side of the shared access drive leading from The Street and serving this development and East Court itself. The entrance to the East Court development is marked by brick walls and piers, and those walls also enclose the western corner of the application site. The site is on a hill and consequently the land within it slopes down from north to south. There is also a slight camber from west to east.
- 1.03 To the south of the site, is a pair of recently constructed, semi-detached cottages, permitted under 18/504192/FULL. At the time of my site visit, the cottages appeared to have been substantially completed, but were not yet occupied. In application 18/504192/FULL, they were referred to as Squire Cottage (nearest to the site) and Yeoman Cottage, but it appears that they are now known as Blossom Cottage (nearest to the site) and Rose Cottage.

2. PROPOSAL

- 2.01 Retrospective planning permission is sought for the creation of an area of decking in the western corner of the Webbe Cottage plot, enclosed on three sides by the existing walls.

- 2.02 The area of decking currently in situ in this position is unlawful and was the subject of refused planning application 18/505575/FULL. The reason for refusal of that application was as follows:

The decking will cause an unacceptable loss of privacy to the dining room window and the majority of the private rear garden area of the approved dwelling, Squire Cottage (18/504192/FULL), which is currently under construction, which will be detrimental to the residential amenities of future occupiers of that dwelling and to their reasonable enjoyment of their property. The application has not demonstrated that this harm could be satisfactorily overcome, for example through the use of screening, without causing material harm in some other respect, such as visual harm to the Conservation Area and Kent Downs Area of Outstanding Natural Beauty, or overbearing impact on the dining room of Squire Cottage. Consequently, to grant retrospective planning permission would be contrary to Policies DM1 and DM32 of the Maidstone Borough Local Plan 2017, guidance in the Council's adopted residential extensions SPD, in particular paragraphs 4.72 and 4.74, and central government planning policy contained in The National Planning Policy Framework (February 2019).

- 2.03 The application now before Members seeks planning permission for what would effectively be alterations to that unlawful area of decking, resulting in a revised design of decked area as follows:
- 2.04 The proposed decking would be set at two different levels, forming an upper deck area and a lower deck area. The shape of each would be irregular and they would be connected by four steps.
- 2.05 The lower deck area would extend back a maximum of approximately 5m from the wall marking the southern boundary with Blossom Cottage. Beside that wall it would be raised approximately 0.34m above ground level at its highest point; furthest from the wall it would have its surface level at ground level/marginally below ground level.
- 2.06 The upper deck area would extend out approximately 2.1m from the wall marking the northern boundary. At its southern edge would be a timber balustrade. At that southern edge it would be raised approximately 0.45m above ground level at its highest point; beside the back wall it would be raised approximately 0.27m above ground level at its highest point.
- 2.07 The proposal also includes the addition of a section of laterally-boarded timber fencing on top of the southern boundary wall with Blossom Cottage to provide a privacy screen. This would be 6.19m in length (same width as the lower deck area) and 0.27-0.38m in height (there is a step down in the wall of one brick height approximately half way along the length of the proposed privacy screen).

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017: SP17, DM1, DM3, DM4, DM30, DM32

Neighbourhood Plans: N/A

Kent Minerals and Waste Local Plan 2016: N/A

Kent Downs Area of Outstanding Natural Beauty Management Plan 2014 – 2019:
Policies HCH1, HCH4

Supplementary Planning Documents: Residential Extensions SPD
(adopted May 2009);
Detling Conservation Area Appraisal
(adopted March 2008);

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No representations received from local residents.

5. CONSULTATIONS

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

DETLING PARISH COUNCIL

- 5.01 Objects to this application and wishes to see it refused. If the Planning Officer view differs, wishes the application to be considered by the MBC Planning Committee.

Reason for objection - Owner should have removed the decking. Height of the decking still infringes right to privacy of neighbouring properties which share borders with Webbe Cottage.

Other comment - The environment-friendly nesting area for hedgehogs, underneath the decking, can be relocated elsewhere within Webbe Cottage property boundaries.

MBC CONSERVATION OFFICER

- 5.02 No objection.

Decking has a negligible impact on the character and appearance of Detling Conservation Area. The section of fencing would not have a harmful impact either.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- The impact on the residential amenities of neighbouring occupiers;
 - Visual impact on the Detling Conservation Area and Kent Downs Area of Outstanding Natural Beauty

Residential Amenity

- 6.02 The key consideration is the impact on the privacy of neighbouring occupiers, both existing occupiers and the future occupants of the recently-constructed pair of cottages to the south of the site, since the proposal would create a raised platform which could result in overlooking.
- 6.03 That, indeed, was the reason for refusal of application 18/505575/FULL, since the cottage then under construction immediately adjoining the southern boundary was to have a bay window to the dining room on the ground floor flank elevation

which would have been overlooked by users of the decking as it currently (unlawfully) exists, as would the majority of its rear garden.

- 6.04 Since that decision was issued, the cottage has been completed and I saw from my site visit that it does indeed have a bay window serving what appeared to be part of a through kitchen, dining, living area. The boundary wall with the application site runs past this window and the decking would be behind it. However, I am satisfied that the proposed lowered height of the lower deck area in combination with the addition of the strip of fencing on top of the existing wall would mean that occupiers of Blossom Cottage would not now suffer a significantly harmful loss of privacy to their dining area. This is because the total height of the wall and fencing would be approximately 1.8m above the surface level of the lower deck area and consequently would be high enough to obstruct passive views by users of that lower deck area down into the bay window.
- 6.05 Although the upper deck area would be set at a higher level, so the total height of the wall and fencing would not be as high in relation to its surface level, I am nevertheless satisfied that the degree of set back of the upper deck area from the boundary would mean that the boundary treatment would still be of sufficient height to obstruct the line of sight that users of that upper deck area would have to follow to be able to look down into the neighbour's bay window.
- 6.06 Similarly, the combination of the heights of the respective areas of decking, their proximity or distance from the common boundary and the provision of the section of fencing atop the existing boundary wall would mean that the proposal would not result in an unacceptable degree of overlooking of the most private garden area of Blossom Cottage either, or indeed that of Rose Cottage or any of the other gardens which lie beyond.
- 6.07 It may be possible to see part of the garden of The Stables as well as the windows in its rear elevation from the decking due to the angle of view towards that property and the fact that the proposed lateral fencing would only extend along the top of the part of the wall adjoining the decking. However, the separation distance from the windows is greater than 21m and, since I saw during a site inspection that it is currently possible to overlook at much closer quarters, the area immediately behind this neighbouring dwelling, from within the garden area just behind Webbe Cottage, on balance I do not consider that significant harm would arise in relation to the impact on privacy for this property.
- 6.08 The development would not be unduly overbearing on Blossom Cottage since the only part that would rise above the existing brick wall on the common boundary would be the proposed section of fencing which, although it would be just over 6m in length, would only measure 0.27-0.38m in height.
- 6.09 For that same reason and also in view of the position of the development to the north of the Blossom Cottage plot, it will not result in a harmful loss of light to that property.
- 6.10 To conclude, this proposal for two areas of lowered decking together with a modest section of privacy screen fencing on the common boundary would overcome the reason for refusal of the previous planning application without giving rise to any material harm to the residential amenities of neighbouring occupiers in terms of overbearing impact or loss of light. The impact on residential amenity is therefore considered acceptable.

Visual Impact

- 6.11 The decking would not be visible from The Street, due to the topography and height of the boundary walls.

- 6.12 The proposed section of fencing atop the southern boundary wall would be visible from The Street, but in view of the fact that it would only be approximately 0.27-0.38m in height and just over 6m in length and would be aligned such that it would run back away from public vantage points, along a common boundary between two private amenity areas, it would not be prominent or obtrusive, plus it can be conditioned to be stained a dark colour to further minimise its visual impact.
- 6.13 The Conservation Officer's professional view is that the decking has a negligible impact on the character, appearance and significance of the Detling Conservation Area and that the fencing would not have a harmful impact. I agree with that assessment and furthermore, for the reasons outlined above, do not consider that the proposal would be harmful to the character or appearance of the street-scene or the scenic beauty of the Kent Downs Area of Outstanding Natural Beauty either.
- 6.14 The development could be glimpsed by occupants of high vehicles (such as coaches) travelling southwards on the A249, but only in the context of the surrounding walls and other built development, so would not appear obtrusive or harmful to the character or appearance of the surroundings, the significance of the Detling Conservation Area or the scenic beauty of the Kent Downs Area of Outstanding Natural Beauty in those views either.

Other Matters

- 6.15 The nature of the proposal is such that it does not affect the parking provision.
- 6.16 I am not aware that any important trees have been lost.
- 6.17 The development would not have any material impact on buried archaeological remains.
- 6.18 Policy DM1 of the Local Plan sets out, at point viii, that proposals should '*protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.*' However, due to the nature and relative scale of the proposal and the existing residential use of the site, it is not considered appropriate/necessary to require any ecological surveys. Nevertheless, the NPPF encourages the enhancement of biodiversity in the interests of sustainable development and I note that the applicant and his family have been encouraging hedgehogs to nest beneath the existing unlawful decking. In view of the fact that this application proposes two lower areas of decking, and also the fact that the proposed decking, by its nature, would still cover up what was previously part of the lawn area, it is considered appropriate to attach a condition requesting that some form of formal on-site ecological enhancement is provided within the curtilage, in addition to the applicant's activities to encourage the hedgehogs.

PUBLIC SECTOR EQUALITY DUTY

- 6.19 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 It is considered that, subject to appropriate conditions, this proposal for two areas of lowered decking together with a modest section of privacy screen fencing on the common boundary would overcome the reason for refusal of the

previous planning application relating to loss of privacy without giving rise to any material harm in any other respects. The existing ecological benefit of providing a nesting area for hedgehogs can be maintained and additional biodiversity enhancement can be secured by condition to compensate for the loss of a small section of lawn.

- 7.02 It is therefore concluded that the application is acceptable and I recommend that Members grant planning permission subject to conditions as set out below.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) Within 6 months of the date of this permission, the development shall be carried out and completed in accordance with the following approved plans and documents:

Site location plan received on 07/05/2020, and drawing numbers Wood-Drg-001D received on 11/06/2020 and Wood-Drg-002D received on 09/10/2020;

Reason: To ensure the quality of the development is maintained and to prevent overlooking of neighbouring residential properties.

- 2) Within 6 months of the date of this permission, the south-facing side (facing Blossom Cottage) of the lateral fencing privacy screen on top of the existing boundary wall shall be stained matt dark brown and shall thereafter be maintained as such;

Reason: To ensure a satisfactory appearance to the development.

- 3) Within 2 months of the date of this permission, details for a scheme for the enhancement of biodiversity on the site shall be submitted to the Local Planning Authority for its approval in writing. The scheme shall consist of provision within the site curtilage of elements such as bird boxes, bat boxes, bug hotels, hedgehog houses and/or log piles. The biodiversity enhancements shall be provided in accordance with the approved details within 2 months of receiving written approval by the Local Planning Authority and all features shall be maintained thereafter;

Reason: To enhance the ecological value and biodiversity on the site in the future.

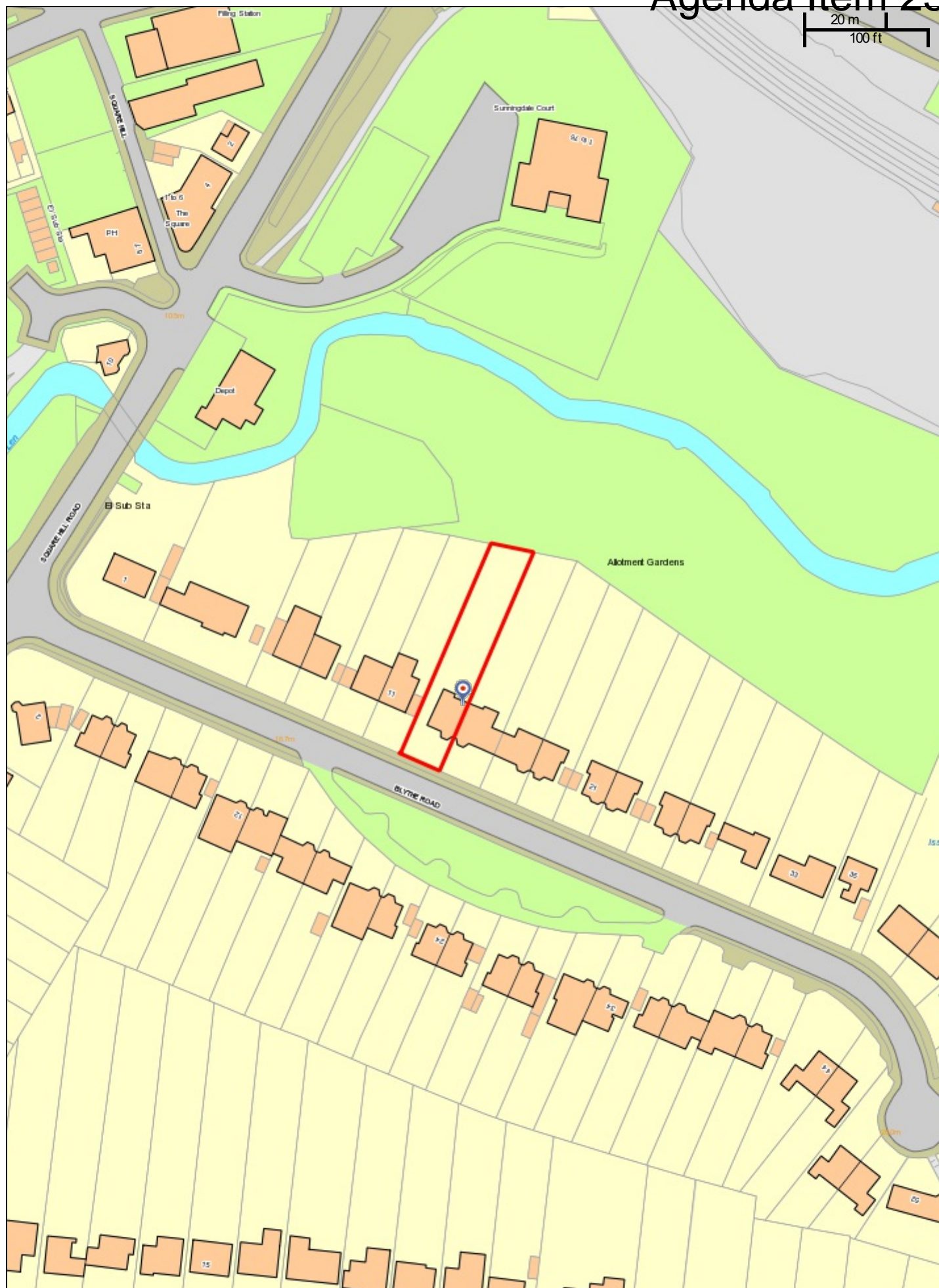
INFORMATIVES

- 1) You are advised that there is a separate application process to discharge planning conditions which require written approval of details. You can apply online at, or download forms from, www.planningportal.co.uk (search for 'discharge of conditions').
- 2) Details pursuant to Condition 3 should show, on a scaled drawing, the positions of the proposed ecological enhancements including, where appropriate, the height

above ground level to demonstrate that this would be appropriate for the species for which it is intended. Any bird boxes should face north and bat boxes should face south.

- 3) Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

Case Officer: Angela Welsford



20/503105/FULL - 13 Blythe Road, Maidstone, Kent, ME15 7TR

Scale: 1:1250

Printed on: 14/9/2020 at 13:26 PM by JoannaW

163



© Astun Technology Ltd

REFERENCE NO - 20/503105/FULL		
APPLICATION PROPOSAL Erection of a single storey side and rear extension, including loft conversion.		
ADDRESS 13 Blythe Road, Maidstone, Kent ME15 7TR		
RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed extensions and alterations to 13 Blythe Road would accord with the relevant policies and guidelines on residential extensions. On balance there would not be significant harm to visual or residential amenity, nor other material planning considerations such that this is an acceptable development and approval is therefore recommended subject to conditions.		
REASON FOR REFERRAL TO COMMITTEE Ward Councillor has requested that the application be considered by the Planning Committee if Officers are minded to recommend approval due to the impact on neighbouring amenity, scale and massing and privacy matters.		
WARD High Street	PARISH/TOWN COUNCIL N/A	APPLICANT Mr & Mrs S Merrett AGENT Ms Karen Thatcher
TARGET DECISION DATE 30.10.2020 (EOT)		PUBLICITY EXPIRY DATE 08.09.2020 (re-consultation date)

Relevant Planning History

20/500282/FULL - Erection of a single storey timber granny annexe for ancillary use to the main dwelling : Permitted (Permission remains extant but has not been implemented)

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site comprises a semi detached 2-storey house located on Blythe Road. The property benefits from a private drive way which could potentially park three vehicles and a large rear garden of approximately 40 metres in length which slopes down to the north of the garden. The dwelling is within Maidstone's urban area boundary as shown in the councils adopted local plan policies map. The majority of properties surrounding the application site are of a similar scale with many benefiting from front, side and rear extensions. The site is not subject to any other land designations.

2. PROPOSAL

- 2.01 The application seeks permission to extend the existing dwelling incorporating, the erection of a single storey side and rear extension and dormer window in the western roof slope.
- 2.02 In terms of design the single storey side extension would extend the width of the property by approximately 2.25 metres and would have a depth of 9.6 metres. The side extension would then extend beyond the rear of the property by a depth of 5.3

metres. The rear extension would be part pitched with the same eaves and overall height as the single storey side and part flat roof. The flat roof element of the rear extension would have an eaves height of 2.7 metres and an overall height of 2.8 metres.

- 2.03 The proposed dormer extensions would be in the western and northern roof slopes of the existing house. The height of the western dormer would be 3.2 metres, it would have a width of 2.9 metres and a depth of 3.4 metres with a pitched roof and will be set down from the apex of the existing roof and the principal elevation. The rear dormer extension would have a height of 3 metres, a width of 2 metres and a depth of 3.1 metres with a pitched roof.
- 2.04 The materials proposed are to match the existing materials of the property.
- 2.05 The block plans shows space to park vehicles on the front private forecourt to be retained with a garden and the retention of approximately 33 metres of garden/amenity area to the rear of the property.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017:

DM1 – Principles of good design

DM9 - Residential extensions, conversions and redevelopment within the built up area.

SPG 4 - KCC Parking Standards (2006)

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

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Three representations from neighbouring properties have been received raising the following objections (summarised):
- Trees within falling distance
 - Parking and traffic issues throughout the construction
 - Excessive scale
 - Loss of light/overshadowing
 - Loss of privacy
 - Detrimental to environment and loss of views
 - Reduction in value of adjoining properties
 - Risk of structural damage to adjacent property
 - Noise and disturbance during construction
 - Poor design
 - Intrusive
 - Potential party wall issues
 - Out of character with Blythe Road
- 4.02 It is important to note that issues such as parking and traffic, disturbance such as noise and mess throughout the construction, reduction in the value of adjacent properties, structural damage to adjacent properties and party wall issues are not planning considerations and therefore cannot be taken into account in the

determination of this application. We also do not have the ability to withhold any building works/consent due to potential disturbance as a result of the works being carried out. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

There were no representations in support of the application.

5. CONSULTATIONS : None

6. APPRAISAL

6.01 The key issues for consideration relate to:

- Design and visual impact of the proposed development
- The potential impact upon the amenities of neighbouring householders.

6.02 Background

6.03 This application was presented to members at planning committee on the 24th September 2020. Consideration of this application was deferred by members to enable the officers to seek to negotiate a step-in of the development on the boundary with no.15 Blythe Road to reduce the impact of the development on neighbouring occupants.

6.04 The agent acting on behalf of the applicants has been contacted to discuss a step-in of the development. The applicants have chosen to proceed with the original plans as presented to members on the 24th September 2020. Therefore, the report below outlines the assessment previously made and presented to members.

Policy Context

6.05 The Maidstone Borough Local Plan was adopted in October 2017. Policy DM1 sets out the principles of good design. In particular, proposals should respond positively to local character and particular regard should be paid to scale, height, materials, detailing mass and bulk.

6.06 More specifically, Policy DM9 sets out the criteria for domestic extensions. Within the defined boundaries of the urban area, rural service centres and larger villages, proposals for the extension, conversion or redevelopment of a residential property which meet the following criteria will be permitted if:

- i. The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;
- ii. The traditional boundary treatment of an area would be retained and, where feasible, reinforced;
- iii. The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and
- iv. Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.

6.07 The Supplementary Planning Document Residential Extensions (2009) (SPD) states that extensions should respond sensitively to the positive features of the area which contribute to the local distinctive character and sense of place in terms of scale, proportion and height. It is also desirable that the form, proportions, symmetry and detail of the original building should be respected. The scale, proportion and height

of an extension should not dominate the original building, should be subservient to the original house and should fit unobtrusively with the building and its setting. The form of an extension should be well proportioned and present a satisfactory composition with the house. Extensions should respect the amenities of adjoining properties in respect of daylight and sunlight and maintain an acceptable outlook from a neighbouring property.

Design and visual impact

- 6.08 Policy DM9 of the Maidstone Borough Local Plan (2017) is supportive of extensions to dwellings within urban areas provided that the scale, height, form and appearance and siting of the proposal would fit unobtrusively within the existing building and the character of the street scene/or its context. In advising on side extensions, the Residential Extensions SPD (2009) notes that the acceptable depth and height of a rear extension will be determined by the ground levels distance from the boundaries and size of the neighbouring garden/amenity space.
- 6.09 The proposed side extension is not an uncommon extension within the urban area of Maidstone and it is evident that many properties of this style and age have similar additions. It is not considered that the proposed single storey side extension would be of an excessive scale or unsympathetic design that it would be detrimental to the visual amenity of the property as seen from the highway.
- 6.10 The rear extension seeks to have a depth of 5.3 metres. In terms of design, although the Residential Extension SPD advocates that a rear extension should generally extend no more than 3 metres, however given the size of the plot and the scale of the existing property it is not considered the proposed depth to be an excessive increase and each case is assessed on its merits and there are circumstances where greater depths are acceptable. The rear garden area to be retained would be approximately 33 metres.
- 6.11 The dormer extensions would be significantly set down from the apex of the main dwelling and the western dormer will be set back approximately 4.6 metres from the principal elevation of the dwelling. It is not considered that the property is of such high visual amenity value that the minor change in character would result in significant harm. The application site is not restricted in terms of being located in a conservation area or AONB and is not listed. The hipped roof form of the existing dwelling would still be retained due to the position and scale of the dormer in the side roof slope.
- 6.12 Blythe Road is predominately made up of two storey semi-detached dwellings built in a similar period. However, due to the number of extensions and alterations to the properties it could be considered a mixed street scene with variety in the design and it is considered that, in its context, the proposed development would not appear significantly out of place or out of character with its surroundings. Cumulatively the proposed extensions would significantly increase the amount of space within the property however; the majority of the development would not be visible from the highway.
- 6.13 There is evidence of various side, rear and front extensions to properties in the vicinity and I would not consider the proposal to cause any significant harm to the appearance of this dwelling, the properties adjacent or the character of the vicinity of the site generally. The proposal is therefore in keeping with the existing character and appearance of the street scene.
- 6.14 The materials proposed are to match the existing property which will be in keeping and would appear sympathetic within the mixed street scene where a variety of different materials is present. It is not uncommon for properties within the urban area of Maidstone to have similar materials to the ones proposed and therefore the

property would not detract from the characteristics within the vicinity or the wider area.

- 6.15 The proposal has been designed to maximise independence of the applicant's elderly parents, whilst also providing an enjoyable and safe open plan living for the family. The size of the accommodation being proposed is not excessive, and is proportionate to the identified need, taking into account practical considerations.

Impact on neighbouring amenities

- 6.16 Policy DM9 specifically states that domestic extensions will be supported provided that the privacy, daylight, sunlight and maintenance of a pleasant outlook of the adjoining residents would be safeguarded. This requirement is also observed in the Residential Extensions SPD (2009) where it is noted that the design of domestic alterations should not result in windows that directly overlook the windows or private amenity spaces of any adjoining properties and should also respect daylight, sunlight and outlook.

6.17 15 Blythe Road

- 6.18 This adjoining property is located to the east of the application. The residential extension SPD advises that where necessary a 45 degree angle light test should be carried out to confirm whether a particular development would result in a loss of daylight to a habitable room. The test failed on the floor plans but passes on the elevational test in regards to the patio doors at ground floor. It is also noted that due to the path of the sun the existing dwelling already partially overshadows this property for part of the day and that this development would not result in such significant harm that it would be detrimental to occupiers of this neighbouring property. The low height of the extension and the flat roof will ensure that the sun will also reach the patio doors over the development.

- 6.19 The rear extension would be sited along the boundary of this neighbouring property, although it is agreed that the depth of the extension will be fairly large its low height and flat roof will ensure the proposal would not appear overbearing or overshadowing. Concerns have been raised in regards to the loss of outlook and that views of the semi-rural landscape will be compromised as a result of this development. The gardens of 13 Blythe Road are of a fairly large depth of 33m +, it is not considered that the proposed extension would restrict views of the surrounding landscape given the size of the gardens and the existing boundary treatments that consists of trees and vegetation would be retained.

- 6.20 The proposed raised patio area would be the same height as the existing raised area and it is not proposed to extend any further. When visiting the site, the majority of the existing patio area had garden paraphernalia and it was clear that the whole patio area was in use. Therefore, given that the raised patio area would not extend further than existing and will not be any higher than existing it is not considered that this element of the proposal will not result in any additional significant harm in terms of privacy and overlooking.

6.21 11 Blythe Road

- 6.22 In terms of the 45 degree angle light test that should be carried out to confirm whether a particular development would result in a loss of daylight to a habitable room. The test passed on the floor plans and the elevations test in regards to the patio doors at ground floor.

- 6.23 The distance between the proposed development and the boundary of this neighbouring property is 0.9 metres and due to the low eaves height and the proposed roof of the side extension which slopes away from this property it is not considered the proposal would result in a significant impact in terms of loss of light and overshadowing. The proposed dormer extension to the rear represents a minor

element to the development that is not of a scale that would result in a loss of light/overshadowing.

- 6.24 In terms of outlook, as viewed specifically from the dining room of this neighbouring property. The patio doors are to the side of the rear extension and have clear views of the garden and patio area of the host dwelling. It is evident from other properties in Blythe Road that single storey side and rear extensions are not uncommon and the occupiers of this property have chosen to have views onto land that is not in their ownership.
- 6.25 Furthermore there is no right to a 'view' and the material considerations would be whether a particular proposal is overbearing or detrimental to the outlook which in this case, due to the distance, scale and design of the proposal it would be unlikely. It is also noted that the rear extension of this neighbouring property also has a large window in the rear elevation that looks out onto their own rear garden.
- 6.26 Concerns have also been raised in regards to privacy and overlooking from the windows proposed ground floor side windows and the raised patio area. There are three proposed ground floor windows in the flank elevation facing this neighbouring property. This neighbouring property does not have any windows in the flank elevation apart from the dining room doors in the rear extension. This neighbouring property also benefits from a single storey side extension which runs along the boundary.
- 6.27 Due to the positioning of the proposed windows they would look out onto the flank elevation of the neighbouring property and would not result in overlooking or loss of privacy.
- 6.28 In terms of the raised patio area as shown on the block plan and an additional section plan, it will be the same height as the existing raised area, it is also proposed to not extend any further than existing.
- 6.29 When visiting the site, the majority of the existing raised area had garden paraphernalia and it was clear that the whole patio area was in use. Therefore, given that the raised patio area will not extend further than existing and will not be any higher than existing it is not considered that this element of the proposal will not result in any additional significant harm in terms of privacy and overlooking.
- 6.30 The proposal would not detrimentally impact other neighbouring properties in terms of loss of light, outlook, overlooking or loss of privacy due to the siting and orientation of application site.

Other Matters

- 6.31 KCC Highways state within their residential parking standards that a property with 4+ bedrooms should be allocated at least 2 independently accessible spaces within a suburban area. I would consider the amount of space retained on the private forecourt to accommodate 2+ cars and would therefore be in accordance with policy DM9 and KCC Highways recommendation for properties of this size.
- 6.32 There are no significant trees in close proximity to the site that will be detrimentally impacted by this development. The oak tree raised in the objections is not on the land of the host dwelling and is approximately 8 metres away from the development. The tree in question is not subject to a tree preservation order and as stated in the above assessment the site is not within a conservation area or AONB.
- 6.33 Policy DM1 of the local plan sets out at point viii that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.'

- 6.34 Due to the nature of the proposal and the residential use of the site and the continued residential use, it is not considered appropriate/necessary to require any ecological surveys, however due to the proposed extension extending rearwards and the loss of rear garden it is considered appropriate to request ecological enhancement by way of condition.

7. CONCLUSION

- 7.01 The above assessments indicate that the extensions and alterations to 13 Blythe Road accord with the relevant policies and guidelines on residential extensions. On balance, this is an acceptable development and approval is therefore recommended subject to conditions.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

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

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

Householder Application
S001 Site and location plans
E001 Existing floor plans
E002 Existing elevations
P001 A Proposed floor plans (received 24.08.2020)
P002 A Proposed elevations (received 10.09.2020)
S001 A Site and block plan (received 24.08.2020)

Reason: To clarify which plans have been approved.

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

Reason: To ensure a satisfactory appearance to the development.

- 4) The extensions hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through either integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks, or through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles and hedgerow corridors. The development shall be implemented in accordance with the approved details prior to the first use of whichever extension is completed first and all features shall be maintained thereafter.

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

INFORMATIVES

The grant of this permission does not convey any rights of encroachment over the boundary with the adjacent property in terms of foundations, eaves, guttering or external cladding, and any persons wishing to implement this permission should satisfy themselves fully in this respect. Regard should also be had to the provisions of the Neighbour Encroachment and Party Wall Act 1995 which may apply to the project.

Case Officer: Sophie Bowden

Agenda Item 24

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 22nd October 2020**

APPEAL DECISIONS:

1. 16/500477/OPDEV DESCRIPTION

APPEAL: ENFORCEMENT NOTICE UPHELD
SUBJECT TO VARIATION

ADDRESS

Delegated

2. 20/501583/FULL

Erection of a detached garage with home office above.

APPEAL: DISMISSED

Khernfields Farmhouse
Tilden Lane
Marden
Kent
TN12 9AX

Delegated

3. 20/500791/FULL

Conversion of existing agricultural building into dwelling, including addition of first floor accommodation and increasing footprint of building.

APPEAL: DISMISSED

Caring Farm Oast
Caring Road
Leeds
Maidstone
Kent
ME17 1TH

Delegated

4. 19/506118/FULL	<p data-bbox="678 103 1390 181">Demolition of existing rear Conservatory. Erection of new single storey rear extension.</p> <p data-bbox="678 219 1002 257">APPEAL: DISMISSED</p> <p data-bbox="678 295 917 434">83 Postley Road Maidstone Kent ME15 6TP</p> <p data-bbox="678 472 828 510">Delegated</p>
5. 20/500707/FULL	<p data-bbox="678 616 1134 654">Erection of a detached garage.</p> <p data-bbox="678 759 1019 797">APPEAL: DISMISSED</p> <p data-bbox="678 835 868 1046">Greystones Malling Road Teston Maidstone Kent ME18 5AU</p> <p data-bbox="678 1084 828 1122">Delegated</p>
6. 19/503527/OUT	<p data-bbox="678 1220 1390 1433">Outline application for demolition of existing chalet bungalow, detached garage and shed. Erection of 4no. dwellings with creation of new access and associated parking. Matters relating to access, layout, appearance, landscaping and scale reserved for future consideration.</p> <p data-bbox="678 1471 1217 1541">APPEAL: ALLOWED AND PLANNING PERMISSION GRANTED</p> <p data-bbox="678 1579 948 1617">COSTS: REFUSED</p> <p data-bbox="678 1655 868 1865">Penryn Station Road Staplehurst Tonbridge Kent TN12 0PY</p> <p data-bbox="678 1904 828 1942">Delegated</p>

7. 19/503314/FULL

Demolition of existing buildings within the site and erection of three residential dwellings with associated access, parking, drainage and landscaping.

APPEAL: DISMISSED

Land At Scragged Oak Farm
Scragged Oak Road
Detling
Maidstone
Kent
ME14 3HJ

Delegated
