

REPORT SUMMARY

REFERENCE NO - 15/505906/FULL			
APPLICATION PROPOSAL			
Demolition of the existing garden centre buildings and infrastructure, erection of 14 detached bespoke dwellings including garages with annex above, two storey B1 office unit (5,515sqft); together with associated parking, access and landscaping.			
ADDRESS Grafty Green Garden Centre Headcorn Road Grafty Green Kent ME17 2AT			
RECOMMENDATION: Refuse			
SUMMARY OF REASONS FOR REASONS FOR REFUSAL			
Notwithstanding additional details provided by the applicant in response to the deferment authorised by the Planning committee of 2 nd June 2016, the proposal remains a departure from the Development Plan in that it would:			
<ul style="list-style-type: none"> • Be contrary to Saved Policy ENV28 of the Maidstone Borough Wide Local Plan (MBWLP), located in open countryside outside of the a defined settlement and does not fit into any of the exceptions relating to development in the countryside; • Be contrary to Saved Policy ENV34 of the MBWLP where landscape considerations are given priority over other planning considerations, and; • That the application fails to demonstrate that it is a sustainable form of development contrary to advice and guidance contained within paragraphs 14 , 49, 50 and 55 of the NPPF; 			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none"> • Matter deferred from 2nd June 2016 Committee • The proposal is a departure from the Development Plan • Referral by Boughton Malherbe Parish Council 			
WARD Headcorn	PARISH/TOWN COUNCIL Boughton Malherbe	APPLICANT SQE Grafty Green Ltd/Quinn Estates AGENT DHA Planning	
DECISION DUE DATE 09/11/15	PUBLICITY EXPIRY DATE 09/11/15	OFFICER SITE VISIT DATE 11/03/16	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
09/0363	Erection of a new building to house and operate a biomass electricity plant	Approved	27/04/2009
<i>Summarise Reasons</i>			
83/1671	Erection of temporary toilet accommodation	Approved	19/01/1984
<i>Summarise Reasons</i>			
87/1209	Opening of pet centre	Approved	27/11/1987
<i>Summarise Reasons</i>			

82/1143	Change of use of glasshouse area to retail garden centre	Approved	18/08/1983
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MAIN REPORT

1. Overview and Reasons for Deferral

- 1.01 The Officers case and recommendation for refusal of planning permission together with reasons for refusal were given in full in their report presented to the 2nd June 2016 Committee. This report attached as Appendix 1.
- 1.02 Members deferred the application in order to seek amendments that:
That with acceptance of the apportionment of contributions set out in paragraph 14.5 of the report of the Head of Planning and Development, consideration of this application be deferred for one cycle to seek the following amendments to the scheme:
- The apex corner by Crumps Lane to be demarcated from the residential curtilages and to be a flood attenuation and natural habitat receptor site and the gardens on the west side to be cut in half and the western boundary demarcated as an open woodland landscape buffer/semi-natural state receptor site
 - That when the application is reported back to Committee a full set of proposed conditions and draft Heads of Terms must be included to assist Members should they be minded to grant delegated powers to approve.
- 1.03 In response to this, the applicant has submitted a Landscape Strategy Drawing 2243/15/B/3A which indicates amendments to the scheme in response to the members minuted comments on 2nd June; the main amendments are as follows:
- Provision of a wildlife receptor area and wetland ponds in the south east corner of the site bordering Crumps Lane. This is to be separated from the rest of the development by a post and rail fence and proposed tree and hedge planting;
 - Segregation of a half acre strip of land, located on the western boundary of the site, to provide for a receptor buffer. The buffer would be formed of a rough managed grassland sward with planting of hawthorn and other suitable native species to be agreed and be provided with hibernacula and other wildlife habitats. The gardens to plots 1 – 3 would be considerably reduced in size and separated from the sward by post and rail fencing designed to facilitate the free movement of animals across the boundary
- 1.04 Other amendments to the proposed landscape strategy include:
- Access onto shared ownership land including the sward on the western boundary and woodland areas located on parts of the southern, eastern and northern boundaries;
 - Provision of a wildlife corridor within existing tree cover along part of the northern boundary;
 - Additional tree and hedge planting to be carried out along the estate roads and also on the internal boundaries of the properties;

- Provision of a scheme of sward management, coppicing and thicket maintenance, to areas of established woodland with additional planting where necessary to develop wildlife corridors within the site particularly between the wetland area located in the south eastern corner and the western sward and woodland area.

2.0 Section 106 Proposed Heads of Terms

2.01 The applicant has submitted their amended suggested Heads of terms to any future Section 106 agreement should members be minded to grant planning permission (appendix 2); In summary, these are;

1. Payment of a £50,000.00 sum to the Boughton Malherbe Parish Council to facilitate the purchase of land to create a village car park as a community infrastructure project;
2. £190,000.00 contribution towards the provision of affordable housing within the borough, payable in phases
 - 50% payable on the occupation of the 5th dwelling in the site;
 - The balance to be paid on or before the occupation of the final dwelling on the site;
3. £18, 863.00 payment towards primary healthcare in the area;
4. £33,053.00 towards the provision of primary education;
5. £22,050 payment towards public open space provision;
6. £672.00 contribution towards library book stock;
7. The setting up of a management company or companies as part of the development that would be parties to:
 - i. The transfer of dwellings on the land, and;
 - ii. Enter into the sale or leases of the commercial units on the land
8. The establishment of a Travel Plan during the construction period to limit HGV movements through Liverton Hill;

3.0 PLANNING CONSTRAINTS

None relevant

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T13, CF1, H27; H28

Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)

Maidstone Borough Council Draft Local Plan: SS1, SP3, SP7, SP8, H1 (27), H2, DM1, DM2, DM4, DM6, DM11, DM12, DM13, DM20, DM23, DM24, DM27, ID1

5.0 LOCAL REPRESENTATIONS

As in the Committee Report presented 2nd June 2016

6.0 CONSULTATIONS

As in the Committee Report presented 2nd June 2016

7.0 BACKGROUND PAPERS AND PLANS

Drawings : 14.093.02.C; 14.093.03.A; 14.093.04; 14.093.05; 14.093.07; 14.093.08; 14.093.09; 14.093.10.A; 14.093.11.A; 14.093.12; 14.093.13; SDS204336.01; SDS204336.02; SDS204336.03; SDS204336.04; SDS204336.05; SDS204336.06; 2243/15/B/3A; 2243/15/B/4

Documents: Housing Types; Power Details Planning Statement; Design and Access Statement; Archaeology Desk Based Assessment; Flood Risk Assessment; Economics Benefits Statement; Landscape Strategy; Landscape Visual Impact Assessment ; Tree Survey; Phase 1 Habitat Survey; Statement of Community Involvement; Transport Statement; Geo Environmental Investigation ; Sustainability Report; Landscape Strategy ; Utilities Report; Strutt and Parker Marketing Information ; Quinton Edwards Marketing Information.

8 APPRAISAL

- 8.1 The details contained within the amended Landscape Strategy drawing 2243/15/B/3A only address, in part, the main issues raised by members, as minuted at the 2nd June Committee.in respect of the provision of a wetland area in the corner of the site adjacent to Crumps Lane and the use of substantial areas of the gardens on the western boundary as an open woodland landscape buffer and semi-natural receptor.
- 8.2 As well as the landscaping detailing to the wetland area located on the corner of Crumps Lane and Headcorn Road, western boundary, landscape improvements are also proposed within the submitted Landscape Strategy drawing that would serve to provide and enhance wildlife corridors, particularly to link these two parts of the site and; along the northern boundary edge. This fails to utilize half of the garden area of the dwellings on the western boundary as required in the committee minutes of 2nd June. However, the applicant maintains that the proposed landscape strategy overall provides an opportunity to reinforce all the site boundaries, where necessary, by the planting of appropriate tree end hedge species such as alder buckthorn, common hawthorn; holly, hazel and aspen to reflect the prevailing character of the surrounding nearby woodland. Again, post and rail fences can be considered for use to facilitate free animal movement to and from the site.
- 8.3 A scheme of sward management & maintenance; planting, coppicing and thicket management could be put in place so as to develop wildlife corridors not only between the two main buffer areas located in the western woodland area and in the wetland area on the corner of Crumps Lane but also throughout the site and this can

be further facilitated by the erection of post and rail fencing designed to allow through access to animals throughout the site.

8.4 As well as the use of low-key lighting within the site which has already been included within the scheme, consideration is also given to

- Use of solar panels on the buildings;
- Bat and bird bricks
- Use of bound gravel rather than tarmac on road surfacing;
- Phasing in respect of delivering landscape zones and buffering

8.5 Notwithstanding the additional landscape information provided by the applicant, Officers maintain that the full extent of the Committee requirements have not been addressed in the amended Landscape Strategy presented particularly in its failure to substantially reduce by half the garden areas to plots s 1 – 3 and demarcate the separated land as an open woodland landscape buffer/semi-natural state receptor site. As such, the principles underlying the original reasons for refusal in respect of landscaping and layout remain in place and are not addressed by any subsequent submissions made by the applicant during the deferral period.

8.6 Officers maintain that the location of the site in a geographically isolated area within open countryside outside of and some distance from any defined settlement remains the same as before. The development is therefore subject to the saved MBWLP Policy ENV28 and does not fit into any of the permitted exceptions relating to development in the countryside. Therefore the proposal represents a departure from the Development Plan. Within this context officers continue to maintain that 14 dwellings located on this site would be compromised in terms of their sustainability by being located of sufficient distance from any village or major service centre to be almost wholly reliant car borne journeys to service even their most basic needs. As such, the proposed development is unable to be considered as providing for a sustainable location for residential development in the terms and guidance contained within the NPPF.

8.7 Officers also maintain that in terms of design and layout, the development would fail to draw benefit from the rural location in terms of locating green space and views out of the site, despite the generosity of plots. The scale of the dwellings and plot layout provide for a suburban street pattern that would not be indicative in terms of its scale or, acceptable in terms of its setting and context within the local still largely unspoilt rural countryside. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas that are truly outstanding and innovative helping to raise the standard of design in rural areas; significantly enhance its immediate setting and be of a design and scale sensitive to the defining characteristics of the local area. This development does none of this, and, even with the additional landscaping and some measures to augment biodiversity, as proposed in the amended Landscape Strategy, the development would fail to meet design guidance for rural development laid out in this paragraph.

8.8 In respect to the applicant seeking to retain the £50,000.00 contribution toward the village hall in their draft heads of terms for a S106 agreement, officers maintain that such a contribution would not be directly related or necessary for the development and such funds should instead be prioritized toward providing for an overall

affordable housing contribution totalling £240,000. Without this, an inadequate contribution would continue be made toward affordable housing contrary to the Council's Affordable Housing DPD.

- 8.9 Therefore should members be minded to approve this application Officers would recommend that the following heads of terms to any Section 106 agreement be applied to any planning permission that may be granted that would take into account the re-allocation of monies away from the village hall and added to the affordable housing contribution

Affordable Housing

A lumps sum contribution of £240,000.00 towards affordable housing provision off-site

Primary Education

A lump sum contribution of £33,053 toward the provision of primary education

NHS Provision

A lumps sum of £18,864 towards NHS Provision

Public Open Space

A lumps sum of £22,050.00 towards off site provision of public open space

Library Book Sctock

A lumps sum of £ 672.00 towards library book stock

- 8.10 Therefore, the reasons for refusal of the application originally presented to 2nd June 2016 Committee for their consideration reiterated in this report remain relevant. Should, after due consideration, the members be minded to grant planning permission recommended conditions are attached to this addendum report as appendix 2.

9.0 RECOMMENDATION – REFUSE for the following reasons:

Reasons for refusal

1. An inadequate off-site contribution towards affordable housing would be provided with monies that could otherwise be used for this purpose instead being put toward the repair and maintenance of Grafty Green Parish Hall which is located some 2km distant from the development and, not necessary for the carrying out of the development contrary to the Council's Affordable Housing DPD.
2. The design and layout of the development, which encroaches westward onto greenfield land, consists of uniformly large dwellings and curtilages in the form of a suburban street pattern that would have a visually conspicuous and discordant presence that would not be acceptable in terms of its setting and context within the local still largely unspoilt rural countryside located within the Low Weald Special Landscape Area. The proposal would therefore be contrary to saved Policy ENV 28 and saved Policy ENV34 of the MBWLP that seeks to both conserve and protect the scenic quality and distinctive character of the area and; also be contrary to

paragraph 55 of the NPPF which seeks to promote sustainable development in rural areas.

3. The development occupies a relatively isolated location some distance from the Rural Service Centres of Lenham and Headcorn which would be expected to provide the majority of its day to day needs and is even some distance from the closer minor village settlements. It is considered that residential development of this site would be compromised in terms of sustainability by being located at a sufficient distance from any village or major service centre for the residents to be almost wholly reliant car borne journeys to service even their most basic needs. The site is therefore unable to be considered a sustainable location for residential development in being contrary to the requirements of paragraph 55 of the NPPF that would seek to both maintain and enhance the vitality of rural communities and paragraph 70 which seeks to encourage development close to existing settlements and villages where their presence would serve to promote local services.

INFORMATIVES

Case Officer: Tom OConnor

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