

PLANNING COMMITTEE MEETING

Date: Thursday 18 November 2021
Time: 7.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Brindle, Cox, English, Eves, Harwood, Holmes, Kimmance, McKay, Munford, Perry (Vice-Chairman), Spooner (Chairman), Trzebinski and Young

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 Items withdrawn from the Agenda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 - 25 November 2021
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 21 October 2021 1 - 8
11. Presentation of Petitions (if any)
12. Deferred Items 9
13. 21/504879/FULL - Loddington Lane Cottage, 2 Loddington Lane, Boughton Monchelsea, Maidstone, Kent 10 - 24

Issued on Wednesday 10 November 2021
Over/:

Continued

Alison Broom

Alison Broom, Chief Executive

14.	21/503225/OUT - The Packhouse, Queen Street, Paddock Wood, Kent	25 - 40
15.	19/506112/FULL - Bletchenden Farm, Bletchenden Road, Headcorn, Ashford, Kent	41 - 67
16.	21/504384/LAWPRO - 3-5 Bower Place, Maidstone, Kent	68 - 74
17.	21/502853/LDCEX - 3-5 Bower Place, Maidstone, Kent	75 - 88
18.	21/503982/FULL - Newnham Court Shopping Village, Bearsted Road, Weaving, Kent	89 - 103
19.	5008/2021/TPO - Becketts Croft, Malling Road, Teston, Maidstone, Kent	104 - 140
20.	Appeal Decisions	141

PLEASE NOTE

The order in which items are taken at the meeting may be subject to change.

The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

For full details of all papers relevant to the 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 SPEAKING AND ALTERNATIVE FORMATS

In order to speak at the meeting in person or by remote means, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 17 November 2021. You will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

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

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 21 OCTOBER 2021

Present: Councillor Spooner (Chairman) and
Councillors Brindle, Cox, English, Eves, Harwood,
Holmes, Kimmance, McKay, Munford, Perry,
Trzebinski and Young

Also Councillor Garten
Present:

127. **RECORDING OF PROCEEDINGS**

Councillor McKay reserved his right to record the proceedings.

128. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

129. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no Substitute Members.

130. **NOTIFICATION OF VISITING MEMBERS**

Councillor Garten had given notice of his wish to speak on the report of the Head of Planning and Development relating to application 21/504233/FULL (Bimbury Lodge, Bimbury Lane, Stockbury, Maidstone, Kent), and attended the meeting remotely.

131. **ITEMS WITHDRAWN FROM THE AGENDA**

**21/503615/FULL - THE CONSTRUCTION OF A SURFACE WATER
ATTENUATION AND SETTLING LAGOON WITH ASSOCIATED DRAINAGE
INFRASTRUCTURE AND LANDSCAPING - WINTERS PARK CREMATORIUM,
BEARSTED ROAD, WEAVERING, MAIDSTONE, KENT**

The Development Manager sought the Committee's agreement to the withdrawal of application 21/503615/FULL from the agenda.

The Development Manager explained that after the report was concluded, it had come to light that there were some consultation issues that had not been undertaken as part of the application and it seemed that there was some miscommunication between relevant departments within the Borough Council. There were also some issues regarding ecology matters that had not been properly considered as part of the application. In view of these issues and to allow further investigation and consultation,

including investigation of possible alternative sites, it was recommended that the application be withdrawn from the agenda.

RESOLVED: That agreement be given to the withdrawal of application 21/503615/FULL from the agenda.

132. URGENT ITEMS

The Chairman said that he intended to take the verbal updates in the Officer presentations as urgent items as they contained further information relating to the applications to be considered at the meeting.

133. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 21/503982/FULL (Newnham Court Shopping Village, Bearsted Road, Weaving, Kent), Councillor Brindle said that she had attended the site on a fact-finding visit at which time the applicant had discussed the application. She had made it very clear to the applicant on a number of occasions during her conversation with him that as a Member of the Borough Council's Planning Committee, she could not be seen as being pre-determined and as such she could not give him advice. Having made that statement, she was coming to the meeting with an open mind and intended to take part in the debate and to vote.

134. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

Item 13.	21/503982/FULL - Newnham Court Shopping Village, Bearsted Road, Weaving, Kent	Councillors Brindle, English, Eves, Holmes, McKay, Munford, Spooner and Young
Item 14.	21/504233/FULL - Bimbury Lodge, Bimbury Lane, Stockbury, Maidstone, Kent	Councillors Brindle, English, Eves, Harwood, Holmes, Perry, Spooner and Young
Item 15.	21/503615/FULL - Vinters Park Crematorium, Bearsted Road, Weaving, Maidstone, Kent	Councillor Harwood WITHDRAWN FROM THE AGENDA
Item 16.	21/503673/TPOA - 18 Peter Pease Close, Kingswood, Maidstone, Kent	Councillor Harwood
Item 17.	21/504210/FULL - 3 The Bungalows, Church Street, Teston, Maidstone, Kent	Councillors Brindle, Holmes, Munford, Spooner and Young
Item 18.	21/502623/FULL - Land Adjacent to Bridge House, Couchman Green Lane, Staplehurst, Tonbridge, Kent	Councillors English, Eves and Perry

See Minute 139 below

135. EXEMPT ITEMS

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

136. MINUTES OF THE MEETING HELD ON 23 SEPTEMBER 2021

RESOLVED: That the Minutes of the meeting held on 23 September 2021 be approved as a correct record and signed.

137. PRESENTATION OF PETITIONS

There were no petitions.

138. DEFERRED ITEMS

20/504386/FULL - CHANGE OF USE OF THE LAND FOR THE SITING OF 3 NO. STATIC CARAVANS AND 3 NO. TOURING CARAVANS FOR GYPSY/TRAVELLER OCCUPATION (REVISED SCHEME TO 18/506342/FULL) - THE ORCHARD PLACE, BENOVER ROAD, YALDING, KENT

20/505611/SUB - SUBMISSION OF DETAILS TO DISCHARGE CONDITION 18 - FOUL AND SURFACE WATER SEWERAGE DISPOSAL SUBJECT TO 14/502010/OUT - DICKENS GATE, MARDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

The Development Manager said that he had nothing further to report in respect of these applications at present. However, he had asked the Case Officer to bring application 20/504386/FULL back to the Committee as soon as possible as it had been deferred since December 2020.

139. 21/502623/FULL - RETROSPECTIVE APPLICATION FOR THE RETENTION OF A STORAGE UNIT AND SUMMER HOUSE TOGETHER WITH MINOR EXTENSION OF THE ACCESS TRACK IN CONNECTION WITH THE USE OF LAND AS A HOBBY FARM AT LAND ASSOCIATED WITH BRIDGE HOUSE, COUCHMAN GREEN LANE (RE-SUBMISSION OF 20/502913/FULL) - LAND ADJACENT TO BRIDGE HOUSE, COUCHMAN GREEN LANE, STAPLEHURST, TONBRIDGE, KENT

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

In introducing the application, the Major Projects Manager advised the Committee that he wished to:

- Amend condition 2 (External Facing Materials – Storage Container Building) to require the external facing materials to be implemented within the set timeframe in accordance with the approved details (rather than reference to an acceptable degree);

- Amalgamate conditions 3 (Landscape Scheme) and 4 (Landscaping Implementation) into a single condition and to include a penalty clause to the effect that if the landscaping works are not completed within the first planting season following their approval, then the storage container and the summer house shall be removed from the site;
- Add another condition preventing the erection of any other buildings or structures that would otherwise be permitted development; effectively removing permitted development rights for any structures other than those which exist already; and
- Amend the reference to policy DM34 in section 3.0 of the report to read policy DM36.

Councillor Perry read out a statement on behalf of Councillor Bowden of Staplehurst Parish Council who was unable to address the Committee remotely due to connectivity issues.

Mr Robinson addressed the meeting in person on behalf of the applicant.

RESOLVED:

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

The amendment of condition 2 (External Facing Materials – Storage Container Building) to require the external facing materials to be implemented within the set timeframe in accordance with the approved details (rather than reference to an acceptable degree);

The amalgamation of conditions 3 (Landscape Scheme) and 4 (Landscaping Implementation) into a single condition and to include a penalty clause to the effect that if the landscaping works are not completed within the first planting season following their approval, then the storage container and the summer house shall be removed from the site;

An additional condition preventing the erection of any other buildings or structures that would otherwise be permitted development; effectively removing permitted development rights for any structures other than those which exist already; and

An additional condition to cover boundary treatments and internal fencing to protect landscape margins particularly along the boundary with the Public Right of Way.

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

Voting: 10 – For 2 – Against 0 – Abstentions

Note: Councillor Kimmance joined the meeting after consideration of this application (6.58 p.m.). He said that he had no disclosures of interest and that he had been lobbied on agenda items 14 (21/504233/FULL - Bimbury Lodge, Bimbury Lane, Stockbury, Maidstone, Kent), 16 (21/503673/TPOA - 18 Peter Pease Close, Kingswood, Maidstone, Kent) and 17 (21/504210/FULL - 3 The Bungalows, Church Street, Teston, Maidstone, Kent).

140. 21/504233/FULL - CHANGE OF USE OF LAND TO BIJOU GLAMPING RETREAT, CONSISTING OF 4(NO) CANVAS BELL TENTS, 1(NO) SHEPHERD HUT, ERECTION OF 1(NO) TOILET/SHOWER BLOCK AND ASSOCIATED PARKING. CONVERSION OF STABLE BLOCK, INTO BAR, 3(NO) SLEEPING PODS, KITCHEN AND DINING AREA/TEA ROOM - BIMBURY LODGE, BIMBURY LANE, STOCKBURY, MAIDSTONE, KENT

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

Mr Cathcart, an objector, Councillor Moody of Stockbury Parish Council, and Councillor Garten (Visiting Member) addressed the meeting remotely.

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 would be contrary to policy for the following summarised reasons:

The proposal would represent an over intensive tourism use of the site with insufficient parking provision on the site and would result in a development that would bring in disturbance and break the tranquillity of the area causing harm to the Kent Downs AONB and its functioning. Given the narrow plot size, it would not be possible to appropriately mitigate this harm and it would not be possible to screen or buffer the development with appropriate landscaping or provide net biodiversity gain as required by the National Planning Policy Framework (2021).

Given the intensity of the use proposed, the proximity of neighbouring properties and the size of the plot, the proposals would have a detrimental impact on the amenity of neighbouring occupiers through the coming and going of holiday makers and through on-site activities which cannot be mitigated given the size of the plot.

The Development Manager requested that delegated powers be given to the Head of Planning and Development to finalise the reasons for refusal based on the key issues cited above.

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

Voting: 13 – For 0 – Against 0 - Abstentions

141. 21/504210/FULL - DEMOLITION OF CONSERVATORY AND ERECTION OF SINGLE STOREY REAR/SIDE EXTENSION - 3 THE BUNGALOWS, CHURCH STREET, TESTON, MAIDSTONE, KENT

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

Councillor Coulling of Teston Parish Council read out a statement on behalf of Mr Edmonds, an objector, in person.

Councillor Coulling then addressed the meeting on behalf of Teston Parish Council.

Mr Older addressed the meeting remotely on behalf of his brother, the applicant.

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

Voting: 13 – For 0 – Against 0 – Abstentions

142. 21/503982/FULL - RETROSPECTIVE APPLICATION FOR RETENTION OF THE EXISTING CONCRETE SLAB HARDSTANDING AREA - NEWNHAM COURT SHOPPING VILLAGE, BEARSTED ROAD, WEAVERING, KENT

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

In introducing the application, the Development Manager advised the Committee that he wished to amend condition 1(i)(b) (Management Plan) to read "Measures to provide ~~a net biodiversity gain~~ ecological enhancement, including bat and bird boxes". This was principally on the basis that it was considered that it would not be possible to achieve a biodiversity net gain on the site given that the proposal related to operational works i.e., the retention of the hardstanding that had been put down.

Mr Cook, an objector, addressed the meeting in person.

RESOLVED:

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

The amendment of condition 1(i) (Management Plan) to require that the Management Plan shall include an acoustic survey to demonstrate whether an acoustic barrier is required to protect the amenity of the occupants of Newnham Court. If the survey demonstrates that an acoustic barrier is required, then details of the barrier including its height and extent shall be submitted to and agreed by the Local Planning Authority;

The amendment of condition 1(i)(b) (Management Plan) to read “Measures to provide ~~a net biodiversity gain~~ ecological enhancement, including bat and bird boxes”; and

The amendment of condition 1(i) (Management Plan) to require that the Management Plan shall include details of bunding around the perimeter of the entire site with landscaping in accordance with the Landscape Character Guidelines to mitigate landscape and amenity harm and help provide biodiversity gain.

2. That the Head of Planning and Development be given delegated powers to finalise the wording and the timing of amended condition 1 and to amend any other conditions as a consequence.

Voting: 9 – For 2 – Against 2 – Abstentions

143. 21/503673/TPOA - TPO APPLICATION FOR 1 X (T1) SEMI- MATURE OAK TREE - FELL TO GROUND LEVEL - 18 PETER PEASE CLOSE, KINGSWOOD, MAIDSTONE, KENT

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

Mrs King addressed the meeting in person in support of the application.

Mrs King explained that the applicant was unable to attend the meeting due to work commitments.

RESOLVED:

1. That permission be refused for the reasons set out in the report with an informative inviting the applicant to discuss further the management of the tree with the Borough Council with a view to an application being submitted for tree works that could be looked more favourably upon.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the informative.

Voting: 13 – For 0 – Against 0 – Abstentions.

144. 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.

Note: Councillor Harwood left the meeting after consideration of this report (9.27 p.m.).

145. ENFORCEMENT TRACKER

The Development Manager presented the enforcement tracker report which provided the current status of enforcement cases where formal notices had been served.

In presenting the report, the Development Manager:

Referred to a recent successful injunction at Water Lane that could be added to the tracker;

Advised the Committee that appeal decisions were awaited in relation to breaches of planning control at plots off Unicomes Lane following the Planning Inspector's site visit in January 2021; and

Corrected the tracker in so far as Lested Farm, Plough Wents Road is in Chart Sutton Ward and not Bearsted Ward.

In response to questions, the Development Manager:

Undertook to amend the tracker to show that an appeal decision was awaited in relation to breaches of planning control at the Barge Riverside Restaurant;

Undertook to provide an update for Councillor Perry on the position regarding breaches of planning control at Monks Lakes, Staplehurst Road, Marden; and

Advised the Committee that the tracker only logged cases where formal enforcement notices had been served.

RESOLVED: That the enforcement tracker, as amended, be noted.

146. DURATION OF MEETING

6.00 p.m. to 9.35 p.m.

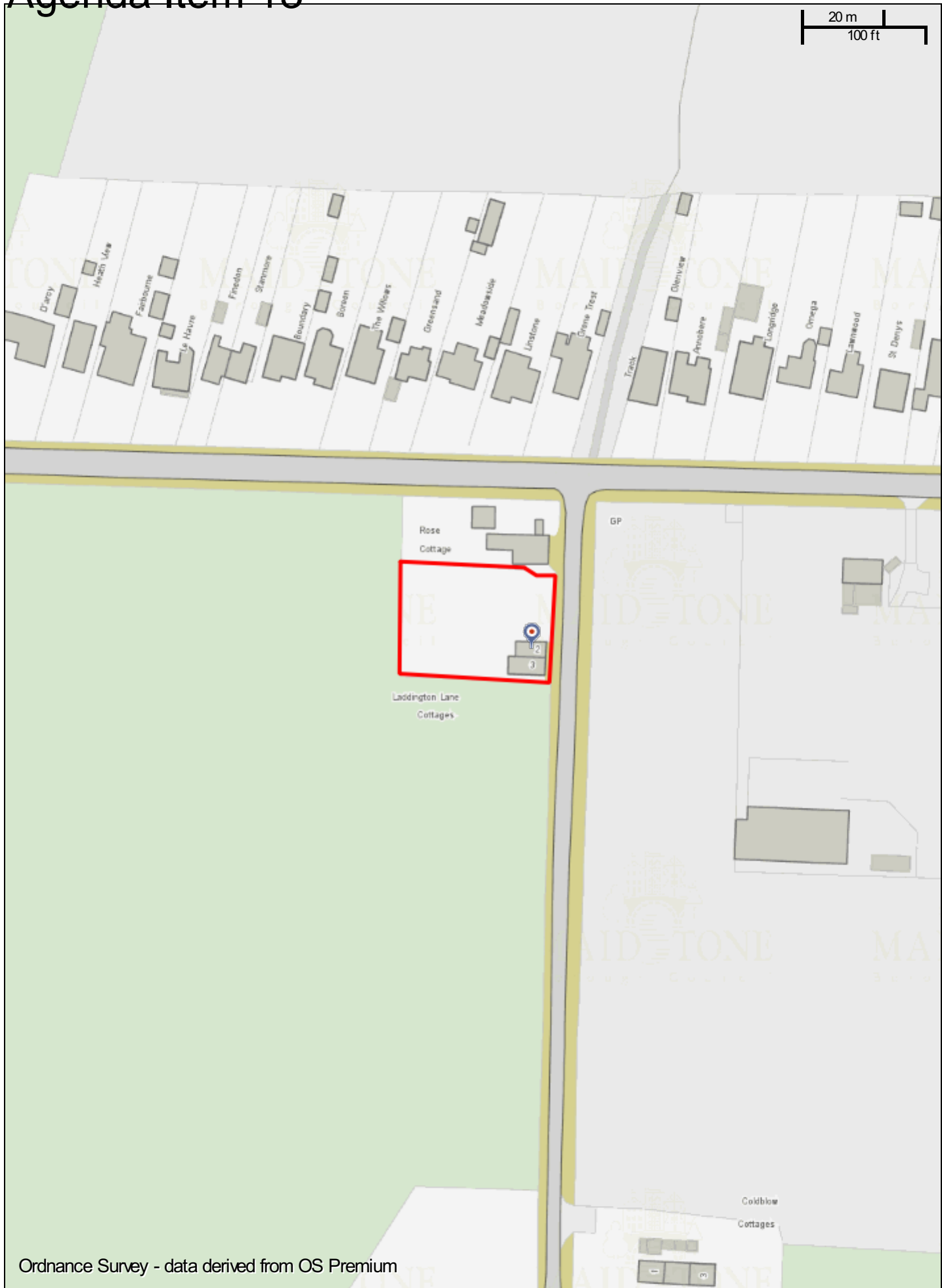
MAIDSTONE BOROUGH COUNCIL
PLANNING COMMITTEE
18 NOVEMBER 2021
REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

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>20/504386/FULL - CHANGE OF USE OF THE LAND FOR THE SITING OF 3 NO. STATIC CARAVANS AND 3 NO. TOURING CARAVANS FOR GYPSY/TRAVELLER OCCUPATION (REVISED SCHEME TO 18/506342/FULL) - THE ORCHARD PLACE, BENOVER ROAD, YALDING, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> Negotiate a reconfiguration of the site layout to achieve better landscaping of the pond/woodland area to enable ecological and flood amelioration; and Seek the advice of the Environment Agency specifically relating to this site. 	<p>17 December 2020</p> <p>APPLICATION WITHDRAWN</p>
<p><u>20/505611/SUB - SUBMISSION OF DETAILS TO DISCHARGE CONDITION 18 - FOUL AND SURFACE WATER SEWERAGE DISPOSAL SUBJECT TO 14/502010/OUT - DICKENS GATE, MARDEN ROAD, STAPLEHURST, TONBRIDGE, KENT</u></p> <p>Deferred:</p> <p>(1) To ask the applicant to provide further information to clarify:</p> <p>(a) The foul drainage flows from the site; and</p> <p>(b) The volume of capacity being provided (by the holding tank) and how it will be maintained to ensure that it retains such capacity.</p> <p>(2) For the additional information to be reviewed by an independent expert drainage consultant.</p> <p>This is to satisfy the Committee that the volume of flows will be accommodated by the proposed works.</p>	<p>22 July 2021</p>

Agenda Item 13



Ordnance Survey - data derived from OS Premium

REFERENCE NO: 21/504879/FULL		
APPLICATION PROPOSAL: Conversion of existing cottage together with erection of two storey rear/side extension to create 1(no) two bedroom dwelling and 1(no) three bedroom dwelling. Erection of 1(no) detached four bedroom dwelling. (Re-sub of 21/500798/FULL)		
ADDRESS: Loddington Lane Cottage 2 Loddington Lane Boughton Monchelsea, ME17 4AD		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Boughton Monchelsea Parish Council has requested application is considered by Planning Committee if officers are minded to approve application. This request is made for reasons outlined in consultation section below.		
WARD: Boughton Monchelsea & Chart Sutton	PARISH COUNCIL: Boughton Monchelsea	APPLICANT: Mr R. Brigden AGENT: Design & Build Services
TARGET DECISION DATE: 22/11/21		PUBLICITY EXPIRY DATE: 21/10/21

RELEVANT PLANNING HISTORY

- 21/500798 – Conversion of cottage together with 2-storey rear/side extension to create 2 dwellings; and erection of 1 detached dwelling – Refused because:

Submission failed to demonstrate protected species would not be adversely impacted upon as a result of development, contrary to DM1 & DM3 of Local Plan; Boughton Monchelsea NP; Para 99 of Govt. Circular (ODPM 06/2005); Natural England Standing Advice; and NPPF (2019).

- 20/504019 – Pre-app: Extension/conversion of cottage to create 2 dwellings and erection of a pair of semi-detached dwellings – Officer considered it unlikely that proposal would be supported
- 19/503484 – Demolition of dwelling & erection of 4 houses – Refused for the following reasons:

(1) The proposal would result in a substantial increase in built mass sited in an extremely prominent location fronting Loddington Lane significantly amplifying its visual impact. The development will therefore result in a highly visible further consolidation and extension of existing ad hoc development in the locality detrimental to the rural character of the area and landscape quality of the Greensand Ridge Landscape of Local Value contrary to the provisions of policies SP17 and DM30 of the Maidstone Borough Local Plan Adopted October 2017.

(2) The proposal by reason of its detailing, bulk, proportions, lack of articulation, unrelieved expanse of parking located in a prominent position in the street scene and loss of the frontage hedgerow is harmful to the rural character of the area while failing to take the opportunities available for improving the character and quality of the area and the way it functions in accordance with the provisions of paragraph 130 of the NPPF and policy DM30 of the Maidstone Borough Local Plan Adopted October 2017.

(3) The wildlife implications of demolition of the existing house and loss of the frontage hedgerow means the application should have been accompanied by a wildlife assessment. In the absence of such an assessment it has therefore not been demonstrated that the site is capable of being developed without adversely affecting protected species and their habitats. As such the proposal fails to satisfy the provisions of paragraphs 170 and 175 of the NPPF and policy DM3 of the Maidstone Borough Local Plan Adopted October 2017.

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.01 The application site fronts onto Loddington Lane and is some 20m to the south of the junction with Heath Road. To the immediate north of the site is a property known as Rose Cottage; to the east, the site is bounded by the road; and to the south and west is woodland. Linton Park, a Registered Park/Garden, is in proximity of the site. For the purposes of the Local Plan the proposal site is located within the designated countryside and the Greensand Ridge Landscape of Local Value. The proposal site is also within the Linton Conservation Area; an area of archaeological potential; a KCC Minerals Safeguarding Area; and is within Flood Zone 1.

2.0 PROPOSAL

- 2.01 The description of the development is as follows: *Conversion of existing cottage together with erection of two storey rear/side extension to create 2(no) dwellings; and erection of 1(no) detached dwelling.* The proposal is effectively creating two additional dwellings.
- 2.02 The proposal is for the conversion of the existing cottage into two dwellings, including a two storey side and rear extension; and for the erection of a single detached dwelling. The existing outbuilding on the site would also be demolished. The proposal would create a 2-bed; a 3-bed; and a 4-bed property; and parking provision (7 spaces) would be found to the rear of the site, by way of a driveway in between the new house and the extended and subdivided cottage.
- 2.03 The subdivided cottage would be rendered and the roof would be a natural grey slate roof. The new detached dwelling would be of red stock facing brick with tile hanging at first floor level, and this dwelling would also have a natural grey slate roof. The fenestration details for the housing would be an Alu-Clad finish.
- 2.04 Please note this proposal is the same as that proposed under 21/500798 that was refused only because the submission failed to demonstrate that protected species would not be adversely impacted upon as a result of development. Furthermore, the previous application (19/503484) was for the demolition of the existing dwelling and then for the erection of 4 houses in a terrace form, with car parking to the front of the building. This application would have resulted in a net gain of three houses, with the terrace largely filling the site; and the front hedge being removed.

3.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP17, SP18, DM1, DM2, DM3, DM4, DM8, DM12, DM23, DM30, DM32
- Boughton Monchelsea Neighbourhood Plan (up to 2031): PWP1, PWP4, PWP7, PWP8, PWP10, PWP11, PWP12, PWP13, PWP14, RH1, RH6
- Landscape Character Assessment (2012 amended July 2013)
- Maidstone Landscape Capacity Study: Sensitivity Assessment (Jan 2015)
- Linton Conservation Area Appraisal (adopted March 2008)
- Linton Conservation Area Management Plan (2010)
- Boundary Alterations Report (dated 2016)
- National Planning Policy Framework (2021) & National Planning Practice Guidance
- Kent Minerals & Waste LP (2013-30) as amended by Early Partial Review (2020)
- Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System
- Natural England Standing Advice
- Regulation 19 Maidstone Local Plan

Local Plan

- 3.01 The submission is subject to the normal policy constraints to development in the countryside, as set out in the adopted Local Plan. Indeed, new development should not be permitted unless it accords with other policies in the Local Plan and it (inter alia): does not result in unacceptable harm to the character and appearance of the area; it respects the amenity local residents; it is acceptable in highway safety, heritage, and flood risk terms; and it protects and enhances any on-site biodiversity features where appropriate or provides sufficient mitigation measures. The distinctive landscape character of Landscapes of Local Value should also be conserved and enhanced.

Boughton Monchelsea Neighbourhood Plan (BMNP)

- 3.02 BMNP is a made Plan and it forms part of the Development Plan. Of particular relevance, PWP4 (provision for new housing) states (of most relevance):

Positive and appropriate provision for new housing development for Boughton Monchelsea parish, and as required by the Maidstone Borough Local Plan, is made as follows:

B Development may be supported on other windfall sites and through conversions where:

- (i) It is in line with policies RH1 and RH6 of this plan in particular, is small scale and of high quality and in keeping with its location*
- (ii) AND results in significant benefits to the parish in resolving community issues identified in the Plan such as specific identifiable housing needs OR*
- (iii) It constitutes enabling development contributing to the retention and sustainability of heritage and/or community assets OR*
- (iv) It is within the Boughton Village development boundary*

C In other circumstances, and particularly where development would result in the coalescence of hamlets within the parish, development will not be supported.

- 3.03 Policy RH1 (Location of new residential development) states (inter alia):

Proposals for new residential development to the south of Heath Road (B2163) will not be supported unless they conform with national and local rural exception policies.

- 3.04 Policy RH6 relates to the design of new housing development and it seeks such development to be of the highest quality, appropriate to the area; to reflect local characteristics in terms of topography, ridge heights, layout, plot size and materials; and to be no higher than surrounding dwellings. There are several other policies relevant to this proposal, including policies PWP2, HWB1 PWP8, PWP10. and PWP12.

Council's Landscape Character Assessment and Capacity Study

- 3.05 The Maidstone Landscape Character Assessment (2012 amended 2013) identifies the application site as falling within the Boughton Monchelsea to Chart Sutton Plateau (Area 29). The landscape guideline for this area is to 'IMPROVE'. The Council's Landscape Capacity Study: Sensitivity Assessment (Jan 2015) states that the Boughton Monchelsea to Chart Sutton Plateau has the overall landscape sensitivity as 'LOW'.

NPPF (July 2021)

- 3.06 The revised NPPF is clear that good design is a key aspect of sustainable development and that permission should be refused for development that is not well designed, with section 12 of the NPPF referring to 'achieving well-designed places'. Section 16 of the NPPF sets out what should be considered in terms of conserving and enhancing the historic environment.

5yr housing land supply

- 3.07 The Council is in a position where it can demonstrate a 5.6yrs worth of housing land supply (1st April 2021).

Regulation 19 Local Plan

- 3.08 Following recent approval by members, the Council's Reg 19 Local Plan is out to public consultation. This document is a material planning consideration, however at this time individual policies are not apportioned much weight. At the end of the consultation period, the weight to be attached to individual policies will be adjusted upwards or downwards depending on whether objections have been received. The current programme involves submission to the Planning Inspectorate in Spring 2022.

4.0 LOCAL REPRESENTATIONS

- 4.01 2 representations received raising concerns over: Impact on Linton Conservation Area; Boughton Monchelsea NP sets out there should be no development south of Heath Rd apart from exceptional circumstances; visual amenity impact; residential amenity; proposal is no in accordance with the Development Plan; highway safety; impact upon ecology; no local need for additional housing; and site is in AONB.

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 **Boughton Monchelsea Parish Council:** Wish to see application refused and reported to Planning Committee if officers are minded to recommend approval. Their comments are summarised below:
- *Proposal is contrary to policy RH1 of Neighbourhood Plan (NP).*
 - *Backbone of NP is that, apart from exceptional circumstances, there should be no development to south of Heath Rd.*
 - *Proposal would result in substantial increase in built mass sited in extremely prominent location fronting Loddington Lane.*
 - *Development would further consolidate and extend ad hoc development in locality, detrimental to rural character of area and landscape quality of Greensand Ridge Landscape of Local Value.*
 - *Proposal is immediately adjacent to Priority Local Landscape (policy PWP2 of NP). This policy states distinctive character of Priority Local Landscape will be conserved and enhanced and proposal is contrary to this.*
 - *Proposal is adjacent to Linton Conservation Area (CA). Conservation Officer commented previously there was insufficient illustration proposal would be a positive contribution to CA - We share these concerns and feel proposal would make negative contribution to area.*
 - *Have serious concerns at proximity of proposal to Heath Rd junction, particularly as Loddington Lane is narrow with no footpaths.*
 - *We would like to know why our comments on previous application were dismissed.*
- 5.02 **Biodiversity Officer:** Raised no objection.
- 5.03 **Conservation Officer:** Raised no objection on heritage grounds under 21/500798.
- 5.04 **Historic England:** Do not wish to offer any comments.
- 5.05 **KCC Archaeological Officer:** Raises no objection.
- 5.06 **KCC Minerals Safeguarding Team:** No representations received but they did confirm under 21/500798 that they have no minerals or waste safeguarding comments to make and no further details are required in this respect.
- 5.07 **Environmental Protection Team:** Raised no objection under 19/503484 in terms of noise; air quality; radon; and land contamination.

6.0 APPRAISAL

Main issues

6.01 The key issues for consideration relate to:

- Location
- Biodiversity implications
- Visual/heritage impacts
- Residential amenity
- Highway safety
- Other planning considerations

6.02 The details of the submission will now be considered.

Location

6.03 The proposal site is in the countryside for the purposes of the Local Plan. The principal focus for residential development in the borough is the urban area, then Rural Service Centres and then larger villages. In other locations protection should be given to the rural character of the borough. In general terms, proposal sites beyond development boundaries are likely to be less sustainable as access to basic amenities/services, public transport links, and employment opportunities etc. tends to be poor, resulting in heavy reliance on the use of the private car for their day to day living, contrary to the aims of sustainable development as set out in the Development Plan and the NPPF.

6.04 However, there are bus stops on Heath Road within 70m of the application site that run in and out of Maidstone; and the northern side of Heath Road does have a pavement. Furthermore, a shop/post office in Church Street is some 800m to the north-east of the site; a petrol station with convenience store is some 500m to the west of the site; and Coxheath district centre is some 2.2km to the west of the site. It is also noted that under a previous application on this site (19/503484), where the development would have resulted in three additional houses on the site (not two dwellings like this current proposal), the delegated report states:

Regarding whether the development, on its own, can be considered to be isolated, given its close proximity to Rose Cottage to the north and the ribbon of housing on the opposite side of Heath Road this is not considered to be the case. However, the wider question is whether the development would consolidate and enlarge an existing isolated area of housing occupying an unsustainable location in siting terms. Given the proximity of the site to Heath Road with its bus services and short distance from allocated housing sites abutting Boughton Monchelsea where siting sustainability would have been a key consideration, it is not considered it can be reasonably argued that the site occupies an unsustainable location.

6.05 Local Plan policy and the aims of the revised NPPF have not significantly changed in terms of sustainability and location since this decision was made, and there is considered to be no reasonable defence to now deviate from this view. Policy HWB1 of the Boughton Monchelsea Neighbourhood Plan also seeks new development to be located so as to be accessible by public transport if possible, which this site is. In addition, the proposal reflects the aims of the NPPF to avoid isolated dwellings in the countryside; the proposal would involve the subdivision of an existing dwelling (in accordance with paragraph 80 of the NPPF); and it appears that the existing property was at one time two dwellings. On this basis, it is considered that two additional houses here are not in such an unsustainable location to warrant objection.

Biodiversity implications

6.06 Paragraph 99 of the ODPM Circular 06/2005 states: *"it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*.

6.07 As set out above, the previous planning application (21/500798) was refused because it failed to demonstrate that the proposal would be acceptable in terms of safeguarding protected species. This submission is now accompanied by a Reptile and Bat Survey and a Method Statement of Reptile Mitigation Works. The Biodiversity Officer has reviewed the application and in short has advised that sufficient ecological information has been provided subject to recommended conditions. The Biodiversity Officer commented as follows (as summarised):

Protected Species: No bats were recorded either during the bat scoping surveys or dusk emergence survey. There is therefore a low risk to bats from proposed works. A low population of grass snake was recorded in site and therefore appropriate avoidance and mitigation measures are required. For the above reasons a condition for a Precautionary Biodiversity Method Statement is recommended.

Lighting and Bats: Bats were recorded foraging and commuting through application site during emergence survey. Larger slower flying bat species are sensitive to light pollution which can act as a barrier to their movement. Application site is immediately adjacent to extensive area of deciduous woodland and open farmland with hedgerows all of which provide potentially important foraging and commuting habitat. For the above reasons a condition for a Lighting Design is recommended.

6.08 These conditions are considered to be reasonable, in order to safeguard protected species and they shall be duly imposed. The condition relating to the Precautionary Biodiversity Method Statement is a pre-commencement condition and the agent has agreed to its imposition.

6.09 In addition to this, paragraph 180 of the NPPF states:

When determining applications, LPA's should apply the following principles (inter alia): (d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

6.10 Furthermore, Local Plan policy DM1 and NP policy PWP12 seek to enhance on-site biodiversity. With all of this considered, a suitable condition will also be imposed requesting details of biodiversity enhancements on the site (to also demonstrate a net biodiversity gain), including details of enhancements through integrated methods into the fabric and design of the buildings; and the provision of a reptile hibernacula on the site.

Visual impact

6.11 The Planning (Listed Buildings and Conservations Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. Local Plan policy SP18 requires (inter-alia), that the characteristics of heritage assets are protected and design is sensitive to heritage assets and their settings. Policy DM4 requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.

- 6.12 The NPPF (paragraphs 197 & 199) state that when determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 6.13 Furthermore, Local Plan policies seeks to achieve high quality design in all development in the countryside, and it emphasises the need for type, siting, materials, design, scale, and level of activity, to maintain and possibly enhance local distinctiveness including landscape features.

- 6.14 Please note here that the Linton Conservation Area boundary was extended on 21st May 2019 and the proposal site does now fall within Linton Conservation Area. The relevant Conservation Area Appraisal and the Management Plan have not been updated to reflect the new boundary, but the Conservation Area boundary plan has been updated and there is an available document produced by Drury McPherson Partnership for the Council entitled: *Linton Conservation Area Proposed Boundary Alteration* (Oct 2016) that is of relevance for this application. It states the following:

4.1.51 Buildings on Heath Road and at northern end of Loddington Lane (Stone Cottage, Wickham Cottages, Rose Cottage, Loddington Lane Cottages) have an historic relationship with Linton Park Estate, in that they were owned by with it. These cottages are architecturally unremarkable, they are outside the designed landscape and they make no contribute to its setting. There is little about these buildings to distinguish them from such buildings anywhere else. They do not, therefore, contribute to what is significant about Linton Park.

Assessment of Buildings: Linton Park

4.1.53 In line with the categories established by MBC, the buildings within the Linton Park Character area are assessed as follows:

- Loddington Lane Cottages, Loddington Lane (unlisted): Neutral*
- Rose Cottage, Loddington Lane (unlisted): Neutral*

Neutral = Buildings which do not harm character of area, but whose retention is not necessary.

- 6.15 It should also be noted here that the cottage on the application site and Rose Cottage are not listed as non-designated heritage assets within Boughton Monchelsea's Neighbourhood Plan (NP).

- 6.16 On review of the same proposal when submitted under 21/500798, the Council's Conservation Officer considered that the proposal would have a neutral impact on the conservation area, but that with the use of appropriate external materials and fenestration details, a high quality scheme could be achieved that could have a positive impact upon the conservation area. The views of the Conservation Officer are agreed with, and a suitable condition is recommended for the submission of external materials (including window frames) to safeguard a high quality scheme. Furthermore, other appropriate conditions are recommended to ensure appropriate boundary treatments, hardsurfacing and landscaping. This will include the retention and strengthening of the front boundary hedge and for additional (appropriate) planting to the front of the existing building, in accordance with Local Plan policies and NP policy PWP11.

- 6.17 It is established that the Conservation Officer has raised no objection to the proposal in heritage terms. To elaborate further, the height of the new dwelling would not be taller than Loddington Lane Cottages; its width when seen from the front would be no wider than either of the adjacent buildings; there would be a sense of space maintained around the new property; the newly created plots would not harmfully alter the prevailing character and pattern of residential development in the area; the development would largely retain the undeveloped character of the frontage, with the opportunity for new planting; the new dwelling would not project beyond the front building line of either adjacent building; and the use of high quality materials would be safeguarded by condition. With this all considered, the new dwelling would not appear dominant or incongruous from any public vantage point, given its scale, design, siting and given the existing surrounding development and landscaping.
- 6.18 In terms of the proposed subdivision and extension of the existing cottage, the alterations are considered to retain the relatively modest and simple design of the property; the ridge height of the extension is set lower than the main building; the frontage would remain largely unaffected; the choice of external materials is appropriate with the existing property; and the volume increase of the building would be less than 50%. It is therefore considered that the proposal would not overwhelm or destroy the original form of the existing building, but rather sympathetically relate to it; and the alterations would not appear dominant or incongruous from any public vantage point, given their scale and siting and given the existing surrounding development and landscaping.
- 6.19 In arboricultural terms, there are no trees on the site; and in the proximity of the rear extension to the existing cottage there appears to be no trees that would be automatically protected because of being within a conservation area. The proposed parking area to the rear of the site would be in the proximity of the woodland to the west of the site, with trees that do appear to be large enough to be automatically protected by virtue of being within a conservation area. With this considered, a condition is recommended requesting details of how the parking area would be laid within the root protection areas of the woodland trees, with no-dig construction the likely solution.
- 6.20 With regards to Boughton Monchelsea's NP, the proposal site is adjacent to (but not within) its proposed Priority Local Landscape, and so the submission would not have an adverse impact upon the distinctive character of this landscape (NP policy PWP2). Furthermore, the proposal would not interfere with key views identified in the NP; and given its scale, location, and nature, it would not coalesce existing settlements and it would not adversely impact on long views in and out of the parish, in accordance with NP policy PWP14. Furthermore, whilst the proposal site is to the south of Heath Road, the development involves infilling within an existing residential curtilage and is considered to accord with the relevant countryside protection and heritage policies of the Development Plan and the aims of the Council's Landscape Character Assessment and the revised NPPF.
- 6.21 It is therefore considered that the proposal would not harmfully consolidate sporadic and urbanising development in the countryside, it would not cause harm to the significance of the conservation area, and it would not have an adverse impact upon the character and appearance of the countryside hereabouts that falls within the Greensand Ridge Landscape of Local Value. The proposal is in accordance with the relevant policies of the Local Plan; NP policy RH6; the Council's Landscape Character Assessment; and the aims of the NPPF.

Residential amenity

- 6.22 Suitable boundary treatment along the northern boundary of the site would safeguard the privacy of both Rose Cottage and the new detached dwelling at ground floor level. A condition will be imposed to ensure that the first floor openings on the northern elevation of the new dwelling are obscure glazed and fixed shut (except for a fanlight), to further safeguard the privacy of the occupants of Rose Cottage.
- 6.23 The new detached dwelling would be some 4m away from the northern boundary of the site; at its closest to Rose Cottage it would be some 5m, and then 8m towards the rear of this neighbour; it would not significantly project beyond the rear elevation of Rose Cottage; and the plot at Rose Cottage benefits from a relatively large garden that is removed from the proposed development. It is also noted that this neighbour's lounge, dining area and first floor bedroom, that have south facing openings, also benefit from other openings either to the western or northern elevations. It is therefore considered that the rooms with south facing openings would continue to receive adequate light; and whilst outlook from these openings would be altered, this is not considered to be an objectionable change. On this basis, it is considered that the proposal would not appear overbearing, or result in an unacceptable loss of light and outlook for the occupants of Rose Cottage, when trying to enjoy their property.
- 6.24 By its nature, new residential development is unlikely to result in unacceptable harm to existing neighbouring properties in terms of noise, odour, and lighting. Notwithstanding this, external lighting can also be restricted by way of condition. Whilst the new access is close to the new properties, this is not considered to be objectionable given the development would only create three dwellings and there is also an element of 'buyer beware'. Overall, the proposal would provide acceptable living conditions (both internally and externally) for future occupants of the three dwellings proposed, subject to conditions relating to boundary treatments and first floor side windows to being fixed shut and obscure glazed. The amenity of no other resident (when trying to enjoy their own property) would be adversely impacted upon as a result of this application.

Highway safety

- 6.25 Paragraph 111 of the revised NPPF states: "*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 The proposal would provide onsite parking provision for 7 cars to the rear of the site, in accordance with the Local Plan's parking standards. Vehicles would be able to leave the site in a forward gear. The driveway into the site, although extended as a result of this application, is existing (with no recorded traffic incidents on www.crashmap.co.uk) and there has only been a 'slight' traffic incident recorded (in 2016) at the junction of Loddington Lane and Heath Road; and Loddington Lane is not a classified A or B road. Furthermore, the potential vehicle movements associated to what would effectively be two additional dwellings, is not considered to result in unacceptable harm to the local road network in terms of congestion and highway capacity. It is also noted that the previous development for a terrace of four houses on the site did not raise a highway safety objection from KCC. On this basis, it is considered that the proposal would not result in a 'severe' impact and with everything considered no objection is raised to the application on highway safety grounds.

Other considerations

- 6.27 The KCC Archaeological Officer confirms the site lies within an area of archaeological potential associated with Late Iron Age activity and with Post Medieval activity. On this basis, a pre-commencement condition is recommended for a watching brief to be undertaken. This condition is considered to be reasonable, to ensure that features of archaeological interest are properly examined and recorded, and the agent has agreed to its imposition.
- 6.28 In accordance with Local Plan policy, NP policy PWP8, and in the interests of sustainability and air quality, a suitable condition will be imposed for the provision of operational electric vehicle charging points for low-emission plug-in vehicles; and a suitable condition will also be imposed requesting details of renewable energies to be incorporated into the development, to ensure an energy efficient form of development. In the interests of amenity, a suitable condition will also be imposed to restrict any external lighting in accordance with Local Plan policy DM1 and NP policy PWP10.
- 6.29 The Environmental Protection Team raised no objection to residential development on the site under 19/503484, in terms of noise; air quality; radon; and land contamination, and requested no further details on these matters. There are no further material planning reasons to divert from these comments. There is sufficient room within the site for refuse storage and collection will be as it is now for the existing property and neighbours.
- 6.30 The site does fall within a KCC Minerals Safeguarding Area and the KCC Minerals Safeguarding Team has made no representations on this application. This said, KCC did confirm under 21/500798 that they have no minerals or waste safeguarding comments to make and that no further details were required in this respect.
- 6.31 Foul sewage will be disposed of by way of mains sewer; and the site is in Flood Zone 1 and there is no objection in terms of flood risk. No further information is required on these matters. It is not known how surface water will be dealt with and so a suitable condition will be imposed to secure these details, in accordance with NP policy PWP7.
- 6.32 The representations received from Boughton Monchelsea Parish Council and local residents have been considered in the assessment of this application. It should be noted here that the application site does not fall within an AONB
- 6.33 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010, and it is considered that the application would not undermine the objectives of this Duty. The proposed development is CIL liable. The Council has adopted a Community Infrastructure Levy and began charging on all CIL liable applications, approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and the relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7.0 CONCLUSION

- 7.01 Neighbourhood Plan policy RH1 states that new residential development to the south of Heath Road will not be supported unless it conforms with national and local rural exception policies. However, adopted Local Plan policy does not specifically exclude new housing in the countryside and for the reasons set out above it is considered that the proposal would not result in unacceptable harm to the character and appearance of the area; it is not in an unsustainable location; and it would accord with relevant policies in the Local Plan.

- 7.02 Furthermore, the Local Plan is considered to be up to date and the Council is in a position where it can demonstrate a 5.6yrs worth of housing land supply (1st April 2021), and it is considered that the provision of new housing on an appropriate windfall site like this should still be approved as there is an ongoing housing need in the borough to supply new housing. In regard to the recently revised NPPF, the proposal would also not create new isolated homes in the countryside, but instead subdivide an existing property and make efficient use of garden land. This high quality, small scale proposal (that would not result in the coalescence of hamlets), is considered to be in keeping with its location, and it is considered to be in accordance with all other relevant policies within the Boughton Monchelsea Neighbourhood Plan, as set out in the main body of the report.
- 7.03 With the above material planning considerations taken into account, it is considered that the proposal would be acceptable in planning terms and a recommendation of approval is therefore made on this basis.

8.0 RECOMMENDATION

GRANT planning permission subject to the following conditions and subject to no new material considerations arising from the press notice:

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. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification 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.

3. No development shall take place (including any ground works, site or vegetation clearance), until a Precautionary Method Statement (PMS) for the demolition or modifications to the roof of any built structures and the removal of any surface vegetation have been submitted to and approved in writing by the local planning authority. The content of the PMS shall be based on the details outlined in Section 7 of the submitted Reptile and Bat Surveys (dated: July 2021) and shall include:

- a) Detailed working methods necessary to avoid the killing or injury of breeding birds, reptiles and bats;
- b) Extent and location of proposed avoidance and mitigation measures, shown on appropriate scale maps and plans;
- c) Timetable for implementation, demonstrating that avoidance and mitigation measures are aligned with the proposed phasing of construction and taking into consideration the active and the sensitive periods for these animal groups;
- d) Persons responsible for implementing the avoidance and mitigation measures, including times during site clearance/ construction when specialist ecologists need to be present on site to undertake / oversee works;
- e) Provision for reptile 'rescue' if animals are encountered.

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

Reason: The details are required prior to the commencement of the development to avoid adverse impacts to legally protected species during site clearance and construction and, in accordance with the requirements of the NPPF, to minimise impacts on biodiversity.

4. Prior to commencement of the development above damp-proof course level, written details of the materials to be used in the construction of the external surfaces of the buildings and hardsurfacing hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials and maintained as such thereafter.

Reason: To ensure a high quality appearance to the development; and to conserve and enhance the significance and setting of Linton Conservation Area.

5. Prior to commencement of the development above damp-proof course level, details of new external joinery, in the form of large scale drawings, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: To ensure the appearance and the character of the building are maintained.

6. Prior to commencement of the development above damp-proof course level, details of all fencing, walling and other hard boundary treatments shall be submitted to and approved in writing by the local planning authority with the details incorporating gaps at ground level to allow for the passage of wildlife. The development shall be carried out in accordance with the approved details before the first occupation of the buildings and shall be maintained as such thereafter.

Reason: To ensure a high quality appearance to the development; to conserve and enhance the significance and setting of Linton Conservation Area; and in the interests of residential amenity and biodiversity.

7. Prior to the commencement of development above damp-proof course level on any individual property, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the local planning authority. The site falls within Landscape Area Boughton Monchelsea to Chart Sutton Plateau (Area 29) and the landscaping scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment (2012) and shall include:

- (i) Details of new planting (including location, planting species and size);
- (ii) Retention and strengthening (with native species) of existing hedgerow on front (eastern) boundary; and
- (iii) New 100% mixed native planting to front of existing building.

Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted. 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.

Reason: To ensure a high quality appearance to the development and to conserve and enhance the significance and setting of Linton Conservation Area.

8. The approved landscaping associated with the individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 10 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a high quality appearance to the development and to conserve and enhance the significance and setting of Linton Conservation Area.

9. Prior to the commencement of any works associated to the parking area to the rear of the site, as shown on the submitted plans, details of how this parking area is to be laid within the root protection areas of the adjacent woodland trees (i.e. no-dig construction), shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and shall be maintained as such thereafter.

Reason: To safeguard the longevity of the woodland trees.

10. Prior to commencement of the development above damp-proof course level, details of ecological enhancements shall be submitted to and approved in writing by the local planning authority. These details shall include the following:

- (i) details of integrated methods into the design and fabric of all three dwellings hereby approved, to include swift bricks, bat tubes and bee bricks; and
- (ii) the provision of a reptile hibernacula on the site.

The development shall be implemented in accordance with the approved details prior to the first occupation of the relevant dwelling and all features shall be maintained as such thereafter.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

11. Prior to the first occupation of any dwelling hereby approved, details of surface water disposal shall be submitted to and agreed in writing with the local planning authority. The agreed scheme shall be implemented in accordance with the approved plans prior to first occupation of the development hereby permitted and maintained as such thereafter.

Reason: To ensure that adequate drainage is provided for the development.

12. Prior to the first occupation of the development hereby approved, details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the development and maintained as such thereafter.

Reason: To ensure an energy efficient form of development.

13. Each property shall have a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles prior to its occupation. The electric vehicle charging points shall be maintained as such thereafter.

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

14. Before the detached dwelling hereby approved is occupied, its first floor openings in the northern flank; and the first floor bedroom window in its southern flank shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: In the interests of residential amenity.

15. No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The submitted details shall also seek to avoid impacts to the local bat population, based on the measures outlined in the recommendations of the submitted Reptile and Bat Surveys and the guidance contained in Guidance Note 08/18 Bats and Artificial Lighting in the UK (Bat Conservation Trust and the Institute of Lighting Professionals). The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity and in the interest of protecting bats.

16. The vehicle parking spaces, as shown on the submitted plans, shall be provided prior to occupation of the development hereby approved and shall be permanently retained for parking thereafter and not used for any other purpose.

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

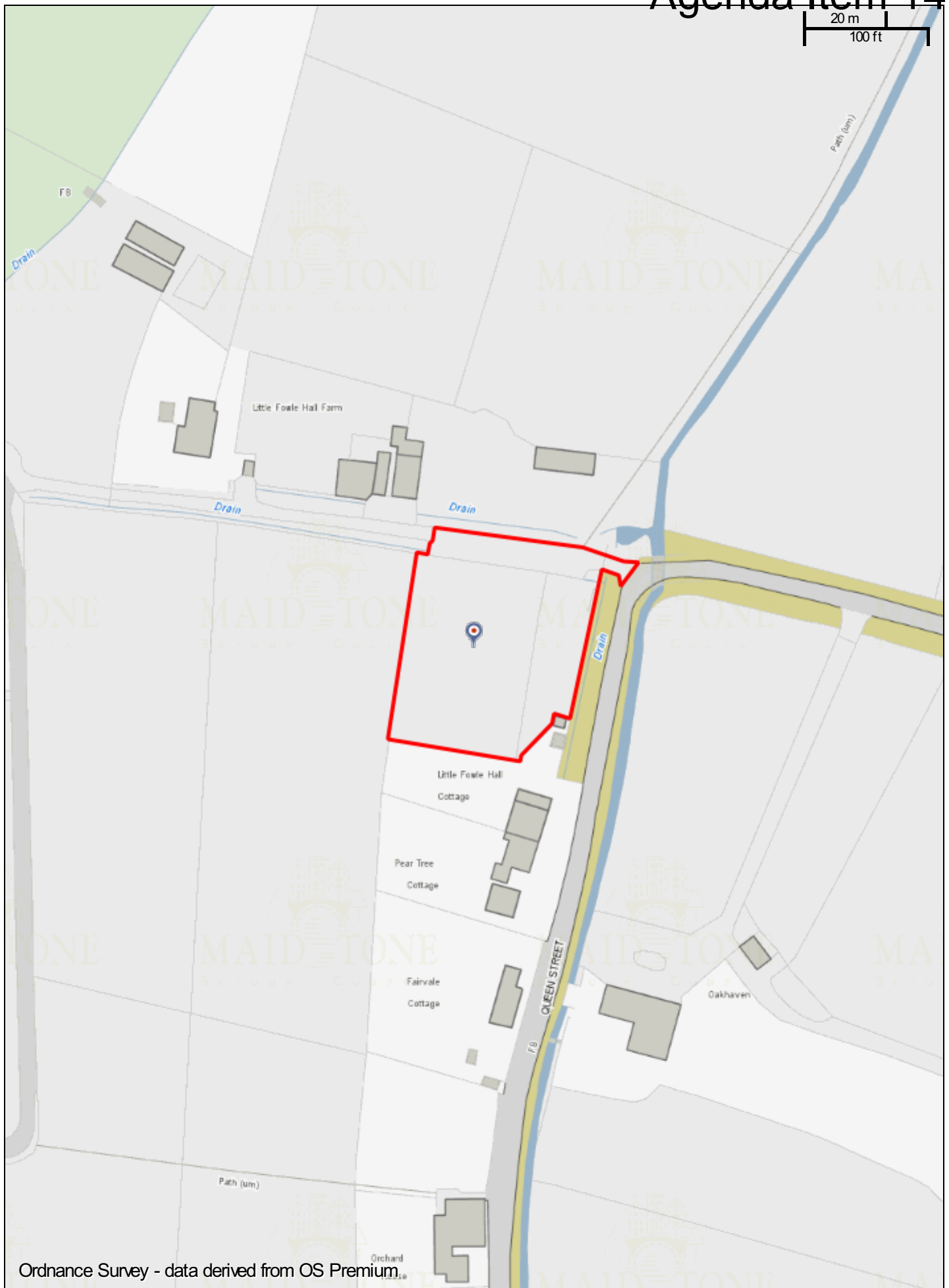
17. The development hereby permitted shall be carried out in accordance with the following approved plan references: 584/01 A; 02 A; 03 A; and 04 B.

Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives:

1. The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
2. It is the responsibility of applicant to ensure, before development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by Highway Authority.

Case Officer: Kathryn Altieri



21/503225/OUT The Packhouse, Queen Street, Paddock Wood, Kent, TN12 6PJ

Scale: 1:1250

Printed on: 5/11/2021 at 9:42 AM by JoannaW

REFERENCE NO 21/503225/OUT		
APPLICATION PROPOSAL Outline application for proposed development of site with light industrial/storage business units and associated facilities (Access being Sought).		
ADDRESS The Packhouse Queen Street Paddock Wood Kent TN12 6PJ		
RECOMMENDATION GRANT OUTLINE PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would be acceptable with regard to the Local Plan, the NPPF and all other relevant material considerations. All material considerations indicate that planning permission should be approved.		
REASON FOR REFERRAL TO COMMITTEE Yalding Parish Council has requested the application be put before the Planning Committee as it was considered that insufficient information was provided on access, parking, turning and the unloading of lorries visiting the site.		
WARD Marden And Yalding	PARISH/TOWN COUNCIL Yalding	APPLICANT Money Investments Ltd AGENT Pump House Designs
TARGET DECISION DATE 25/11/21		PUBLICITY EXPIRY DATE 27/08/21

Relevant Planning History

20/503561/FULL

Erection of 2no. detached dwellings with associated access and parking (Resubmission of 20/500786/FULL). Refused 29.01.2021 for the following reasons:

- (1) The proposal, by virtue of the design, siting, scale, bulk and appearance, would provide an urbanised form of development in a rural location that would be harmful to the character and appearance of the area and contrary to policies SP17, DM1, DM5 and DM30 of the Maidstone Local Plan (2017).*
- (2) The applicant has failed to demonstrate that the development will provide an adequate standard of residential accommodation for future occupants with regards to the impact of future flood events and the necessity for rescue and evacuation from the site by emergency services with no wider sustainability or other benefits that would outweigh this harm, contrary to policy DM1 of the Maidstone Local Plan (2017) and the National Planning Policy Framework.*
- (3) The development is located in an environmentally unsustainable rural location where future occupants would be reliant on the private motor vehicle for day to day needs, including access to goods and services, which is contrary to policies SS1 and DM5 of the Maidstone Local Plan (2017) and the National Planning Policy Framework (2019).*

20/500786/FULL

Erection of 3no. detached dwellings. (Resubmission of 19/502612/FULL) Refused 14.04.2020 for the following reasons:

- (1) The proposal, by virtue of the amount of development, building design, siting, scale, bulk and appearance would provide a highly urbanised form of development in a rural location that would be harmful to the character and appearance of the area and contrary to policies SP17, DM5 and DM30 of the Maidstone Local Plan.*
- (2) The applicant has failed to demonstrate that the development will provide an adequate standard of residential accommodation for future occupants with regards to the*

impact of future flood events and the necessity for rescue and evacuation from the site by emergency services with no wider sustainability benefits that would seek to outweigh this harm contrary to policy DM1 of the Maidstone Local Plan (2017) and the National Planning Policy Framework (2019).

(3) The development is located in an unsustainable rural location where future occupants would be reliant on the private motor vehicle for day to day needs, including access to goods and services, which is contrary to policy SS1 of the Maidstone Local Plan (2017) and the National Planning Policy Framework (2019).

17/503291/FULL

Erection of 6No lightweight commercial/industrial units.

This application was originally presented to the Planning Committee on 19th December 2017. It was deferred for the following reasons:

RESOLVED: That consideration of this application be deferred to:

- Check whether the correct certificates were served;
- Seek the views of Kent Highway Services on the implications of the potential use of HGVs to serve the site taking into account possible business growth;
- Investigate the potential for traffic calming measures on the shared access;
- Seek details of the proposed landscaping scheme including what it would comprise and where it would be planted;
- Enable the Officers to draft suggested conditions to prevent the amalgamation of the units into one enterprise and to link the hours of illumination to the hours of opening of the premises;
- Discuss with the applicant the possibility of limiting the hours of operation on Saturdays;
- Enable a representative of Kent Highway Services to be in attendance when the application is discussed.

It was subsequently made invalid with no further action taken on 15.11.2018

06/0741

An application for a certificate of lawfulness for an existing development being the use of the site for class B2/B8 use as described in application MA/06/0741/S Approved 06.2006

05/1537

Retention of class B1 (C) light industrial and B8 storage and distribution uses without compliance with condition 2 (Hours of working) and condition 3 (Close boarded fencing and internal block work) of planning permission MA/01/1868. Approved 10.11.2005
The hours of working condition (2) was altered to allow some work on the site but restrict the use of noisier machinery to more appropriate hours. Condition 3 was varied to include an acoustic fence on the southern boundary to be slightly reduced in height (from 2.1 metres to 1.8 metres). A further condition was also introduced for the incorporation of acoustic insulation in the roof to further mitigate the potential for noise and protect the amenities of neighbouring properties.

01/1868

Change of use of fruit packhouse to mixed B1(c) light and B8 storage and distribution use.

Approved 15.03.2002

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site (0.24 hectares) is a parcel of previously developed land located on the west side of Queen Street, approximately 1 mile from the settlement of Paddock Wood. The site is in the designated countryside for the purposes of the Local Plan.

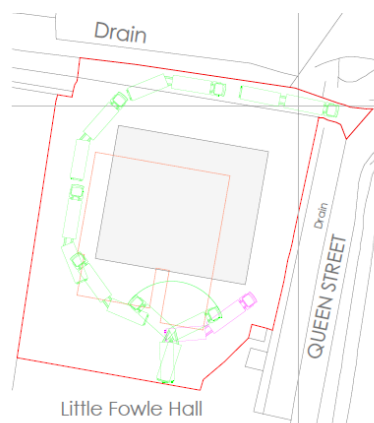
- 1.02 The site is situated within flood zones two and three, and a PROW (KM220) is located on the north-eastern corner of the application site. There are a number of established trees along the eastern boundary which are not the subject of TPOs.
- 1.03 The site is located at the northern end of a row of existing properties on the western side of Queen Street. It has a dual frontage with the western site boundary heavily landscaped, and the site entrance is located on the northern boundary with an access road which is shared with nearby residents. The eastern site boundary with the adjacent open field is also landscaped. Two storey residential properties with pitched roofs are located to the northwest and south of the application site, and rural buildings are located to the north.



- 1.04 The previous building on the site (a former agricultural packhouse) was converted to Class B1 (light industrial) and B8 (storage and distribution) uses under application reference numbers MA/01/1868 and MA/05/1537. The building was demolished following a fire in 2016.
- 1.05 In 2016, the building was destroyed by a fire. It was subsequently demolished and the site is largely clear with hardstanding across it. Landscaping is present on the eastern, southern and western boundaries, and a hoarding has been erected on the northern boundary.
- 1.06 Although now demolished, significant weight is still derived from previous lawful uses which relate to mixed B1 (Light Industrial), B2 (Industrial) and B8 (Storage and Distribution) uses. The scheme now proposed seeks to accommodate the same type of commercial use in the proposed lightweight industrial and commercial building.

2 **PROPOSAL**

- 2.01 The proposal seeks outline planning permission for the proposed development of the site with light industrial/storage business units and associated facilities with 'access' to be considered at this stage. (Matters of appearance, landscaping, layout and scale are reserved for future consideration.)
- 2.02 It is noted that a previous, much larger application for six commercial/business units (referenced 17/503291/FULL) was deferred from committee on 19.12.2017 as the ownership certificate was incorrect, further input from KCC Highways was requested, landscaping was considered insufficient, and hours of illumination and hours of operation required clarification. The application was similar in size and floor area to the original building on the site than was burned down.



Deferred application 17/503291/FULL (shaded) with dotted outline of original building



Current application

- 2.03 The previous building measured 27 metres in width and 24 metres in depth (648 square metres), with each individual unit measuring 6 metres in width and 12 metres in depth. The overall height measured 4.7 metres to the eaves and 7 metres to the apex of the pitched roof.
- 2.04 On the submitted drawings referenced 6245/21/2, the footprint of the development proposal is shown to be 345 square metres (30 metres in width and 11.5 metres in depth). As the application is outline, the plans and elevations have been submitted for illustrative purposes only.
- 2.05 As can be seen on the two site plans above, the previous application was much larger in size, with a lorry access circumnavigating the site and the building sitting centrally within it. In contrast, the current application building would be situated to the west of the site with a carparking and turning area to the east and parking bays to the north and south. The proposed development would result in a smaller building with landscaped areas and screening on the east, south and west boundaries of the site, however, the amount of hard landscaping should be reduced in order to improve drainage on the site. The landscaping element of the reserved matters will set out the details surrounding both hard and soft landscaping on the site in order to take this into account.

	Width (m)	Depth (m)	Eaves (m)	Ridge (m)
Original building	26	24	5	9.2
Previous application 17/503291/FULL	27	24	4.7	7
Current proposal	30	11.5	4.1	6.1

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 SP17, SP21, DM1, DM3, DM5, DM8, DM23 and DM30

Kent Minerals and Waste Local Plan 2013-30 as amended by Early Partial Review (2020) N/A

Supplementary Planning Documents: Maidstone Landscape Character Assessment

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Following recent approval by members, the Council's Reg 19 Local Plan is out to public consultation. This document is a material planning consideration, however

at this time individual policies are not apportioned much weight. At the end of the consultation period, the weight to be attached to individual policies will be adjusted upwards or downwards depending on whether objections have been received. The current programme involves submission to the Planning Inspectorate in Spring 2022.

LOCAL REPRESENTATIONS

Local Residents:

- 3.01 3 representations received from local residents raising the following (summarised) issues
- Increase in traffic
 - Inappropriate development for this area
 - Access does not belong to the applicant
 - A precedent has been established for housing developments to be located within commercial sites.
 - This site is more suitable for residential development
- 3.02 Issues relating to personal preferences for the use of the site are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

4. CONSULTATIONS

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

Yalding Parish Council

- 4.01 Objection Insufficient information on access, parking, turning and unloading of lorries visiting the site.

KCC Ecology

- 4.02 No objection. The proposed development has limited potential to result in ecological impacts. This view has been taken due to the hardstanding nature of the site which would appear to feature limited ecological interest. Conditions relating to biodiversity enhancement and external lighting details are requested, along with a breeding bird informative.

Environment Agency

- 4.03 No objection but recommend that consideration is given to the following issues. Adequacy of rescue or evacuation arrangements, details and adequacy of an emergency plan, provision of, and adequacy of a temporary refuge, details and calculations relating to the structural stability of buildings during a flood. Informative relating to contamination of surface water.

MBC Conservation Officer

- 4.04 No objection. The site is not within a conservation area and the nearest listed building is too far distant to be affected by this proposal. The houses immediately adjacent are Victorian but do not have sufficient historical value to be classed as Non Designated Heritage Assets and therefore there are no objections to the application from a heritage point of view.

Southern Water

- 4.05 No objection but a SuDS condition is required. Informatives relating to licenses required.

Mid Kent Environmental Services

- 4.06 No objection subject to conditions relating to contamination, noise levels, hours of operation, opening hours, EV charging points, external lighting details and an

informative relating to the use of the Mid Kent Environmental Code of Development Practice.

KCC Highways

- 4.07 No objection subject to conditions relating to a construction management plan, provision and retention of cycle and parking spaces, and the provision of electric vehicle charging points. An informative was also requested relating to highways owned land.

KCC Public Rights of Way officer

- 4.08 No objection Request informative that PROW KM220 must be kept open to the public at all times.

5. APPRAISAL

Main Issues

- 5.01 The key issues for consideration relate to:

- Sustainability
- Visual impact
- Flood issues
- Residential amenity
- Highways impact
- Biodiversity

Sustainability

- 5.02 Policy SS1 (spatial strategy) of the adopted Maidstone Borough Local Plan states that the Maidstone urban area will be the principal focus for development with the secondary focus being rural service centres. The policy also allows for some development within designated larger villages. Policy SS1 seeks to protect and enhance the character of the countryside outside of settlements in the hierarchy, small scale employment opportunities will be permitted at appropriate locations to support the rural economy.

- 5.03 At rural sites which are often not well connected in terms of public transport access to the workforce and the main road network, the aims of achieving sustainable development objectives can be undermined if businesses expand to a degree where a significant number of additional vehicle movements occur. As such, consideration must be given as to whether the intensification of use is so great so as to become unsustainable.

- 5.04 In this case, the previous use of the application site was a mix of B1 (Light Industrial), B2 (Industrial) and B8 (Storage and Distribution) uses and the re-development of the site would accommodate light industrial (B1) and storage (B8) uses. In addition, the floor area of the proposed development is shown on the illustrative drawings to be considerably less than that of the original building (which was a similar size to the previously withdrawn application). The size of the development proposal can be secured when determining the reserved matters on layout and scale. KCC Highways has commented that the impact of the development proposal would not be severe and, as such, it is considered to be acceptable in planning policy terms.

Visual Amenity

- 5.05 SP17 sets out that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and will not result in harm to the character and appearance of the area. Policy DM1 seeks to respect the topography and respond to the location of the site, sensitively incorporating natural features such as trees, hedges and ponds worthy of retention within it. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to the local landscape character around the site

boundaries should be used as a positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area.

- 5.06 DM30 sets out that development including the type, siting, materials and design, mass and scale of buildings, and activity should maintain, or where possible enhance, local distinctiveness including landscape features, and any impacts on the appearance and character of the landscape should be appropriately mitigated. In terms of built development, any new buildings proposed should be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area.
- 5.07 The application site is located within the Beltring Grasslands landscape character which is in very good condition with high sensitivity and with guidelines to conserve. The site has some landscaping around the perimeter, and the footprint of the units would be around half that of the original footprint.
- 5.08 The illustrative drawings show a smaller building than was previously on the site, with an eaves height of 4.1 metres and a ridge height of 6.1 metres. This would be more modest in comparison with the original building which had an eaves height of 5 metres and a ridge height on 9.2 metres. The more modest size would be more compatible with the neighbouring two storey properties, and a condition would be introduced to restrict the height of the proposed building thereby ensuring that any potential impact on the character of the rural area would be minimised.
- 5.09 Mature landscaping is located around the eastern, southern and western boundaries of the site. This would help to mitigate the development proposal. A large proportion of the site contains hard standing. With this in mind, a condition relating to tree protection and an arboricultural method statement within root protection areas will assist in their protection during the re-development of the site.
- 5.10 The landscaping details will be dealt with as a reserved matter. A comprehensive hard and soft landscape scheme that would be designed in accordance with the Maidstone Landscape Character Guidance would be required.

Flood issues

- 5.11 Policy DM1 advises that inappropriate new development should be avoided in areas at risk of flooding.
- 5.12 The application site is within flood zones 2 and 3 and, for this reason, a flood risk assessment is submitted with the application. Some information was available in terms of finished floor levels and flood mitigation, and this was considered acceptable by the Environment Agency. However, the information did not include safe access and egress for employees in the event of a flood, along with evacuation arrangements, an emergency plan and details of a temporary refuge. In addition, details and calculations relating to the structural stability of buildings during a flood would also need to be included. With this in mind, a condition would be required for the submission of these details.

Residential amenity

- 5.13 Policy DM1 encourages new development to respect the amenities of neighbouring properties by ensuring that dwellings are not exposed to excessive noise, vibration, odour, air pollution, activity or vehicular movements, or visual intrusion. The proposals should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 5.14 The nearest neighbouring property (Little Fowle Hall Cottage) is 10.5 metres to the southern boundary of the site. Little Fowle Hall Farm is located 16 metres from the

northern boundary of the application site. A 11 metre landscape buffer would be provided from the proposed building to the Cottage and a 5 metre separation buffer and the access track would separate the development proposal from the Farm. For these reasons, the proposed development would be largely obscured by vegetation, and any amenity issues relating to over-bearance and over-shadowing would be minimised in this regard.

- 5.15 In terms of noise and disturbance, Environmental Services commented that noise from vehicles and machinery on and off the site may affect the surrounding residents and, for this reason, have recommended restrictions on the use of machinery as well as opening hours of the building. Although the building would be more modest in size and the traffic is likely to be lighter than the original application, I also consider it appropriate to add a further condition for the installation of acoustic fencing, to protect the amenities of neighbouring properties. I note that similar conditions were set out on the previously approved planning application referenced 05/1537.
- 5.16 All other neighbours would be a sufficient distance for any impact in terms of amenity to be minimised.

Highways impact

- 5.17 Local Plan policy DM1 sets out that new development should provide adequate vehicular and cycle parking to meet adopted council standards, and policy DM23 encourages good access routes through the site with electric charging points incorporated into the development proposals.
- 5.18 SPG4 recommends 1 space per 25 square metres for B1 use and 1 goods vehicle space per 300 square metres and 1 car parking space per 110 square metres for B8 uses. The proposal is considered to meet these minimum requirements.
- 5.19 KCC Highways raised no objection to the development proposal subject to conditions relating to the submission of a construction management plan, the provision and retention of cycle and parking spaces and the provision of electric vehicle charging points. An informative was also requested relating to highways owned land.
- 5.20 Whilst neighbours have objected to the application due to highways impacts, the 60% reduction between the original building footprint and the currently proposed building would substantially reduce any impact relating to traffic.

Biodiversity

- 6.21 Local Plan policy DM3 states: *'...developers will ensure new development protects and enhances the natural environment by incorporating measures where appropriate to...Avoid damage to and inappropriate development considered likely to have significant direct or indirect adverse effects...'*. The NPPF states "Planning...decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity...".
- 5.21 I note the large section of hard standing currently on the site which would provide limited potential for wildlife. However, the introduction of ecological enhancements will be included in the conditions in order to provide a net gain in terms of biodiversity.
- 5.22 Policy DM 8 advises that external lighting will be permitted where it can be demonstrated that the minimum amount of lighting necessary to achieve its purpose is proposed. Lighting can be detrimental to roosting, foraging and commuting bats. A planning condition is recommended stating that any lighting the

site is in accordance with details that have been submitted to and approved in writing with the lighting to meet the Bat Conservation Trust and the Institution of Lighting Professionals guidelines for this type of location.

Other Matters

- 5.23 Although Southern Water and Environmental Services had no objection to the planning application, conditions relating to the following were requested: a SuDs scheme, contamination, noise levels, hours of operation, opening hours, EV charging points, external lighting details and an informative relating to the use of the Mid Kent Environmental Code of Development Practice.
- 5.24 In addition, the height and design of the buildings would be assessed as part of the reserved matters application, but a condition will also be added to restrict the height of the development to no more than two storeys or 7.0 metres to the ridge. I also note objections to the previous application related to the incorrectly filled forms which did not serve notice on the owners of the access, albeit the applicant has set out that they do have right of way on it.
- 5.25 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

- 5.26 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.

6. CONCLUSION

- 6.01 Historically, the site contained a much larger building which was destroyed in a fire. The replacement building which is shown on the illustrative drawings to be significantly smaller than the original one, and the landscaping around the perimeter of the site, would help to screen it from public vantage points. This landscaping would be further enhanced by the details submitted with the reserved matters application.
- 6.02 The height and size of the building would be dealt with at reserved matters relating to scale and layout. Its resultant size would result in an improved relationship with the surrounding two storey dwellings, thus reducing any adverse impact of the character of the surrounding rural area.
- 6.03 Restrictive conditions relating to the operation of machinery on the site, and the incorporation of acoustic fencing on the southern boundary would assist in reducing any potential noise and disturbance to the neighbouring properties.
- 6.04 On balance, the proposal would be acceptable with regard to the Local Plan, the NPPF and all other relevant material considerations. There are no overriding material considerations to indicate a refusal of planning permission and the recommendation is to approve planning permission.

7. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby approved shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:

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

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

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

- 2) With regards to the matters of access, the development hereby permitted shall be carried out in accordance with the following approved plans:
01 May 2021 21019 RP-D-2100-S4 P01 Flood Risk Assessment and Drainage Strategy.
27 May 2021 21019 RP-D-2100 FRA, Appendices
10 Jun 2021 Application Form
10 Jun 2021 6245-21-LBP Location Block Plan
10 Jun 2021 6245/21/1 Proposed Block Plan
Reason: For the avoidance of doubt.
- 3) The details submitted pursuant to condition 1 shall show all built development on the submitted plan with no buildings over a total height of 7 metres on the application site.
Reason: To ensure a satisfactory appearance to the development in its context.
- 4) The development hereby approved shall not commence 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 within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. Furthermore, the hardstanding space for the manoeuvring/parking of vehicles should also be permeable.
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. This information is required pre commencement as any construction work would reduce the range of drainage options available.
- 5) The development hereby approved shall not commence until the applicant submits a 'Flood Emergency Plan' to the Local Planning Authority. The Plan shall address measures that will be put in place in the event of flooding to ensure the safety of site residents and measures to allow the free flow of flood waters within the site. Once approved, the 'Plan' shall be made capable of implementation and adhered to during the life of this permission. Reason: The site lies within a flood risk area and such measures are necessary in the interests of public safety and the control of flood water.
- 6) The development hereby approved shall not commence until details of the a) the existing site levels and b) the proposed slab levels of the building 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.
- 7) The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained

must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

- 8) The development hereby approved shall not commence until an Arboricultural Method Statement detailing hard surfaces within the root protection areas of trees in accordance with the principles set out in the current edition of BS 5837 and other current best practice guidance has been submitted to and approved in writing by the local planning authority.

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

- 9) The development hereby approved shall not commence until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the local planning authority:

a) 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.

b) 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.

c) 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.

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.

- 10) A contamination closure report shall be submitted to the Local Planning Authority prior to first occupation of the building. The closure report shall include full details as set out in condition 9, including 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 as part of the closure report. 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.

- 11) The development hereby approved shall not commence above slab level until details (manufacturer name, product name, and photographs) of the external facing materials to be used for the building hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development.

- 12) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through at least one integrated method into the design and appearance of the building structure to provide wildlife niches such as swift bricks, bat tubes or bee bricks, and additionally through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. The development shall be implemented in accordance with the approved details prior to the use of the building and all features shall be maintained permanently thereafter.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- 13) No part of the development hereby approved shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good' has been submitted to and acknowledged in writing by the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources.

- 14) The development hereby approved shall not commence above slab level until details of foul sewage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details before the first occupation of any building hereby approved and maintained as such thereafter.

Reason: To ensure adequate foul sewage and surface water disposal arrangements.

- 15) Prior to the first use of the buildings hereby approved, landscaping shall be in place on the site that is in accordance with a landscape scheme that has previously been submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The scheme shall

a) show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed,

b) include a planting specification, implementation details and a [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).

c) provide details of screening, including trees and hedging, around the perimeter of the site to mitigate for the development and to enhance the locality.

d) Provide details of an acoustic wall for the southern boundary, to be retained for the lifespan of the building.

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

- 16) All approved 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 five years from the first use of the buildings 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 appearance to the development.

- 17) Prior to the first use of the buildings hereby approved, a minimum of 6 operational electric vehicle charging points for low-emission plug-in vehicles shall be installed and ready for the use of the new occupant with the electric vehicle charging point thereafter retained and maintained operational as such for that purpose.

Reason: To promote to promote sustainable travel choices and the reduction of CO2 emissions through use of low emissions vehicles.

- 18) Prior to the first use of the buildings hereby approved, facilities for the (a) screening of refuse bins and (b) collection of refuse bins, shall be in place that is in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained thereafter.

Reason: In the interests of amenity and the street scene.

- 19) Notwithstanding the information submitted, prior to the first occupation of the development, parking spaces and a sufficient turning area to enable vehicles to enter and leave the site in forward gear shall be in place in accordance with details that shall be submitted to and approved in writing by the local planning authority. The parking and turning area will be retained for these purposes thereafter.

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

- 20) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors and the sensitive landscape location. In addition, it will show the type and locations of external lighting, as well as expected light spill in lux levels, demonstrating that areas to be lit will not disturb bat activity and would accord with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity, landscape and biodiversity.

- 21) The building hereby approved shall be used for B1(Light Industrial) and B8 (Storage and Distribution) uses only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).

Reason: Unrestricted use of the building or land would cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.

- 22) No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land outside of the building outlined on the approved plan.

Reason: To safeguard the character and appearance of the surrounding area.

- 23) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142:2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be as low as can be possible. In general, this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5, the applicant's consultant should contact the Environmental Protection Team to agree a site specific target level.
Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.
- 24) No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times (08:00 - 18:00) Mondays to Fridays and 08:00 - 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of residential amenity.
- 25) The premises shall not be open other than between the hours of 07:00 - 18:00 Monday to Friday; and 08:00 - 18:00 on Saturday and closed on Sunday and Bank Holidays.
Reason: In the interests of residential amenity.
- 26) HGV access or egress from the site shall only take place between the hours of 08:00-1800hrs Monday to Friday, and 0800-1300hrs on Saturdays and not at any other time.
Reason: in the interests of amenity.
- 27) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142:2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be possible. In general, this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5 the applicant's consultant should contact the Environmental Protection Team to agree a site specific target level.
Reason: In the interests of residential amenity.

INFORMATIVES

- 1) The applicant is reminded that all necessary highway approvals and consents should be obtained prior to the commencement of development and that the limits of highway boundary should be clearly established in order to avoid any enforcement action being taken by the Highway Authority.
Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
The applicant must also ensure that the details shown on the approved plans agree with those approved under such legislation and common law and they should contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- 2) The granting of planning permission confers no other permission or consent on the applicant. No works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. Should any temporary closures be required six weeks notice will be required to deal with the application.

The Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

The successful making and confirmation of an order should not be assumed.

- 3) Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

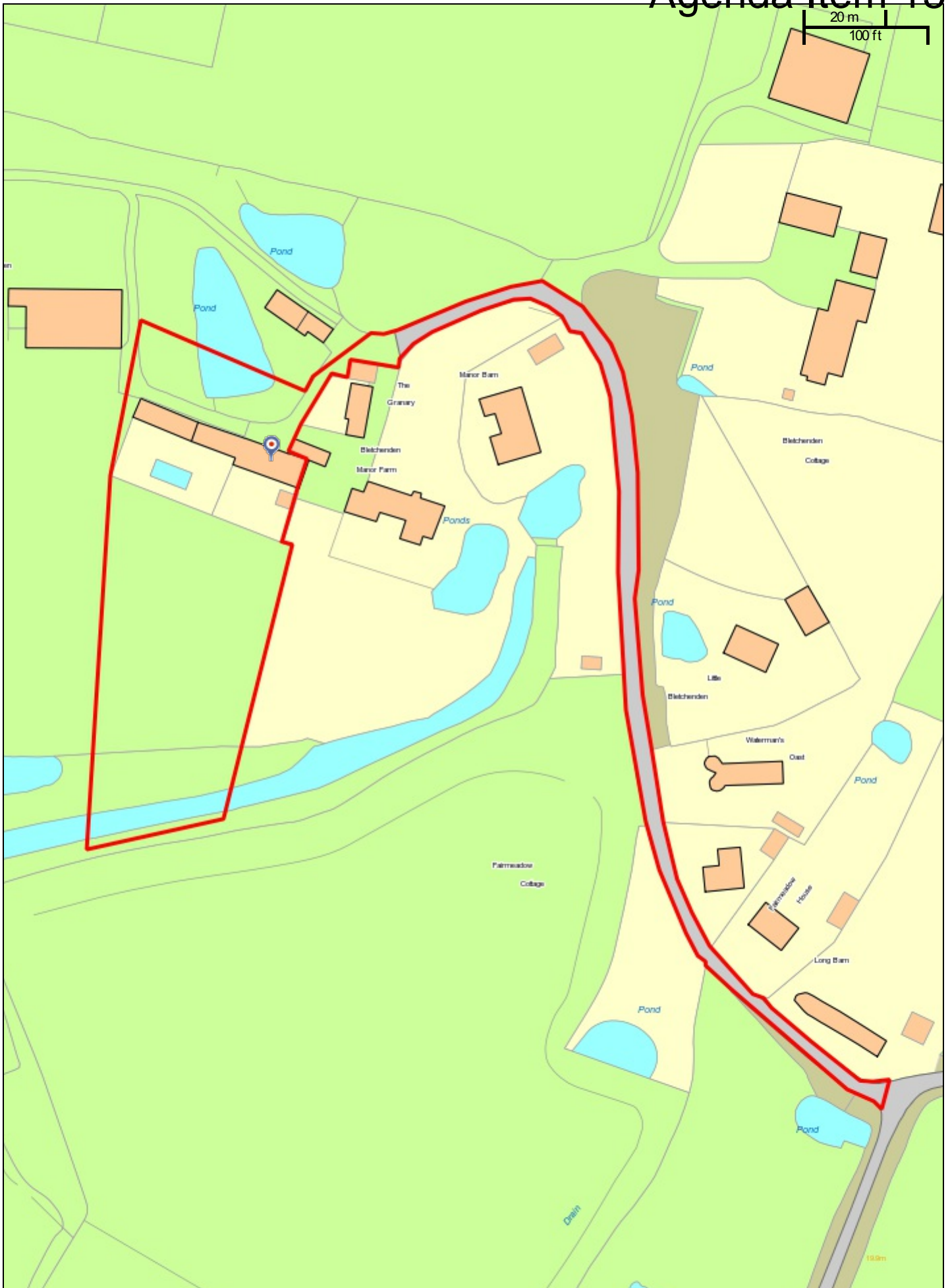
Any sewer found during construction works will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

- 4) It is recommended that the requirements of the National Planning Policy Framework and National Planning Policy Guidance (NPPG) are followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. This should be in addition to the risk to human health which should be considered by the Local Authority's environmental health department.
- 5) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defense against prosecution under this Act. Breeding bird habitat is present on the application site and 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.
- 6) The applicant is reminded that, as the development involves construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected.

Case Officer: Jocelyn Miller



19/506112/FULL Bletchenden Farm, Bletchenden Road, Headcorn, Kent, TN27 9JB

Scale: 1:1250

Printed on: 13/9/2021 at 14:00 PM by JoannaW

REPORT SUMMARY

REFERENCE NO - 19/506112/FULL			
APPLICATION PROPOSAL Conversion of Heritage Threshing Barn to residential, including the demolition of modern pole barns and erection of single-storey extension to side and erection of detached triple garage (part retrospective)			
ADDRESS Bletchenden Farm Bletchenden Road Headcorn Ashford Kent TN27 9JB			
RECOMMENDATION : REFUSE for the reason set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION The principle of the conversion of the existing barn to residential is considered acceptable, however the proposal includes a large side extension which is unjustified insofar as it would require major reconstruction to extend and alter the existing barn and would be harmful to the character and appearance of the countryside by the resulting form of development that would elongate the existing barn, harmful to its contribution it makes to the character and appearance of the countryside. Cumulatively with the proposed detached garage the proposal would result in an unwarranted form of development which would introduce excessive built form which would compete with the existing curtilage listed barn and result in the overdevelopment of the site, with the proposals not appearing as modest additions or in keeping with the landscape character and design and form of the existing barn. The proposal would as such be contrary to local and national planning policy. Other material planning considerations could be satisfactorily dealt with by planning conditions, but these matters do not outweigh the harm that would result.			
REASON FOR REFERRAL TO COMMITTEE Headcorn Parish Council have requested the application be presented to the Planning Committee, though it should be noted that the recommendation is not contrary to their view which recommends refusal on grounds of flooding impact.			
WARD Headcorn	PARISH/TOWN COUNCIL Headcorn	APPLICANT Mr & Mrs D Pearce AGENT Country House Homes Ltd	
DECISION DUE DATE 05/08/20	PUBLICITY EXPIRY DATE 27/07/20	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
19/506113/LBC	Listed Building Consent for the internal and external works involved in the conversion of Heritage Threshing Barn and modern pole barn to residential	Approved	29/1/2020
18/503021/FULL	Removal of Condition (11) - Flood Risk Management and warning regime (12) - No Sleeping accommodation shall be provided on the ground floor and (13) - Ground floor level shall be 400mm, of planning permission 16/501954/FULL - (Demolition of attached outbuildings - conversion and extension of barn to provide dwelling).	Approved	20/8/2018
16/501954/FULL	Demolition of attached outbuildings - conversion	Approved	12/1/2018

	and extension of barn to provide dwelling.		
16/501955/LBC	Listed Building Consent for internal and external alterations and extension of barn in connection with conversion to dwelling.	Approved	12/1/2018
15/506450/FULL	Convert a redundant barn and adjoining structures into a new dwelling, demolish three structures.	Refused	18/12/15
On the grounds of lack of information on flood risk, design of the conversion works to the barn and the associated extension would have a detrimental impact on the character of the existing historical agricultural barn and a negative impact on the setting of the listed building and lack of windows and ventilation to the upstairs bedroom would provide poor living conditions to the future occupiers of the property			
15/506451/LBC	Listed Building Consent : Convert a redundant barn and adjoining structures into a new dwelling, demolish three structures.	Refused	18/12/15
On the grounds that the design of the conversion works to the barn and the associated extension would have a detrimental impact on the character of the existing historical agricultural barn and a negative impact on the setting of the listed building. The increased ridge height of the barn, the bulk of the proposed extension and the excessive use of glazing to the front and rear elevations would no longer appear agricultural in its design, and would therefore appear incongruous in this location.			
05/1064	Conversion of redundant barn & adjoining stables/store to dwelling with associated internal & external alterations	Approved	31/1/2006
Bletchenden Farm (Buildings to the north-west and north of application site)			
17/506518/PNQCLA	Prior Notification for change of use of agricultural buildings to 2no. dwellings (Class C3) and for associated operational development. For it's prior approval to: - Transport and Highways impacts of the development - Contamination risks on the site - Flooding risks on the site - Noise impacts of the development - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed - Design and external appearance impacts on the building.	Prior approval granted	12/3/2018
Bletchenden Farm (Building to the north-west of application site)			
18/506485/FULL	Removal of condition 11 of 15/503223/FULL (Part Retrospective - Change of use and conversion of cattle shed to tourist accommodation and construction of flood defence bund) to allow the property to be used as a residential dwelling.	Approved	28/3/2019
18/504436/FULL	Removal of condition 11 of 15/503223/FULL (Part Retrospective - Change of use and conversion of cattle shed to tourist accommodation and construction of flood defence bund) to allow the property to be used as a residential dwelling.	Refused	22/10/2018
17/500638/NMAMD	Non material amendment to application ref: 15/503223/FULL to raise the ridge height by	Permitted	13/2/2017

	400mm.		
15/503223/FULL	Part Retrospective - Change of use and conversion of cattle shed to tourist accommodation and construction of flood defence bund	Approved	21/9/2016

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This application relates to a threshing barn which is estimated to date from circa 16th or 17th century. The barn is timber framed with timber weatherboarding to its walls and it currently has an unsympathetic corrugated roof. The building is considered to be curtilage listed, lying within the curtilage of Bletchenden Manor which is Grade II listed. The adjacent granary is also Grade II listed.
- 1.02 To the south of the barn is a detached circa Edwardian building which is of unknown origin and function. At the time of submission there were existing stables attached to the barn which are considered of an unsympathetic appearance, these have since been demolished.
- 1.03 The site lies within the parish of Headcorn. It is situated within Environment Agency designated Flood Zone 3, with a number of ponds surrounding the site and its proposed curtilage. An area of woodland to the west of the site (but not adjoining) is designated as Ancient Woodland and Public Rights of Way (PROW) are situated along the access road to the site, together with footpaths to the north and south. The site is within the open countryside as set out within the Local Plan and The Low Weald Landscape of Local Value swathes across the site.
- 1.04 Planning permission/prior notification applications have been approved for further barns adjacent to the application site to the north/north-east to be converted to residential use. At the time of the officers most recent site visit it would appear work has commenced to implement those consents.
- 1.05 Works have also now commenced on site in terms of the current submission, whereby the existing threshing barn has been stripped and is currently being supported by acro-pillars, the adjoining stables have been demolished and footing for part of the proposed extension have been laid. As such the description has been amended accordingly to refer to 'part retrospective'

2.0 PROPOSAL

- 2.01 The proposal is for the conversion of the existing heritage threshing barn to residential, with the demolition of the attached modern pole barns (demolition complete) and erection of a single storey side extension. A detached triple garage is also proposed.
- 2.02 The description of development has been changed since the original consultation to take into account recent demolition works, the commencement of some footings and to reflect that the works to the side would be an extension rather than a conversion.

Conversion of barn

The existing barn would be stripped back (these works appear to have been carried out) to its timber frame and the external walls would be finished in painted black timber weatherboarding and the existing corrugated roof removed and replaced with traditional Kent peg tiles. Windows would be added at ground floor with rooflights to the rear facing roofslope. Floor to ceiling, glazed porch elements would be added, with pitched roofs to the front and rear elevations, together with an entrance door to the front.

Internally a mezzanine would be provided in part the building to create a first floor master bedroom with a further 3-bedrooms, bathroom, dining room/lounge at ground floor.

Single storey extension

Linked to the existing barn by a wide opening, a single-storey extension is proposed to the side which would have two distinct pitched roofed elements with a joining glazed link. This part would accommodate a guest suite, kitchen/utility/snug area and a secondary entrance.

Both pitched roofed elements would measure 11m in width, by approximately 5m in depth, with the glazed link measuring approximately 3m by 3m. The total width of the extension would therefore be approximately 25m. The pitched roofs would have an eaves height of 2.2m and a ridge height of 5.4m.

The extension would have a grey painted timber weatherboarded finish with a tiled roof.

Triple garage

The proposed garage would be sited at right angles to the dwelling and would measure approximately 9.6m in width, 5.8m in depth and would have a pitched roof with an eaves height of approximately 2.6m and a ridge height of 6m.

The garage would accommodate 3 cars and an internal staircase leading to first floor loft annex space.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017 : SS1, SP17, SP18, DM1, DM2, DM3, DM4, DM23, DM30, DM31, DM32 and DM33,
Local Plan Review, Draft Plan for Submission (Regulation 19) October 2021 :
Policies LPRSP9: Development in the Countryside
Policy LPRSP14 – Environment
Policy LPRSP14A – Natural Environment
Policy LPRSP14B – Historic Environment
Policy LPRSP15: Principles of Good Design.
Policy LPRHOU11: Rebuilding, extending and subdivision of dwellings in the countryside
Policy LPRQ&D 4 – Design principles in the countryside
Policy LPRENV 1 – Historic Environment
Policy LPRQ&D1 – Sustainable Design
Policy LPRQ&D5 – Conversion Rural Buildings

The Regulation 19 draft is a material consideration and some weight must be attached to the document because of the stage it is at but its weight is limited, as it has yet to be the subject of an examination in public.

Supplementary Planning Documents: Residential extensions SPD

4.0 LOCAL REPRESENTATIONS

4.01 Representations have been received from two local residents, to all consultations/re-consultations. One raises the fact that the site is very near the Headcorn Aerodrome, where there is a certain level of noise associated and the second raises the following (summarised) issues :

- Access road isn't solely owned by the applicant
- Incorrect Certificate B Notice served/not received
- Existing Cesspit will need to be upgraded or replaced
- Works already commenced
- Debris spread around the site and in pond (impact on ecology)
- Site can now be seen from Public Footpath since tree removal has taken place
- Demolition has taken place and was not in accordance with the bat survey
- Ecology/protected species not being protected correctly

4.02 Cllr Chappell-Tay – E-mail received commenting that she agrees with Headcorn Parish Council comments in relation to flooding matters.

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, the responses are also the most recent representation received following re-consultation)

5.01 Headcorn Parish Council

The revised detail was reviewed by committee and they registered their disappointment at the comments by the Environment Agency - despite this being in Flood Zone 3 and the increasing flood risk in Headcorn no site visit was undertaken.

The committee see no reason to change their stance with regards to this development in Flood Zone 3 and still wish to see the application refused and referral to committee is required.

No revised comments were received regarding the most recent focused re-consultation regarding the revised FRA.

5.02 KCC Ecology

No objections subject to conditions.

5.03 Environment Agency

We have reviewed the information submitted and regarding Groundwater Protection and Flood Risk we have no additional comments to make, we ask you to please refer to our previous response on the 23/06/20, reference KT/2019/126468/03.

23/6/20 response below

We have reviewed the submitted documents and, based on the information provided in the Flood Risk Assessment (FRA) ref 9146A, dated 7 May 2020 from Monson Engineering Ltd, consider that it satisfactorily addresses our earlier concerns.

Subject to conditions, we therefore withdraw our previous objection, KT/2019/126468/02-L01, dated 24 January 2020

5.04 KCC Developer Contributions

Whilst we appreciate this application will pay the CIL adopted by Maidstone Borough and that the County Council cannot request contributions through a s106 agreement, the development will still have an impact on County services that cannot be accommodated within existing capacity.

It is requested that these impacts be noted in determining the application and that Maidstone Borough Council allocates CIL funds received from the development to ensure the impacts of the development can be met and the development regarded as sustainable.

5.05 KCC Highways

Development doesn't meet criteria for comments.

5.06 Conservation Officer

The amended windows are an improvement, and the overall proposals are now acceptable from a conservation perspective.

5.07 KCC Archaeological Officer

No objection subject to condition.

6.0 APPRAISAL

The key issues in relation to this proposal are considered to be (a) principle (b) impact on rural character and the area of Local landscape Value. (c) amenity (d) heritage considerations (e) flooding (f) ecology and (g) highways.

Background

6.01 Planning permission has previously been granted for the residential conversion of this building under ref: 05/1064 and more recently under application 16/501954/FULL, varied by application 18/503021/FULL. The latter consent expired on the 12th January 2021, and although works have been undertaken to demolish the attached outbuildings, it should be noted that none of the conditions on the 2016 or 2018 permissions have been sought to be discharged and as such the consents could not be lawfully implemented until the pre-commencement conditions have been approved (particularly those that go to the heart of the permission relating to contamination, ecology and archaeology). These consents therefore do not remain extant in perpetuity as a lawful implementation is not considered to have occurred.

6.02 Works beyond demolition have also occurred on site to provide footings for an extension, but these relate to implementing the proposal under consideration on this

application rather than to implement the 2016 consent. The existing barn has also been stripped back.

- 6.03 The site does however benefit from an extant consent for Listed Building Consent for the works proposed under this application, approved under reference 19/506113/LBC. The delay in determining this application and the alternative recommendation now put forward are a result of various factors. In this respect it is useful to provide a timeline and outline of the background.

- 6.04 June 2019 : Applicants sought pre-application advice under reference 19/503265/PAMEET. This proposed an extension to the side akin to the scale and proportions of that approved under the 2016 consent, but included a link to an existing outbuilding and a greater use of the first floor. A three bay garage was also approved with accommodation in the roof. A response was sent dated 6 August 2019, this supported the principle of the conversion but recommended removing the link between the barn and the outbuilding and the further extension into the first floor. It was suggested that :

It was considered that a more suitable option might be to consider lengthening the single-storey wing whilst maintaining its linear form – this section of the building is clearly much more modern and of lower significance and therefore alterations in this area are much less likely to be considered to result in harm.

The principle of a detached three bay garage was supported, but recommended that the dormers be omitted.

Some latter informal e-mail correspondence followed the pre-application, culminating in plans of a similar ilk to that now for consideration.

- 6.05 December 2019, both planning and listed building consent applications were submitted for the works currently under consideration (References 19/506112/FULL and 19/506113/LBC). The Listed Building Consent was approved on 29th January 2020 (a copy of the delegated report is attached at Appendix 1).

Late December 2019 an objection was received from the Environment Agency, this elicited additional information submitted mid-January 2020, re-consultation occurred.

Late January 2020, a further objection was received from the Environment Agency (due to the submitted information being based on outdated modelling).

An extension of time was agreed to enable the agent to provide updated Flood Risk Assessment and further ecological information. This information was submitted Ealy June 2020.

Late June 2020 Environment Agency removed their objection subject to conditions. KCC Ecology raised further matters which were addressed in further information received mid-July 2020.

November 2020, the Full application was re-allocated to another case officer and following discussions with a senior manager it was not considered that the application could be supported. The agent was made aware.

Mid-December meeting took place between the agent, case officer and Development Manager. Key discussions were the matters relating to flooding and the proposed scale of extensions, together with the unauthorised works.

Applicant wanted the opportunity to address the flooding matters prior to determination, this would involve undertaking works to increase the private bund. Due to earlier delays this was agreed and the case officer would wait until the works had taken place and a further FRA submitted.

Late June 2021, revised Flood Risk Assessment submitted, indicating that the bund height had increased and re-modelling carried out.

- 6.06 The above sets out a brief history of this application, outlining that there has been delays principally to address matters that have arisen due to lack of or out-dated information submitted and the applicant has been given the opportunity to address these matters. It is however acknowledged that there have been times during the application process where it has been left dormant and not progressed as quickly as the officers would have liked.
- 6.07 It is also acknowledged that the recommendation is a departure from the pre-application advice and earlier indications by the original case officer. The following report sets out the balanced rationale and reasoning for this recommendation change.

Principle of Development

- 6.08 The assessment of the proposal in relation to the above concerns largely revolves around whether the proposal meets the key provisions of policy DM31 of the local plan. Policy DM31 states, amongst other things, that the reuse and adaption of existing rural buildings meeting the following criteria will be permitted which, in summary, are:
- Building reinforces local character;
 - Is capable of conversion without major reconstruction;
 - That any alterations are in character;
 - Sufficient room to park vehicles without harming the character of the countryside and;
 - Suitably sensitive means of enclosure.
- 6.09 Policy DM31 also states, amongst other things, that residential reuse **will not** be permitted unless the following are also addressed, in summary, being:
- Every reasonable attempt has been made to secure a reasonable business reuse of the building;
 - Is the only means of securing a suitable reuse for a listed building, unlisted building of quality grouped with one or more Listed Buildings in such a way as to contribute to the setting of the Listed Building/s or other building/s of quality and;
 - Acceptable amenity space provision.
- 6.10 The site does not currently benefit from an extant consent for its use as residential, although the weight given to the previous consents diminishes with the expiry of the permissions. It is not considered any objection in principle to the conversion can be raised. By meeting the provisions of policy DM31 and having regard to the well enclosed, inward looking and self contained nature of the site, facing away from open countryside and forming part of an equally self contained grouping of buildings on this side of the track, it is considered there will be no material impact on the rural or

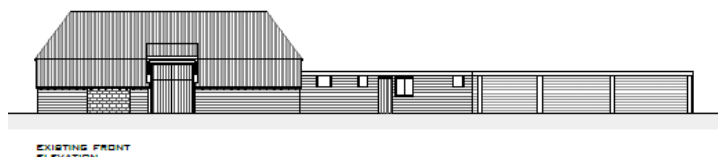
landscape character of the area by the conversion of the existing building relating to the conversion itself.

- 6.11 It has been previously accepted that residential use is preferable over business re-use and that main barn itself is structurally capable of conversion. This application is not accompanied by any information to further substantiate this past position. However, as the proposal also seeks to secure the re-use of this curtilage listed barn and it is also acknowledged that a number of the surrounding buildings are currently undergoing conversion to residential (albeit under the prior notification route rather than through full planning permission). On balance it is considered that the conversion of the barn itself is considered in principle acceptable subject to the material considerations set out below.
- 6.12 In setting out that conversions should take place *without major reconstruction*, implying that conversions should be as such and extensions to facilitate conversions in principle would not be supported. This is not to say that other material considerations could weigh in favour of extending, these matters are discussed below.

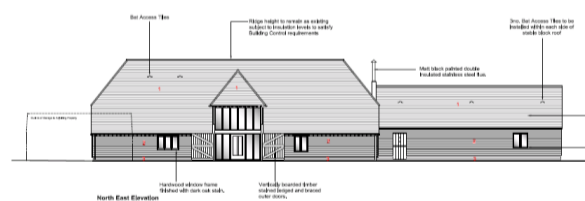
Impact on rural character and the area of Local landscape Value

- 6.13 Where the proposal differs from the earlier consent is the size of the proposed extension to the side, together with the addition of a detached garage. The proposed extension would effectively be doubling the size of the previously approved scheme, with the proposed garage introducing further built development onto the site. Below the front elevations show the existing (prior to demolition of the pole barns), approved scheme and the proposed scheme :

Existing



Previously approved



Proposed



- 6.14 The proposed footprint of the dwelling would clearly be larger than the previously approved scheme. Allowing the extension on the earlier approval was weighed in favour of limiting the use of the loft space. The scheme would have provided three bedrooms at ground floor, together with a kitchen and living room and one further bedroom at first floor. In comparison to the proposed scheme which would provide the same accommodation at first floor, a re-arrangement of the three bedrooms at ground floor to provide an enlarged kitchen/snug in the footprint of the earlier extension and a guest suite, shower room and boot room in the enlarged extension.
- 6.15 The proposed detached garage, would introduce further built form. The garage would be sizeable, designed to accommodate 3 cars and have useable roof space. The height of the garage would also exceed that of the extensions to the original barn, together with introducing an additional outbuilding whereby an existing building on the site would be retained.
- 6.16 Although the conversion has yet to take place, the Residential Extensions SPD is pertinent when considering the extensions to the building and the new garage. It sets out :

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

'Extensions will not be permitted to dwellings created from traditional rural buildings including oast houses, barns and other farm building where they would have an unacceptable impact on the form or character of the original building.'

'Garages and other outbuildings should not impact detrimentally on the space surrounding buildings. They must be smaller in scale and clearly ancillary to the property.' (para 5.28)

'Their scale should not exceed what might reasonably be expected for the function of the building. Garages and outbuildings for domestic purposes do not normally need to exceed a single storey in height or have excessive volume; (para 5.29)

'Garages and outbuildings should not compete with the main house and consequently should be sympathetically positioned away from the front of the house and should be simpler buildings. Often secondary buildings or extensions were traditionally erected with a simplicity of design and more easily available materials. This may be used to good effect to reinforce the distinction between the original building and the subservience of the extension.'

- 6.17 The form of the proposed extension would very much mirror the footprint of the outbuildings which were attached to the barn. The outbuilding have since been demolished and as such for planning purposes their earlier existence carries very limited weight and although described as a pole barn, the structures were very much more informal, low key, single storey and flat roofed structures.
- 6.18 Even if weight was given to the earlier outbuildings on the site, by contrast the proposed single storey extensions would be of a much more formalised arrangement,

with additional bulk and mass at roof level that would compete with the original barn. Planning policy generally does not wholly support extensions to converted buildings and it is not considered this case is any different. A fairly sizeable extension was permitted under the earlier approvals and there is no justification provided as to why an extension of a similar scale would now be unviable. Conversions of former agricultural buildings should preserve the character and appearance of the building, whilst recognising its former use. The extensions as proposed do not seek to achieve this, the building would appear as extremely elongated and have a 'sprawling' form, which does not reflect the barns simple rectilinear form. The extensions would be wider than the remaining original barn (with the barn measuring approximately 18m in width and the extension measuring 24m) and introduce varying roof forms and unacceptable additional bulk and mass.

- 6.19 The proposed garage would further exacerbate the harm identified above. The garage would be higher than the proposed extensions to the barn (6m compared to a height of 5.4m for the extension), it would be of a scale to the size of extension approved under the 2016 consent and at right angles to the proposed dwelling and in very close proximity to the proposed extensions (and in part overlapping the frontage), the building would not appear as wholly detached, but would appear as a continuation of the built form, resulting in a greater sprawling form of development, not respecting the existing barn and the contribution it makes to the intrinsic character and appearance of the countryside.
- 6.20 Overall it is considered that although the conversion of barn, together with a small-scale extension could be supported, the current proposal would result in an extremely elongated building, which would diminish the form and original character and appearance of the barn contrary to policies which seek to preserve the countryside and its intrinsic openness. The extensions to the barn, both individually and cumulatively with the detached garage are not considered appropriate in this location.

Residential Amenity

- 6.21 The property most likely to be affected by the proposal is Bletchenden Manor Farm abutting the application site to the east. Given that the bulk and profile of the barn to the converted will not change and a 'flank to flank' separation distance in excess of 10 metres is maintained, no material harm is identified to the outlook or amenity of Bletchenden Manor Farm. Furthermore the run down condition of the building and site in general means the proposed development will bring an uplift to the area and improvement to the visual amenity of properties abutting or overlooking the site.
- 6.22 In terms of the amenity of future residents, the size of the dwelling, its amenity area with the site occupying are well screened and the secluded position means no objection is identified in this respect.

Heritage considerations

- 6.23 The proposed conversion involves (a) retention of the existing barn along with its key internal and external features (b) minimal external changes thereby avoiding the building appearing overly domestic and retaining the 'memory' of its previous agricultural use and (c) removal of outbuildings and their consolidation into a single storey extension clearly subordinate in scale and appearance to the converted barn. The proposal will also provide a long term use of this currently run down heritage asset.

- 6.24 It should be noted that the concurrent Listed Building Consent application under reference 19/506113/LBC was approved in January 2020.
- 6.25 As such given the positive comments of the Conservation Officer, the proposal is considered to meet the heritage requirements of the NPPF and policy DM4 of the local plan in terms of the impact the works would have on the Listed Building itself.
- 6.26 With regard to the proposed extensions the Listed Building Consent report reads :

With regards to the extension, this replaces unsympathetic elements which detract from the character and appearance of the listed barn and again, whilst an extension would normally be resisted in principle, as this is a simple, functional, former farm building, in this case the principle of an extension is not objectionable because there is already something attached to this end of the barn of a significant length. The extension would have a hipped roof on the end closest to the barn, which is considered an improvement over the extant scheme, which had a gabled roof, as this would bring the roof of the extension further away from the barn to provide better visual separation. It is noted that the extension would be increased in length, but this is not considered to result in material harm to the barn, as the additional part of the extension would be set well away from the barn and the key point in any case is the principle of an extension here, which has already been established. The extension would utilise different windows and different coloured weatherboarding which would help to differentiate this part of the structure from the main barn, which again is to be welcomed.

- 6.27 The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving listed buildings or its settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.28 Policy DM4 of the local plan requires that the significance of designated heritage assets and their settings are conserved, and, where possible, enhanced and Policy SP18 similarly seeks to protect and enhance the quality of heritage assets. Policy DM4 requires that the relevant tests in the National Planning Policy Framework are applied when determining applications for development which would result in the loss of, or harm to, the significance of a heritage asset and/or its setting.
- 6.29 Policy SP18 of the local plan requires that, *inter-alia*, the characteristics of heritage assets are protected and design is sensitive to heritage assets and their settings. Policy DM4 of the local plan requires applicants to ensure that new development affecting heritage assets conserves, and where possible enhances, the significance of the heritage asset. It points out in paragraph 6.30 that small scale changes over time can erode the special character of places such as listed buildings.
- 6.30 It requires a proportionate Heritage Assessment which takes account of the significance of the asset and the impact on the identified significance. Paragraph 6.33 also advises that regard will be given to paragraphs 131 to 135 of the The National Planning Policy Framework (NPPF).
- 6.31 Since the adoption of the local plan, a revised NPPF has come into force, with the relevant section being chapter 16.
- 6.32 Paragraph 189 of The NPPF states that heritage assets “*are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations*”.
- 6.33 To this end paragraph 199 advises:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

And paragraph 200:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.”

- 6.34 Curtilage listed by its association with Bletchenden Manor Farm to the east of the site, the building also lies to the east of The Granary, again Grade II Listed. The application site, together with the barns to the north and west (both currently undergoing residential conversions), form part of this group of now former agricultural buildings. Their relationship to the host listed buildings, the character and appearance of the barn and its relationship with the wider countryside, helps define the qualities of the buildings listed status.
- 6.35 The Conservation Officer has raised no objection to the internal works to the original barn or to the extensions and a decision has previously been taken that the extensions would not harm the Listed Building itself.
- 6.36 In terms of changes in circumstances since the granting of the Listed Building Consent, the main difference is that the attached outbuildings have been demolished and the 2016 consents are no longer extant. As such for planning purposes these no longer exist and the scheme is to be determined on the basis of the main barn only. Some weight was given to the existence of those extensions in granting Listed Building Consent *‘because there is already something attached to this end of the barn of a significant length.’* However this was not the sole reason why the proposal was considered acceptable in terms of the impact on the Listed Building, it was also considered acceptable due to the design compared to the then extant consent, the proposed materials, its separation and the character and appearance of the listed barn itself.
- 6.37 As the Conservation Officer has raised no objection and that the impact on the Listed Building has previously been agreed, in terms of impact on the Listed Building it is not considered that a differing conclusion can be made to that previously concluded under the Listed Building Consent and the works would preserve the special interest, character, appearance and significance of the listed building and the proposals are considered to comply with policies DM4 and SP18 of the local plan and the aims of the NPPF.

Flooding

- 6.38 Having regard to the site’s location in an area at risk of flooding (Flood Zone 3) and that the proposal represents a flood sensitive use, the application was accompanied by an FRA dated August 2005. Following concerns this was significantly out of date a revised FRA was submitted dated 5th November 2015, this again was considered to be out of date. An updated report was therefore requested and submitted as Flood Risk Assessment dated 7th May 2020. The findings of this report are considered satisfactory to the Environment Agency provided that the development is carried out in accordance with the mitigation measures specified, these in summary are as follows :

- Raising of the existing clay bund constructed around the properties at Bletchenden Farm from 20.44m AoD, to 20.57m AoD (an increase of approximately 130mm.)
- 6.39 The applicant was advised that this matter could not be conditioned as the bund is situated outside the applicants ownership and neither falls within the red or blue line of the submitted application. As such the applicants have carried out the works to increase the height of the bund and this has resulted in the land being re-surveyed and a revised Flood Risk Assessment being submitted.
- 6.40 In accordance with the NPPF and NPPG the proposed use of the site for residential is classified as '*More Vulnerable*'. Such development can be acceptable subject to the Sequential and Exception Tests being applied and passed. Furthermore, local planning authorities should also ensure that flood risk is not increased elsewhere, this can be aided with site specific FRA being used to assist the Local Planning Authority in applying the Sequential and then if necessary, the exception test.
- 6.41 It is not the role of the E.A to apply the sequential test, this is the role of the Local Planning Authority assisted by the E.A's advice and the NPPG advises the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.
- 6.42 The NPPG also advises that when applying the Sequential test, a pragmatic approach on the availability of alternative sites should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.
- 6.43 In this case there are clear arguments that as the building is a heritage asset which should be preserved and as such applying the sequential test to a wider area is not appropriate as the development could not take place elsewhere. In addition residential use has previously been considered acceptable at the site and neighbouring buildings have been given permissions to convert to residential. Overall the site could be considered as sequentially acceptable.
- 6.44 In applying the exception tests, it is considered that the wider sustainability benefits to the community which outweigh flood risk would be in the form of the preservation of the building which is considered as curtilage listed and a positive example of a threshing barn which is estimated to date from circa 16th or 17th century
- 6.45 Matters relating to the residual risk, i.e whether suitable emergency measures are in place, the ability to gain suitable egress/ingress to areas of high ground during extreme events and the impact on the emergency services are all considered could/have been mitigated by the increase in the bund height and could be secured through the submission of a Flood Warning and Evacuation Plan if the scheme was considered acceptable in all other respects.

- 6.46 The Environment Agency has been reconsulted, their comments have not changed insofar as they still raise no objection subject to the bund being increased in height. As these works have taken place it is not considered that any condition would be necessary and that the application satisfactorily addresses the flooding implications of the development such that the application could not be refused on flooding grounds and passes the sequential and exception tests.

Ecology

- 6.47 The wildlife assessment submitted with the proposal identified water features, trees and semi improved grassland all as having some wildlife potential though it concluded the majority of site has low potential due to the prevalence of hardstandings, paved areas and introduced garden plants preventing notable flowering plants from establishing.
- 6.48 The water features identified in or close to the application site all contained significant fish stocks making them unlikely habitats for Great Crested Newts though the site contains habitats capable of supporting reptiles. There was also evidence the existing building providing habitat for breeding birds though no evidence of badger activity.
- 6.49 A bat emergence survey concluded that the barn had had high potential to support roosting bats. As the site lacks wooded areas it does not provide a suitable habitat for dormice while no evidence of protected invertebrates was identified.
- 6.50 Based on the above the following mitigation/enhancement measures are proposed being:
- Work only to be undertaken outside bird breeding season.
 - Provision of bat lofts.
 - Vegetation cleared in a way to safeguard reptiles along with the erection and maintenance of exclusion fencing.
 - Use of native broadleaved trees and plants to be sourced locally
 - Two martin/swallow nest boxes on the newly proposed buildings.
 - Placing a bat roost box on one of the willow trees along the adjacent pond.
- 6.51 The Bat mitigation strategy was formulated following the demolition of the attached outbuilding, but prior to the further stripping back of the main barn, the photographs below show the barn at the time of the survey and following officers site visit in November 2020.

Photographs from June 2020 ecology report



After demolition of outbuildings and stripping back works



6.52 The submitted mitigation strategy regarding bats sets out that two bat lofts would be created, one above the existing main barn and one above part of the wider extension. The report sets out that a European protected species mitigation licence and mitigation strategy would be required prior to works commencing. Works are recommended in the report to start in September, outside the hibernation season (November to March) and once a licence has been granted. Firstly bat boxes are to be installed in trees, a EPS licence applied for and granted, bat roosts dismantle under the supervision of a licensed ecologist and then building conversion and construction works can take place.

6.53 The following information has been requested from the agent relating to ecological matters :

- Confirmation Bat boxes were installed in trees (photographs of these boxes and a plan showing their location should provide sufficient evidence)
- Copy of the EPS licence being applied for and granted
- Details of the licensed ecologist who undertook watching the dismantling of any bat roosting features
- Confirmation of the dates that the works took place
- Any other evidence relating to ecological works undertaken prior to the barn being stripped back

Members will be updated regarding any response received.

- 6.54 In the absence of the above information it is currently unknown for certain whether the works carried out to date have been in accordance with the Bat mitigation strategy or whether any offences have been committed.
- 6.55 However the mitigation strategy in terms of the provision of the bat lofts could still be carried out should the works be considered acceptable in every other regard, thus providing suitable mitigation, albeit the bat potential may have been destroyed. All other ecological mitigation could be conditioned should the application be considered acceptable in all other respects.

Highways

- 6.56 In the absence of previous objections to the residential reuse of this building, minimal traffic generation and that sufficient on site parking and turning space is available no harm identified to the proposal on highway grounds.

Other matters

- 6.57 The site of the application is considered to be the site of a medieval moated manor complex (*SMR NO: TQ 84 SW 9*) which became a fairly extensive post medieval farm. The medieval residence may have been surrounded by a moat of which the current ponds could be remnants. The 1st Ed OS map also seems to indicate a possible outbuilding close to the building to be converted. Remains associated with the medieval and post medieval use of the site may be impacted by groundworks and conversion works. As such it is considered that a condition could be attached to secure an archaeological watching brief should the proposal be acceptable in all other respects.
- 6.58 There is a likelihood of contamination due to the former use of the site and as such ground investigation should take place on the site. Again these matters could be dealt with by condition should the application be acceptable in all other respects.
- 6.59 A neighbour has made representation about incorrect certificate B being served on the owners of the access track. The agent has supplied a letter detailing whom notice has been served upon and it is considered for planning purposes that the correct notification has been undertaken.

7.0 CONCLUSION

- 7.01 The principle of the conversion of the existing barn to residential is considered acceptable, however the proposal includes a large side extension which is unjustified insofar as it would require major reconstruction to extend and alter the existing barn and would be harmful to the character and appearance of the countryside by the resulting form of development that would elongate the existing barn, harmful to its contribution it makes to the character and appearance of the countryside. Cumulatively with the proposed detached garage the proposal would result in an unwarranted form of development which would introduce excessive built form which would compete with the existing curtilage listed barn and result in the overdevelopment of the site, with the proposals not appearing as modest additions or in keeping with the landscape character and design and form of the existing barn. The proposal would as such be contrary to local and national planning policy. Other material planning considerations could be satisfactorily dealt with by planning conditions, but these matters do not outweigh the harm that would result.

8.0 RECOMMENDATION – REFUSE for the following reason:

- (1) The proposal would require major reconstruction to extend and alter the existing barn, resulting in a form of development that would elongate and destroy the original functional form and legibility of the agricultural character of the barn which is to be converted, thus severely compromising its character, unacceptably diminishing the positive contribution the application building makes to its rural surroundings, to the detriment of the character and appearance of the countryside. To permit the proposal would therefore be contrary to policies SP17, DM1, DM30, DM31 and DM32 of the Maidstone Borough Local Plan 2017, the guidance contained in the Council's adopted residential extensions SPD and the central government planning policy contained in the National Planning Policy Framework (2021).
- (2) The proposed garage, by reason of its size, height, scale, mass and position, when taken individually or cumulatively with the proposed extensions to the barn would result in an excessive form of development which would read as a further extension to the proposed dwelling which would not appear as modest, harmful to the openness and character of the countryside. To permit the proposal would therefore be contrary to Policies SP17, DM1, DM30, DM31 and DM32 of the Maidstone Borough Local Plan 2017, the advice given in the adopted Supplementary Planning Document "Residential Extensions", and the central government planning policy set out in The National Planning Policy Framework (2021).

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.

NOTES FOR TECH		
APPLICATION PROPOSAL		Ref No 19/506113/LBC
Listed Building Consent for the internal and external works involved in the conversion of Heritage Threshing Barn and modern pole barn to residential		
ADDRESS Bletchenden Farm Bletchenden Road Headcorn Ashford Kent TN27 9JB		
RECOMMENDATION - Application Permitted		
WARD Headcorn	PARISH/TOWN COUNCIL Headcorn	APPLICANT Mr & Mrs D Pearce AGENT Country House Homes Ltd
DECISION DUE DATE 30/01/20		PUBLICITY EXPIRY DATE 06/01/20

RELEVANT PLANNING HISTORY (including relevant history on adjoining site): the most relevant is:	
App No	Summary
16/501954 & 501955	Demolition of attached outbuildings and conversion and extension of barn to form dwelling including internal and external alterations – planning permission and listed building consent – approved. These applications currently remain extant.
-	

PLANNING CONSTRAINTS

Grade II listed building

POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Local Plan 2017: DM4, SP18

LOCAL REPRESENTATIONS

	COMMENTS RECEIVED
Headcorn Parish Council	state that they cannot consider the application until an up-to-date flood risk assessment has been submitted as the site lies in flood zone 3. (Officer comment: flooding is a planning consideration which would be considered under the concurrent planning application reference 19/506112. Flooding is not a consideration under this application, which is for listed building consent and therefore not a reason to withhold a decision or to refuse the application).
Residential Objections Number received: 0	None received to date.
Residential Support Number received: 0	None received to date.

One comment has been received, not necessarily objecting but commenting on the proximity to Headcorn aerodrome and the potential for future occupiers to therefore experience noise. The issue of noise is a planning consideration which would be considered under the concurrent planning application, this is not a listed building consent consideration or a reason to refuse this application.

CONSULTATION RESPONSES

CONSERVATION OFFICER: initially had some concerns over fenestration in particular. On receipt of amended plans raises no objection.

DESCRIPTION OF SITE

This application relates to a threshing barn which is estimated to date from circa 16th or 17th century. The barn is timber framed with timber weatherboarding to its walls and it currently has an unsympathetic corrugated roof. The building is considered to be curtilage listed, lying within the curtilage of Bletchenden Manor which is grade 2 listed. The adjacent granary is also grade 2 listed.

To the south of the barn is a detached circa Edwardian building which is of unknown origin and function. There are existing stables attached to the barn which are considered of a unsympathetic appearance.

The site lies within the parish of Headcorn.

PROPOSAL

Listed Building Consent is sought for the internal and external alterations associated with the conversion of the barn to a dwelling including the demolition of the existing stables and erection of replacement extension.

A new garage building is shown upon the plans, however, as this would not be attached to the listed building, this is not considered to require listed building consent.

APPRAISAL

The key issue arising from this application is the impact upon the historic and architectural integrity of the Grade II listed building, its significance and its features of special interest.

The local planning authority has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy DM 4 of the local plan requires that the significance of designated heritage assets and their settings are conserved, and, where possible, enhanced and policy SP 18 similarly seeks to protect and enhance the quality of heritage assets. Policy DM 4

requires that the relevant tests in the National Planning Policy Framework are applied when determining applications for development which would result in the loss of, or harm to, the significance of a heritage asset and/or its setting.

Policy SP18 of the local plan requires that, inter-alia, the characteristics of heritage assets are protected and design is sensitive to heritage assets and their settings. Policy DM4 of the local plan requires applicants to ensure that new development affecting heritage assets conserves, and where possible enhances, the significance of the heritage asset. It points out in paragraph 6.30 that small scale changes over time can erode the special character of places such as listed buildings.

It requires a proportionate Heritage Assessment which takes account of the significance of the asset and the impact on the identified significance. Paragraph 6.33 also advises that regard will be given to paragraphs 131 to 135 of the NPPF.

Since the adoption of the local plan, a revised NPPF has come into force, with the relevant section being chapter 16.

Paragraph 184 of the NPPF states that heritage assets “are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”.

Paragraph 193 of the NPPF states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”. It states that this is irrespective of the degree of harm amounting from any proposal.

In this case, there is an extant permission under reference 16/501955, for the works involved in the conversion of the building to a dwelling, so the principle of this has already been established.

This application follows pre-application advice upon a revised scheme. The drawings have been amended since the pre-application advice in order to minimise subdivision of the main barn and to minimise the scale and number of window openings. Windows to the end elevation which would have had the potential to result in harm to important timber braces have been removed and the layout generally respects the bays of the barn and works with these in the main.

In terms of the extent of subdivision and layout, this is not considered significantly different to that approved in terms of its impact upon the framing arrangements of the barn and this scheme, like the previous extant permission, keeps a significant part of the barn open to a full height, which is considered a key point in ensuring that its special interest is retained.

Whilst in general, in a functional, former farm building such as this, rooflights would be likely to be resisted in principle, as they are generally residential in character, in this case, the existing appearance of the roof is poor, since it has been, in recent times, roofed with a corrugated material which is unsympathetic and detracts from its character and appearance. The rooflights proposed would be small in scale and would only be sited to the rear elevation and given the significant enhancement which would result from the use of traditional clay tiles upon the roof, it is considered that the overall result of the changes to the roof would be to enhance the character and appearance of the building and therefore, in this particular case, the use of rooflights to the rear elevation is not objectionable.

With regards to the extension, this replaces unsympathetic elements which detract from the character and appearance of the listed barn and again, whilst an extension would normally be resisted in principle, as this is a simple, functional, former farm building, in this case the principle of an extension is not objectionable because there is already something attached to this end of the barn of a significant length. The extension would have a hipped roof on the end closest to the barn, which is considered an improvement over the extant scheme, which had a gabled roof, as this would bring the roof of the extension further away from the barn to provide better visual separation. It is noted that the extension would be increased in length, but this is not considered to result in material harm to the barn, as the additional part of the extension would be set well away from the barn and the key point in any case is the principle of an extension here, which has already been established. The extension would utilise different Windows and different coloured weatherboarding which would help to differentiate this part of the structure from the main barn, which again is to be welcomed.

The application has been amended to ensure the use of timber Windows to the barn, which is considered more appropriate than the originally proposed metal Windows and the design of the Windows has also been simplified to avoid a cottage feel and provide a more simple appearance.

As with the previous consent, conditions can be attached to ensure the use of sympathetic materials and joinery details and a schedule of works. I propose to expand the wording of the conditions including the schedule of works to provide greater clarity upon what is required for submission.

I conclude that the works would preserve the special interest, character, appearance and significance of the listed building and I note that the conservation officer does not object to the proposals.

The proposals are considered to comply with policies DM4 and SP18 of the local plan and the aims of the NPPF. Approval is recommended.

CONCLUSION

The proposed works would preserve the historic and architectural integrity of the Grade II listed building, its significance and its features of special interest. The proposal is therefore considered to comply with Development Plan Policy and Central Government guidance and I therefore recommend approval subject to the conditions set out below..

Case Officer : L Welsford

Delegated Authority Sign:

Date: 29/01/20

RECOMMENDATION – Application Permitted subject to the following conditions/reasons:

(1) The works to which this consent relates must be begun before the expiration of three years from the date of this consent;

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) The works hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers 500/DP/001, 500/DP/004/C, 500/DP/005/C and 500/DP/007/A received on 27/01/20;

Reason: To clarify which drawings have been approved and to preserve the character, appearance and special interest of the listed building.

(3) The works shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the works hereby permitted, including rainwater goods, flues and vents, and details of the finish of all of the materials to be used in the construction of the external surfaces of the works hereby permitted, have been submitted to and approved in writing by the Local Planning Authority and the works shall be completed using the approved materials with the approved finishes;

Reason: To ensure a satisfactory appearance and that the historic significance of the listed building is maintained.

(4) The works shall not commence until joinery details of the proposed windows, doors, internal joinery and internal partitions have been submitted to, and approved in writing by, the Local Planning Authority. The details shall specify materials and finishes and include large scale plans at a scale of 1:20 showing long and cross profiles of the mullions, transoms, cills and internal partitions. Work shall only be carried out in accordance with the approved details and retained as such at all times thereafter.

Reason: To safeguard the character and fabric of the heritage asset.

(5) The works shall not commence until a full schedule of works to be carried out, including a schedule of repairs and details of any internal or external insulation to be used, has been submitted to, and approved in writing by, the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details;

Reason: To safeguard the character and fabric of the heritage asset.

INFORMATIVES

(1) Asbestos

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

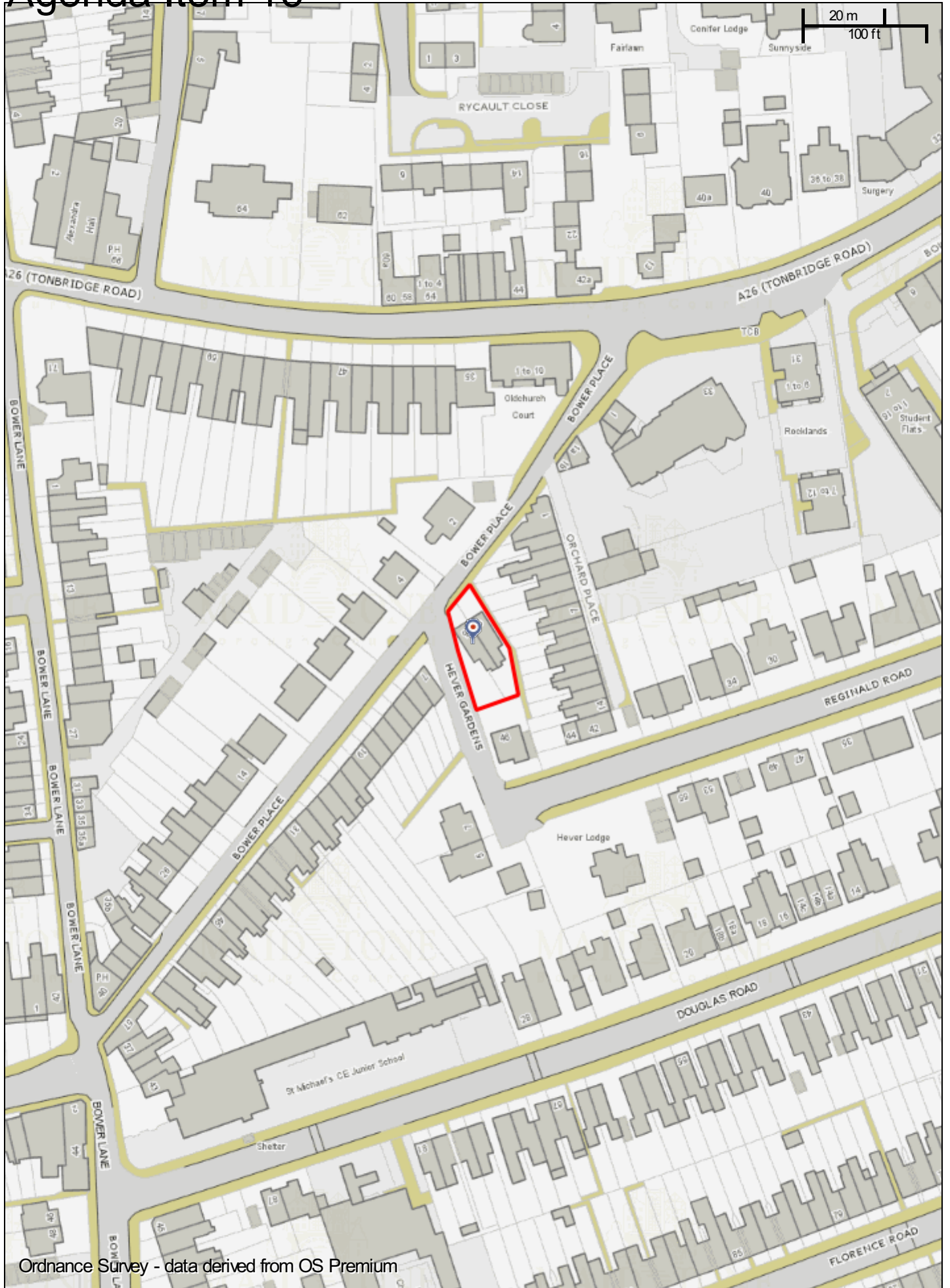
With regards to insulation, the applicant is encouraged to have regard to the Historic England guidance documents upon insulation available upon their website including in terms

of any roof insulation and ensuring that any insulation is appropriate and breathable. The proposed rooflights should be metal and flush fitting.

N/A

lw

Agenda Item 16



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO - 21/504384/LAWPRO		
APPLICATION PROPOSAL Lawful Development Certificate for the proposed rendering of the front of the house.		
ADDRESS 3-5 Bower Place Maidstone Kent ME16 8BG		
RECOMMENDATION - Refuse for the reasons set out in section 8.0		
SUMMARY OF REASONS FOR REFUSAL The proposal to render the front of 3 and 5 Bower Place would not comply with the condition in sub-section A.3(a) in that the materials used would not be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. It is clearly stated at the beginning of subsection A.3 that "Development is permitted by Class A subject to the following conditions...". Consequently, the proposals do not constitute development permitted by virtue of Article 3 and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and planning permission is required.		
REASON FOR REFERRAL TO COMMITTEE The application has been called in by the Ward Councillor, Cllr Harper, on the grounds of the property being visually important in the local street scene and residents see no reason to see this proposal proceed.		
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Tunji Salami AGENT
DECISION DUE DATE 04/11/21	PUBLICITY EXPIRY DATE	OFFICER SITE VISIT DATE
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 3 Bower Place 20/503136/PNEXT Prior notification for a proposed single storey rear extension which: A) Extends by 4.5 metres beyond the rear wall of the original dwelling. B) Has a maximum height of 2.85 metres from the natural ground level. C) Has a height of 2.7 metres at the eaves from the natural ground level Permitted 5 Bower Place 20/504815/FULL Erection of a single storey side and rear extension Permitted 3-5 Bower Place 21/502853/LDCEX : Lawful development certificate (existing) for conversion of loft into habitable space, with hip to gable roof alterations and insertion of a rear dormer and 4no. front rooflights.. Pending consideration 21/502019/FULL Roof alterations to create second floor living accommodation with front and rear dormers (Part Retrospective). Refused for the following reasons:		

- (1) It is considered by virtue of its design and mass, the proposal, in particular the flat 'mansard' style roof would appear convoluted, incongruous, bulky and subsume the original dwellings and would harm the character and appearance of the area, host properties and street scene as such the proposal would be contrary to the National Planning Policy Framework 2019, Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017 and the Councils Residential Extensions Supplementary Planning Document and that there are no overriding material considerations to justify approval that outweigh the harm identified above.
- (2) The proposal would result in harm to the amenity of the adjacent neighbouring properties by being unduly overbearing and causing a loss of outlook such the proposal would be contrary to the National Planning Policy Framework 2019, Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017 and the Councils Residential Extensions Supplementary Planning Document and that there are no overriding material considerations to justify approval that outweigh the harm identified above.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises two semi-detached properties located to the north eastern side of Bower Place. The properties are set back from the highway and have fairly small gardens to the rear. The surrounding area is predominantly residential in character and features a range of housing styles and types. The application site is not subject to any specific designations within the local plan but is located within Maidstone's Urban Area Boundary.

2.0 PROPOSAL

- 2.01 The application seeks a Lawful Development Certificate for the proposed rendering of the front of the dwellinghousea.

- 2.02 The application is accompanied by the following information:

Application form
Drawing D01 (No.3 Site Location and Block Plan)
Drawing D01 (No.5 Site location and Block Plan)
Drawing D09 Rev A (Proposed Front elevation)

- 2.03 The only details of the proposed rendering are contained within the application form which states that the front elevation would be rendered. No details of the extent of rendering is shown, but by referring to the front elevation the matter for consideration is whether rendering the entire front elevation of the property is considered as permitted development.

3.0 POLICY AND OTHER CONSIDERATIONS

Town and Country Planning Act 1990 (as amended)
The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
Permitted development rights for householder – Technical Guidance September 2019

4.0 LOCAL REPRESENTATIONS

This type of submission does not have any statutory requirement for consultation, however comments have been received which are summarised below. The NPPG sets out that *Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.*

Cllr Harper

The property is visually important in the local street scene and residents see no reason to see this proposal proceed.

5.0 CONSULTATIONS

None

6.0 APPRAISAL

- 6.01 Section 192 of the Town and Country Planning Act 1990 allows for a person to apply for a Certificate of lawfulness for proposed development to ascertain whether in this case any operations which have been carried out in, on, over or under land would be lawful (s192(1b))

For the purposes of the Act, the operations are considered lawful if the local planning authority are provided with information satisfying them that the use or operations described were instituted or begun at the time of the application(**s192(2)**)

- 6.02 The matter to be determined by the Council is whether the works described in the proposal section above (namely the rendering of the front of the property) would be considered as permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("GPDO"). This type of application cannot be considered against the development plan or any other material planning considerations.

- 6.03 The National Planning Policy Practice Guidance (NPPG) sets out when considering this type of application that:

In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved.

- 6.04 In this respect the applicant has provided the following supporting evidence/information :

Application form
Drawing D01 (No.3 Site Location and Block Plan)
Drawing D01 (No.5 Site location and Block Plan)
Drawing D09 Rev A (Proposed Front elevation)

Setting out that they believe the proposal to be permitted development for the following reasons:

'The both house is going through refurbishment with extension and lawful creation more rooms, it will beautify the building and the street to make good the cracks in the front of the buildings and cover them with rendering work. The building has moved in its structure and the front bricks are too old and not structurally strong. The rendering of the front will allow us to make it stronger and more beautiful.'

'Application of colours does not require permission and ordinarily neither does render....this line is from the planning guidance. We just want to make sure we involve the planning team to ensure we have approval before we render the front.'

Does the proposal meet Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

6.05 As the works mirror each other on both dwellings, the below appraisal relates equally to numbers 3 and 5 Bower Place.

6.06 The GPDO allows for ***enlargement, improvement or other alteration of a dwellinghouse.***

6.07 The proposal does not relate to the enlargement of the dwellinghouse and as such the criteria principally contained in A.1 of that class does not apply. The pertinent matter relates to the conditions which sets out that :

'the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those in the construction of the exterior of the existing dwellinghouse.'

6.08 The MHCLG Technical Guidance states:

"The condition above is intended to ensure that any works to enlarge, alter or improve a house result in an appearance that minimises visual impact and is sympathetic to existing development. This means that the materials used should be of similar visual appearance to those in the existing house, but does not mean that they need to be the same materials.

For example:

- the external walls of an extension should be constructed of materials that provide a similar visual appearance - for example in terms of colour and style of brick used - to the materials used in existing house walls.*
- a pitched roof on an extension should be clad in tiles that give a similar visual appearance to those used on the existing house roof. Again, colour and style will be important considerations; flat roofs will not normally have any visual impact and so, where this is the case, the need for materials of similar appearance should not apply."*

6.09 The original dwelling is a mix of ragstone and brick built, with some stonework detailing to the corner of the dwellings and around the fenestration. (see photographs below)



- 6.10 There is no render on the existing dwelling. The stonework detailing does have a smooth, cream coloured finish, which could be argued is similar to render (albeit no details of the finish or colour of the proposed render have been provided), however this is a minor detail on the dwellinghouse and not the dominant material or what is read as the main appearance of the dwelling. The dwellinghouses would be described as brick and ragstone and it is those materials which the proposed render would need to appear similar to.
- 6.11 In the absence of details relating to the proposed render, the use of render has to be taken at face value and in this respect it is not considered that the visual appearance of render to the entire front elevation would be similar to the exterior of the existing dwellinghouse(s)

7.0 CONCLUSION

- 7.01 The proposal to render the front of 3 and 5 Bower Place would not comply with the condition in sub-section A3(a) of Class A in that the materials used would not be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
- 7.02 It is clearly stated at the beginning of subsection A.3 that "Development is permitted by Class A subject to the following conditions...". consequently, the proposal does not constitute development permitted by virtue of Article 3 and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and planning permission is therefore required.

- 7.03 The reports and recommendation has been reviewed and agreed with an Officer of Mid-Kent Legal Services (MKLS).

8.0 RECOMMENDATION –REFUSE for the following reason:

- (1) The proposal to render the front of 3 and 5 Bower Place would not comply with the condition in sub-section Class A.3(a) in that the materials used would not be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. It is clearly stated at the beginning of subsection Class A.3 that "Development is permitted by Class A subject to the following conditions...". consequently, the proposals do not constitute development permitted by virtue of Article 3 and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and planning permission is therefore required.

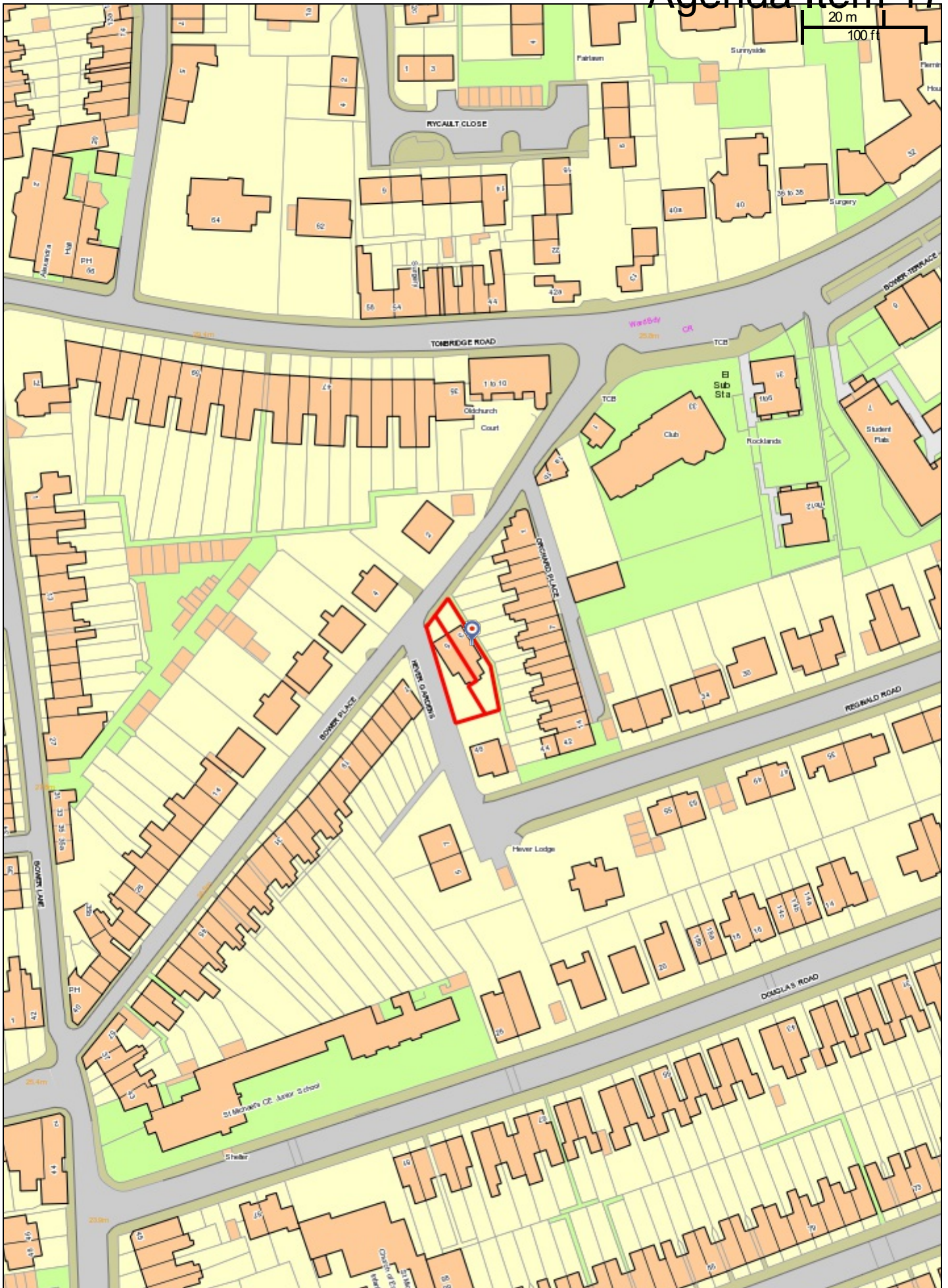
INFORMATIVES

- (1) The plans and information taken into consideration in reaching the decision are:

Application form
Drawing D01 (No.3 Site Location and Block Plan)
Drawing D01 (No.5 Site location and Block Plan)
Drawing D09 Rev A (Proposed Front elevation)

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.



21/502853/LDCEX 3-5 Bower Place, Maidstone, Kent, ME16 8BG

Scale: 1:1250

Printed on: 13/9/2021 at 13:53 PM by JoannaW

REPORT SUMMARY

REFERENCE NO - 21/502853/LDCEX		
APPLICATION PROPOSAL Lawful development certificate (existing) for conversion of loft into habitable space, with hip to gable roof alterations and insertion of a rear dormer and 4no. front rooflights.		
ADDRESS 3-5 Bower Place Maidstone Kent ME16 8BG		
RECOMMENDATION – Refuse for the reasons set out in section 8.0		
SUMMARY OF REASONS FOR REFUSAL <ul style="list-style-type: none"> - The works completed to the roofs of both numbers 3 and 5 Bower Place amount to works beyond the scope of an addition or alterations to the roof of a dwellinghouse and therefore fail to meet the requirement of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Based on the information submitted the development would also fail to meet points B.1 (b) and (c) and Condition B.2 (a), such considers that the works exceed the height of the highest part of the original dwellinghouse, extend beyond the plane of the roof slope of the principal elevation and the materials used are not similar in appearance to the existing dwellinghouse. - The works completed to the roofs of both numbers 3 and 5 Bower Place amount to works beyond the scope of an addition or alterations to the roof of a dwellinghouse and therefore it is not considered that the rooflights have been inserted into the original roofslope and as such they would fail to be permitted development under point C.1 (b) of Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). 		
REASON FOR REFERRAL TO COMMITTEE The application has been called in by the Ward Councillor, Cllr Harper on the grounds of the level of local concern. Other reasons are set out in his comments below.		
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Tunji Salami AGENT CJS Planning & Building Services
DECISION DUE DATE 23/07/21	PUBLICITY EXPIRY DATE N/A	OFFICER SITE VISIT DATE
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 3 Bower Place 20/503136/PNEXT Prior notification for a proposed single storey rear extension which: A) Extends by 4.5 metres beyond the rear wall of the original dwelling. B) Has a maximum height of 2.85 metres from the natural ground level. C) Has a height of 2.7 metres at the eaves from the natural ground level Permitted 5 Bower Place 20/504815/FULL Erection of a single storey side and rear extension Permitted		

3-5 Bower Place

21/504384/LAWPRO: Lawful Development Certificate for the proposed rendering of the front of the house. Pending consideration

21/502019/FULL Roof alterations to create second floor living accommodation with front and rear dormers (Part Retrospective). Refused for the following reasons:

- (1) It is considered by virtue of its design and mass, the proposal, in particular the flat 'mansard' style roof would appear convoluted, incongruous, bulky and subsume the original dwellings and would harm the character and appearance of the area, host properties and street scene as such the proposal would be contrary to the National Planning Policy Framework 2019, Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017 and the Councils Residential Extensions Supplementary Planning Document and that there are no overriding material considerations to justify approval that outweigh the harm identified above.
- (2) The proposal would result in harm to the amenity of the adjacent neighbouring properties by being unduly overbearing and causing a loss of outlook such the proposal would be contrary to the National Planning Policy Framework 2019, Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017 and the Councils Residential Extensions Supplementary Planning Document and that there are no overriding material considerations to justify approval that outweigh the harm identified above.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises two semi-detached properties located to the north eastern side of Bower Place. The properties are set back from the highway and have fairly small gardens to the rear. The surrounding area is predominantly residential in character and features a range of housing styles and types. The application site is not subject to any specific designations within the local plan but is located within Maidstone's Urban Area Boundary.

2.0 PROPOSAL

- 2.01 The application seeks the determination of a Lawful development certificate (existing) for the conversion of loft into habitable space, with hip to gable roof alterations and insertion of a rear dormer and 4no. front rooflights.
- 2.02 The certificate is for an existing lawful development certificate as the works have already been carried out. The certificate is submitted in respect of two dwellinghouses (numbers 3 and 5 Bower Place), the works carried out have been mirrored on both dwellings and are summarised as follows:
- 2.03 *Hip to gable roof alteration*

The original hipped roofs have been altered on each dwelling, to provide gable ended roofs. The gables extend from the original eaves and is shown to adjoin to the original ridge.

2.04 *Rear flat roof dormer*

This extends across almost the full width of both dwellings with a projection from the original roofslope of approximately 3.1m and a height of approximately 2.45m. The dormer measures approximately 4m in width on each side of the party wall of each property.

Each rear dormer measures approximately 15.2m³

2.05 *Rooflights*

Two rooflights have been inserted in the front roof planes of each dwelling.

2.06 *Other alterations shown*

When comparing the as built plans and those of the original dwelling there are differences between the submitted plans and that observed on site, these are summarised as:

- the plans indicate that the overall roof height has been lowered and the form of the roof altered, consequently resulting in an extended flat roof to the ridge and a different shape to the original roof. The plans show the top of the dormer sited at the same level as the new ridge. However, as observed on site the position of the flat roof rear dormer sits below the new ridge height

- The materials also differ. The plans appear to indicate brick and tile hung, whereas render has been utilised on the new gables and the walls of the rear dormer.

3.0 **POLICY AND OTHER CONSIDERATIONS**

Town and Country Planning Act 1990 (as amended)

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Permitted development rights for householder – Technical Guidance September 2019

4.0 **LOCAL REPRESENTATIONS**

This type of submission does not have any statutory requirement for consultation, however comments have been received which are summarised below. The NPPG sets out that *Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.*

Cllr Perle (summarised comments, photographs and other evidence included with comments)

Comments relating to GPDO

- Distinction between C3 and C4 use
- Roofscape has been altered
- Height of original roof has been exceeded
- Cubic content would exceed 50 cubic metres

Planning merits/other comments

- Property is to be used as an HMO

Cllr Harper (summarised comments, it should be noted that the comments principally relate to the planning merits of the development rather than whether the proposal meets permitted development criteria.)

- Out of character
- Overdevelopment
- Lack of outdoor space
- Impact on local services
- Lack of parking
- Does not accord with planning policy
- Impact on neighbouring amenity (overbearing, loss of privacy)

12 Neighbour representations have been received raising the following (summarised points), these are split between those which relate to the planning merits or those that relate to permitted development:

Comments relating to the G.P.D.O

- Development exceeds height of original dwelling
- Plans do not show other extensions which have now been constructed
- HMOs don't have permitted development rights
- Roof of rear extension take the development over cubic volume
- Before some development take place 'prior approval' is required and consent cannot be applied for retrospectively
- Materials do not match the original dwelling
- No details are given of the obscurity level of the side windows

Planning or other merits of the scheme

- Out of scale and out of keeping
- Insufficient parking
- HMO would be too large
- Overlooking and loss of privacy
- Waste water and sewerage
- Loss of light
- Retrospective nature of the development
- Lack of details
- Impact on biodiversity
- Climate change, does the proposal meet insulation standards etc
- Does the proposal meet affordable development requirements
- Does the proposal meet HMO guidelines
- Does the proposal meet building regulations

5.0 CONSULTATIONS

None

6.0 APPRAISAL

6.01 The application is made under Section 191 of the Town and Country Planning Act 1990 for a Certificate for an existing use or operation. It is to establish whether or not the development constitutes permitted development. Under 191(1) "If any person wishes to ascertain whether...any operations which have been carried out in, on, over or under land are lawful...he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter". Section 191(4) states "if, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the... operation...they shall issue a certificate to that effect". The determination of an application under section 191 is made purely on the basis of fact and law. Considerations as to the proposed planning merits of the development are irrelevant in this application.

6.02 In this respect the applicant has provided the following supporting evidence/information:

- Application form
- Drawing D01 (Site Location and Block Plans)
- Drawing D02 (Existing Floor and Roof Plans) – Original dwellings
- Drawing D03 (Existing Elevations) – Original dwellings
- Drawing D04 (Existing Basement Floor Plan) – Original dwellings
- Drawing D05 (Existing Ground Floor Plan)
- Drawing D06 (Existing First Floor Plan)
- Drawing D07 (Existing Roof Plan)
- Drawing D08 (Existing Rear Elevation)
- Drawing D09 (Existing Front Elevation)
- Drawing D10 (Existing Flank and Side Elevations)
- Drawing D11 (Existing Second Floor Plan)
- Drawing D12 (Existing Section AA)

- Statement produced by CJS Planning and Building Services dated 23rd June 2021

6.03 In considering the proposal the key issue is whether the works meet the criteria set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In determining this the following matters will be considered:

- Does the proposal meet Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).(additions to the roof of a dwellinghouse)
- Does the proposal meet Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).(other alterations to the roof of a dwellinghouse).
- Any other matters

Does the proposal meet Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

6.04 As the works mirror each other on both dwellings, the below appraisal relates equally to numbers 3 and 5 Bower Place.

6.05 Schedule 2, Part 1, Class B of the GPDO sets out the following, with the Officer's consideration of each point:

6.06 Class B – additions etc to the roof of a dwellinghouse

The merits of the works to each dwellinghouse are considered independently and as such the works are considered to be works to the roof of a single dwellinghouse.

6.07 Permitted development

B. The enlargement of a dwellinghouse consisting of **an addition or alteration** to its roof.

The GPDO at Article 3, Schedule 2, Part 1, Class B, grants planning permission for the enlargement of a dwelling consisting of an addition or alteration to its roof. The reference to 'addition or alteration' makes it clear that to benefit from this Class, there must be a roof structure in situ which is being added to or altered. The right conferred by Class B does not extend to the demolition and reconstruction of the original roof. Whether something would amount to an addition or alteration to the roof of a dwelling is therefore a matter of fact and degree in every case.

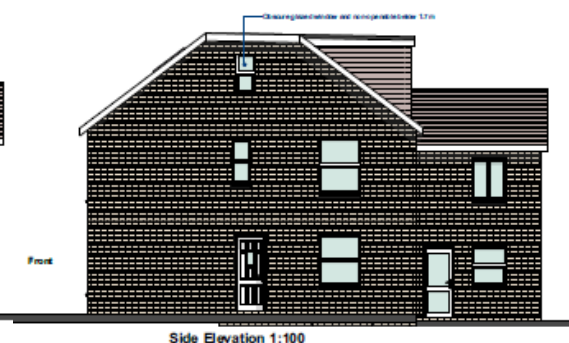
The GPDO does not define 'addition', 'alteration' or 'other alteration', however extensive appeal decisions exist on this matter.

The application is not accompanied by any schedule of how the works were carried out, however the submitted plans in themselves clearly indicate that the roof form has been altered. The plans suggest that there has been a decrease in height and the original flat ridge has been extended and flattened further. I would question the accuracy of the plans as the as built elevations indicate the rear dormer to be flush with the new ridge but it actually sits below the as built ridge height. (see extract plans and photographs below)

Original side elevation



As built side elevation



Original side elevation



As built side elevation



6.08 Representation received provides photographic evidence which shows a new roof being constructed (see below)



- 6.09 Consequently it is considered that the works extend beyond addition/alterations within the GPDO and the works have resulted in a new roof being constructed with a new roof form created. The works amount to more than the **addition** of the rear dormers and the hip-gable extension.
- 6.10 Therefore in this respect the application for a certificate fails and should be refused. On this basis it is not necessary to fully consider the application in respect of whether it would meet the criteria below, but on the grounds of completeness and should Members disagree with the appraisal above, each criteria is considered below.

Development not permitted

B.1 Development is not permitted by Class B if—

- 6.11 (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Officer comment: N/A

- 6.12 (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

Officer comment: There is ambiguity on this basis, the submitted plans clearly show that the development is lower than the original ridge height, however the plans are considered to be incorrect. Neighbour representation suggests a height increase has occurred and the photograph above concur with this viewpoint. As such it is considered that a height increase has occurred and the application fails to demonstrate it has not.

- 6.13 (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

Officer comment: The roof form of the original dwelling has been altered and the submitted plans and on-site development would suggest that the roof pitch has changed, this has resulted in the extended flat roof along the ridge. As a consequence it is considered that the resultant roof form sits above the original roof slope and thus extends beyond the plan of the existing roof slope.

- 6.14 (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
(i) 40 cubic metres in the case of a terrace house, or
(ii) 50 cubic metres in any other case;

Officer comment: As each property is semi-detached the new volume of the roof space created shall not exceed 50 cubic metres. The application supplies details that the volume increase for each dwelling is approximately 16.71cubic metres for the hip-to-gable volume and 16.115cubic metres for the rear dormer. This totals approximately 32.8 cubic metres for each dwelling, thus being lower than the 50 cubic metres allowable.

My calculations for the rear dormer are similar at around 15 cubic metres. The other roof form changes are unable to be calculated accurately due to ambiguity in the plans, however this is unlikely to differ significantly from those calculated by the

applicants. It is therefore considered that the changes would be unlikely to exceed 50cubic metres.

- 6.15 (e) it would consist of or include—
(i) the construction or provision of a veranda, balcony or raised platform, or
(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

Officer comment: No veranda, balcony or raised platform has been constructed. Although not explicit the soil and vent pipe has been altered. This is however considered as permitted development under Schedule 2, Part 1, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) whereby the pipe does not exceed the highest part of the roof by more than 1m.

- 6.16 (f) the dwellinghouse is on article 2(3) land.;

Officer comment: N/A

- 6.17 (g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).;

Officer comment: N/A

- 6.18 (h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Officer comment: N/A

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

- 6.19 (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

Officer comment: The original dwelling is predominantly brick built with the frontage being ragstone. Stone detailing can be found at the junction of the front elevations with the side elevations and around the window and doors.

There was no render on the original dwelling. It could be argued that the feature stonework around the corner of the dwellings and the windows is of a similar appearance to the render. However, I would not agree that this 'feature detailing' is the dominant material on the dwellinghouse and it is not render.

As such, I am of the opinion that the materials used in the external construction of the new gable and rear dormer are not of a similar appearance to those in the construction of the exterior of the existing dwellinghouse.

- 6.20 (b) the enlargement must be constructed so that—
(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—
(aa) the eaves of the original roof are maintained or reinstated; and
(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

Officer comment: The rear dormer is sited so that it retains at least a 0.2m from the eaves.

- 6.21 (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

Officer comment: The development is not considered to extend beyond the outside face of any external wall.

- 6.22 (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—

- (i) obscure-glazed, and
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Officer comment: There are windows in the side elevation of both dwellinghouses. These are however fitted with obscure glazing and fixed shut (see photograph below), as such the proposal would comply with this condition.



6.23 *Overall*

The works completed to the roofs of both numbers 3 and 5 Bower Place amount to works beyond the scope of an addition or alterations to the roof of a dwellinghouse and therefore fail to meet the fundamental requirement of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Based on the information submitted the development would also fail to meet points B.1 (b) and (c) and Condition B.2 (a), such that the Local Planning authority is not wholly convinced that on the balance of probability that the works have not exceeded the height of the highest part of the original

dwellinghouse, do not extend beyond the plane of the roof slope of the principal elevation and the materials used of not similar in appearance to the existing dwellinghouse.

Does the proposal meet Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**6.24 Class C – other alterations to the roof of a dwellinghouse
Permitted development
C. Any other alteration to the roof of a dwellinghouse.**

Class C applies when considering the rooflights which have been inserted into the front roof slope of both dwellinghouses.

6.25 Development not permitted

C.1 Development is not permitted by Class C if—

- 6.26 (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Officer comment: N/A

- 6.27 (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

Officer comment: As set out above it is considered that the roof pitch of the original dwellinghouses are likely to have been altered and as such due to the rooflights not being inserted into the original roof the development would fail on this point.

- 6.28 (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

Officer comment: The rooflights would not be higher than the highest part of the original roof

- 6.29 (d) it would consist of or include—

(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.; or

Officer comment: The matter relating to the soil and vent pipe is addressed above. None other matters apply

- 6.30 (e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Officer comment: N/A

6.31 Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

(a) obscure-glazed; and

(b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Officer comment: N/A the rooflights are to the front elevation

6.32 *Overall*

The works completed to the roofs of both numbers 3 and 5 Bower Place amount to works beyond the scope of an addition or alterations to the roof of a dwellinghouse and therefore it is not considered on the balance of probability that the rooflights have been inserted into the original roofslope and as such they would fail to be permitted development under point C.1 (b) of Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Other matters

- 6.33 As the proposal fails to meet the criteria set out in Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it has not been considered necessary to consider any further whether the Certificate applied for can relate to two separate dwellinghouses.
- 6.34 The matter of whether the property is a house of multiple occupancy (HMO) has been raised on a number of occasions. Based on the facts before us, neither property has been used as a HMO and an application cannot be determined on speculation or what may happen. As such the application has been considered on the basis of both properties being single dwellinghouses which is how they have been historically used. This change of use to a HMO is not part of the current LDC application as the works relate to a dwellinghouse. However, it should be noted that planning permission is not required to change the use of a dwellinghouse to a small scale HMO (6 persons or less) and vice versa.

7.0 CONCLUSION

- 7.01 The works completed to the roofs of both numbers 3 and 5 Bower Place amount to works beyond the scope of an addition or alterations to the roof of a dwellinghouse and therefore fail to meet the fundamental requirement of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Based on the information submitted the development would also fail to meet points B.1 (b) and (c) and Condition B.2 (a), such that the Local Planning Authority considers that the works have exceeded the height of the highest part of the original dwellinghouse, extend beyond the plane of the roof slope of the principal elevation and the materials used are not similar in appearance to the existing dwellinghouse.
- 7.02 The works completed to the roofs of both numbers 3 and 5 Bower Place amount to works beyond the scope of an addition or alterations to the roof of a dwellinghouse and therefore it is that the rooflights have been inserted into the original roofslope and as such they would fail to be permitted development under point C.1 (b) of Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 7.03 The reports and recommendation has been reviewed and agreed with an Officer of Mid-Kent Legal Services (MKLS).

8.0 RECOMMENDATION - REFUSE for the following reasons:

- (1) The application fails to demonstrate that in accordance with Section 191 of the Town and Country Planning Act 1990 the existing development, namely the roof works to numbers 3 and 5 Bower Place would accord with Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), such that the works carried out fall beyond the scope of an addition and/or alteration to the roof of the respective dwellings.
- (2) Notwithstanding Reason 1, based on the information submitted the application fails to demonstrate that in accordance with Section 191 of the Town and Country Planning Act 1990 the existing development would comply with points B.1 (b) and (c) and Condition B.2 (a) of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), such that the works have exceeded the height of the highest part of the original dwellinghouse, extend beyond the plane of the roof slope of the principal elevation and the materials used are not similar in appearance to the original dwellinghouses.
- (3) Notwithstanding Reasons 1 and 2, the application fails to demonstrate that the front facing rooflights have been inserted into the roofslope of the original dwellinghouses such that the submission fails to comply with point C.1 (b) of Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

INFORMATIVES

- (1) The plans and information taken into consideration in reaching the decision are :

- Application form
- Drawing D01 (Site Location and Block Plans)
- Drawing D02 (Existing Floor and Roof Plans) – Original dwellings
- Drawing D03 (Existing Elevations) – Original dwellings
- Drawing D04 (Existing Basement Floor Plan) – Original dwellings
- Drawing D05 (Existing Ground Floor Plan)
- Drawing D06 (Existing First Floor Plan)
- Drawing D07 (Existing Roof Plan)
- Drawing D08 (Existing Rear Elevation)
- Drawing D09 (Existing Front Elevation)
- Drawing D10 (Existing Flank and Side Elevations)
- Drawing D11 (Existing Second Floor Plan)
- Drawing D12 (Existing Section AA)

Statement produced by CJS Planning and Building Services dated 23rd June 2021

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.



Ordnance Survey - data derived from OS Premium

REFERENCE NO – 21/503982/FULL		
APPLICATION PROPOSAL Retrospective application for retention of the existing concrete slab hardstanding area.		
ADDRESS Newnham Court Shopping Village, Bearsted Road, Weavering, Kent ME14 5LH		
RECOMMENDATION GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> The proposal is in keeping with the lawful use of the application site for <i>'the turning of delivery vehicles and the loading and unloading of goods being delivered to premises within the Newnham Court Shopping Village'</i>. With a planning condition requiring the submission of a management plan including submission of an acoustic survey and landscape scheme, the proposal is acceptable in relation to impact on residential and visual amenity. 		
REASON FOR REFERRAL TO COMMITTEE: The current application forms part of a wider package of works that are being delivered in association with Kent County Council.		
WARD Boxley	PARISH COUNCIL Boxley	APPLICANT Harvestore Systems Holdings Ltd AGENT Mr. David Cassells, WSP
TARGET DECISION DATE 26/11/2021 (EOT)		PUBLICITY EXPIRY DATE 29/9/2021

1. POLICY AND OTHER CONSIDERATIONS

- 1.01 Following recent approval by members, the Council's Reg 19 Local Plan is out to public consultation. This document is a material planning consideration, however at this time individual policies are not apportioned much weight. At the end of the consultation period, the weight to be attached to individual policies will be adjusted upwards or downwards depending on whether objections have been received. The current programme involves submission to the Planning Inspectorate in Spring 2022.

2. Background

- 2.01 The applicant has provided the following background information *"Although the applicant for this application is Havestore, the shopping village owners, my client is Kent Country Council (KCC) who are working with Havestore to deliver planning permission ref: : MA/20/500047 for the construction of a new access road into Newnham Court Shopping Village and internal service road, highway improvements and alterations, associated new and replacement car parking... modification of the existing access into the shopping village, realignment of the existing drainage feature, removal and replacement tree planting and associated earthworks and landscape improvements.*

That permission forms part of wider highway improvements between Kent Medical Campus and the M20 J7. These highway works are a direct response to delivering both a prestigious medical campus and replacement retail facilities at Newnham Park; a site allocated within the Maidstone Borough Local Plan (MBLP), pursuant to Policy RMX1. It is aimed at reducing congestion by improving junction and link capacity, and this objective is assisted by removing the current access to Newnham

Court Village and relocating it to a new access and link road off Newnham Court Way.

A separate, but equally integral application ref: KCC/MA/0168/2021 for the construction of a service road route for HGV and other vehicle deliveries with concrete apron was lodged with KCC in July. That scheme involves the use of the concrete slab area which received a CLD (21/500139/LDCEX) the turning of delivery vehicles and for the loading and unloading of goods being delivered to premises at the Newnham Court Shopping Village. However, that application ref: KCC/MA/0168/2021 cannot be determined until application 21/503982/FULL to retain the concrete slab has been determined favourably”.

2.02 This planning application was reported to Planning Committee on 21 October 2021 where officers recommended approval subject to planning conditions. The committee report for this earlier meeting is attached as an Appendix.

2.03 The draft minutes for the Planning Committee on the 21 October 2021 are as follows:

The Committee considered the report of the Head of Planning and Development. In introducing the application, the Development Manager advised the Committee that he wished to amend condition 1(i)(b) (Management Plan) to read “Measures to provide a ~~net biodiversity gain~~ ecological enhancement, including bat and bird boxes”. This was principally on the basis that it was considered that it would not be possible to achieve a biodiversity net gain on the site given that the proposal related to operational works i.e., the retention of the hardstanding that had been put down.

Mr Cook, an objector, addressed the meeting in person.

RESOLVED:

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

a) The amendment of condition 1(i) (Management Plan) to require that the Management Plan shall include an acoustic survey to demonstrate whether an acoustic barrier is required to protect the amenity of the occupants of Newnham Court. If the survey demonstrates that an acoustic barrier is required, then details of the barrier including its height and extent shall be submitted to and agreed by the Local Planning Authority;

b) The amendment of condition 1(i)(b) (Management Plan) to read “Measures to provide a ~~net biodiversity gain~~ ecological enhancement, including bat and bird boxes”; and

c) The amendment of condition 1(i) (Management Plan) to require that the Management Plan shall include details of bunding around the perimeter of the entire site with landscaping in accordance with the Landscape Character Guidelines to mitigate landscape and amenity harm and help provide biodiversity gain.

2. That the Head of Planning and Development be given delegated powers to finalise the wording and the timing of amended condition 1 and to amend any other conditions as a consequence.

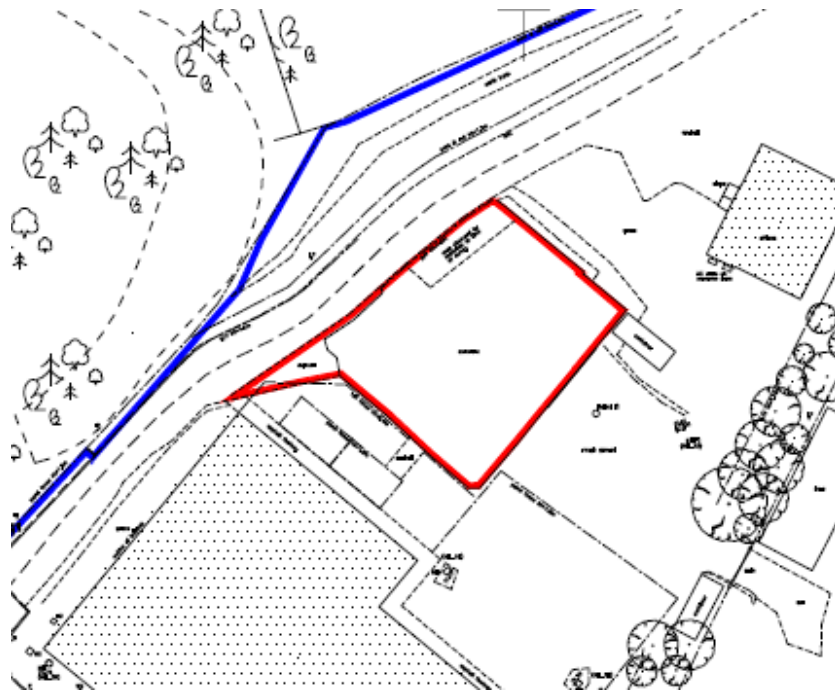
Voting: 9 – For 2 – Against 2 – Abstentions

2.04 Whilst a decision on this planning application was not deferred by members at the earlier committee meeting, a decision was subsequently taken by officers to report

the application back to members. This decision was taken after further consideration of members wishes and the information submitted with the original planning application relating to land ownership.

Point 1c of the planning committee minutes set out the following "The amendment of condition 1(i) (Management Plan) to require that the Management Plan shall include details of bunding around the perimeter of the entire site with landscaping in accordance with the Landscape Character Guidelines to mitigate landscape and amenity harm and help provide biodiversity gain".

Figure 1. Extract of revised site location plan received in November 2021

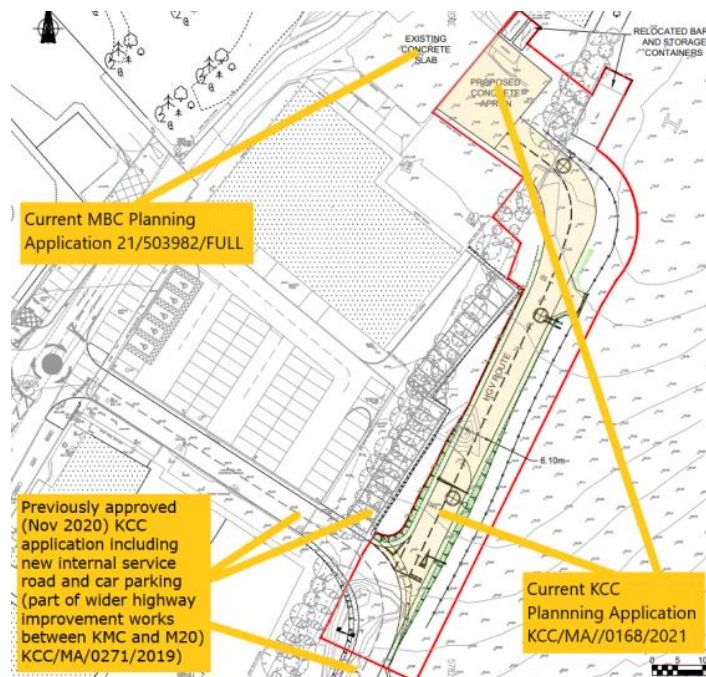


- 2.05 The planning condition requested by members required landscaping to be located on land outside the red line application site boundary. The statutory tests require planning conditions to be 'enforceable' and 'reasonable' and to meet these tests it needs to be first confirmed that the land to be landscaped is under the applicant's control.

Site location plan

- 2.06 On 5 November 2021, the applicant provided a revised site location plan (Figure 1). In addition to the application site in red, the revised site location now correctly includes other land in the applicant's ownership annotated on the plan with a blue outline. The revised site location plan confirms that the land immediately surrounding the red line application site boundary is in the applicant's ownership.

Figure 2: Location of works proposed under MBC 21/503982/FULL, KCC/MA/0168/2021 and KCC/MA/0271/2019)



Landscaping

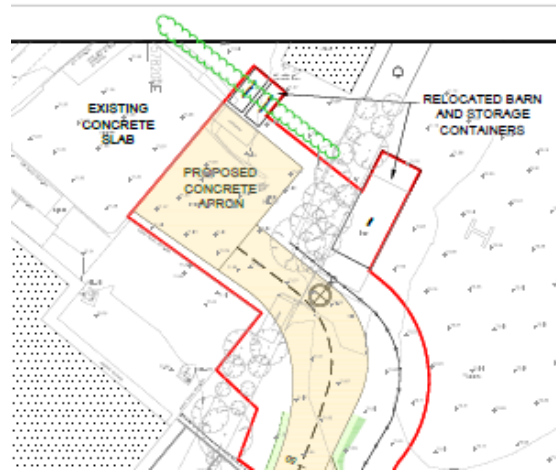
- 2.07 In response to the request from members for a landscaping around the 'entire' site, the applicant has stated that it would only be possible to provide landscaping along the north east boundary of the current application site.
- 2.08 The red line boundary shown on Figure 2 (preceding page) shows the plans currently being considered by Kent County Council for the land adjacent to the south east boundary of the current application site (KCC/MA/0168/2021). These plans make landscaping along the outside of the south east site boundary impractical. The existing landscaped border that is located to the east of the proposed concrete apron is also highlighted.
- 2.09 The applicant has advised that it is not feasible to provide a bund or landscaping to the north west site boundary (see photo below at Figure 3) due to the requirement for additional land. The south west boundary of the current application site is screened by the adjacent existing building.

Figure 3: View looking north east along the north west site boundary with the existing service road



- 2.10 An illustrative landscape plan (Figure 4 below) has been submitted that shows a native indigenous hedgerow provided to the north eastern boundary of the application site. This landscape strip would also extend across the north eastern boundary of the adjacent land (annotated in Figure 3 as 'proposed concrete apron') with the barn and storage containers moved from the positions shown on Figures 2 and 4.

Figure 4: Extract of illustrative landscape plan



- 2.11 In response to the above conclusions, it is intended to amend condition 1 as set out below with additions underlined. Following the need for landscaping, the Council's standard requirement for landscaping maintenance has also been added as a further condition (condition 2).
- 1) "The hardstanding hereby permitted shall be removed and all associated materials taken off the site and the land restored to its former condition before the development took place within 6 weeks of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) within 4 months of the date of this decision a management plan hereafter referred to as the 'Plan', shall have been submitted for the written approval of the Local Planning Authority. The Plan shall include details of:
 - a) Measures to reduce the potential of noise disturbance to neighbours, including the timing of deliveries, the use of audible reversing alarms, idling vehicle engines and appropriate mitigation measures, and
 - b) an acoustic survey to demonstrate whether an acoustic barrier is required to protect the amenity of the occupants of Newnham Court. In consultation with the Environmental Health Officer, if the Local Planning Authority reasonably conclude from the acoustic survey results that an acoustic barrier is required, then details of the barrier including its height, construction and extent and a timetable for implementation shall be submitted for the written approval of the Local Planning Authority within 3 months of the applicant being notified in writing of the need for the acoustic barrier, the acoustic barrier shall be provided in accordance with the agreed timetable and retained in accordance with the approved details;
 - c) Measures to provide ~~a net biodiversity gain~~ ecological enhancement including bat and bird boxes
 - d) details of landscape screening to be provided along the north eastern site boundary in accordance with the Landscape Character Guidelines and a timetable for its implementation.
 - e) Details of any existing previously installed external lighting associated with the use of the application site, including measures to

- shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors as necessary. External lighting should be in accordance with Bat Conservation Trust guidelines.
- f) the said Plan shall include a timetable for its implementation with the requirements of the approved Plan followed permanently thereafter.
- (ii) within 11 months of the date of this decision the Plan shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Plan or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Plan shall have been approved by the Secretary of State. (iv) the approved Plan shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved. Reason: To mitigate landscape and amenity harm and help provide biodiversity gain.

3. CONCLUSION

- 3.01 The proposal is in keeping with the lawful use of the application site for 'the turning of delivery vehicles and the loading and unloading of goods being delivered to premises within the Newnham Court Shopping Village'.
- 3.02 With a planning condition requiring the submission of a management plan, the proposal is acceptable in relation to impact on residential amenity.
- 3.03 In the context of surrounding commercial development, screening from existing landscaping and the lawful use of site for parking and turning of HGV the proposal is acceptable in relation to visual amenity.

4. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions

- 1) The hardstanding hereby permitted shall be removed and all associated materials taken off the site and the land restored to its former condition before the development took place within 6 weeks of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
- (i) within 4 months of the date of this decision a management plan hereafter referred to as the 'Plan', shall have been submitted for the written approval of the Local Planning Authority. The Plan shall include details of:
- a) Measures to reduce the potential of noise disturbance to neighbours, including the timing of deliveries, the use of audible reversing alarms, idling vehicle engines and appropriate mitigation measures, and
- b) an acoustic survey to demonstrate whether an acoustic barrier is required to protect the amenity of the occupants of Newnham Court. In consultation with the Environmental Health Officer, if the Local Planning Authority reasonably conclude from the acoustic survey results that an acoustic barrier is required, then details of the barrier including its height, construction and extent and a timetable for implementation shall be submitted for the written approval of the Local Planning Authority within 3 months of the applicant being

notified in writing of the need for the acoustic barrier, the acoustic barrier shall be provided in accordance with the agreed timetable and retained in accordance with the approved details;

- c) Measures to provide ~~a net biodiversity gain~~ ecological enhancement including bat and bird boxes
 - d) details of landscape screening to be provided along the north eastern site boundary in accordance with the Landscape Character Guidelines and a timetable for its implementation.
 - e) Details of any existing previously installed external lighting associated with the use of the application site, including measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors as necessary. External lighting should be in accordance with Bat Conservation Trust guidelines.
 - f) the said Plan shall include a timetable for its implementation with the requirements of the approved Plan followed permanently thereafter.
- (ii) within 11 months of the date of this decision the Plan shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Plan or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Plan shall have been approved by the Secretary of State. (iv) the approved Plan shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.
- Reason: To mitigate landscape and amenity harm and help provide biodiversity gain.

(2) Any landscaping (implemented in accordance with condition 1 [1, i), d) which fails to establish or any trees or plants which, within five years from planting 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 appearance to the development

- (3) With the exception of parking of vehicles, no open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land.
Reason: To safeguard the character and appearance of the area.
- (4) Any 'proposed' external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter; External lighting should be in accordance with Bat Conservation Trust guidelines.
Reason: In the interest of amenity and wildlife.
- (5) The development hereby permitted shall be in accordance with the following approved plans:

Planning Committee Report

18 November 2021

Site Location Plan, 70040984-PL-0062 Rev *P02* received on 5 November 2021

Existing Block Plan, 70040984-PL-0063 Rev P01 received on 16 July 2021

Reason: To clarify which plans have been approved.

Case officer: Michelle Kwok

REFERENCE NO – 21/503982/FULL		
APPLICATION PROPOSAL Retrospective application for retention of the existing concrete slab hardstanding area.		
ADDRESS Newnham Court Shopping Village, Bearsted Road, Weavering, Kent ME14 5LH		
RECOMMENDATION GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> The proposal is in keeping with the lawful use of the application site for <i>'the turning of delivery vehicles and the loading and unloading of goods being delivered to premises within the Newnham Court Shopping Village'</i>. With a planning condition requiring the submission of a management plan, the proposal is acceptable in relation to impact on residential amenity. In the context of surrounding commercial development, screening from existing landscaping and the lawful use of site for parking and turning of HGV the proposal is acceptable in relation to visual amenity. 		
REASON FOR REFERRAL TO COMMITTEE: Kent County Council is the Applicant		
WARD Boxley	PARISH COUNCIL Boxley	APPLICANT Harvestore Systems Holdings Ltd AGENT Mr. David Cassells, WSP
TARGET DECISION DATE 29/10/2021 (EOT)		PUBLICITY EXPIRY DATE 29/9/2021

Relevant planning history:

21/500139/LDCEX: Lawful Development Certificate (Existing) to establish the lawfulness of the use of the current application site for 'the turning of delivery vehicles and the loading and unloading of goods being delivered to premises within the Newnham Court Shopping Village'. – APPROVED on 31.3.2021

Aerial photograph of the application site

**MAIN REPORT****1. DESCRIPTION OF SITE**

- 1.01 The application site is located within the Maidstone urban area and relates to an area of land covering 0.05 hectares. The site is located to the north of the Newnham Court shopping complex with an adjacent service road providing access through the shopping complex.

- 1.02 A building providing a children's gym centre is located to the south of the site and to the east a temporary mobile office building. Further to the east across an open area of land is the KIMS Hospital with a separate access road from the south. Approximately 60m to the north is a residential property called Newnham Court. Newnham Court is separated from the application site by an area of mature trees.

2. PROPOSAL

- 2.01 The current, retrospective planning application seeks the retention of the hardstanding surface on the application site.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

SS1: Maidstone borough spatial strategy

SP17: Countryside (Application site is in the urban area but also in the setting to the Kent Downs AONB)

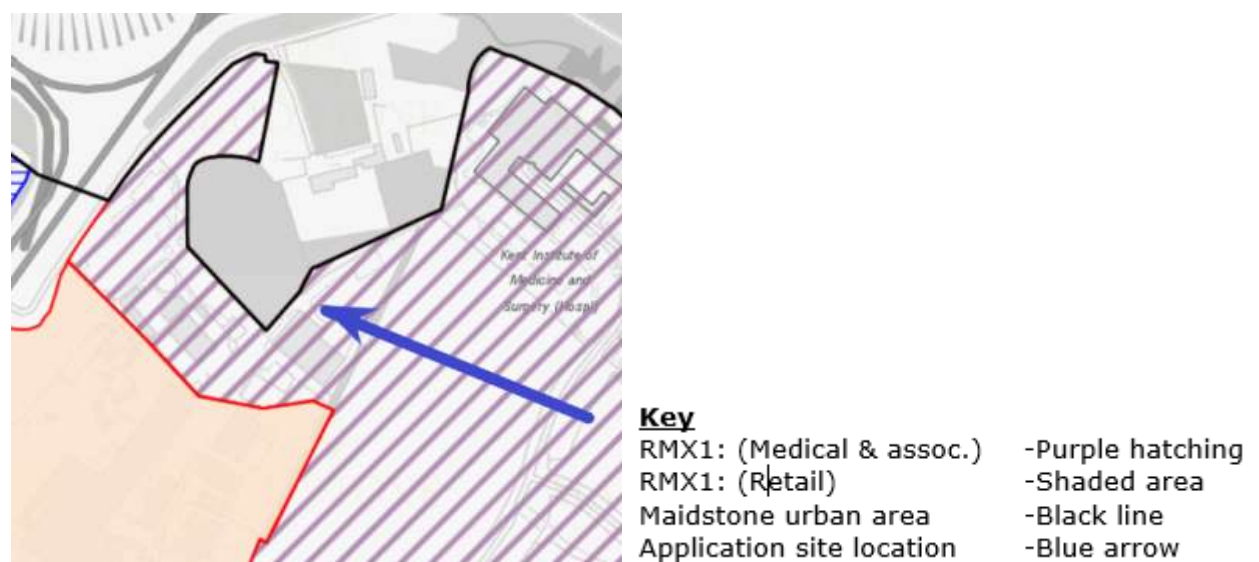
RMX1: (Medical and associated uses – application site)

RMX1: (Replacement retail – Newnham Shopping Complex to the south of the site)

DM1: Principles of good design

- 3.01 The application site is located within the Maidstone urban area and on land designated for medical and associated uses in the Local Plan (Policy RMX1 (1)). The application site is closely associated with, and to the north of the Newnham Court shopping complex. Newnham Court shopping complex is on land allocated for retail use in the Local Plan (Policy RMX1 (1)).
- 3.02 Newnham Park is a 28.6 hectare site located adjacent to junction 7 of the M20 motorway. Newnham Court Shopping complex occupies the western part of the allocated site, with the Kent Institute of Medicine and Surgery (KIMS) hospital located on the northern perimeter served by a new access road. The adopted Local Plan states "*Expanded hospital facilities and associated development to form a medical campus will create a specialist knowledge cluster that will attract a skilled workforce to support the council's vision for economic prosperity*".

Local plan information from the proposals map



National Planning Policy Framework (NPPF): Section 2- Achieving sustainable development, Section 12- Achieving well-designed places

National Planning Policy Guidance

4. LOCAL REPRESENTATIONS**Local Residents:**

- 4.01 One representation has been received from a local resident (Newnham Court) raising an objection to the proposal based on the following (summarised) reasons:
- The dates given on the planning application form submitted with the planning application are questioned (*Officer comment: The date that the concrete slab hardstanding area was installed is of little relevance to the current full planning application as the applicant is not claiming that the hardstanding area is lawful*).
 - The description which has been given to the development is questioned (*Officer comment: As set out above the current planning application is seeking to retain the hardstanding area that currently exists on the application site*).
 - Consider that the present use does not have planning permission and is not covered by 21/500139/LDCEX as there has been a material change of use during the last 10 years. (*Officer comment: There is no evidence submitted to show that the previous decision for 21/500139/LDCEX was incorrect, the purpose of this current application is to seek planning permission for the hardstanding area*).
 - Refer to the applicant's covering letter to the application under reference 21/503982/FULL and condition 4 attached to 99/1863. Disagree with the applicant's description that the slab was overgrown and consider that the slab was buried. (*Officer comment: The question as to whether the slab from a previous building became overgrown or was buried is not considered relevant to the assessment of the current planning application. The applicant is not claiming that the existing hardstanding is immune from planning enforcement action or lawful so when the hardstanding was constructed is of little relevance*).
 - It is felt that the grassed area before the concrete was uncovered could not have supported regular use by the HGV's and fork lift trucks. It is felt that "There can be no doubt that the applicant intends to use the concrete for a goods distribution area and intends to cause unacceptable nuisance to us" (*Officer comment: amenity is considered later in this report*).
 - The neighbour considers that the current application is "...part of an elaborate series of tricks by Kent County Council and WSP to try to abuse the planning process and get planning permission for a new HGV route..." (*Officer comment: the current application is for the retention of the hardstanding area. If future works require the benefit of planning permission, the applicant will be expected to submit a planning application and for the impact of these works will be considered at this point in time*).

5. CONSULTATIONS5.01 KCC Minerals and Waste Planning Policy

No objection: The site is not within 250 metres of a safeguarded minerals or waste management facility.

5.02 Environmental Health

No objection subject to a condition requiring the submission of a noise management plan.

6. APPRAISAL**Main Issues**

- 6.01 The key issues for consideration relate to:
- Visual amenity
 - Residential amenity
 - Ecology and biodiversity.

Visual amenity

- 6.02 Local Plan Policy SP1 states that the Maidstone Urban Area will be the focus for new development as it is largest and most sustainable location in the borough. Policy DM1 seeks to achieve high quality design and the council expects proposals to

positively respond to, and where appropriate enhance the character of their surroundings.

Application site - view looking east from the service road



- 6.03 The supporting text to policy RMX1 states "*Newnham Park is located within the urban area and lies within the setting of the nationally designated Kent Downs Area of Outstanding Natural Beauty (AONB), where particular attention needs to be paid to conserving and enhancing the distinctive character of the landscape*" (paragraph 4.204).
- 6.04 Local Plan policy SP17 seeks to prevent harm to the character and appearance of the countryside, and this would include any views from the urban area to the AONB. There is a duty under section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The Kent Downs Area of Outstanding Natural Beauty (AONB) boundary is 0.2 miles to the north of the application site.
- 6.05 The application site is in the urban area but separated from the AONB by the M20 motorway, with the site in a sheltered location screened by existing features on and close to the site including mature landscaping and existing buildings. The site has a current lawful use for 'the turning of delivery vehicles and the loading and unloading of goods being delivered to premises within the Newnham Court Shopping Village' (21/500139/LDCEX). In this context the application does not have any landscape or countryside implications and does not have any impact on the AONB, including on its setting.
- 6.06 Overall, the hardstanding is acceptable in relation to visual amenity and is in keeping with the adjoining retail and mixed use development. The area of hardstanding is also a reasonable size for its purpose and siting serving the wider site.

Residential amenity

- 6.07 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they respect the amenities of occupiers of neighbouring properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, enjoyed by the occupiers of nearby properties.

Planning Committee Report 21 October 2021

- 6.08 In this case the nearest and only neighbouring residential property that could potentially be affected by the proposal is Newnham Court. The main property at Newnham Court is situated circa 60m away from the application site with the property boundary 35 metres from the site and separated by an area of mature trees.
- 6.09 The application site has a lawful use for the parking and turning of HGVs (as confirmed by the lawful development certificate granted on 31.3.2021). The area of hardstanding is on land designated in the Local Plan for medical and associated uses and to the south of the site is an area designated for retail use. In making these designations, it has been accepted that this area will be subject to the activity and disturbance associated with these approved uses.
- 6.10 In terms of the lawful use, the current application needs to consider what potential additional harm to amenity would result from the provision of the hardstanding over and above the existing use. The area of hardstanding in providing a formal area for manoeuvring vehicles could potentially reduce the need for goods vehicles to reverse (with less potential disturbance from audible reversing alarms), however this would depend on the future management of the space.
- 6.11 In line with the advice received from the Environmental Health officer, the retention of the hardstanding is acceptable with a planning condition requiring the submission and approval of a management plan. This management plan would cover measures to reduce potential noise nuisance to the occupiers of the Newnham Court such as the timing of deliveries and potential mitigation such as a potential acoustic barrier.
- 6.12 Additional conditions are recommended that seek the submission and approval of details of any existing or proposed external lighting on the site in order to reduce potential harm to amenity and wildlife and measures to control the storage of goods in this area.
- 6.13 With the imposition of these conditions the application is acceptable when considered against policy DM1 and in relation to residential amenity.

Ecology and biodiversity.

- 6.14 Paragraph 180 of the NPPF states *"...opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity..."*.
- 6.15 The current application is for the retention of the existing hardstanding area and prior to the construction of the hardstanding the land was used for the manoeuvring of HGV's for a period of over 10 years. In this context the biodiversity value of the site as it is now is low and prior to the construction of the hardstanding it was also low. A condition is recommended seeking biodiversity enhancements on the site.

7. CONCLUSION

- 7.01 The proposal is in keeping with the lawful use of the application site for 'the turning of delivery vehicles and the loading and unloading of goods being delivered to premises within the Newnham Court Shopping Village'.
- 7.02 With a planning condition requiring the submission of a management plan, the proposal is acceptable in relation to impact on residential amenity.
- 7.03 In the context of surrounding commercial development, screening from existing landscaping and the lawful use of site for parking and turning of HGV the proposal is acceptable in relation to visual amenity.

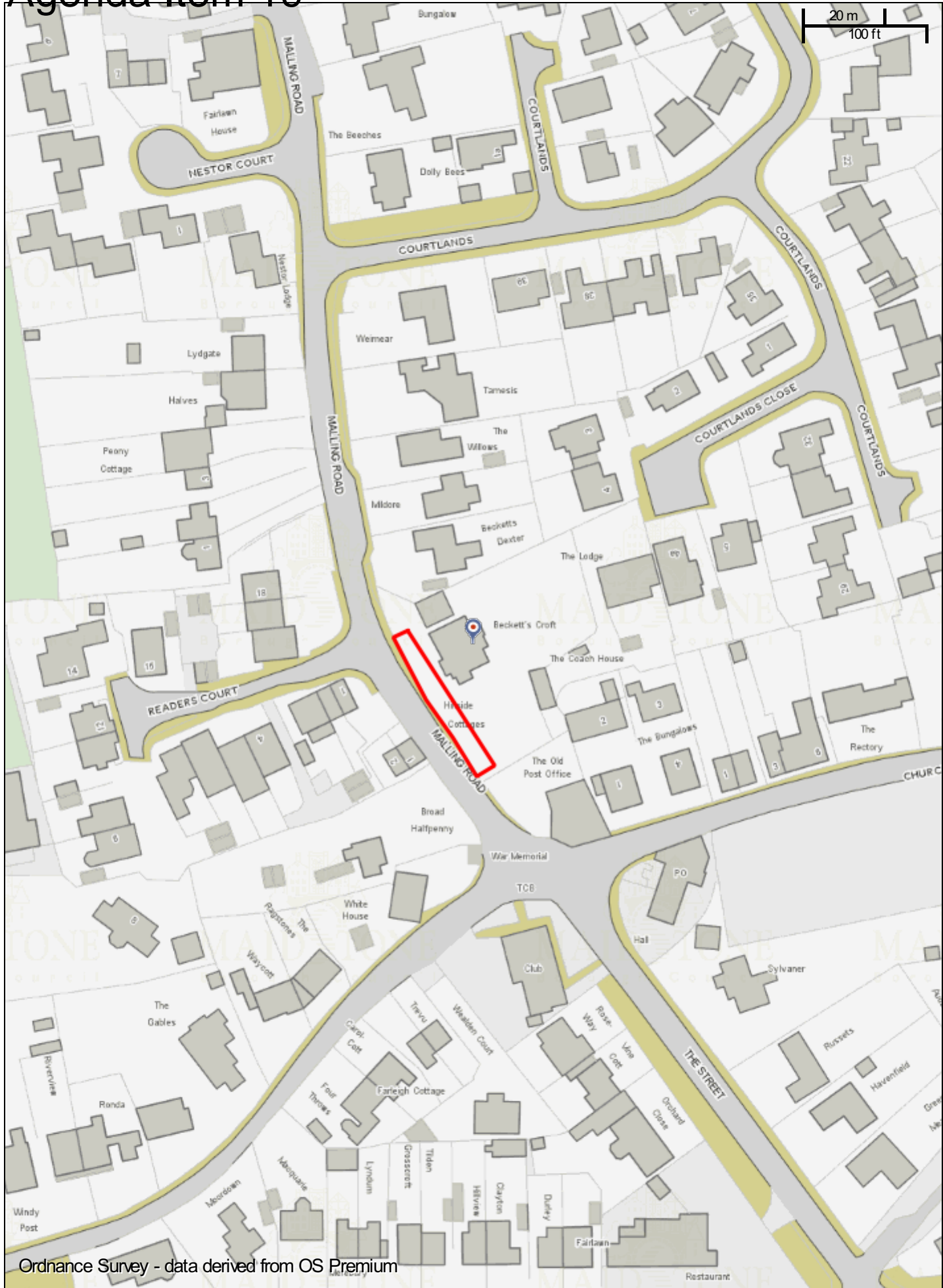
8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions

- 1) The hardstanding hereby permitted shall be removed and all associated materials taken off the site and the land restored to its former condition before the development took place within 6 weeks of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) within 4 months of the date of this decision a management plan hereafter referred to as the 'Plan', shall have been submitted for the written approval of the Local Planning Authority. The Plan shall include details of:
 - a) Measures to reduce the potential of noise disturbance to neighbours, including the the timing of deliveries, the use of audible reversing alarms, idling vehicle engines and appropriate mitigation measures, and
 - b) Measures to provide a net biodiversity gain including bat and bird boxes
 - c) Details of any existing previously installed external lighting associated with the use of the application site, including measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors as necessary. External lighting should be in accordance with Bat Conservation Trust guidelines.
 - d) the said Plan shall include a timetable for its implementation with the requirements of the approved Plan followed permanently thereafter.
 - (ii) within 11 months of the date of this decision the Plan shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Plan or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Plan shall have been approved by the Secretary of State.
 - (iv) the approved Plan shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: Reason: In the interests of amenity.
- (2) With the exception of parking of vehicles, no open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land. Reason: To safeguard the character and appearance of the area.
- (3) Any proposed external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter; External lighting should be in accordance with Bat Conservation Trust guidelines. Reason: In the interest of amenity and wildlife.
- (4) The development hereby permitted shall be in accordance with the following approved plans:
 Site Location Plan, 70040984-PL-0062 Rev P01 received on 16 Jul 2021
 Existing Block Plan, 70040984-PL-0063 Rev P01 received on 16 Jul 2021
 Reason: To clarify which plans have been approved.
 Case officer: Michelle Kwok

Agenda Item 19



5008/2021/TPO Becketts Croft, Malling Road, Teston, Maidstone, Kent, ME18 5AR

Scale: 1:1250

Printed on: 11/10/2021 at 10:02 AM by JoannaW

**Maidstone Borough Council
PLANNING COMMITTEE**

REPORT BY THE HEAD OF PLANNING SERVICES

**The Maidstone Borough Council
TREE PRESERVATION ORDER NO 5008/2021/TPO**

5008/2021/TPO Becketts Croft, Mallings Road, Teston, Maidstone, Kent

EXECUTIVE SUMMARY

This report seeks the permission of the Planning Committee to allow Tree Preservation Order No 5008/2021/TPO for which objections have been received, to lapse.

FOR DECISION

RELEVANT PLANNING HISTORY

21/500422/TCA - Section 211 notification for various works proposed including the Pollarding of G1 (as numbered in TPO and in s211 notification) - 11 Lime trees from 21m to 7m height and T1 (as numbered in TPO, T4 in s211 notification) - Lime tree from 20m to 8m height.

TPO made in response to notification for works to Lime trees, raised no objection to other works included in notification.

20/502814/TCA - Section 211 notification for various works proposed in The Old Post Office garden but also including crown lifting to 6m T1 (as numbered in TPO) Lime in the garden of Becketts Croft. No objection raised.

SUMMARY TPO INFORMATION

TPO Served Date: 19 May 2021		TPO Expiry Date 19 November 2021	
Served on: Becketts Croft, Mallings Road, Teston, Maidstone, Kent Kent County Council, County Hall, Maidstone, Kent Down To Earth Trees Ltd, The Oast, Preston Farm, Shoreham Road, Shoreham The Owner/Occupier, The Old Post Office, Church Street, Teston, Maidstone, Kent			
Copied to: Kent Highway Services Mid Kent Division GIS Team MKIP Teston Parish Council Land Charges Team Planning Applications Unit (KCC)			
Representations		Support: 0	Objections: 13

Main Report

1. Introduction and background

- 1.01 Provisional Tree Preservation Order (TPO) No.5008/2021/TPO - copy attached at Appendix 1 - protects a group of 11 Lime trees as group G1 and a single Lime tree as individual tree T1. The TPO was made on 19 May 2021 and the Council must decide whether or not to confirm (make permanent) the provisional Order before its expiry on 19 November 2021.
- 1.02 The TPO was made in direct response to a conservation area notification (also known as a Section 211 notification), registered under reference 21/500422/TCA. The Local Planning Authority can only respond to such notifications in two ways, either to raise no objection to the works proposed, or to make a Tree Preservation Order to prevent the works. There is not scope for the Council to refuse a notification, grant consent for lesser works or apply conditions in decisions on Conservation Area notifications.
- 1.03 In determining 21/500422/TCA, officers considered the works proposed, and the quality and the amenity value of the trees. 21/500422/TCA contained works to other trees on the property, to which officers raised no objection. However, the Lime trees made subject to the TPO were considered to merit protection on amenity grounds and the works proposed were considered inappropriate arboricultural management. It was therefore considered expedient to make them the subject of a TPO.
- 1.04 In determining whether the trees merited TPO protection on amenity grounds, a standard TEMPO (Tree Evaluation Method for Preservation Orders) assessment was carried out by officers. A TEMPO assessment of group G1 indicates that the trees 'definitely merit protection', scoring 23 (against a benchmark of 16+ to definitely merit protection). Individual tree T1 scored 17, also falling within the 'definitely merits protection' category. It is therefore considered that the trees meet standard amenity criteria for protection.

2. Description of trees

G1 - 11 Lime trees

- 2.01 A linear row of large, mature Lime trees growing on the Western boundary, fronting Malling Road and forming a prominent group. As such they are considered to be a prominent feature of the area, make a valuable contribution to local landscape quality and the character of the conservation area.
- 2.02 The trees are estimated to be up to 20m in height, The trees are generally in good condition, with no significant defects to suggest that they represent an abnormal failure risk. They are considered to have a remaining life expectancy greater than 40 years. Stem structure suggests that the trees have been managed as pollards in the past, with the original pollard points at a height of around 6.5m. The pollard cycle has clearly not been continued through recent decades.

T1 – Individual Lime

- 2.03 A large, mature Lime tree growing on the Southern boundary, adjacent to the rear garden boundary of The Old Post Office. Although less prominent than G1, it is nonetheless considered to be a prominent feature of the area and to make a valuable contribution to local landscape quality and the character of the conservation area.
- 2.02 The tree is estimated to be approximately 15m in height. It is generally in good condition, with no significant defects to suggest that it represents an abnormal failure risk. It is considered to have a remaining life expectancy greater than 40 years. Stem structure suggests that the tree has been managed as a pollard in the past, with the original pollard point at a height of around 7m. The pollard cycle has clearly not been continued through recent years but it has been re-pollarded more recently than the trees in G1, and has also been subject to recent crown lifting works allowed under conservation area notification 20/502814/TCA.

3. Reason why proposed works were considered inappropriate and the TPO was made

- 3.01 21/500422/TCA proposed pollarding all trees in G1 back to the historic pollard point at 7m height. As noted above, it is clear that the trees in G1 have not been pollarded for many years (described as a lapsed pollard) and the proposed works would therefore result in large diameter wounds.
- 3.02 The guidance in BS3998:2010 warns against creating large wounds or creating pruning wounds that have a total cross-sectional area that exceeds one third of that of the main stem. Furthermore, it notes that mature and older trees having a reduced capacity to tolerate the potentially adverse effects of wounding, especially with regard to the development of physiological dysfunction and decay.
- 3.03 Lime also lacks a durable heartwood and the creation of wounds also therefore has a high potential for large wounds to lead to structurally significant decay. In relation to the management of lapsed pollards, BS38998 states:

"7.10 Pollarding

...Once initiated, a pollard should be maintained by cutting the new branches on a cyclical basis. The frequency of the cycle should be decided according to site management objectives, species, age, condition and/or any product that might be required. Selective cutting, whereby some of the pollard branches are retained within each cycle, should be chosen if this would help to prevent dieback and decay in the stem.

Branches that grow after pollarding should normally be cut at their bases in order to encourage the formation of a knuckle after a number of cycles. If, however, the pollard cycle has been allowed to lapse over many years, the crown should instead be reduced to the minimum necessary to fulfil current objectives. These could include the relief of any mechanical stress that would otherwise be likely to cause the stem to split apart.

Even if the stress on an old pollard branch is severe, it should not be cut back to the knuckle, since the removal of all its attached foliage would probably lead to physiological

dysfunction and decay. It should instead be shortened by cutting just above a suitable lateral branch, or failing that, by retaining a live stub from which new shoots could grow.”

- 3.04 It was therefore considered that the reduction of these lapsed pollards back to the original pollard point at approximately 7 metres is contrary to the guidance contained in BS3998. No evidence was submitted or observed to demonstrate that such a significant reduction is necessary in order to address defects or stresses on the trees, such that the negative effects of the proposed works are outweighed by failure risk considerations.
- 3.05 21/500422/TCA proposed pollarding T1 back to the historic pollard point at 8m height. The considerations for T1 Lime were similar to G1, although it is acknowledged that it scored less in the TEMPO assessment and that the size of regrowth indicates that the pollard cycle has not lapsed for as many years as the trees in G1. Notwithstanding this, it was still considered that the proposed works would result in wounds of a size and number that was considered to exceed the recommendations in BS3998. The proposed works were therefore considered to be inappropriate arboricultural management for the same reasons as set out above.
- 3.06 It was therefore considered that that the proposed works were inappropriate arboricultural management and that it was expedient to make a TPO in order to prevent the works notified in 21/500422/TCA from being carried out. The officer view on this remains unchanged.

4. Objections and Representations

- 4.01 A total of 13 objections to the making of the TPO were received, including a detailed report submitted by Sylvanarb on behalf of the tree owners (attached at appendix 2), an objection from Teston Parish Council and 11 objections from local residents, one of which was submitted on behalf of five properties in Readers Court.

Tree Owner / Sylvanarb objection

- 4.02 The Sylvanarb report comprises a fully detailed assessment of the subject trees' current condition. Officers consider this to be an accurate representation. It criticises the timescale of the making of the TPO and that the Council did not enter into discussions with the tree owner prior to making the TPO. This is considered irrelevant as Local Planning Authorities can decide to make a TPO at any time and whilst it would be preferable to enter into discussions in every case, resources do not allow this. In this case, once the conservation area notification had expired, making a TPO was the only mechanism by which the proposed works could be prevented from being carried out.
- 4.03 The Sylvanarb report also discusses the interpretation of BS3998 guidance and refers to additional paragraphs that it argues support the original proposal. After careful consideration of the points raised, officers still consider that their interpretation of the standard remains true, principally that the creation of such large wounds on the trees is likely to lead to structurally significant decay with a high risk of regrowth (growing from a decaying pollard head) subsequently breaking, which would significantly reduce the safe useful life expectancy of the trees.

- 4.04 The Sylvanarb report discusses alternative works to the original proposal that may be suitable, including a phased reduction approach. Officers agree that there is scope for alternative works to manage the trees with smaller crowns. This can be discussed with the applicant or their agent prior to a fresh application or notification being submitted, via the Council's pre-application advice service.
- 4.05 In conclusion, the Sylvanarb report aims to present an alternative approach to the management of the trees, which they hope offers a mutually acceptable solution to the situation. Assuming this is the case they request that the Council consider whether the confirmation of the Order would then still be necessary. Having only ever wanted to manage their trees responsibly, tree owner's preference would be for the TPO to be revoked (or allowed to expire), with the ongoing management of the trees then agreed with the Council through discussions and controlled under the protection of the Conservation Area. Officers consider this to be an acceptable approach.

Teston Parish Council objection

- 4.06 The Parish Council state that they find themselves in a very unusual position in challenging the confirmation of this TPO, whereas they would normally show strong support for the Council's Tree and Conservation Officers. They are keen to demonstrate their green credentials, giving examples, but cannot support this TPO. The Lime trees were pollarded many years ago (probably in the early 1970's), but subsequent maintenance was then neglected. The relatively new owners are showing commitment to rectifying the situation, at considerable personal expense. The Parish and residents living near the trees would welcome the planned work (referring to the works notified under 21/500422/TCA). When the Parish Council discussed the notification, they thought that, at last, some necessary maintenance work would be done and were surprised that, while, in essence, approving the other work, it has been thought unreasonable to reduce those twelve twenty-plus metres high trees back to previous pollarding levels. The reasons why officers considered the proposed works unreasonable are set out above. However, note that allowing the TPO to lapse will not have the effect of permitting the previously notified works.
- 4.07 The Parish consider the trees' context, in that they consider the trees to overawe the house, overhang the pavement and highway and that in the Autumn, they create considerable hazard to pedestrians along the fairly steep pavement, as the fallen leaves get wet and very slippery. They state that they were pollarded many years ago, but then clearly neglected, that their natural growth pattern has been distorted by proximity to the house, resulting in very tall, overbearing and distorted trees that give rise to safety concerns and present far from the normal, pleasing visual impression derived from Limes. Officers do not necessarily disagree with this assessment and believe there is scope for works to reduce the size of the trees and bring them back to a size more suited to their situation whilst minimising the impact on the trees' long term health.
- 4.08 The Parish consider that the resultant shape must adversely affect stability of the trees. That instability is a worry for the house owners and their neighbours. It is also probably contributing to stress on the old wall that, at various points, has cracks and is leaning towards the pavement. That wall is an important part of the street-scene. Officers have not

observed any evidence, and none has been submitted, to indicate that the trees are unstable. Fear of trees failing, in the absence of such evidence is not normally considered justification for works to trees of amenity value. Similarly, problems caused by litter from trees is rarely considered grounds to carry out works as it tends to be seasonal and, whilst inconvenient, can be tackled by other means such as regular clearance of fallen leaves.

- 4.09 The Parish Council state that the Limes really need major maintenance, with the objective of bringing them back, eventually, to a shape and height appropriate to their location amongst buildings and along a busy road. There are old pollarding points that the owners wish to cut back to. Cutting perhaps 12-14 metres to get back to previous pollarding points may “shock” the trees and encourage them to sprout extensively from the base. That would require further ongoing maintenance, but perhaps a phased programme of height reduction back to the old pollarding points over a year or so may reduce the risk or extent of such sprouting. Radical maintenance is required to remedy past neglect and to stabilise the trees, but such work requires to be planned and executed carefully, perhaps even in stages, to assure on-going health of the trees. Such maintenance is, in our view, essential for long-term sustainability. Officers agree that the reduction originally proposed would be a significant shock to the trees, with the risk that they may not recover and that would also create unacceptably large wounds that would lead to future decay problems. A phased reduction, as also suggested in the Sylvanarb report is likely to be more acceptable from an arboricultural viewpoint.

- 4.10 The Parish Council request that:

- the TPO be withdrawn;
- radical maintenance be permitted; and
- if the Council wishes, a TPO re-presented after that radical maintenance, to protect the re-pollarded Limes, but permitting, without fresh Conservation Area Notification or TPO-related procedure, re-pollarding at reasonable future intervals by suitably qualified personnel.

Without such pragmatic way forward, the Parish Council are concerned for the future stability and integrity of these trees. They would regret their continuing adverse impact on visual amenity at this location and their continuing threat to owners and neighbours derived from instability. Without radical work, we fear their probable future disappearance through structural failure.

- 4.11 Officers are recommending that the TPO is allowed to lapse, effectively withdrawing it. This will not allow the radical works originally proposed, and the trees will still continue to enjoy the protection afforded by their conservation area location, meaning that any future works proposals will need to be the subject of a fresh conservation area notification. If any future works proposals are considered inappropriate management, a fresh TPO would be made in response, but there would be no need to make a TPO if the trees are being managed in a way that the Council considers appropriate. The legislation does not make it possible to make a TPO that exempts certain operations without the need to follow the usual application or notification processes.

Local resident objections

4.12 A further 11 objections, from 15 properties were received. The main grounds of objection are summarised below.

- Concern about height and size of the trees and fears that they may fail. They stretch across Malling Road and their size is intimidating.
- Loss of light caused by the trees.
- Risk of damage to property.
- Damage to the pavement outside Becketts Croft causing a trip hazard.
- Damage to the front wall of the property caused by roots.
- Slip hazard for pedestrians caused by fallen leaves and twigs on a well-used route to local amenities.
- Highway safety - hazards and increased braking distance for cars caused by fallen leaves and leaves blocking highway gutters causing localised flooding, motorists avoiding debris and darkened area caused by the canopy restricting motorists' view, on a hazardous blind bend. Branches and debris have been dislodged by agricultural and heavy goods vehicles that use the road.
- The trees should be removed completely as the risks far outweigh the very limited contribution to amenity and local landscape character that has been stated as the reasoning for the TPO.
- Local residents were not consulted prior to the TPO being made.
- The trees are on private land, behind a wall, on a bend that can't be appreciated by anybody as there is no safe place to be able to stand/sit and take in their overwhelming size and presence. They add little visual amenity to the village and have become a liability and an irritation.
- The trees are severely overgrown and desperately need controlling and reducing to the scale of the property, so that they are in keeping with the Local Landscape Character.
- It is not feasible to expect the owner of Beckett's Croft to be aware of the stability of each branch, of which most are hidden behind a wall of greenery. Risk and liability could be reduced if the trees were pollarded to a manageable controlled state, the owner is trying to be accountable, and lessen the hazards significantly.
- Nuisance caused by sap throughout the summer and constantly shed branches and leaves.
- The trees have been unmanaged by previous owners and allowed to grow unchecked, and are now scruffy or unsightly.
- Beckett's Croft is a property of beauty and central to the character to the village of Teston and is now greatly concealed by these rather large trees. When first planted and in their

early years, these trees would have enhanced the character of Beckett's Croft, but now having grown to their current size, ironically diminish the character of the building.

- The trees are in a conservation area and as such, benefit from protection against any work or modification that would be detrimental or decrease the amenity value enjoyed by the residents of Teston. With the powers already granted, a TPO appears both unjust and excessive.

4.13 Officer response to local resident objections:

The objections received largely centre on a perceived need for works to the trees. This report is not considering any works proposals, only whether the TPO should be confirmed or allowed to lapse. Allowing the TPO to lapse will not have the effect of permitting works. Future works proposals would still need to be the subject of a fresh conservation area notification or, if the TPO is confirmed, a TPO application.

Local Authorities do not need to consult with local residents prior to making TPOs. The TPO process allows comments to be made on a provisional Order before the decision is made whether or not to confirm it.

None of the issues raised regarding the cited problems caused by the trees are considered to be grounds for not confirming the TPO. There is no evidence to suggest that the trees are currently at risk of failure or that it would be otherwise inappropriate for them to be subject to TPO controls.

Some residents have expressed the view that the trees do not have amenity value. This is addressed above in the TEMPO assessment results.

5 Appraisal of case

- 5.01 It is considered that the trees merit TPO protection on amenity grounds, evidenced by the standard TEMPO assessment. It is also considered that the making of the TPO in response to conservation area notification 21/500422/TCA was an appropriate response to prevent works that would be harmful to the trees' long-term health, structural integrity and contribution to amenity.
- 5.02 If the TPO is confirmed, the trees will become permanently subject to a Tree Preservation Order. Any future works proposals would then need to be applied for via the TPO application procedures, which has the advantage of a right of appeal for the applicant, the ability for the Council to grant consent for lesser works than those applied for and the ability to impose conditions on permissions.
- 5.03 If the TPO is allowed to lapse, the trees will continue to enjoy the protection of conservation area status and any future works proposals would need to be the subject of a conservation area notification. This has the disadvantage that the Council can only respond in two ways, either to make a TPO to prevent the works notified, or to raise no objection the works exactly as proposed. There is no mechanism for appealing the decision on a conservation area notification and the Council cannot give permission for lesser works than those notified, nor apply conditions to decisions. It has the advantage of a less onerous application process and faster decision timescales.

- 5.04 The tree owner submitted conservation area notification 21/500422/TCA in good faith, on the basis of advice received from tree surgeons, believing that advice would be considered good management, perhaps not realising that this could result in the making of a TPO if the Council considered the proposed works to be inappropriate management. They have now sought the advice of a professional arboriculturalist who is advising alternative works that are more likely to be considered appropriate management by officers, and a desire to discuss future works proposals prior to submission. The tree owner is therefore demonstrating an intention to manage the trees appropriately, which considerably reduces the expediency for the trees to be subject to a TPO.
- 5.05 There is considerable local support for works to the trees. However, this is not what the Council is considering. In deciding whether to confirm the TPO or to allow it to lapse, either outcome will not permit works to be carried out. The effect of the Council's decision on the confirmation of the TPO will only serve to determine whether future works proposals will need to be made via a TPO application or a conservation area notification.

6. Conclusion

- 6.01 This is a balanced case. The trees merit protection on amenity grounds, but the owner clearly intends to approach future works in such a way that the threat of inappropriate management is significantly reduced and have expressed a clear desire for the trees to not be subject to a TPO. The Council would continue to have control over future works proposals due to the trees' location in a conservation area. If future works proposals were again considered to be inappropriate management, the Council could respond by making a new TPO. On balance, it is not considered expedient to confirm the TPO and it is therefore recommended that it is allowed to lapse.

7. RECOMMENDATION

- 7.01 Allow Tree Preservation Order No 5008/2021/TPO to lapse on 19 November 2021.

Contact Officer: Nick Gallavin

Appendix 1
Copy of Tree Preservation Order No. 5008/2021/TPO

Appendix 2
Copy of Sylvanarb objection report

Dated 19 May 2021

Town and Country Planning Act 1990

The Maidstone Borough Council

TREE PRESERVATION ORDER No. 5008/2021/TPO

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Town and Country Planning Act 1990

The Maidstone Borough Council

The Tree Preservation Order No. 5008/2021/TPO

Becketts Croft, Malling Road, Teston, Maidstone, Kent

The Maidstone Borough Council in exercise of the powers conferred on them by Section 198 of the Town and Country Planning Act 1990 make the following Order –

Citation

1. This Order may be cited as the Maidstone Borough Council Tree Preservation Order No. 5008/2021/TPO Becketts Croft, Malling Road, Teston, Maidstone, Kent

Interpretation

2. (1) In this Order “the authority” means Maidstone Borough Council
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to Article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of Section 198 (power to make tree preservation orders) or subsection (1) of Section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in Regulation 14, no person shall –
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with Regulations 16 and 17, or of the Secretary of State in accordance with Regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of Section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 19th day of May 2021

Signed on behalf of Maidstone Borough Council

R. L. Jarman

Rob Jarman
Head of Planning Services
Maidstone Borough Council

<<Authorised by the Council to sign in that behalf>>

SCHEDULE

Specification of trees

Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Lime	Southern boundary adjacent The Old Post Office

Trees specified by reference to an area (within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
A	None	

Groups of trees (within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G1	Lime Consisting of 11 Lime trees	Western boundary fronting Malling Road

Woodlands (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W	None	



THE MAIDSTONE BOROUGH COUNCIL

Tree Preservation Order No. 5008/2021/TPO

Becketts Croft, Malling Road, Teston, Kent ME18 5AR



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Scale 1:740
m 9.4 18.8



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Arboricultural Report

Objection to Maidstone Borough Council Tree Preservation Order 5008/2021/TPO

Relating to one individual Lime tree
& a group of eleven Lime trees
located at

**Becketts Croft
Malling Road
Teston
Kent
ME18 5AR**

Clients
Mr & Mrs Hopson

by
Curtis Barkel
RCArborA, DipArb (RFS), F.Arbor.A

Ref: SA/1851/21

Date: 05 August 2021



Arboricultural Consultant: Curtis Barkel - RCArborA, DipArb(RFS), FArborA
Fellow and Registered Consultant of the Arboricultural Association

Sylvanarb Ltd, trading as Sylvanarb, Registered in England and Wales.
Company No: 11762540. Registered Office: 139 Bush Road, Cuxton, Kent. ME2 1EZ.



Executive Summary

**This report is submitted in OBJECTION to the Maidstone BC Tree Preservation Order,
Ref: 5008/2021/TPO**

GROUND OF OBJECTION IN BRIEF:

- 1. The management objectives can be achieved in accordance with best practice with only minor revisions to the proposed tree work specification.**
- 2. It is not considered to be expedient under the terms of the Planning Practice Guidance to serve a TPO on trees that are intended to be managed in accordance with best practice.**
- 3. The trees will outgrow the setting and will increasingly impact negatively on the residential setting leading to future calls for removal which, if successful, would result in the loss of trees that could otherwise be managed responsibly as traditional pollards.**
- 4. The proposed re-pollarding of the trees is a traditional form of management that will not be detrimental to the character of the Conservation Area.**

SUMMARY:

A S211 Notice was submitted to Maidstone Borough Council (MBC) on 26 January 2021, this providing the Local Authority with six weeks notice of intended tree work within a Conservation Area.

The Notice was submitted by Down to Earth Trees, an Arboricultural Association Approved Contractor, who had advised the tree owners on the management of their trees and who provided the submitted treework specification.

In response to the S211 Notice, MBC served a Tree Preservation Order (TPO) on twelve trees, this being served in order to prevent the proposed works from being carried out.

The TPO was served five months after the submission of the original S.211 Notice, which only required that six weeks notice of intent be given. This provided sufficient time for the Local Authority to discuss why the works were deemed to be unacceptable and possibly agree an alternative specification with the tree owner without the need for a TPO being served.

The tree owners (Mr & Mrs Hopson) therefore submit this report in objection to the confirmation of the Maidstone BC (TPO) Ref: 5008/2021/TPO.

Their objection is based on the findings set out within this report which show that it would not be expedient for the Local Authority to confirm a TPO on trees that the owner sought to responsibly manage in accordance with best practice and under the guidance of an Arboricultural Association Approved Contractor.

To confirm such an Order would not therefore be within the statutory powers granted to the Local Authority under the Town & Country Planning (Tree Preservation)(England) Regulations 2012 (from hereon referred to as 'the Regulations'), as clarified at Para 010 of the current Planning Practice Guidance (March 2014) '...it

is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management'.

Whether or not the Local Authority considered the work to be '*good arboricultural management*', it is evident that the tree owners had sought professional advice and were under the impression that the work proposed was reasonable and in accordance with best practice. As such, their intention as responsible tree owners should have been recognised by the Local Authority and dialogue entered into. This would have provided an opportunity to agree alternative works and avoid the imposition of a TPO on trees that are already protected by their Conservation Area status.

On behalf of Mr & Mrs Hopson, I therefore propose to the council that the provisional TPO be revoked (or be allowed to expire) and the subject trees revert back to their Conservation Area status; alternative management proposals are presented within this report that, if agreeable to the Local Authority, can be submitted to the Council under a formal S.211 Notice. This resulting in the trees being responsibly managed under the continued protection of the Conservation Area.

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14	6.0	Recommended revised Tree Work Specification
Appendix A		Tree Survey Data & Plan

Site	Becketts Croft, Malling Road, Teston, Kent. ME18 5AR.
Survey Date	22 July 2021
Report Date	05 August 2021
Surveyed by	Curtis Barkel

1. INTRODUCTION

1.1 Qualifications and Experience

- 1.1.1 My name is Curtis Barkel, I am the founder and principal consultant for Sylvanarb Arboricultural Consultants, an independent practice that has been providing primarily planning related arboricultural advice for the past fourteen years. I am a Fellow and Registered Consultant of the Arboricultural Association and hold the Royal Forestry Society Professional Diploma in Arboriculture, this being recognised as the highest professional qualification in arboriculture; as well as the Arboricultural Association Technicians Certificate and a Higher National Diploma in Forestry.
- 1.1.2 I have almost thirty years experience in the arboricultural and forestry industries. Previously employed as a Tree Officer for over nine years, at the London Borough of Bromley and at Medway Council, where I was responsible for the management of the Local Authority tree stock and advising on arboricultural and woodland matters relating to the planning system. Prior to this I worked as a tree surgeon, after commencing my career in the forestry industry.
- 1.1.3 Sylvanarb has a broad range of clients and provides arboricultural consultancy services to both the public and private sectors; the vast majority of my work involves trees in the planning process, specifically matters relating to Tree Preservation Order legislation and the application of the British Standard BS5837:2012 'Trees in Relation to Design, Demolition and Construction'.
- 1.1.4 I am on the Board of Trustees for a local woodland conservation trust (West Kent Downs Countryside Trust), and I have a keen interest in the management of trees and woodland for conservation and amenity purposes.

1.2 Instructions

- 1.2.1 Sylvanarb has received instructions from Mr & Mrs Hopson to carry out an assessment of twelve trees on their property, Becketts Croft, Malling Road, Teston.
- 1.2.2 The subject trees were recently protected by Maidstone Borough Council (MBC) under a provisional Tree Preservation Order (TPO), Ref: 5008/2021/TPO. The property is also located within a Conservation Area, providing a similar level of protection for the trees.
- 1.2.3 The purpose of this assessment is:
 - a) To look into the reasons why the TPO was served and whether confirmation of the Order is necessary, in terms of the protection of the trees, and justifiable in terms of current government guidance.
 - b) To consider and provide recommendations for the sustainable long-term management of the subject trees.
- 1.2.4 Where any relevant points are identified under 1.2.3 a), the tree owners have requested that these be presented on their behalf as a formal objection to the confirmation of the TPO.

2. CASE BACKGROUND

- 2.1 A S.211 Notice was submitted to Maidstone Borough Council (MBC) on 26 January 2021, this providing the Local Authority with six weeks notice of a variety of intended tree work within a Conservation Area.
- 2.2 The Notice was submitted on behalf of Mr & Mrs Hopson by Down to Earth Trees, an Arboricultural Association Approved Contractor, who had advised the tree owners on the management of their trees and who provided the submitted tree work specification.
- 2.3 Upon the expiry of the six week period of notice, having not received notification of a Tree Preservation Order (TPO) being served, the tree owners were entitled to proceed with the proposed work.
- 2.4 Mr & Mrs Hopson requested that Down to Earth Trees schedule the proposed tree work in to their work programme and, as they were sure the proposals were both necessary and required to ensure the responsible management of their trees, did not expect any further involvement of the Local Authority.
- 2.5 Over ten weeks later (approximately sixteen weeks after the date of the S.211 Notice), notification from MBC was received stating that an objection had been raised to the re-pollarding of their twelve Lime trees, as proposed under the (expired) S.211 Notice.
- 2.6 Approximately four weeks later, notification of a TPO having been served on the twelve Lime trees was received, this being approximately twenty weeks (five months) after the submission of the initial six week S.211 notice.

3. MBC REASONS FOR SERVING TPO 5008/2021/TPO

- 3.1 In the officer's report, dated 20 May 2021, the MBC Tree Officer explains the reason for serving the TPO in order to prevent the re-pollarding of the twelve Lime trees as proposed by Down to Earth Trees.
- 3.2 One reason is given, this being based on the potential for the proposed works to not comply with the guidance of *BS3998:2010 Tree Work: Recommendations* (BS3998), in that the intended work would result in large diameter wounds that presented a risk of physiological dysfunction and decay.
- 3.3 No other reasons to object to the proposed works are given.
- 3.4 The officer confirms that the trees are prominent in terms of visual amenity, appear to be in good health and offer a life expectancy of more than forty years. Having considered these points, and having carried out a TEMPO evaluation for suitability for protection, the officer recommends that a TPO be served.
- 3.5 No opportunity was provided for discussing the opposing views of Down to Earth Trees and the MBC officer in order to agree lesser or alternative management, even though the passage of time between the S.211 Notice and the serving of the TPO (four months), would have made it apparent that there was no immediate threat of the work being carried out and the tree owners clearly had the best interests of the trees in mind.

4. APPRAISAL

4.1 *The Tree Work Proposed*

- 4.1.1 The group G1 is comprised of eleven subject trees of varying heights and stem diameters, these are considered to be semi-mature to early-mature trees with estimated heights ranging from 15m to 19m and stem diameters ranging from 310mm to 720mm.
- 4.1.2 The individual tree T1 is considered to be a mature tree and is estimated as being 15m tall with an assumed stem diameter of approximately 1000mm (access to measure the stem was inhibited by basal and stem growth).
- 4.1.3 The pruning specification submitted by Down to Earth Trees for G1 was to *'Reduce by 14m to old pollard points at 7m'*; the pruning specification for T1 was to *'Reduce to height of previous pollard points (8m finished height) removing 12m of growth....'*.
- 4.1.4 Although the intention of the specification is clear i.e. to re-pollard to 7m and 8m respectively, both pruning specifications suggest that the trees are much taller than they actually are and as a result the proposed reductions are presented as being far greater than they would actually need to be.
- 4.1.5 A request for clarification of this point from the Council would have possibly allowed discussions to begin between the tree surgeon, the applicants and the tree officer in order to potentially arrive at an alternative mutually acceptable specification. Indeed, Para 127 of the Planning Practice Guidance states that where an ambiguous notice is received *'The authority may wish to provide information to help [the applicant] resubmit an appropriate notice'*.
- ##### **4.2 *Standard of the Proposed Tree Work in Terms of Best Practice (BS3998)***
- 4.2.1 The tree officer considers that the proposed works do not follow best practice guidance provided in BS3998, raising concerns that the resulting pruning wounds would present a risk of physiological dysfunction and decay.
- 4.2.2 However the tree officer only directly refers to (and quotes) Clause 7.10 of BS3998 when considering the proposal, this clause providing advice on re-instating pollard management for lapsed pollards based on the following fundamental principle, if *'the pollard cycle has been allowed to lapse over many years, the crown should instead be reduced to the minimum necessary to fulfil current objectives'*.
- 4.2.3 If the *'current objective'* is in fact to re-instate a pollard management regime for a lapsed pollard, as was the intention of the S.211 Notice, the *'minimum necessary'* reduction of the canopy would be to a point at which the objective of pollarding is achieved, without removing all branches back to the original pollard point.

4.2.4 This is covered under Clause 7.10, which goes on to describe how a lapsed pollard could be re-pollarded *'by cutting just above a suitable lateral branch, or failing that, by retaining a live stub from which new shoots could grow'*; and that only the removal of all *'attached foliage would probably lead to physiological dysfunction and decay'*.

4.2.5 The Standard also goes on to provide the following additional advice, which is particularly relevant to the re-instatement of pollard management and has not been referred to in the case officer report:

Clause 5.4 Phased Work

- *'If it is determined that undertaking tree work in a single operation would lead to significant adverse impact...the work should be phased where practicable, eg.....phasing the management of an individual tree over a number of years'*.

Annex C.2 - Retrenchment Pruning of Veteran Trees & Lapsed Pollards

- *'Retrenchment pruning is a phased form of crown reduction'*
- *'Retrenchment pruning should be chosen as the main option for managing lapsed pollards that would otherwise tend to break up and that, because of inadequate lower crown, might not have enough leaf area to survive if reduced to the ultimately intended height and spread in a single operation'*.

4.3 Reasons for the Proposed Tree Work

4.3.1 Considering the spacing of the trees in group G1; the use of the species in traditional planting schemes; their setting; and their past management, it is clear that the trees would have originally been planted to be maintained as a feature group of Lime pollards lining the property boundary; this being a very common management regime for Lime trees in our villages, towns and cities.

4.3.2 Using the method for the calculation of tree age provided in the Forestry Research Information Note No.12, the average age of the trees forming G1, using an average stem diameter of 600mm, is 61 years. This would tie in with the Google Earth photographs that appear to show a line of small trees along the property boundary in the 1960 aerial image.

4.3.3 Lime trees have the potential to live for 300+ years, with the subject trees having been pollarded in the past, they are no doubt smaller now than if they had been left unpollarded; considering this I estimate that these trees have the potential to grow at least another 10m in height and a further 5m in spread.

4.3.4 These trees are currently only semi-mature, or early-mature at best, with the potential to significantly increase in both height and spread. As such, the suitability of eleven fully grown Lime trees within this residential setting, five of which are immediately adjacent to and within seven metres of the dwelling, requires careful consideration.

- 4.3.5 The tree owners contacted three tree surgery companies for advice on the responsible management of the trees, to ensure they were suitably maintained so as not to present a risk to the adjacent highway and their property. All three companies advised that the trees had been pollarded in the past and suggested the re-instatement of a pollard regime as an acceptable option for their management.
- 4.3.6 Mr & Mrs Hopson decided to proceed with Down to Earth Trees, as they are an Arboricultural Association Approved Contractor, this being one of only two recognised schemes certifying the competence of arborists in the UK. The Arboricultural Association state on their website that the approved contractor programme is '*A Mark of Quality – Assuring customers of good quality tree care undertaken safely and efficiently*'.
- 4.3.7 Furthermore, the member of staff that visited Mr & Mrs Hopson and produced the tree work specification was previously a lecturer in arboriculture at Merrist Wood College and the Vice Chair of the Arboricultural Association's Education and Training Committee.
- 4.3.8 Down to Earth Trees were appointed to carry out the proposed work and supported the proposal by acting as agent for the tree owners in their submission of a S.211 Notice to MBC.
- 4.3.9 As a result, Mr & Mrs Hopson considered that the intended tree work was entirely appropriate and responsible tree management that would be carried out by a leading industry approved contractor in accordance with best practice, as stated on their website '*Down To Earth Trees operates to the latest industry guidelines and the best arboricultural practices at all times*'.
- 4.4 ***Expediency of Protection by TPO***
- 4.4.1 ***'It is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management'***. Planning Practice Guidance, Para 010.
- 4.4.2 Considering the relevant parts of the British Standard for tree work at 4.2 above and the reasoning behind the proposal for carrying out the work at 4.3, it is clear that the sole intention of the tree owner's was to responsibly manage the subject trees and they were under the impression that they had followed all correct procedures and taken professional advice in order to ensure the trees were under good arboricultural management.
- 4.4.3 A Local Authority tree officer may of course have a different opinion on the application of best practice guidance for tree work. However, in such instances, when it is clear that the tree owner is intending to carry out responsible management, the submission of a S.211 Notice provides sufficient time for both parties to potentially agree an alternative or revised specification. In which case.... '*Even if the tree's amenity value may merit an Order the authority can still decide that it would not be expedient to make one*', as advised at Para 119 of current Planning Practice Guidance.

- 4.4.4 In this case, a further three and half months passed by between the expiry of the S.211 Notice to the serving of the TPO, this providing even more time for any such discussions between the Local Authority and a 'responsible' tree owner, to explain why the works may not be appropriate and to agree an alternative specification.
- 4.4.5 When considering proposed tree work within a Conservation Area the Local Authority is required to ***'pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area'***. Planning Practice Guidance, Para 119.
- 4.4.6 Assuming the proposed works could be achieved in accordance with best practice, perhaps after agreeing with the Local Authority a phased approach to the work or higher pollarding points (as advised in BS3998), the proposal would both preserve and enhance the character of the Conservation Area; with pollarded trees lining the boundaries of Georgian and Victorian properties being a characteristic feature in Conservation Areas throughout the country.
- 4.4.7 Becketts Croft is a Grade II listed Georgian property and the re-instatement of a line of pollarded Lime trees along the property frontage would be culturally appropriate to the period setting, as well as providing sustainable and responsible long-term management for trees in such a setting.
- 4.4.8 Although the straightforward serving of a TPO in response to tree work proposals deemed to be unacceptable within a Conservation Area is perfectly acceptable within the terms of the legislation; the associated guidance is more nuanced in instructing a Local Authority to recognise the 'expediency' of serving a TPO i.e. the actual need for a TPO under the particular circumstances of the case.

5. CONCLUSION

- 5.1 The S.211 Notice for the proposed re-pollarding of the subject trees was specified and submitted to the Local Authority by an approved contractor who states that their work is carried out in accordance with nationally recognised best practice.
- 5.2 Mr & Mrs Hopson had sought best practice management advice from the contractor and had fully intended to manage their trees as a responsible tree owner.
- 5.3 The Council's objection to the proposed works is based on the point that the resulting wounds may lead to dysfunction and decay.
- 5.4 The current British Standard for tree work provides advice on how to reinstate pollard management for trees that have previously been pollarded and subsequently become 'lapsed pollards'.
- 5.5 Having considered the past pruning history; the species; the age of the trees; the size of pollard stems; the future growth potential; and the current setting, I consider that a programme of phased reduction to ultimately bring the trees back under a cyclical pollarding regime would be achievable without detriment to the long-term health of the trees. I believe that this would be something that would be agreeable to both the advising tree surgeon and the Local Authority Tree Officer.
- 5.6 As such, I believe an opportunity has been missed for the Local Authority to enter into discussions with the tree owners and their agent (Down to Earth Trees), to agree a revised pruning specification that would have achieved the intended objective of suitably maintaining the trees within the setting without detriment to tree health or wider visual amenity.
- 5.7 One final opportunity is now presented for these discussions to be had before the final decision is made on whether to confirm the TPO. This would follow the guidance set out in the decision found in *Stirk v Bridgnorth District Council* (1997) 73 P&CR 439, which states that since the Local Authority is responsible both for making and confirming TPOs, *'the obligation to deal thoroughly, conscientiously and fairly with any objection [is] enhanced'*.
- 5.8 Para 3.37 of *Tree Preservation Orders: A Guide to the Law and Good Practice*, expands further on this point advising that, *'Discussion between the LPA and any person who makes an objection is encouraged. Discussion can lead to a greater mutual understanding of each side's point of view. This in turn can help clarify the main issues which will have to be considered by the LPA before they decide whether to confirm the TPO'*.
- 5.9 A revised pruning specification is provided at Section 6.0 below, this following the guidance of *BS3998:2010 Tree Work: Recommendations* and achieving the tree owners objective for the management of the subject trees, whilst maintaining and enhancing the visual amenity they provide.
- 5.10 This report is to be submitted in objection to the TPO with the intention that the revised tree work specification can be agreed with the Local Authority and the TPO then revoked (or allowed to expire), leaving the trees to continue to be protected under their Conservation Area status.

6. RECOMMENDED REVISED TREE WORK SPECIFICATION

6.1 *Group G1*

- 6.1.1 It is agreed that the reinstatement of pollard management by reducing these trees to the height of the '*old pollard points at 7m*' in one single operation, as proposed by Down to Earth Trees, presents a risk of physiological stress that may be detrimental to the long term health of the trees.
- 6.1.2 As recommended at Annex C.2 of BS3998, it is therefore recommended that a phased form of crown reduction be initiated to ultimately achieve the desired objective of managing the trees under a periodic pollarding regime.
- 6.1.3 This can be achieved through a programme of initial reduction works to form secondary pollard points, as is frequently seen on trees throughout towns and cities across the country and sometimes referred to as '*French pollarding*'. Where possible, this allows for a branch structure to be retained for the pollard regrowth to develop from, as opposed to removing all growth back to the main stem (as originally proposed).
- 6.1.4 These trees range in height from approximately 15-19m. I consider that an initial reduction to secondary pollard points at 12m would be physiologically acceptable for trees of this species and age. The resulting work would leave the trees with a stem and branch structure that would provide a striking feature within the setting, from which the resulting regrowth would quickly develop.
- 6.1.5 Following a period of regrowth development, the trees could then be reappraised by the owners and the Local Authority to consider whether a second stage of height reduction would be appropriate to form new pollard points at a lower level, or whether re-pollarding to the same points would be preferable.
- 6.1.6 The suggested works would allow the trees to be maintained as prominent feature specimens along the property frontage as they were originally intended to be; whilst addressing the concern over their potential to significantly increase in size and outgrow this residential setting.

6.2 *Tree T1*

- 6.2.1 This tree would appear to be much older than the members of the group G1 and has apparently undergone pollard management more recently than the group.
- 6.2.2 The majority of the existing regrowth that has developed from the two pollarded main stems is estimated to be between 100-150mm diameter.
- 6.2.3 The tree is located adjacent to the boundary of a small neighbouring garden and it is my opinion that the continuation of the periodic pollarding that has historically been carried out is required to reduce the risk of pollard regrowth failure and to avoid the tree outgrowing the setting.

6.2.4 Considering the size of the majority of the existing pollard regrowth, I consider that repollarding the tree back to the original pollard points would currently be acceptable in terms of physiological stress and the potential for decay.

6.2.5 As such, I recommend that this tree be re-pollarded back to the original pollard points, with all stem and basal growth removed.

6.3 **Required Permission**

6.3.1 Assuming the Local Authority agree in principle to the above tree management proposals, it would be expected that the TPO would not be confirmed and would either be revoked or allowed to expire.

6.3.2 The specification at Table 1 below can then be submitted in the form of a new Section 211 Notice as required under the Conservation Area, this being a six week notification period.

6.3.3 Should the Local Authority decide to confirm the TPO, the specification will need to be submitted as an application for works to protected trees, this being an eight week application process.

Table 1: Recommended Management Works

Tree No.	Species	Recommended Works	Reasons for Works
T1	Lime (TPO)	<ul style="list-style-type: none"> - Repollard to previous pollard points leaving 200-300mm stubs. - Remove all stem epicormic growth from ground level to pollard points. - Remove all basal growth. 	<ul style="list-style-type: none"> • To initiate a phased programme of pollard management in accordance with BS3998.
G1	Lime x 11 (TPO)	<ul style="list-style-type: none"> - Reduce to form secondary pollard points at a height of 12m from ground level. <p>Note: Where any suitable side branches are present at or below 12m, these are to be shortened to form secondary pollard points in order to promote the establishment of a pollard framework.</p>	<ul style="list-style-type: none"> • To initiate a phased programme of pollard management in accordance with BS3998.
T'a'	Lime	<ul style="list-style-type: none"> - Fell and grind stump. 	<ul style="list-style-type: none"> • A suppressed self-sown young tree with limited potential. Excluded from the TPO but protected under the CA status

Appendix A

Tree Survey Data & Plan

Tree Survey Data

Becketts Croft, Malling Road, Teston.

TREE NO	SPECIES	HEIGHT (m)	DIAMETER AT 1.5m or arf (mm)	AGE CLASS	NOTES	PRELIMINARY MGT RECOMMENDATIONS
T1	Lime	15	1000e	Mature	<ul style="list-style-type: none"> Extensive basal/stem growth hindering assessment. Bifurcated at 2m. Pollarded at 7m. Multiple pollard regrowth primarily 100-150mm diameter with one of approx 300mm from each of the two pollard points. 	<ul style="list-style-type: none"> Repollard to previous pollard points leaving 200-300mm stubs at pollard point. Remove all stem epicormic from ground level to pollard points. Remove all basal growth.
T2	Lime	17	710	Semi Mature	<ul style="list-style-type: none"> Bifurcated at 2.5m pollarded sub-stem at 5m to S. Historic pollard at 6.5m. Potentially damaging wall. 	<ul style="list-style-type: none"> Reduce to form secondary pollard points at a height of 12m from ground level.
T3	Lime	17	580	Semi Mature	<ul style="list-style-type: none"> Swept stem to E. Bifurcated at 2.5m Historic pollard at 6.5m. 	<ul style="list-style-type: none"> Reduce to form secondary pollard points at a height of 12m from ground level.
T4	Lime	17	520	Semi Mature	<ul style="list-style-type: none"> Historic pollard at 6.5m. 	<ul style="list-style-type: none"> Reduce to form secondary pollard points at a height of 12m from ground level.
T5	Lime	17	510	Semi Mature	<ul style="list-style-type: none"> Historic pollard at 6.5m. 	<ul style="list-style-type: none"> Reduce to form secondary pollard points at a height of 12m from ground level.
T6	Lime	18	610	Semi Mature	<ul style="list-style-type: none"> Bifurcated at 3.5m. Historic pollard at 6.5m. 	<ul style="list-style-type: none"> Reduce to form secondary pollard points at a height of 12m from ground level.
T7	Lime	18	430	Semi Mature	<ul style="list-style-type: none"> Historic pollard at 6.5m. Side branch at 3m. 	<ul style="list-style-type: none"> Reduce to form secondary pollard points at a height of 12m from ground level.

TREE NO	SPECIES	HEIGHT (m)	DIAMETER AT 1.5m or arf (mm)	AGE CLASS	NOTES	PRELIMINARY MGT RECOMMENDATIONS
T8	Lime	17	310	Semi Mature	<ul style="list-style-type: none"> Historic pollard at 5m? 	- Reduce to form secondary pollard points at a height of 12m from ground level.
T9	Lime	15	420	Semi Mature	<ul style="list-style-type: none"> Historic pollard at 6m. Suppressed by T10. Poor form. 	- Reduce to form secondary pollard points at a height of 12m from ground level.
T10	Lime	19	720	Semi Mature	<ul style="list-style-type: none"> Stem divides into 3 at 3m with included bark. Historic pollard at 6.5m. 	- Reduce to form secondary pollard points at a height of 12m from ground level.
T11	Lime	18	500	Semi Mature	<ul style="list-style-type: none"> Bifurcated at 3.5m. Historic pollard at 6.5m. 	- Reduce to form secondary pollard points at a height of 12m from ground level.
T12	Lime	16	500e	Semi Mature	<ul style="list-style-type: none"> Bifurcated at 4m. Historic pollard at 6.5m. 	- Reduce to form secondary pollard points at a height of 12m from ground level.
T'a'	Lime	12	270	Young	<ul style="list-style-type: none"> Young self-sown tree, suppressed by T2, poor form and growing through canopy of T2. 	- Fell and grind stump.

*Note: Trees T2-T12 - Where any suitable side branches are present at or below 12m, these are to be shortened to form secondary pollard points in order to promote the establishment of a pollard framework.

Becketts Croft, Malling Road, Teston. ME18 5AR

Tree Location Plan

140



139 Bush Road
Cuxton
Rochester
Kent
ME2 1EZ

Tel: 01634 724023
E-mail: info@sylvanarb.co.uk
Web: www.sylvanarb.co.uk

TREE LOCATION PLAN

Site Address:
Becketts Croft
Malling Road
Teston
Kent
ME18 5AR

By: C. Barkel
Date: 05 August 2021
Ref: BC/TLP/1851-01
Scale: NTS

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 18 NOVEMBER 2021**

APPEAL DECISIONS:

- 1. 19/504734/FULL Erection of 5no. detached dwellings with new access road and associated parking.**

APPEAL: DISMISSED

127 Hockers Lane
Thurnham
Maidstone
Kent
ME14 5JY

(Committee)

- 2. 20/502860/FULL Residential development of 2 no. detached dwellings.**

APPEAL: DISMISSED

Land To East Of
Chapel Lane
Thurnham
Kent

(Delegated)
